

**COLUMBIA COUNTY PLANNING COMMISSION
STAFF REPORT**

April 21, 2025

Major Variance to Setback in the PF-80 Zone

HEARING DATE: May 5, 2025

FILE NUMBER: V 25-02

PROJECT PLANNER: Deborah S. Jacob, Senior Planner

**APPLICANT/
OWNER:** Daniel Honeycutt, 79943 Bodine Road, Clatskanie, OR 97016
Dhon9206@gmail.com

PROPERTY LOCATION: Although the subject property is addressed at 79943 Bodine Road, this residence burned down in 2012 and was never rebuilt.

TAX MAP ID: 8330-00-00102

TAX ACCOUNT NO.: 28017

ZONING: Primary Forest (PF-80)

PROPERTY SIZE: Approximately 2.32 acres

REQUEST: The applicant is requesting a variance to the minimum 50' setback for a detached 1,152 sq ft accessory structure in the PF-80 Zoning District that is 30', instead of the required 50', from the side property line.

APPLICATION COMPLETE: 3/13/2025

150 DAY DEADLINE: 8/10/2025

APPLICABLE CRITERIA:

<u>Columbia County Zoning Ordinance</u>		<u>Page</u>
Section 503	Primary Forest - Permitted Uses	5
Section 509	Primary Forest – Standards of Development	5
Section 1504	Variances	7

SUMMARY:

The applicant has submitted an application for a Major Variance to the side yard setback standards as required in Section 509.6(A) of the Columbia County Zoning Ordinance requiring all structures to maintain 50' setbacks from all property lines in the Primary Forest (PF-80) Zone. The submitted request, if approved, will authorize this already constructed 1,152 sq. ft. garage/storage structure that was rebuilt without permits about 13 years ago when the residence addressed at 79943 Bodine Road burned down and has yet to be replaced according to the submitted application and County

Assessor records. Land Development Services (LDS) has had an open case (192-20-000298-NVST) for this unpermitted structure 2020; the submittal, review and approval V 25-02 is the first step in bringing this structure into compliance with the CCZO and the Oregon Building Code. The approval of V 25-02 will, in turn, authorize the County Building Official and the County Sanitarian to review the applicant's 10/22/2024 submittal of Agriculture Exempt Permit (192-24-000406-AGE) for compliance with the applicable provisions of the Oregon Building and Fire Codes for this accessory structure that is not intended or authorized for residential living.

The applicant is requesting this variance stating that *"I would like to get the shop permitted to be in compliance. The terrain and natural springs would make it very difficult to relocate this shop."*

The Columbia County Public Works Department submitted comments and stated that they will require the applicant to obtain a Road Access Permit for every access point onto the property from Bodine Road. One condition of approval will be for the applicant to obtain said permit(s) from Public Works and provide Land Development Services (LDS) with copies. Bodine Road is an existing County Road with a 40' right-of-way which bisects the subject tract as shown on the submitted Site Plan and Aerial view on Pages 3 & 4. Likewise, the County Building Official and Land Use Compliance Specialist attached comments indicate that the applicant will need to complete the Agriculture Exempt Permit (192-24-00406-AGE) process which includes payment of fees as well as obtaining any related electrical, mechanical and/or plumbing permits in compliance with the applicable provisions of the Oregon Building and Fire Codes.

The Clatskanie Quincy Beak Map shows that this property is located in a Peripheral Big Game Habitat Area but does not contain any sensitive or endangered species, or hydric soils. The Soil Survey of Columbia County, OR identifies the subject property's soils consist of Dowde silt loam (Type 19E) and Goble silt loam (Type 23C) with slopes between 10% - 60%. Both of these soil types are well suited for timber production since its growth at the culmination of the mean annual increment (CMAI) for Douglas-fir are respectively, 158 and 183 cubic feet per acre for 60-year-old trees.

All existing site development is located in the central portion of the 2.32 acre subject tract. waterways. Emergency services are provided by the Clatskanie Rural Fire District and the Columbia County Sheriff. The remainder of this report will discuss the extent to which this Variance proposal conforms to the applicable criteria listed in the Columbia County Zoning Ordinance.

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Detached Garage/Storage structure



Subject Property's Aerial, PF-80 Zoning Map

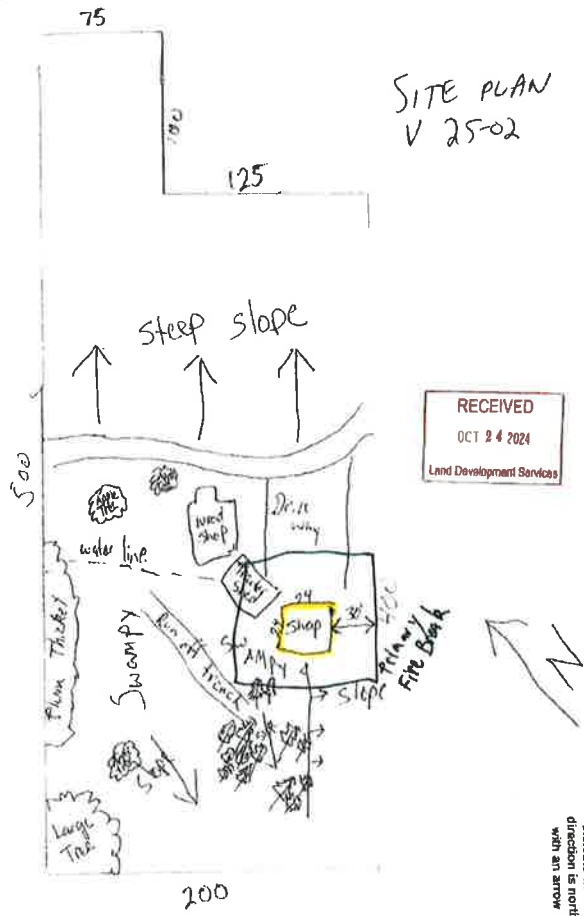


Submitted Site Plan

SITE PLAN SUBMITTAL FORM

OWNER NAME: <i>Daniel Horvath</i>	Map and TxDot #: <i>28017 - 1382</i>	APPLICANT NAME: _____
PHONE # <i>503-488-9700</i>		PHONE # _____
ADDRESS: <i>79943 Badway Rd Clatskanie, OR 97106</i>	Scale: <i>1" = 50'</i>	ADDRESS: _____

NOTICE: The applicant is ultimately responsible for completing new work in accordance with this site plan once approved. Approval of construction inspections shall not be construed as approval of work not in accordance with this site plan. Work that deviates from this site plan shall be formally documented and approved through submission of a site plan amendment prior to commencing such work.



Views of existing structure's 30' primary firebreak



REVIEW CRITERIA:

The following sections of the Columbia County Zoning Ordinance (CCZO) apply to this application:

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.

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 and psilocybin-producing fungi growing and producing.

509 Standards of Development

.6 Setbacks:

A. There shall be a minimum setback of 50' for front, side, and rear yards for all development in the Primary Forest Zone.

[...]

F. The owner shall provide and maintain primary fuel-free fire break and secondary fire break areas on land surrounding the dwelling and primary fuel-free break areas surrounding accessory structures in the Primary Forest Zone pursuant to the provisions in Subsections 510.2 and .3.

Finding 1: The applicant is requesting approval to legalize the unpermitted construction of a detached garage/ storage structure that was built after the property's residence burned down in 2012. As mentioned in the Summary, there is no authorized residence on this property that has been reviewed and approved by Land Development Services. Nevertheless, forest operations/forest practices and farm uses as defined in ORS 215.203 are permitted on PF-80 zoned properties that are not residentially developed. ORS 215.203 states, "... *Farm use*" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. The applicant describes the garage/storage structure's present use is "to store and service my forestry equipment, skidders, bulldozer, tractor." Staff finds the applicant will be authorized to legalize this unpermitted structure by completing his submitted Agriculture Exempt Permit after the Planning Commission reviews and approves V 25-02 Application approving its location at 30' instead of 50' from the east side property line required in Section 509.6(A) of the CCZO.

