

Permit Extension



Columbia County Land Development Services
PERMIT EXTENSION APPLICATION

Note: an extension request must be filed before the original permit time limit expires.

TYPE OF PERMIT: Conditional Use Permit Resource Management Plan
Variance Temporary Permit Non-conforming Use x Partition/Subdivision
Other:

APPLICANT: Name: Agnes Marie Petersen

Mailing address: P.O. Box 748 City+zip St. Helens, OR 97051

Phone: (503) 397-4091 Email: maryanne.anderson@ymail.com

PROPERTY OWNER: (if different from above) Agnes Marie Petersen

Mailing Address: P.O. Box 748 City+Zip St. Helens, OR 97051

SITE ADDRESS: Tide Creek Road City+Zip Deer Island, OR 97054

Map/Taxlot: 6225-00-00400 Acres: 44.96 Zoning: FA-80

ORIGINAL FILE NO.: S 23-01

ORIGINAL PERMIT APPROVAL DATE: February 7, 2024

ORIGINAL PERMIT EXPIRATION DATE: February 7, 2025

REASONS FOR EXTENSION: County time limit to complete a subdivision is unreasonably snort. Weather currently will not allow completion of roadway improvements. County should increase time limit to at least two years.

PREVIOUS EXTENSIONS: None.

CERTIFICATION:

I hereby certify that all of the above statements, and all other documents submitted, are accurate and true to the best of my knowledge and belief.

Date: Jan 16, 2025 Signature: Agnes Marie Petersen

Planning Department Use Only

Original Fee: \$3,854.58 Extension Fee (25% of original fee) \$963.65

Date Rec'd: 1/17/2025 Check No.: 99853 Receipt No.: 426078 Staff Amy

DECISION: New Expiration Date:

Comments:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Appeal of the Approval of the)
Application of Agnes Marie Petersen for an Eight)
Lot Subdivision in the Forest Agriculture (FA-80)) FINAL ORDER NO. 2-2024
Zone)
)

WHEREAS, on June 21, 2023, Agnes Marie Petersen, (hereinafter, the "Applicant"), submitted an application to Columbia County (referred to herein as the "Application") proposing to subdivide approximately 44.96 acres in the Forest Agriculture (FA-80) zone into 8 lots between 2.0 and 2.65 in size with an approximately 31 acre remainder lot, pursuant to three separate Measure 49 approvals (E132340, E132337 and E132342), File No. S 23-01; and

WHEREAS, after deeming the Application complete, and duly providing notice in accordance with Columbia County Subdivision and Partitioning Ordinance ("SPO") Section 213, the Planning Commission held a hearing on the Application on September 11, 2023, received evidence and testimony into the record, and continued the hearing to October 2, 2023, leaving the record open for additional evidence and testimony; and

WHEREAS, at the continued hearing on October 2, 2023, the Planning Commission received additional evidence and testimony into the record, closed the hearing to additional oral testimony and continued the hearing to November 6, 2023, leaving the record open for additional written evidence and testimony in accordance with ORS 197.797(6); and

WHEREAS, on November 6, 2023, the Planning Commission received the additional written evidence and testimony submitted into the record, deliberated on the matter, and voted to approve File No. S 23-01, subject to thirteen (13) conditions of approval; and

WHEREAS, notice of the Planning Commission decision was duly mailed to the Applicant and other interested parties on November 15, 2023; and

WHEREAS, on November 21, 2023, an appeal of the Planning Commission's approval of the Application was filed with the Columbia County Board of Commissioners ("Board") pursuant to Columbia County Zoning Ordinance ("CCZO") Section 1703; and

WHEREAS, a hearing on the matter was scheduled before the Board for January 24, 2023; and

WHEREAS, after duly providing notice in accordance with SPO Section 213, the Board held a hearing on the Application on January 24, 2024, received evidence and testimony into the record, deliberated on the matter and voted to tentatively approve File No. S 23-01 subject to the thirteen (13) conditions of approval adopted by the Planning Commission, except for Approval Condition 10(i), which the Board excluded from the conditions of approval to be imposed;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- A. The Board of County Commissioners adopts the following as findings in support of its decision:
1. The above recitals.
 2. The findings and conclusions in the LDS Staff Report dated January 17, 2024 (the "January 2024 Staff Report"), attached hereto as Exhibit A and incorporated herein by this reference, to the extent those findings and conclusions are consistent with the Board's decision. Because Condition 10(i) is not being adopted, however, the Board does not adopt Finding 37 from the January 2024 Staff Report, and instead relies on Finding 28 to find the Application complies with both SPO Section 404.A and SPO Section 511.
 3. The findings and conclusions in the LDS Supplemental Staff Report dated November 2, 2023 (the "November 2023 Supplemental Staff Report"), attached hereto as Exhibit B and incorporated herein by this reference, to the extent those findings and conclusions are consistent with the Board's decision. Because Condition 10(i) is not being adopted, however, the Board does not adopt Finding 10 from the November 2023 Supplemental Staff Report, and instead finds that SPO Section 1015 does not apply.
 4. The findings and conclusions in the LDS Staff Report dated August 10, 2023 (the "August 2023 Staff Report"), attached hereto as Exhibit C and incorporated herein by this reference, to the extent those findings and conclusions are consistent with the Board's decision. Because Condition 10(i) is not being adopted, however, the Board does not adopt Finding 37 from the August 2023 Staff Report, and instead relies on Finding 28 to find the Application complies both with SPO Section 404.A and SPO Section 511.
- B. Based on the foregoing and the whole record on this matter, the Board of County Commissioners upholds the decision of the Planning Commission subject to one modification to the conditions of approval, and hereby APPROVES File No. S 23-01, subject to the following thirteen (13) conditions of approval, as modified:
1. A surveyed Final Subdivision Plat shall be prepared and submitted to Land Development Services within one year of the date of approval of the Preliminary Plat. If this one-year deadline is not met, the Preliminary Plat must be resubmitted for approval under the Subdivision and Partitioning Ordinance that is in effect at the time the plat is submitted. An extension may be granted, upon application, by the Planning Commission for a period not to exceed 6 months.
 2. All future site development shall be authorized provided it is consistent with the Terms of the applicant's Measure 49 Final Order and Home Site Authorizations as well as with the applicable provisions in OAR Chapter 660 Division 33 and the Columbia County Primary Agriculture Zone.

