

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application by Dave )	
Molony for a Modification to a Previously )	FINAL ORDER NO. 41-2008
Approved Partition MP 07-37 and to )	
Modify Associated Columbia County )	FINDINGS AND CONCLUSIONS
Road Standards )	

WHEREAS, Dave Molony (“Applicant”) applied for a Minor Land Partition to divide an approximately 10 acre parcel into two parcels of approximately 5 acres each, located on Cedar Springs Road near Scappoose, Oregon, and having tax account number 4217-030-01200 ; and

WHEREAS, that application was approved with conditions by the Planning Director on August 24, 2007 in Planning Director’s Final Order MP 07-37; and

WHEREAS, the Applicant submitted the subject County Road Standards and MP 03-37 modification request on March 5, 2008 requesting modification of Condition #3 of MP 07-37 and of County Road Standards to allow the improvement of Cedar Springs Road from 20 feet in width to 18 feet in width; and

WHEREAS, the Board of County Commissioners asserted original jurisdiction over the Minor Partition and scheduled a hearing on both matters before the Board of County Commissioners during a Special Hearing on May 7, 2008; and

WHEREAS, on May 7, 2008, the matter was continued to May 21, 2008; and

WHEREAS, on May 21, 2008, the Board of County Commissioners held a Special Public Hearing on the matter; and

WHEREAS, during the hearing the Board heard testimony and received evidence into the record; and

WHEREAS, after hearing testimony and receiving evidence, the Board closed the hearing, deliberated on the matter and voted to tentatively modify Condition 3 of Planning Director’s Final Order MP 07-37 and the applicable County Road Standards, subject to several conditions of approval;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners adopts the Findings of Fact and Conclusions of Law contained in the Amended Staff Report to the Board of County Commissioners, dated May

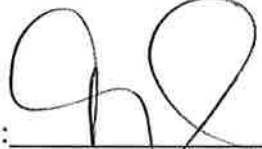
14, 2008, which is attached hereto as Attachment 1 and is incorporated herein by this reference.

2. The Applications to modify Condition # 3 of Planning Director's Final Order MP 07-37, as well as the applicable County Road Standards for the improvement of Cedar Springs Road and its extension, is APPROVED subject to the following conditions:
  1. **This Preliminary Land Partition shall remain valid for one (1) year from the date of the final decision.** The approved preliminary plat shall become void unless a surveyed final plat is prepared and submitted to Land Development Services within the one-year validity period. This Final Plat shall conform to 1) the approved preliminary plat in accordance with the conditions described herein, and 2) the form and content requirements of the Columbia County Subdivision and Partitioning Ordinance and Oregon Revised Statutes. One extension of time of up to six months may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date.
  2. In addition to all County and State requirements, the following shall be included on the Final Plat:
    - a. All existing and proposed easements,
    - b. The final plat shall indicate which parcels do not have a proven adequate potable water supply,
    - c. Each proposed parcel shall have a minimum 50' of usable frontage on the extension of Cedar Springs Road,
    - d. The final plat shall clearly delineate and identify the approximate 30' by 125' newly dedicated *public-right-of-way* for the *extension of Cedar Springs Road* adjacent to both proposed parcels, and the area of each parcel.
  3. The applicant shall survey Cedar Springs Road to determine the right-of-way boundaries, and the road surface shall be widened to County Road Standards to the maximum extent feasible as determined and approved by the Public Works Director, within the right-of-way, without damaging trees of six inches diameter or greater.
  4. The following shall be required prior to Building Permit issuance to develop either of the two parcels:
    - a. The subject property and all new and/or altered property lines shall be surveyed and filed with the County Surveyor and the Final Plat shall be recorded with the County Clerk.
    - b. A Septic System Construction Permit shall be applied for the individual property, if applicable.
    - c. A Road Access Permit shall be obtained from the Road Department.

- d. Proof shall be provided of an available adequate domestic water source.
- 5. Prior to filing of a final plat for MP-07-37, the applicant shall either: 1) Obtain approval for a lot area variance to Section 604.1 to allow parcels of less than 5 acres, **OR** 2) Obtain approval for a property line adjustment with adjacent property owners to acquire the acreage needed to make both parcels at least 5 acres in size.
- 3. In the event of any conflict between this Final Order and the Amended Staff Report attached hereto (Attachement 1), this Final Order shall control.

Dated this 28<sup>th</sup> day of May, 2008.

