

COLUMBIA COUNTY PLANNING COMMISSION MEETING

November 6, 2017

Meeting Minutes

Planning Commission Members Present: Bill DeJager, Paulette Lichatowich, Jeff VanNatta, Alta Lynch and Shaun Stewart

Staff Present: Glen Higgins, Hayden Richardson and Kay Clay

Others:

David Phillips, Steve Henley

Hayden Richardson read the pre-hearing statement.

V 18-02 John Janac

No ex-parte contacts

Hayden Richardson presented the staff report.

REQUEST: Variances to Section 1005(A) of the Subdivision and Partitioning Ordinance and to Section 604.5(A) of the Zoning Ordinance - in order to vary the standard of the public road frontage requirements for dividing the subject properties into two (2) parcels of approximately 10.06 acres in size.

REVIEW CRITERIA:

Columbia County Zoning Ordinance (CCZO)

Section 604.5(A) Rural Residential (RR-5) Standards

Columbia County Subdivision and Partition Ordinance (CCSPO)

Article II - Administration & General Provisions

Section 210 Variances

Section 213 Notice Requirements

Article X - Subdivision & Partition Requirements

Section 1005 Streets

BACKGROUND:

The applicant, John Janac, is requesting a Major Variance to the standards in Section 1005.A of the Columbia County Subdivision and Partitioning Ordinance (CCSPO) and to those in Section 604.5 (A) of the Columbia County Zoning Ordinance (CCZO) in order to vary the standard of the 50 foot minimum public road frontage requirements for newly created parcels in the RR-5 zone. Contingent upon approval of the Major Variance, the applicant would like to create two 10.06 acre parcels from the subject 20.10 acre parcel.

This 20.10 acre parcel was created prior to the Columbia County Subdivision and Partitioning Ordinance without any kind of frontage on Walker Road. A 40' access and utility easement was created through the partition process of the parcels directly north of the subject property via Partition Plat 1996-09. This partition plat describes "Parcel boundary and centerline of 40' access and utility easement for property to the south". The proposed two 10.06 acre parcels that will be created through the future Minor Partition will utilize this access and utility easement rather than having frontage on a public right-of-way.

The subject property is zoned Rural Residential (RR-5) with a minimum 5-acre parcel size for newly created parcels, is located South of Walker Road, and currently has no development on it. The site is surrounded to the north, west, and south by Rural Residentially Zoned properties and borders Primary Forest Zoned properties to the east. As shown on the site plan and confirmed by the November 14, 2017 site visit, the subject property does not contain any frontage on a public right-of-way. The FEMA Flood Insurance Rate Map (FIRM) No. 41009CO435D indicates the property is not subject to flood hazard. According to the Scappoose-Spitzenberg Area Beak Map, the site is located within a Peripheral Big Game Habitat area, and the soils on the subject property are comprised of Bacona silt loam and Dowd silt loam. Emergency services are provided to the site from the Columbia County Sheriff and the Columbia River Fire & Rescue.

Section 1005.A of the County's Subdivision and Partitioning Ordinance and Section 604.5(A) of the County's Zoning Ordinance require all newly created lots or parcels to have at least 50 feet of frontage on an existing public road that complies with County Road Standards. The subject property was created prior to the Columbia County Subdivision and Partitioning Ordinance without any sort of frontage on a public right-of-way. If approved, the proposed two parcels will only utilize a 40' existing access easement to access the parcels from the north, which requires the Planning Commission to review and authorize this variance from the strict requirements of Section 604.5(A) and Section 1005.A, provided the Commission's review finds the variance:

1. Is in the public interest,
2. Originates from unusual circumstances of the subject property,
3. Would result in undue hardship if it were denied, and

