

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the Columbia County)
Comprehensive Plan and Subdivision and Partitioning)
Ordinance to Adopt Interim Development) ORDINANCE NO. 2001-09
Standards in the City of St. Helens Urban Growth Area)

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

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 2001-09.

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035, 215.050, 215.060, 215.223.

SECTION 3. PURPOSE.

The purpose of this ordinance is to adopt interim development standards for the City of St. Helens Urban Growth Area which requires amendments to the Columbia County Comprehensive Plan, and Subdivision and Partitioning Ordinance.

SECTION 4. HISTORY.

In the year 2000, Columbia County partnered with the City of St. Helens to consider interim development standards for the City of St. Helens urban growth area, i.e. standards which govern development of land between the city limits and the St. Helens urban growth boundary. Having identified conflicts between existing development standards and the comprehensive plan which needed to be addressed, the County and City applied for and received a Transportation and Growth Management (TGM) grant from the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. The Grant was financed in part by the federal Transportation Equity Act for the 21st Century (TEA-021).

With the TGM grant funds, a consultant team, including Cogan Owens Cogan, LLC, Parametric, Inc., and David Evans and Associates, worked with the City and County to help develop proposed amendments to address interim development. A citizens task force worked with the City, County and consultants to provide advice on the ordinance development process.

SECTION 5.

FINDINGS AND CONCLUSIONS.

- A. The Board of County Commissioners adopts findings of fact and conclusions of law # 1-5, 9-12, 14, 16, 19, 21-23, 25-29, 31-37 and 40-43 in the staff report to the Board of County Commissioners which is attached hereto as Attachment A, and is incorporated herein by this reference.
- B. The Board of County Commissioners further adopts the following supplemental findings of fact and conclusions of law:

1. During the public hearing on the adoption of Ordinance No. 2001-9, the Board of County Commissioners heard testimony expressing the need for a commitment on the part of Columbia County, the City of St. Helens and the McNulty Water Association to a process of dispute resolution concerning unresolved issues related to the provision of urban water services within the St. Helens Urban Growth Boundary. The Board of County Commissioners finds that it is in the best interest of the County and its Urban Growth Boundary residents to wait to adopt changes to the Urban Growth Management Agreement (UGMA) until such issues are resolved.

2. During the public hearing on the adoption of Ordinance No. 2001-9, the Board of County Commissioners heard testimony questioning whether the McNulty Water Association had the legal status of a district as defined in ORS 195.060 for the purpose of determining whether an urban services agreement is required within the Urban Growth Boundary. After consultation with the Department of Land Conservation and Development and the TGM program, it was determined that McNulty Water Association is not a district as defined in ORS 195.060 and, therefore, such an agreement is not mandated, but that the State strongly urges such agreements between all service providers within urban growth boundaries. The Board of County Commissioners finds that although McNulty Water Association and the City of St. Helens are not mandated by state law nor the terms of the TGM grant agreement to enter an urban services agreement, the parties should pursue all means to reach such an agreement including use of the services of the State Dispute Resolution Center. The Board further finds that upon completion of dispute resolution, the City and County will be in a better position to identify the changes that should be made to the Urban Growth Management Agreement.

3. The Board of County Commissioners finds that Section 1606 of the Columbia County Zoning Ordinance applies to the adoption of this Ordinance. According to Section 1606, a legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners. The Board of County Commissioners directed staff to initiate amendments to the County Comprehensive Plan, Subdivision and Partitioning Ordinance and the Urban Growth Management Agreement between the City of St. Helens and the County. Such changes are legislative because they implement the Comprehensive Plan and otherwise meet the requirements for a legislative decision. The Board of County Commissioners finds that it is in the best interest of the County and its Urban Growth Boundary residents to delay the adoption of a new UGMA. The Board is not required to take action on the UGMA amendments because the decision to do so is a legislative decision. The Board further finds that the adoption of Ordinance No. 2001-09 is not a quasi-judicial decision, and therefore, ORS 197.763 does not apply to the adoption of Ordinance No. 2001-09.

4. According to the County's Comprehensive Plan Section on Urbanization, Policy 6, it shall be a policy of the County to "6. Control development within the limitation of the public's ability to provide services." The Board of County Commissioners finds that it is generally the policy of both the City and the County to require that private property owners pay for the extension of public infrastructure that is necessary to serve development. The proposed amendments to the subdivision and partitioning ordinance and comprehensive plan provide interim standards for development within the unincorporated St. Helens Urban Growth Boundary. The proposed interim standards and the requirement for future development plans and implementing agreements, assure that urban services can and will be provided for economically when future development occurs. This approach is based on a 'pay as you go' rationale which matches development requirements to the intensity of development and requires future planning designed to avoid excessive future public costs when urban development does occur. The public cost is greater when public services must later be retrofitted over the existing pattern because planning for urban services and necessary implementing agreements were not in place before interim development occurred. Interim development that occurs within an urban growth boundary without necessary planning and implementing agreements for extending public services to developed properties, in effect, results in a public subsidy by delaying and transferring the cost to plan for and install urban services. The standards and development agreements assure that the existing policy which requires developers to pay their own way, applies to interim development. In this way the developer, rather than the public, pays for urban services.

The Board further finds that it is in the best interest of the County to delay the adoption of a new UGMA until more information is available regarding the provision of water services.

5. According to the County's Comprehensive Plan Section on Urbanization, it shall also be a policy of the County to, "develop managing techniques with the incorporated cities." The Board of County Commissioners finds that the existing Urban Growth Management Agreement between the City of St. Helens and the County provides a common set of standards and procedures for regulating the development in the unincorporated UGB.

6. According to the County's Comprehensive Plan Section on Public Facilities and Services, Policy 11, it shall be a policy of the County to "review facility plans for urbanizable areas to assure proper coordination of facilities consistent with the long-range plans and procedures established within the urban growth management agreements. The Board of County Commissioners finds that the existing UGMA with the City of St. Helens is sufficient to meet this policy. In the future, as the coordination of public facilities and services are more specifically known, it will be prudent to amend the UGMA to reflect such coordination.

7. The Board of County Commissioners finds that the adoption of the subdivision and partitioning ordinance amendments and comprehensive plan amendments complies with ORS 197.175 because the comprehensive plan amendments are in compliance with the statewide planning goals adopted by the Land Conservation and Development Commission. Furthermore, the subdivision and partitioning amendments implement the County's comprehensive plan.

8. The Board of County Commissioners finds that the County will comply with

ORS 197.615 by giving the director of DLCD notice of its final decision within 5 working days of the final decision. The notice will be accompanied by a copy of the decision and its attachments. The notice will also be mailed to all those who are entitled to notice under the statute, and shall contain all the information required by ORS 197.615.

SECTION 6. AMENDMENTS

Columbia County Comprehensive Plan and the Columbia County Subdivision and Partitioning Ordinance are hereby amended as shown in Attachment B which is attached hereto, and is incorporated herein by this reference.

SECTION 7. SEVERABILITY.

If any provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the remaining portions thereof.

DATED this 7th day of January, 2002.

Approved as to Form

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Sarah Tyson
Office of County Counsel

By: [Signature]
Chair

Attest:
By: Jan Auenhulgh
Recording Secretary

By: [Signature]
Commissioner
By: [Signature]
Commissioner

First Reading: 12-12-2001
Second Reading: 1-7-2002
Effective Date: 4-7-2002

COLUMBIA COUNTY BOARD OF COMMISSIONERS

11/8/01

“Interim Development Standards”**Amended Staff Report with Supplemental Findings and Recommendation
Text Amendment**

FILE NUMBER: TA 02-01

APPLICANT: Land Development Services
County Courthouse
St. Helens, Oregon 97051

REQUEST: To Amend the County Comprehensive Plan; Subdivision & Partitioning Ordinance; and Urban Growth Management Agreement between The City of St. Helens and Columbia County.

BACKGROUND: The City of St. Helens and Columbia County have partnered in a Transportation and Growth Management (TGM) funded project aimed at amending the County Comprehensive Plan and Subdivision & Partitioning Ordinance; and Urban Growth Management Agreement (UGMA) to establish revised standards for development within the Urban Growth Area (UGA) between the City Limits and the City Urban Growth Boundary (UGB) consistent with the St. Helens Comprehensive Plan. The standards, referred to as “Interim Development Standards”, apply to development that would occur prior to the provision of a full complement of urban services and annexation and are anticipated in the most recent revisions to the City/County Urban Growth Management Agreement(UGMA). The proposed amendments would also establish an intergovernmental review process and model development agreements to assure that interim development will not interfere with eventual planned urban density development when urban services are provided and annexation occurs. The amendments would replace the current approach which prohibits interim large lot(1 acre) subdivisions(4 or more parcels) without urban sewer, but which allows a series of less well planned partitions(3 or less parcels). Under the proposal, interim subdivisions can occur provided a future development plan consistent with future Master Facilities Plans is submitted and approved as a part of a binding development agreement between the property owner/developer, City and County. The “Interim Development Agreement” would require implementation of the future development plan as further development occurs consistent with the St. Helens Comprehensive Plan.

FINDINGS:

This request is being processed under Sections 1606 and 1611 of the County Zoning Ordinance. The pertinent sections of the ordinance are 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 1: The Board of County Commissioners have directed planning staff to initiate amendments to the County Comprehensive Plan, Subdivision and Partitioning Ordinance and the Urban Growth Management Agreement between the County and City of St. Helens ; and the St. Helens City Council has directed City planning staff to work with the County to amend the City's Urban Growth Management Agreement between the City and County regarding the City of St. Helens Urban Growth area. The Subdivision & Partitioning Ordinance and Urban Growth Management Agreement are both documents that implement the Comprehensive Plan and, as such, are legislative in nature and require the process outlined for legislative hearings.

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 2: A hearing notice was published in the St. Helens Chronicle and Scappoose Spotlight newspapers on August 22, 2001 and August 29, 2001; both of which dates are more than 10 days prior to the Planning Commission hearing date of September 10, 2001. Notice to individual property owners inside the City of St. Helens Urban Growth Area was required by the Board of Commissioners and mailed to 443 residential properties and 87 commercial/industrial properties because their property will be directly affected by the proposed amendments. Notice for the October 24, 2001 Board of Commissioners hearing was published in the St. Helens Chronicle and Scappoose Spotlight newspapers on October 3, 2001 and October 10, 2001. The Board hearing was then postponed from October 24, 2001 until November 21, 2001.

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

- .1 Date, time and place of the hearing;
- .2 A description of the area to be rezoned or the changes to the text;
- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;

- .4 Interested parties may appear and be heard;
- .5 Hearings will be held in accordance with the provisions of the Zoning Ordinance."

Finding 3: All of the above were information that was included in the Notice of Public Hearing that was published twice in the Chronicle and Spotlight newspapers.

Following with the County Comprehensive Plan Goal & Policies:

URBANIZATION

GOAL:

To create and maintain the urban growth boundaries based upon the consideration of the following factors:

3. Orderly and economic provision for public facilities and services.
4. Maximum efficiency of land uses within and on the fringe of the existing urban area.

Finding 4: The purpose of the Interim Development Standards amendments is to assure that development occurring in the unincorporated portion of the St. Helens Urban Growth Boundary does not interfere with the implementation of the St. Helens Comprehensive Plan by precluding the future orderly and efficient transition to urban uses. The standards also provide for the extension of urban services when these lands are eventually converted to urban densities and annexed to the City of St. Helens. In doing so, the amendments help to assure the orderly economic provision of public facilities and services; and allow for a more efficient use of land uses in the City of St. Helens Urban Growth Area between the City Limits and the City's Urban Growth Boundary.

Continuing with the Comprehensive Plan Policies for Urbanization:

POLICIES: It shall be a policy of the County to:

2. Utilize the area in the urban growth boundaries with the most efficient manner of service expansion.

Finding 5: The current County Development Codes do not make provision for orderly and efficient development inside the urban growth area. Instead, growth has historically occurred through as series of partitions, referred to as 'serial partitions', which do not require adequate planning for future re-division to urban densities and or for the extension of urban services and transportation access and services. Consequently,

There is a public cost or subsidy to retrofit the correct delivery system of public services over this inefficient land use pattern. The cost to extend public services within such a landscape is much more than it would be if the future development pattern and urban services were planned for correctly at the time when development first occurred. One purpose of the Interim Development Standards is to guide interim development and timing so that future public service extensions may occur efficiently in a manner that will reduce the public subsidy for poor development and create an efficient pattern at less public expense.

Continuing with the Comprehensive Plan Policies for Urbanization:

POLICIES: It shall be a policy of the County to:

6. Control development within the limitation of the public's ability to provide services.

Finding 6: It is generally the policy of both the City and the County to require that private properties pay for the extension of public infrastructure that is necessary to serve development. The proposed amendments provide a review process, a model development agreement and interim standards for development within the unincorporated St. Helens Urban Growth Boundary. The proposed interim standards, and the requirement for future development plans and implementing agreements, assure that urban services can and will be provided for economically when further development occurs. This approach is based on a 'pay as you go' rationale which matches development requirements to the intensity of development and requires future planning designed to avoid excessive future public costs when urban development does occur.

The public cost is greater when public services must later be retrofitted over the existing pattern because planning for urban services and necessary implementing agreements were not in place before interim development occurred. Interim development that occurs within an urban growth boundary without necessary planning and implementing agreements for extending public services to developed properties, in effect, results in a public subsidy by delaying and transferring the cost to plan for and install urban services. The proposed Interim Development Standards will help to manage development so that it remains within the limitation of the public's ability to provide future urban services. The standards and development agreements assure that existing policy, which requires development to pay its own way, by placing the burden of good development and the cost of that development on the developer applies to interim development instead of the taxpaying public. In this way the developer, or those who benefit, pay, while the public subsidy is reduced. Under the proposed amendments, System Development Charges (SDCs) will be levied on interim development in the UGA to help pay for services required by that development and to complete the Master Facilities Plans necessary to extend urban services to the area when it is converted to urban densities.

Continuing with the Comprehensive Plan Policies for Urbanization:

POLICIES: It shall be a policy of the County to:

7. Develop managing techniques with the incorporated cities.

Finding 7: One component of the Interim Development Standards project process is an amendment of the Urban Growth Management Agreement (UGMA) between Columbia County and the City of St. Helens that recognizes the new interim development regulations. The UGMA amendments provides a common set of standards, procedures and agreements for how to regulate development in the unincorporated Urban Growth Boundary. The UGMA amendments also provides for the administration of a joint City/County System Development Charge program to plan for and finance the extension of urban services for the Urban Growth Area (UGA).

Continuing with the Comprehensive Plan Policies for Urbanization:

POLICIES: It shall be a policy of the County to:

9. Provide direction for developers to utilize land within the boundary in the most efficient manner.

Finding 8: The current development codes do not provide adequate direction for developers to utilize land within the urban growth boundary in the most efficient manner. Developers can now do what is known as "serial partitioning" which circumvents many subdivision provisions, which would have directed them to utilize land inside the boundary in an efficient manner. Presently developers can partition 3 parcels off the parent parcel in each calendar year. Up to 9 parcels can result within a matter of several days when a partition allowing three parcels occurs in one calendar year on December 31 proceeded by each one of those 3 parcels being partitioned on January 1st of the following calendar year... a matter of several days. The proposed Interim Development Standards encourage more efficient use of urbanizable land in several ways. One proposed amendment calls for developers to pre-plan the eventual re-division of their land by filing a Future Development Plan (FDP), formerly known as the "Shadow Plat" or "Redevelopment Plan", which describes a future land pattern and urban service network. A FDP would be recorded for parcels less than five acres when land is divided inside the UGA, and would establish an urban development concept for the parcel with much the same level of detail that would be recorded on a subdivision plan. Another provisions says that if a future development plan is not prepared, there would be comprehensive and long range subdivision planning by establishing a five- year waiting period between further partitioning on previously partitioned land partitions. Another proposed amendment provides direction for developers to pre-plan the eventual re-division of their land by requiring a Future Development Plan (FDP), formerly known as the "Shadow Plat" or "Redevelopment Plan" which describes a future land pattern and urban service network that is recorded when land is divided inside the UGB..

Following with the Comprehensive Plan Public Facilities and Services Goal and Policies:

PUBLIC FACILITIES AND SERVICES

GOAL:

To plan and develop a timely, orderly, and efficient arrangement of public services as a framework for urban and rural development.

POLICIES: It shall be County policy to:

1. Require that adequate types and levels of public facilities and services be provided in advance of or concurrent with development.

Finding 10: The proposed Interim Development Standards will help the County and City of St. Helens to plan and develop a timely, orderly, and efficient arrangement of public services as a framework for urban development inside the City of St. Helens Urban Growth Boundary. The Interim Development Standards would require that adequate types and levels of public facilities and services be provided in advance of or concurrent with development. In addition, Columbia County the amendments proposed but do not implement the coordinated collection and expenditure of System Development Charge receipts collected from within the St Helens UGA with the City of St. Helens' and the adopted public facility plan for the UGB. Priority for use of SDC receipts by the County will first be given to refine public infrastructure master plans for the UGA, and then to improve public facilities within the UGA in accordance with priorities established by the City's public facility plan.

Continuing with the Comprehensive Plan Public Facilities and Services Policies:

3. Approve development only when found to be in accordance with the standards set out in the Columbia County Subdivision and Partitioning Ordinance.

Finding 11: The proposed Interim Development Standards include an amendments to the County Subdivision and Partitioning Ordinance regarding standards for development at the time of land division. Future land division will have to be in accordance with the standards set out in the Columbia County Subdivision and Partitioning Ordinance as amended.

Continuing with the Comprehensive Plan Public Facilities and Services Policies:

9. Direct new development into areas where services exist or are proposed within a reasonable time frame.

Finding 12: The Interim Development Standards provide a means by which new development can be directed such that public facilities and services will not be lacking when development occurs. In the past,

Development has been allowed to occur in a leap- frog manner where services were inadequate and with no time frame - or an indeterminate time frame - for when they would occur. The interim Development Standards propose to tighten this up so that development and the timing for the provision of services occurs in a controlled and timely manner rather than the chaotic haphazard style of the past.

Continuing with the Comprehensive Plan Public Facilities and Services Policies:

11. Review facility plans for urbanizable areas to assure proper coordination of facilities consistent with the long-range plans and procedures established within the urban growth management agreements.

Finding 13: The Interim Development Standards, and specifically the Urban Growth Management Agreement, Section III.. City Services, Subsection E., states that, "Columbia County will coordinate the expenditure of SDC receipts collected within the UGA with the City of St. Helens and the adopted public facility plan for the UGBA. Priority will first be given to the refinement of the public facility master plans for the UGA and then on the expansion of public services with the UGA in accordance with priorities established by the public facility plan."

Following with the County Comprehensive Plan, Transportation, Goal and Policies:

TRANSPORTATION

GOAL:

The creation of an efficient, safe, and diverse transportation system to serve the needs of Columbia County residents.

OBJECTIVES:

3. To improve the existing transportation system.

POLICIES:

2. The dedication of adequate rights-of-way to meet the standards set in the Transportation Plan shall be required of any person seeking a Zone Change, Conditional Use Permit, Subdivision, or Partition. The developer of a subdivision in an urban growth area will be required to make the appropriate improvements to any related street to meet the standards set in a Transportation Plan.
3. Appropriate off-site improvements to county roads shall be required whenever a development

results in a major increase in traffic on an existing county road.

4. The County will work with the State Highway Department to limit the number of access points onto arterial roads. Direct access to U.S. Highway 30 will be limited as much as is practical in order to reduce the potential for congestion and conflicting traffic patterns that would disrupt the flow of traffic.

Finding 14: The Interim Development Standards and Strategies, Consolidated Report, recommends amending the County Road Standards so that the County Road Department may require a Traffic Impact Study for any development generating more than 100 vehicle trips per day. This should provide a useful tool in the improvement of the County Transportation system to serve the needs of County residents and those in the City of St. Helens Urban growth Area.

The report also recommends amending the County Road Standards so that within the St Helens UGA, right of way widths and pavement cross-sections for residential, collector, and arterial streets are common between the City and County. The County will amend the Road Standard through a separate process. The change will assure that there is sufficient public right of way and building set backs to facilitate integration of transportation infrastructure between the City and County.

Following with the Oregon Revised Statutes (ORS);

COMPREHENSIVE PLANNING RESPONSIBILITIES

197.175 Cities' and counties' planning responsibilities; rules on incorporations; compliance with goals.

(1) Cities and counties shall exercise their planning and zoning responsibilities, including, but not limited to, a city or special district boundary change which shall mean the annexation of unincorporated territory by a city, the incorporation of a new city and the formation or change of organization of or annexation to any special district authorized by ORS 198.705 to 198.955, 199.410 to 199.534 or 451.010 to 451.620, in accordance with ORS chapters 195, 196 and 197 and the goals approved under ORS chapters 195, 196 and 197. The Land Conservation and Development Commission shall adopt rules clarifying how the goals apply to the

incorporation of a new city. Notwithstanding the provisions of section 15, chapter 827, Oregon Laws 1983, the rules shall take effect upon adoption by the commission. The applicability of rules promulgated under this section to the incorporation of cities prior to August 9, 1983, shall be determined under the laws of this state.

(2) Pursuant to ORS chapters 195, 196 and 197, each city and county in this state shall: (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission; (b) Enact land use regulations to implement their comprehensive plans; (c) If its comprehensive plan and land use regulations have not been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the goals; (d) If its comprehensive plan and land use regulations have been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the acknowledged plan and land use regulations; and (e) Make land use decisions and limited land use decisions subject to an unacknowledged amendment to a comprehensive plan or land use regulation in compliance with those land use goals applicable to the amendment. (3) Notwithstanding subsection (1) of this section, the commission shall

It initiate by its own action any annexation of unincorporated territory pursuant to ORS 222.111 to 222.750 or formation of and annexation of territory to any district authorized by ORS 198.510 to 198.915 or 451.010 & 451.620.