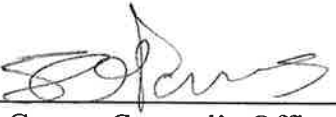
BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Anthony Hyde, Chair

By:   
Joe Corsiglia, Commissioner

By: not present  
Rita Bernhard, Commissioner

Approved as to form

By:   
County Counsel's Office

**BOARD COMMUNICATION**  
FROM THE LAND DEVELOPMENT SERVICES DEPARTMENT

MEETING DATE: May 21, 2008

**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** Todd Dugdale, Director of Land Development Services

COLUMBIA COUNTY  
MAY 15 2008  
COUNTY COUNSEL

**SUBJECT:** PUBLIC HEARING  
MP 07-37- Modification of Prior Approval ( Planning Director's August 24, 2007 Final Order for MP 07-37 )  
Modification of Road Standards

**PROPERTY:** Tax Parcel: 4217-030-01200. Zoning: RR-5 Size: 10 Acres  
Located at the end of Cedar Springs Road near Scappoose

**APPLICANT:** Dave Molony, P.O. Box 1350, Scappoose, Oregon 97056

**SUMMARY:**

The applicant, Dave Molony, is requesting modification of Condition #3 of the approved partition(MP07-37) The partition would divide an approximately 10 acre parcel into two parcels of approximately 5 acres each(Planning Director's Final Order for MP 07-37). Condition #3 required the applicant to widen and gravel the existing travel surface of Cedar Springs Road from its current average width of 12 feet to a standard width of 20 feet. Specifically, the applicant is requesting that the Board modify the condition of approval to reduce the required travel surface width on Cedar Springs Road from 20 feet to 18 feet pursuant to Section VI of the County Road Standards. Condition 3 will also require the County Road Department to approve these improvements to Cedar Springs Road prior to final partition approval. The applicant is not contesting the related requirement to extend the public right of way for Cedar Springs Road by the dedication of a 30'-wide by 125'-long strip of land along the proposed parcels.

This original partition application was processed administratively and was approved on August 24, 2007 with conditions. The applicant did not appeal the condition imposed on original staff approval of the partition and therefore the original staff decision became final. In order to get a new County review of the decision, the applicant has filed a new partition application requesting modification of the Condition #3 on the prior partition approval.

The applicant has also requested a modification of road standards contained in the original staff decision approving the partition to reduce the improvement width of Cedar Springs Road from the standard 20 foot width to 18 feet. Per the County Road Standards, only the Board of Commissioners can modify the road width standard.

The Board of Commissioners took original jurisdiction for the review of this request to modify Condition 3 of the Planning Director's Final Order for MP 07-37 on April 2, 2008.

**Staff Recommendation:**

Staff recommends that the Board of Commissioners approve the modification of prior approval of Land Partition MP 07-37 with the five (5) conditions listed in the attached Staff Report. The Staff report supports the modification of Condition #3 related to road improvement requirements and the addition of a new Condition #5 to address required minimum lots sizes to read as follows:

#3 The applicant shall survey Cedar Springs Road to determine the right-of-way boundaries, and that the road be widened to the extent feasible as determined and approved by the Public Works Director within the right-of-way without damaging trees of 6-inch diameter or greater.

#5 Prior to filing of a final plat for MP07-37, the applicant shall either, 1) Obtain approval for a lot area variance to Section 604.1 to allow the parcels to be less than 5 acres **OR**  
2) Obtain approval for a property line adjustment with adjacent property owners to acquire the acreage needed to make both proposed parcels at least 5 acres in size.

**ATTACHMENTS:**

- 1) Board of Commissioners Staff Report w/ attachments
- 2) The August 15, 2007, February 5, 2008, and May 2, 2008 correspondence from County Road Department.
- 3) Planning Director's Final Order for MP07-37
- 4) Application Materials for Modification of Prior Approval-MP07-37
- 5) Modification of Road Standards Application.

**COLUMBIA COUNTY BOARD OF COMMISSIONERS**  
**AMENDED STAFF REPORT**

May 14, 2008

Proposed 2-parcel Major Land Partition in the RR-5 zone  
Modification of previously approved partition and Condition 3 of Final Order MP 07-37  
Modification of Road Standards and Dedication of Road Extension

**HEARING DATE:** May 21, 2008

**FILE NUMBER:** MP 07-37

**APPLICANT/  
OWNER:** Dave Molony  
P.O. Box 1330  
Scappoose, Oregon 97056

**LOCATION:** Property is located at the end of Cedar Springs Road

**MAP ID #:** 4217-030-01200

**ZONING:** Rural Residential (RR-5)

**SIZE:** Approximately 10 acres

**REQUEST:** The applicant is requesting the Board modify Condition 3 of the Planning Director's Final Order for MP 07-37 related to improvements to the traveled surface of Cedar Springs Road and approve a modification of Road Standards.

<b>REVIEW CRITERIA:</b>	<b>PAGES</b>
<b><u>Columbia County Zoning Ordinance</u></b>	
Section 600 Rural Residential - 5	3 - 6
<b><u>Columbia County Subdivision and Partition Ordinance</u></b>	
Article II Administration and General Provisions	6
Article VII Minor Land Partitioning	6 - 8
Article X Subdivision & Partition Requirements	8 - 11
<b><u>Columbia County Stormwater &amp; Erosion Control Ordinance</u></b>	
III Standards Specific to Activities	11
IV Other Provisions	11 - 13

**BACKGROUND:**

The applicant, Dave Molony, is requesting that the Board modify Condition 3 of the Planning Director's Final Order for MP 07-37 and a modification of road standards. The final decision for MP 07-37, Condition 3, requires him to widen and gravel the traveled surface of a local road, Cedar Springs Road, from its current

average width of 12-feet to a full 20-feet prior to final plat approval. Specifically, the applicant is requesting the Board to modify Condition 3 and Columbia County Road Standards to allow a 18', instead of the 20', traveled surface required by the County Road Standard for newly created parcels served by local roads, pursuant to specifications in Section VI. The area in question involves the widening and graveling of Cedar Springs Road from its intersection with Huber Road and continue South for approximately 540 feet to ensure both parcels have at least 50 feet of usable frontage on an existing county road, satisfying provisions of Section 1005.A of the Subdivision and Partitioning Ordinance.

