

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application of Columbia)
County for a Text Amendment to Section 207) ORDINANCE NO. 2009-6
of the Subdivision and Partitioning Ordinance ✓)

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

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2009-6.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035, ORS 92.190(3) and ORS 197.610 to 197.615.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to approve the proposed amendments to Columbia County Subdivision and Partitioning Ordinance Section 207.

SECTION 4. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

The Board of County Commissioners adopts Findings of Fact and Conclusions of Law contained in the Staff Report of the Department of Land Development Services dated June 24, 2009, a copy of which is attached hereto as Exhibit 1 and incorporated herein by this reference.

SECTION 5. HISTORY.

The Columbia County Subdivision and Partitioning Ordinance was adopted by Ordinance No. 90-10 on May 23, 1990. It was amended by Ordinance Nos. 92-14, 93-1, 97-1, 97-3, 97-4 and 2001-9.

// //

// //

// //

// //

SECTION 6. AMENDMENT AND AUTHORIZATION.

Columbia County Subdivision and Partitioning Ordinance, Section 207, is hereby deleted in its entirety and amended to read as follows:

“SECTION 207. RE-SUBDIVISION OR RE-PARTITION OF LAND.

- A. Changes in Approved Partitions and Subdivisions. Except as provided in Section B, below, a change in a plat of an approved or recorded subdivision or partition shall be reviewed by the Commission or Planning Department under the same procedures, rules and regulations applicable for review and approval of a new subdivision or partition, if: (1) such change affects any street layout, or an area reserved thereon for public use or reserved as a natural area; or (2) such change affects any plat legally in effect prior to the adoption of any regulations controlling subdivisions or partitions.

- B. Applicability. Section 207 A does not apply to:
 - (1) Road vacations reviewed pursuant to Section 209 of this Ordinance; or
 - (2) Where no new lots or parcels are created, Property Line Adjustments reviewed pursuant to Section 212 of the Columbia County Zoning Ordinance, provided that:
 - a. Any adjusted property line that is not eliminated by the Property Line Adjustment remains common to the same lots or parcels before and after the Property Line Adjustment; and
 - b. The proposed Property Line Adjustment will not result in any of the following:
 - 1) An increase or transfer of development density within the plat;
 - 2) An increase to utility service requirements;
 - 3) A reduction in reserved natural areas;
 - 4) A reduction in areas reserved for public use;
 - 5) A change in street layout; or
 - 6) An alteration of the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.

// //

// //

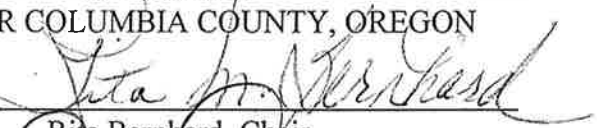
// //


// //


- C. Procedure of Subdivision or Partition Where Future Re-Subdivision is Indicated.
Whenever a parcel of land is divided and the subdivision or partition plat shows one or more lots which, due to their size, shape, topography or frontage could be further divided, the Commission or Planning Department may require that such parcel of land allow for the future opening of streets and ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.”

DATED this 5th day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Rita Bernhard, Chair

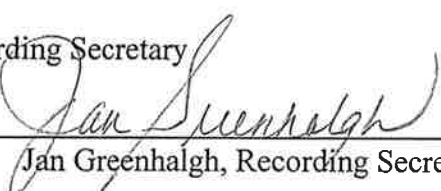
By: 
Anthony Hyde, Commissioner

By: 
Earl Fisher, Commissioner

Approved as to Form

By: 
Office of County Counsel

Recording Secretary

By: 
Jan Greenhalgh, Recording Secretary

First Reading: 7-15-09

Second Reading: 8-5-09


Effective Date: 11-3-09

BOARD COMMUNICATION

FROM THE LAND DEVELOPMENT SERVICES DEPARTMENT

MEETING DATE: July 1, 2009 Regular Meeting

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Todd Dugdale, Director of Land Development Services 

SUBJECT: PUBLIC HEARING

TA 09-01-Amendment of the Text of the Subdivision and Partitioning Ordinance
Land Development Services Department, Applicant
Section 207(A) "Changes in Approved Partitions and Subdivisions

DATE: June 24, 2009

SUMMARY:

Section 207(A) of the Subdivision and Partitioning Ordinance (SPO) requires that any change in a line of a partition or subdivision plat be reviewed using procedures for the approval of a new subdivision or partition, that is, it must be replatted. Requiring a full replat procedure for the a minor modification to a previously platted lot or parcel is an unnecessarily long and expensive process. For the applicant, it adds at least three times the cost and processing time. Current County requirements requiring replatting for minor lot or parcel changes is more restrictive than State Law. State law allows a simple property line adjustment process.

