

**COLUMBIA COUNTY PLANNING COMMISSION
STAFF REPORT**

July 16, 2024

Minor Variance to R-10 Zone Minimum Lot Size

FILE NUMBER: V 24-04 & MP 24-06

APPLICANT/OWNER: Mary Ann Dinon Represented by Wayne W. Weigandt
5796 N. Rose Springs Ave
Meridian, ID 83646

PROPERTY LOCATION: Located off of Millard Road in Warren.

TAX ACCT. NUMBER: 4117-A0-00700 (#15123)

ZONING: Single-Family Residential (R-10)

PROPERTY SIZE: 1.84 Acres

REQUEST: Minor Variance to the 1-acre minimum size for newly created parcels in the R-10 Zone within the City of St. Helens Urban Growth Boundary that will allow the Minor Partition of the subject 1.84-acre property into two parcels of 0.92-acres each.

APPLICATION COMPLETE: 06/07/2024

150 DAY DEADLINE: 11/04/2024

REVIEW CRITERIA:

Columbia County Zoning Ordinance

Section 700 – Single Family Residential (R-10)

Section 1504 – Variances

Columbia County Subdivision and Partition Ordinance

Article II, Administrative and General Provisions

Article VII, Minor Land Partitioning

Article X, Subdivision & Partition Requirements

APPLICATION COMPLETE: 06/07/2024

150 DAY DEADLINE: 11/04/2024

BACKGROUND:

The applicant requests a Minor Variance (V 24-04) to the provisions in Section 705.1(A) of the Zoning Ordinance that requires newly created R-10 parcels to contain at least 1-acre if they cannot be served by both community water and sanitary sewer services. Per the submittal documents and comments submitted by the City of St. Helens, the subject property can be serviced by community water but cannot be served by community sewer. Consequently, the applicant has submitted applications for a Minor Variance and the related Minor Partition (MP 24-06) to the County for the proposed partition of an approximate 1.84-acre property into two 0.92-acre parcels located within the Single Family (R-10) Zone and the City of St. Helens' Urban Growth Boundary (UGB).

The subject property associated with Tax Map ID 4117-A0-00700 and Tax Account # 15123 is an undeveloped corner lot located on the northwestern portion of the intersection of Old Portland Road and Millard Road in Warren. Proposed Parcel 1 and 2 have received approved Septic Authorization Notices from the County Sanitarian. However, the parcel configuration shown on the survey submitted with MP 24-06 does not match the parcel configuration of the site plan submitted and approved as part of the Authorization notices. Prior to final plat approval, the applicant shall submit documentation to LDS demonstrating that the County Sanitarian has approved the two parcels, in their proposed configuration, for onsite wastewater treatment in accordance with OAR 340.071.0220 Table 1.

As of the date of this Staff Report, Land Development Service (LDS) has not received documentation regarding where future residential sites or road accesses are intended to be developed on the newly created parcels. The City of St. Helens and the Columbia County Public Works Department have provided comments regarding future access to proposed Parcel 1 and 2. The City of St. Helens will require both parcels to utilize the same access with a reciprocal access easement, which shall be included on the Final Plat. Additionally, and required on the final plat, the city has requested that the applicant dedicate 10' of right-of-way for the full length of proposed Parcel 1 and 2's frontage on Millard Road. Lastly, and prior to building permit issuance, the applicant shall provide LDS with documentation displaying that proposed Parcel 1 and 2 have obtained Road Access Permits from the County Public Works Department and that the driveways comply with Columbia County Road Standards.

Natural features of the site are as follows: According to the Oregon Department of State Lands Wetlands Inventory Map and the Oregon Department of Forestry Stream Classification Maps, there are no streams or water features located on the subject property. The FEMA Flood Insurance Rate Map No. 41009C0454D identifies no special flood hazard areas on the site. The St. Helens – Columbia City CPAC Beak Maps indicate the site is not located within a Big Game Habitat Area and the site does not contain any threatened, endangered, or sensitive wildlife, plant and/or animal species, but does contain natural areas. Staff conducted a site visit on June 26, 2024, and confirmed the information on the county maps were accurate with the documentation submitted for V 24-04.

