



PLANNING COMMISSION

Tuesday, March 09, 2021 at 7:00 PM

APPROVED MINUTES

Members Present: Chair Cary
Vice Chair Hubbard
Commissioner Webster
Commissioner Semling
Commissioner Lawrence
Commissioner Pugsley
Commissioner Cavanaugh

Members Absent: None

Staff Present: City Planner Graichen
Associate Planner Dimsho
Community Development Admin Assistant Sullivan
Councilor Birkle

Others: Damian Hall
Andrew Schlumpberger
Lindsay Schlumpberger
Ron Schlumpberger
Tracey Hill
Jerry Belcher
Daniel Kearns
Tim Ramis
Al Petersen
Robin Nunn
Steve Toschi

1. 7:00 P.M. CALL TO ORDER & FLAG SALUTE

2. CONSENT AGENDA

A. Planning Commission Minutes dated February 9, 2021

Motion: Upon Commissioner Semling's motion to approve the minutes as written with a typographical error correction and Commissioner Webster's second, the Planning Commission unanimously approved the Draft Minutes Dated February 9, 2021. [AYES: Commissioner Pugsley, Commissioner Webster, Commissioner Semling, Commissioner Lawrence, Commissioner Cavanaugh, Vice Chair Hubbard
NAYS: None]

3. TOPICS FROM THE FLOOR (Not on Public Hearing Agenda): Limited to five minutes per topic

There were no topics from the floor.

4. PUBLIC HEARING AGENDA (times are earliest start time)

B. 7:00 p.m. Partition at 160 Belton Road – Andrew & Lindsay Schlumpberger

City Planner Graichen presented the staff report dated March 1, 2021. He said this was a reboot of a two-parcel land division. It started at the administrative level in the year 2020 and worked its way up to the Oregon Land Use Board of Appeals (LUBA). He said they have adequate utilities available to the property through a water line and a septic STEP system. He showed where there are buffers between the property and the wetlands and said there was still adequate space to build and keep the wetland buffer in place. He mentioned the road is a dead-end public street and is less than 20-feet in width with a significant amount of parcels that access it. He talked about the blind corner and that it was an important area to be able to see if anyone is coming. He talked about the benefits of having a turnout at the blind corner. He said to require a turnout, they would have to consider the Private Road Standard not the Public Road Standard. Because the access situation is different, it allows for them to potentially apply private road standards instead of public road standards. He said for the original application, there was a drainfield easement and that the easement obstructed access to this parcel. That was the key basis behind the Commission's denial of the original application. He said that easement no longer exists and so the application to LUBA was withdrawn and then this new application was applied for.

Commissioner Webster asked if the driveway was a shared access to both parcels in the partition. Graichen said it could end up being that way when it is finished. He said there is a minimum ten-foot-wide driveway for the new building.

In Favor

Hall, Damien. Applicant. Hall was called to speak. He is the attorney for the applicant. He mentioned that the applicant would like to separate their two-acre lot into two different one-acre lots with one single-family dwelling on each parcel. He said that the applicant proposed a few conditions of approval on their own, including limiting development to one single-family dwelling and executing a reasonable future street improvement. He mentioned the prior application and that there were several points of mutual agreement between all those who testified and the staff. Most importantly, the septic drain field easement no longer exists. He mentioned that the current application meets the criteria of base zone R10 standards. He said there are adequate public facilities available handle dividing the property. He said as far as the road and the improvements required, he mentioned the applicant was willing to make street improvements according to what the Planning Commission decided. He said the applicant is open to a 90-degree turnout based on the staff recommendation.

Schumpberger, Andrew. Applicant. Schlumpberger was called to speak. He said he worked for the Fire Department for fifteen years and since the safety of Belton Road was brought up, he wanted to share some of his research. He had checked the Fire Department records and St. Helens Police records and he said there had been no documented accidents in the last 20 years on Belton Road. He said the Fire Department has no issues accessing any of the properties located on Belton Road. He also said they had two fire marshals come and check out the access for the proposed partition, and they did not mention any access issues. He said there would be three additional turnouts with an approval of the proposed Partition, as this was a requirement for approval. He said that would be a significant increase in safety measures for the road. He mentioned there are other streets in St. Helens that are much smaller with more accessing properties.

Schlumpberger, Lindsay. Applicant. Schlumpberger was called to speak. She said that she had multiple neighbors who support the proposed Partition. She said they did not want to create any divide between them and their neighbors. She said they just want to be able to use their property to build a home for more privacy. She said with the new guidelines coming out in July for duplexes, they could build a second dwelling without the partition. She said, however, that they do not wish to overdevelop the private land. She said their intent was to have one single home and live as a family to maintain the

privacy of the neighborhood. She said they are willing to take on the extra expense of the road and street improvements to help improve the safety of their neighborhood.

