

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT**

Lot Line Adjustment LLA.1.20 & Conditional Use Permit (minor modification) CUPm.1.20

DATE: November 3, 2020
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Meadowbrook Homeowners Association, Inc.
OWNER: Applicant and Antonio and Denise Ramirez

ZONING: Moderate Residential, R7 with the Planned Development, PD overlay
LOCATION: 34867 Burt Road
PROPOSAL: Modification of planned development to reduce the area of an open space tract (Tract G) for the benefit (enlargement) of Lot 53 of the Meadowbrook Planned Community, Phase 3

The 120-day rule (ORS 227.178) for final action for this land use decision is January 27, 2021.

SITE INFORMATION / BACKGROUND

A lot line adjustment review is required where any adjustment to a property line by the relocation of a common boundary is requested. In this case, because an open space tract as part of a planned development is proposed to be reduced as a consequence of this request, a minor modification Conditional Use Permit referred to the Commission is necessary.

Meadowbrook history and basis for the LLA and CUPm referred to the Commission is detailed further below under the **APPLICABLE CRITERIA, ANALYSIS & FINDINGS** section.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: November 10, 2020 before the Planning Commission.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on October 20, 2020 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on October 28, 2020.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, the following agency referrals/comments have been received that are pertinent to the analysis of this proposal:

County Surveyor: *I have no issues with moving this line.

**Note that staff had a conversation with the County Surveyor about this issue in August of 2019. Staff questioned whether or not this could be done with a Lot Line Adjustment since it was between a Lot and Tract. Surveyor said that it should be ok since both properties are within the same subdivision.*

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

The Planned Development factors need to be reviewed first as they relate to the Lot Line Adjustment approval criteria and is the reason this has been referred to the Planning Commission.

Meadobrook Planned Community, Phase 1 was platted in 1996, based on a 1995 approval from the Planning Commission, which was a revised approval from a 1993 decision.

The subject properties, Tract G and Lot 53 were created as part of the Meadowbrook Planned Community, Phase 3 in 1998.

These decisions were based on the standards of Ordinance no. 2616 adopted in 1991, where Planned Developments were listed as conditional uses under several zoning districts. It also reads "...additionally subject to the city's Planned Unit Development Ordinance." That ordinance was no. 2256 adopted in 1978 and included specific open space standards as follows:

- Minimum 40% of project area to be devoted to open space.
- Minimum 10% of the project area must be usable open space, which is area accessible to all available residents and does not include bodies of water, slopes exceeding 35%, or parking areas.

In 1999 new Planned Development standards were adopted via Ordinance No. 2785. The current law, via Ordinance No. 2875 adopted in 2003, appears to be more-or-less the same as no. 2785. The current standards require an overlay zone to allow a development plan using the development code flexibilities that results in the planned development. The current standards includes purpose statements per SHMC 17.148.010(4) and (5) as follows:

- (4) To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site; and
- (5) To encourage development that recognizes the relationship between buildings, their use, open space, and accessways and thereby maximizes the opportunities for innovative and diversified living environments.

Further, per SHMC 17.148.120(3)(g) there is a minimum 20% landscaped area requirement for residential development.

Back to Meadowbook.

A Conditional Use Permit (CUP.4.02) was applied for in 2002 to adopt (or expand) the PD Overlay Zone to expand the boundaries of the Meadowbrook Planned Community and to add lots and decrease open space area. The application notes an original 14.7% open space requirement to be reduced to 10.1%. This ultimately resulted in Ordinance No. 2883, adopted in 2003.

Both Lot Line Adjustments (LLA) and Minor Modification Conditional Use Permits (CUPm) are normally administrative decisions. The LLA is to adjust the common boundary and the CUPm is to allow a reduction of open space, which must go to the Planning Commission per 17.148.020(7)(a)(iii). A minor modification to the CUP is possible if the open space reduction is less than 10% of usable open space (see SHMC 17.100.050 and 17.100.060). Per 17.24.090(2) the Planning Director may refer any application for review to the Planning Commission; the Director is obligated to do so in this case given 17.148.020(7)(a)(iii).