The proposed amendment has addressed the concerns of the Scappoose Spitzenberg CPAC that multiple property line adjustments could result in a "de facto" replat without requiring the additional review necessary for changes to a previously recorded plat.

The Board and LDS have received numerous comments from citizens encouraging the County to revise the replatting provisions to allow minor lot or parcel changes without a full replat. The proposed amendments are supported by local surveyors and the County Surveyor.

ATTACHMENTS:

1. BOC Staff Report TA 09-01
2. Planning Commission Final Order

RECOMMENDATION:

Planning Commission:

The Planning Commission recommended approval of the proposed amendment incorporating recommendations of the Scappoose-Spitzenberg CPAC at their meeting on May 4, 2009.

Staff:

Staff recommends approval of TA 09-01 as contained in the Planning Commission Final Order TA 09-01 based on findings contained in the Board of Commissioner's Staff Report dated July 1, 2009.

SUGGESTED MOTION:

I move to tentatively approve TA 09-01 based on findings in the July 1, 2009 Staff Report.

CLATSOP COUNTY

JUN 24 2009

COUNTY COUNSEL

COLUMBIA COUNTY BOARD OF COMMISSIONERS
“ Text Amendment to Section 207 of the
Columbia County Subdivision and Partitioning Ordinance”

Staff Report
Text Amendment - - Legislative Process
July 1, 2009 Meeting Date

FILE NUMBER: Planning File TA 09-01

APPLICANT: Columbia County
Land Development Services
230 Strand
St. Helens, Oregon 97051

DATE: June 24, 2009

REQUEST: To update and amend Section 207 of the Columbia County Subdivision and Partitioning Ordinance to allow Property Line Adjustments of previously platted parcels or lots without requiring the replat of the original Partition or Subdivision.

BACKGROUND: Oregon Revised Statutes ORS 92.190 allows counties to use alternative procedures other than replatting to adjust property lines of previously platted lots or parcels. Columbia County wishes to amend Section 207 of the Subdivision and Partitioning Ordinance. The proposed amendment would provide property owners within platted areas with a reasonable alternative to the current replatting requirement in the present Ordinance. The amendment will effect adjusting property lines in previously platted lots and parcels.

The County has determined that a Measure 56 Notice to all affected property owners is not necessary because the proposed amendment would not limit or prohibit allowed uses in the zone. The amendment would provide property owners with less expensive alternatives for adjusting property lines within platted lots and parcels, thereby benefitting all property owners.

The Columbia County Board of Commissioners initiated the process for amending Columbia County Subdivision and Partitioning Ordinance Section 207.A at their October 8, 2008 Work Session Meeting.

APPLICABLE CRITERIA:

<u>Columbia County Subdivision and Partitioning Ordinance</u>	<u>Page</u>
Section 102 - Purpose	3
<u>Columbia County Zoning Ordinance</u>	
Section 1606 - Legislative Hearing	4
Section 1607 - Consistency with the Comprehensive Plan	4
Section 1611 - Notice of Legislative Hearing	4-5
<u>Oregon State Statute</u>	
ORS 197.610 - DLCD Review	5

County Comprehensive Plan

Part I -	Administrative Procedures	6-7
Part II -	Citizen Involvement	8

SUMMARY OF PROPOSED AMENDMENT:

The purpose of this amendment is to amend Section 207 of the Subdivision and Partitioning Ordinance to allow property line adjustments of previously platted parcels or lots to be processed as a Property Line Adjustment, administratively by the Planning Director or his designate in accordance with the Columbia County Zoning Ordinance. As currently written, the existing Subdivision and Partitioning Ordinance does not have any regulatory criteria for property line adjustments. The regulatory criteria for property line adjustments are included in Section 212 of the Columbia County Zoning Ordinance which allows property line adjustments between legal lots or parcels provided:

1. No lot(s) or parcel(s) conforming to the minimum size is reduced below the minimum lot or parcel size, and
2. The resulting lot(s) or parcel(s) satisfy the minimum width, depth, frontage, yard and setback requirements of the zone.

