



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: August 9, 2022
NAME OF PROJECT: Whimsy Willow
NAME OF APPLICANT: Kevin Payne
AGENDA ITEM: Plat Amendment of Lot 2
LOCATION: 405 West 1120 North
ZONING DESIGNATION: RA-1-43 zone

ITEM: 4

Kevin Payne is requesting a Plat Amendment of lot 2 of the Whimsy Willow Subdivision. The proposal would add 0.33 acres to lot 2. The property is located at 405 West 1120 South in the RA-1-43 zone.

BACKGROUND:

Kevin Payne is proposing a plat amendment to the Whimsy Willow Subdivision. The property is located at 405 West 1120 North and is in the RA-1-43 zone. The proposal is to adjust the southern lot line of Lot 2 to the south by adding 0.33 acres from the Vincent property (OWC-1199-1-003-044). Lot 2 will increase from 3.87 acres to 4.2 acres. The Vincent parcel is currently five acres and would decrease to 4.67 acres. The Vincent parcel is currently in the process of annexation and may be in the City limits soon. If the annexation is approved, the property, along with two other parcels, will become the Vincent subdivision and would contain three lots. Since the Vincent Parcel is not currently in the City limits the plat amendment may not be recorded until the annexation plat is recorded.

The proposal does not create any additional lots and therefore should not have an impact on traffic, water, or sewer. The adjustments to the property lines should not impact existing sewer and water laterals that are installed to the lots.

ANALYSIS:

A plat amendment is usually a legislative item and City Council is not obligated to allow any changes even if they feel that the applicant met the requirements of the Code. Subsection 9a-608(5)(a) states “a land use authority may consider at a public meeting an owner’s petition to vacate or amend a subdivision plat if the petition seeks to:

- (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;

With that being said, a lot line adjustment is an administrative action, according to state law, as long as the properties comply with the land use ordinance. Utah law states that “owners of record of adjacent parcels...may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection (5)(b). Utah Code 10-9a-608(5)(a). Subsection (5)(b) states that “the land use authority shall approve an exchange of title under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.”

No public street, right-of-way, or easements will be vacated. The 10’ public utility easement that runs along the boundary of lot 2 will be adjusted so that it continues to run along the newly aligned boundary line.

The duration of a plat amendment approval shall be for one year from the date of approval of the amendment by the City Council. Should the amended plat not be recorded by the County Recorder within the one-year period of time, the plat amendment’s approval shall be voided, and approval must be re-obtained, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that: (a) each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or (b) no more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

POSSIBLE FINDINGS:

- Lots 2 will continue to conform to the requirements of the RA-1-43 zone.
- State law requires a land use authority to approve a lot line adjustment if the exchange will not result in a violation of any land use ordinance, no violations have been identified
- State law states a plat amendment may be considered by the land use authority at a public meeting
- No public street, right-of-way, or easement will be vacated or altered
- The Vincent Parcel is not currently in the City limits so the plat amendment may not be recorded until the annexation is recorded.

ALTERNATIVE ACTIONS:

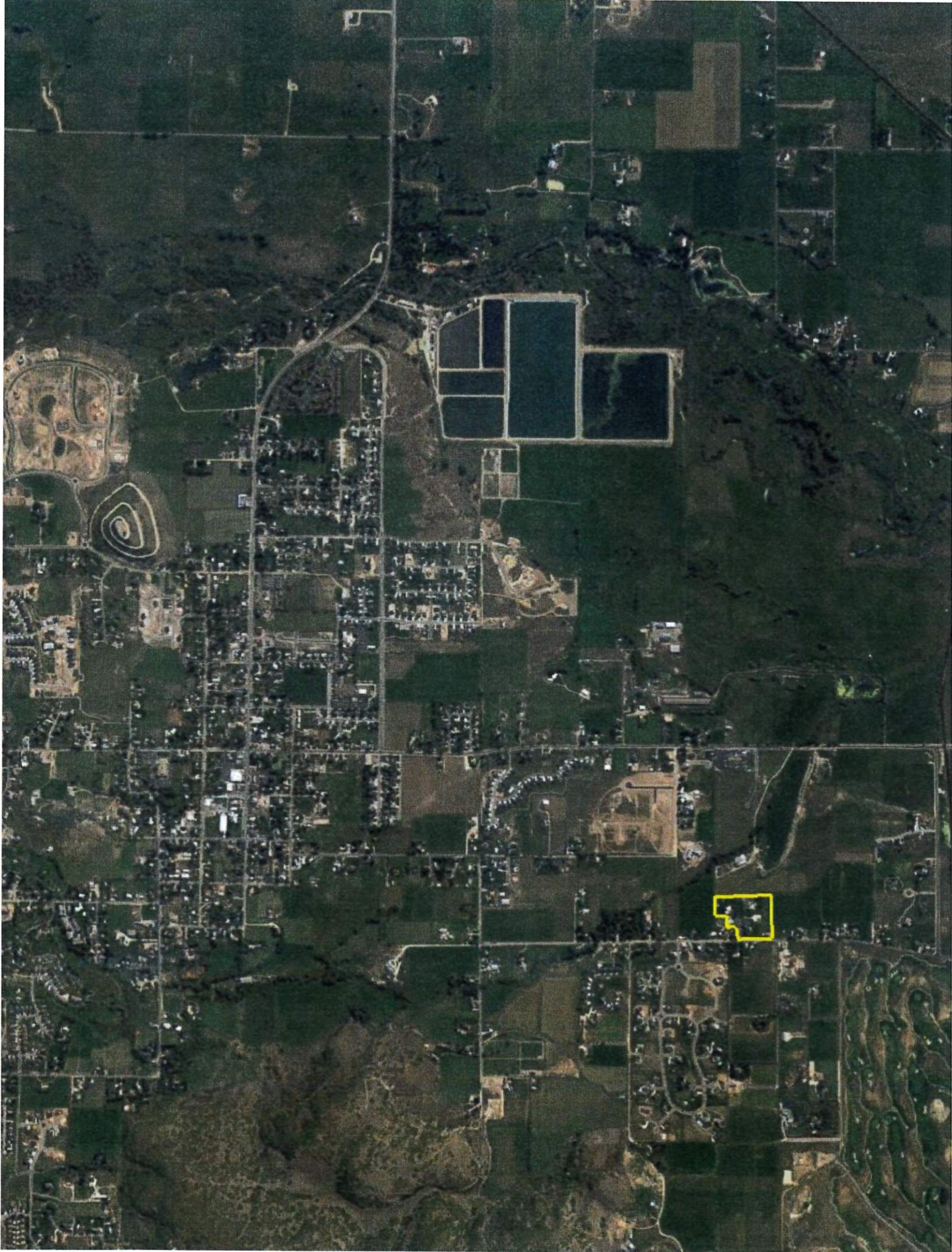
1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
 - a. Accept staff report
 - b. Reasons for approval (findings)
 - c. Place condition(s) if needed