Now to focus on open space. **See attachments.**

The area within the perimeter of the Meadowbrook Planned Community is approximately 1,076,600 square feet. The area currently owned by the HOA is 127,494 square feet. There are three areas generally: 1) area under and adjacent to a BPA power easement, 2) area around city owned property (detention pond), and 3) area across Barr Avenue from Ruby Court.



Left: the open space area around the BPA easement. The area to be transferred is centered in this photo. Note the deer about to use this open space as a passageway.



Right: the open space area around the BPA easement. On the other side of Barr Avenue.



Left Above: the open space area around the city owned property.



Left Below: the open space area across Barr Avenue from Ruby Court.

These open space areas appear “usable” as intended by Ordinance No. 2256. $127,494/1,076,600 = 0.1184$ or close to 12%. There may be some deductions here and there, but there appears to be a minor surplus compared to the assumptions from the 2002 decision.

This proposal would reduce Tract G, one of the open space tracts, by approximately 5,000 square feet. If this is included in the calculation the equation would be as follows:

$$(127,494 - 5,000)/1,076,600 = 11.38 \text{ or about } 11.38\%$$

This allows an extra 1.38% (close to 15,000 square feet) of contingency to make up for areas within the open space tracts that may not be as usable.

Moreover, the open space area proposed to be removed lacks trees or any other natural feature of significance.

The applicant notes that the HOA will conduct a vote as required by the CC&Rs to approve and allow the transfer of property. The applicant provided a copy of the CC&R's. Section 7.2.3 of that addresses the sale of common property, which states that 75% vote of approval is required amongst HOA membership. **If the Commission approves this proposal, this should be a condition of approval, especially since it will provide additional assurance that the HOA is satisfied with the loss of open space not encumbered by the BPA easement.**

* * * * *

Lot Line Adjustments require review pursuant to the standards of SHMC 17.140.050 and 17.140.060.

SHMC 17.140.050 – Special provisions for parcels created through the partition process:

(1) Lot Dimensions. Lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated, and:

- (a) No lot shall be dimensioned to contain part of an existing or proposed public right-of-way;
- (b) The depth of all lots shall not exceed two and one-half times the average width, unless the parcel is less than one and one-half times the minimum lot size of the applicable zoning district; and
- (c) Depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Finding(s): (a) No existing or proposed right-of-way is affected.

(b) This pertains to Lot 53. The LLA would result in Lot 53 increasing in size to approximately 12,600 square feet from 7,787 square feet. The depth will increase from 100' to approximately 160'. Width will remain at approximately 78 feet. The depth to width ratio is within acceptable limits.

(c) The properties are not commercial or industrial. This criterion is moot.

(2) Through Lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation, and:

- (a) A planting buffer at least 10 feet wide is required abutting the arterial rights-of-way; and
- (b) All through lots shall provide the required front yard setback on each street.

Finding(s): No through lot is involved or created.

(3) Large Lots. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the approving authority may require that the lots be of such size and shape, and be so divided into building sites, and contain such site restrictions as will provide for the extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size, and:

- (a) The land division shall be denied if the proposed large development lot does not provide for the future division of the lots and future extension of public facilities.

Finding(s): Lot 53 will be approximately 12,600 square feet, which is less than twice the minimum lot size of the R7 zoning district (i.e., 7,000 s.f.). Thus, no division potential.

(4) Fire Protection. The fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on firefighting capabilities.

Finding(s): No accessway involved. Both Barr Avenue and Burt Road provide access.

(5) Reciprocal Easements. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.

Finding(s): No common access is proposed or warranted.

(6) Accessway. Any accessway shall comply with the standards set forth in Chapter 17.84 SHMC, Access, Egress, and Circulation.

Finding(s): No accessway is involve.

(7) The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.

Finding(s): The street layout was established

SHMC 17.140.060(1) – Lot Line Adjustment approval standards:

(a) An additional parcel is not created by the lot line adjustment, and the existing parcel reduced in size by the adjustments is not reduced below the minimum lot size established by the zoning district;

Finding(s): This action does not create a new parcel. As described above, the minimum useable open space for Meadowbrook is anticipated to be maintained.

