

City of St. Helens

Planning Commission Special Meeting

Approved Minutes

July 1, 2020

Members Present: Chair Hubbard
Vice Chair Cary
Commissioner Cohen
Commissioner Semling
Commissioner Webster
Commissioner Pugsley

Members Absent: Commissioner Lawrence

Staff Present: City Planner Graichen
City Councilor Carlson
Community Development Admin Assistant Sullivan

Others: Kathleen Ward Tracey Hill Robin Nunn
Patrick Birkle Hunter Blashill Jeff Seymour
Andrew Schlumpberger
Ron Schlumpberger
Lindsey Schlumberger
Tami Schlumpberger

1) **Deliberations – Continuation of Appeal AP.1.20 of Partition PT.1.20 at 160 Belton Road – Tracey Hill**

City Planner Graichen asked if there were any ex parte communications. All commissioners said no.

Commissioner Cohen asked for more clarification on the access road. Graichen said access can be reviewed in two different categories: 1. Public, which is usually in a public right-of-way or 2. Access easements. He said the code has standards for each. Graichen said for public right of way, the normal standard is a 50 foot right-of-way width which Belton road has, and a 34 foot road width. That would not have a maximum amount of dwelling units it is allowed to serve. He said there is also a skinny street standard which is a narrower road width of 20 to 26 feet and limited to 200 hundred average daily trips which is approximately 20 detached single-family dwellings. For the private standard, or an access easement, the code says it can be allowed if it is the only reasonable method in which a lot large enough can be created. Graichen said in his decision, he knew the road did not meet any standards now, but if there is a weird situation an alternative standard can be considered. He said he took the private standard and applied it to the public right of way. Commissioner Cohen asked if the road was always considered a continuation of public road. Graichen said Belton Road is a public right-of-way, but the Applicant was proposing a private easement to access parcel two on the south side of the property and on the east side of the property. This would also require them to put in a ten foot wide driveway or per the Fire Marshall, if they require a greater standard. Commissioner Cohen asked if the

applicant ever asked for an easement or variance in the original proposal. Graichen mentioned they had not, but the code did not require them to have a variance to get to the alternate standard for access.

There was another small discussion about the Belton Road continuation and possibilities of Grey Cliffs Drive and how many lots can be developed along those roads.

Commissioner Cohen asked about setbacks for the two parcels and how they would affect the Columbia River and Dalton Lake. Graichen said they did meet the setbacks for both parcels even with their protection zones. Commissioner Cohen asked if this was staff's position that this was a buildable lot safeguarding the wetlands and the protection zone. Graichen said yes.

Commissioner Cohen also asked how much consideration legally the Commission must consider the easement between the neighbors regarding the septic. Graichen said the position that staff took was that the easement was a legal wall to access parcel two. He said validity of the easement was a private matter and that it would have to go away, be reduced so it was not an encumbering to the property, or the applicant would have to find a way around it. Commissioner Cohen asked if they are supposed to deny the partition based on the unresolved easement. Graichen gave the Commission their options for the decision they must decide. He said they could uphold the original decision; they could reverse the original decision, or they can modify the decision adding in some conditions that maybe were not addressed.

There was a small discussion on the easement and how it would need to be resolved before moving forward with the final plat and the partition.

Commissioner Cohen also had a concern with the turnout substitute for the public street. He said the Code did not allow for that. Graichen said if it cannot be accessed normally, then there can be an exception to the standards. He said that is what he did in his original decision. He said it is up to the approval authority on what standards they decide to use. Commissioner Cohen asked about defining the adverse impact in the Code. He was curious how there could be any adverse impact when the applicant knew about the conditions and the difficulty of building a road in the beginning. He did not feel this would be an unexpected occurrence.

There was a small discussion on what road improvements could be applied to the other neighbors in the neighborhood.

Commissioner Pugsley asked about the precedent they were possibly setting for future development and possibly disturbing some Historic burial sites . She was concerned about setting a precedent that would bring more cases to the Commission in the future.

There was a small discussion about historic artifacts and whether a study should be done on this property.

Commissioner Pugsley also asked about the tree plan. Graichen said there were a lot of trees on the property. He said there were provisions the code has for trees. He mentioned the most aggressive provision was for trees that are within sensitive lands and their land buffers. He said on this property there were several in the buffer and they would be protected. He said once they were outside the protective area then they look at replacement requirement. Commissioner Webster mentioned the road access was not to the fire code minimum standard. She was curious how this was not required for the applicant.

There was a small discussion about the drainfield easement and if there were other conditions or concerns to consider without this easement being resolved.

Motion: Upon Commissioner Cohen's motion and Vice Chair Cary's second, the Planning Commission unanimously denied the Partition denied based on the drainfield easement prohibiting access to parcel two and being a substantial impact to the development of parcel two. [Ayes: Commissioner Semling, Commissioner Webster, Commissioner Cohen, Commissioner Pugsley, Vice Chair Cary; Nays: None]

Motion: Upon Commissioner Webster's motion and Commission Semling's second, the Commission unanimously approved the Chair to sign the Findings when prepared. [Ayes: Commissioner Semling, Commissioner Cohen, Commissioner Webster, Commissioner Pugsley, Vice Chair Cary; Nays: None]

11) **Adjournment**

There being no further business before the Planning Commission, the meeting was adjourned 8:44 p.m.

Respectfully submitted,

*Christina Sullivan
Community Development Administrative Assistant*