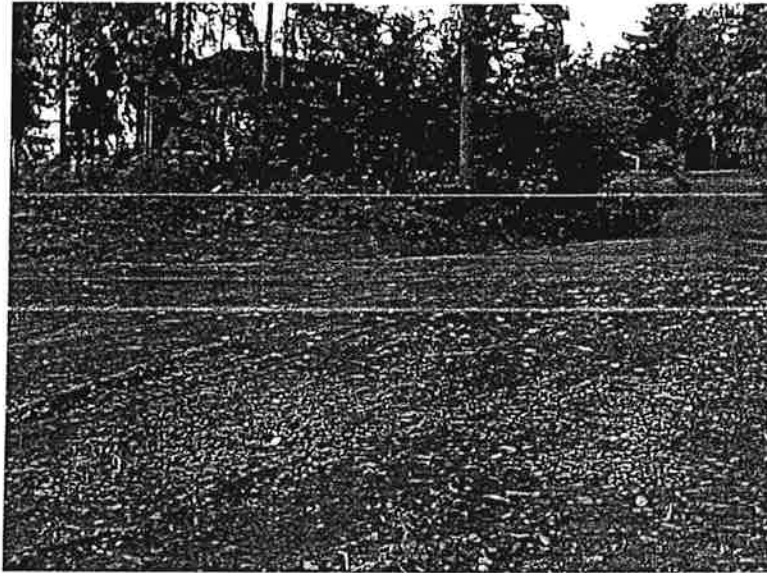
Because Cedar Springs Road does not currently extend to both proposed 5-acre parcels, the applicant is also required to publically dedicate a 30'-wide by 125'-long strip of land that will extend Cedar Springs Road's public right-of-way to both parcels, and will require the applicant to construct a turnaround for emergency vehicles. The applicant is not requesting any modification of this additional public dedication, or the construction of this turnaround, for this newly dedicated public right-of-way.

The original administrative decision was made through Final Order MP 07-37 on August 24, 2007 when the Planning Director approved the 2-parcel partition with conditions. This decision was not appealed. After constructing some modifications to Cedar Springs Road, the applicant determined that a Modification to the 20' widening standard needed to be pursued. The applicant filed a Modification to Condition 3 of Final Order for MP 07-37 in March of 2008 and a related Road Standards Modification Application. The Board took jurisdiction of these actions on April 2, 2008 and scheduled a Special Public Hearing on May 7, 2008. At the May 7, 2008 meeting this matter was continued to May 21, 2008.

There are currently no improvements on this property other than an unimproved driveway that appears to both separate these two parcels as well as provides each parcel's access to Cedar Springs Road. According to FEMA Flood Insurance Rate Map (FIRM) Panel No. 41009C0450C, the subject property is not located in any floodplain, and the National Wetlands Inventory (NWI) Chapman Map also indicates the subject property does not contain any wetlands. Further, the Scappoose-Spitzenberg CPAC Beak Map indicates the subject property is in a Peripheral Big Game Habitat Area, but does not contain any identified sensitive, threatened or endangered species or vegetation or hydric soils. The Soil Survey of Columbia County finally, identifies the property's soils consist of Bacon silt loam with slopes ranging between 3% - 30%. This is a very deep and well-drained soil on stable, convex, broad ridgetops and convex side slopes of mountains. The hazard of water runoff is medium to rapid and of water erosion is moderate to high. Although the property is not within an Urban Growth Boundary emergency services are provided by the Scappoose Rural Fire District and the Columbia County Sheriff.

The original Staff Report dated August 22, 2007 has been modified in two ways. The first modification supports the Public Works Director recommendation for Road Modification dated May 2, 2008, and sets out a revised condition which supports that recommendation. The second modification is related to Section 604.1 of the Zoning Ordinance's requirement that newly created RR-5 parcels be at least 5.0 acres in size. After the August 24, 2007 Final Order was issued, the resulting survey of the approximate 10-acre subject property revealed that after the public right-of-way dedication for Cedar Springs Road's extension, proposed Parcel 1's size was only 4.95 acres and proposed Parcel 2 was 4.99. The applicant was notified in writing on January 3, 2008 (attached) that he would be required to either (1) submit a request for a Minor Variance pursuant to CCZO 1504 for the reduced acreage for both proposed parcels or (2) pursue a property line adjustment with adjacent property owner(s) and acquire the additional acreage needed to make both proposal parcels at least 5.0 acres. As the date of this report, the applicant has yet to notify LDS which of these two options he would like to pursue. The new condition of approval of this Amended Staff Report will be to require the applicant to select one of these options and submit the necessary application and fee.