The Site Visit pictures on Pages 2 & 5 demonstrate the applicant has already established the required 30' primary firebreak buffers pursuant to CCZO Section 509.6(F), the OAR 660-006-0035 and the March 1991 Recommended Fire Siting Standards for Dwellings & Structures & Fire Safety Design Standards for Roads, published by the Oregon Department of Forestry.

If approved, this Major Variance will allow the applicant to apply for all necessary Agriculture Exempt related electrical, mechanical, and/or plumbing permits that the County Building Official will review and approve for compliance with the Oregon Building and Fire Codes. Because Septic Permit Numbers 192-24-000531-INQY and 192-25-000208 INQY have been approved for the abandonment of 2 unauthorized septic tanks, the completion of Agriculture Exempt

Permit # 192-24-000406-AGE will also require a plumbing permit for the necessary removal of all existing plumbing features, except any hose bibbs, from this accessory structure that cannot be lived in.

Staff finds the uses of the detached garage/storage structure are permitted uses in the PF-80 Zone provided the Planning Commission approves its location being 30', instead of 50', from the side property line as required in Section 509.6(A) and the applicant complete the Agriculture Exempt Permit process with LDS in compliance with the Oregon Building Code.

Continuing with Section 1504 of the Columbia County Zoning Ordinance:

1504 VARIANCES: Except as provided in Section 1504.4 below, there are 2 classes of variances to the standards established in this ordinance. A Minor Variance is defined as a request for a variance of less than 25% from a dimensional requirement such as setbacks, height, lot or parcel coverage, lot or parcel width, or lot or parcel depth, or a request for a variance of less than 10% from a minimum lot or parcel size requirement. All other variances are defined as Major Variances. Use variances are not permitted under this ordinance except as permitted under Section 1505.1 "Temporary Permits: Use Not Allowed in District".

- .1 Major Variances: The Planning Commission may permit and authorize a variance from the requirements of this ordinance when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest.

Finding 2: This variance request meets the Major Variance definition in Section 1504 since the requested 30' setback will vary the minimum 50' setback by 40%. On March 13, 2025 the applicant submitted a complete Major Variance Permit Application with the processing fee to Land Development Services (LDS) in compliance with the requirements in Section 1504.1 of the CCZO. On March 13, 2025, LDS notified adjoining property owners and affected government agencies with Notice of the May 5, scheduled Public Hearing and Referral and Acknowledgement of the proposal requested for V 25-02. As of the date of this report, none of these notified neighbors or affected agencies have submitted any objections to the requested proposal. For these reasons, Staff finds the requirements in Section 1504.1 have been satisfied.

Continuing with the Columbia County Zoning Ordinance Section 1504.1(A):

A. A variance shall be made only when all the following conditions and facts exist:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property;

Finding 3: The granting of this variance should not be detrimental to the public safety, health or welfare or injurious to other properties because this variance will authorize the construction of the unpermitted accessory structure and allow the County Building Official to review this structure for compliance with the applicable provisions of the Oregon Building and Fire Codes. The applicant states this purpose as well when he states *"I would like to get the shop permitted to*

be in compliance. If granted, the variance will be the next step in bringing the property into compliance."

The Columbia County Public Works Department attached comments state the applicant will be required to obtain an access permit for every access point onto the property. Proof of these obtained accesses shall be submitted to LDS as one condition of approval for V 25-02.

The County Sanitarian attached comments confirm she has no objection to this proposal. These comments also state that *"area to the west, where setbacks could be achieved, does exhibit challenging topography and extremely wet conditions due to springs and a high water table."* LDS records also confirm that unauthorized septic tank(s) installed for this structure has been abandoned with the approval of 192-24-00538 and 192-25-00208.

The County Building Official's attached comments also state that the applicant will be required to obtain the following as a condition of approval:

- Building plans for the structure with engineered plans, including obtaining permits for electrical, mechanical and plumbing **OR**
- An agricultural exempt permit for the detached accessory structure it is prohibited from having any living quarters and requires obtaining permits for electrical, mechanical and plumbing fixtures.

The Site Visit picture on Pages 2 & 5 demonstrate the applicant has already established the required 30' primary firebreak buffers pursuant to OAR 660-006-0035 and the March 1991 Recommended Fire Siting Standards for Dwellings & Structures & Fire Safety Design Standards for Roads, published by the Oregon Department of Forestry.

With the Planning Commission's approval of V 25-02, staff finds that the County will be able to process and review the necessary building plans or agriculture exempt permit for this detached structure for compliance with the applicable provisions of the Zoning Ordinance as well as of the Oregon Building and Fire Codes.

With these conditions of approval, staff finds that this proposal will not be detrimental to the public safety, health, or welfare, or injurious to other property satisfying this criterion in Section 1504.1A(1).

Continuing with the Columbia County Zoning Ordinance Section 1504.1(A):

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

Finding 4: The unique conditions of this property are attributed to its physical and natural characteristics pertaining to challenging topography and springs leading to extremely wet conditions for portions of the site where this setback could be achieved. The applicant also states that the property's 200' width contributes to inability to locate it within the required setbacks because of steep slopes and natural springs/wetness both of which contribute to the

necessity of the requested V 25-02 Application. Although it is not unusual for PF-80 zoned properties to contain steep slopes and natural springs/extremely wet soils, the subject property's substandard 2.42-acre size, is another unique characteristic that limits the applicant's ability to safely construct this resource-related accessory structure.

With these site specific characteristics and related building permit requirements covered for Finding 3, staff finds that the proposal requested for V 25-02 is consistent with the purposes of the PF-80 Zone and the Oregon Building and Fire Codes of permitting resource-related structures to be constructed in compliance with all applicable land use and building code requirements. For these reasons, staff finds the criterion in Section 1504.1(A) (2) has been met.

Continuing with the Columbia County Zoning Ordinance Section 1504.1(A):

3. Approval of the application will allow the property to be used only for purposes authorized by the Zoning Ordinance;

Finding 5: As covered in Finding 1, ORS 215.203 identifies that farm uses “*includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection*.” The applicant describes the garage/storage structure's present use is “*to store and service my forestry equipment, skidders, bulldozer, tractor and it will be a dry building without any plumbing.*” In addition, conditions of approval will require the applicant to complete the submitted Agriculture Exempt Permit Number 192-25-000406-AGE for this non-livable accessory structure which the County Building Official must approve for compliance with the Oregon Building Code. Because the unpermitted septic tanks have been decommissioned, the necessary plumbing permit will remove this all plumbing fixtures except hose bibbs. The applicant will also be required to obtain Road Access Permits for all points of access to the subject property as another condition of approval.

Finally, the applicant's Agriculture Exempt Permits will require him to file a notarized **Building Permit Exemption Covenant** with the County Clerk stating that this structure will be used solely as an agricultural or forestry building as defined by ORS 455,315(2)(a).

With the Planning Commission's approval of V 25-02 and these conditions of approval, staff finds the detached garage/storage structure can be legalized as an authorized permitted use on the Primary Forest zoned property in compliance with this criterion in Section 1504.1(A) (3).

Continuing with the Columbia County Zoning Ordinance Section 1504.1(A):

4. Strict compliance with the Zoning Ordinance would create an unnecessary hardship;

Finding 6: As stated in Finding 4, strict compliance with the Zoning Ordinance would create an unnecessary hardship for the applicant by requiring him to relocate this accessory structure. Potential relocation in order to construct it at least 50' away from the east property line appears to be limited due to the site's steep terrain, natural springs, and extremely wet soils.

With this site's specific natural limitations, staff finds that the proposal requested for V 25-02 is consistent with this criterion in Section 1504.1(A)(4) provided the applicant applies for, obtains and abides by the County Building Official's approval of the permitted accessory storage structure.