Finding 15: The proposed amendments of the Interim Development Standards and Strategies project will first amend the County's acknowledged Comprehensive Plan pursuant to ORS, Chapters 195, 196 and 197 in compliance with goals approved by the commission. Secondly, the County Subdivision and Partitioning Ordinance, an implementing ordinance of the Comprehensive Plan will be amended; along with the Urban Growth Management Agreement (UGMA) between the City of St. Helens and Columbia County, that spells out how growth is to be managed within the UGA.

Continuing with the Oregon Revised Statutes (ORS);

POST-ACKNOWLEDGMENT PROCEDURES

197.610 Local government notice of proposed amendment or new regulation; exceptions; report to commission. (1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing. The director shall notify persons who have requested notice that the proposal is pending. (2) When a local government determines that the goals do not apply to a particular proposed amendment or 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 than 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 to 197.845. (3) When the Department of Land Conservation and Development participates in a local government proceeding, at least 15 days before the final hearing on the proposed amendment to the comprehensive plan or land use regulation or the new land use regulation, the department shall notify the local government of: (a) Any concerns the department has concerning the proposal; and (b) Advisory recommendations on actions the department considers necessary to address the concerns, including, but not limited to, suggested corrections to achieve compliance with the goals. (4) The director shall report to the Land Conservation and Development Commission on whether the director: (a) Believes the local government's proposal violates the goals; and (b) Is participating in the local government proceeding.

Finding 16: The proposed amendments are post-acknowledgment and therefore are subject to the above provisions. The 45 Day Notice for the proposed Comprehensive Plan amendments was sent to the director of the Department of Land Conservation and Development (DLCDD) on July 11, 2001. This was 61 days before the first evidentiary hearing on September 10, 2001 which easily meets the 45-day notice requirement. The notice included text and supplemental information relevant to this project.

Continuing with the Oregon revised Statutes (ORS);

197.615 Local government notice of adopted amendment or new regulation; content; notice by director.

(1) A local government that amends an acknowledged comprehensive plan or land use regulation or adopts a new land use regulation shall mail or otherwise submit to the Director of the Department of Land Conservation and Development a copy of the adopted text of the comprehensive plan provision or land use regulation together with the findings adopted by the local government. The text and findings must be mailed or otherwise submitted not later than five working days after the final decision by the governing body. If the proposed amendment or new regulation that the director received under ORS 197.610 has been substantially amended, the local government shall specify the changes that have been made in the notice provided to the director. If the text and findings are mailed, they shall include a signed statement by the person mailing them indicating the date of deposit in the mail. (2)(a) On the same day that the text and findings are mailed or delivered, the local government also shall mail or otherwise submit notice to persons who: (A) Participated in the proceedings leading to the adoption of the amendment to the comprehensive plan or land use regulation or the new land use regulation; and (B) Requested of the local government in writing that they be given such notice. (b) The notice required by this subsection shall: (A) Describe briefly the action taken by the local government; (B) State the date of the decision; (C) If delivered by mail, include a certificate of mailing containing a statement signed by the person mailing it indicating the date the notice was deposited in the mail; (D) List the place where and the time when the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation, and findings, may be reviewed; and (E) Explain the requirements for appealing the action of the local government under ORS 197.830 to 197.845. (3) Not later than five working days after receipt of an amendment to an acknowledged comprehensive plan or land use regulation or a new land use regulation submitted under subsection (1) of this section, the director shall notify by mail or other submission any persons who have requested notification. The notice shall: (a) Explain the requirements for appealing the action of the local government under ORS 197.830 to 197.845; and (b) List the locations where the comprehensive plan or land use regulation amendment or new land use regulation may be reviewed.

Finding 17: The Director of the Department of Land Conservation and Development will be notified by mail within 5 working days after the final decision a notice of adoption. The notice will be accompanied by a copy of this staff report, which includes the proposed amendments and findings on those amendments. In addition notice shall also be mailed to those who participated in the proceedings leading to the adoption of the amendment to the County Comprehensive Plan, Subdivision and Partitioning Ordinance, and UGMA; and those who request in writing that they be given such notice. A certificate of mailing will be included in the file when notice of final decision and appeal information has been mailed. The notice will include all provisions mentioned above in (b) (A-E).

Continuing with Oregon Revised Statutes;

197.763 Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures.

The following procedures shall govern the conduct of quasi-judicial land use hearings conducted before a local governing body, planning commission, hearings body or hearings officer on application for a land use decision

and shall be incorporated into the comprehensive plan and land use regulations: (1) An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the local government. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the governing body, planning commission, hearings body or hearings officer, and the parties an adequate opportunity to respond to each issue. (2)(a) Notice of the hearings governed by this section shall be provided to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located: (A) Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary; (B) Within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or (C) Within 500 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone. (b) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site. (c) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development. (3) The notice provided by the jurisdiction shall: (a) Explain the nature of the application and the proposed use or uses which could be authorized; (b) List the applicable criteria from the ordinance and the plan that apply to the application at issue; (c) Set forth the street address or other easily understood geographical reference to the subject property; (d) State the date, time and location of the hearing; (e) State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue; (f) Be mailed at least: (A) Twenty days before the evidentiary hearing; or (B) If two or more evidentiary hearings allowed, 10 days before the first evidentiary hearing; (g) Include the name of a local government representative to contact and the telephone number where additional information may be obtained; (h) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost; (i) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and (j) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. (4)(a) All documents or evidence relied upon by the applicant shall be submitted to the local government and be made available to the public. (b) Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of ORS 215.427 or 227.178 and ORS 215.429 or 227.179. (5) At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that: (a) Lists the applicable substantive criteria; (b) States that testimony, arguments and evidence must be directed toward the criteria described in paragraph (a) of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and (c) States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the board based on that issue. (6)(a) Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The local hearings authority shall grant such request by continuing the public hearing pursuant to paragraph (b) of

his subsection or leaving the record open for additional written evidence, arguments or testimony pursuant to paragraph (c) of this subsection. (b) If the hearings authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence. (c) If the hearings authority leaves the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings authority shall reopen the record pursuant to subsection (7) of this section. (d) A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.427 or 227.178 and ORS 215.429 or 227.179, unless the continuance or extension is requested or agreed to by the applicant. (e) Unless waived by the applicant, the local government shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 215.427 or 227.178 and ORS 215.429 or 227.179. (7) When a local governing body, planning commission, hearings body or hearings officer reopens a record to admit new evidence, arguments or testimony, any person may raise new issues which relate to the new evidence, arguments, testimony or criteria for decision-making which apply to the matter at issue. (8) The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the local government can demonstrate by affidavit that such notice was given. The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television. (9) For purposes of this section: (a) Argument, testimony and criteria; means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision; does not include facts. (b) Evidence; means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

Finding 18: A hearing notice was published in the St. Helens Chronicle and Scappoose Spotlight newspapers on August 22, 2001 and August 29, 2001; both of which dates are more than 10 days prior to the Planning Commission hearing date of September 10, 2001. A measure 56 notice was sent out to all persons owning property inside the Urban Growth Boundary of the City of St. Helens, Oregon. This notice to individual property owners inside the City of St. Helens Urban Growth Area was required by the Board of Commissioners and mailed to 443 residential properties and 87 commercial/industrial properties because their property will be directly affected by the proposed amendments. The first evidentiary hearing, a quasi-judicial land use hearing, was held on September 10, 2001 and continued until September 24, 2001 so that the Planning Commission could receive additional testimony. A pre-hearing notice was read listing all applicable substantive criteria, and a statement that all testimony, arguments and evidence must be directed toward the criteria, and stating that failure to raise an issue precludes appeal.

Notice for the October 24, 2001 Board of Commissioners hearing was published in the

.. Helens Chronicle and Scappoose Spotlight newspapers on October 3, 2001 and October 10, 2001. The Board hearing was then postponed from October 24, 2001 until November 21, 2001.

ISSUES FINDINGS:

Issues Raised in Testimony Received as of 9/11/01 with Supplemental Findings;

Issue #1: If a Future Development Plan (FDP) is recorded for a particular parcel, can lots be divided off the parent parcel within the 5- year period when those lots conform with the FDP?

Finding 19: The objective of the interim development process is to assure that future land divisions and development occurs in a manner that does not impede urbanization to the level planned in the comprehensive plan. Once a FDP is recorded that lays out a development pattern consistent with the comprehensive plan, subsequent land divisions would not impede implementation of the comprehensive plan provided that new property owners were also bound by the provisions of the FDP. Therefore the 5-year limitation on partitions would not be necessary as stated in the amended language below. It would be up to the land owner to secure necessary assurances that other permits for septic approval or access to public roads can be secured; but these issues are separate from the land use management concerns addressed in the FDP. Code language will be modified to specifically allow for this action as follows:

Article V (Formerly Article IV) – Major Land Partitioning

Section 501

A. Applicability (New Section) All proposals for a major land partition that meet the criteria outlined in Article III. A. 1. a-c must follow the procedures for an FDP, detailed in Article III.

Section 515 (New Section). Requirements for Sequencing of Partitions

A. No application for a major land partition in the City of St. Helens' urban growth area shall be accepted by the County for a lot or property, or portion of a lot or property, until five (5) years have passed from the date of final approval for the previous major or minor land partition of that same lot or property unless:

- 1 an approved Public Facility Master Plan has been adopted for the area that includes the subject property, and
- 2 an approved Future Development Plan has been recorded for the subject property that conforms with requirements of Article III A., and
- 3 the proposed land partition conforms with the FDP.

B. An application meeting the criteria for a subdivision may be considered within the 5-year time frame in A. above.

Article VI (Formerly Article V) – Minor Land Partitioning

Section 601

A. Applicability (New Section) All proposals for a minor land partition that meet the criteria outlined in Article III. A. 1. a-c must follow the procedures for Future Development Planning, detailed in Article III.

Section 614 (New Section). Requirements for Sequencing of Partitions

A. No application for a minor land partition in the City of St. Helens' urban growth area shall be accepted by the County for a lot or property, or portion of a lot or property, until five (5) years have passed from the date of final approval for the previous major or minor land partition of that same lot or property unless:

1. an approved Public Facility Master Plan has been adopted for the area that includes the subject property, and
2. an approved Future Development Plan has been recorded for the subject property that conforms with requirements of Article III A., and
3. the proposed land partition conforms with the FDP.
4. An application meeting the criteria for a subdivision may be considered within the 5-year time frame in A. above.

B. An application meeting the criteria for a subdivision may be considered within that time frame.

Issue #2: (A) How would a special service district differ from a special planning district relative to the proposed Interim Development Standards?

(B) Planning Commission question from hearing: "As I interpret the special districts handling, it looks to me like churches, schools, and these special districts are all going to be pushed out into the rural areas because you don't want them in the UGB because they will interfere with where you might want to put services and roads. If a church comes along and wants to buy 20- acres, that will mess up your plan.

Finding 20: Part (A): The special district reference is not to special planned districts or uses; it's to governmental entities that would provide urban services, such as ... a water district, a sewer district, or a road district. The term special urban service districts is more appropriate. Part (B): Churches are allowed as conditional uses in several zones that apply in the UGA. Any school proposing to locate in the UGA would need to apply for a rezone to Community Service - Institutional, in order to locate in these zones or anywhere in the UGA. But that would not preclude the school district from purchasing land in the UGA and holding it until such time as they need the school. Public facilities and services adequacy would then be reviewed. After the rezone they may be required to apply for a conditional use permit and site design review, at which time the

Question of adequate public facilities and services again would again be reviewed. A church wishing to purchase 20- acres that would be divided off of a larger parcel would also need to complete a master plan that addresses public facilities and services, but the use would not be precluded by the interim development regulations.

Issue #3: What benefits can we as property owners expect from the changes?

Finding 21: Benefits are both direct and indirect. A direct benefit is that with resources available to prepare master facility plans for the area, land owners will know the location of utility corridors. They will be able to develop property with a degree of certainty about how and where urban services will be extended to their property. There is an indirect benefit to all area residents that results from extension of public facilities because it reduces development with little or no services that often occurs with the current code allowing serial partitioning. This will also reduce future public costs to provide urban services by assuring that planned urban development can occur thereby reducing cost to extend and operate urban infrastructure.

Issue #4: Precisely how will the changes affect the usage of our property, the valuation of our property and what will be the impact on tax valuation?

Finding 22: The usage is determined by the zone in which the property is located. If the property is within the urban growth boundary of the City of St. Helens, for which this project is intended, your property will be affected by the provisions of proposed regulations. The usage is determined by the zone in which the property is located. Since usage is determined by the zoning, and since the zoning is not changing as a result of this project, the usage of your property will not change. Valuation should also be unaffected by the change in regulations. It is conceivable that a highly refined property appraisal might find that these new regulations add certainty to the development process and assure that a greater density of future building lots will be created from parent parcels. This could cause underlying property values to rise. These changes are unlikely to affect property valuation for tax purposes, however, because the mass appraisal techniques used by the County are not as sensitive to regulatory issues as individual property appraisal methods. Moreover, the increase in property assessed value is limited under Oregon Law to 3% per year. So tax liability will likely not be affected by the change.

Issue #5: Will permits already issued (road permits, septic approval, partitioning, etc) supercede the proposed changes?

Finding 23: All permits previously issued and approved, including road permits, septic approval and

partitioning, etc. will not be invalidated by the proposed amendments of the Interim Development Standards and Strategies. When adopted and having the force of law the amendments will not be retroactive going back in time but rather will be applied in everyday usage to all development applications received subsequent to adoption of the proposed amendments.

Issue #6: Will system development charges be employed in the UGB area? How will this money be used?

Finding 24: System development charges are proposed by the amendments, but are not actually implemented at this time. They are proposed to be employed in the UGB area. As stated in the Interim Development Standards and Strategies Consolidated Report dated August 10, 2001: "The proposed amendments to the City/County Urban Growth Management Agreement (UGMA) call for the County to adopt SDCs within the urban growth area (UGA) based on the City of St. Helens SDC methodology. The recommendation to expand SDCs to cover the entire UGB is based on discussions with TAC and CAC members. Both groups recognized 1) that there is a need for refinement of infrastructure master plans for the UGA; and 2) that St Helens has little incentive to spend resources planning for service extensions into the UGA when it has a significant supply of serviced undeveloped land inside the existing city limits. As a compromise, the CAC members agreed it would be fair to pay SDCs if the County and City pledged to prepare better long-range master plans for the UGA. This would then provide property owners and the County and City with information about the cost, location and size of infrastructure needed to serve the UGA and allow interim development to occur consistent with future utility and transportation plans."

Issue #7: What effect has previous public testimony had on the changes that are now proposed?

Finding 25: Public testimony was received by the project consultant team after interviews with stakeholders, including citizens from the area, land owners, and service providers. Information was exchanged between the two project working groups, the TAC and CAC, as follows. The consultant team solicited concerns and ideas through stakeholder interviews. The TAC and consultant team would then brainstorm ways to address these issues and the approach based on comments from the CAC. This iterative back and forth process was used several times. The consultant team then met with the TAC to determine how much of the material could be implemented and how much of the material did not make sense and could not be used. It was in this manner that previous public testimony influenced changes that are now proposed.

Issue #8: The proposed amendments are not equitable! When the ability for Mom and Pop to divide their property is taken away by the restriction on serial partitioning then only those who have enough money to pay for the creation of a public facilities plan will be allowed to develop their property. This discriminates between

the rich and poor, those who can afford to pay and those who cannot pay.

Finding 26: The ability for property owners to divide their land is not taken away by these regulations. Anyone anywhere in the UGA may partition to down a 5-acre parcel size without limitation. Partitions to less than 5-acre parcels are subject to two restrictions. Land owners seeking to partition parcels that are less than 5-acres may only partition from the parent parcel once every five years. In areas where public facility master plans have been prepared that indicate the location and size of “backbone” infrastructure, land owners need to record a Future Development Plan (FDP) in conjunction with their request for partition. Once the FDP is filed, further partitioning may occur so long as it conforms to the plan. Proposals to deviate from the FDP may occur so long as a new or modified FDP is filed. Property owners in areas that lack public facility master plans may pay for the development of the plan and receive SDC credits. The City and County have committed to completing the plans within five years. So while there are some restrictions as to how partitioning may occur, the right to partition has not been taken away. Currently, subdivisions in the UGA without urban sewer(annexation) are not permitted. The interim development standards amendments would increase the value of UGA lands which would otherwise not be able to subdivide until sewer is available.

Issue #9: If our valuation is decreased, will the compensation initiative (Measure 7) be considered for recourse?

Finding 27: Property values will not be decreased by the action because the regulations do not affect allowed uses. In most cases, the regulation would be more likely to increase property values by assuring a greater number of future building lots without restricting interim development of uses already allowed by zoning. Currently, subdivisions in the UGA without urban sewer(annexation) are not permitted. The interim development standards amendments would increase the value of UGA lands which would otherwise not be able to subdivide until sewer is available.

Issue #10: Our property rights will be taken away without consideration of an exception or exemptions based on prior zoning rules or length of time of sole ownership.

Finding 28: The proposed rules do not take away any property rights or change existing zoning. Length of ownership is not a relevant factor in the decision process. Also see Finding 26 regarding property development rights.

Issue #11: The value of our property will be reduced if we are required to develop the property to accommodate future urban build out densities

Finding 29: The value of property within the project area of the St. Helens Urban Growth Boundary will undoubtedly increase in value as sound planning techniques set forth by the provisions of this project are

implemented. Developers are business men or women who generally look for a high level of certainty and assurance before risking investment in a project. With implementation of the proposed Interim Development Standards & Strategies, developers will have a higher degree of certainty that development can and will occur in a controlled planned environment rather than the unorganized piecemeal process that it has inefficiently occurred in the past. Development patterns, including large lot home sites, can still be created and built. The new rules will also assure that those large lots can be re-divided when urban services are available. The re-division plan likely increases land value by assuring that more building lots can be created in the area than would be the case under existing rules.

Issue #12: The McNulty Water Association asserted that the City of St. Helens negated a verbal agreement they made addressing how McNulty and the City would coordinate provision of water services to the Urban Growth Area and how these facilities would be provided and by whom which property is annexed to the City. Without the water agreement, the City and County are not in compliance with the grant and the County should not adopt any proposed amendments.

Finding 30: There were negotiations between McNulty Water Association and the City facilitated by the project consultant but no binding agreements were made. A draft of the agreement was presented to the City Council and not accepted by the City Council. McNulty Water Association was notified in writing that the City desired to eventually own and operate all water facilities annexed to the City contrary to the desire of the Association to continue to own and operate their facilities when annexed to the City. The City has indicated that this is not a negotiable item for them. The grant manager, Bill Adams confirmed that although the agreement was identified as a desired outcome of the grant work, failure by the City and Association to come to agreement does not violate the grant agreement, affect the satisfactory completion of the project work nor affect the full payment of the grant. In view of the failure of the City and Association to reach agreement coordination of water services to annexed area served by McNulty, staff is recommending that the proposed amendment to the UGMA which anticipates an agreement between the City and McNulty Water Association be modified to refer to an agreement if and when such agreement is reached (see **Finding 37**). Although a City and Association agreement on future ownership of facilities annexed to the City is desirable, the proposed amendments do not depend on the agreement being reached. The proposed amendments put the primary project products into place; provide an important basis for sound coordinated planning in the UGA and a method by which property owners may realize increased property values prior to and subsequent to annexation, and should be adopted.

PROPOSED AMENDMENT FINDINGS

The proposed amendments as contained in the Interim Development Standards "Consolidated Report" dated August 10, 2001 follow:

Page 3) Part IX: Urbanization

10. Cities also are required by Statewide Planning Goal 9 to maintain at least an eight (8) year supply of serviceable industrial or commercial land inside the Urban Growth Boundary. Serviceable land is that which can be provided with public water and sewer utilities within one year, if such services are requested.

Finding 31: The City of St. Helens will be better equipped to provide an 8 year supply of serviceable industrial and commercial land inside the UGB if public facilities plans are in place as a result of proposed amendments.

(Page 4) Possible additional Comprehensive Plan policies include:

1. Requirements for service planning and provision for interim development, as well as updated partitioning requirements, will be used to encourage urban development to occur on undeveloped and underdeveloped land within city limits prior to the annexation and conversion of other land within the UGB.
2. Recognizing that unincorporated areas within the UGB are likely to be annexed to a city, the city's recommendations on proposed land use actions within this urban growth area are to be given due consideration by the county. It is the intent of the County to enter into urban growth management agreements with cities where necessary and to consider feedback from cities for development proposals and issues in unincorporated urbanizable areas until such areas are annexed to the respective city.
3. In urban growth areas where facility master plans for public services are in place, and where SDCs have been adopted based on those master plans, the County may adopt SDCs for all or a portions of the urban growth area following the city's methodology to promote orderly extensions of services and equity for alleviating growth related impacts on service delivery systems.

Finding 32: Land inside the city limits and serviced by public facilities and services will be developed before rural land which does not have public facilities and services in place.

(Page 5) Part XIV: Public facilities and Services

12(g.) Master Plans and Public Facilities Plans are kept up-to-date and address necessary current planning elements for coordination between the County, cities and special service districts.

Finding 33: The Comprehensive Plan policies for Public Facilities and Services state that it shall be the policy to "Establish agreements with service providers to assure: (The above new amendment 12(g) added to existing policies). This policy is reasonable in that it sets the context and policy directive for which master plans and public facilities and services planning are updated. It is not in the best interests of the public to create planning methods and coordination agreements such as master planning, public facilities and services planning,

and UGMAs without the policy directive for monitoring and updating.

Possible additional Comprehensive Plan policies may include:

4. Require that development of facilities planned for unincorporated areas within urban growth boundaries be sized to accommodate eventual urban build out at densities commensurate with those outlined in the city comprehensive plan and implementing ordinances.