## Existing improvements of Cedar Springs Road



### REVIEW CRITERIA:

#### Beginning with the Columbia County Zoning Ordinance:

#### Section 600 RURAL RESIDENTIAL - 5

601 Purpose: This district is designed for rural areas where parcels at the time of initial zoning designation are committed to non-resource uses consistent with County acknowledged exception areas. Uses in this zoning district are anticipated to be predominantly residential with a rural level of public services; i.e., domestic water from private wells, sewage disposal using on-site systems, adequate fire and emergency service by fire districts, and road access consistent with the County Transportation Plan and County Road Standards. Other uses shall be those customary to such areas, including farm and forest uses, churches, and home occupations of a rural character.

#### 604 Standards:

- .1 The minimum lot or parcel size for uses permitted under Section 602 and 603.4 shall be 5 acres.
- .2 Dwellings permitted in the RR-5 zone must meet all of the following standards:
  - A. Have access to a public or private domestic water source meeting state and county standards; and



- B. Be approved for an individual subsurface sewage system or be served by a public or community sewer system; and
  - C. Be within and can be served by a rural fire district.
- .3 The minimum average lot or parcel width shall be 100 feet.
- .4 The minimum average lot or parcel depth shall be 100 feet.
- .5 Lots or parcels shall conform to the following requirements before a building permit may be issued for construction on the property;
- A. All lots or parcels legally recorded on or after June 4, 1991 shall have a minimum of 50 feet of usable frontage on a public right-of-way. The entire public right-of-way adjacent to the property shall be improved in accordance with the requirements of the Columbia County Road Standards. In lieu of such improvements, the owner or developer of the lot or parcel may secure a surety bond, or place cash in escrow or trust, to insure that the improvements will be completed according to the procedure outlined in Section 801 of the Columbia County Subdivision and Partitioning Ordinance.
  - B. All lots or parcels legally recorded before June 4, 1991 shall have a minimum of 50 feet of usable frontage on a public right-of-way or private non-exclusive easement. One-half of the public right-of-way or private non-exclusive easement adjacent to the lot or parcel shall be improved in accordance with the requirements of the Columbia County Road Standards. If the parcel to be developed abuts the end of a private non-exclusive access easement, one-half of the width of the easement shall be improved to current County Road Standards from the property line of the subject parcel to its connection to a public right-of-way. In lieu of such improvements, the owner or developer of the lot or parcel may secure a surety bond, or place cash in escrow or trust, to insure that the improvements will be completed according to the procedure outlined in Section 801 of the Columbia County Subdivision and Partitioning Ordinance. However, in the sole discretion of the Board, in lieu of the improvements or cash or surety bond to secure such improvements, the Board may require the owner or developer of the lot or parcel to put up cash in an amount equivalent to the cost of such improvements dedicated toward the

improvement of the entire road rather than just the portion adjacent to the lot or parcel.

- .6 No residential structures shall be constructed closer than 30 feet to a property line. Where the property abuts resource zoning, the setback shall be increased to 50 feet.
- .7 Unless otherwise prohibited, the maximum building height for all non-farm, non-forest structures shall be 35 feet or 2-1/2 stories, whichever is less.
- .8 Unless otherwise prohibited, structures such as barns, silos, windmills, antennas, chimneys, or similar structures may exceed the height limitations to a maximum height of 50 feet.

**Discussion:** The submitted preliminary plat map received June 15, 2007 indicates that the applicant is proposing to divide the 10 acre subject property into 2 parcels of approximately 5 acres each; however, after a survey the total acreage appears to less than needed for two 5 acre parcels, requiring a minor lot area variance or additional lot area. One private driveway will separate these parcels and provide access to each from Cedar Springs Road Extension. The submitted preliminary plat shows that each proposed Parcel will have at least 50 feet of usable frontage on Cedar Springs Road when extended by dedication. The improvements to road the right-of-way must comply with Columbia County Road Standards. This minimum frontage shall be identified in the final plat as a condition of final approval. As for required improvements, Condition # 3 of the Final Order MP-07-37 required the applicant to widen Cedar Springs Road to a full 20' graveled surface beginning from its intersection with Huber Road and continuing South approximately 540 feet to the subject property. Included in these improvements is the additional public dedication of a 30' wide and 125' long strip of land along the property's Northeastern property line for the required extension of Cedar Springs Public Road. The applicant needs to construct improvements to the Cedar Springs Road Extension to County and Fire Apparatus Access Standards, including a turnaround. Prior to final partition approval, inspection of and approval to these improvements to Cedar Springs Road by both Scappoose Rural Fire District for access standard and the Columbia County Road as referred to in the enclosed **May 2, 2007 Referral** by the Public Works Director.

Both proposed parcels comply with the 100 foot minimum width and depth requirements for newly created RR-5 properties, and there also appears to be sufficient acreage on both parcels for residential structures to comply with the required minimum 30 foot separation from all property lines since the subject property is not adjacent to a resource zone. Future structures' height limitations will be adhered to prior to building permit issuance.