(b) By reducing the lot size, the lot or structure(s) on the lot will not be in violation of the site development or zoning district regulations for that district;

Finding(s): The proposed line is moving away from nearby structures on Lot 53. The BPA doesn't allow structures within its easements, generally.

(c) The resulting parcels are in conformity with the dimensional standards of the zoning district; and

Finding(s): Lot 53 will still maintain the minimum standards.

(d) The lots involved were legally created.

Finding(s): Both Tract G and Lot 53 where created as part of the Meadowbrook Planned Community, Phase 3 in 1998.

* * * * *

CONCLUSION & RECOMMENDATION

Based on the facts and findings herein, if the Planning Commission approves this LLA/CUPm, staff recommends the following conditions:

Please note that this is not the only step for the Lot Line Adjustment to take effect. There are also steps with Columbia County that need to be taken. However, the Lot Line Adjustment needs to be consistent with this City approval and the conditions explained here.

The following conditions apply to the *local land use approval* aspect of this proposal:

1. Approval of this **Lot Line Adjustment** shall be effective for a period of twelve (12) months from the date of approval pursuant to SHMC 17.140.035. This approval shall be void if the Lot Line Adjustment is not properly recorded with Columbia County within this time period or is a departure from the approved plan.
2. **This Lot Line Adjustment is not effective until it is recorded with Columbia County.** The applicant/owner is responsible for recording the LLA and all documentation required by the County, and City as described herein, to properly record the Lot Line Adjustment.
3. **Prior to recording this Lot Line Adjustment, documentation proving the Meadowbrook Homeowners Association approves of the sale of the portion of Tract G shall be provided to the City.**
4. The applicant/developer shall provide a copy of all documentation used to record this Lot Line Adjustment with Columbia County to the City.
5. This Lot Line Adjustment shall comply with the approved plan, application and staff report (this document).
6. The applicant/owner shall comply with all local, state and federal laws.

Attachment(s): Application letter from Meadowbrook HOA received October 1, 2020

LLA plan

Original Meadowbrook preliminary plat from 1993

Plat exhibit from Conditional Use Permit CUP.4.02

City staff prepared map showing the Meadowbrook properties including open space tracts owned by the HOA and city-owned property (detention pond and access to it)

Meadowbrook HOA

To the City Planning Commission:

When Meadowbrook Planned Community was initially turned over to the Meadowbrook Homeowner's Association there were modifications made to the draft property lines to allow for some property to be incorporated into the open spaces. This adjustment is unnecessary and therefore we are requesting a minor lot line adjustment. This is specifically to address Tract G of Meadowbrook Homeowner's Community Subdivision, Tax lot 12712.

Meadowbrook HOA is the legal owner of said property, and as the President of the Association I am the rightful signature to the transaction. In said capacity I am requesting the Planning Commission to approve the described lot line adjustment to align with BPA Easement on the West side of Barr Avenue. Platbook Map attached showing requested new property line. This would shift the lot line to Subdivision Lot 53.

Upon completion of the Lot line approval, the HOA will conduct a vote as required by the CC&R's to approve and allow for the sale of the newly divided lot to the property owner to the common boundary. Once approved by the majority vote in accordance with the CC&R's (attached), we will file to release the property and record a new deed with transfer of ownership.