Continuing with the Columbia County Zoning Ordinance Section 1504.1(A):

5. The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor violate any other provision of the Zoning Ordinance.

Finding 7: As stated in Finding 1, the accessory structure's proposed farm uses are permitted in the PF-80 Zone. The granting of this variance would not authorize any use that is not permitted by the Oregon Building or Fire Codes provided the applicant obtain all necessary building permits. Also, the applicant's request to vary the setbacks to the east side property line will not alter or violate any other provisions of these documents that guide how, where and why Columbia County can manage its growth and development. With conditions of approval already covered, staff finds that V 25-02 will be able to satisfy this criterion in Section 1504.1(A)(5).

Continuing with the Columbia County Zoning Ordinance Section 1504.1:

- B. A variance so authorized shall become void after the expiration of 1 year if the next step in the development process has not been applied for.

Finding 8: If this variance is approved, the applicant shall submit the required Building Plans/ Agriculture Exempt Permits, documentation and fees concurrent with the proposal submitted for V 25-02 to Land Development Services within 1 year of the final decision, or this approval will expire.

Continuing with the Columbia County Zoning Ordinance Section 1504.1:

- C. The Planning Commission may impose whatever reasonable requirements it feels will fulfill the intent of this ordinance.

Finding 9: The Commission may add conditions onto their decision if they deem any are necessary that have not been covered in this report.

COMMENTS:

County Building Official: The Building Official's comments have been incorporated into this report during the evaluation and analysis conducted for Finding 3.

Columbia County Public Works Department: No objections to the application's approval as submitted provided the applicant obtain Road Access Permits for all of the site's existing accesses to Bodine Road.

County Sanitarian: Submitted comments that have been incorporated into this report during the evaluation and analysis conducted for Finding 3. The County Sanitarian is also required to review and approve all structural permits prior to permit issuance.

Clatskanie Fire District: No comments have been received as of the date of this report.

Clatskanie-Quincy CPAC: No comments have been received as of the date of this report

Clatskanie PUD: No comments have been received as of the date of this report.

Columbia County Land Use Compliance Specialist: Submitted comments that the variance being granted would allow structure to remain and that additional building permits maybe needed.

No other comments have been received as of the date of this report.

STAFF COMMENTS, CONCLUSION AND RECOMMENDATION:

Based on the facts, findings, and comments herein, Planning Staff recommends that the Planning Commission APPROVE the applicant's request of a Major Variance (V 25-02) to the setback standards required in Section 509.6(A) for the subject PF-80 zoned property. This approval will allow the applicant to lawfully construct the existing detached garage/storage structure 30' from the east side property line, subject to the following conditions:

Conditions of Approval:

1. This variance shall become void if the applicant does not pay for and complete the necessary agriculture exempt permits for the existing accessory structure to Land Development Services within **one year** of the final decision for V 25-02.
2. The applicant shall complete Agriculture Exempt Permit Number 192-24-000406-AGE for this non-habitable accessory structure. This includes removing any remaining plumbing features except hose bibbs.
3. The applicant shall file a notarized Building Permit Exemption Covenant with the County Clerk. This deed restriction will run with the land and require it to be used solely as an agricultural or forestry building as defined by ORS 455.315(2)(a). A copy of this recorded document shall be filed with Land Development Services.
4. The applicant shall obtain Road Access Permit(s) from the County Department of Public Works for all of the site's access points to Bodine Road. Copies of said issued permit(s) shall be filed with Land Development Services.
5. The responsibility for protection from wildlife damage on the property shall be assumed by the dwelling's owner and/or occupant.

6. The Department of Land Development Services reserves the right to review this application again in the future if it determines that the approved accessory structure is in noncompliance with any of the conditions of approval herein. Any departure from ordinance regulations or conditions of approval established herein shall be subject to review and possible suspension or revocation in accordance with the procedures of the Columbia County Zoning Ordinance.

Attachments: Submitted application and Site Plan and documentation
Vicinity, Address, and Zoning Maps
Building Permit Exemption Covenant- sample
Comments from Columbia County Public Works, County Sanitarian, County Building Official, and County Land Use Compliance Specialist

cc: Columbia County Land Use Compliance Specialist

Variance

#192-24-00242-PLNG

File No. V 25-02

major
**VARIANCE APPLICATION
COLUMBIA COUNTY ZONING ORDINANCE**

\$3295.95

General Information

APPLICANT: Name: Daniel Honeycutt
Mailing address: 79943 Badine Rd Clatskanie, OR 97016
Phone No.: Office _____ **Home** 503-438-9206
Email: Dhon 9206@gmail.com
Are you the X **property owner?** _____ **owner's agent?**

PROPERTY OWNER: X **same as above, OR:**

Name: _____

Mailing Address: _____

Email: _____

PROPERTY ADDRESS (if assigned): _____

TAX MAP NO.: 28017 **Acres:** 2.32 **Zoning:** _____

TYPE OF VARIANCE: Major Variance **Ordinance Requires:** _____ **Change to:** _____

Lot size: _____ ~~50'~~ 30'

X **Setback:** _____ **front** X **side** _____ **rear** _____

Other: _____

PRESENT LAND USES: (farm, forest, bush, swamp, residential, etc.)

Use: This property is used to store and service my forestry equipment. Skidder, Bulldozer, and tractor + implements **Approx. Acres** 2.32

Total acres (should agree with above): 2.32

Variance

File No. V _____

PROPOSED LAND USES: I would like to get the
shop permitted to be in compliance
with CAAP

WATER SUPPLY: ☒ Private well. Is the well installed? ☒ Yes ☐ No
☐ Community system. Name _____

METHOD OF SEWAGE DISPOSAL: ☐ Community Sewer. Name _____
☒ Not applicable.
☐ Septic System.

If Septic, does the subject property already have a system? ☐ Yes ☐ No

If no, is the property approved for a Septic System? ☐ Yes ☐ No

CONTIGUOUS PROPERTY: List all adjacent property you own with boundaries touching the subject property: ☐ None

Tax Acc't. No.	Acres	Co-owners (if any)
<u>n/a</u>		

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CERTIFICATION:

I hereby certify that all of the above statements, and all other documents submitted, are accurate and true to the best of my knowledge and belief.

Date: 10-24-24 Signature: [Signature]

NOTE: Please attach an accurate detailed plot plan, including existing and proposed structures, septic tanks and drain fields, farm and forest areas, large natural features (e.g. cliffs, streams, ravines, etc.), roads and driveways, property lines, easements, etc.

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Planning Department Use Only

Date Rec'd. 405490 Hearing Date: _____
Or Administrative _____

Receipt No. 1024/24
Zoning: PF-10 Staff Member: [Signature]

+++++

VARIANCE FACT SHEET**Variance Standards:**

Please answer the following (attach extra pages if needed):

The following 5 requirements are from Section 1504.1A of the Columbia County Zoning Ordinance:

"A variance shall be made only when all of the following conditions and facts exist:

1. **The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property;"**

1. State how the granting of your variance will not injure other property in the vicinity, nor be detrimental to the public safety, health or welfare:

The granting of this variance will not affect public or property: Health, safety, or welfare

2. **The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;"**

2. Describe the conditions, unique to the property (NOT the owner), over which you have no control, on which you base this variance request (parcel size, shape, location; topography; natural features; etc.):

The property is only 200' wide which gives 100' in the center to use. There is an easement that runs through property and a steep slope to the north the area leftover turns into a swamp in the wet season as natural springs emit from the ground

3. **Approval of the application will allow the property to be used only for purposes authorized by the Zoning Ordinance;"**

3. What uses or structures do you intend to place on the property?

A shop for maintenance / and or storage of equipment
This will be a dry building / no plumbing / etc

4. **Strict compliance with the Zoning Ordinance would create an unnecessary hardship;"**

4. Explain in detail the unnecessary hardship. This may be a personal or physical hardship, but it must arise out of the unique physical conditions on the property described in 2 above.