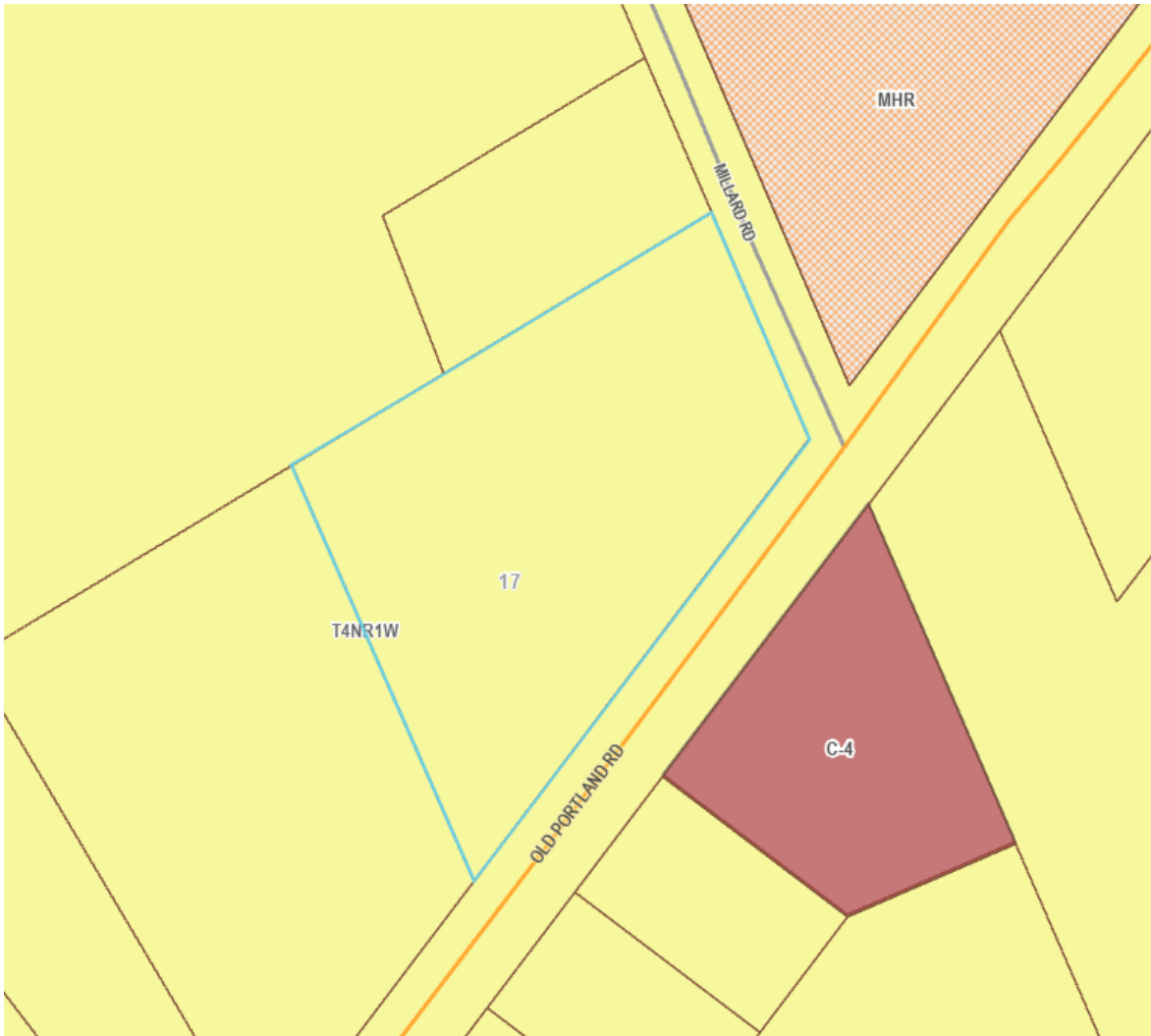
The remainder of this report will evaluate the extent to which the requested Minor Variance Application (V 24-04) meets the minimum approval criteria in Section 210 of the Columbia County Subdivision and Partitioning Ordinance for the concurrent partition proposed for MP 24-06. If all required Minor Variance

criteria are met, the Planning Commission will then be authorized to review the applicants related Minor Partition (MP 24-06) Permit and approve the creation of two new R-10 zoned parcels from the subject 1.84-acre property located within the City of St. Helens' UGB.

Aerial Map of Property



Zoning Map of Property



Submitted Site Plan

PROPOSED MINOR PARTITION PLAT
 MARY ANN PINON &
 HOMERO CORTEZ
 IN THE NE 1/4 OF SECTION 17,
 T4N, R1W, W.M.,
 COLUMBIA COUNTY, OREGON

OWNERS:
 MARY ANN PINON
 1612 N BARKER RD 100
 GREENACRES WA 99016

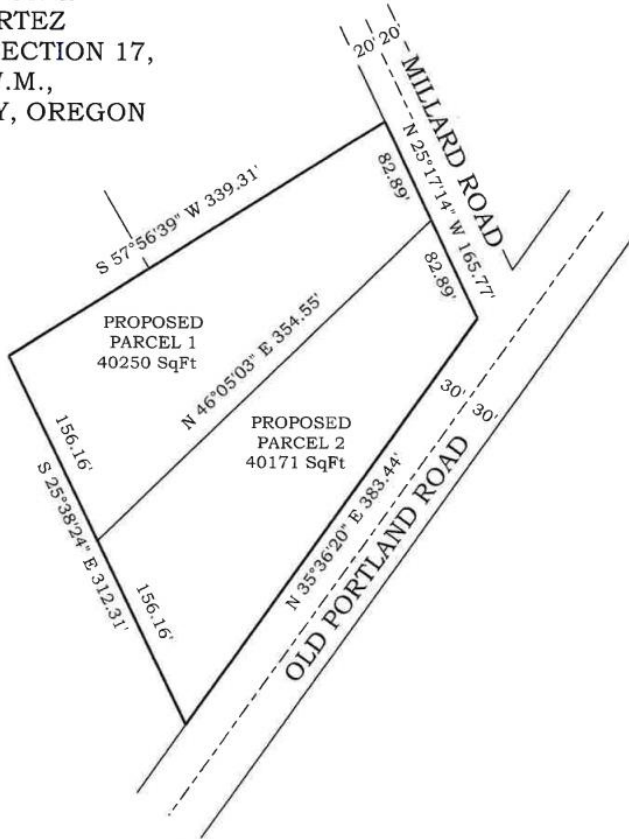
HOMERO CORTES
 35510 MILLARD ROAD,
 WARREN OR 97053

SURVEYOR:
 DON WALLACE
 KLS SURVEYING INC.
 1224 ALDER ST.
 VERNONIA, OREGON 97064

ZONNING:
 R-10



K.L.S. SURVEYING INC.
 1224 ALDER STREET
 VERNONIA, OREGON 97064
 (503) 429-6115



100 Ft/In
 DWG NO. 23-214 EXHIBIT
 JOB NO. CRW-ST. HELENS
 4-29-2024

RECEIVED
 MAY 31 2024
 Land Development Services

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

PRELIMINARY

OREGON
 JANUARY 19, 1993
 DONALD D WALLACE, JR
 2601
 RENEWS 6/30/24

Site Visit Photos

Property View West



View of Millard Road



REVIEW CRITERIA:

Columbia County Subdivision and Partitioning Ordinance

SECTION 704. REVIEW OF MINOR PARTITIONS

A. Upon receipt of the application for minor partition by the Planning Department, the Director shall determine whether or not the proposed minor partition meets the standards of this ordinance. If a variance from the standards of this ordinance is necessary, the provisions as stated in Section 210 of this ordinance shall be followed. The Planning Director shall submit the application for minor partition to the Planning Commission for its review and approval, remand or denial.