4. Meets the specified criteria in Section 1504.1 for Major Variances.

The granting of this variance should not adversely affect other properties in the area, nor be detrimental to public safety, health or welfare. This variance is necessary in order to partition the subject property in anyway. The subject property is currently over 20 acres in size and was created prior to the requirement of road frontage for newly created parcels and would be an extraordinary hardship because the property is zoned residentially with a 5 acre minimum lot size. There are at least two building sites located on this 20.10 acre property and to limit the request of a partition would create a financial hardship for the owner. The request as submitted, would allow for the creation of two parcels without any road frontage on Walk Road. The existing access road already provides access to the proposed properties from the neighboring parcels to the north. However, in order to ensure that Fire Apparatus Access Standards are met on the 40' wide access easement, prior to the recording of the final Partition Plat, the applicant shall record a road "*Maintenance Agreement*" which shall run with both newly created parcels. These document(s) shall include all affected properties that utilize this private access to Walker Road and shall specifically identify all of the parcels that it serves. A copy of the recorded document(s) shall be filed with LDS. This condition can be met at the time of the partition.

Regarding future improvements of this private access, per the Road Standards Ordinance, if this access serves one or two dwellings, said road improvements shall only be required to meet driveway standards. Easements serving between three and six dwellings shall be required to meet private road standards, and access for more than six dwellings requires construction of a public road. Based on the minimum lot sizes of the RR-5 zone and topographic limitations associated with the subject property, if, at time of future development, the private access serves more than two dwellings LDS will require the County Roadmaster to approve the proposed private road improvements and the new private road will need to be named and all affected property owners re-addressed, prior to the issuance of any building permits.

Impacts to surrounding properties as a result of two residences to be accessed by said existing easement access will likely be negligible. This easement is already constructed and utilized by the property owner for logging purposes. Approval of this variance has the potential to result in only two potential dwellings and will not significantly increase traffic onto these public or private roadways. Finally, the applicant shall be required to file a *Maintenance Agreement* that is related to the recorded access easement for each proposed parcel and all affected other property owners as one condition of final plat approval of the proposed future partition. For these reasons, staff finds the Major Variance request can satisfy this provision of the County's Subdivision & Partitioning Ordinance.

On November 9, 2017, the Project Planner received comments from the neighboring property owner, Andrew Cox, to the north, which 20 feet of the 40 foot access easement is located on his property. In the email correspondence he states that he requests the applicant to stake out the surveyed access easement so that he can assess how it impacts his property. Although the access road is already constructed and existing, Mr. Cox is worried that the applicant will be able to expand the existing access and encroach further into his property. However, this recorded access easement has been previously surveyed and recorded since 1996 and will not change as a result of this variance or future partition. Staff finds that staking out this recorded access easement will not change or alter this request in any way therefor it is unnecessary to require.

After reviewing the criteria's, facts and findings staff recommends approval with conditions.

Open for discussion.

Paula Lichatowich questioned if you could see the pins, locating property lines on the 96 survey. Hayden said were not able to.

Shaun Stewart wanted to know how wide the access was. Hayden said it was 12-15'.

Open to the public:

In Favor:

None

Opposition:

David Phillips, represents Mr Cox, who submitted written comments. The access road/easement is not an actual easement. Refer to PP-1996-09. Who benefits from a 40' easements, it was a logging road, not sure where the true boundaries are.

Jeff VanNatta said it doesn't matter how wide it is, there needs to be an access road. Research needs to be done to see if there is a valid easement.

Hayden Richardson, is there a deed that describes the easement? If there is no easement then the road stays as it is. There are 2 parcels and 12' access is ok.

Steve Hanley, there should be a maintenance agreement and it will be turned in at the time of the partition, need an agreement to access. They need proof of the 40' easement.

Paulette Lichatowich mentioned that it should be noted who would be responsible for financial repairs.

Closed public hearing.

Alta Lynch made a motion to leave the record open for 14 days for additional information and continue the hearing to the January 2018 meeting. Bill DeJager seconded, all in favor motion carried.

Meeting adjourned 7:08 p.m.