Denial of variance would mean I ~~am~~ have to demolish or move my shop as it has already been built in 2014 following a fire in 2012. Furthermore the terrain and natural springs would make it ~~so~~ very difficult if not impossible to move.

5. **The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor violate any other provision of the Zoning Ordinance."**

5. Will this variance be consistent with the Comprehensive Plan and other requirements of the Zoning Ordinance?

If granted the variance it will be the next step in bringing the property into compliance

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Please submit all of the following:

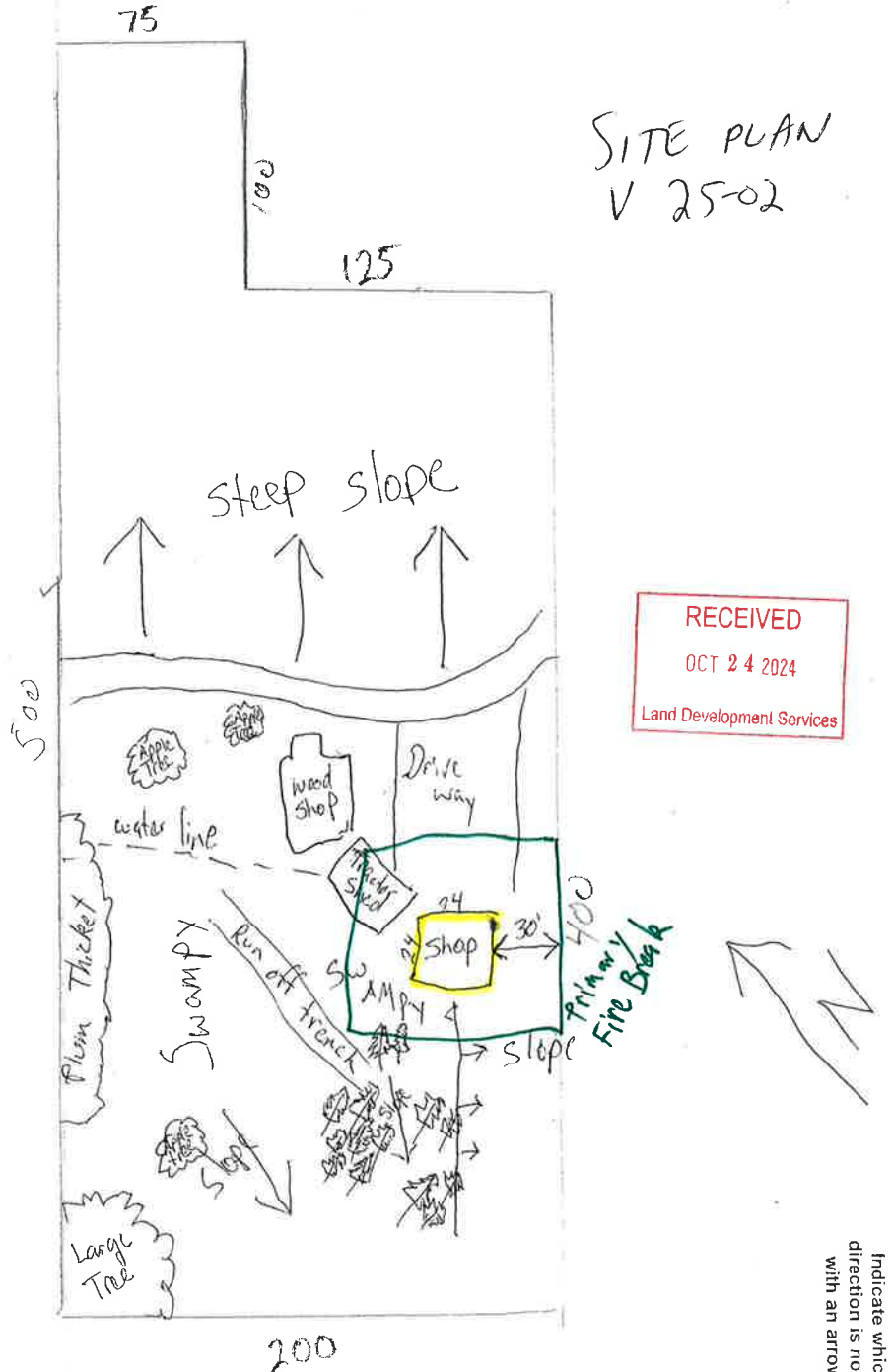
1. The attached "VARIANCE APPLICATION General Information".
2. Answers to the above questions.
3. A good measured sketch of your property, showing all existing structures, septic tanks and drain fields, large natural features, roads and driveways, property lines, easements, etc. Don't forget the North arrow and the scale of the drawing.
4. A vicinity map, with North arrow and scale.
5. The application fee.

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SITE PLAN SUBMITTAL FORM

OWNER NAME: <u>Daniel Horeyett</u>	Map and Taxlot #: <u>28017 - 1382</u>	APPLICANT NAME: _____
PHONE #: <u>503-438-9200</u>		PHONE #: _____
ADDRESS: <u>79943 Padine Rd</u> <u>Clatskanie, OR 97016</u>	Scale: <u>1" = 50'</u>	ADDRESS: _____

NOTICE: The applicant is ultimately responsible for completing new work in accordance with this site plan once approved. Approval of construction inspections shall not be construed as approval of work not in accordance with this site plan. Work that deviates from this site plan shall be formally documented and approved through submission of a site plan amendment prior to commencing such work.



V 25-02 PF-80 Zoning & Aerial



10/24/2024 3:51 PM

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Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map

Vicinity Map -
Bodine Road
off Alston
Mayger Road



Deborah Jacob

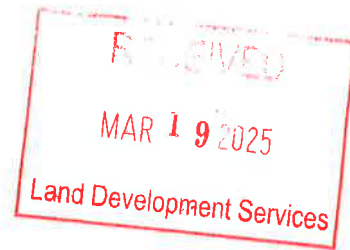
From: Erin OConnell
Sent: Wednesday, March 19, 2025 4:41 PM
To: Planning Department.UserGroup
Cc: Annamaria Pacheco
Subject: Re: Agency Comments Requested for Honeycutt V 25-02
Attachments: Agency Packet.pdf

Sanitation comments:

We have no objection to this proposal.

Additionally, based off of soils evaluation work performed on the site, I can attest that the area to the west (or where setbacks could be achieved) does exhibit challenging topography and extremely wet conditions due to springs and a high water table.

Erin O'Connell
Environmental Services Specialist
Columbia County Land Development Services
503-397-7222



Service ~ Engagement ~ Connection ~ Innovation

Please note: Land Development Services has moved to a new location at 445 Port Avenue, St. Helens 503-397-1501 and email, onsite@columbiacountyor.gov

From: Amy Herzog <Amy.Herzog@columbiacountyor.gov>
Sent: Thursday, March 13, 2025 10:02 AM
To: Tracymacg@gmail.com <Tracymacg@gmail.com>; Clatskanie PUD <TBrittain@clatskaniepud.com>; bholsey@clatskaniefire.org <bholsey@clatskaniefire.org>; Don VanDomelen <Don.VanDomelen@columbiacountyor.gov>; PublicWorks.UserGroup <publicworks@columbiacountyor.gov>; ePermits - On-Site <onsite@columbiacountyor.gov>; David Carlberg <David.Carlberg@columbiacountyor.gov>
Cc: Deborah Jacob <Deborah.Jacob@columbiacountyor.gov>
Subject: Agency Comments Requested for Honeycutt V 25-02

Good morning,

Please see the attached application packet for Variance to a property line setback for an accessory structure. We would like to get your feedback/comments for this proposal. Please email back your comments to planning@columbiacountyor.gov

Thank you

Amy Herzog

Permit Technician
Columbia County Land Development
503-397-1501 ext 8483
Amy.Herzog@columbiacountyor.gov
www.columbiacountyor.gov



Please note:

Land Development Services has moved to a temporary location at 445 Port Avenue, St. Helens.