Finding 34: There currently exists a discrepancy between the sizing of facilities and there related capacity in differing areas of the St. Helens UGA. The proposed policy merely sets a policy directive for the sizing of facilities up front when development first occurs. When implemented this policy will help to reduce the public subsidy which occurs later when poor development practices allowed in the past require the retrofitting of proper sized facilities to handle any new development. Retrofitting generally costs taxpayers more after the fact than if facilities are correctly sized up front when development first occurs.

5. Require that development within urban growth areas be sited in accordance with planned public facilities and in a manner that allows for achieving planned densities outlined in the city comprehensive plan.

Finding 35: This policy directive merely underscores the importance of providing adequate planned public facilities.

6. When applicable, coordinate the collection and expenditure of urban growth area SDCs with the city and service providers focusing county investment on refining master plans and expanding facilities consistent with city public facility and capital improvement plans.

Finding 36: This recommended policy directive merely sets the context for how System Development Charge revenue will be focused.

Columbia County Road Standards; Section I: Overview of Road Standards

Prior to obtaining a permit for construction of a home or business, a road access permit is required from the Road Department, who may require a traffic impact study for any development that generates more than 100 vehicle trips per day. At a minimum, the traffic impact study shall consider safety and minimum sight distance at the proposed access point. The road access and associated improvements must be constructed according to the Road Standards (or a bond in the amount of 125% of the estimated road work deposited with the County) before the permit will be approved.

inding 37: A traffic impact study provides a basis from which a determination can be made by staff of what improvements would be necessary to insure public health safety and welfare.

Urban Growth Management Agreement; III. City Services,

- B. For the purposes of this Management Agreement, expenses to be incurred by the property owner shall include the extension of service mains or lines from the City mains or lines, including tap-in costs, to the properties to be served. The City may enter into a development agreement or a separate reimbursement agreement with the property owner that includes provisions for repayment of that portion of related capital improvement costs that are eligible for SDC credit under ORS 223.299-314.
- A. Services and hook-on charges shall be established by the St. Helen's City Council.
- B. Columbia County shall adopt and apply systems development charges (SDC's) using the method established by the City of St. Helens' for the unincorporated area within the St. Helen's Urban Growth Boundary, as applicable for all water, sanitary sewer, stormwater facilities and streets.
- C. Columbia County will coordinate the expenditure of SDC receipts collected within the UGA with the City of St Helens and the adopted public facility plan for the UGBA. Priority will first be given to the refinement of public facility master plans¹ for the UGA and then on the expansion of public services within the UGA in accordance with priorities established by the public facility plan.
- D. Columbia County shall not approve any subdivision, shadow plat, major or minor partition that is within the Urban Growth Area unless such subdivision meets the requirements of both the Columbia County and the City of St. Helens' Comprehensive Plans and implementing ordinances, including public facilities plans(s).
- E. Columbia County and the City of St. Helens will co-adopt a joint Capital Improvements Program (CIP) for the UGA to prioritize provision of public facilities in the UGA and identify financing strategies for such projects.

¹ A Public Facility Master Plan is a plan depicting the location and size of those public facilities needed to support buildout at urban level development given the uses and densities prescribed within the Comprehensive Plan.

- F. The City of St. Helens shall be responsible for preparation, adoption, and amendment of a public facility plan for the Urban Growth Boundary Area. The public facility plan shall include rough estimates for public projects needed to provide sewer, water, and transportation for the land uses contemplated in the Comprehensive Plan and land use regulations. The City of St Helens will coordinate the preparation of this plan with the County.
- G. The City will include cost estimates for preparing refinement plans for extending public facilities to all areas within the UGBA in the public facility plan. By the end of fiscal year 2005, master plans showing approximate locations, sizing, and cost estimates for extending public facility services throughout the UGBA will have completed by the City of St Helens and Columbia County.
- H. Water services in the Urban Growth Area shall be provided in accordance with provisions outlined in an the Intergovernmental Agreement between the City of St. Helens, Warren Water Association, and the McNulty Water Association if and when such an agreement is reached .

inding 38: These proposed amendments would provide for City/County coordination of the planning, design and implementation of Public Facility Plans in the unincorporated UGB. This would be achieved by completing public facility plans by 2005, joint City/County adoption of a capital improvements plan(CIP) for scheduling and financing plan improvements, incorporating Public Facility Plan requirements into future development plans for subdivisions; and collection of a system development charge(SDC) to complete plan refinements. These coordinated policies will help provide for the orderly and efficient provision of urban services to the area. The proposed language which anticipates an agreement between the City and McNulty Water Association is recommended to modified to refer to a future agreement if and when such agreement is reached(see Item H above).

UGMA; III. City Services,

When any boundary of a subdivision or partition created through a Future Development Plan is within 300 feet of a sanitary sewer line that has capacity to serve the subdivision or development, and is contiguous to the St. Helens city limits, the following actions will be taken.

1. Property owners will apply to annex to the City of St. Helens.
2. When annexation is approved, property owners will hook up to sanitary sewer service.
3. When annexation is approved, property owners will connect to municipal water service.

Finding 39: The “300 feet” provision reflects Oregon State Law found in the Oregon Administrative Rule, Chapter 340, Division 071, on-site program, which states “(f), A sewerage system which can serve the proposed sewage flow is both legally and physically available, as described in paragraphs (A) and (B) of this subsection:(A) Physical Availability: A sewerage system shall be deemed physically available if its nearest connection point form the property to be served is: (i) For a single family dwelling, or other establishment with a maximum projected daily sewage flow of not more than 450 gallons, within 300 feet;...” . The proposed amendments add the subdivision and partition provision for any subdivision in a future redevelopment plan.

Following with the Statewide Planning Goals & Guidelines:

Goal 2:Land Use Planning

“To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

Finding 40: The Interim Development Standards and Strategies will meet the intent of statewide land use Planning Goal 2 by refining the land use planning and policy framework for all decisions and actions related to land within the City of St. Helens Urban Growth Boundary. The creation of or refinement of master plans and public facility plans for the UGA of St. Helens resulting from this project will help to assure a factual base for decisions and actions.

Continuing with Statewide Planning Goals and Guidelines:

Goal 11: Public Facilities and Services

“To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

Finding 41: The proposed Interim Development Standards and Strategies amendments for the City of St. Helens Urban Growth Area is the best effort at reducing the public’s subsidy of poor development patterns and inefficiencies in many years. The Interim Development Standards and Strategies help to plan and develop timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development by establishing requirements for public facilities plans and future development plans.

Continuing with Statewide Planning Goals and Guidelines:

Goal 12: Transportation

“To provide and encourage a safe, convenient and economic transportation system.”

Finding 42: The proposed amendments to the County Road Standards found in the Consolidated Interim Development Standards and Strategies Report of September 10, 2001 include the provision that the County Road Department may require a Traffic Impact Study for any development generating more than 100 vehicle trips per day. This should help to provide and encourage a safe, convenient and economic transportation system by quantifying potential transportation impacts so they may be mitigated prior to actual construction of the development project in the St. Helens UGA.

The Consolidated report also recommends amending the County Road Standards so that within the St Helens UGA, right of way widths and pavement cross-sections for residential, collector, and arterial streets are common between the City and County. The County will amend the Road Standard through a separate process. The change will assure that there is sufficient public right of way and building set backs to facilitate integration of transportation infrastructure between the City and County. These proposed amendments together help to achieve the statewide planning goal for transportation of providing and encouraging a safe, convenient and economic transportation system.

Continuing with Statewide Planning Goals:

Goal 14: Urbanization

“To provide for an orderly and efficient transition from rural to urban land use.”

Finding 43: Presently, the existing code allows development inside the City of St. Helens Urban Growth boundary to occur in a haphazard, leapfrog manner that results in a disorderly and inefficient pattern on the landscape which is basically subsidized by the public when the proper infrastructure must be retrofitted over this bad pattern in the future. The proposed Interim Development Standards and Strategies as detailed in the Consolidated Report of September 10, 2001 will help to provide for a more orderly and efficient transition from rural to urban land use by directing development through the use of Future Development Plans and Master Plans for facilities and infrastructure in the UGA.

COMMENTS:

1. The City of St. Helens Planning Commission met in regular session on August 14, 2001 and generally agreed that they had no objection to the proposed Interim development Standards as proposed and its approval as submitted.

The St. Helens CPAC reviewed the application and states to accept the draft but that issues will be represented at the hearing.”

3. The City of Columbia City has reviewed the proposed amendments and has no objection to its approval as submitted.
4. The St. Helens School District has reviewed the application and has no objection to its approval as submitted.
5. The Sanitarian has reviewed the application and has no objection to its approval as submitted.

No other comments have been received from adjacent or nearby property owners or government agencies as of the date of this staff report (August 29, 2001).

RECOMMENDATIONS AND CONCLUSIONS:

Planning Commission

The Planning Commission took action on October 15, 2001 to recommend to the Board of County Commissioners (BOC) that they approve the Interim Development Standards, adopting findings as contained in Staff Report dated September 19, 2001 and the Interim Development Standards and Strategies Consolidated Report for the City of St. Helens and Columbia County, dated August 10, 2001. The Planning Commission further recommended that the Board of Commissioners:

1. Review the provisions for the traffic studies and the things that trigger the traffic studies, and that they take into account the existing traffic on the road and the future proposed traffic at the same time.
2. Rework the road designation names and requirements to be compatible with or the same as those of the City of St. Helens to reduce confusion.

Staff

Based upon the findings in this Board of Commissioners Staff Report of November 8, 2001 staff concludes that the Board of Commissioners should adopt the proposed amendments to the County Comprehensive Plan and Subdivision & Partitioning Ordinance; and Urban Growth Management Agreement (UGMA) as proposed in this report and as stated in the Interim Development Standards and Strategies Consolidated Report dated August 10, 2001.

**INTERIM DEVELOPMENT
STANDARDS AND STRATEGIES**

CONSOLIDATED REPORT

**for the City of St. Helens
and Columbia County**

Prepared by

***Cogan Owens Cogan
Parametrix, Inc.***

David Evans and Associates

June 29, 2001

**COGAN
OWENS
COGAN**



**DAVID EVANS
AND ASSOCIATES INC.**

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INTRODUCTION

This report describes the results of a project to develop procedures that will govern "Interim Development" in the St. Helens urban growth area, i.e., land between the city limits and the St. Helens urban growth boundary (UGB). The new rules would affect approval procedures and requirements for how land can be divided and developed before the time when full urban development occurs, as well as planning and coordination for future public facilities in this area. They are intended to allow individual property owners to divide their land while preserving options for future urban development. Changes to several County and City planning documents will be proposed and are summarized in this document.

This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by federal Transportation Equity Act For the 21st Century (TEA-21), local government, and the State of Oregon funds.

A consultant team, including Cogan Owens Cogan LLC, Parametrix, Inc., and David Evans and Associates, worked with city and county staff to help develop the proposed new rules. A citizens task force worked with the City, County and consultants to review and discuss the project prior to developing the proposed rules. The rules may become a model for other communities in Columbia County and elsewhere. City and County elected officials will conduct public hearings processes to review the proposed rules for adoption in the summer and possibly early fall of 2001.

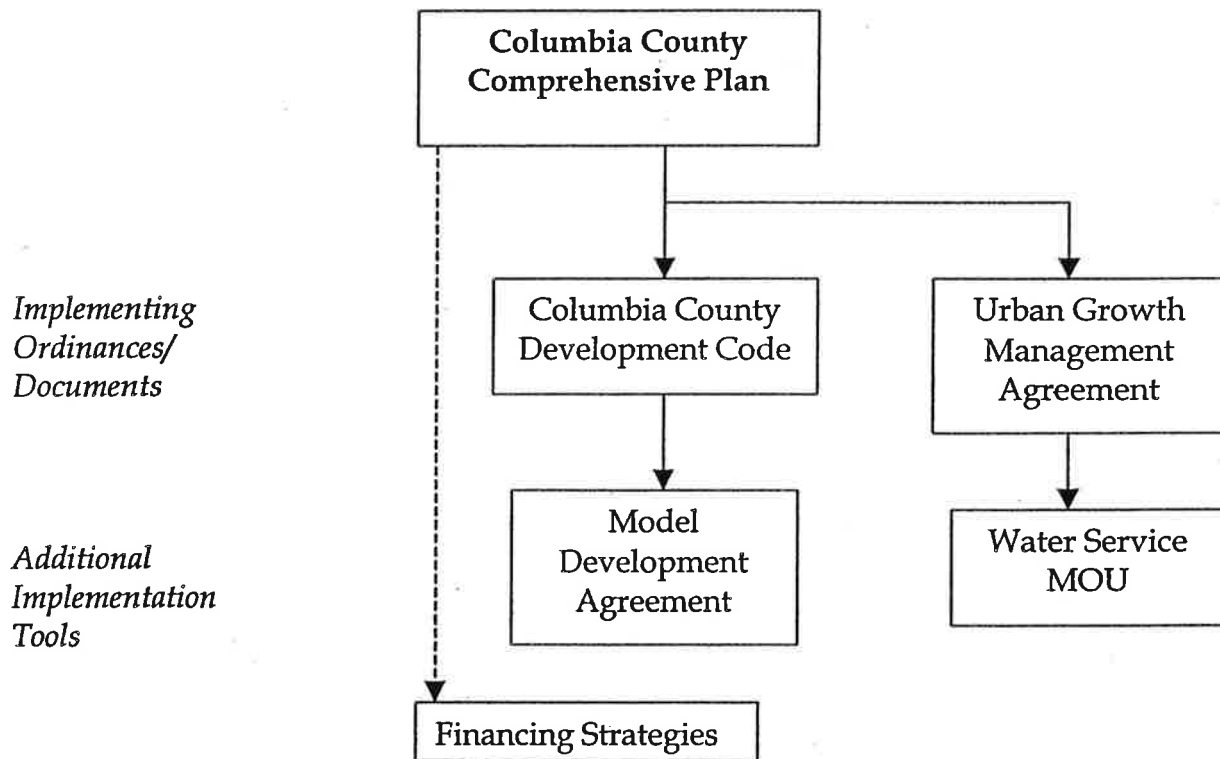
The report consolidates the following work products:

- Proposed amendments to the **Columbia County Comprehensive Plan**. These changes provide the policy basis for new development code provisions and other implementing tools to guide interim development in the St. Helens urban growth area (UGA).
- Proposed amendments to the **Columbia County Development Code**. These provisions identify standards and procedures that govern interim development in the UGA, including requirements for "future development plans" for parcels smaller than five acres. These provisions replace shadow platting provisions in this area; however, those standards will remain in effect in other portions of the County.
- Proposed revisions to the **urban growth management agreement (UGMA)** between Columbia County and the City of St. Helens. This document outlines how the City and County coordinate with each other to approve and serve development in the UGA. Amendments to this document include provisions for coordinated master

planning in the UGA to provide more certainty to property owners about the future location of facilities, as well as interim street standards.

- **Model Development Agreement.** This model agreement between the City, County and private property owners would be used to implement area-specific requirements for future development plan and define responsibility for financing public facilities and identify those improvements that would be deferred until more urban development occurs.
- **Transportation Policies and Standards.** Proposed changes to City and County transportation policies and standards, including a proposed interim road standard for the St. Helens UGA, are summarized in this memo.
- **Financing strategies.** This document summarizes proposed strategies for financing public facilities in the UGA. Portions of the document eventually may be adopted in City or County policies or implementing ordinances.

The diagram below illustrates how the items above are interrelated.



Summaries of technical and citizens advisory committee meetings and a public meeting conducted on June 13th also are included as attachments to the report.

PROPOSED COMPREHENSIVE PLAN AMENDMENTS FOR COLUMBIA COUNTY

The following narrative presents proposed changes to Columbia County's Comprehensive Plan in order to establish a policy framework for implementing the proposed interim development standards and guidelines within the St. Helens Urban Growth Area. Proposed additions are underlined.

Part IX: Urbanization

Columbia County's Comprehensive Plan has the following policies with regard to urbanization. Those marked with an (*) are directly applicable to the objective of generally encouraging additional development within the city limits, prior to allowing growth within the urban growth area.

1. Provide an orderly and efficient transition from rural to urban land use.
2. Utilize the area in the urban growth boundaries with the most efficient manner of service expansion. (*)
3. Minimize the number of new special districts inside the urban growth boundaries. (*)
4. Accommodate the growth projected for urban areas to the year 2020.
5. Minimize the conflicts between urban and rural land uses.
6. Control development within the limitation of the public's ability to provide services. (*)
7. Develop managing techniques with the incorporated cities.
8. Locate major public and private developments where they will not encourage residential growth outside the designated boundary. (*)
9. Provide direction for developers to utilize land within the boundary in the most efficient manner. (*)
10. Review the supply of buildable lands within the urban growth boundaries in cooperation with the cities, during each major review of the County's plan. The process of expanding an urban growth area may begin when there is less than a 20-year supply of residential land or when 75% of the industrial or commercial lands are built upon there is no more than an 8 year supply of serviceable industrial or commercial land inside the Urban Growth Boundary, as per State requirements.
11. Not to form new special districts within the urban growth boundaries unless the services are compatible with the plans of the cities for the provision of services within the urban growth boundaries. (*)
12. Have mutually agreed upon land use designations with each city.
13. Review all subdivision plats in the urban growth boundaries to ensure the establishment of a safe and efficient road system.
14. Support the annexation by cities in accordance with the state statutes.
15. Support the development of Local Improvement Districts (LID) to develop local services. (*)

16. Coordinate the development of facilities by existing special districts to ensure coordination with city plans.
17. Adopt the urban growth boundaries, and those portions of the adopted comprehensive plans relating to the unincorporated urban growth areas, for the municipalities of Clatskanie, Columbia City, Rainer, Scappoose, St. Helens, and Veronia.
18. Coordinate population projections at the time of the first periodic review of the county or any city plan, based upon the projections of a regionally accepted population forecast, such as the studies prepared by the Portland State University and the BPA. The County's projection will be within 10 percent of the regionally accepted projection and the incorporated cities' projections will be allocated on a jurisdiction-by-jurisdiction basis.
19. Existing population projections for the unincorporated areas will not be used as a basis for residential needs exception.
20. Limit development outside of urban growth boundaries to densities that do not require an urban level of public facilities or services.

The goals above apply mainly to the objective of encouraging development within the urban growth boundary, and not specifically the city limits. The County may wish to amend these goals or insert an additional set of policies that acknowledge the reuse/utilization of existing urban land as a contributing factor in reducing pressures for development on the edge.

Possible additional Comprehensive Plan policies include:

21. Urban development shall be encouraged to occur on undeveloped and underdeveloped land within city limits prior to the annexation and conversion of other land within the UGB.
22. Recognizing that unincorporated areas within the UGB are likely to be annexed to a city, the city's recommendations on proposed land use actions within this urban growth area are to be given due consideration by the county. It is the intent of the County to enter into urban growth management agreements with cities where necessary and to consider feedback from cities for development proposals and issues in unincorporated urbanizable areas until such areas are annexed to the respective city.
23. In urban growth areas where facility master plans for public services are in place, and where SDCs have been adopted based on those master plans, the County may adopt SDCs for all or a portions of the urban growth area following the city's methodology to promote orderly extensions of services and equity for alleviating growth related impacts on service delivery systems.

Part XIV: Public Facilities and Services

Columbia County's Comprehensive Plan has the following policies with regard to public facilities and services. Those marked with an (*) are directly applicable to the objective of

generally encouraging additional development within the city limits, prior to allowing growth within the urban growth area.

1. Require that adequate types and levels of public facilities and services be provided in advance of or concurrent with development. (*)
2. Require that the level of facilities and services provided be appropriate for, but limited to, the needs and requirements of the area(s) to be served. The types and level of public facilities allowed within Rural Residential, Rural Center, Existing Commercial, and Rural Industrial areas are:
 - a. Public or community water systems.
 - b. Public or community sewage systems.
 - c. Collector and/or arterial street systems.
 - d. Fire protection by a rural fire protection district, or an equivalent level of service.

(Note: Development of public or community water and sanitary sewer facilities is not appropriate within forestry or agricultural areas unless needed to alleviate a demonstrated health hazard, and where such facilities are the minimum level to accomplish the task. Urban levels or streets and fire protection also are inappropriate within forestry and agricultural resource areas.)

3. Approve development only when found to be in accordance with the standards set out in the Columbia County Subdivision and Partitioning Ordinance.
4. Encourage new development on lands within urban growth boundaries or built and committed exception areas. (*)
5. Coordinate public facilities and services planning with affected service districts and/or agencies. (*)
6. Manage and coordinate the collection and disposal of solid waste through application of the County Solid Waste Management Ordinance.
7. Encourage solid waste collectors to expand the opportunities for recycling of solid waste by households and businesses.
8. Pursue establishing a solid waste landfill site.
9. Direct new development into areas where services exist or are proposed within a reasonable timeframe. (*)
10. Conduct planning and policy review meetings with service providers at least every two (2) years.
11. Review facility plans for urbanizable areas to assure proper coordination of facilities consistent with the long-range plans and procedures established within Intergovernmental Agreements between Cities, Counties, and Service Districts, such as the Columbia County/St. Helen's IGA. (*)
12. Establish agreements with service providers to assure: (*)
 - a. Review of development proposals.
 - b. Review of proposed service extension or facility expansion proposals.
 - c. Policies exist for service district annexations.
 - d. Coordination of capital improvement programs.