Schlumpberger, Ron. Schlumpberger was called to speak. He lives at 1400 Second Street in Columbia City. He talked about Belton Road. He said the reason it was underdeveloped because of basalt rock. He said the streets are narrow, but that does not mean they are unsafe. He said the applicants have done everything they have been asked to do and are trying to do the right thing.

Belcher, Jerry. Belcher was called to speak. He lives at 105 Belton Road. He supports the application. He said he has served on several Commissions in the City. He said they have lived here for over 29 years. He said after partitioned, both parcels would be over one acre in size. He said he had concern about the safety of the road. He said the City has resurfaced the road and that the City does maintain it. He said the 90-degreeturn in the road is the major issue. He said there is a turnout at the end of the road and many large vehicles use it to get in and out, including ambulances, delivery drivers, trash trucks, etc. He has never heard of a vehicle-pedestrian accident on the road. He said in the last month he has only met two vehicles on the road. He also said that traffic studies have shown that narrow streets reduce traffic incidents. He said those looking to leave the area, it is somewhat difficult if they meet a vehicle coming into the area. He said if there was a turnout there it would make that much easier. He also said he saw there was a hammerhead that was proposed, and he said that was a great way to give access to the Fire Department to access all the homes in the lower area of the street. He felt if both the hammerhead and the turnout were included, he recommended approval of the application.

Neutral

No one spoke as neutral testimony.

In Opposition

Kearns, Daniel. Kearns was called to speak. He said he was a Land Use Attorney, and he represents a neighbor, Tracey Hill, who lives at 250 Belton Road. He said he submitted a new record and asked for the previous records from the first Partition to be included in these proceedings. He also asked that the record be left open for at least seven days to respond to any new evidence that might come in. He said when you create a lot it gives an entitlement to build a house. He said Belton Road is smaller than the skinny street standard. He said there is no evidence that there have been any issues with safety, but the standards are set to keep the streets safe. He mentioned the Commission was being asked to create a new lot with development rights, when there are already several underdeveloped lots in this area. He asked at what point would there be too many dwellings being served by this roadway. He said there is no way the Commission can condition this application to bring Belton Road up to the street standard.

Hill, Tracey. Hill was called to speak. She lives at 250 Belton Road. She mentioned that the applicant brought in heavy equipment to remove trees and vegetation without the City's permission. She said they continue to ignore the rules and seem to feel entitled to do whatever they want. She said the applicant has intimidated people into agreeing with them. She said the applicant sued her about the drainfield easement and appealed the previous decision by the Planning Commission to the Land Use Board of Appeals. She said they offered her money to support the partition application.

Rebuttal

Hall, Damien. Applicant. Hall said the property is over two acres. He said it is in a zoned residential area. He said there are several limitations to what the City can do to stop development on residential-zoned property. He went over the criteria of approval that apply to partitions. He realizes Belton Road does not meet the street standard of the City Code, but that does not mean the partition should be

denied. He said this property does have adequate access to public utilities. He said the applicant has offered different solutions for road safety improvements. He said this application can be conditioned to meet standards.

Graichen mentioned that the condition where the City would restrict the use to one dwelling could be an issue. Hall said if the Applicant is self-imposing this as a solution; it is a condition that can be used by the City if they choose.

Tim Ramis, Land Use Attorney for the City, asked if the memorandum for a future improvements guarantee, a part of the applicant's voluntary conditions, was what they were imposing for approval. If so, what would be the content of this guarantee? Hall said the future improvement guarantee was mentioned in the City code as something that could be accepted instead of street improvements if one or more of the following conditions existed. Hall said they believe the conditions that are mentioned here do exist. He said this means the Schlumpbergers would pay their fair share for any improvements that were made by the City. Graichen said the proposed turnout would meet the conditions for approval the way the application is written. He said that is if the Planning Commission did not impose any other conditions for approval for access.

End of Oral Testimony

There was a request to leave the record open for written testimony and for final written argument. As such, the public hearing will continue in written form. Graichen said the first period will be held open for seven days to receive written testimony. If there is written testimony received, there will be an additional seven days to responds to that testimony. At this point, the record would close.

Then, the applicant may provide a final argument. The first period for response will end at 5 p.m. March 16, 2021 and the second period of response will end at 5 p.m. March 23, 2021. The deadline for final written comment is 5 p.m. March 30, 2021. The applicant agreed. Deliberations were set for Tuesday, April 13, 2021 at 7:00 p.m.