Finding 1: Because the applicant has requested a Minor Variance for the purpose of partitioning a property, both the Minor Variance and Minor Partition will be reviewed and approved, remanded, or denied by the Planning Commission.

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

Section 700 SINGLE-FAMILY RESIDENTIAL R-10

701 Purpose: The Single-Family Residential (R-10) District is intended to provide minimum development standards for low density residential uses in unincorporated urban growth boundaries where public water and public sewer exist, or are programmed, and where resource activities are declining.

702 Permitted uses:

- .1 A single family detached dwelling.

705 Standards:

.1 Lot or Parcel Sizes:

- A. The minimum lot or parcel size without public water or public sewer shall be one acre.

Finding 2: This property is located within the City of St Helens' UGB and will most likely be annexed when the necessary public facilities become available to support increased levels of development. The overall development in the vicinity of the proposed partition consists of single-family residences on parcels that range from 0.36 to 15 acres in size.

The proposals requested for MP 24-06 and V 24-04 indicate that both new parcels are intended for residential uses and development. Before the applicant can proceed with this Minor Partition, it is necessary for the County Planning Commission to review and approve the

requested Minor Variance to the minimum 1.0-acre size of newly created parcels according to the applicable provisions in Section 1504.3.

Staff finds that both new parcels' intended residential uses are permitted for newly created R-10 properties. The proposed partition will be evaluated for consistency with the Minor Variance provisions later in this report.

Continuing with Section 1504 of the Columbia County Zoning Ordinance:

Section 1504 Variances:

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

Major Variances from the lot size requirements of the Primary Agriculture (PA-38), Forest Agriculture (FA-19), Primary Forest (PF-76) and Rural Residential (RR-5) Zones are not permitted under this ordinance.

.3 Minor Variances: The Director is authorized to grant variances of the setback, yard, height, lot or parcel coverage, lot or parcel size, width, or depth requirements of this ordinance in accordance with the following procedures and conditions:

- A. Application shall be made on forms provided by the Director; final plat that any development on either parcel shall comply with Section 1170 of the Zoning Ordinance
- B. The filing fee for the variance shall be paid;
- C. The Director shall mail notices to all adjoining property owners within 250 feet and to the members of the CPAC of the area. The people receiving written notice have 10 working days in which to send comments concerning the proposed variance or to request a hearing before the Planning Commission;
- D. If the Director finds the proposed variance meets the criteria in Section 1504.1A and none of the notified parties request a hearing before the Planning Commission, the Director may approve the variance and shall send copies of the approval to anyone who responded to the notice. The Director may attach reasonable conditions to the approval of the variance. The Director shall send copies of the findings to all affected parties;
- F. A variance so authorized shall become void after the expiration of 1 year if the next step in the development process has not been applied for.

Finding 3: To qualify as a minor variance, the requested reduction must be less than 0.1-acres of the required minimum lot size of 1-acre. The applicant’s proposed .08-acre reduction to the minimum lot size constitutes an 8% reduction from the 1-acre requirement and is therefore reviewed as a Minor Variance. However, as stated in Finding 1, Section 704(A) of the Subdivision and Partitioning Ordinance requires Minor Partition applications that are accompanied by Variance requests to be reviewed, approved, remanded, or denied by the Planning Commission. Additionally, Section 704(A) of the Subdivision and Partition Ordinance states that the review of such applications shall be done in accordance with the Variance provisions in Section 210 of the Columbia County Subdivision and Partitioning Ordinance. Consequently, the proposal for V 24-04 and MP 24-06 will be reviewed in accordance with Section 210 of the Subdivision and Partitioning Ordinance, not the Variance criteria in CCZO Section 1504. Staff finds that the criteria in Section 1504 of the CCZO does not apply to V 24-04.

Columbia County Subdivision and Partitioning Ordinance

SECTION 210. VARIANCES

- A. General. Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further, provided the Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property

Discussion: Concurrent with the applicant’s submittal of Minor Partition and Minor Variance Applications, the applicant submitted the attached maps that delineate the areas of both parcel’s that the County Sanitarian reviewed for onsite sewage disposal. However, the survey submitted with MP 24-06 does not match the survey shown on the approved Authorization notices. Prior to final plat approval, the applicant shall submit documentation to LDS demonstrating that the two parcels, in their proposed configuration, have been approved for septic systems by the County Sanitarian.

The City of St. Helens’ attached comments dated June 20, 2024, state that the City’s Transportation System Plan classifies both Old Portland Road and Millard Road as minor arterial streets, that require a 60’ wide public right-of-way. Old Portland Road already has a 60’ right-of-way, however Millard Road is only 40’. As part of this partition, the City of St. Helens requires the applicant to dedicate 10’ parrallel and adjacent to the existing ROW (Millard Road) on each of the two parcels to achieve a width of 30’ from the ROW centerline of Millard Road. Additionally, the City of St. Helens has stated that the access requirements for arterial streets are strict, with required spacing between driveways and driveways/roads of 200 feet. Regardless of where the access is located, the City will require both parcels to utilize the same access with a reciprocal access easement that shall be included on the Final Plat. The City of St.

Helens' requirements will ensure this partition is consistent with the city's minimum zoning provisions prior to future annexation.