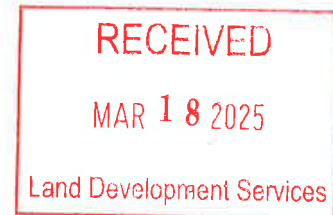
We're available to assist you in person, by phone 503-397-1501 and email:

building@columbiacountyor.gov or planning@columbiacountyor.gov.



REFERRAL AND ACKNOWLEDGMENT

Date: March 13, 2025
File # V 25-02
Applicant: Daniel Honeycutt
Map/Taxlot: 8330-00-00102
Site Address: 79943 Bodine Road, Clatskanie OR 97016
Zone: PF-80
Size: 2.32 Acres



NOTICE IS HEREBY GIVEN that Daniel Honeycutt has submitted a Major Variance application (V 25-02) requesting approval for a 30 foot, instead of the required 50 foot, side property line setback for an accessory structure pursuant to the applicable provisions in Section 500 and Section 1504 of the Columbia County Zoning Ordinance. The subject property is zoned Primary Forest (PF-80), contains 2.32 acres and is located at 79943 Bodine Road Clatskanie, OR.

Hearing Date: May 5, 2025 Please Return By: March 24, 2025 Planner: Deborah Jacob

SAID PUBLIC HEARING will be held before the Columbia County Planning Commission on May 5, 2025, starting at 6:30 p.m. at Columbia County Public Works, Healy Hall located at 1054 Oregon Street St Helens, OR 97051. Please join my meeting from your computer, tablet or smartphone. <https://meet.goto.com/880602597> You can also dial in using your phone. Access Code: 880-602-597 United States (Toll Free): 1 866 899 4679

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

- ☐ We have reviewed the enclosed application and have no objection to its approval as submitted.
- ☒ Please see attached letter or notes below for our comments.
- ☐ We are considering the proposal further and will have comments to you by _____.
- ☐ Our board must meet to consider this; we will return their comments to you by _____.
- ☐ Please contact our office so we may discuss this.
- ☐ We recommend denial of the application, for the reasons below:

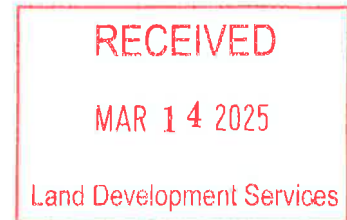
COMMENTS: Applicant must obtain an access permit for every access point onto the property, see Ordinance 2006-4.

Signed: Scott Toenjes Printed Name: Scott Toenjes
Title: Engineering Technician II Date: 3/17/2025



REFERRAL AND ACKNOWLEDGMENT

Date: March 13, 2025
File # V 25-02
Applicant: Daniel Honeycutt
Map/Taxlot: 8330-00-00102
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3. _____ We are considering the proposal further and will have comments to you by _____.
4. _____ Our board must meet to consider this; we will return their comments to you by _____.
5. _____ Please contact our office so we may discuss this.
6. _____ We recommend denial of the application, for the reasons below:

COMMENTS: Variance being granted would allow structure to remain. Additional Bldg permits maybe needed

Signed: David L. Carlberg Printed Name: David L. Carlberg
Title: Land Use Compliance Head Date: 3/14/25

Deborah Jacob

From: Don VanDomelen
Sent: Thursday, March 13, 2025 12:01 PM
To: Planning Department.UserGroup
Subject: RE: Agency Comments Requested for Honeycutt V 25-02

Applicant will be required to obtain a building permit for the structure with engineered plans, including obtaining permits for electrical, mechanical, and plumbing.

Or

Applicant will be required to obtain an agriculture exempt permit for the structure, including obtaining permits for electrical, mechanical, and plumbing.

Don VanDomelen, CBO
Columbia County Building Official
230 Strand Street, St. Helens, OR 97051
(p) 503-366-3910
don.vandomelen@columbiacountyor.gov
www.columbiacountyor.gov



Please note:

Land Development Services has moved to a temporary location at 445 Port Avenue, St. Helens.

We're available to assist you in person, phone at 503-397-1501, ext. 1 or by email at the following for building, planning and onsite septic:

building@columbiacountyor.gov or planning@columbiacountyor.gov or onsite@columbiacountyor.gov

Service ~ Engagement ~ Connection ~ Innovation

From: Amy Herzog <Amy.Herzog@columbiacountyor.gov>
Sent: Thursday, March 13, 2025 10:02 AM
To: Tracymacg@gmail.com; Clatskanie PUD <TBrittain@clatskaniepud.com>; bholsey@clatskaniefire.org; Don VanDomelen <Don.VanDomelen@columbiacountyor.gov>; PublicWorks.UserGroup <publicworks@columbiacountyor.gov>; ePermits - On-Site <onsite@columbiacountyor.gov>; David Carlberg <David.Carlberg@columbiacountyor.gov>
Cc: Deborah Jacob <Deborah.Jacob@columbiacountyor.gov>
Subject: Agency Comments Requested for Honeycutt V 25-02

Good morning,

Please see the attached application packet for Variance to a property line setback for an accessory structure. We would like to get your feedback/comments for this proposal. Please email back your comments to

planning@columbiacountyor.gov

Thank you

Amy Herzog

Permit Technician
Columbia County Land Development
503-397-1501 ext 8483



REFERRAL AND ACKNOWLEDGMENT

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File # V 25-02
Applicant: Daniel Honeycutt
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Hearing Date: May 5, 2025 **Please Return By:** March 24, 2025 **Planner:** Deborah Jacob

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1. _____ We have reviewed the enclosed application and have no objection to its approval as submitted.
2. _____ Please see attached letter or notes below for our comments.
3. _____ We are considering the proposal further and will have comments to you by _____.
4. _____ Our board must meet to consider this; we will return their comments to you by _____.
5. _____ Please contact our office so we may discuss this.
6. _____ We recommend denial of the application, for the reasons below:

COMMENTS: _____

Signed: _____ Printed Name: _____

Title: _____ Date: _____

Variance

File No. V 25-02

major
**VARIANCE APPLICATION
COLUMBIA COUNTY ZONING ORDINANCE**

\$3295.95

General Information

APPLICANT: Name:

Daniel Honeycutt

Mailing address:

79943 Bodine Rd Clatskanie, OR 97016

Phone No.: Office

Home

503-438-9206

Email:

Dhon 9206@gmail.com

Are you the ☒ property owner? ☐ owner's agent?

PROPERTY OWNER: ☒ same as above, OR:

Name:

Mailing Address:

Email:

PROPERTY ADDRESS (if assigned):

TAX MAP NO.: 28017 **Acres:** 2.32 **Zoning:**

TYPE OF VARIANCE:

Major Variance

**Ordinance
Requires:**

**Change
to:**

Lot size:

~~50'~~

30'

☒ **Setback:** ☐ front ☒ side ☐ rear

Other:

PRESENT LAND USES: (farm, forest, bush, swamp, residential, etc.)

Use:

Approx. Acres

This property is used to
store and service my
forestry equipment. Skidder,
Bulldozer, and tractor & implements

2.32

Total acres (should agree with above): 2.32

VARIANCE FACT SHEET**Variance Standards:**

Please answer the following (attach extra pages if needed):

The following 5 requirements are from Section 1504.1A of the Columbia County Zoning Ordinance:

"A variance shall be made only when all of the following conditions and facts exist:

1. **The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property;"**

1. State how the granting of your variance will not injure other property in the vicinity, nor be detrimental to the public safety, health or welfare:

The granting of this variance will not affect public or property: Health, safety, or welfare

2. **The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;"**

2. Describe the conditions, unique to the property (NOT the owner), over which you have no control, on which you base this variance request (parcel size, shape, location; topography; natural features; etc.):

The property is only 200' wide which gives 100' in the center to use. There is an easement that runs through property and a steep slope to the north the area leftover turns into a swamp in the wet season as natural springs emit from the ground.