3. Per the provisions in Term 12 of Measure 49 Claims E142340, E132337, and E132342, should any of the eight lots be conveyed to parties who do not have rights of survivorship of the Measure 49 Claimant, the subsequent owner(s) must establish the authorized dwelling(s) within 10 years of the land conveyance.
4. The Applicant or future property owners shall obtain all necessary building permits for future dwellings or structures.
5. The Applicant shall submit a Grade and Fill permit prior to any ground disturbing activities or road construction. The applicant shall use applicable erosion control measures consistent with subsection III(C) of the Stormwater and Erosion Control Ordinance.
6. Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1,000 square feet of land area.
7. The Applicant and/or subsequent owners of the proposed lots shall obtain all necessary permits from the Department of State Lands (DSL) for work within identified wetlands.
8. The responsibility for protection from wildlife damage on the property shall be assumed by future dwelling owners and/or occupants.
9. Driveways for lots 1 and 8 onto Tide Creek Road be designed and arranged to avoid requiring vehicles to back into traffic.
10. Prior to acceptance and approval of the Final Plat:
 - a. The Applicant shall submit an Engineered Final Stormwater and Erosion Control (SEC) Plan for the subdivision that is consistent with the Stormwater & Erosion Control Ordinance, and specifically subsection III(E)(2)(b).
 - b. The County Public Works Department and the Columbia River Fire & Rescue shall inspect all private road improvement plans for Lupine Meadow Drive and submit documentation to Land Development Services that the new private road is constructed to the minimum private road specifications in the County Road Standards Ordinance as well as those in the 2017 Columbia County Transportation Plan.
 - c. The Applicant shall obtain approved septic lot evaluations or lot evaluation confirmations for methods of onsite sewage disposal for lots 3, 4, 5, 6, and 8.
 - d. The Applicant shall submit a Road Naming Application for the proposed private

road.

e. The Applicant shall obtain and submit to LDS Road Access Permits for each lot.

f. The Applicant shall submit to LDS engineered plans for all improvements, including the proposed private road and stormwater facilities. The Applicant shall submit to LDS documentation from the Public Works Department and Columbia River Fire and Rescue certifying that the engineered road plan meets all applicable standards.

g. The proposed private road shall be constructed to Private Road Standards as adopted by the County in Section IV of the County Road Standards Ordinance. The Applicant shall submit to LDS approval from the Public Works Department and CRF&R certifying that the proposed private road has been improved to applicable standards.

11. The following shall be recorded concurrently with the Final Plat:

a. The Applicant shall record a notarized Waiver of Remonstrance concurrent with S 23-01 that prohibits future landowners and their successors from pursuing a claim for relief or cause of action alleging injury from farming or forest practices occurring on adjacent properties. This shall be referenced on the Final Plat.

b. The Applicant shall record a Road Maintenance Agreement for the proposed private road to be utilized by lots 2, 3, 4, 5, 6, and 7. This agreement shall be referenced on the Final Plat.

c. The Applicant shall record deed restrictions on the properties associated with State Election Numbers E132337 and E132342 to reflect the transfer of Measure 49 development rights to the subject property.

d. The Applicant shall record a stormwater facility maintenance agreement between all lots for stormwater facilities detailed in the Final Stormwater and Erosion Control Plan. This agreement shall be referenced on the Final Plat.

12. In addition to all County and State requirements, the following shall be included on the Final Plat:

a. The proposed private road shall be identified as a 40-foot-wide private access and utility easement.

b. A stormwater easement conforming substantially with the course of the drainageway identified on lot 5.

c. Stormwater facility easements consistent with subsection II(F) of the Stormwater and Erosion Control Ordinance for all stormwater facilities detailed in the Final Stormwater and Erosion Control Plan.

d. A minimum 5' wide utility easement along the lot lines of all 8 lots.

e. A Statement that "*Lupine Meadow Subdivision is subject to Columbia County Land Development Services File No. S 23-01 and the applicable provisions of the Columbia County Zoning Ordinance.*"

f. A "10' public right-of-way dedication" shall be surveyed and identified on the subject property's frontage on Tide Creek Road parallel and adjacent to Tide Creek Road's existing 40' right-of-way.

13. Before a building permit may be issued for any individual lots resulting from this subdivision:

a. The property and all division lines must be surveyed and filed in the office of the County Surveyor, and the Final Subdivision Plat must be recorded in the office of the County Clerk.

b. Per existing County building permit requirements, any building permit application for a dwelling on an individual lot which depends upon a shared well requires proof of a recorded waterline easement between the shared well and the individual lot being served.

DATED this 7th day of February, 2024.

BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Casey Garrett, Chair

By: [Signature]
Kellie Jo Smith, Commissioner

By: [Signature]
Margaret Magruder, Commissioner

Approved as to form

By: [Signature]
Office of County Counsel