- e. Consistencies of services with plan policies.
 - f. Current and future service areas or customers are defined.
 - g. Master Plans and Public Facilities Plans are kept up-to-date and address necessary current planning elements for coordination between the County, cities and special service districts.
13. Support a level of fire safety and service in all areas of the county sufficient to minimize the risk of fire damage to life and property.
 14. Involve the school districts in the planning process by requiring notification to the appropriate school district of all land use requests likely to impact their facilities.
 15. Integrate schools with land use, transportation, recreation, and other community objectives and plans in order to realize their optimum value to the community.
 16. Work with the appropriate agencies to ensure adequate levels of health care exist for county residents.
 17. Work with the appropriate agencies to encourage support services and programs for the elderly and handicapped.
 18. Designate parcels supporting public and private facilities and services as Community Service in the Comprehensive Plan and implement this plan designation through the use of three (3) zoning designations:
 - a. Community Service Utility - CSU
 - b. Community Service Institutional - CSI
 - c. Community Service Recreation - CSR
 19. Designate as Community Service Utility (CSU) those lands that:
 - a. Support various types of public and private utility facilities existing as of the date of this ordinance; or,
 - b. Are needed to support public and private utility facilities, which can be shown to satisfy the minimum standards set out in the implementing ordinances.
 20. Designate as Community Service Institutional (CSI) those lands that:
 - a. Support various types of public and private institutional facilities existing as of the date of this ordinance; or
 - b. Are needed to support public and private institutional facilities, which can be shown to satisfy the minimum standards set out in the implementing ordinances.
 21. Designate as Community Service Recreational (CSR) those lands that:
 - a. Support various types of public and private recreational facilities existing as of the date of this ordinance; or,
 - b. Are needed to support public and private recreational facilities, which can be shown to satisfy the minimum conversion standards set out in the implementing ordinances.

Possible additional Comprehensive Plan policies may include:

22. Require that development of facilities planned for unincorporated areas within urban growth boundaries be sized to accommodate eventual urban buildout at

densities commensurate with those outlined in the city comprehensive plan and implementing ordinances.

23. Require that development within urban growth areas be sited in accordance with planned public facilities and in a manner that allows for achieving planned densities outlined in the city comprehensive plan.
24. When applicable, coordinate the collection and expenditure of urban growth area SDCs with the city and service providers focusing county investment on refining master plans and expanding facilities consistent with city public facility and capital improvement plans.

PROPOSED DEVELOPMENT CODE AMENDMENTS FOR COLUMBIA COUNTY

The following narrative presents proposed changes to Columbia County's Development Code to implement the County's policy framework for regulating interim development within the St. Helens Urban Growth Area. Amendments have not yet been prepared related to proposed road and street standards. Those changes will be made after discussion with the TAC. Proposed additions are underlined.

Proposed amendments for Columbia County's Subdivision and Partitioning Ordinance. *Only the sections of the ordinance subject to possible amendment are replicated here.*

Article I - Introductory Provisions

No suggested changes.

Article II - Administration and General Provisions

Section 207. B. Procedures of Subdivision or Partition Where Future Re-Subdivision is Indicated.

Current Language: 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.

No changes are necessary to this section, as it allows for flexibility.

Article III (New) - Special Requirement for Land Development in the St. Helens Urban Growth Area.

A. Future Development Planning: A Future Development Plan (FDP) is a tool to help a land owner to prepare for the future division of land and to locate the structures and other improvements in a manner which will allow future development at urban densities.

1 Applicability: The following information, statements and procedures, detailed in Sections 2 -4 below, are required for all major or minor partitions that:

- a Occur outside of the St. Helens city limits and inside of the St. Helens urban growth area.
- b Are proposed for a parcel that is 5 acres or smaller in size.
- c Are proposed for an area within the St. Helens urban growth area that has an adopted Public Facilities Master Plan.

If a proposed site development meets criteria a and c, but would occur from a parent parcel that is larger than 5 acres, the applicant may follow the requirements for a subdivision plat, detailed in Article IV.

If a proposed site development meets criteria a and b, but no public facilities master plan has been prepared for the area, the applicant has the option of preparing a public facilities master plan that meets city-specified standards, prior to development.

2 Information Required: The applicant shall submit to the Planning Department 10 copies of a sketch map drawn to an appropriate scale, showing the following information:

- a. The date, north point, scale and sufficient description to define the location and boundaries of the parcel to be divided and its location in the planning control area.
- b. Name and address of the owner of record and the person who prepared the sketch map.
- c. Approximate acreage of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the land division.
- d. For land adjacent to and within the parcel to be divided, the locations, names, and existing widths of all streets and easements; location, width, and purpose of all other existing rights-of-way; and location of any existing water lines, drainage ways, and power poles.
- e. Outline, location, and setback dimensions to property lines of existing buildings to remain in place.
- f. Outline, location, and dimensions of existing buildings or any other structures to be removed.
- g. Lot layout, showing size and relationship to existing streets and utility easements.
- h. Using dashed lines draw all future lot patterns, road and/or street locations and right-of-way including major arterials.
- i. Proposed building locations.
- j. Topographic detail when percent of slope exceeds 12%.
- k. Future utility line locations and easements.
- l. The following statement shall be including on the sketch map - "Dashed lines represent future city lots and streets based upon the projected densities and zoning established by the City of St. Helens for the urban growth boundary area being developed."

3. In order to assure the most suitable location for future lots and roads, the applicant shall submit one copy of a sketch map of the subject property showing where soil conditions are most, and least, appropriate for sanitary sewer systems.

4. Statements to Accompany a Future Development Plan: In addition to the requirements outlined in Sections 304. I. 1-5, the following shall also be submitted with the preliminary site plan for an FDP.
- a. A statement and demonstration (in the form of site plans, maps or diagrams) that the development may be built out to the future urban densities, and meet the minimum urbanized density requirements equating with buildout at urban densities commensurate with those defined for the area in the City of St. Helens Comprehensive Plan.
 - b. A statement and demonstration (in the form of site plans, maps or diagrams) that proposed future roadways and public facilities within the subdivision will align with current and future public facilities outlined in the City of St. Helens' Public Facilities plan.
 - c. A statement and demonstration (in the form of site plans, maps or diagrams) that proposed public facilities are aligned with those defined on any adjacent previously recorded FDPs.
5. Within five (5) calendar days of receipt of an application for a subdivision or partition within the St. Helen's urban growth area, the County Planning Department shall forward one copy of the sketch maps to the City of St. Helens for review against their ordinances. The City shall have 20 calendar days from the date of receipt of the sketch maps to notify the County Planning Department of any inconsistencies with the City's plans or ordinances. The City of St. Helens Planning Commission shall review the request and submit its recommendation to the County Planning Commission within twenty days (20) of the date the request was received by the City of St. Helens. Should no recommendations be forthcoming within twenty (20) days of its receipt, absent a request for an extension, the City of St. Helens shall be presumed to have no objection regarding the application.

Should the City notify the County Planning Department within the noted 20-day period that the proposed subdivision or partition does not comply with their plans or ordinances, the Planning Department shall schedule the request before the next scheduled County Planning Commission Meeting as a non-public hearing item.

The County Planning Commission shall review the proposal on the record and make findings as to whether the proposal meets the intent of the affected jurisdiction's plans, ordinances, and Urban Growth Area Management Agreement. The County Planning Commission shall approve or deny the proposal based upon the findings of fact. Either the applicant or the affected jurisdiction may appeal the Commission's decision in accordance with this Ordinance.

6. Upon approval of the FDP, the applicant shall record a deed for all future parcels in the development. The deed shall articulate the location and dimension of all parcel boundaries. Failure to record the deed with 30 days of FDP approval shall result in the approval being voided.
7. All changes to FDPs must be reviewed and approved by the county, in accordance with the procedures outlined above, and subsequently re-recorded by the applicant.

(Sections on Parks and Other Requirements that were formerly part of Sections 914 and 915 remain in those parts of the Code)

Article IV (Formerly Article III) - Preliminary Plat for a Subdivision

Section 303. Information on Preliminary Plat

D. (New Section). Additional Requirements for Unincorporated Areas within the St. Helens' Urban Growth Boundary

1. Location of, and distance to the nearest sanitary sewer hook up line existing at the time the preliminary plat is submitted. Indicate any existing sanitary sewer lines within 300 feet of any of the proposed subdivision boundaries.

Section 304. Statement to Accompany a Preliminary Plat

I. (New Section). Special Requirements for Unincorporated Areas within the St. Helens' Urban Growth Boundary.

In addition to the requirements outlined in Sections A - H of this Article, the following requirements also apply.

1. A statement and evidence that all new water lines, sanitary sewer lines, and stormwater facilities (including pipes and mains) will be sized in accordance with the projected buildout of the area at full urban densities, following the City of St. Helens Comprehensive Plan and Zoning designations for the area, and will meet the standards outlined in the City's Public Facilities Plan.
2. A statement of agreement from the property owner/developer indicating that the property owner/homeowners association will consent to have all properties in the subdivision annexed to the City of St. Helens when sanitary sewer services from either the City or the McNulty water association are within 300' of any subdivision boundary that is contiguous to the St. Helens city limits; the statement will further specify that when annexation occurs, all properties within the subdivision will become connected to sanitary sewer services and water services.
3. A statement, and evidence supporting the claim, that any on-site septic systems will be adequately decommissioned at the point in time when Section 304.I. Item 2 (above) occurs, and that no built structures will interfere with the future decommissioning of an on-site septic system.

4. A statement of willingness to independently finance any sanitary sewer line extensions and other necessary public facilities required as part of the upgrades described in Sections 304.I. Items 1-3, above, including necessary facility upgrades within the City of St. Helens' city limits that result from additional strains on facilities within the unincorporated area. This statement shall also indicate a willingness to enter into a development agreement with the City of St. Helens regarding the financing of sanitary sewer facilities.

Article V (Formerly Article IV) – Major Land Partitioning

Section 501

A. Applicability (New Section) All proposals for a major land partition that meet the criteria outlined in Article III. A. 1. a-c must follow the procedures for an FDP, detailed in Article III.

Section 515 (New Section). Requirements for Sequencing of Partitions

- A. No application for a major land partition in the City of St. Helens' urban growth area shall be accepted by the County for a lot or property, or portion of a lot or property, until five (5) years have passed from the date of final approval for the previous major or minor land partition of that same lot or property. An application meeting the criteria for a subdivision may be considered within that timeframe.

Article VI (Formerly Article V) – Minor Land Partitioning

Section 601

A. Applicability (New Section) All proposals for a minor land partition that meet the criteria outlined in Article III. A. 1. a-c must follow the procedures for Future Development Planning, detailed in Article III.

Section 614 (New Section). Requirements for Sequencing of Partitions

- A. No application for a minor land partition in the City of St. Helens' urban growth area shall be accepted by the County for a lot or property, or portion of a lot or property, until five (5) years have passed from the date of final approval for the previous major or minor land partition of that same lot or property. An application meeting the criteria for a subdivision may be considered within that timeframe.

Articles VI – VIII (become Articles VII – IX)

No suggested changes.

Article X (Formerly Article IX) – Subdivision and Partitioning Requirements

Section 903. Lots.

Current Language:

The minimum area, width, depth, and frontage of lots and the minimum building setback line from streets shall conform to the requirements of the County Zoning Ordinance, where

applicable, and all other applicable regulations. However, in no case shall a lot be approved which is less than 7,000 feet in area, has a width less than 70 feet, a depth of less than 80 feet, a frontage of less than 30 feet. No building setback line from the street of less than 20 feet shall be accepted. A minimum of 50 feet of usable road frontage shall be provided for access to each lot created.

For unincorporated areas inside of the St. Helens urban growth area, lots proposed to be created through subdivisions, major or minor partitions, shall conform to the size and dimension standards outlined in the Comprehensive Plans and implementing ordinances of the City of St Helens.

Section 912. Drainageways.

Subsection B. (New Section) Requirements for Unincorporated Areas inside of Urban Growth Boundaries.

Refer to Section 304.I.

Section 913. Utilities.

Subsection E. (New Section) Requirements for Unincorporated Areas inside of Urban Growth Boundaries.

Refer to Section 304.I.

Section 914. Redevelopment Plan.

No changes to this section.

PROPOSED URBAN GROWTH MANAGEMENT AGREEMENT AMENDMENTS FOR COLUMBIA COUNTY/ CITY OF ST HELENS

The following narrative presents proposed changes to Columbia County/City of St Helens Urban Growth Management Agreement for coordinating growth management activities within the St. Helens Urban Growth Area.

The following is the former city-county Urban Growth Management Agreement between St. Helens and Columbia County, with suggested amendments and updates reflecting recent discussions.

URBAN GROWTH MANAGEMENT AGREEMENT BETWEEN COLUMBIA COUNTY AND THE CITY OF ST. HELENS

The parties to this Management Agreement shall be the City of St. Helens, Oregon, a municipality, and Columbia County, a political subdivision of the State of Oregon.

This Management Agreement is intended to facilitate the orderly and efficient transition from urbanizable to urban land uses within the City of St. Helens Urban Growth Area, and is entered into pursuant to Chapters 190 and 197 of the Oregon Revised Statutes and the Oregon Statewide Planning Goals.

The purposes of the agreements are: to preserve land around the City of St. Helens for economical and efficient development and public services so that the costs of future development will be placed more directly on those who benefit; and to differentiate land inside the Urban Growth Area from that outside the area so that future growth will be concentrated in and around the city. This agreement is also intended to reflect the mutual interests the City and the County have regarding the development and use of lands within the Urban Growth Area.

The City of St. Helens and Columbia County will manage the Urban Growth Area according to the terms contained in this Management Agreement. Their mutual expectations and decisions regarding land use shall promote the above-stated purposes. Specifically, partial-service subdivisions shall be restricted except in cases when City services are provided in conjunction with an agreement to annex to the City, or under terms outlined in a city-approved development agreement, or in conformance with special requirements for subdivisions and for Future Development Plans outlined in the Columbia County Development Code for the St Helens Urban Growth Area; the City and County will coordinate with all local service districts and service associations in providing public facilities; and the Comprehensive Plans and Zoning Ordinances of the City and County

shall be revised as is necessary to meet the interests of this Management Agreement, as it pertains to the Urban Growth Area.

The terms of this Management Agreement shall be applicable to the City of St. Helens' Urban Growth Area. For the purposes of this Agreement, the Urban Growth Area (UGA) shall be defined as that area of land extending from the City of St. Helens' corporate limits to the City of St. Helens' Urban Growth Boundary as referenced and mapped in the City of St. Helens' Comprehensive Plan, adopted February 21, 1978, and as amended to date. The Urban Growth Boundary area (UGBA) is defined as that area of land that encompasses both the City and the UGA.

Unless otherwise noted in this document, words and phrases used in this Management Agreement, the Comprehensive Plan and implementing ordinances of the City of St. Helens, and the Comprehensive Plan and implementing ordinances of Columbia County shall be construed in accordance with ORS Chapters 92, 197, 215 and 227 and applicable Oregon Statewide Planning Goals, unless otherwise specified. In the event two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Management Agreement.

I. COMPREHENSIVE PLAN PROVISIONS

- A. To promote an orderly and efficient transition from urbanizable to urban land within the Urban Growth Boundary and retention of land for non-urban uses outside of the Urban Growth Boundary, the comprehensive plans of the City of St. Helens and Columbia County shall not conflict.
- B. Columbia County and the City of St. Helens recognize the need to coordinate their plans and ordinances.
- C. Furthermore, it is a policy of the City of St. Helens and Columbia County to maintain ongoing planning processes that will facilitate development of mutually compatible plans and implementing ordinances.
- D. Columbia County and the City of St. Helens will share the responsibility of land use planning and regulation for the land within the Urban Growth Area. County responsibility for enforcement of any land use ordinance or prosecution thereof will be relinquished over any land within this area upon its annexation to the city.
- E. The County has designated the area within the Urban Growth Area as "UGB" in its Comprehensive Plan. The effect of this designation is to mirror the City's Comprehensive Plan designation. All County

Zoning Map designations shall thus conform to the provisions of both the County's and the City's Comprehensive Plans.

- F. The City of St. Helens will additionally designate a future urbanized density standard for residential unincorporated lands within the Urban Growth Area that the County will use to guide the review and approval of shadow plats, subdivisions, major and minor land partitions, and the public facilities necessary to serve them.

II. ADMINISTRATION

A. Zone Amendments (See Section VIII.C).

- B. **Other land use actions as defined by the Zoning Ordinance.** The Columbia County Planning Commission shall retain the decision-making responsibility for land use decisions affecting the urbanizable area until such time as annexation to the City occurs. However, such decisions shall be made only after the receipt of a recommendation, in accordance with Section II (C and D) of the Agreement, by the City of St. Helens Planning Commission.

- C. The County Planning Department shall refer any of the following types of requests for development within the St. Helen's Urban Growth Area to the City of St. Helen's Planning Department for review and comment within five (5) days of the date the request was filed with the County Planning Department:

1. Site plans
2. All major and minor partitions
3. Subdivision plats or replats
4. Planned developments
5. Special use permits
6. Conditional use permits
7. Zoning or development code text amendments that may affect the urbanizable area
8. Rezone applications
9. Policy and Plan amendments that may affect the urbanizable area.

- D. The City of St. Helens Planning Commission shall review the request and submit its recommendation to the County Planning Commission within twenty days (20) of the date the request was received by the City of St. Helens. Should no recommendations be forthcoming within twenty (20) days of its receipt, absent a request for an

extension, the City of St. Helens shall be presumed to have no comment regarding the application.

III. CITY SERVICES

- A. The City of St. Helens has sewer and water capacity to serve all planned growth in the Urban Growth Boundary Area. The City of St. Helens may choose to extend City sewer and water service to any site located within the City of St. Helens Urban Growth Area at the affected property owner's request and expense, subject to an agreement signed by the affected property owner that the site be annexed.
- B. For the purposes of this Management Agreement, expenses to be incurred by the property owner shall include the extension of service mains or lines from the City mains or lines, including tap-in costs, to the properties to be served. The City may enter into a development agreement or a separate reimbursement agreement with the property owner that includes provisions for repayment of that portion of related capital improvement costs that are eligible for SDC credit under ORS 223.299-314.
- C. Services and hook-on charges shall be established by the St. Helen's City Council.
- D. Columbia County shall adopt and apply systems development charges (SDC's) using the method established by the City of St. Helens' for the unincorporated area within the St. Helen's Urban Growth Boundary, as applicable for all water, sanitary sewer, stormwater facilities and streets.
- E. Columbia County will coordinate the expenditure of SDC receipts collected within the UGA with the City of St Helens and the adopted public facility plan for the UGBA. Priority will first be given to the refinement of public facility master plans ¹ for the UGA and then on the expansion of public services within the UGA in accordance with priorities established by the public facility plan.
- F. Columbia County shall not approve any subdivision, shadow plat, major or minor partition that is within the Urban Growth Area unless

¹ A Public Facility Master Plan is a plan depicting the location and size of those public facilities needed to support buildout at urban level development given the uses and densities prescribed within the Comprehensive Plan.

such subdivision meets the requirements of both the Columbia County and the City of St. Helens' Comprehensive Plans and implementing ordinances, including public facilities plans(s).

G. Columbia County and the City of St. Helens will co-adopt a joint Capital Improvements Program (CIP) for the UGA to prioritize provision of public facilities in the UGA and identify financing strategies for such projects.

H. The City of St. Helens shall be responsible for preparation, adoption, and amendment of a public facility plan for the Urban Growth Boundary Area. The public facility plan shall include rough estimates for public projects needed to provide sewer, water, and transportation for the land uses contemplated in the Comprehensive Plan and land use regulations. The City of St Helens will coordinate the preparation of this plan with the County.

I. The City will include cost estimates for preparing refinement plans for extending public facilities to all areas within the UGBA in the public facility plan. By the end of fiscal year 2005, master plans showing approximated locations, sizing, and cost estimates for extending public facility services throughout the UGBA will have completed by the City of St Helens and Columbia County.

J. Water services in the Urban Growth Area shall be provided in accordance with provisions outlined in the Intergovernmental Agreement between the City of St. Helens, Warrenton Water Association, and the McNulty Water Association.

IV. ANNEXATION

A. Annexation of sites within the St. Helens Urban Growth Area shall be in accordance with relevant annexation procedures contained in the Oregon Revised Statutes, Oregon case law, and St. Helens City Ordinances. Annexation shall not occur until such sites become contiguous to the City of St. Helens, and meet all applicable criteria outlined in the Comprehensive Plans of both the City and the County.

B. When any boundary of a subdivision or partition created through a Future Development Plan is within 300 feet of a sanitary sewer line that has capacity to serve the subdivision or development, and is

contiguous to the St. Helens city limits, the following actions will be taken.

1. Property owners will apply to annex to the City of St. Helens.
2. When annexation is approved, property owners will hook up to sanitary sewer service.
3. When annexation is approved, property owners will connect to municipal water service, from either the City or the McNulty Water Association.

V. ROADS

The governing bodies of Columbia County and the City of St. Helens shall cooperatively develop an implementation policy regarding streets and roads within the Urban Growth Area and city limits which is consistent with the comprehensive plans of each. Such policy shall include, but not be limited to, the following:

- A. The circumstances under which the City of St. Helens will assume jurisdiction over and/or maintenance of county roads within the city limits.
- B. The conditions under which existing roads designated as future arterials in the Comprehensive Plan will be developed.
- C. The conditions under which roads and bridges may be transferred to City jurisdiction and maintenance may be made by a separate agreement, so long as the agreement conforms to the intent of this Management Agreement.

VI. APPEALS

Appeals of decisions regarding property located within the incorporated city limits and all decisions regarding road and infrastructure design standards within the Urban Growth Boundary Area shall be to the St. Helens City Council. Appeals of actions within the unincorporated urban growth area shall be to the Columbia County board of Commissioners.

VII. MOBILE OR MANUFACTURED HOMES

In the Urban Growth Area, the County shall allow mobile homes or manufactured homes on individual lots only if the mobile home or manufactured home meets the following requirements:

- A. The mobile home or manufactured home shall be multi-sectional and enclose a minimum of 1,000 square feet.

- B. The mobile home or manufactured home must have a pitched roof of at least 3:12.
- C. The mobile home or manufactured home must have a composition, wood shake or metal shake roof similar to that found on single-family dwellings located in the City and Urban Growth Boundary.
- D. The mobile home or manufactured home must have siding, which in color, material and appearance is similar to that found on single family dwellings located in the City and Urban Growth Boundary.
- E. The mobile home or manufactured home must be affixed to an excavated and backfilled foundation and enclosed at the perimeter such that the mobile home or manufactured home is located not more than 12 inches above grade.
- F. A minimum of two off-street parking spaces must be provided for each mobile home or manufactured home.