Approval of the application will allow the property to be used only for purposes authorized by the Zoning Ordinance;"

3. What uses or structures do you intend to place on the property?

A shop for maintenance / and or storage of equipment
This will be a dry building / no plumbing / etc

PROPOSED LAND USES: I would like to get the
shop permitted to be in compliance
with CAAP

WATER SUPPLY: X Private well. Is the well installed? X Yes No
 Community system. Name _____

METHOD OF SEWAGE DISPOSAL: Community Sewer. Name _____
X Not applicable.
 Septic System.

If Septic, does the subject property already have a system? Yes No
 If no, is the property approved for a Septic System? Yes No

CONTIGUOUS PROPERTY: List all adjacent property you own with boundaries touching the subject property: None

Tax Acc't. No.	Acres	Co-owners (if any)
<u>n/a</u>		

+++++
CERTIFICATION:

I hereby certify that all of the above statements, and all other documents submitted, are accurate and true to the best of my knowledge and belief.

Date: 10-24-24 Signature: [Signature]

NOTE: Please attach an accurate detailed plot plan, including existing and proposed structures, septic tanks and drain fields, farm and forest areas, large natural features (e.g. cliffs, streams, ravines, etc.), roads and driveways, property lines, easements, etc.

+++++

Planning Department Use Only

Date Rec'd. 405490 Hearing Date:
 Receipt No. 1024124 Or: Administrative
 Zoning: PF-70 Staff Member: [Signature]

+++++

4. **Strict compliance with the Zoning Ordinance would create an unnecessary hardship;"**

4. Explain in detail the unnecessary hardship. This may be a personal or physical hardship, but it must arise out of the unique physical conditions on the property described in 2 above.

Denial of variance would mean I ~~do~~ have to demolish or move my shop as it has already been built in 2014 following a fire in 2012. Furthermore the terrain and natural springs would make it ~~very~~ difficult if not impossible to move.

5. **The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor violate any other provision of the Zoning Ordinance."**

5. Will this variance be consistent with the Comprehensive Plan and other requirements of the Zoning Ordinance?

If granted the variance it will be the next step in bringing the property into compliance

+++++

Please submit all of the following:

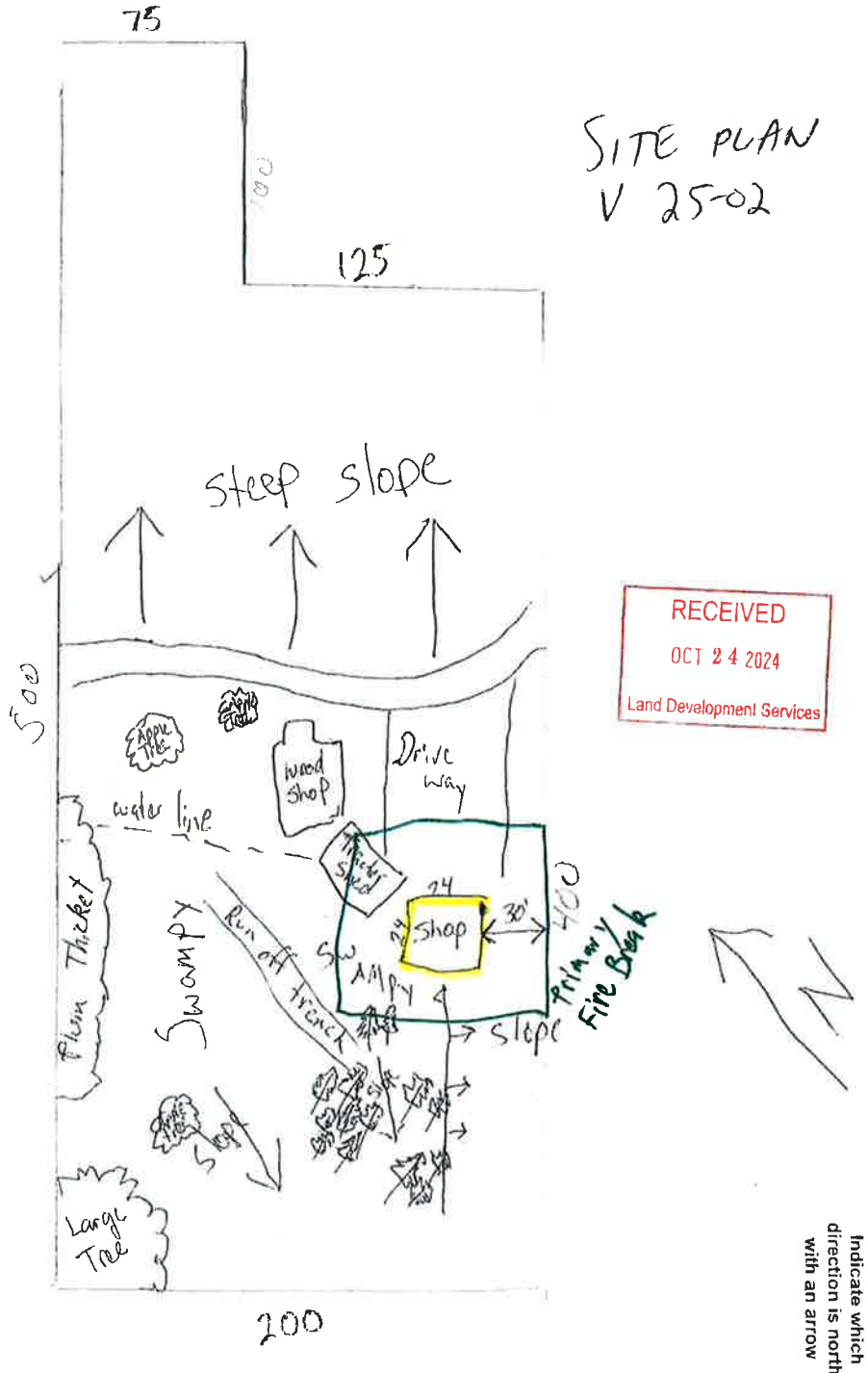
1. The attached "VARIANCE APPLICATION General Information".
2. Answers to the above questions.
3. A good measured sketch of your property, showing all existing structures, septic tanks and drain fields, large natural features, roads and driveways, property lines, easements, etc. Don't forget the North arrow and the scale of the drawing.
4. A vicinity map, with North arrow and scale.
5. The application fee.

+++++

SITE PLAN SUBMITTAL FORM

OWNER NAME: <u>Daniel Horeyett</u>	Map and Taxlot #: <u>28017 - 1382</u>	APPLICANT NAME: _____
PHONE # <u>503-438-9206</u>	Scale: <u>1" = 50'</u>	PHONE # _____
ADDRESS: <u>79943 Badina Rd</u> <u>Clatskanie, OR 97016</u>		ADDRESS: _____

NOTICE: The applicant is ultimately responsible for completing new work in accordance with this site plan once approved. Approval of construction inspections shall not be construed as approval of work not in accordance with this site plan. Work that deviates from this site plan shall be formally documented and approved through submission of a site plan amendment prior to commencing such work.



V 25-02 PF-80 Zoning & Aerial



Oregon Statewide Imagery Program (OSIP) - Oregon Imagery
Framework Implementation Team, Department of State Lands, Oregon
Department of Forestry

10/24/2024 3:51 PM

0

Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map

8-3-80 T L 102

90 1383
RECEIVED

FEB 26 2025

Land Development Services

NOTICE: Tax Statements Are To Be Sent To: Etsel F. Honeycutt, Jr., 79944 Bodine Road, Clatskanie, OR 97016

MEMORANDUM OF REAL ESTATE CONTRACT

Date of Contract: March 20, 1990

Seller: Leonard M. Thompson, also known as Lenord M. Thompson

Buyer: Etsel F. Honeycutt, Jr.

Purchase Price: \$34,000.00. Terms of payment are set forth in the contract.