Columbia County Public Works provided comments on June 18, 2024, stating that due to the intersection spacing requirements in the Columbia County Road Standards, the access points may be denied depending on where access is proposed. Additionally, the access configuration may affect how future structures and sewage systems are positioned on the properties.

Finding 4: In response to the above criteria, the applicant stated: *“presently there are many homes in the area that are on similar sized parcels. The approval of this land use variance request is consistent with neighboring uses in the R-10 zone. This property and other nearby or adjacent lands are also zoned R-10. The request for this partitioning and variance would allow for two home sites, and each of them would be required to meet home construction codes and rules for health, safety, and welfare”*.

Staff finds that the granting of this Minor Variance to allow the creation of two 0.92-acre parcels in the R-10 Zone should not be injurious to nearby residential zoned properties along Millard Road or Old Portland Road as many nearby parcels are less than 1-acre in size. Provided the applicant meets access standards required by the City of St. Helens and the Columbia County Public Works Department, impact to road and public services will be minimal by adding an additional homesite to this area on the corner of Millard Road and Old Portland Road. Without any concerns received from Columbia River Fire & Rescue (CRF&R), there is no evidence indicating the level of emergency/fire services and facilities will be significantly impacted by the division of the subject property.

For these reasons, and with the recommended conditions listed herein, Staff finds that the granting of this variance will preserve the public safety, health, and welfare, and will not be injurious to other nearby residentially developed properties. With conditions of approval, the proposal requested for V 24-04 will comply with CCSPO Section 210.A(1).

Columbia County Subdivision and Partitioning Ordinance

SECTION 210. VARIANCES

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

Finding 5: In response to the above criteria, the applicant states *“attached is a survey completed 10/13/24 that shows the subject property to be 1.846 acres. R-10 zoning requires one acre minimum lot size but allows for a minor variance if the partitioned property is less than the one acre but more than 9/10 acre. The new proposed partitioning map shows each parcel would contain .92 acres”*.

The sites unique conditions of the site are related to the fact that the subject property is a corner lot within a UGB, with access to public water but not public sewer. While the proposed parcels are not currently able to receive service from City sewer, proposed Parcel 1 and 2 have received approved Septic Authorization Notices from the County Sanitarian. As previously mentioned, the parcel configuration

shown on the survey submitted with MP 24-06 does not match the parcel configuration of the site plan submitted and approved as part of the Authorization notices. Prior to final plat approval, the applicant shall submit documentation to LDS demonstrating that the County Sanitarian has approved the configuration, for onsite wastewater treatment per the provisions in OAR 340.071.0220 Table 1.

The submittal documents and comments provided by the City of St. Helens indicate that City water can be supplied to the proposed parcels, provided the applicant pays a connection fee and records a consent to annex the properties on the deed records. Furthermore, staff finds it is likely that acreage of the subject property was dedicated for the construction of Old Portland Road and Millard Road, as the City of St. Helens is currently requesting an additional 10' dedication parallel and adjacent to the existing ROW (Millard Road) on each of the two parcels. This 10' dedication will allow the for the City to bring Millard Road into compliance with the width requirements for arterial roads in the City's Transportation System Plan. Approving V 24-04 with the City of St. Helens' requirements will help ensure authorized development on both parcels will comply with the future zoning provisions for annexed properties when city sewer is available.

Staff finds that these locational features and availability to public utilities are unique to the subject R-10 property and do not generally apply to the majority of R-10 zoned properties within UGBs. Additionally, and as conditioned, staff finds that the proposed 0.92-acre parcels will be capable of supporting future single-family residential development until city sewer connections are available. For these reasons staff finds the variance criteria in CCSPO Section 210.A(2) has been met.

Columbia County Subdivision and Partitioning Ordinance

SECTION 210. VARIANCES

- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

Finding 6: In response to the above criteria, the applicant states: *“the newly created parcels would be home sites. Each parcel has septic approval and public water available”*.

Staff finds the authorization of two 0.92-acre parcels is not likely to significantly alter the single-family residential characteristics of the area. In addition, approving V 24-04 with the City of St. Helens requirements for ROW dedication and a shared driveway easement will help ensure authorized development on both parcels will comply with the future zoning provisions for annexed properties. Not allowing the intended partition on the subject property would be an unnecessary hardship for the property owner since the existing services and characteristics of the 1.84-acre site can safely accommodate the Minor Partition and additional single-family residential development provided all conditions are met and building permits are obtained. Staff finds the proposal complies with the criterion in CCSPO Section 210.A.(3).

Columbia County Subdivision and Partitioning Ordinance

SECTION 210. VARIANCES

- (4) The variances will not, in any manner, vary the provisions of the Zoning Ordinance and the County Comprehensive Plan.

Finding 7: In response to the above criteria, the applicant states: *“the granting of this variance does not conflict with either the comprehensive plan or zoning as it would allow for two home sites that are permitted uses by the comprehensive plan and zoning ordinances”*.

This request for a variance from the 1-acre minimum size for the two proposed 0.92-acre parcels does not appear to adversely affect the realization of the Comprehensive Plan nor be inconsistent with the intent of the R-10 Zone as consistently demonstrated throughout this report.

The research and analysis supporting these previous Findings identify various reasons why Planning Staff supports the submitted variance all of which are uniquely characterized and apply only to the subject R-10 zoned 1.84-acre site. This report has evaluated evidence and consistently found that the proposal requested for V 24-04 will allow only the created R-10 parcels to be used and developed independently of each other in ways that comply with Section 700 of the Columbia County Zoning Ordinance for unincorporated properties within UGBs until they are annexed. All future site development will be reviewed by the County Planner for consistency with the applicable goals and Policies of the Comprehensive Plan that are implemented through the County’s Zoning Ordinance. For these reasons, Staff finds this criterion will be satisfied with conditions of Final Plat approval and future building permit issuance on the subject site.