ORS 92.010 (15) defines property line adjustments as *"the relocation or elimination of a common property line between abutting properties"*. Additionally, ORS 92.010 (8) and (16) define *land partitions* and *land subdivisions as the division and creation of three (3) or more parcels or four (4) or more lots, within a calendar year*. This proposed amendment will not only provide regulatory criteria for property line adjustments within the Subdivision and Partitioning Ordinance, and will also specify guidelines intended to guard against defacto replats resulting from serial property line adjustments that significantly alter the original recorded Partition and Subdivision Plat(s).

Finally, the proposed amendment will update the County's Subdivision and Partitioning Ordinance to be not more restrictive than state statute and be in accordance with ORS Section 92.190 (3). It will allow Columbia County to use property line adjustments as an alternative procedure, other than replatting, for reviewing and approving property line adjustments of previously platted parcels and lots. Additional provisions of ORS 92.190 further mandate the alternative procedure require the new land conveyances to (1) reference the original recorded Partition and Subdivision Plats, (2) be surveyed, and (3) be recorded with the county clerk and county surveyor; the proposed amendment to Section 207.A of the Subdivision and Partitioning Ordinance complies with these criteria.

PROPOSED AMENDMENTS TO SECTION 207 OF THE SUBDIVISION AND PARTITIONING ORDINANCE

SECTION 207. RE-SUBDIVISION OR RE-PARTITION OF LAND.

- A. Changes in Approved Partitions and Subdivisions. Except as provided in Section B, below, a change in a plat of an approved or recorded subdivision or partition shall be reviewed by the Commission or Planning Department under the same procedures, rules and regulations applicable for review and approval of a new subdivision or partition, if: (1) such change affects any street layout, or an area reserved thereon for public use or reserved as a natural area; or (2) such change affects any plat legally in effect prior to the adoption of any regulations controlling subdivisions or partitions.
- B. Applicability. Section 207 A does not apply to:

- (1) Road vacations reviewed pursuant to Section 209 of this Ordinance; or
 - (2) Where no new lots or parcels are created, Property Line Adjustments reviewed pursuant to Section 212 of the Columbia County Zoning Ordinance, provided that:
 - a. Any adjusted property line that is not eliminated by the Property Line Adjustment remains common to the same lots or parcels before and after the Property Line Adjustment; and
 - b. The proposed Property Line Adjustment will not result in any of the following:
 - 1) An increase or transfer of development density within the plat;
 - 2) An increase to utility service requirements;
 - 3) A reduction in reserved natural areas;
 - 4) A reduction in areas reserved for public use;
 - 5) A change in street layout; or
 - 6) An alteration of the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
- C. Procedure of Subdivision or Partition Where Future Re-Subdivision is Indicated.
Whenever a parcel of land is divided and the subdivision or partition plat shows one or more lots which, due to their size, shape, topography or frontage could be further divided, the Commission or Planning Department may require that such parcel of land allow for the future opening of streets and ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

FINDINGS:

Section 102 of the Subdivision and Partitioning Ordinance:

SECTION 102. PURPOSE.

The purpose of this ordinance is to establish standards and procedures for the partitioning of land in the County outside the boundaries of incorporated cities. These regulations are necessary in order to provide uniform procedures and standards for the subdivision of land, to assure adequate width of streets, to coordinate proposed development with plans for utilities and other public facilities, to avoid undue congestion of population, to assure adequate sanitation and water supply, to provide for the protection, conservation, and proper use of land and to protect in other ways the public health, safety and welfare. This ordinance is supplemental to the provisions of the Columbia County Zoning Ordinance of 1985. Where conflicts exist with the provisions of the Zoning Ordinance, this ordinance will take precedence.