VIII. AMENDMENTS TO THE MANAGEMENT AGREEMENT, COMPREHENSIVE PLAN AND IMPLEMENTING MEASURES

- A. Amendments to the Management Agreement may be initiated by either party. The amendments shall be reviewed by the governing bodies and approved in an open meeting after opportunity for public comment has been given. The County will send a Notice of Adoption of amendments to the Management Agreement to the Department of Land conservation and Development in conformance with ORS 197.610 after all parties have approved the amendments and the amendments have been integrated into the Management Agreement. Amendments to the Management Agreement shall be considered to be legislative amendments that are not subject to the provisions of ORS 215.428(7) and ORS 227.178(7).
- B. Amendments to Comprehensive Plan Provisions. Amendments to the Columbia County Comprehensive Plan which affect the St. Helens Urban growth Area shall be adopted according to the procedures described in the Columbia County Comprehensive Plan. The amendments may be adopted by the Columbia County Board of Commissioners only after recommendations have been received from the Planning Commissions of St. Helens and Columbia County. The City shall amend its Comprehensive Plan and implementing ordinances according to the procedures described in its charter or other regulations and as they may relate to the Urban Growth Area

after recommendations have been received from the City of St. Helens and Columbia County Planning Commissions.

- C. Zone Changes. Any person may apply for a zone change within the Urban Growth Boundary Area. The City of St. Helens shall retain decision-making responsibility on all zoning amendments affecting property within the incorporated city limits. The Columbia County Board of Commissioners shall retain the decision-making responsibility on all zoning amendments affecting property located within the Urban Growth Area. The Board of County Commissioners shall not approve a zoning designation which conflicts with the City of St. Helens Comprehensive Plan Map.
- D. Other Regulations. Other regulatory actions or amendments which may affect property or the administration of land use regulations within the Urban Growth Boundary Area shall be initiated by either the City or the County governing body according to its own land use procedures. The parties shall coordinate amendments to ensure the purposes of this agreement are retained.

IX. DEVELOPMENT AGREEMENTS

- A. Development Agreements pursuant to ORS Chapter 94 and local implementing ordinances are specifically authorized to achieve the objectives of this Urban Growth Management agreement. Development Agreements shall, at a minimum, facilitate the choice of Interim Development Standards in accordance with procedures and requirements to be contained in jointly adopted Urban Growth Area Interim Development Standards. This provision is not intended to be a limitation on the permissible uses of Development Agreements.

IN WITNESS WHEREOF, this Urban Growth Management Agreement is signed and executed this

_____ day of _____, 1999.

MODEL DEVELOPMENT AGREEMENT FOR COLUMBIA COUNTY, THE CITY OF ST. HELENS AND SUBJECT PROPERTY OWNERS

This agreement is intended to be a template for use by Columbia County, the City of St. Helens, other service providers and private land owners for development with the St. Helens urban growth area. The agreement would be tailored to meet the needs and conditions of specific development proposals.

Model Development Agreement Provisions

Applicability/Assignability. This agreement is a binding contract between Columbia County, the City of St. Helens and all persons who presently have an interest in the subject property or who acquire an interest in the subject property in the future. This agreement shall be recorded with the deed to the subject property described in Attachment ____. ²

Duration: This agreement shall be valid for up to __ years from the date it is signed or renewed. ³

Renewal: At or earlier than 60 days prior to expected expiration of this agreement, Columbia County, and/or the City of St. Helens will contact the other parties to the agreement to discuss the potential need for its renewal. Subject property owners also may initiate such a renewal process at or prior to this time. If all parties agree that the agreement should be renewed, they may negotiate any necessary changes to the agreement and enter into a new/renewed agreement prior to the expected expiration date.

Permitted uses. Permitted uses on the property are those allowed by the Columbia County Comprehensive Plan and implementing ordinances. ⁴

Density/intensity of use. Prior to obtaining sewer service and/or annexing to the City of St. Helens, maximum allowable densities on the subject property will be no greater than __ dwelling units per acre. Subsequent to annexation, allowable densities will be those specified in the City of St. Helens Comprehensive Plan and Zoning Code or

² This agreement is intended to be carried with the land, and applicable to future property owners if the land is sold.

³ Oregon law requires that the duration of the agreement may not exceed four years for a development of fewer than seven lots and seven years for a development of seven lots or more.

⁴ In most cases, the agreement refers to the County or City Comprehensive Plans or implementing ordinances regarding permitted uses, density, building height, etc. In other cases, specific interim development standards or information about the subject property would be attached as exhibits.

specified in future agreements or development approval conditions with the City of St. Helens.

Maximum height and size of proposed structures. Standards for maximum height and size of proposed structures are those specific by the Columbia County Community Development Code. Upon annexation, allowable height and size of future structures shall be governed by provisions of the City of St. Helens Development Code.

Dedication of land for public rights-of-way. Owners of the subject property will be required to donate land for streets and other public right-of-way as defined by public facilities plans prepared by Columbia County and the City of St. Helens and described and documented in the Future Development Plan for the subject property (Attachment ___).

Standards for public utilities and services. Prior to annexation by the City of St. Helens, standards for construction of transportation, sewer, water and drainage shall be the Interim Development Standards described in Attachment ___. Subsequent to annexation, standards shall be those set forth in the City of St. Helens Community Development Code.

Non-remonstrance for annexation. The City of St. Helens will require the undersigned to agree to annexation and to waive the right to remonstrate and to vote on annexation, for all the affected property, as described in Attachment ___. The following provisions apply to future possible annexation of the property:

- Annexation may take place by any means allowed by state law at the time of annexation, and this agreement constitutes an agreement to annexation by any means chosen by the City.
- In the event the type of annexation requires a written consent to annexation, this agreement shall constitute a consent to annexation and shall be used as said consent for each consent required by law. Further, the agreement constitutes an express waiver of any other agreements regarding consent to annexation and the undersigned intends this consent to be valid in perpetuity. For administrative purposes, the undersigned agree to sign the requisite consent forms and the waiver of the one-year limitation at the time of executing this agreement.
- In the event the type of annexation chosen by the City involves the right to remonstrate, this agreement constitutes a waiver of the right to remonstrate; a remonstrance by anyone having a present or future interest in the property affected by this agreement shall be void.
- The owners agree to pay future expenses related to annexation, including all reasonable administrative costs and the payment of application filing fees, if so stipulated by the City at the time of annexation.

Fees and charges. The fee for processing a development agreement will be \$400, payable by the owner of the aforementioned subject property to Columbia County. This fee is expected to cover a portion of the cost to the County of preparing and administering the agreement.⁵

Schedule and procedure for compliance review.

Each year, within 30 days of the date formalizing this agreement, the parties will provide certification to each other regarding performance with the specific provisions of this agreement. Certification may include providing assurances that the level of development has not reached some performance threshold or that a performance bond has been renewed, or that a particular project has been scheduled for construction. The compliance report will also outline anticipated steps that will be taken in the coming year to stay compliant with the agreement.

Responsibility for providing infrastructure and services. Responsibility is as follows:
Prior to annexation of the subject property:

The undersigned property owner agrees to be responsible for constructing or financing the following facilities:

- All extensions of McNulty water lines or City of St. Helens water and sewer lines required to serve the subject property. The undersigned may be repaid for a portion of these costs as other new development directly served by these improvements occurs/is approved and constructed. Criteria and procedures for repayment are specified in Attachment __.
- All on-site improvements needed for existing facilities if further development of the subject property necessitates an increase in capacity to serve future development.
- Construct all needed internal roads, sidewalks and drainage facilities in accordance with the Interim Development Standards included in Attachment __.

Construction of additional facilities to City standards will be deferred until such time as:

-
-

⁵ This is the fee currently cited for a development agreement in the County's fee schedule. Depending on what percentage of costs the County desires to recover, it may be necessary to increase this fee.

At that time, the undersigned or current property owner will improve facilities to City of St. Helens standards specified in the City's Community Development Code. The undersigned will issue a performance bond to ensure that adequate funding is available to pay for improvements when they are needed/required.

Deferred improvements will include: 6

-
-

The undersigned will be responsible for paying all pertinent systems development charges (SDCs) required for connections to City services.

The City of St. Helens will be responsible for constructing and financing the following facilities: 7

-
-

Columbia County will be responsible for constructing and financing the following facilities: 8

-
-

As stated in this agreement, facilities will be constructed to the standards specified in the City of St. Helens Community Development Code and Attachment __. Also, as stated in section __ of this agreement, all city or county obligations to expend moneys specified in this agreement are contingent upon future appropriations as part of the local budget process. Nothing in the agreement requires a city or county to appropriate any such moneys.

Following annexation of the subject property:

The undersigned property owner will be responsible for constructing or financing the following facilities:

- Sewer, water and transportation facilities in conformance with the City of St. Helens Comprehensive Plan and Community Development Code. Specific improvements will include: 9

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6 This section of the agreement will be specific to each development proposal.

7 This section of the agreement will be specific to each development proposal.

8 This section of the agreement will be specific to each development proposal.

9 This section of the agreement will be specific to each development proposal.

The City of St. Helens will be responsible for constructing and financing the following facilities:

- All facilities specified in the City's Capital Improvement Program scheduled to be completed within __ years and necessary to serve the subject property based on standards specified in the City's Community Development Code. Specific facilities/ improvements include: ¹⁰

-
-

Effect of changes in regional policy or federal or state law. If changes in state or federal law or policy render compliance with the agreement impossible, unlawful or inconsistent with such laws, rules or policy, the agreement will become null and void. The St. Helens City Council will be responsible for making this determination.

Remedies upon breach of contract. Remedies available to the parties to the agreement upon a breach of the agreement include:

- If the undersigned or current property owner fails to construct or finance deferred improvements as specified in section __ of this agreement, the performance bond or other guarantee instrument for the improvements will be forfeited to the City of St. Helens.
- Other remedies for the City in the event of breach of contract may include:
 - Discontinuation of City services specified in this agreement
 -
 -
- Remedies for the undersigned property owner in the event of a breach of contract by the City include: ¹¹

-
-

Conditions for development approval. Development approval of the subject property shall be contingent upon the property owner/developer meeting the following requirements:

- For major or minor partitions that would result in at least one parcel that is greater than five (5) acres or smaller in size, the undersigned will be required to prepare and record a future development plan in conformance with the provisions specific in

¹⁰ This section of the agreement will be specific to each development proposal.

¹¹ City or County legal counsel are requested to recommend language used in other similar City or County documents.

Attachment __ (Article IX, section 914 of the Columbia County Subdivision Ordinance)..

- For creation of more than __ lots, prepare a subdivision plan in conformance with County subdivision requirements as specified in __.
- Agreement to construct and/or finance transportation, water, sewer and drainage facilities, as specified in this agreement.
- Agreement to future annexation by the City of St. Helens and non-remonstrance to annexation as specified in this agreement.
- Agreement to connect to sewer services when such services are within 300' of the subject property.
- Issuance of a performance bond to pay for deferred improvements specified in section __ of this agreement.

Completion of development of subject property. Construction of new development subject to this agreement shall commence within __ months/years. The entire project (or __ phase of the project) be completed by (date).

Limits on city and county obligations to expend moneys. All city or county obligations to expend moneys specified in this agreement are contingent upon future appropriations as part of the local budget process. Nothing in the agreement requires a city or county to appropriate any such moneys.

Ability of city or county to serve development. The ability of the City of St. Helens or Columbia County to serve the subject development is based upon assumptions and findings incorporated and adopted in the City and County Comprehensive Plan and sewer, water and transportation master plans, as well as additional public facility plans included and cited in Attachment __.

Procedures to be followed when a change in circumstances affects compliance with the agreement. Should any portion of this agreement be declared void by a court of law, the remaining portions of this agreement shall remain in full force and effect. ¹²

¹² City or County legal counsel are requested to recommend language used in other similar City or County documents.

TRANSPORTATION STANDARDS AND POLICIES

David Evans and Associates, Inc. has prepared a set of road standards reflecting a full build out scenario for Columbia County roads inside the St. Helens Urban Growth. These standards have been agreed to as the ultimate standards, however, it isn't always practical or necessary to immediately apply the full build out road standards when development occurs. The purpose of this memo is to set forth the conditions where the interim road standards are appropriate and the processes/language necessary for codifying the interim road standards for Columbia County roads inside the St. Helens Urban Growth Boundary.

Implementing the interim road standards requires amending existing documents where the existing Columbia County Road Standards. These road standards are described in two documents: *The Columbia County Road Standards* (adopted in 1996) and *the Columbia County Rural Transportation System Plan* (adopted in 1998). The following amendments to these documents are underlined with deleted text shown in ~~strikeout~~. Where necessary, a brief description about the amendment is included.

Implementation

Discussions with Columbia County staff indicated that interim road standards were addressed at one joint City Council/County Board of Commissioners meeting, but that no other meetings are currently scheduled to discuss the implementing language contained in this memo. However, County staff did indicate that they plan on scheduling the necessary meetings in July and August to discuss the interim road standards implementing language. It is likely that the proposed language discussed below will change slightly as a result of these meetings.

Columbia County Road Standards

The Columbia County Road Standards discuss the requirements for developing single parcels and subdivisions. The following language should be added that addresses the interim road standards and requirements for completing a transportation impact study for any development that will generate more than 100 vehicle trips per day.

Section I: Overview Of Road Standards

Add the following underlined text to Section I (A)(3): PUBLIC ROAD OR COUNTY ROAD RIGHTS-OF-WAY

Prior to obtaining a permit for construction of a home or business, a road access permit is required from the Road Department, who may require a traffic impact study for any development that generates more than 100 vehicle trips per day. At a minimum, the

traffic impact study shall consider safety and minimum sight distance at the proposed access point. The road access and associated improvements must be constructed according to the Road Standards (or a bond in the amount of 125% of the estimated roadwork deposited with the County) before the permit will be approved.

Section VI: Creation of Public Roads

Add to the following underlined text to Section VI (B)(7): OTHER REQUIREMENTS

Other information to be shown on the construction drawings or required supporting information of the other submittals include:

The design elements such as:

- (1) Street Classification;
- (2) Design speed;
- (3) Superelevation;
- (4) Average Daily Traffic (ADT or design Hourly Volume (DHV)).

Structural construction plans and the necessary calculations shall be submitted for proposed structures (i.e., wall, box culverts, bridges, etc.)

Any development, including residential subdivisions or any development that requires a change in zoning that generates above 100 vehicles per day, shall submit a traffic impact study. At minimum, the impact study shall consider safety concerns that the new development might create and minimum sight distances at the proposed access point.

Any additional information that the County deems necessary.

Section VI: Creation of Public Roads

Add the following text to Section VI(C)(3): WIDTH

Drawings I ~~and~~ II, and III are a summary of road width standards by the functional classification of the road. It should be noted that public utility easements beyond the right-of-way are required in some instances. The preliminary approval given for the public improvement should indicate the classification of road required.

Section VI: Creation of Public Roads

Add a new section and title it Section VI (C)(6): INTERIM ROAD STANDARDS FOR ST. HELENS

St. Helens and Columbia County have reached an agreement that reflects special circumstances County-owned roads face inside of the St. Helens Urban Growth Boundary. If any of the criteria contained in this section apply, then special interim

street standards shown in Drawing III shall apply. The applicant must meet one of the following criteria:

1. The land use action is a minor partition creating two or more parcels all greater than five acres in size; or
2. Development applications fronting roads that currently meet LOS B or better that secure City approval for a development deferral agreement; or
3. Building permits issued on streets that currently function at LOS B or better with a development deferral agreement.

If none of the above criteria applies to the new development application, then the road width street standards illustrated in Drawings I and II shall apply.

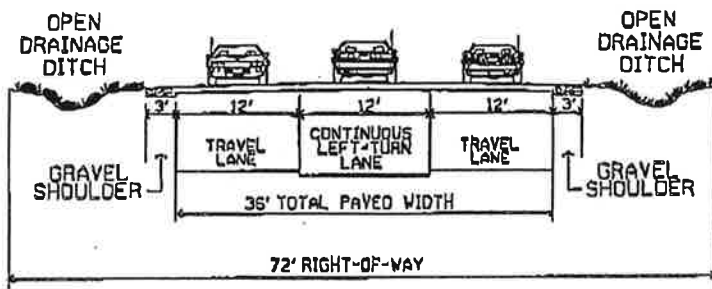
Columbia County Rural Transportation System Plan

Countywide street standards are outlined in Chapter 4 of *The Columbia County Rural Transportation System Plan*. The following text should be added as a new paragraph to Section 4.1 in addition to adding the interim road standards figure (Drawing III) in Appendix D. The preceding paragraph is also included here for reference.

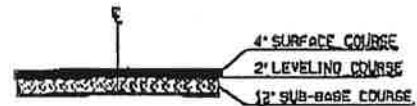
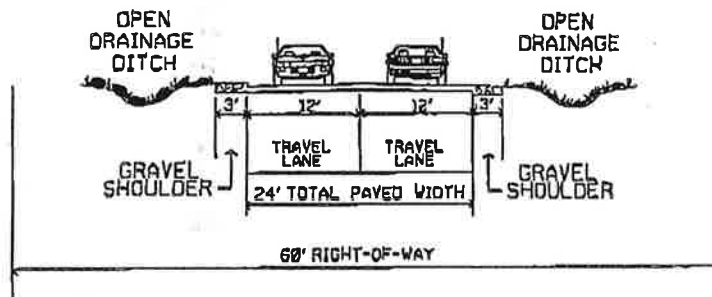
Design standards for County roads were reviewed and updated in 1996. Standards for rural arterial facilities include provision for 12-foot travel lanes and 5-foot shoulder. On collector roadways, shoulders are reduced to four feet. New standards for local roads provide for 10-foot travel lanes and a 3-foot shoulder. Some public concern was expressed over the reduction for local roads from the earlier 12-foot travel lanes. The reduced width complies with state and federal design guidance, and provides an adequate shoulder for bicycles and pedestrians. These cross sections are presented in Appendix D. No changes are recommended in the County's road standards.

Although the majority of new County roads follow the guidelines listed above, special standards apply to county roads within the City of St. Helens. The County and St. Helens have reached an agreement that is reflected in a set of "interim standards" for County-owned roads within the St. Helens Urban Growth Boundary. These "interim" standards reflect the still rural nature of some areas within the Urban Growth Boundary, but also acknowledge that the surrounding area will eventually be urbanized. Interim standards for minor arterials include a 36-foot paved roadway, 3-foot gravel shoulders, and open drainage ditches on both sides of the road within a 72-foot right-of-way. Collectors include a 22-foot paved roadway, 3-foot gravel shoulders, and open drainage ditches on both sides of the road within a 60-foot right-of-way. Local-residential streets include a 22-foot paved roadway, 3-foot gravel shoulders, and open drainage ditches on both sides of the road within a 50-foot right-of-way. These cross sections are illustrated in Drawing III in Appendix D.

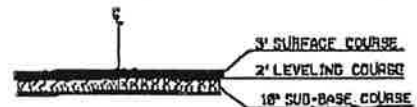
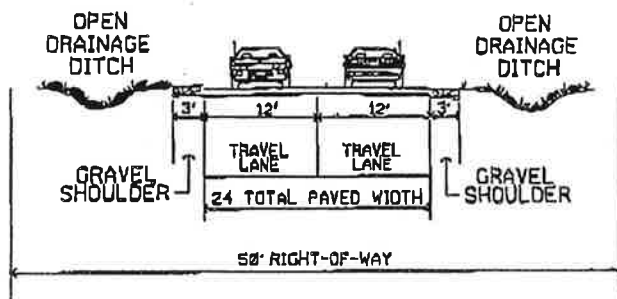
Minor Arterial



Collector



Local - Residential

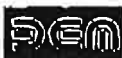


Drawing III

Interim Road Standards and Structural Cross Sections

Minor Arterial, Collector and Local - Residential Streets

City of St. Helens and Columbia County



DAVID EVANS
AND ASSOCIATES, INC.
28 S.W. CORBETT AVENUE
PORTLAND, OR. 97204-4830 (503) 233-6663

(Not to Scale)

FINANCIAL OPTIONS FOR PUBLIC IMPROVEMENTS IN THE COLUMBIA COUNTY/ CITY OF ST HELENS URBAN GROWTH AREA

The following narrative presents recommendations for financing the extension of infrastructure serving interim and urban level development within the St. Helens Urban Growth Area. These options are not intended as a one size fits all solution to future financing but one or more of them will generally be suitable for addressing service needs.

System Development Charges (SDCs)

The proposed amendments to the City/County Urban Growth Management Agreement (UGMA) call for the County to adopt SDCs within the urban growth area (UGA) based on the City of St Helens SDC methodology. FCS Group recently developed that methodology and updated the City's SDCs. The recommendation to expand SDCs to cover the entire UGB is based on discussions with TAC and CAC members. Both groups recognized 1) that there is need for refinement of infrastructure master plans for the UGA; and 2) that St Helens has little incentive to spend resources planning for service extensions into the UGA when it has a significant supply of serviced undeveloped land inside the existing city limits. As a compromise, the CAC members agreed it would be fair to pay SDCs if the County and City pledged to prepare better long-range plans for the UGA. This would then provide property owners and the County and City with information about the cost, location and size of infrastructure needed to serve the UGA and allow interim development to occur consistent with future utility and transportation plans.

The process for adopting SDCs in the UGA involves the County passing an ordinance that establishes an SDC Fund and fees for the St. Helens UGA (copy of City SDC fee schedule attached). In the ordinance, the UGA would be defined as the area between the City of St Helens city limits and the St Helens Urban Growth Boundary. The ordinance would only impose SDCs in that area of the County. Adopting the City's methodology is recommended because the City's fees were based on the best available estimate of the cost to serve the entire UGB and the methodology has already been through an adoption process. In time, the County may consider amending its SDC methodology to include additional projects. For example, the County may identify a need to upgrade some county roads in the UGA to an urban standard. The portion of the project cost that serves growth would be eligible for SDC support.