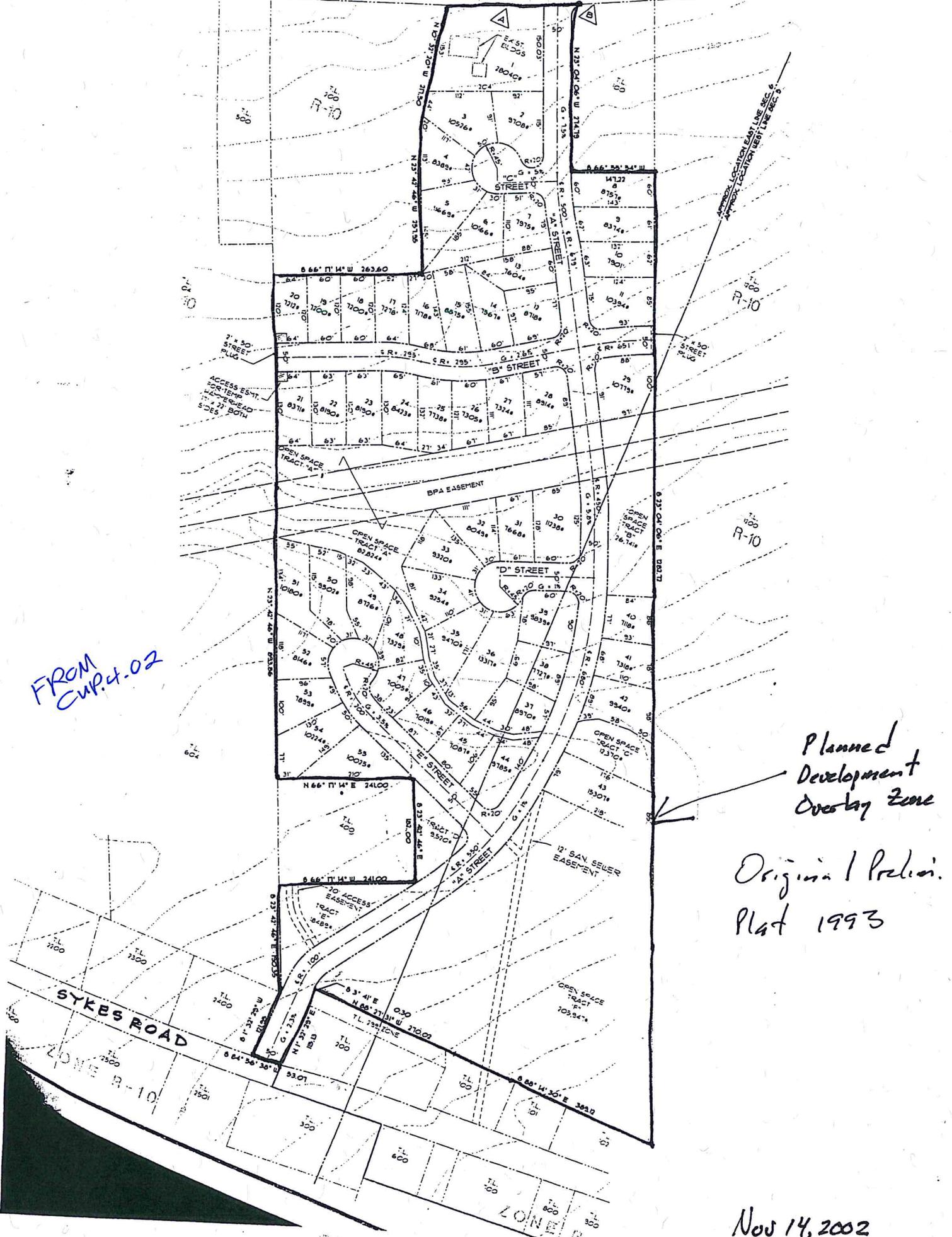
Thank you very much for your consideration in this matter.