Columbia County Subdivision and Partitioning Ordinance

SECTION 210. VARIANCES

- (5) The variance is necessary for the proper design and function of the subdivision or partition.

Finding 8: The proposed variance is necessary to allow the 1.84-acre property to be partitioned into two parcels of 0.92-acres respectively. While the proposed parcels cannot be serviced by a public sewer system, the parcels can be served by public water and private septic systems. The proposal as conditioned complies with Section 700 of the Zoning Ordinance and enables further infill in a UGB area. Additionally, the conditions requested by the City of St. Helens will ensure that this partition is consistent with the city’s minimum zoning provisions at the time of future annexation. Staff finds the proposal complies with Section 210.A(5).

Continuing with Section 210. Variances Columbia County Subdivision and Partitioning Ordinance

SECTION 210. VARIANCES

- B. Conditions. In approving variances, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

Finding 9: The Planning Commission has the ability to require additional, reasonable conditions of approval that have not already been covered in this report.

SECTION 210. VARIANCES

- C. Procedures. A request for any such variance shall be submitted in writing by the applicant at the time when the preliminary plan is filed at least 35 calendar days prior to the Commission meeting for their consideration. The request shall state fully the grounds for the application and all of the facts relied upon by the petitioner. One-half of the required fee for a variance shall accompany the request.

Finding 10: The applications submitted for the Minor Partition (MP 24-06) and Minor Variance (V 24-04) were deemed complete by the Planning Manager on June 7, 2024. As mentioned in Finding 1, Section 704.A of the Columbia County Subdivision and Partitioning Ordinance requires Minor Partition applications that are accompanied by Variance requests to be reviewed, approved, remanded, or denied by the Planning Commission. Consequently, after the application was deemed complete, the proposal was scheduled for the next available Planning Commission hearing on July 15, 2024. Notice was sent to adjacent property owners and all affected government agencies on June 12, 2024. The final decision for V 24-04 shall be valid for one year within which the necessary documentation for the Final Partition Plat also needs to be filed with the County Surveyor and County Clerk. For these reasons, staff finds these criteria can be satisfied.

Continuing with the applicable provisions in Section 700 of the CCZO:

Section 700 SINGLE-FAMILY RESIDENTIAL R-10

[Amended by Ordinance 99-02, effective 1/11/00].

705 Standards:

.2 Lot or Parcel Dimensions:

- A. The minimum average lot or parcel width shall be 70 feet.
- B. The minimum average lot or parcel depth shall be 100 feet.
- C. All lots or parcels shall have a minimum of 50 foot of usable frontage on

a public right-of-way; except a driveway to a single parcel to be used for residential purposes may use a non-exclusive easement for access to a public or county road.

Finding 11: MP 24-06 Preliminary Plat indicates that the average parcel width and depth for the proposed parcels are approximately 117' in width and 361' in depth. These measurements are more than enough to meet the requirements in 702 (A & B). Comments from the City of St. Helens state:

- *“The subject property has a City of St. Helens Comprehensive Plan designation of Rural Suburban Unincorporated Residential, RSUR. If annexed in the future, based on today’s assumptions, the most likely zoning would be the City’s R7 (7,000 s.f. lot size) or R10 zones (10,000 s.f. lot size)”*.
- *“A shadow plat or redevelopment plan is necessary to help ensure these densities are possible once utilities, sanitary sewer in particular, are available in the to-be-determined future. Generally, the conceptual lots should be between 10,000 – 13,999 s.f. (the min. size for R10 and just under twice the size for R7) and lot dimensions to meet city specifications. New buildings shall be required to fit within the future development plan’s conceptual property lines. Document(s) to be recorded on the deeds of the lots/parcels at the same time as the final plat and be binding on all current and future owners”*.
- *“Incorporation of the shared access into the shadow plat / redevelopment plan is necessary”*.

With this condition of the filing of a shadow plat showing maximum density when city sewer is available, staff finds MP 24-06 will comply, currently and in the future, with the minimum parcel width and depth provisions in Section 702 (A &B).

Finding 12: As stated previously in this report, the subject property is located on the northwest corner of the intersection of two arterial roads, Old Portland Road and Millard Road. The City of St. Helens has stated that the access requirements for arterial streets require spacing between driveways and driveways/road of 200 feet. Regardless of where the access is located, the City will require both parcels to utilize the same access with a reciprocal access easement that shall be included on the Final Plat. The County Public Works Department has also expressed that due to the intersection spacing requirements in the Columbia County Road Standards, the access points may be denied depending on where access is proposed. The following conditions of approval have been added:

- No more than one access for both parcels (and the redevelopment/shadow plat) shall be allowed. This access point shall be reviewed and approved by the City of St. Helens and the Columbia County Public Works Department.
- The final plat shall include a reciprocal access easement for the approved single point of access for both parcels.

With these conditions, Staff finds that the access easement proposed for MP 24-06 will be able to comply with the minimum access provisions in Section 705.2 (C).

.3 Building Setbacks:

- A. Front yard setbacks shall have a minimum depth of 25 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots or parcels shall be the average of the setbacks of the main structures on abutting lots or parcels on either side, if both lots or parcels are occupied. If one lot or parcel is occupied and the other is vacant, the setback shall be the setback of the occupied lot or parcel, plus one-half the remaining distance to the required 25 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 25 feet.
- B. Side yard setbacks shall be a minimum of 10 feet.
- C. Rear yard setbacks shall be a minimum of 20 feet to the main building.
- D. Setbacks for insufficient right-of-way. The minimum front or side yards, or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Commission shall determine the necessary right-of-way width and the additional yard setback requirements in such cases.

.4 Lot or Parcel Coverage: The lot or parcel coverage shall not exceed 30 percent of the total area of the lot or parcel.