The County may also identify drainage improvements, such as culvert replacements, that are needed to pass storm runoff expected under future urbanized conditions. Planning costs to identify needed capital improvement are an eligible SDC cost and the City's methodology makes allowances for updating master plans. Revising cost estimates for future planning work is another area where the County may wish to recover costs through SDCs.

The ordinance also would establish a St Helens UGA SDC Fund as part of the County budget. This fund would need to separately account for water, sewer, drainage, and street fees. Revenue to the Fund may only be used for eligible SDC projects and activities. Since the County is not in the water and sewer business, fees related to water and sewer should be saved and applied to future projects that benefit the UGA. For example, water SDC revenue could be used to augment McNulty Water Association funds for preparing an urban area update to its master plan.

Given the relatively limited development that occurs in the UGA, the amount of SDC revenue collected likely will not be significant but it will contribute to joint efforts for updating or refining infrastructure master plans. The draft amendments to the UGMA call for the City and County to coordinate the use of SDC funds. The first priority would be to focus the County's SDC resources on preparing better master plans for the UGA, followed by investment in capital facilities that serve the UGA in a manner consistent with the comprehensive plan and City's adopted public facility plan.

Focused Public Investment Areas

A focused public investment area (FPIA) is an area in which public service providers commit to underwrite the cost of extending "backbone" infrastructure in advance of private development. The purpose is to attract private investment into the area and promote a more rapid transition to urban use than would likely occur if private investment alone were relied on to finance service extensions. Funding for the service extensions may come from SDCs, utility revenue bonds (provided the cost/benefit is appropriately shared between existing and future utility customers), an urban renewal district, an advance financing district (see below), or combination of the above.

In Salem, where this approach has been in use for some time, the policy has been successful in accelerating the pace of development within the FPIA, and accelerated the recovery of public investment. The policy has also generated controversy related to the selection of FPIAs. In their plan, Salem puts in the "backbone" improvements based on an adopted FPIA capital improvement plan and schedule. Project timing may vary from the plan based on the pace of growth and available resources, but there is an iron-clad commitment by the City to build the infrastructure. Salem will agree to repay a developer who extends a planned backbone improvement inside the FPIA when the subject project comes up for funding in the City's budget process. For example, if a developer extends a sewer line and upgrades a road earlier than the FPIA investment schedule, the City will repay the developer (based on historic cost) when funding for that project comes up on the schedule. The time limit for repayment is generous - 16 years.

Outside FPIAs, development is still permitted but service extensions must be privately financed. If a service extension involves a project listed in the City's long range Capital Improvement Program (CIP), the developer receives an SDC credit for an amount up to his SDC payment for that service (i.e. the developer's cost to extend a water line would reduce his water SDC). But the City does not reimburse the developer for costs above the SDC

credit. Furthermore, except within FPIAs, Salem no longer enters into private developer agreements that pledge repayment with proceeds from SDCs and/or connection fees paid by "downstream" beneficiaries from the infrastructure investment. This policy is used to discourage non-contiguous development outside of FPIAs.

New FPIAs are selected when the level of development in existing FIPAs reach some level of build-out (e.g. 80%) or when the city needs to expand its supply of servicable commercial and industrial land, per state rules. They are typically sized to assure full development within a short time (e.g. to reach 80% of build-out within ten years).

In our view, given the significant supply of servicable land that already exists in St Helens, it does not make sense to designate FPIAs outside city limits. St. Helens may wish to use the concept to promote infill development within certain areas of its city limits. In doing so, the City could use its CIP as a surrogate FPIP to specific master facility plan refinements and specific projects, using the CIP to prioritize investment in specific areas. This would help the City recover investment in public facilities that are already in place and help target the City's limited SDC resources. Criteria for selecting FPIAs may include: the ratio of investment cost to expected tax/fee revenue, the ratio of existing development to vacant land, market desirability, and impacts on other service providers. Until more of the buildable land base within the City is developed, we do not recommend using this technique in the UGA.

Debt Financing

Revenue Bonds

As a practical matter, most cities and counties that collect SDCs find that their savings rate from SDCs lag their capital improvement needs. To catch up, they often need to borrow money to build infrastructure improvements. Because SDCs are generally not an acceptable collateral to lenders, other more reliable revenue streams must be pledged toward repayment, such as tax receipts or utility fees. In order to satisfy creditors that an income stream is available to meet debt service and operating requirements, most cities raise utility rates (or pass a general obligation bond) to satisfy credit terms.

Once a bond is issued, SDC receipts can be used to pay debt service. So long as growth continues, and there is enough SDC money to meet the debt obligation, the extra tax revenue or utility rate revenue can be used for other purposes, such as investing in deferred maintenance or in capital savings for other improvements. This sounds like a fair arrangement until growth slows down; then there can be a problem.

Furthermore, when utility revenue is pledged to backstop SDC payments for growth related projects, the expected increase in revenue from new customers served by the project should cover the cost to finance its construction and operate the facility. If that doesn't happen, then existing rate-payers may complain that they are subsidizing the newcomers.

To address this concern, St Helens should prepare a financial plan for its growth related capital improvement projects whenever those projects are financed in whole or in part with utility revenue. Such a plan would analyze the relative benefits related to the project and the associated contribution from beneficiaries to demonstrate that the utility's debt support is commensurate with rate payer benefits. The plan should be coordinated and consistent with the City of St. Helens' CIP and/or a joint City/County CIP. When it appears that the combination of SDCs and net-profits above operating costs are not sufficient to meet the cost of the project, a surcharge could be levied on customers in the benefiting area to offset the difference. The surcharge could be applied as an add-on to utility bills, or it could be assessed to benefited properties through a LID, or it could be collected from a developer depending on the scale of the project. This report should accompany the engineering report, financial advisor report, and other background information that are prepared for the bond issue.

Limited Improvement Districts (LIDs)

LIDs are generally unreliable as a mechanism for assuring future investment in infrastructure because benefiting property owners must approve the assessment. LIDs can work quite well to address a retro-fit improvement need - such as building sidewalks, improving a street, or installing street lights - when property owners ask for the improvement. They are, however, difficult to impose ahead of time. The County's current policy that requires property owners that develop in the UGA to sign a non-remonstrance waiver to LID formation provides little assurance that LID assessments will ever be approved. Property owners in the unincorporated area that lack public amenities, such as sidewalks, storm drainage facilities, and standard streets, are unlikely to assess themselves for these improvements simply because of the non-remonstrance agreement. As a financing tool, LIDs should not be relied on to assure future infrastructure investment. They can be relied on to finance an improvement where willing property owners seek an improvement concurrent with development. The City and County may want to consider amending conditions related to current requirements for waivers of remonstrance.

General Obligation Bonds (GO)

GO bonds offer the best possible security to creditors. They are backed by the full faith and credit of the issuing entity. Repayment can be structured simply by a property tax assessment, or by a secondary pledge of special revenues (gas tax receipts, utility fees). Unlike revenue bonds, GO bonds require voter approval. There are state credit limits on how much GO debt a jurisdiction can pledge, but there are very few communities in the state that are significantly constrained by the limit.

Because of the voter approval process, GO bonds are an unlikely source of funding for financing infrastructure in the UGA. For some improvements, such as over-sizing a sewage treatment plant, major highway, or water reservoir, current residents of the City may be willing to extend their credit to pay for infrastructure with the capacity to serve portions of the UGA. For most utility extensions, however, it is unlikely that City voters would

approve a tax measure that would largely benefit non-city residents. If a regional utility authority were formed, so that property owners in the UGA were assessed along with City residents for capital improvements, the chances of using GO authority to finance expansion may improve. But that prospect first requires establishing a new taxing authority under ORS 451 or other enabling statutes. It is unlikely such a measure would be approved without compelling reasons for replacing the City as the logical service provider for basic infrastructure services within the UGBA.

Private Contributions

Developer Dedications

This is the most common method of financing the extension of services and the method that will likely underwrite most of the cost to extend services into the UGA. On an incremental basis, as property is developed, frontage improvements and utilities will be built by private parties to City standards and dedicated back to the City in exchange for provision of service. This arrangement typically applies to all four major public facility services - water, sanitary sewer, storm sewers, and transportation. Deferral of the full infrastructure improvement for any of these facilities needs to be carefully planned to assure that the cost transfer, whether it is to a future private party or to the public, is enforceable and consistent with regional growth management strategies.

Private Developer Agreements

Two conditions are envisioned that may involve use of a private developer agreement; both involve instances when services are not contiguous to a property whose owner wishes to develop. In the first instance, the developer seeks relief from requirements to extend services as a condition to developing the property. The City and County may allow the developer to defer extension of full services to the property until some time in the future. At that point, a condition specified in the agreement (e.g., a urban level of density is reached) will trigger the developer and/or third parties assigned under the agreement to finance the improvements. A surety bond may be required to assure performance. A model agreement has been prepared as part of this process that covers this circumstance (see Model Developer Agreement). The model agreement is intended to be used as an implementing mechanism for the preparation of "future development plans" for parcels in the UGA smaller than five acres that are proposed to be partitioned. The agreement would run with the land and obligate current and future property owners to make deferred improvements.

In the second case, the developer seeks reimbursement for extending services to the development site. Private properties along the way reimburse the developer as they develop, (see AFD below) or SDCs collected from intervening properties may be pledged for reimbursement. State statutes now impose time restrictions on private developer agreements that may limit their appeal. Regardless of their appeal to private parties, their use needs be supportive of City and County growth management strategies. Care should

be taken to weigh their usefulness in view of City policy on FPIAs, LIDs, SDCs and the desire for maintaining compact service delivery systems.

Advanced Financing District (AFD)

The City of St Helens has an ordinance allowing the formation of AFDs. The term is somewhat misleading because the "district" is not a tax area. It is a special fee assessment area in which "intervening properties" are required to pay fees to reimburse a private party for financing an oversized public improvement. The terms of an Advance Financing Agreement provide that other private properties that develop within the district and make use of the oversized facility must pay their fair share of the cost for the facility. Once collected, the reimbursement fees are repayed to the original investor. The agreement typically has a time limit; St Helens' AFD limit is 10 years. After that time, the agreement expires and no reimbursement fees are collected.

Each district must be approved by the City Council. The City Engineer prepares a report for each AFD application that specifies which properties benefit from the improvement, by how much, and what are the related fees. It is not clear if an AFD considered a private developer agreement and therefore subject to the state time limits for such agreements. If so, the ADF time limit may be only seven years. This would reduce the appeal of the AFD somewhat, because private parties would loose three years of reimbursement time for their infrastructure investments. But the technique may be useful to facilitate the extension of services for a short distance in cases where a few private properties block service extensions to other property owners or where fragmented ownership between a project boundary and existing service lines impedes access to services.

On the other hand, there is no assurance that the "intervening properties" will develop during the period in which the agreement is in effect. So the investment is a gamble on the part of the applicant. It is not clear how AFD fees should be treated if SDC fees are in effect. We speculate that if the AFD improvement is an SDC related project (i.e., the SDC fee includes the estimated cost for the AFD improvement), then the AFD fee could be construed as a double payment. In this case, the SDC is suppose to cover each property owner's fair share for all SDC related projects. If the improvement is not listed as an SDC eligible project, (i.e. not a project in an approved master plan that the SDCs were based), then the AFD fee likely would not be considered a double payment.

To be used in the UGA, Columbia County would need to adopt an enabling resolution allowing the formation of AFDs in the UGA. In the spirit of the City and County UGMA, City concurrence with any AFD formation in the UGA should be secured. Depending on overall growth management strategies, AFDs could be useful in helping extend infrastructure in the UGA. On the other hand, at this time, the County may not have the resources to administer such a program, making this tool potentially impractical.

Summary Recommendations

- Adopt SDCs for the UGA; apply proceeds to better master plans first, then capital improvements.
- Require a financial analysis demonstrating equity to rate payers prior to using revenue bond authority to finance service extensions in the UGA.
- Rely on LIDs to retrofit service deficiencies or enhance facilities concurrent with development but not for assuring future development of full urban services.
- Study the feasibility of using focused public investment areas inside existing city limits to expedite recovery of earlier public investment and to foster prudent use of SDC resources.
- Commit to a timetable for improving the quality of master plans for the UGA using combined City and County resources. Prepare an intergovernmental in conjunction with adopting SDCs for the UGA that outlines a process for coordinating the expenditure of SDCs collected in the UGA.
- Further investigate the feasibility of using AFDs in the UGA; if they are utilized, limit the use of AFDs and PDAs to circumstances that advance the City/County growth management strategy.

PUBLIC MEETING SUMMARY
June 13, 2001

Introduction

Todd Dugdale opened the meeting with an overview of the project. He mentioned that the City and County are required by state law to jointly manage the St. Helens urban growth area (UGA), i.e., the area between the St. Helens city limits and its urban growth boundary (UGB), using a city/county Urban Growth Management Agreement (UGMA) that includes standards for development in the area before annexing to the City. During the last update of the UGMA, the City and County identified a need to better plan for development within the UGA to allow for future subdivision and reduce impacts of serial partitioning. The City and County agreed to develop interim development standards to allow for interim land division that would not preclude future urban-level development. This process is to develop a tool to be referenced in UGMA to jointly manage growth.

A Technical Advisory Committee (TAC) and Citizens Advisory Committee (CAC) met during the process to review the status of the project and work products. The purpose of this meeting was to present final draft work products to interested members of the public for review and comment. It included a brief presentation, followed by comments suggested revisions to be made to the documents prior to the public hearing/adoption process. Work products include:

- Proposed amendments to the Columbia County Comprehensive Plan
- Proposed amendments to the Columbia County Development Code
- Proposed amendments to the Columbia County/City of St. Helens UGMA
- Model development agreement
- Summary of public infrastructure financing options
- Proposed road standards for interim development
- Draft water service providers agreement

Subsequent to this meeting, final draft documents will be presented to a joint City Council/County Board of Commissioners work session, followed by joint and separate public hearings for the City and County.

Presentation and Discussion

Next, DJ Heffernan, Jennifer Bradford, and Matt Hastie briefly summarized the work products described above. Summary handouts from the meeting are attached. A brief question and answer period followed.

General Questions

Question Are there requirements in the Oregon Revised Statutes (ORS) for abandoning septic systems and connecting to public sewer system?

Answer Yes, but they are limited to septic systems that fail. The proposed code amendment recommended here is a broader requirement.

Question What are the current partitioning requirements?

Answer Three lots can be created per calendar year from a single lot. In the next year three lots may then be created from those resulting three lots and so on.

Water Service Agreement

Question How were the proposed boundaries in the draft water service agreement defined?

Answer The areas proposed to be served by McNulty in the future are defined by areas where there are more McNulty facilities and those with higher elevations where it would be more costly for the City to provide service. These include an area south of McNulty Creek (about 600 acres), north of Pittsburg Road, and areas of higher elevation. There is not a lot of additional growth expected in these higher elevation areas.

Financing Options

There were no comments from the public. Todd Dugdale noted that systems development charges (SDCs) are recommended to be adopted for the St. Helens UGA and eventually could be implemented in other parts of the County. The County is applying for a grant from the state Transportation and Growth Management program to study application of these and other interim development standards for other communities in the County.

Urban Growth Management Agreement

Comment The key is the need for master plans for UGA to determine future facility locations. I am not sure how to finance these plans but believe there is a way to do it without hurting urban residents.

Answer We are proposing that County adopted SDCs be used to finance this planning. If revenues from these SDCs are not sufficient to cover these

costs in the short term, the City may be able to advance the County some of the money; it would be repaid later as rural development occurs and additional SDC revenues are generated.

Comment If we knew the future location of facilities, it seems like we would not need to specify as much information in the proposed future development plans (FDPs).

Question Is it possible that the new rules will affect the valuation of properties on the fringe of the UGA?

Answer I think that the relative ability to subdivide property is a factor in valuation. Current regulation imposes some limits. It is not clear how valuation would be affected. Some might argue: why not allow for large lot subdivisions if provisions are in place that allow for future division to urban level densities. Also, why allow serial partitioning at all if it precludes future efficient division? These new standards could result in an increase in value if they increase the potential for development but not I am not sure how the County assessor will respond.

Comment I see a reference to the definition of manufactured homes in one of these documents. I recommend you reduce the minimum allowable size of manufactured homes (e.g., from 1,000 to 800 square feet) but keep the requirement that they be "multi-sectional". I have seen a number of smaller multi-sectional manufactured homes that look good and meet the needs of certain residents.

Answer The current requirements are intended to make manufactured homes look like they are on a par with other homes. This process was not intended to address those specific requirements. We may want to revisit those requirements at a later time but it may not be a good idea to mix those types of proposed code revisions in with these interim development standards.

Comprehensive Plan Amendments

Question What does the policy that the County will "encourage" development in the City prior to development and annexation of areas in the UGA? How can the County encourage development within the City and would there be a threshold or benchmark standard for encouraging development in one area over another?

Comment It sounds like a good policy but I am not sure how to implement it. Could we reword it to make it more general?

Comment We could say that the City needs to establish criteria for extending the city limits in regards to land supply or other factors.

Comment The approach recommended by this project, by making some types of urban development outside the City more difficult, may make it less attractive and result in incentives for development within the City. In this way the County is encouraging development within the City.

Answer An economist might say that by meddling with the market you will have unintended consequences, so it would be better to level the regulatory playing field inside and outside the City. That way, regulatory cost savings will not attract development towards the UGA.

Comment On the other hand, this should not result in an end run around planning requirements.

Comment I am not sure this levels the playing field.

Comment If we cannot say how the policy would be implemented, maybe it should not be included.

Columbia County Development Code

Comment Is it possible for new planned roads to always follow property lines?

Answer It sounds like a good idea but it does not always work out that way due to topography or other engineering requirements.

Comment A future development plan (FDP) is integral to the use of a development agreement.

Comment Should FDPs take into account plans for or conditions on the properties around them?

Answer That would be very difficult to require, but the code does specify that new FDPs have to match up with existing ones.

Answer Also, if collector and arterial streets are planned efficiently, the location of local streets is somewhat less important and more flexible.

Model Development Agreement

Question What happens if a property owner does not renew a development agreement?

Answer The agreement expires. This is problematic if the agreement specifies deferral of public improvements. If the agreement expires there may be no guarantee that the property owner will meet their obligations under the agreement to finance such improvements. The City should have confidence that triggering mechanisms could be used to ensure that these obligations are met.

Comment One way to address this would be to specify that failure to renew the agreement would force the parties to the agreement to meet their obligations at that time (e.g., construct deferred improvements).

Road Standards

Question Do the new road standards require adequate transportation facilities in the City and UGA?

Answer The joint City/County interim road standards we have developed require developers or property owners to provide enough right-of-way and to construct roads with an adequate base to support future urban roads. It is not always practical or economical to construct those full urban roads at the time of development if development impacts do not result in the need for an urban facility. Such requirements could result in a takings claim under the "Dolan" case. However, the standards would ensure that in the future, roads could be improved to their ultimate standards without reconstructing the road base or acquiring additional right-of-way.

Comment We should have detailed road plans for the UGA.

Answer We cannot always plan to that level of detail in an area this large without spending millions of dollars.

Comment We probably need to better define what we mean by a "master plan" in these requirements.

Question How will the road standards be implemented? They are an important component of the interim development standards.

Answer We may need to revise both the City and the County road standards and transportation system plans (TSPs).

Question Did you consider requiring that improvements extend to the next closest arterial to the subject development?

Answer Not necessarily. We will have to review those kinds of issues or requirements on a case-by-case basis to some degree.

Comment It is important right now to require traffic impact analyses (TIA) for new developments in the County. There is no basis for identifying the impacts of some developments.

Comment We need to develop guidelines specifying when a TIA will be required.

Answer Guidelines could be defined by average daily traffic or peak period traffic. You also could use tiered requirements with trigger mechanisms.

Comment It is crucial to know the impacts of development.

Comment Requiring TIAs will put some burden on the County to maintain accurate traffic data.

Question What are the City's plans and intentions for future development and activities at the racetrack?

Answer The City has no jurisdiction there and no plans as such. The City might be asked to annex that area. If they were to agree, City rules will apply to activities there, but non-conforming uses typically are "grandfathered" in. However, if the racetrack were annexed and the owner proposed to change its operations, they might not be able to do so under City regulations.

The meeting adjourned.

TECHNICAL ADVISORY COMMITTEE

Meeting Summary

May 10, 2001

ATTENDEES

Committee Members:

Skip Baker, St Helens' City Planner
Todd Dugdale, Columbia County Planning
Dave Hill, Columbia County Road Department
Tim Holman, City of St. Helens Engineering Manager
Jim Holycross, Columbia County Planning

Consultants:

Jennifer Bradford, Parametrix
DJ Heffernan, Cogan Owens Cogan
Matt Hastie, Cogan Owens Cogan
Dave Siegel, Parametrix

STATUS REPORT

After an introduction from staff member Jennifer Bradford, DJ Heffernan provided a brief status report which included the following. Most final work products and deliverables are expected to be completed by June 30. These include a Technical Advisory Committee (TAC) meeting, refined work products, a public meeting (date to be agreed on), materials to the Citizens Advisory Committee (CAC) and officials (at the same time), and a joint City/County work session. Adoption hearings are likely to be held thereafter. A contract deadline extension may be needed to address this. DJ also noted that the water agreement process is moving forward. Preparation of a draft Memorandum of Understanding (MOU) between the City, County, McNulty and Water Associations is to be completed today. The Council will review the draft in a work session next week and provide us with an indication of any possible obstacles that need to be addressed to continue moving forward. There are no engineering reasons that the City or McNulty could not move forward with an agreement. The draft MOU takes into account that McNulty needs to have the capacity to serve areas for which it would be responsible at an urban level of development.