2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

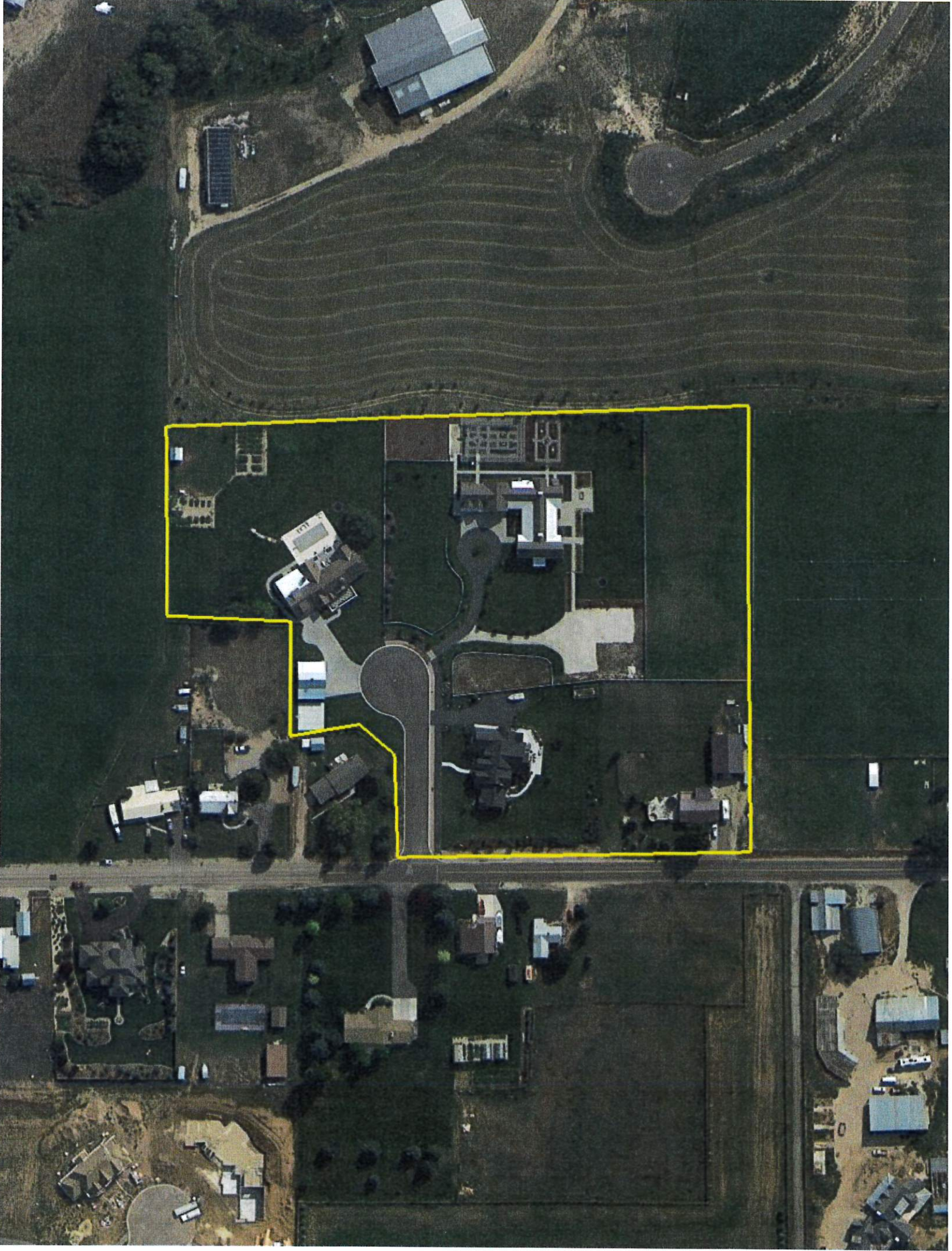
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

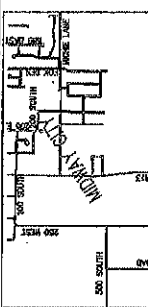
PROPOSED CONDITIONS:

None

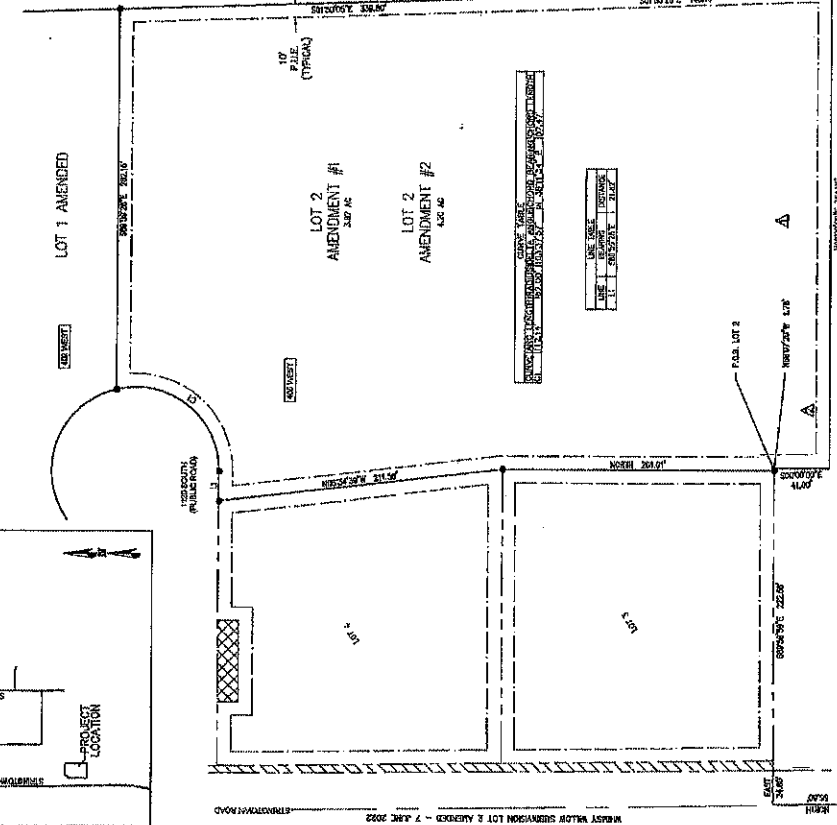








WHIMSY WILLOW SUBDIVISION - LOT 2 SECOND AMENDMENT
 LAYED IN THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, CLATSOP COUNTY, OREGON



SURVEYOR'S CERTIFICATE

I, FRANK W. SWANSON, a duly licensed Professional Surveyor, State of Oregon, do hereby certify that I am a professional land surveyor holding license number 10000 and that the above plat was prepared by me or under my direct supervision and that I am a duly licensed Professional Surveyor, State of Oregon, and have verified all measurements and have placed monuments as represented on the plat.

DATE: 10/10/2022 TIME: 10:00 AM

PLAT AMENDMENT NOTES:

- 1. THIS PLAT AMENDMENT IS A SECOND AMENDMENT TO THE ORIGINAL PLAT.
- 2. THE ORIGINAL PLAT IS FILED IN THE CLATSOP COUNTY CLERK'S OFFICE UNDER FILE NO. 2022-00000.
- 3. THE ORIGINAL PLAT IS FILED IN THE CLATSOP COUNTY CLERK'S OFFICE UNDER FILE NO. 2022-00000.

BOUNDARY DESCRIPTION

BEARING AS A POINT FROM THE INTERSECTION OF THE CENTER LINES OF THE HIGHWAYS AND THE CENTER LINE OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, CLATSOP COUNTY, OREGON.

TO THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, CLATSOP COUNTY, OREGON.

TO THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, CLATSOP COUNTY, OREGON.

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OWNER'S DECLARATION

I, the undersigned, owner of the property described herein, have caused this plat to be prepared and recorded for the purpose of creating public streets and easements for the construction and use of public utilities and emergency vehicle access.

DATED THIS 10 DAY OF OCTOBER, A.D. 2022.

BY: FRANK W. SWANSON

ACCEPTANCE BY MOHAWY CITY

THE CITY ENGINEER HAS REVIEWED THIS PLAT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLAT ACT AND THE PLAT ACT RULES AND REGULATIONS AND HAS HEREBY APPROVED THE SAME FOR THE PURPOSES OF THE PLAT ACT AND THE PLAT ACT RULES AND REGULATIONS.

APPROVED: FRANK W. SWANSON, CITY ENGINEER

DATE: 10/10/2022, A.D. 2022

PLANNING COMMISSION APPROVAL

THE PLANNING COMMISSION HAS REVIEWED THIS PLAT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLAT ACT AND THE PLAT ACT RULES AND REGULATIONS AND HAS HEREBY APPROVED THE SAME FOR THE PURPOSES OF THE PLAT ACT AND THE PLAT ACT RULES AND REGULATIONS.

APPROVED: FRANK W. SWANSON, CITY ENGINEER

DATE: 10/10/2022, A.D. 2022

COUNTY SURVEYOR'S CERTIFICATE

APPROVED AS TO FORM ON THIS DAY OF OCTOBER, A.D. 2022.

BY: FRANK W. SWANSON

COUNTY SURVEYOR

WHIMSY WILLOW

LOT 2 SECOND AMENDMENT

SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, CLATSOP COUNTY, OREGON

SCALE: 1" = 40'

FRANK W. SWANSON
 SURVEYOR
 2224 SOUTH 27TH EAST
 MOHAWY CITY, OR 97130
 PHONE (503) 838-8816
 DATE OF EXPIRES: NONE 2022