Description of Property:

Beginning at a point on the North line of Section 30, Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon, that is North 89°52' East 1980 feet from the Northwest corner of said Section 30; thence continuing East on said Section line to the quarter section corner between Section 19 and Section 30 in said Township and Range and the true point of beginning of the following described tract; thence South on center line of Section 30 a distance of 198 feet; thence South 89°56' East 121.5 feet; thence South 0°14' West 429 feet; thence West 200 feet; thence North to the North line of said Section 30; thence East along the North line of said Section to the true point of beginning.

ALSO CONVEYING:

1. An easement for water well and the operation and maintenance of pipeline and pumping equipment as granted in instrument recorded April 13, 1981 in Deed Book 236, page 521, Records of Columbia County, Oregon.
2. An easement for ingress and egress as granted in instrument recorded April 13, 1981 in Book 236, page 519, Deed Records of Columbia County, Oregon.

SUBJECT TO: Exceptions as noted on attached Exhibit "A".

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED



RECEIVED

FEB 26 2025

Land Development Services

Certificate of Existing Tank and/or System Abandonment

Septic Permit No. (If Applicable): 192-24-000531-1N04

Owner Name:

Daniel Honeywell

Property Address:

79943 Beddie Rd Clatskanie, OR 97016

Map Number:

8330-00-00/02

I certify that the existing (circle one) septic tank, drywell, or cesspool was properly abandoned to State standards. The sewage contents were removed by:

Blue Heron #38835

(Licensed Sewage Disposal Pumping Company Name and DEQ License No.)

The unit was then:

Backfilled in place with (circle one) rock, sand, or soil

OR

Removed and (circle one) a new tank was placed in the hole, or the hole was backfilled with rock, sand, or soil.

Dan Honeywell 2-26-25

Signature/Date

- Attach a copy of the pumping receipt
 - If applicable, attach authorization from public sewerage for connection
 - Remit completed form to Columbia County Land Development Services, On-Site Sewage Department

COLUMBIA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2024

October 24, 2024 3:37:24 pm

Account # 28017
Map # 8N3W30-00-00102
Code - Tax # 0510-28017

Tax Status ASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr See Record

Mailing Name HONEYCUTT DANIEL

Deed Reference # 2020-11820

Agent

Sales Date/Price 11-06-2020 / \$1.00

In Care Of

Appraiser DAVID L

Mailing Address 79943 BODINE RD
CLATSKANIE, OR 97016

Prop Class 401 MA SA NH Unit
RMV Class 401 05 51 000 1264-1

Situs Address(s)	Situs City
ID# 1 79943 BODINE RD	CLATSKANIE

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0510 Land	187,570	72,680	72,680	Land	0
Impr.	48,560	16,270	16,270	Impr.	0
Code Area Total	236,130	88,950	88,950		0
Grand Total	236,130	88,950	88,950		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0510	2	<input checked="" type="checkbox"/>		CO:PF-80	Market	91	A	0.36	3H3	003	18,050
0510	3	<input checked="" type="checkbox"/>		CO:PF-80	Market	91	A	0.96	3H3	003	48,110
0510					OSD - Single Family	100					71,300
0510	1	<input checked="" type="checkbox"/>		CO:PF-80	Rural Site	91	A	1.00	WS	003	50,110
Grand Total								2.32			187,570

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
0510	3	2023	360	Machine Shed		93	392			7,120
0510	2	2006	325	General Purpose Building		93	676			11,870
0510	1	2014	325	General Purpose Building		93	576			29,570
Grand Total								1,644		48,560

Exemptions / Special Assessments / Potential Liability

NOTATIONS:

- Fire Patrol ADDED 2007

Code Area 0510

FIRE PATROL:

- FIRE PATROL SURCHARGE

Amount 47.50 Year 2024

- Fire Patrol

Amount 18.75 Acres 1 Year 2024

Return to:

ETSEL F. HONEYCUTT JR.
78943 BODINE RD.
CLATSKANIE, OR 97016

COLUMBIA COUNTY, OREGON 2006-00652
DEED-D
Cnt=1 Stn=8 HUSERB 05/17/2006 01:54:59 P
\$10.00 \$11.00 \$10.00 Total:\$31.00



00041724200600065280010023

I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon
certify that the instrument identified herein was recorded in the Clerk
records.

Elizabeth E. Huser - County Clerk

Above Space Reserved for Recording

[If required by your jurisdiction, list above the name & address of: 1) where to return this form; 2) preparer; 3) party requesting recording.]

Warranty Deed

Date of this Document: May 17, 2006

Reference Number of Related Documents: _____

Grantor(s):

Name LEONARD M. Thompson

Street Address 18400 Coop Rd

City/State/Zip Clatskanie OR 97016

Grantee(s):

Name ETSEL F. HONEYCUTT JR.

Street Address 79943 Bodine Rd

City/State/Zip Clatskanie, OR 97016

Abbreviated Legal Description (i.e., lot, block, plat, or section, township, range, quarter/quarter or unit, building and
condo name): North line of Section 30, Township 8 North, Range 3 West of the Willamette

Assessor's Property Tax Parcel/Account Number(s): 8330 000 00102

For good consideration, LEONARD M Thompson
of 18400 Coop Rd., County of Columbia

State of OREGON, hereby bargain, deed and convey to ETSEL F.

HONEYCUTT JR of 79943 Bodine Rd

County of Columbia, State of OREGON, the following described land in

Columbia County, free and clear with WARRANTY COVENANTS; to wit: Beginning at a point on the North
line of Section 30, Township 8 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon
that is North 89° 52' East 192 feet from the Northwest corner of said Section 30; thence
continuing East on said Section line to the quarter section corner between section 19 and Section
30 in said Township and Range and the true point of beginning of the following described tract
thence South on center line of Section 30 a distance of 192 feet; thence South 89° 52'
East 121.5 feet; thence South 0° 14' West 429 feet; thence West 200 feet; thence North
to the line of said section 30; thence East along the North line of said Section to the
point of beginning.

NO PART OF ANY STEVENS NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS

Etzel Honeycutt Jr.
79943 Bodine Rd
Clatskanie, OR 97016
 Grantor's Name and Address

Daniel Honeycutt
79943 Bodine Rd
Clatskanie, OR 97016
 Grantee's Name and Address

After recording, return to (Name and Address):
Etzel F Honeycutt Jr
79943 Bodine Rd
Clatskanie, OR 97016

Or, as requested elsewhere, send all fee statements to (Name and Address):
Daniel Honeycutt
79943 Bodine Rd
Clatskanie, OR 97016

COLUMBIA COUNTY, OREGON 2020-011820
 DEED-D
 Cnt=1 Pgs=3 HUSERB 11/12/2020 09:47:25 AM
 \$15.00 \$11.00 \$60.00 \$5.00 \$10.00 = \$101.00



00279396202000118200030030
 I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon,
 certify that the instrument described herein was recorded in the Clerk's
 records.

Elizabeth E. Huser - County Clerk

KNOW ALL BY THESE PRESENTS that Etzel Honeycutt Jr.

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto
Daniel Honeycutt
 hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, heredi-
 cements and appurtenances thereunto belonging or in any way appertaining, situated in Columbia County,
 State of Oregon, described as follows (legal description of property):

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.
 The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 10. However, the
 actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☒ the whole (indicate
 which) consideration. (The sentence between the symbols ☐, if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes
 shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on 11-6-20 at any

signature on behalf of a business or other entity is made with the authority of that entity.
 BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD
 INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND
 SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2009, SECTIONS 2 TO 9 AND 17, CHAPTER 655, OREGON
 LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW
 USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS
 AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE
 TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
 VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS
 DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETER-
 MINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND
 TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300,
 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2009, SECTIONS 2
 TO 9 AND 17, CHAPTER 655, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATE OF OREGON, County of Columbia ss.

This instrument was acknowledged before me on Nov. 4, 2020

by Etzel Honeycutt Jr.