COMPREHENSIVE PLAN AMENDMENTS

Jennifer Bradford briefly described the process of reviewing the County's Comprehensive Plan and developing proposed amendments. A number of policies already address project goals and in most cases, refinements are recommended rather than major rewrites. Jennifer reviewed provisions that are particularly relevant to the interim development objectives, as well as recommended new provisions. Questions and comments included:

Question Where did the addition to policy #18 come from? Why does it need to be there?

Answer It is an existing policy, rather than a new one. We will clarify that in the next draft.

Question How can the County encourage development in the City? Will the County deny developments proposed in the urban growth area (UGA)?

Answer No, but code amendments can be used to provide disincentives for urban-level development in the County and encourage urban-level development within the City.

Comment In some cases, development within the city might be more expensive than for similar areas in the County (UGA).

Answer We recognize that tension.

Comment Please add justification and findings related to each proposed recommended comprehensive plan policy.

Comment Regarding policy #23, I take exception to the use of the word "extension." I suggest you use the term "expansion" or "oversizing." Systems Development Charges (SDC's) typically cannot be used to finance simple extensions.

Answer You could add the caveat: "to serve future urban development."

Answer We have language in our SDC methodology that could be incorporated to address this.

Comment Regarding the public facilities policy #12, I suggest we require all urban service providers to have "up-to-date facility master plans that are adequate to serve future projected development."

DEVELOPMENT CODE AMENDMENTS

The proposed amendments focus on the County's subdivision and partitioning ordinances, as well as shadow-platting requirements. It is recommended that the new shadow-platting requirements be moved closer to the beginning of the document and Integrated into other requirements. At this point, these requirements are only applicable to the St. Helens urban growth area (UGA), though they could be applied to UGAs of other communities in the future. Questions and comments included:

- Comment* Todd Dougdale likes the term "redevelopment plan" better than "shadow platting."
- Answer* That term often has another meaning and may not be the most appropriate either.
- Question* Can you review the code for other, possibly conflicting uses of the term "redevelopment plan."
- Comment* Other possible terms could be "redivision plan" or "future development plan."
- Comment* "Future development plan" seems like the best one. It is the most descriptive of what we are talking about.
- Question* What is the history of the five acre threshold for the shadow-platting/future development plan requirements? Is there some way to defend our use of that number? We need to have findings that justify it.
- Answer* There may not be a quantitative study upon which we can base the 5 acre threshold.
- Comment* The County has a RR5 (Rural Residential minimum five-acre lots size) zone.
- Question* In part, the rationale is to avoid the effects of serial partitioning.
- Comment* It is difficult to create a subdivision on something less than 5 acres. It is a case of needing to do infill the future vs. a subdivision or planned unit development. There may be other reasons related to infrastructure, economies of scale, and carrying costs that can be used to justify this threshold. We will provide findings in support of this recommendation.
- Comment* State law may not distinguish between major and minor partitions any more even though Columbia County's code does.
- Answer* We could combine those two provisions. When the County updates the code to reflect state law, they can revise this section.
- Comment* There is a tension between the desire to apply requirements to only the St. Helens UGA, other urban growth areas, or the whole County.
- Question* Should we make these amendments County-wide or confine them to St. Helens UGA?
- Answer* For now, we should confine them to St. Helens. We can add references to other cities' UGAs in the future if we want to apply them to those areas.
- Comment* You need to add a reference to this section in the more general related section of the code (9.14). That section needs to remain in the code to govern shadow-platting requirements in other areas of the County.
- Comment* We may want to move section 9.14 further up or move the new provision further back into the Development Code so both are of equal importance.

- Comment* Change section 304, #4 to reverse the order of the two clauses in the sentence.
- Comment* We need to identify a new standard for minimum frontage requirements on newly created parcels within St. Helens UGA that are ultimately consistent with City standards.
- Comment* I suggest reworking Article 10 to be consistent with the City code and use the City standard.
- Question* What do you all think about using a subdivision process through the preliminary plat stage instead of using a shadow platting process? That would result in the creation of platted, recorded lots for future development but stop short of actually approving the entire development.
- Comment* Alternatively, should we record shadow plats?
- Answer* Yes, as well as rerecording shadow-plat subsequent to any changes. See replatting requirements in section 207 (a).
- Comment* That is a good idea. Tracking will be an issue. Our new permit tracking system can be used to track the recording process for shadow plats.
- Comment* Should we include an additional requirement to do preliminary engineering on utility depths and street widths as part of shadow-platting?
- Comment* You probably also will need to develop user-friendly forms for implementation of these requirements.
- Comment* We need to define the word "demonstration" in Article III, #4.

URBAN GROWTH MANAGEMENT AGREEMENT (UGMA) PROVISIONS

Revised or new provisions make reference to shadow-platting and subdivision requirements and the requirement that the City and County collaborate on preparing public facility master plans for the St. Helens area. Questions and comments included:

- Comment* To pay for master planning in areas where SDCs have not yet generated enough revenue to do so, the City could lend the County funds to develop master plans for subareas within the UGA which could be paid back as further development occurs.
- Comment* We may need requirements that master plans between City and County dovetail.
- Comment* The City now develops facility plans for the entire UGA. We need to clarify the definition of a master plan.
- Question* Is it a refinement to an existing plan or something else?
- Answer* The public voiced a need for enough planning and information about the future location of public facilities to make shadow plats meaningful.

Comment In other words, provide enough information to define an alignment rather than a corridor.

Comment We still need to better define the term "master plan."

Comment Are we saying in this agreement that SDC's could be used for planning or construction of facilities but in the UGA, the priority use is for planning?

Answer Yes.

Comment Are we talking about identifying future road alignments and invert elevations of pipelines?

Comment I think so.

Comment Master plans should define "approximate location/alignment and capacity or classification of facility..."

Question What are the requirements for building and financing future improvements? When and how are the requirements implemented to address future capacity?

Answer We cannot make a property owner pay for the entire cost of planning or constructing future facilities based on a single development proposal, but they can contribute to the cost based on the degree of impact their proposal would have.

Comment We can provide property owners or developers with SDC credits to repaying them for the upfront planning and public facility costs associated with improving or constructing facilities to serve their proposed development.

Comment Annexation Policy B is inconsistent with the current process. It probably should say: "apply to be annexed." Also, if annexation votes do not pass, we could have people sewerred without being annexed.

Comment Add language that says "be sewerred upon successful annexation."

MODEL DEVELOPMENT AGREEMENT

Matt Hastie briefly reviewed the model development agreement, noting sections that still need to be completed. Questions and comments included:

Question Does Salem have a similar development agreement?

Answer They have deferral agreements and other related documents, that in combination, are similar to a development agreement.

Comment Look at County land use fees to identify possible fees for this process.

Comment We probably need a provision about renewal of the agreement. Also, we cannot keep deferring an improvement forever.

Question Is it possible to require right-of-way dedication in an agreement. Does that go beyond what is allowed under the Dolan (takings) decision?

- Answer* It can be required as a condition of the agreement. The property owner does not have to sign the agreement.
- Question* Is a compliance review common in these types of agreements?
- Answer* We are not sure, but thought it was a good idea to have such a process. It can be modified or tailored to specific agreements and conditions.
- Comment* You should ask our legal council to identify remedies to breach of contract. Forward the next draft to the city attorney.
- Comment* It is very important to refer to an attached, recorded "future development agreement."

ROAD STANDARDS

DJ Heffernan briefly reviewed the interim road standards developed by David Evans and Associates. Questions and comments included:

- Comment* What level of traffic impact analysis would be required when that condition is imposed? We need to specify.
- Answer* It may vary based on the proposed level of development. We can say it will be "commensurate/appropriate with/to the level of development."
- Comment* It also may depend on the incremental impact of the development.
- Comment* We now have the ability to require a traffic analysis as a condition of development approval, but usually suggest one be prepared based on the likely degree of public concern.
- Question* What are "full" standards?
- Answer* City standards for full or half street improvements.
- Question* When would developers or property owners not be allowed to defer an improvement? Should we specify a level-of-service threshold for construction of an improvement.
- Answer* A level of service threshold may not be appropriate. Lots of roads may never exceed that level of service and consequently never be improved, even when developed at full urban densities.
- Comment* It may be enough to have existing City and County standards regarding required improvements and a triggering mechanism related to the level of development.
- Comment* Interim standards would be revised to reflect City's minimum standards.
- Comment* For now, we should just change the standards for the St. Helens UGA.

NEXT STEPS

Upcoming activities will include a public meeting and a joint work session between the City Council and County Board of Commissioners. We expect the public meeting to be held during the last week of May and will work with Jim Holycross to determine a specific date. Possible dates for a City/Council work session may be June 5 or June 19 at 3 p.m. Since the committee did not have time to review the summary of proposed financial strategies, they will review it and provide written comments by June 18.

CITIZENS ADVISORY COMMITTEE

Meeting Summary

February 12, 2001

ATTENDEES

Committee Members:

Eric Dahlgren, Land owner
Jim Jacks, Area Resident
Dave Oliver, Local Builder
Von Smith, St. Helens CPAC
Kathy Taylor, City Planning Commission

Additional Area Residents:

Thelma Bonner
Margaret Frank
Gail Gorman
Art Kaster
Betty Ann Steinkile

Consultants:

DJ Heffernan, Cogan Owens Cogan
Matt Hastie, Cogan Owens Cogan

City and County Staff

Skip Baker, St Helens' City Planner
Todd Dugdale, Columbia County Planning Director
Jim Holycross, Columbia County Planning

STATUS REPORT

After introductions by participants, DJ Heffernan restated the objectives of the project and described the agenda for the meeting. The purpose of the project is to ensure that orderly development can occur at urban densities within the urban growth area. In the interim, development should be allowed in the UGA at less than urban density levels but should not preclude or result in obstacles to future development at urban densities in that area. The objective of the meeting was to review and discuss recommendations from the project Technical Advisory Committee about which interim development tools should be pursued and incorporated in City and County Development Code and

Comprehensive Plan provisions, and other planning procedures. DJ also provided a brief status report on other project activities, including:

- **Interim/Joint Road Standards and Classifications.** David Evans and Associates is working on this task. They have evaluated City and County standards and classification systems and are developing a joint standard cross-section, as well as a common classification system. They will summarize their efforts in a memo for review by the TAC and CAC.
- **Water Service Cooperative Agreement.** Arnold Cogan and Loreene O'Neill of Cogan Owens Cogan (COC) have conducted interviews with the parties to the agreement and are preparing a memorandum summarizing the issues, positions and legal requirements associated with a potential agreement. They expect to conduct an initial meeting with the parties in early March. The overall objective of the effort is to determine how to most effectively provide water service in the St. Helens urban growth area in the future as that area develops in a way that best serves the interests of the public.

DJ then asked CAC members for comments and questions about the report on interim development and financing tools that was provided in preparation for the meeting. A summary of discussion follows:

Question Are deferred improvements carried with the deed? This could be a problem if the responsibility for the improvements rests with the original owner or developer. I think it should be a part of the deed and inherited by the next property owner.

Comment There was a lot of discussion of this issue at the TAC meeting. TAC members emphasized the need to minimize the risk that a developer could "welsh on a deal". We would expect developers to commit to future deferred improvements by using a performance bond or other financial guarantee.

Comment How would you account for inflation? Making the improvements in the future would make them more expensive in the long run.

Answer There are ways to address inflation. The performance bond could be tied to an inflation index. If the requirement for the deferred improvement is tied to the title, it encumbers every property owner along the way which can create a problem if land is less valuable than the cost of the future improvement. We also discussed with the TAC placing limitations on the types of improvements that could be deferred.

Comment There are some types of improvements that should not be deferred. For example, purchasers should not have to wait to build on a property or be held up because a previous owner does not agree to make deferred improvements.

- Comment* The development agreement should be recorded with the deed.
- Comment* People usually do not have money down the road to make improvements. The improvements should not be put off.
- Answer* There needs to be a good reason not to make an improvement from the public's perspective. For example, some types of road improvement should not be deferred. On the other hand it may not make sense to make urban level improvements to serve an interim level of development. That can result in discontinuous sidewalk and street networks and limit the ability to utilize economies of scale to make certain types of improvements.
- Comment* You need to develop a strategy that is tied to both the land (development at a certain level triggers the need for the improvement) and the owner (who should be obligated financially).
- Question* Has this kind of technique been used successfully in other places?
- Answer* It has been used effectively in Salem and California.
- Question* Why would you defer improvements if their costs may be higher later?
- Answer* Financial assurances would be tied to inflation factors to address that issue.
- Question* As land is developed to an urban density, why can't the new property owner pay for improvements. It seems as though they would have the ability to pay based on the value of the land at urban densities.
- Answer* If the obligation to pay for the deferred improvement is carried with the deed and structured properly, defaulting should not be an issue.
- Comment* If you require this for all developers, small property owners won't be able to do anything. The financial obligation for deferred improvements will be prohibitive.
- Comment* Requirements also may depend on the size of the lot in question. It may make more sense to use SDC's as a financing mechanism for improvements for smaller parcels.
- Comment* Small property owners may not be able to afford the cost of the improvement, given the value of the property.
- Comment* The thorniest issue is road improvements. Water and sewer service are easier to address.
- Answer* This tool/issue may not apply to most property owners. It probably primarily will be applied to owners or developers of large pieces of property.

TECHNICAL ADVISORY COMMITTEE (TAC) RECOMMENDATIONS

Next, DJ reviewed the following recommendations made by the TAC:

- Large lot holding zones are probably not feasible given likely opposition to downzoning and should not be pursued except in the context of potential

implementation of future state administrative rules related to Statewide Planning Goal 14.

- Do not focus on creating more stringent partitioning requirements, with the exception of considering limits on the number of allowable consecutive partitions within a given time period.
- Strengthen shadow platting requirements and use development agreements as the implementing mechanism for them.
- Develop sector-level master plans for the entire area within the city limits and UGA using a phased approach. Use these plans to identify priority investment areas. Outside of the areas for which plans have been developed, require property owners to finance planning for and extension of public facilities.
- Incorporate adequate public facilities requirements in development agreements .
- Establish logical criteria for deferring improvements.
- Prepare a model development agreement that incorporates the other interim development strategies discussed above.

A summary of discussion of these recommendations follows:

Question How have you defined infrastructure?

Answer It includes transportation, water, sewer, storm drainage, parks and recreation facilities.

Comment Does it include schools?

Answer The City or County cannot collect SDCs for schools, nor can they require that schools be built at a certain time or in a specific location.

Question Is it possible to make land available to the school district to help assure that schools are built in the right place as growth and development occur?

Answer The City cannot give land to the school district but we can zone land to limit its use to public facilities such as schools.

Comment Cost to build schools typically is borne by existing residents.

Comment Cities cannot collect money for schools. School districts' and the state have authority to do that. We can coordinate with them but not much more.

Comment Unfortunately, there is not generally a way to charge money at the time of development to ensure that schools will be built when and where they are needed.

Comment Establishing a focused public investment area could help school districts direct their plans to those areas. That would help them get some of the planning done ahead of the development process.

FINANCING TOOLS

DJ Heffernan solicited comments from CAC members about possible financing tools described in the report provided to committee members prior to the meeting. A summary of discussion follows.

Comment It makes sense to apply SDC's in entire UGB. Fair. Everyone should pay SDC's that support facilities that serve the entire community.

Question Would SDC's be charged by the County or City?

Answer They would go into an account to eventually pay for improvements identified in the City's long-range facilities plans.

Question Who would control the account?

Answer Ultimately the city. The County would collect SDCs for property within the UGA but the money would be used to pay for city improvements.

Comment You need to match each growth management or interim development technique with the appropriate financial tools.

Comment Another concept we discussed with the TAC is the use of SDC credits. Property owners who want to develop their land could pay for infrastructure planning in the area that includes their property, receive SDC credits, and sell or trade them later. (*Comment by consultant*)

Question Isn't that contradictory to the deferred improvement discussion we had earlier?

Answer Not necessarily, though we can revisit that issue.

Question How was the regional utility concept received by the TAC?

Answer They thought it was an interesting idea but it was not perceived as practical.

Comment I support the use of LIDs. They directly relate benefits to costs.

Answer It sounds easy but oftentimes tends not to work out that way.

Question I seem to remember difficulties with the use of LIDs in Clackamas County.

Answer Yes, it was hard to get property owners to agree to formation of them and subsequently difficult to make needed improvements.

Comment I assume we plan to recommend a mix of tools.

Answer Yes, and LID's may be a good solution in some situations.

Question Who would decide how to prioritize public investment areas?

Answer The City and County would. We can help develop criteria and a proposed process, including a possible timeline, for evaluating or prioritizing them.

Comment The main problem is the lack of developed master plans. Maybe the city could use user fees to pay for master plans. It is difficult to commit to plan

for the UGA when city had no interest in extending services outside the city limits.

Comment The economy and real estate market have to fuel the process of extending infrastructure, but the City and County needs tools in place to respond to market conditions.

Comment It seems like there are more questions than answers right now. The devil will be in the details.

Question Wouldn't shadow platting work better for larger parcels?

Answer In some areas, with so much parcelization, need to look at requiring redevelopment plans. Those will be challenging areas. We should be able to expect some contribution from even small property owners to plan for future growth.

Question What is the minimum lot size in the UGA?

Answer One acre without a connection to the sewer system.

Comment Lots of areas are parcelized with substandard roads and other infrastructure.

Question How many 5 to 10 acre vacant parcels are left in the UGA?

Answer Quite a few.

Comment We want to avoid problems of more partitioning.

Comment We think that it eventually will be possible to create more houses, but not at the urban densities identified in the City's Comprehensive Plan.

Comment Ideally, shadow platting will help reduce public investment and raise private gain, while preserving property values.

Comment There may be some issues that need to be address regarding public access in those area.

Question How did the TAC react to the idea of a county wide SDC?

Answer Favorably.

Question Would county wide SDC's require voter approval?

Answer Not unless the County has adopted a local rule that says a vote is required.

Comment I am not sure how effective it would be. There were only seven houses built in the St. Helens UGA last year.

Comment Paying SDC's would help put pressure on the City and County to develop public facilities plans in those areas.

Question How can you identify connections across adjacent properties?

Answer Future development plans and shadow plats would have to conform to existing ones.

- Comment* Interim development standards should allow for the flexibility to develop different sized lots.
- Comment* Bigger developers want to develop as many lots as possible.
- Question* Some tools will be more attractive or less onerous than others to small landowners. How do your evaluation criteria address that?
- Question* At what point does serial partitioning become a problem?
- Answer* On parcels of 5-30 acres.
- Comment* If that is the case, then we should hold line and prohibit or restrict creation of lots that are one to two acres in size.
- Comment* The current practice results in higher costs and less ability for future landowners to create logical development patterns. We need to try to do a better job of planning for this area now so that we don't overly burden future generations.
- Question* Are there places in the UGA where downzoning may make sense?
(*Question from consultant*)
- Answer* Probably not, it would likely result in a flood of applications for partitioning.

NEXT STEPS

DJ indicated that the next steps in the project will be to:

Develop amendments to urban growth management agreement (UGMA) between the City and County, as well Comprehensive Plan and Development Code amendments to implement the techniques reviewed and recommended by the TAC.

Develop a model development agreement for future use by the City, County and developers in the UGA.

Negotiate a cooperative agreement among the City, County, McNulty and Warren Water Associations regarding future provision of water services in the UGA.

Meet with the TAC to review draft work products.

Provide draft materials to the CAC for review.

Conduct a public meeting to review work products.

Work with the City and County to adopt amendments to the Comprehensive Plan, Development Code and UGMA.

The meeting was adjourned.

TECHNICAL ADVISORY COMMITTEE

Meeting Summary

February 12, 2001

ATTENDEES

Committee Members:

Bill Adams, Transportation and Growth Management Program
Skip Baker, St Helens' City Planner
Todd Dugdale, Columbia County Planning Director
Dave Hill, Columbia County Road Department
Tim Holman, City of St. Helens Engineering Manager
Jim Holycross, Columbia County Planning
Lonny Welter, Columbia County

Consultants:

DJ Heffernan, Cogan Owens Cogan
Matt Hastie, Cogan Owens Cogan
Dave Siegel, Pacific Rim Resources

STATUS REPORT

DJ Heffernan began by describing the objective of the meeting - to refine the list of potential interim development strategies and identify selected tools to incorporate in City and County Development Code and Comprehensive Plan provisions and other planning procedures. DJ then provided a brief status report on other project activities, including:

Interim/Joint Road Standards and Classifications. David Evans and Associates is working on this task. They have evaluated City and County standards and classification systems and are developing a joint standard cross-section, as well as a common classification system. They will summarize their efforts in a memo for review by the TAC and CAC.

Water Service Cooperative Agreement. Arnold Cogan and Loreene O'Neill of Cogan Owens Cogan (COC) have conducted interviews with the parties to the agreement and are preparing a memorandum summarizing the issues, positions and legal requirements associated with a potential agreement. They expect to conduct an initial meeting with the parties in early March. The overall objective of the effort is to determine how to most effectively provide water service in the St. Helens urban

growth area in the future as that area develops in a way that best serves the interests of the public.

INTERIM DEVELOPMENT STANDARDS

Dave Siegel of Parametrix (formerly of Pacific Rim Resources) discussed the advantages, disadvantages and issues associated with each potential interim development measure.

Adequate Public Facilities Requirements

This tool requires that a minimum level of service will be in place prior to allowing interim or urban-level development within a specified area. To use this measure, the City and County would have to determine an appropriate threshold or timing for provision of services. Questions and comments included:

Question Would you need to agree on the level of improvements that would be required at the time of development? If not, this process would not necessarily be complex to administer.

Answer It may be complex to set up an administrative tracking system and to establish criteria for the timing of provision of services. Also, someone still has to monitor that improvements have been made consistent with the program requirements.

Question What is meant by "adequate?"

Answer It would need to be defined. The City and County would have to agree on a definition.

Question This seems very similar to the development agreement.