Finding 1: The Subdivision and Partitioning Ordinance (SPO) is meant to be supplemental to the Zoning Ordinance. The Ordinances were created to work together to guide development on County lands for the protection of the public health, safety and welfare. The SPO does not have any provisions in the document for amending it's text. When amendments are needed and proposed to the SPO, the guiding procedures for amending any and all implementing ordinances of the Comprehensive Land Use Plan is contained in the Zoning Ordinance; specifically, Sections 1606, 1607 and 1611.

Section 1606 of the Columbia County Zoning Ordinance:

This request is being processed under Sections 1606 (Legislative Hearing) and 1611 (Notice of Legislative Hearing) of the County Zoning Ordinance. The pertinent sections of the ordinance are reviewed as follows:

"1606 Legislative Hearing: Requests to amend the text of the Zoning Ordinance...are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures:

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change."

Finding 2: The Board of County Commissioners initiated this amendment to Section 207 of the Subdivision and Partitioning Ordinance at their Board Work Session meeting on October 8, 2008.

Continuing with Section 1606 of the Zoning Ordinance:

- .2 Notice of a Legislative Hearing shall be published at least twice, 1 week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners."

Finding 3: A hearing notice was published in the Daily News, the St. Helens Chronicle and Spotlight newspapers on March 20, 2009, April 22, 2009 and April 29, 2009, both of which are more than 10 days prior to the Planning Commission hearing date of May 4, 2009. Notice to and request for Information & Referral was mailed to all members of the Columbia County's five (5) CPACs, DLCD, the County Surveyor, KLS Surveying, and Reynolds Land Surveying on March 20, 2009. The Board of Commissioners office published notice in the June 17, 2009 issue of the Chronicle and mailed notice to a list of affected owners and surveyors. Pursuant to ORS 215.503(6), Measure 56 Notice of the proposed zone amendment was not mailed to any property owners because the Board did not request it, nor, is any property rezoned by the amendment, as defined by Measure 56. This criteria is satisfied.

Continuing with the Zoning Ordinance:

"1607 Consistency with the Comprehensive Plan: All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611."

Finding 4: The Planning Commission held a public hearing on May 4, 2009 and made recommendation to the Board. The Board has scheduled a public hearing for July 1, 2009 to consider the proposed amendments. See Findings 8, 9 and 10 for discussion of consistency with the Comprehensive Plan and Administrative Procedures. This Criteria will be satisfied when the Board holds a hearing and determines that the proposed amendment is consistent with the Comprehensive Plan.

Continuing with the Zoning Ordinance:

"1611 Notice of Legislative Hearing: The notice of a legislative hearing shall contain the following

items:

- .1 Date, time and place of the hearing;
- .2 A description of the area to be rezoned or the changes to the text;
- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- .4 Interested parties may appear and be heard;
- .5 Hearings will be held in accordance with the provisions of the Zoning Ordinance."

Finding 5: All of the above information was included in the Notice of Public Hearing published twice in the *Daily News, Chronicle* and *Spotlight* newspapers. Additional Notice was published for the Board of Commissioners hearing containing the above language. See Finding 2 for related publication dates and information. This criteria is satisfied.

Continuing with the Oregon Revised Statutes:

The following Oregon Revised Statutes (ORS) are applicable to this proposed post-acknowledgment ordinance amendment:

Part I

ORS 197.610 Local government notice of proposed amendment or new regulation

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

- (a) The amendment or new regulation shall be submitted after adoption as provided in ORS 197.615 (1) and (2); and
- (b) Notwithstanding the requirements of ORS 197.830 (2), the director or any other person may appeal the decision to the board under ORS 197.830 and 197.845.

Finding 6: Land Development Services mailed a 45 day notice to DLCD as per ORS 197.610(1) on March 20, 2009. Staff therefore finds that the 45 day notice prior to the initial hearing is met. The County will mail a Notice of Adoption to DLCD if the Board approves the amendments. This criteria is satisfied.

Continuing with Oregon revised Statutes:

Part II

ORS 92.190 Effect of replat; operation of other statutes; use of alternate procedures.

(1) The replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.

(2) Nothing in ORS 92.180 to 92.190 is intended to prevent the operation of vacation actions by statutes in ORS chapter 271 or 368.

(3) The governing body of a city or county may use procedures other than replatting procedures in ORS 92.180 and 92.185 to adjust property lines as described in ORS 92.010 (12), as long as those procedures include the recording, with the county clerk, of conveyances conforming to the approved property line adjustment as surveyed in accordance with ORS 92.060 (7).