After the August 24, 2007 Final Order was issued, the resulting survey of the 10-acre subject property revealed that the additional public right-of-way dedication for Cedar Springs Road's extension would result in only 4.95 acres for proposed Parcel 1 and 4.99 acres for proposed Parcel 2. The applicant was notified in writing on January 3, 2008 (attached) that he could either (1) submit a request for a Minor Variance pursuant to CCZO Section 15904 for the reduced acreage for both parcels or (2) pursue a property line adjustment with adjacent property owner(s) to acquire the additional acreage needed to make both proposal parcels at least 5.0 acres. As of the date of this report, the applicant has yet to notify LDS which of these two options he will use to pursue proposed partition. A new condition of approval included in this Amended Staff Report will require the applicant to, prior to further processing of this proposed partition select one of these options and submit the necessary application and fees to LDS.

**Finding 1:** All applicable Standards of Section 604, except those identified in 604.1 related to the 5-acre minimum lot sizes to land divisions of RR-5 zoned properties can be satisfied with this 2 parcel partition request provided the applicant proceed either with a Minor Variance to 604.1's 5-acre lot size or with property line adjustment(s) with adjacent properties to obtain sufficient acreage prior to final partition approval. Additionally, Section 604.5 requires the public right-of-way for Cedar Springs Road adjacent to the subject property be improved and approved by the County Road Department and Scappoose Rural Fire District in accordance with the specifications identified in the May 2, 2008 recommendation by the Public Works Director.

Continuing with the Columbia County Subdivision & Partitioning Ordinance:

**ARTICLE II - ADMINISTRATION AND GENERAL PROVISIONS**

**SECTION 204. CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.**

- A. **Public Provisions.** The regulations are not intended to interfere with or annul any other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

**Discussion:** As proposed, the partition does not appear to conflict with any other applicable ordinance, rule, regulation or provision of law.

**Finding 2:** When provisions of this ordinance conflict, the more restrictive ordinance, rule, regulation or law will control.

Continuing with the Columbia County Subdivision and Partitioning Ordinance:

**ARTICLE VII - MINOR PARTITIONING**

**SECTION 704. REVIEW OF MINOR PARTITIONS.**

- A. Upon receipt of the application for minor partition by the Planning Department, the Director shall determine whether or not the proposed minor partition meets the standards of this ordinance. If a variance from the standards of this ordinance is necessary, the provisions as stated in Section 210 of this ordinance shall be followed. The Planning Director shall submit the application for minor partition to the Planning Commission for its review and approval, remand or denial.
- B. If the application for minor partition is found to meet the specifications of this ordinance, the Planning Director shall review and approve the proposal, provided that he or she finds the application to be in conformance with the Comprehensive Plan, Zoning Ordinance and any other pertinent ordinances.

**Discussion:** Neither LDS staff or the applicant were aware that both proposed parcels would not comply with Section 604.1, 5.0 acre minimum lot size until after the August 24, 2007 Final Order for MP 07-37 was issued and after the survey was conducted for the 10-acre subject property. The applicant was informed on January 3, 2008 that he could either (1) submit a request for a Minor Variance to the 5-acre parcel size for both parcels or (2) pursue property line adjustment(s) with adjacent property owner(s) to acquire the additional acreage needed to make both proposal parcels at least 5.0 acres. As of the date of this report, the applicant has yet to notify LDS which of these two options he would like to use in order to proceed with this proposed partition.

**Finding 3:** In order to continue processing this proposed partition, the applicant must obtain LDS' approval of (1) a Minor Variance from Section 604.1 minimum lot size standards for both parcels or (2) property line adjustment(s) with adjacent property owner(s) in order for the applicant to acquire additional acreage so both proposed parcels comply with Section 604.1's 5.0 acre size for newly created RR-5 parcels. Both of these options can be reviewed administratively, unless the Planning Director's decision is appealed. Although the applicant was informed of these two options on January 3, 2008, he has yet to proceed with either of these two options. As a condition of approval in this Amended Staff Report, the applicant will be required to submit the necessary applications and fees for either of these two options before LDS can continue to process this partition.

#### **SECTION 709. SUBMISSION OF FINAL PLAT.**

- A. Not more than one year following approval of the tentative map, the partitioner shall prepare a final plat in conformance with the tentative map as approved and submit it along with a copy of the approved tentative map to the county surveyor and Planning Department.
- B. If the final plat is not submitted within one year of approval of the tentative map, the tentative map must be resubmitted for approval in accordance with these regulations or their successors.

#### **SECTION 710. INFORMATION ON FINAL PLAT.**

- F. The locations, dimensions and purpose of all recorded and proposed public and private easements shall be shown on the partition plat along with the county clerk's recording reference if the easement has been recorded.
- G. The area of each lot or parcel shall be shown on the partition plat.
- L. Unless there is proof of adequate water supply and sewage disposal for each lot pursuant to Section 913 of this ordinance, the final plat shall indicate those lots for which an adequate supply of water or sewage disposal has not been proven.