C. 8:00 p.m. CPZA.1.21, 2021 Development Code Amendments – City of St. Helens

City Planner Graichen presented the report dated March 1, 2021. He said the development code is how a municipality regulates development. It includes zoning, what you can do where, landscaping, etc. He said when adopting development code, there are processes you must go through. He said there is a process where you notify the Oregon Department of Land Conservation and Development 35 days in advance of the first hearing to make sure we are following Oregon guidelines, etc. He said the development code amendments are to comply with House Bill 2001 and some miscellaneous housekeeping text amendments.

House Bill 2001 is about advancing the missing middle. He said it is the area between a single-family dwellings and a large multi-family complex. He said being a "medium city" per House Bill 2001, they are mostly looking at duplexes.

Graichen said they sent notice to all the properties this new House Bill would affect, about 4,000 notices. He mentioned some of the areas for zoning where duplexes were not allowed or in areas where a Conditional Use Permit was required. Those restrictions would end with this new House Bill.

Graichen said City Council also wanted to allow two detached units anywhere duplexes will be allowed. Given this desire, he added distance standards between structures on the same lot. The Commission discussed the tiered system for these standards based on zoning. He said the maximum lot coverage is proposed to change from 35 percent to 40 percent for all residential zones except Apartment Residential, which is already more. He said they were changing the minimum lot size and dimensions

for the Apartment Residential zone to be the mid-point between what is required for duplexes now and what is required for detached single-family dwellings.

He said when looking at two detached dwellings, they must consider corner lots too. He said they relooked at the rules that allows projections into required yards. He talked about the allowance of covered porches. He also mentioned chimneys, eaves and how they were allowed on all sides and said those were not changing. He said they are changing the flanking street side where currently an uncovered porch was allowed. They are going to make it a requirement for a covered porch. He also mentioned stairs and landings.

He brought up the issue of parking. He said currently the standards require two spaces per dwelling unit, which is four spaces for a duplex. He said with the new code change, they are restricted to requiring a maximum of two parking spots for duplexes. He said currently they do not allow tandem parking, but they are considering if tandem parking should be allowed.

He talked about the new lot sizes and how they relate to on-street parking. He said with a 40-foot wide lot, the standard 18-foot driveway still provides room for a car to park on the street. With narrower lots, this becomes a problem. He asked the Commission to consider tandem parking which would require a minimum of 10-foot driveway width which would provide more room for on-street parking and less driveway interruption for those using the sidewalks.

He spoke about street hierarchy. He said there are different street classifications and different standards. One of the standards that differentiates street types is the right-of-way width. He said the reason they have those widths are to accommodate certain street cross sections. He showed some standards between two differing Skinny Street standards. One standard is for a 26-foot pavement standard to accommodate a 20-foot street for two-way traffic and a six-foot wide on-street parking. There is also a 20-foot paved width without on-street parking. The proposal is to get rid of the 20-foot standard all together and change the 26-foot to 28-foot width to accommodate a better on street parking area.

He spoke about driveways and the current standards. He said they do not currently allow two driveways, but with the new duplex rule, are considering two driveways as option. He said the idea is to allow for more off-street parking. He said for a corner lot you can currently have two driveways if there is a duplex being built, but the new code will allow for more opportunities for two driveways.

He mentioned there were a few other small updates to the Development Code. He said the Building Code changed some of their rules for signs which triggered the need to alter the sign code slightly. He said in RV parks there is a limit of 30 days for a maximum stay, but because of State law they cannot impose a maximum stay.. He said in subdivisions, they used to reserve strips of land to control, but this has been replaced with language on the plat. He also said there was some clarification about sensitive lands and land partitions in subdivisions as well. He talked about how the Houlton Business District and Riverfront District zones have a fee in lieu of off-street parking requirements, but it has never been used and is not likely to be used in the future. He also said there is a Scenic Resource Review provision and they are proposing to add a minor area to that: River Way.

He talked about other methods for affordability for the missing middle. He said they could recommend different option such as waiving system development charges, a variety of property tax exemptions, or even assessing a construction tax. He said currently they do offer system development fee payment plans. He also said system development charges are based on meter size, so if two units share a meter, this could reduce fees.

Commissioner Puglsey asked about how would no on-street parking on Skinny Streets would be enforced or implemented. Graichen mentioned that they were doing away with the 20-foot standard

altogether because of the difficulty of enforcement. Typically there is "No Parking" signage or a yellow painted curb. He said as far as enforcement, if it is posted, the police can enforce it. He said that because the police are so busy with other things, it would likely only be enforced on a complaint basis.