.5 Height Limitations: The maximum height of a structure shall not exceed 35 feet or 2-1/2 stories, whichever is less.

Finding 13: No new site development is proposed or authorized with the submission and approval of MP 24-06 and V 24-04 alone. The preliminary plat submitted with MP24-06 does not match the parcel configuration of the site plan submitted and approved as part of the existing Septic Authorization Notices. Prior to final plat approval, the County Planner and County Sanitarian will need to review a separate surveyed map that identifies the accurate location of all proposed septic systems in relation to the new parcel lines. This review will ensure that all future site development will comply with the minimum regulatory requirements for R-10 development as well as with those for Onsite Wastewater Treatment Systems in OAR 340-070-0220 Table 1.

During the Project Planner's June 25, 2024, site visit observations, it appeared there would be sufficient area on both parcels for all future site development to comply with the minimum R-10 zone's front, rear and side yard setbacks. At the time of future building permit issuance on either of these two parcels, the County Planner will need to verify the proposed development will be consistent with the minimum front, side, and rear yard property line setbacks for R-10 development.

As previously mentioned, the applicant shall record a development plan concurrent with the Final Partition Plat. This development plan (Shadow Plat) shall identify the 1.84-acre site's maximum density/ future parcels when public sewer is available to the site that can receive water from the City of St. Helens. All proposed site development shall conform to this development plan prior to building permit issuance. Staff finds that these criteria can be met subject to these conditions.

No development is authorized for proposed Parcel 1 or 2 until the final Partition Plat is surveyed, approved by the County Planning Commission, and recorded with the County Surveyor and County Clerk. For the above reasons and with conditions covered in this report, Staff finds these criteria in Section 703, 704 and 705 of the Zoning Ordinance can be satisfied for both proposed parcels.

Continuing with the Columbia County Subdivision and Partitioning Ordinance (CCSPO):

ARTICLE II ADMINISTRATION & GENERAL PROVISIONS

Section 204 Conflict with Public and Private Provisions.

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

Finding 14: When provisions of this ordinance conflict, the more restrictive ordinance will control.

ARTICLE II ADMINISTRATION & GENERAL PROVISIONS

Section 208 Termination of Tentative Partition or Subdivision Approval

Failure by the developer to submit a final plat within one year of the date of the approval, or conditional approval, of the tentative plan, shall terminate all proceedings. Upon application of the developer in writing, an extension of time not exceeding six calendar months may be granted by the Planning Department for partitions, or by the Commission for subdivisions or planned unit developments.

Finding 15: This Preliminary Partition shall remain valid for one (1) year from the date of the final decision. The approved preliminary plat for MP 24-06 shall become void unless a surveyed final plat is prepared and submitted to Land Development Services within the one-year validity period. This Final Plat shall conform to 1) the approved preliminary plat as submitted in accordance with the conditions described herein, and 2) the form and content requirements of the Columbia County Subdivision and Partitioning Ordinance and Oregon Revised Statutes. Staff finds that this criterion has been met, subject to this condition of approval.

Continuing with Columbia County Subdivision and Partitioning Ordinance (CCSPO):

ARTICLE VII MINOR LAND PARTITIONING

Continuing with Columbia County Subdivision and Partitioning Ordinance (CCSPO):

Section 709 Submission of Final Plat.

A. Not more than one year following approval of the tentative map, the partitioner shall prepare a final plat in conformance with the tentative map as approved and submit it along with a copy of the approved tentative map to the county surveyor and Planning Department.

B. If the final plat is not submitted within one year of the approval of the tentative map, the tentative map must be resubmitted for approval in accordance with these regulations or their successors.

Finding 16: A condition of approval shall state that the applicant will be required to submit the Final Plat within one year of approval or they will have to resubmit the application, including a review fee, which will be re-examined under the standards current at the time.

Continuing with the CCSPO:

Section 710 Information On Final Plat.

- C. The survey and plat of the partition shall be made by a registered professional land surveyor. Unless the Planning Director provides otherwise, created parcels that are 20 acres or greater, but less than 40 acres, need to be surveyed or monumented if zoned Primary Forest, Forest Agriculture or Primary Agriculture. Similarly zoned parcels that are 40 acres or greater need not be surveyed or monumented.
- F. The location, dimensions and purpose of all recorded and proposed public and private easements shall be shown on the partition plat along with the county clerk's recording reference if the easement has been recorded with the county clerk.
- G. The area of each lot or parcel shall be shown on the partition plat.
- L. Unless there is proof of adequate water supply and sewage disposal for each lot pursuant to Section 913 of this ordinance, the final plat shall indicate those lots for which an adequate supply of water or sewage disposal has not been proven.

Finding 17: For consistency with other governmental units, the Planning Director has acknowledged that the surveying provisions in 710.C above are outdated and conflict with other provisions of county ordinances and ORS Chapter 92.055. Nevertheless, the County will require a survey and monument for both parcels since they are both smaller than 10 acres to ensure consistency with the current provisions in ORS Chapter 92.055. Per the provision in Section 710.F above, the location, dimensions, and purpose

of all recorded and proposed public and private easements shall be shown on the final plat. The surveyed acreage of both proposed parcels shall also be included on the Final Plat.

As discussed previously, proposed Parcel 1 and 2 have received approved Septic Authorization Notices from the County Sanitarian, however the site plan submitted with the authorizations does not match the site plan submitted with MP 24-06. Prior to Final Plat approval, the applicant shall submit documentation to LDS demonstrating that the two parcels, in their proposed configuration, have been approved for septic systems by the County Sanitarian. Lastly, the City of St. Helens has provided comments stating that the proposed parcels can receive City water, provided the applicant pays a connection fee and records a consent to annex the properties on the deed records. Staff finds that these criteria in Section 710 will be met with conditions of final approval.