**Discussion:** As discussed previously, the applicant shall be required to dedicate an approximate 30' by 125' extension of Cedar Springs Road adjacent to both proposed parcels as a public right-of-way prior to final partition approval. Additionally, in order for LDS to proceed processing this partition, the applicant will be required to submit the application and fee for either a Minor Variance to 604.1 for both parcels or for the required property line adjustments with which he can acquire sufficient acreage for both parcels to contain at least 5 acres. The partition application indicates both proposed parcels will be served by private wells and septic systems. The County Sanitarian has confirmed that site evaluations have been conducted on both parcels. Although Land Development Services does not require an approved domestic water supply for both proposed parcels, the acreage appears to be sufficient for each parcel to support both an onsite method of sewage disposal and a private well. The final plat shall indicate which parcels have not been approved for adequate domestic water supply, if the source(s) have not been approved when the final plat is recorded.

**Finding 4:** Staff finds the applicant will be required to submit the necessary applications and fees and be approved for either a Minor Variance to 604.1's minimum lot size or for property line adjustments with adjacent properties before LDS can continue to process this proposed partition. After all approvals have been obtained and the revised Final Order is granted, the applicant will be required to submit the final plat within one year, or he will have to resubmit the application, including a review fee, which will be re-examined under the standards current at the time. The final plat shall indicate which of these parcels have not been approved for an adequate water supply, it shall include the surveyed acreage of each parcel, and it will clearly delineate and identify the approximate 30' by 125' publically dedicated right-of-way for the extension of Cedar Springs Road adjacent to both proposed parcels.

**Continuing with the Columbia County Subdivision and Partitioning Ordinance:**

**ARTICLE X - SUBDIVISION AND PARTITION REQUIREMENTS**

**SECTION 1001. MINIMUM STANDARDS.**

The requirements and standards set forth in this ordinance are the minimum ones to which a subdivision plat shall conform before approval by the Commission. These requirements are also the minimum ones to which partitions must conform when the standard is applicable.

**Discussion:** This request for the Board to modify Condition 3 of previously approved 2-parcel MP 07-37 will allow the applicant to proceed with this partition and will identify how the partition will be able to conform with the minimum standards set forth in the Subdivision and Partitioning and Zoning Ordinances provided the applicant meets the revised conditions of approval in this Amended Staff Report.

**Finding 5:** Conditions that are made as part of the tentative approval of this request to Modify MP 07-37, Condition 3 of Previously Approved MP 07-37 and modify the Road Standards must be satisfied prior to the Planning Department's approval of the final plat authorizing the division of the subject property.

**SECTION 1005. STREETS.**

M. General Requirements. Except for private streets within Planned Unit Developments approved pursuant to Section 1200 of the Columbia County Zoning

Ordinance, no subdivision or partition shall be approved unless the development has at least 50 feet of frontage on an existing public street and otherwise complies with County Road Standards and Specifications in effect at the time of Development or with a more restrictive provision on an applicable Urban Growth Area Management Agreement. [Amended 4-9-97]

- N. Existing Streets. Additional street right-of-way shall be dedicated as per the County Road Standards at the time of subdivision or partition when the following conditions exist:
- (1) The subject property is located within an urban growth boundary and fronts on a County road; or [Amended 4-9-97]
  - (2) The subject property is subdivided or partitioned to lots or parcels containing 2 acres or less. [Amended 4-9-97]
- O. Street Widths and Roadways. Unless otherwise indicated on the official map, the width of rights-of-way and roadway improvements shall be in compliance with the following:
- (1) Arterial. Right-of-way width 80 feet.
  - (2) Collector. Right-of-way width 60 feet.
  - (3) Local. Right-of-way width 50 feet-- this width may be varied by the Commission to the width in urban areas to meet the requirements of individual cities.
  - (4) The Board may, upon a recommendation by the County Roadmaster, require additional right-of-way width to protect the public health, safety, and welfare.

**Discussion:** As discussed previously on Pages 5 & 6 of this Amended Staff Report as a condition of final approval, both proposed parcels shall comply with the minimum 50' requirement for frontage on the proposed extension of Cedar Springs Road. This newly dedicated public right-of-way for the approximate 30' by 125' extension of Cedar Springs Road shall be clearly delineated and identified on the face of the final plat. The Section 1105.O (3), listed above, requires local roads to have a minimum of 50' right-of-way width, the County Board of Commissioners is considering a Modification of Road Standards concurrently in this application. The Public Works Director is recommending approval of the modification of County Road Standards to allow the applicant to vary this provision by requiring him to only improve the traveled surface portion of this existing 25' standard right-of-way from 20 feet to the maximum extent feasible without damaging large trees.

**Finding 6:** The applicable provisions of Section 1005 Streets of the Subdivision and Partitioning Ordinance

can be satisfied with this partition by imposing conditions of approval related to the Board decision to modify previously approved MP 07-37 and with approval of a modification of roads standards. Additionally, this proposed partition can comply with the applicable provisions of the County Road Standards Ordinance by requiring property owners to obtain County Road Access Permits for both proposed parcels prior to the issuance of additional building permits.