Commissioner Pugsley also asked about the encroachments and asked if decks and steps were considered the same. Graichen said they were not considered the same. He mentioned that on the perimeter the covered or open porch was allowed, with restrictions on the flanking side. He said-between buildings, it was proposed to be strictly stairs and landings.

Commissioner Pugsley also shared concern about destruction of historic homes for new duplexes. She asked if old Covenant, Conditions, and Restrictions (CC&Rs) restrict duplexes, could the nationally registered Historic District also restrict duplexes? Graichen said the Historic District is a designation by the Federal Government. It is not a regulatory overlay. Commissioner Pugsley asked if someone proposed to add something to a lot that was considered historic, would the Historic Landmarks Committee have the opportunity to review that proposal? Graichen said no they would not. He said only if it was a locally designated landmark, they could.

Commissioner Semling asked about driveways on corner lots and if the distance to the corner would change or stay the same. Graichen said they would stay the same. Commissioner Semling mentioned that most garages are not used for parking, they are used for storage. She asked how this would impact the proposed tandem parking changes. She was curious how they would be able to enforce that. Graichen said this was a good argument for not allowing tandem parking, but requiring the status quo side-by-side parking.

Chair Cary asked about the standards for sheds that do not meet the size requirements for permit. Graichen said that if the shed is too small to require a permit, then the standard yard requirements along the perimeter would not apply, but there is a rule that says no portion of the shed is supposed to be closer than three feet to a property line. He said that same principle would apply to the building separation rule.

In Favor

No one spoke in favor.

Neutral

Toschi, Steve. Toschi was called to speak. He lives at 215 River Street. He said that wider streets result in less congested development. He said there tends to be a free flow of neighborhoods. He said tandem parking is a way to develop narrower buildings and it does work. He felt the Scenic Resource Review is a good ordinance to keep around but has presented some challenges for those who have wanted to develop on streets with those restrictions.

In Opposition

Petersen, Al. Peterson was called to speak. He has an office at 101 St. Helens Street. He expressed concern about the definition of duplexes and how it was being defined in the Development Code. He said the definition was not changing with the amendments. He said he sent the Commission a couple definition changes for consideration. He also did not agree with adding an additional street to the Scenic Resource Review. He feels the entire chapter in the code for Scenic Resource Review should be eliminated. He does not think the density of development should be changed on Skinny Streets.

Nunn, Robin. Nunn was called to speak. She lives at 100 Belton Road. She mentioned the single car garage is used more for storage or extra living space. She also said the tandem parking was not a good

idea, because every time you must move a vehicle, it creates more problems. She said she was concerned about the on-street parking and the hazard it creates for those who are driving. She felt the tandem parking made for less available parking. She was concerned about the extra housing and how it might create problems in the future for parking. She was especially concerned about adding more houses and development on roads that are considered skinny streets.

End of Oral Testimony

There were no requests to continue the hearing or leave the record open.

Close of Public Hearing & Record

The applicant waived the opportunity to submit final written argument after the close of the record.

Deliberations

Graichen mentioned that he agreed that the Planning Department should look at the multi-family dwelling development code. He said his approach to reviewing development code is thorough and detailed. He expressed that the Planning Department was not lazy in their review of this code, wanted to put out a quality product and stay on schedule. He also clarified that in legislative actions, there were a few things that had already happened that prevent them from adding things that are somewhat alien to the amendments. He said one is the City Council must approve the concept before moving forward with the adoption process. The staff is also required to send their amendments to the State of Oregon 35 days before the first hearing. He said if they start adding significant changes this late in the game, it causes issues.

There was a small discussion about each item to add to the recommendation. There was also a small discussion about affordable housing.

Motion: Upon Commissioner Pugsley's motion and Commissioner Webster's second, the Planning Commission unanimously recommended approval of the Development Code amendments to the City Council with slight modifications as discussed. Vice Chair Hubbard did not vote due to his absence from this portion of the meeting. [Ayes: Commissioner Semling, Commissioner Webster, Commissioner Lawrence, Commissioner Pugsley, Commissioner Cavanaugh; Nays: None]

5. PLANNING DEPARTMENT ACTIVITY REPORT

F. February Planning Department Report

6. FOR YOUR INFORMATION ITEMS

Dimsho mentioned the upcoming deadline for the ethics forms that needed to be submitted.

NEXT REGULAR MEETING: April 13, 2021

There being no further business before the Planning Commission, the meeting was adjourned 11:41 p.m.

Respectfully submitted,

*Christina Sullivan
Community Development Administrative Assistant*