(4) A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment. [1985 c.369 §4; 1989 c.772 §24; 1991 c.763 §20; 2007 c.866 §10]

Finding 7: This Statute allows Columbia County to use alternative procedures other than replatting with which to review and process proposed property line adjustments for previously platted lots and parcels. These alternative procedures must include the following provisions:

1. The new land conveyances/deeds shall include all affected parties' approval and refer to the original Partition or Subdivision Plat(s), and
2. The proposed property line adjustment is created by the relocation of a common property line between abutting properties is surveyed in accordance with ORS 92.060(7), and
3. The land conveyances/deeds are recorded with the county clerk.

Staff finds the proposed amendment will not change what Columbia County currently requires prior to granting Final Approval for proposed property line adjustments. Currently, all proposed property line adjustments must comply with the following requirements that are consistent with the ORS 92.190:

- ◆ Surveyed according to ORS 92.060(7),
- ◆ Accompanied with revised legal descriptions of either the new parcels/lots or of the land being transferred,
- ◆ Approved by all affected parties/property owners,
- ◆ Refer to the properties' original recorded documents, and
- ◆ Conveyance is recorded with the County Clerk.

Continuing with review of the following County Comprehensive Plan Goal & Policies:

Columbia County Comprehensive Plan has twenty one (XXI) Parts each with a set of general Goals and implementing Policies. These Goals and Policies are implemented by Ordinance, and most specifically the Columbia County Zoning Ordinance.

The most applicable portions of the Comprehensive Plan for review of the proposed text amendments for the Subdivision and Partitioning Ordinance are Part I - Administrative Procedures, and Part II Citizen Involvement. These are reviewed below.

Part I ADMINISTRATIVE PROCEDURES

GOALS:

1. To assure the goals and policies of this plan are implemented.
2. To provide review and revision procedures which include provisions for participation by citizens and affected interest groups.
3. To provide an understandable framework for reviewing and revising this plan.

POLICIES:

5. Provide a framework by which the Comprehensive Plan may be reviewed, revised and amended. Amendments to the Comprehensive Plan and its implementing ordinance(s) shall be in accordance with the following procedures and guidelines:
 - A. Amendments may be initiated by the Board of Commissioners, the Planning Commission, the Planning Director or the owner(s) of the affected property.
 - B. A Citizen Planning Advisory Committee may, upon a majority vote of its members, formally request either the Board of Commissioners or the Planning Commission initiate an amendment.
 - C. Revisions or amendments will follow the same process as initial adoption - CPAC review, Planning Commission public hearing and recommendation, and Board hearing and adoption of revisions or amendments.
 - D. For quasi-judicial amendments, all property owners within two hundred and fifty (250) feet of the affected area shall be notified of the hearing date and the requested amendment at least ten (10) days prior to the first scheduled public hearing.
 - E. For legislative amendments, notice of the public hearing and a copy of the proposed amendment, will be mailed to all Citizen Planning Advisory Committees and interested parties at least ten (10) days prior to the first scheduled public hearing.
7. Existing ordinances and regulations will be amended and new ordinances and regulations shall be adopted to implement this plan as appropriate.
8. All land use approvals shall be consistent with this plan.
10. The County will continue coordination with affected governmental agencies in future reviews and revisions of the comprehensive plan and its implementing ordinances.

Finding 8: The Subdivision and Partitioning Ordinance is an implementing ordinance of the Comprehensive Plan and is being proposed to be reviewed, revised and amended. This proposed amendment was initiated by the Board of Commissioners on October 8, 2008 and will follow the prescriptive path of CPAC recommendation, Planning Commission public hearing and recommendation, followed by final decision by the Board of Commissioners. Notice to and request for Information & Referral was mailed to all members of the five (5) Columbia County Citizen Planning Advisory Committees, the Department of Land Conservation and Development, the County Surveyor, KLS Surveying, and Reynolds Land Surveying on March 20, 2009, at least 10 days before the initial hearing. Additionally, four (4) private property owners Karen Erlandson, Richard Recht, Wayne Weigandt, and Mark Hamlin were also given notice of the public hearing for the proposed amendment on March 20, 2009 and prior to the Board hearing, per their request. The intent and purpose of

Goals 1, 2, and 3 and Policies 5, 7 and 10 of Part I Administrative Goal of the Comprehensive Plan have been complied with.