## SECTION 1013. UTILITIES.

B. Sewerage Facilities. The method of sewage disposal for each lot within a subdivision or partitioning shall be in accordance with the requirements and standards for sewage disposal administered by and under the jurisdiction of the following agencies and political subdivisions when applicable: The Oregon State Department of Environmental Quality, the County, other state or federal agencies which have regulations applicable to septic tank/drainfields, community collection and treatment facilities or other methods of sewage disposal. The subdivider shall be responsible for providing the necessary information required to determine the adequacy of the method of sewage disposal proposed. All methods of sewage disposal shall also meet any additional requirements of the Commission, the Board, or the Sanitarian, whichever is more restrictive. The method of sewage disposal must be approved for every buildable lot prior to final plat approval.

D. Requirements for Rural Areas.

(1) Water Facilities. If a subdivision or partition proposes to take water from individual wells, the developer must show there is adequate potential for water at the site. This may be done by drilling test wells or by documentation from well drilling logs for the area of the subdivision. If the subdivision will be served by a community water system, the developer must show there is an adequate supply for all dwellings served by the system. Water lines serving the subdivision or partition shall be installed to provide adequate water pressure to serve present and future consumer demand. Materials, sizes and locations of water mains, valves, and hydrants shall be in accordance with the standards of the Fire District, the County, the State and the American Public Works Association.

(2) Utilities. Underground utilities are not required but are encouraged where the cost of installing underground and above ground utilities are approximately equal. Utilities shall be installed pursuant to the requirements of the utility company. Electric power transmission lines (over 50,000 volts or primary feeder lines), and transformer vaults are exempted from these requirements.

**Discussion:** As previously noted in the discussion associated with Finding 4 of this Amended Staff Report, there is no proven domestic water supply for either of these two proposed parcels. If a Minor Variance to the 5-acre minimum parcel size for both parcels is approved, there appears to be sufficient room within which to site a subsurface septic system and a well for domestic water supply on each parcel. Site evaluations were conducted on both parcels and letters notifying the applicant of each parcel's approved method of sewage disposal were issued July 3, 2007, which satisfies the provision of CCZO 1013.B. Prior to the siting of a residential structure on the subject property however, the property owner shall acquire a construction permit for an individual subsurface septic system.

**Finding 7:** As per Section 710(L) and Finding 4 above, the final plat shall indicate which of the proposed parcels do not have an adequate water supply. Approved methods of sewage disposal have been approved for both parcels as of July 3, 2007. Utilities are encouraged to be installed underground along the existing right-of-ways.

**Continuing with the Columbia County Stormwater & Erosion Control Ordinance:**

**III. STANDARDS SPECIFIC TO ACTIVITIES**

**D. Partitions**

1. *Erosion Control*

Erosion control measures and an erosion control plan are not required for partitions.

2. *Long Term Water Quality Protection*

- a. A Conceptual Stormwater Plan is required for single family and duplex parcels. A Preliminary Stormwater Plan is required for partitions of multi-family, commercial, and industrial parcels.
- b. The Preliminary Stormwater Plans shall be prepared by Engineer. The applicant may prepare Conceptual Stormwater Plans.
- c. The plan shall describe how the treatment and runoff control measures required for future building permits on the parcels will be achieved.
- d. The plan shall be completed in the format specified in Section IV.
- e. The plan shall be submitted to the county with the partition application.
- f. The partition will not be approved until the plan is approved by the county.

**IV. OTHER PROVISIONS**

**Conceptual Stormwater Plan**

1. *Purpose*



The purpose of the conceptual stormwater plan is to determine whether a proposal can meet the requirements set forth in this ordinance. In general, the conceptual stormwater plan identifies how runoff originating on the site or flowing through the site is presently controlled and how this will change due to the proposed development activity.

2. *Format*

The conceptual stormwater control plan shall include a narrative and plan sheets drawn to scale.

3. *Contents*

a. *Conceptual Stormwater Narrative*

The conceptual stormwater narrative shall contain the following information:

i. *Site Location Map*

At a minimum a USGS 7.5 minute topo series map shall be used showing the following information:

A) Site boundaries or site location for small sites

(B) Contributing drainage areas

ii. *Soils map from the Columbia County Soil Survey with the site highlighted*

iii. *Flood plain map with the site highlighted, if the site is in a flood plain*

iv. *Discussion of the methods to be used to treat runoff from paved surfaces on the site*

v. *Discussion of the methods to be used to control the flow of stormwater runoff from the developed site. If infiltration is proposed, the discussion runoff, including the potential impacts on slope stability.*

vi. *Discussion of who will maintain the stormwater facilities constructed in conjunction with the project*

vii. *Listing of additional permits (e.g., wetland, flood plain, etc.) that may be required for the project*

b. *Existing Conditions Plan*

This plan shall show the information outlined below.