Continuing with the CCSPO:

ARTICLE X SUBDIVISION AND PARTITION REQUIREMENTS

Section 1001 Minimum Standards

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

Finding 18: The minimum standards of this ordinance will be satisfied with the approval of this partition. Conditions that are made as part of the tentative approval of this partition must be satisfied prior to the Planning Commission's approval of the Final Plat authorizing the division of the subject property.

Section 1003 LOTS

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 a 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.

A. Lot Improvements.

- (1) **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance.

Finding 19: The preliminary partition plat for MP 24-06 indicates that all proposed parcels will meet the minimum dimension standards outlined in Section 700 of the Columbia County Zoning Ordinance.

As of the date of this Staff Report, LDS has not received any documentation regarding where future residential sites or road accesses are intended to be developed on the newly created parcels. Additionally, and as stated throughout this report, proposed Parcel 1 and 2 have received approved Septic Authorization Notices from the County Sanitarian, however the site plan submitted with the authorizations does not match the site plan submitted with MP 24-06. All plat modifications will need to be reviewed and approved by the County Sanitarian in accordance with the minimum regulatory standards for Onsite Wastewater Treatment Systems prior to Final Plat approval. Given the uncertainty regarding where future development will occur, staff finds the following conditions shall be required prior to final plat approval:

- No more than one access for both parcels (and the redevelopment/shadow plat) shall be allowed. This access point shall be reviewed and approved by the City of St. Helens and the Columbia County Public Works Department.
- The applicant shall submit documentation to LDS demonstrating that the two parcels, in their proposed configuration, have been approved for septic systems by the County Sanitarian

Staff finds that this criterion has been met, subject to the conditions of approval.

Continuing with the CCSPO:

Section 1005 Streets

- A. **General Requirements.** Except for private streets within Planned Unit Developments approved pursuant to Section 1200 of the Columbia County Zoning Ordinance, no subdivision or partition shall be approved unless the development has at least 50 feet of frontage on an existing public street and otherwise complies with County Road Standards and Specifications in effect at the time of Development or with a more restrictive provision on an applicable Urban Growth Area Management Agreement. [Amended 4-9-97]
- B. **Existing Streets.** Additional street right-of-way shall be dedicated as per the County Road Standards at the time of subdivision or partition when the following conditions exist:
 - (1) The subject property is located within an urban growth boundary and fronts on a County road; or [Amended 4-9-97]
 - (2) The subject property is subdivided or partitioned to lots or parcels containing 2 acres or less. [Amended 4-9-97]

Finding 20: According to the submitted preliminary plat, both Parcels will have at least 50' of usable frontage on Old Portland Road and Millard Road in accordance with the provision in Section 1005.A. LDS has yet to receive any documentation indicating where future road access will be located. However,

the City of St. Helens will require both parcels to utilize the same access with a reciprocal access easement, which shall be included on the Final Plat. Additionally, the city has requested that the applicant dedicate 10' of right-of-way for the full length of proposed Parcel 1 and 2's frontage on Millard Road. This 10' additional public right-of-way shall be delineated and labeled on the final plat. With this condition of final plat approval, Staff finds the criterion in Section 1015.A will be met.

Continuing with the CCSPO:

Section 1013 Utilities

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

Finding 21: As covered already in this report, proposed Parcel 1 and 2 have received approved Septic Authorization Notices from the County Sanitarian. However, the site plan submitted and approved with the authorizations does not match the survey submitted with MP 24-06. All plat modifications will need to be reviewed and approved by the County Sanitarian in accordance with the applicable provisions in OAR Chapter 340 Division 71 for Onsite Wastewater Systems. The condition of final plat approval requiring the county Sanitarian and Planner to review a separate surveyed map that accurately delineates the distances approved on-site sewage areas and future property lines will satisfy this criterion.

Staff finds that the County's review and approval of this separate surveyed map will ensure that MP 24-06 complies with the minimum onsite wastewater systems siting provisions in OAR 340-071-0220 as well as those in Section 700 for R-10 development. For these reasons, staff finds that the method of sewage disposal for each parcel is in accordance with the provisions in Section 1013.B.

Continuing with the Columbia County Subdivision and Partitioning Ordinance:

C. Requirements for Urban Areas.

(1) **Water Facilities.** Water lines and fire hydrants serving the subdivision or partition and connecting the development to the mains of a city shall be installed to provide adequate water pressure to protect against fire and to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves and hydrants shall be in

accordance with the standards of the Fire District, the County, the State and the American Public Works Association.

(2) **Underground Utilities.** All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company. Electric power transmission lines (over 50,000 volts or primary feeder lines) and transformer vaults are exempted from these requirements.

Finding 22: The subject property is located within the City of St. Helens' UGB and can be served water by the City of St. Helens. LDS has received comments from the City stating that prior to service, the applicant will be required to pay a connection fee and record a consent to annex the properties on the deed records. Electric connections can be extended to the subject property from either Old Portland Road or Millard Road. Staff finds the proposal requested for MP 24-06 complies with these criteria for newly created R-10 zoned properties in the City of St. Helens' UGB.

Section 1014 Other Requirements for Urban Areas

A. Redevelopment Plan - Applicability. All subdivisions and partitions which would result in the creation of a parcel, or parcels, of less than five acres shall be subject to the following requirements:

- (1) 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 of way; location, width, and purpose of all other existing easements; 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 in future lot patterns, road and/or street locations and right-of-way including major arterials.
 - (l) Proposed building locations.
 - (j) Topographic detail when percent of slope exceeds 15%.
 - (k) Future utility line locations and easements.
 - (l) The following statement shall be included on the sketch map: “Dashed lines represent future city lots and streets based upon the projected densities and zoning established by the city 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 subsurface sewage systems.