Finding 9: Policy 7 directs the County to review, revise, and amend the land use approvals of the Subdivision and Partitioning Ordinance in order for them to remain consistent with the Goals and Policies of the Comprehensive Plan as well as with Oregon Statutes, in this case ORS 92.190. Since the 1985 adoption of Columbia County Comprehensive Plan the State of Oregon has similarly reviewed, revised, and amended their Oregon Statutes. The proposed amendment to update Section 207 of the Subdivision and Partitioning Ordinance will help the County to become more compliant with State rules and with Policy 8.

Continuing with the Comprehensive Plan

Part II Citizen Involvement

CITIZEN INVOLVEMENT: GOALS AND POLICIES

PURPOSE

As government gets larger, it becomes increasingly important that citizens become aware of and involved with the decision-making processes that affect their daily lives. In today's society there are few decisions made by government that directly impact citizens as much as those relating to land use planning.

GOAL:

1. To assure broad-based, county-wide citizen involvement in the planning process to include formulation of plans and ordinances, development of goals and objectives and input into everyday planning functions.

Finding 10: The proposed amendment is one that will directly impact county citizens who own and wish to develop their previously platted lots and parcels. Columbia County's first Subdivision was the Falls Park Subdivision Plat was surveyed June 12, 1909 and recorded with the county clerk July 8, 1909. Over the past century thousands of platted lots and parcels have been legally created, all of which currently require property owners to replat the original subdivision prior to Land Development Services' approval of any property line adjustments between these legally created lots or parcels.

The Columbia County Board of Commissioners adopted a Subdivision Ordinance January 10, 1975 which was the first ordinance regulating the partitioning and subdividing of land. Then in 1985 when the Board adopted the Comprehensive Plan, it was able to use this Plan as a basis to ensure that future public implementation actions, such as zoning and subdivision regulations, were not only reflected in the Plan but would also be consistent with the overall needs and concerns of public agencies, private firms and individuals. This proposed amendment to Section 207.A of the Subdivision and Partitioning Ordinance will directly impact owners of previously platted lots and parcels and will provide them with a legal and financially reasonable alternative to the current replatting requirements of the existing ordinance. Staff finds the proposed amendment complies with the Purpose and Goal 1 of Part II Citizen Involvement of the Comprehensive Plan because it is consistent with the overall needs and concerns of county residents and public agencies.

COMMENTS:

The following comments have been received from various agencies.

- 1) Scappoose-Spitzenberg CPAC recommends approval of the proposed amendment only if it includes one additional requirement in Section 2(b) as follows:

- b. The proposed Property Line Adjustment will not result in any of the following:
- “An increase in the number of legal buildable lots or parcels in the development.”
- 2) Susan Miller from the Clatskanie CPAC has reviewed the proposed amendment and has no objection to its approval as submitted.
 - 3) The Deputy County Surveyor has also reviewed the proposed amendment and has no objection to its approval as submitted.
 - 4) Don Wallace of KLS Surveying has reviewed the application and has no objection to its approval. He also commented “This has been a long time coming. It will save thousands of dollars for residents.”
 - 5) The County Surveyor stated as follows: “I encourage this amendment...”.
 - 6) Vicki Weller from the Mist Birkenfeld CPAC reviewed the proposed amendment and has no objection to its approval.
 - 7) The Department of Land Conservation and Development: As of the date of this report, no response has been received.

CONCLUSION, DISCUSSION AND RECOMMENDATION:

Based upon the above findings, the Planning Commission and Staff **Recommends Approval** of the legislative amendment to the text of the Columbia County Subdivision and Partitioning Ordinance Section 207 - Changes in Approved Partitions and Subdivision - as presented in TA 09-01. The addition to Section 2(b)(7) recommended by the Scappoose Spitzenberg CPAC to read as follows: “An increase in the number of legal buildable lots or parcels in the development.” is already contained in the proposed language.

cc: County Counsel

Attachments:

- A) Proposed Section 207 amendments with strike-outs for deletions and bold for additions.
- B) Existing Section 207

Attachment A

Proposed Section 207.A amendments with ~~strike-outs~~ for deletions and **bold** of additions

SECTION 207. RE-SUBDIVISION OR RE-PARTITION OF LAND.