i. *Arrows showing the direction of drainage on the site*

ii. *Existing drainage features including streams, ditches, ponds, and wetlands, on or adjacent to the site*

iii. *Existing structures on the site*

iv. *Existing septic systems on the site*

v. *Existing vegetation on the site*

vi. *Soil types on the site*

c. *Preliminary Development Plan*

This plan shall include the following information:

- i. Existing and proposed property boundaries, easements, and right-of-ways
- ii. Proposed building and road locations, if known

**Discussion:** A conceptual stormwater plan was submitted addressing how the proposed land division would affect stormwater run-off. The plan states that although specific home site plans have not been made on these two parcels, future increases in runoff from roof drains and driveway s can be appropriately infiltrated through drainage ditches into this very deep and well drained soil, Bacona silt loam with 3 - 30% slopes. According to soil characteristics described in *The Soil Survey of Columbia County, Oregon*, the future residential development on these two parcels would not appear to result in significant amounts of water runoff and soil erosion. The County Road Department will also ensure the required improvements to Cedar Springs Road, its extension, as well as the construction of a turnaround will include adequate drainage and cross culverts facilities as needed to minimize stormwater runoff and erosion control on affected properties.

No development is planned at this time, however, that would affect stormwater runoff. Based on the soil type, size of the proposed parcels and potential residential development of this property, the infiltration and drainage into existing drainage ditches and drains appear to be an adequate means of handling its additional stormwater runoff.

**Finding 8** All applicable provisions of the Columbia County Stormwater and Erosion Control Ordinance are satisfied with this proposed partition request.

#### **REFERRAL AND ACKNOWLEDGMENT COMMENTS:**

All the comments below, except those from the County Roadmaster, were received in response to the applicant's original partition request of June 2007, and were incorporated into the original Final Order of August 24, 2007 for MP 07-37.

**Scappoose Fire Chief:** Has reviewed the application and submitted the following comments: "We recommend approval pending the approval fo the Department of Road Standards."

**County Roadmaster:** The Public Works Director submitted a revised recommendation on May 2, 2008. The recommendation requires the applicant to determine the location of the existing road right-of-way and make appropriate maximum improvements. Earlier recommendations were submitted by the Road Department justifying the Planning Director's original decision and conditions for MP07-37. Both are attached to this Staff Report.

**County Sanitarian:** Has reviewed the application and confirmed site evaluations have been done on both parcels July 3, 2007.

**County Surveyor:** No comments received.

**County Assessor:** No comments received.

**County Building Official:** No comments received.

No other comments have been received from government agencies or nearby property owners as of the date of this staff report (May 15, 2008).

## STAFF COMMENTS, CONCLUSIONS AND DECISION:

Based upon research about the property and findings of the Amended Staff report (MP 07-37), the Planning Director recommends **Approval** of this request to Modify Condition 3 of Previously approved MP 07-37, supporting a Modification of Road Standards, subject to the following conditions:

### CONDITIONS OF APPROVAL

1. **This Preliminary Land Partition shall remain valid for one (1) year from the date of the final decision.** The approved preliminary plat shall become void unless a surveyed final plat is prepared and submitted to Land Development Services within the one-year validity period. This Final Plat shall conform to 1) the approved preliminary plat in accordance with the conditions described herein, and 2) the form and content requirements of the Columbia County Subdivision and Partitioning Ordinance and Oregon Revised Statutes. One extension of time of up to six months may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date.
2. In addition to all County and State requirements, the following shall be included on the Final Plat:
  - a. All existing and proposed easements,
  - b. The final plat shall indicate which parcels do not have a proven adequate potable water supply,
  - c. Each proposed parcel shall have a minimum 50' of usable frontage on the extension of Cedar Springs Road,
  - d. The final plat shall clearly delineate and identify the approximate 30' by 125' newly dedicated *public-right-of-way* for the *extension of Cedar Springs Road* adjacent to both proposed parcels, and
  - e. The area of each parcel.
3. The applicant shall survey Cedar Springs Road to determine the right-of-way boundaries, and the road surface shall be widened to County Road Standards to the maximum extent feasible as determined and approved by the Public Works Director, within the right-of-way, without damaging trees of six inches diameter or greater.
4. The following shall be required prior to Building Permit issuance to develop either of the two parcels:
  - a. The subject property and all new and/or altered property lines shall be surveyed and filed with the County Surveyor and the Final Plat shall be recorded with the County Clerk.
  - b. A Septic System Construction Permit shall be applied for the individual property, if applicable.
  - c. A Road Access Permit shall be obtained from the Road Department.
  - d. Proof shall be provided of an available adequate domestic water source.

5. Prior to filing of a final plat for MP-07-37, the applicant shall either: 1) Obtain approval for a lot area variance to Section 604.1 to allow parcels of less than 5 acres, **OR** 2) Obtain approval for a property line adjustment with adjacent property owners to acquire the acreage needed to make both parcels at least 5 acres in size.

**Attachments:**

August 15, 2007, February 5, 2008 and May 2, 2008 correspondences from the County Road Department  
Plot Plan dated 6/15/07

January 3, 2008 Letter to Applicant from LDS