Answer They could be used in concert. This would simply say what is required now based on future needs. Presently, it stops at the minimum requirement.

Comment If this does not result in meeting future needs, it is not advantageous.

Answer If someone wants to develop to full urban standards, we would have to meet ultimate (buildout) facility standards.

Comment We are looking for in-betweens. The advantage is that the standard would not be for no services or public facility improvements. The disadvantage is that it would not result in construction of ultimate urban-level facilities in the interim.

Comment There will not be an interim standard for water or sewer lines. It does not make any sense to size a line for a lower level of development if we expect the area to ultimately develop at urban densities. We would not want to go back and install a larger pipe later.

Focused Public Investment Plan (FPIP)

This is essentially a focused capital improvement plan or program. In Salem, this technique was used to establish the existing urban area as a public investment area (PIA). In this area, the City has the responsibility to provide infrastructure based on its master plans. Developers can build outside the PIA, but area required to finance required public improvements. Developers may be reimbursed for a portion of the costs of improvements as other areas served by the new facilities develop. This tool also could be used to target a more specific area. The PIA could be the entire area within the city limits or it could be a subarea of the area within the city limits and urban growth area. It can be used as an incentive or disincentive. Questions and comments included:

Question If development occurs within the PIA, what does the developer pay for?

Answer Local street improvements and the cost of oversize water and sewer facilities, if needed, to serve ultimate buildout development.

Comment It is a problem when developments outside the urban area force the city to make improvements inside the PIA.

Answer You could require developers to finance improvements to facilities inside the PIA also to serve ultimate buildout as far back along the sewer or water line as needed (e.g., to the treatment plant).

Comment This is a very complex tool. We could use a reimbursement mechanism with other techniques.

Answer This might be a useful tool to use within the City. It is possible to use this concept more simply as a way to prioritize/focus investment and development in certain areas.

Comment We need a good CIP process, a political commitment to the process and clear criteria for priorities.

Answer We also could offer discounted fees or other incentives in the PIA.

Comment Other types of investments have been made outside city limits in the past. We need to consider that in establishing the PIA boundaries if we implement this technique.

Comment The City also could require annexation for areas outside the PIA.

Development Agreements

This tool could be used to identify improvements that would be deferred during an interim period until a certain threshold of development is reached in a given area. The agreement would specify the respective responsibilities of the jurisdiction and developer or property owner to finance future improvements. Questions and comments included:

Question Is there a maximum potential time for how long improvements can be deferred? How do you address the impact of inflation?

Answer Salem did not have a timeframe. Typically, the requirement to make deferred improvements is triggered by other events. Performance bonds or other financial guarantees for future improvements should be indexed to a discount rate to address inflation issue.

Question How would we track this?

Answer It could be tracked with a GIS system. You could put holds on parcels and permits pending construction of required improvements..

Answer In Salem, such agreements also incorporate non-remonstrative agreements.

Comment The toughest aspect of this for the public works department would be developing and using a tracking system. We need a way to ensure that deferred improvements are made. Property owners may not be able to commit money for future improvements. It is cleaner to make the improvements up front, but developers do not like that.

Comment It does not always make sense to make some improvements now if they are not yet warranted or needed.

Comment The requirements for this type of tool would have to be logical and efficient. How can we make sure the financial mechanism will carry through the entire period? Some bonds may not be reliable for extended periods.

Comment I do not think we would want to apply this requirement to approval for a simple partition. Instead, it should be applied to something of greater value. Make sure the value of improvement is not significantly higher than the value of the development (e.g., sidewalks, bike lanes).

Comment With only seven permits issued in the UGA last year, we are trying to determine how this would work given that level of demand.

Shadow Platting

The City already uses this tool to identify how properties would be further partitioned and developed in the future. In the absence of master plans that define the location of future facilities in the UGA, it is not as effective as it could be. The focus on evaluating this tool would be on determining ways to strengthen it. For example, you might require developers to help finance preparation of master plans as a condition for approval of partitions. Questions and comments included:

Answer Developing stricter shadow platting requirements could result in a disincentive for development in the UGA.

Question Is it possible for developers or property owners to contribute a limited amount of money toward developing master plans? It might be prohibitively expensive for small landowners to fund an entire plan.

Answer Yes, though this does not address the lack of plans that identify the future location of infrastructure. Without such plans, we do not know where utilities would or should go, making shadow plats potentially unrealistic or infeasible.

Answer Salem divided the city into sectors, and assigned a priority for service provision to each. They then developed mini-master plans for each area. Areas were defined by drainage basin boundaries.

Question Did the master plans extend into the UGA?

Answer Yes.

Comment It may not be practical to put an onerous financial burden on small developers.

Large Lot Holding Zones

This tool would be used to increase the minimum lot size to five acres or more. It is essentially a regulatory tool. Question and comments follow:

Comment Down-zoning may not be acceptable.

Comment This tool may not be politically popular, but can be a very effective growth management tool.

Comment It may be possible to integrate this tool with shadow platting requirements.

Comment One option may be to focus development within the city limits through incentives and make development in the UGA more difficult.

More Stringent Partitioning Requirements

Such requirements could include limiting the number or frequency of partitioning, e.g., only once every three to five years. No questions and comments were discussed regarding this technique:

FINANCIAL TOOLS

The following tools were discussed.

Systems Development Charges (SDCs)

These could be applied to properties within the UGA or used in conjunction with a Focused Public Investment Plan (i.e., reduce the cost of SDCs in public investment areas).

Local Improvement Districts (LIDs)

It was noted that given their limitations and possible drawbacks, LIDs are likely to have limited applicability in financing public improvements within the UGA. Currently, the City requires property owners to sign a waiver of remonstrance to form LIDs prior to annexation. However, there is no required waiver for the LID assessment.

Regional Utility

The City and County could establish a regional utility district to provide and pay for services and facilities in the UGA.

Question Is it possible to establish such a utility without a vote?

Answer It depends on the type of district and whether you are establishing a permanent tax rate or issuing bonds.

PRIORITIZATION/ELIMINATION

Next participants discussed the advantages and disadvantages of each of the interim development tools described above and identified those tools that should be evaluated further and refined for implementation. A summary of discussion follows.

Comment Large-lot zoning probably will not survive politically.

Comment If we adopt/implement other tools, it probably will not be necessary to make partitioning requirements more stringent, although it probably would be useful to establish limits on the number or frequency of partitions allowed in a given period.

Comment If none of the other tools are feasible, I would recommend stricter partitioning requirements. Otherwise, I would not pursue that strategy.

Comment I am not sure we can rely on the other tools to completely address the problems created by allowing serial partitions (i.e., three successive partitions within a given period).

Comment It may be possible to use SDC's to finance the preparation of master plans for the UGA.

Comment Development agreements are necessary to make shadow platting work.

Question Are there thresholds for stricter shadow platting requirements?

Answer Probably five acres.

Comment Shadow platting will not work until we have accurate information about the future location of public facilities.

Comment We need such plans. Either the City or County need to pay for them or we need to require developers to fund them.

- Answer* We could preclude development in certain areas until City develops such plans. If developers want to develop in those area before the City has done so, they could pay for the plans to be prepared.
- Question* If we utilize the focused public investment plan concept, how should the focused public investment area be defined?
- Answer* It is a political process. Alternatively, the City's CIP is the best indirect tool for prioritizing public investment related to growth management. I would encourage development of a longer-term phased CIP. I would not start by defining areas geographically.
- Comment* To date, the City has had relatively little incentive to facilitate development in the UGA, given the large supply of developable, serviced land within the city limits. If developers want to develop properties in the UGA, they should pay for infrastructure extensions or improvements.
- Comment* This could apply to other cities in the County as well.
- Comment* Creating SDC's in the UGA could result in expectations for facilities that may not be built for a long time.
- Comment* We should identify priority areas to do some skeletal infrastructure planning that would provide enough information about the future location of public facilities to make shadow plats meaningful.
- Comment* The City is in the process of preparing a sanitary sewer master plan that covers about one-third of the UGA.
- Comment* We need to create a model developer agreement that incorporates other tools and is consistent with the needs of this community.
- Comment* There is no room for interim development standards for sewer and water. These facilities should be built to their ultimate capacity. We need over-sizing financing to be an element of the agreement.
- Comment* We also should pursue the SDC credit idea though it would entail certain administrative costs. Landowners would receive SDC credits for upgrading facilities to ultimate buildout capacities. They then could sell these credits to other property owners or developers or be reimbursed by the City.
- Comment* While it may be acceptable to defer improvements when allowing interim development, we should not defer planning for them. We have to somehow make property owners obligated in part to plan for future improvements.
- Comment* It is possible for the City and the County to share some costs of developing sector-level master plans?

Members of the Technical Advisory Committee agreed on the following recommended strategies for future implementation and discussion with the project Citizen Advisory Committee:

Large lot holding zones are probably not feasible given likely opposition to downzoning and should not be pursued except in the context of potential implementation of future state administrative rules related to Statewide Planning Goal 14.

Do not focus on creating more stringent partitioning requirements, with the exception of considering limits on the number of allowable consecutive partitions within a given time period.

Strengthen shadow platting requirements and use development agreements as the implementing mechanism for them.

Develop sector-level master plans for the entire area within the city limits and UGA using a phased approach. Use these plans to identify priority investment areas. Outside of the areas for which plans have been developed, require property owners to finance planning for and extension of public facilities.

Incorporate adequate public facilities requirements in development agreements .

Establish logical criteria for deferring improvements.

Prepare a model development agreement that incorporates the other interim development strategies discussed above.

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ATTACHMENT B

Additions are **in bold**, deletions are ~~stricken~~

1. Columbia County Comprehensive Plan, is amended as follows:

A. Part IX, Urbanization, Policy 10, is amended to read:

“10. Review the supply of buildable lands within the urban growth boundaries in cooperation with the cities, during each major review of the County’s plan. The process of expanding an urban growth area may begin when there is less than a 20 year supply of residential land. ~~Or when 75% of the industrial or commercial lands are built upon.~~ **Cities also are required by Statewide Planning Goal 9 to maintain at least an eight (8) year supply of serviceable industrial or commercial land inside the Urban Growth Boundary. Serviceable land is that which can be provided with public water and sewer utilities within one year, if such services are requested.**”

B. Columbia County Comprehensive Plan, Part XIV, Public Facilities and Services, is amended to read:

“**12(g) Master Plans and Public Facilities Plans are kept up-to-date and address necessary current planning elements for coordination between the County, cities and special service districts.**”

2. The Columbia County Subdivision and Partitioning Ordinance is amended as follows:

A. ARTICLE III is renumbered as ARTICLE IV. Sections 301 - 306 are renumbered as Sections 401 - 406.

B. A new ARTICLE III is added to read:

“ARTICLE III SPECIAL REQUIREMENT FOR LAND DEVELOPMENT IN THE ST. HELENS URBAN GROWTH AREA

SECTION 301. FUTURE DEVELOPMENT PLANNING.

A Future Development Plan (FDP) is a tool to help a land owner to prepare for the future division of land and to locate the structures and other improvements in a manner which will allow future development at urban densities.

A. **Applicability.** **The following information, statements and procedures, detailed in Sections 3-5, below, are required for all**

major or minor partitions that meet all of the following criteria:

1. Occur outside of the St. Helens city limits and inside the St. Helens urban growth area;
2. Are proposed for a parcel that is 5 acres or smaller in size; and
3. Are proposed for an area within the St. Helens urban growth area that has an adopted public facilities master plan.

B. If a proposed development meets criteria A1 and A3, but are planned to result from a parent parcel that is larger than 5 acres, the applicant may follow the requirements for a subdivision plat, as detailed in Article IV. If a proposed site development meets criteria A1 and A2, but no public facilities master plan has been prepared for the area under criteria A3, the applicant may choose to proceed by preparing a public facilities master plan that meets city specified standards, prior to receiving final approval of the partition. Such public facilities master plan shall indicate the approximate location, size and cost of extending public facility services to serve the area proposed for development, as well as adjacent areas, assuming build out to urban densities as specified in the City of St. Helens Comprehensive Plan.

C. Information Required for a Future Development Plan. The applicant for a major or minor partition shall submit to the Planning Department 10 copies of a sketch map drawn to an appropriate scale, which shall show the following information:

1. The date, north point, scale and sufficient description of the parcel to be divided to define the location and boundaries of the parcel to be divided and its location within the area covered by the proposed Future Development Plan.
2. The name and address of the owner(s) of record in the property and the name, address, and phone number of the person(s) who prepared the sketch map.
3. The approximate acreage of the parcel to be divided

under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the land division.

- 4. For land adjacent to and within the parcel to be divided, the locations, names, and existing widths of all streets and easements; location, width, and purpose of all other existing rights-of-way; and location of any existing water lines, drainage ways, and power poles.**
 - 5. The outline, location, and setback dimensions of existing buildings or any other structures to be removed.**
 - 6. The outline, location, and setback dimensions to property lines of existing buildings or any other structures to remain in place.**
 - 7. The lot layout, showing size and relationship to existing streets and utility easements.**
 - 8. Using dashed lines, the future lot patterns, road and/or street locations and right-of-way including major arterials.**
 - 9. The proposed building locations.**
 - 10. Topographical detail when percent of the slope exceeds 12%.**
 - 11. The future utility line locations and easements.**
 - 12. The following statement shall be included on the sketch map: 'Dashed lines represent future lots and streets based upon the projected densities and zoning established by the City of St. Helens for the urban growth boundary area being developed.'**
- D. In order to assure the most suitable location for future lots and roads, the applicant shall submit one copy of a sketch map of the subject property showing where soil conditions are most and least appropriate for sanitary sewer systems.**
- E. Statements to Accompany a Future Development Plan. In**

addition to the requirements outlined in Section 404(I)(1)-(4), of this Subdivision and Partitioning Ordinance, the following shall also be submitted with the preliminary site plan for a FDP:

1. A statement and demonstration (in the form of site plans, maps or diagrams) that the development may be built out to the future urban densities, and may meet the minimum urbanized density requirements as outlined in the City of St. Helens Comprehensive Plan.
 2. A statement and demonstration (in the form of site plans, maps or diagrams) that proposed future roadways and public facilities within the subdivision will align with current and future public facilities as outlined in the City of St. Helens Public Facilities plan and/or other relevant City or County Master Plans.
 3. A statement and demonstration (in the form of site plans, maps or diagrams) that proposed public facilities are aligned with those defined on any adjacent previously recorded FDPs.
- F. Within five (5) *business* days after receipt of an application for a subdivision of an application for a subdivision or partition within the St. Helens urban growth area, the County Planning Department shall forward one copy of the sketch maps to the City of St. Helens for its review. The City shall have 20 calendar days from the date of its receipt of the sketch maps to notify the County Planning Department of any inconsistencies with the City's plans or ordinances. The City Planning Commission shall review the application and submit its recommendation to the County Planning Commission within twenty (20) calendar days of its receipt, by the City. If no recommendations are received by the County Planning Department within such twenty (20) day period, absent a request for a time extension, the City shall be presumed to have no objection regarding the application.

If the City notifies the County Planning Department within such 20 day period that the proposed subdivision or partition does not comply with its plans or ordinances, the County Planning Department shall schedule the request before the next possible County Planning Commission Meeting. The County Planning Commission shall review the application and make findings as to

whether the proposal meets the intent of the City's and County's plans, ordinances, and the Urban Growth Boundary Agreement. The County Planning Commission shall approve or deny the application. Appeals of the Planning Commission decision may be made in accordance with Section 215 of this Ordinance.

G. It shall be a condition of approval of the partition that upon approval of an application, the applicant shall record a deed for all future parcels in the development which shall articulate the location and dimensions of all parcel boundaries created by the partition. Failure to record the deed within 30 days after the application is approved shall void the partition.

H. It shall be a condition of approval of the partition that any change to the Future Development Plan created for a partition must be approved by the County in accordance with the procedures outlined above. Upon approval of such changes, a new deed outlining such changes shall be recorded."

C. ARTICLE IV is amended to read as follows:

1. The caption is amended to read, "ARTICLE IV PRELIMINARY PLAT FOR SUBDIVISION".
2. Sections 301 - 306 are renumbered as Sections 401 - 406.
3. Section 403.

Subsection (D) is added to read:

"D. Additional Requirements for Unincorporated Areas within the St. Helens Urban Growth Boundary: Location of and distance to the nearest sanitary sewer hook up line existing at the time the preliminary plat is submitted. Indicate any existing sanitary sewer lines within 300 feet of any of the proposed subdivision boundaries."

4. Section 404.

Subsection (I) is added to read:

"I. Special Requirements for Unincorporated Areas within the St. Helens Urban Growth Boundary Area: In addition to the

requirements outlined in Subsections A-H, above, the following requirements also apply for subdivision applications for property within the St. Helens Urban Growth Area.

- 1. A statement with supporting evidence that all new water lines, sanitary sewer lines, and stormwater facilities (including pipes and mains) will be sized in accordance with the projected buildout of the area at full urban densities, according to the City of St. Helens Comprehensive Plan and Zoning designations for the area, and will meet the standards outlined in the City's Public Facilities Plan.**
- 2. A statement of agreement from the property owner/developer indicating that the property owner/homeowners association will consent to have all parcels in the subdivision annexed to the City of St. Helens when sanitary sewer services from either the City or the McNulty Water Association are within 300 feet of any subdivision boundary that is contiguous to the St. Helens city limits. Such statement must also specify that upon annexation into the City, all parcels within the subdivision will become connected to sanitary sewer services and water services.**
- 3. A statement supported by evidence that any on-site septic systems will be decommissioned according to Department of Environmental Quality statutes, rules and regulations, upon annexation of into the City of St. Helens (under 2, above), and that no structures on the parcels will interfere with decommissioning of such on-site septic systems.**
- 4. A statement of the owner/developer of his/her willingness to independently finance any sanitary sewer line extensions and other necessary public facilities extensions which may be required to serve the subdivision, as described in Subsection I(1)-(3) above, including necessary facility upgrades within the City of St. Helens city limits due to the strains on such facilities as a result of the proposed subdivision. This statement shall also indicate the owner/developer's willingness to enter into a development agreement with the City of St. Helens regarding the financing of sanitary sewer facilities, and**

other facility upgrades.”

D. ARTICLE V is amended as follows:

1. The caption is amended to read, “**ARTICLE V FINAL SUBDIVISION PLAT PROCEDURE**”.
2. Sections 401 - 417 are renumbered as Sections 501 - 517.

E. ARTICLE VI is amended as follows:

1. The caption is amended to read, “**ARTICLE VI - MAJOR LAND PARTITIONING**”.
2. Sections 501 - 514 are renumbered as Sections 601 - 614.
3. Section 601.

Subsection (A) is added to read:

“**A. Applicability. All proposals for a major land partition that meet the criteria outlined in Article III Section 301(A)(1)-(3), must follow the procedures for a Future Development Plan as set forth in Article III.**”

4. Section 615.

Section 615 is added to read:

“**SECTION 615. REQUIREMENTS FOR SEQUENCING OF PARTITIONS.**

“**No application for a major land partition within the City of St. Helens urban growth area shall be approved by the County for a lot or property, or portion of a lot or property, until five (5) years have passed from the date of final plat approval for the previous major or minor land partition of that same lot or property. An application meeting the criteria for a subdivision may be considered within that time frame.**”

F. ARTICLE VII is amended as follows:

1. The caption is amended to read, “**ARTICLE VII MINOR LAND PARTITIONING**”.

2. Sections 601 - 613 are renumbered as Sections 701 - 713.

3. Section 701.

Subsection (A) is added to read:

“A. Applicability. All proposals for a minor land partition that meet the criteria outlined in Article III Section 301(A)(1)-(3), must follow the procedures for a Future Development Plan as set forth in Article III.”

4. Section 714 is added to read:

“SECTION 714. REQUIREMENTS FOR SEQUENCING PARTITIONS.

“No application for a minor land partition within the City of St. Helens urban growth area shall be approved by the County for a lot or property, or portion of a lot or property, until five (5) years have passed from the date of final plat approval for the previous major or minor land partition of that same lot or property. An application meeting the criteria for a subdivision may be considered within that time frame.”

G. ARTICLE VIII is amended as follows:

1. The caption is amended to read, **“ARTICLE VIII PLANNED UNIT DEVELOPMENT”**.
2. Sections 701 - 702 are renumbered as Sections 801 - 802.

H. ARTICLE IX is amended as follows:

1. The caption is amended to read, **“ARTICLE IX ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS, CONSTRUCTION DRAWING REQUIREMENTS, AND ACCEPTANCE OF CONSTRUCTION IMPROVEMENTS”**.
2. Sections 801 - 805 are renumbered as Sections 901 - 905.

I. ARTICLE X is amended as follows:

1. The caption is amended to read, **“ARTICLE X SUBDIVISION AND PARTITION REQUIREMENTS”**.

2. Sections 901 - 915 are renumbered as Sections 1001 - 1015.
3. Section 1003 is amended to read:

“The minimum area, width, depth, and frontage of lots and the minimum building setback line from streets shall conform to the requirements of the County Zoning Ordinance, where applicable, and all other applicable regulations. However, in no case shall a lot be approved which is less than 7,000 feet in area, a width of less than 70 feet, a depth of less than 80 feet, or frontage of less than 30 feet. No building setback line from the street of less than 20 feet shall be accepted. A minimum of 50 feet of usable frontage shall be provided for access to each lot created.

For unincorporated areas within the St. Helens urban growth area, lots proposed to be created through subdivision or major or minor partition, shall conform to the size and dimension standards outlined in the City of St. Helens Comprehensive Plan and implementing ordinances.”

4. Section 1012 is amended to read:

“B. Requirements for Unincorporated Areas inside the St. Helens Urban Growth Area. For unincorporated areas within the St. Helens urban growth area, refer to Section 404(I).”

5. Section 1013 is amended to read,

“E. Requirements for Unincorporated Areas inside the St. Helens Urban Growth Area. For unincorporated areas within the St. Helens urban growth area, refer to Section 404(I).”