- A. Changes in Approved Partitions and Subdivisions. Except as provided in B, below, ~~for road vacations reviewed pursuant to Section 209; any change in a map plat of an approved or recorded subdivision or partition shall be reviewed by the Commission or Planning Department under the same procedures, rules and regulations applicable for review and approval of a new subdivision or partition, if: (1) such change affects any street layout, shown on such map or an area reserved thereon for public use or reserved as a natural area; or any lot line, or (2) if it such change affects any map plat or plan legally reached in effect prior to the adoption of any regulations controlling subdivisions or partitions, such parcel shall be reviewed by the Commission or Planning Department under the same procedures, rules and regulations as for a subdivision or partition.~~
- B. Applicability. Section 207 A does not apply to:
- (1) Road vacations reviewed pursuant to Section 209 of this Ordinance; or
 - (2) Where no new lots or parcels are created, Property Line Adjustments reviewed pursuant to Section 212 of the Columbia County Zoning Ordinance, provided that:
 - a. Any adjusted property line that is not to be eliminated by the Property Line Adjustment will remain common to the same lots or parcels before and after the Property Line Adjustment; and
 - b. The proposed Property Line Adjustment will not result in any of the following:
 - 1) An increase or transfer of development density within the plat;
 - 2) An increase to utility service requirements;
 - 3) A reduction in reserved natural areas;
 - 4) A reduction in areas reserved for public use;
 - 5) A change in street layout; or
 - 6) An alteration of the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
- CB. Procedure of Subdivision or Partition Where Future Re-Subdivision is Indicated. Whenever a parcel of land is divided and the subdivision or partition plat shows one or more lots which, due to their size, shape, topography or frontage could be further divided, the Commission or Planning Department may require that such parcel of land allow for the future opening of streets and ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

Attachment B

Existing Ordinance

SECTION 207. RE-SUBDIVISION OR RE-PARTITION OF LAND.

- A. Changes in Approved Partitions and Subdivisions. Except for road vacations reviewed pursuant to Section 209, any change in a map of an approved or recorded subdivision or partition, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions or partitions, such parcel shall be reviewed by the Commission or Planning Department under the same procedure, rules and regulations as for a subdivision or partition.
- B. Procedure of Subdivision or Partition Where Future Re-Subdivision is Indicated. Whenever a parcel of land is divided and the subdivision or partition plat shows one or more lots which, due to their size, shape, topography or frontage could be further divided, the Commission or Planning Department may require that such parcel of land allow for the future opening of streets and ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

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

In the Matter of the Application of)
Columbia County for a Text Amendment)
to Section 207.A of the Subdivision and)
Partitioning Ordinance)

**RECOMMENDATION TO THE
BOARD OF COMMISSIONERS**

FINAL ORDER TA 09-01

This matter came before the Columbia County Planning Commission on the application of Columbia County Land Development Services, for a Text Amendment to the Columbia County Subdivision and Partitioning Section 207.A to allow Property Line Adjustments of previously platted parcels or lots without requiring the replat of the original Partition of Subdivision. The purpose of the Amendment is to update and amend the Subdivision and Partitioning Ordinance to be less stringent for moving property lines in a platted area, but remain consistent with State law.

Notice of the Legislative Hearing was published twice in the Daily News, Spotlight, and Chronicle newspapers. Affected property owners and agencies were notified. A public hearing was held on May 4, 2009. The Planning Commission heard testimony from the applicant and interested parties and considered written materials including the Staff Report.

After due consideration, the Columbia County Planning Commission Recommends that the Board of County Commissioners **APPROVE** this amendment as presented in Staff Report dated April 24, 2009 with the addition to Section 2(b)(7) recommended by the Scappoose-Spitzenberg CPAC. The amendment will update the Columbia County Subdivision and Partitioning Ordinance, and is consistent with State law.

COLUMBIA COUNTY PLANNING COMMISSION



GUY LETOURNEAU, CHAIRMAN

12-MAY 09
DATE