Finding 23: As discussed in previous findings, the applicant shall submit a development plan, or shadow plat, prior to the approval of the Final Plat. This development plan shall show the potential redevelopment of the 1.84-acre property when public sewer is available upon future annexation. The City of St. Helens submitted a memo dated June 20, 2024, which states that the City must approve this development plan prior to the approval of the Final Plat. It is important for future property owners to be aware that all future development permits on both parcels will be reviewed by county Planning Officials for consistency with this future development plan until this property is annexed. Staff finds that the criteria in Section 1014.A(1) can be met with conditions covered in this report.

Following with the County Stormwater and Erosion Control Ordinance:

III. STANDARDS SPECIFIC TO ACTIVITIES

D. Partitions

1. *Erosion Control*

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

2. *Long Term Water Quality Protection*

- a. A Conceptual Stormwater Plan is required for single family and duplex parcels. A Preliminary Stormwater Plan is required for partitions of multifamily, commercial, and industrial parcels.

Finding 24: For the purpose of this Stormwater and Erosion Control Ordinance, this partition will create two separate and distinct parcels each of which can be developed for authorized R-10 uses. The preliminary partition plat indicates that the existing and new storm drainage system drains to existing ditches and ground surfaces along Old Portland Road and Millard Road. With this Conceptual Storm Water Plan, Staff finds that the proposal requested for MP 24-26 is consistent with the applicable provisions in Chapter III of the County’s Stormwater and Erosion Control Ordinance.

COMMENTS RECEIVED:

St. Helens – Columbia City CPAC: No Comments have been received as of the date of this report.

City of St. Helens Planning Department: The attached Memorandum dated June 20, 2024, conditions and comments have been incorporated through this Staff Report and will be required to be met prior to final partition approval.

Columbia River Fire and Rescue: No comments have been received as of the date of this report.

Columbia County Sanitarian: No comments have been received as of the date of this report

District 18 Watermaster: No comments have been received as of the date of this report.

Columbia County Surveyor: Reviewed the enclosed application and has no objections to its approval as submitted.

County Assessor: No comments have been received as of the date of this report.

Columbia County Public Works Department: Applicant must obtain an access permit from the Public Works Department.

Columbia County Building Official: Reviewed the enclosed application and has no objections to its approval as submitted.

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

STAFF COMMENTS, CONCLUSION AND RECOMMENDATION:

Based on the facts, findings, and comments herein, Staff recommends that the Planning Commission **APPROVE** V 24-04, authorizing a Minor Variance to the 1-acre minimum lot size for newly created parcels without public water or sewer in the R-10 Zone, to allow the applicant to perform a Minor Partition of a 1.84-acre property into two parcels of 0.92-acres each.

Conditions of Approval:

1. This Minor Variance (V 24-04) and Minor Partition (MP 24-06) shall remain valid for one (1) year from the date of the final decision. The approved preliminary plat shall become void unless a final plat is prepared by a licensed surveyor and submitted to Land Development Services within the one-year validity period. This Final Plat shall conform to 1) the approved preliminary plat as submitted in accordance with the conditions described herein, and 2) the form and content requirements of the Columbia County Subdivision and Partitioning Ordinance and Oregon Revised Statutes. One extension of time of up to six months may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date.
2. The survey and plat of the partition and all new and/or altered property lines shall be prepared by a professional land surveyor. This survey shall then be filed with the County Surveyor and the Final Plat shall be recorded with the County Clerk.
3. The applicants shall dedicate a "10' public right-of-way" on both parcels parallel and adjacent to the existing 40' wide public right-of-way for Millard Road.
4. A *Redevelopment Plan/Shadow Plat* delineating how the subject site can be further divided when City Sewer is available shall be submitted to LDS and approved by the City of St. Helens and the County. This development plan shall be recorded with and referenced on the Final Partition Plat.
5. All future development of both parcels shall be consistent with the *Redevelopment Plan/Shadow Plat* that will be filed concurrent with the Final Partition Plat.
6. No more than one access for both parcels (and the redevelopment/shadow plat) shall be allowed. This access point shall be reviewed and approved by the City of St. Helens and the Columbia County Public Works Department.
7. The final plat shall include a reciprocal access easement for the approved single point of access for both parcels.
8. The following shall be required to be submitted to LDS before the County accepts a Final Plat for review:
 - a. A will-serve letter from the City of St. Helens confirming each parcel has access to a potable water source meeting State and County standards.
 - b. Confirmation that the City of St. Helens and Columbia County Public works have approved a single, shared access point for Parcel 1 and 2.

- c. Confirmation that the applicants have developed a *Future Redevelopment Plan/Shadow Plat* for the subject property that is accepted by the City of St. Helens and will be recorded with and referenced on the Final Partition Plat.
 - d. Documentation demonstrating that the County Sanitarian has approved the two parcels, in their proposed configuration, for onsite sewage disposal systems.
9. Prior to building permit issuance, the applicant shall obtain Road Access Permits for both parcels from the County Public Works Department. Copies of both issued Permits shall be filed with Land Development Services.
10. In addition to all County and State requirements, the following shall be included on the Final Plat:
- a. The area of and number of each parcel as such per ORS 92.055.
 - b. The surveyed location of a dedicated new "10' public right-of-way" on both parcels parallel and adjacent to the existing 40' wide public right-of-way for Millard Road.
 - c. The *Future Development Plan/Shadow Plat*, which has been approved by the City of St. Helens, shall be referenced on and recorded with the Final Partition Plat.
 - d. The statement: "*This plat is subject to Columbia County Land Development Services File Nos. MP 24-06 and V 24-04*"

Attachments:

MP 24-06 and V 24-06 Applications

Preliminary Plat

Zoning, Aerial, Address, Vicinity Maps

Comments from County Roadmaster and City of St. Helens