This instrument was acknowledged before me on Nov. 6, 2020

by Daniel Honeycutt

as Grantee

of 79943 Bodine Rd, Clatskanie, OR 97016



Mariah Lumos
 Notary Public for Oregon
 My commission expires April 14, 2024

Grantor, for itself and its heirs, hereby covenants with Grantee, its heirs, and assigns, that Grantor is lawfully seized in fee simple of the above-described premises; that it has a good right to convey; that the premises are free from all encumbrances; that Grantor and its heirs, and all persons acquiring any interest in the property granted, through or for Grantor, will, on demand of Grantee, or its heirs or assigns, and at the expense of Grantee, its heirs or assigns, execute any instrument necessary for the further assurance of the title to the premises that may be reasonably required; and that Grantor and its heirs will forever warrant and defend all of the property so granted to Grantee, its heirs, and assigns, against every person lawfully claiming the same or any part thereof.

Being the same property conveyed to the Grantor by deed of 79943 Bodine & Clatskanie, dated January 15, 2000.

WITNESS the hands and seal of said Grantor this 17th day of May, 2006.

Leonard M. Thompson
Grantor

Grantor

State of OREGON
County of COLUMBIA

On May 17th 2006 before me, Carla R. Hill, personally appeared Leonard M. Thompson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Carla R. Hill

Affiant Known ☒ Unknown
ID Produced ODL 2846596
Ex 8/5/08

(Seal)





MEMORANDUM

TO: Columbia County Planning Commission

DSJ / JN
FROM: Deborah S. Jacob, Senior Planner

FILE NAME/NUMBER: Honeycutt V 25-02

DATE OF PUBLIC HEARING: May 5, 2025

After Staff prepared the April 21, 2025 Staff Report, Land Development Services received the attached letter dated April 22, 2025 from Diana M. Taylor in which she identifies her concerns related to V 25-02 pursuant to the public notice and hearing requirements in the ORS 197.797.

This Memorandum enters the April 22, 2025 letter from Diana M. Taylor into the record for V 25-02 for the Planning Commission to review and consider at the public hearing scheduled for May 5, 2025.

DIANA M. TAYLOR
P.O. Box 232
St. Helens, OR 97051



April 22, 2025

TO: Columbia County
Department of Land Development Services
445 Port Avenue
St. Helens, OR 97051

RE: File # V 25-02
Applicant/Owner: Daniel Honeycutt
Situs Address: 79943 Bodine Road, Clatskanie, OR 97016
Map/Tax Lot: 8330-00-00102
Tax Account: 28017
Zone: Primary Forest (PF-80)
Acreage: 2.32 acres

HEARING DATE: May 5, 2025

SUMMARY: I OBJECT to Daniel Honeycutt's Major Variance Application requesting a 30 foot side property setback for an accessory structure instead of the required 50 foot setback.

DISCUSSION:

The accessory structure which is the subject of the Applicant's application (hereinafter "Structure") was originally built without the necessary and required permits, and thereafter used as a residence by Applicant. It was never intended to be an "accessory" structure, and Applicant continued living in it long after County officials instructed him to vacate it. He has since moved out of it, and is now living in another unpermitted structure on a nearby parcel owned by the Bernice Honeycutt Trust.

Complaints regarding the Structure date back to at least September 28, 2018. In that written complaint, which was filed with the Department of Land Services, the reporting party states that "There have been 2 structures built with no permit. One of them is 2 story with living area. There are drain pipe coming from structure and there is no septic system and at times we smell raw sewage."

Other complaints may have been filed that I am not aware of. The next complaint that I am aware of is dated February 17, 2023 and was filed on the Land Use Compliance Complaint Form. That complaint states that "There are at least 5 dwellings on a parcel zoned for only 1 dwelling... The dwellings are not code-compliant as far as sewer, electrical, structural....No septic for at least 4 dwellings. Structures not built to code are unsafe."

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The first citations that were issued to Applicant regarding the Structure were dated March 10, 2023, and included the "unpermitted dwelling", *i.e.*, the Structure. Additional citations have been issued to Applicant over the past 2 years, and to my knowledge, little has been done to correct any of the violations. When Applicant has appeared in the Columbia County Justice Court to address the citations, his explanation is that he lacks the necessary funds to correct the code violations.

It appears that this application is an attempt to further stall compliance with the County's land use ordinances. This application should be denied. The Applicant has had over 7 years to correct the code violations and has failed to do so.

If the Planning Commission should feel inclined to grant the application, I would respectfully request that:

1. The Applicant be given a hard, absolute deadline of 6 months from the May 5, 2025 Hearing, *i.e.*, November 5, 2025, to correct all code violations. No extensions should be allowed as the Applicant has already had 7 years to correct the code violations, and has failed to do so.
2. At the end of the 6 months, if Applicant has failed to correct all of the code violations to the satisfaction of County building officials, Applicant should be required to demolish the building. All debris should be disposed of properly, with the Applicant providing receipts to prove proper disposal.

Thank you for your consideration of this submission.

Respectfully submitted,


Diana M. Taylor

AFTER RECORDING RETURN TO:
Planning Manager
Columbia County Planning Division
230 Strand Street, St Helens, OR 97051

(Recording Label Here)

BUILDING PERMIT EXEMPTION COVENANT
(Agricultural Building/Forestry Building/Equine Facility)

THIS COVENANT, made this ____ day of _____, 20____, by and between _____ (owners) and Columbia County (County) in consideration of the County's issuance of agricultural, Forestry or Equine Exemption Approval No. _____, which is incorporated herein by this reference, for the placement of a structure on real property located in Columbia County, Oregon. The property is described as follows:

Attach Legal Description as "Attachment A"

Owners do hereby promise, and covenant as follows:

The structure proposed under Agricultural, Forestry or Equine Exemption Approval No. _____ located on the real property described above, and generally depicted on the plot plan attached as "Attachment B", will be used solely as an agricultural building, forestry building, or equine facility as defined by ORS 455.315(2)(a) or 455.315(2)(d), respectively (see below).

In farm zones, or land devoted to farm use in a mixed farm/forest zone, this agreement further serves as notice to the owners and all successors in interest that no change in use of the structure shall occur.

In forest zones, or land devoted to forest use in mixed farm/forest zone, this agreement further serves as notice to the owners and all successors in interest that an agricultural building authorized by ORS 455.315(2)(a) or 455.315(2)(d) may not be converted to another use.

This covenant will run with the land and is intended to and hereby binds owners, their successors, heirs, assigns and lessees.

ORS 455.315 Exemption of agricultural buildings, agricultural grading, and equine facilities. (1) Nothing in this chapter is intended to authorize the application of a state structural specialty code to any agricultural building, agricultural grading, or equine facility.

(2) As used in this section:

(a) "Agricultural building" means a structure located on a farm or forest operation and used for:

(A) Storage, maintenance or repair of farm or forestry machinery and equipment;

(B) The raising, harvesting and selling of crops or forest products;

(C) The feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(D) Dairying and the sale of dairy products; or

(E) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal by marketing or otherwise, of farm produce or forest products.

(b) "Agricultural building" does not mean:

(A) A dwelling;

(B) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;

(C) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476;

(D) A structure used by the public; or

(E) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

(d) "Equine facility" means a building located on a farm and used by the farm owner or the public for:

(A) Stabling or training equines; or

(B) Riding lessons and training clinics.

(e) "Equine facility" does not mean:

(A) A dwelling;

(B) A structure in which more than 10 persons are present at any one time;

(C) A structure regulated by the State Fire Marshal pursuant to ORS Chapter 476; or

(D) A structure subject to sections 4001 to 4127, Title 42, United States Code (The National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

In Witness Whereof, the owners have executed this instrument this day of _____, 20____

Owner

Owner

STATE OF OREGON
Columbia County

This instrument acknowledged before me this ____ day of _____, 20____ by _____

Notary Signature

Commission Expires On: _____

By: _____

Columbia County Planning

Accepted on _____