Sincerely,

Cyndi Furseth
President, Meadowbrook HOA

RECEIVED
OCT 1 2020
CITY OF ST. HELENS

MILLSBURG - ST. HELENS ROAD



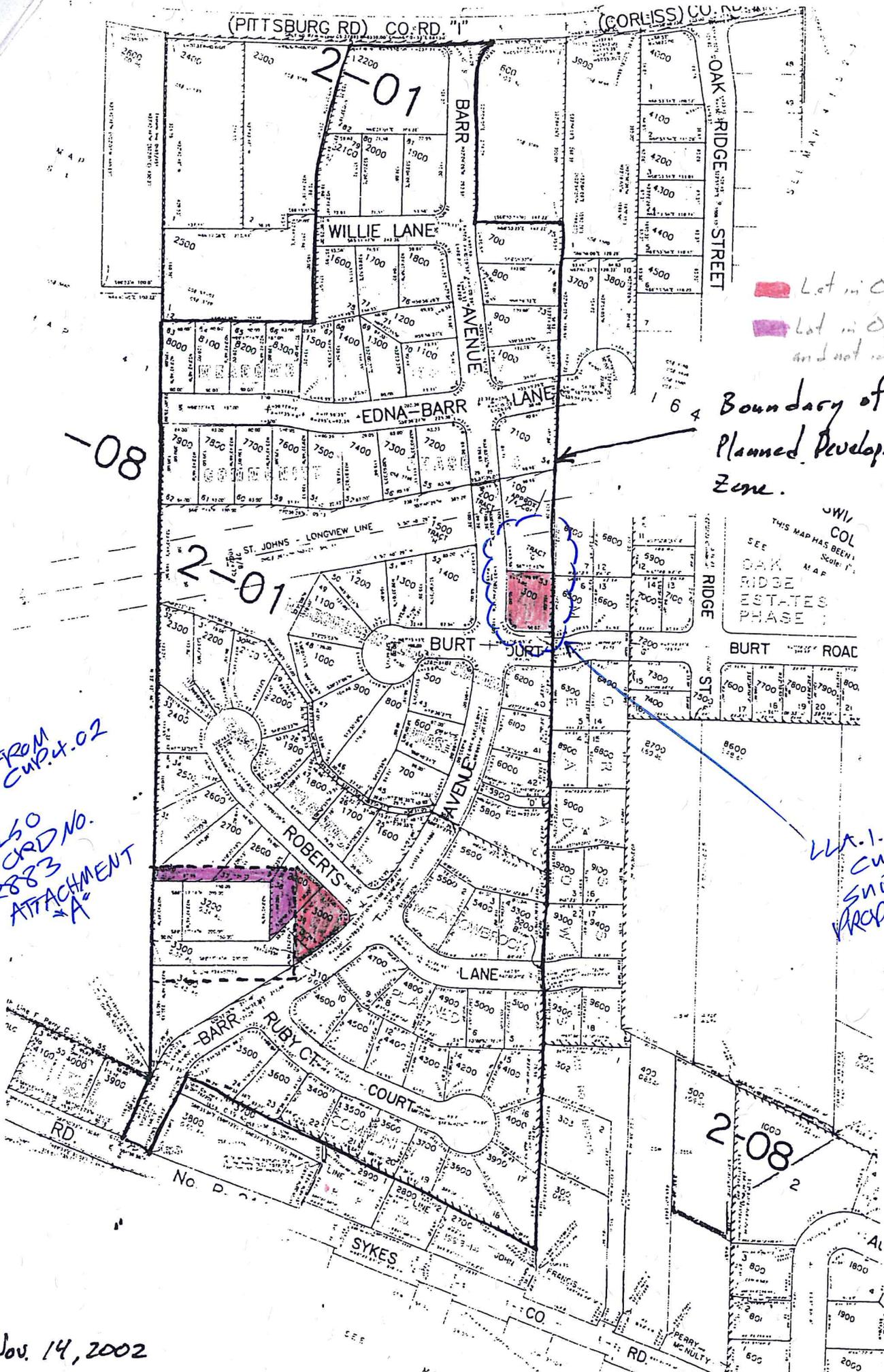
FROM CUP. 4-02

Planned Development Overlay Zone

Original Prelim. Plat 1993

Nov 14, 2002

(PITTSBURG RD) CO. RD. "1" (GORLISS) CO. RD. "2"



Lot in Open Space
Lot in Open Space and not in Overlay Zone

Boundary of Proposed Planned Development Overlay Zone.

SW/4 COL
THIS MAP HAS BEEN
SEE
OAK RIDGE ESTATES PHASE I MAP

LLA-1.20/
CUPM-1.20
SUBJECT PROPERTIES

FROM CUP. 4-02
ALSO ORD NO. 2883 ATTACHMENT A

-08

2-01

2-01

2-08

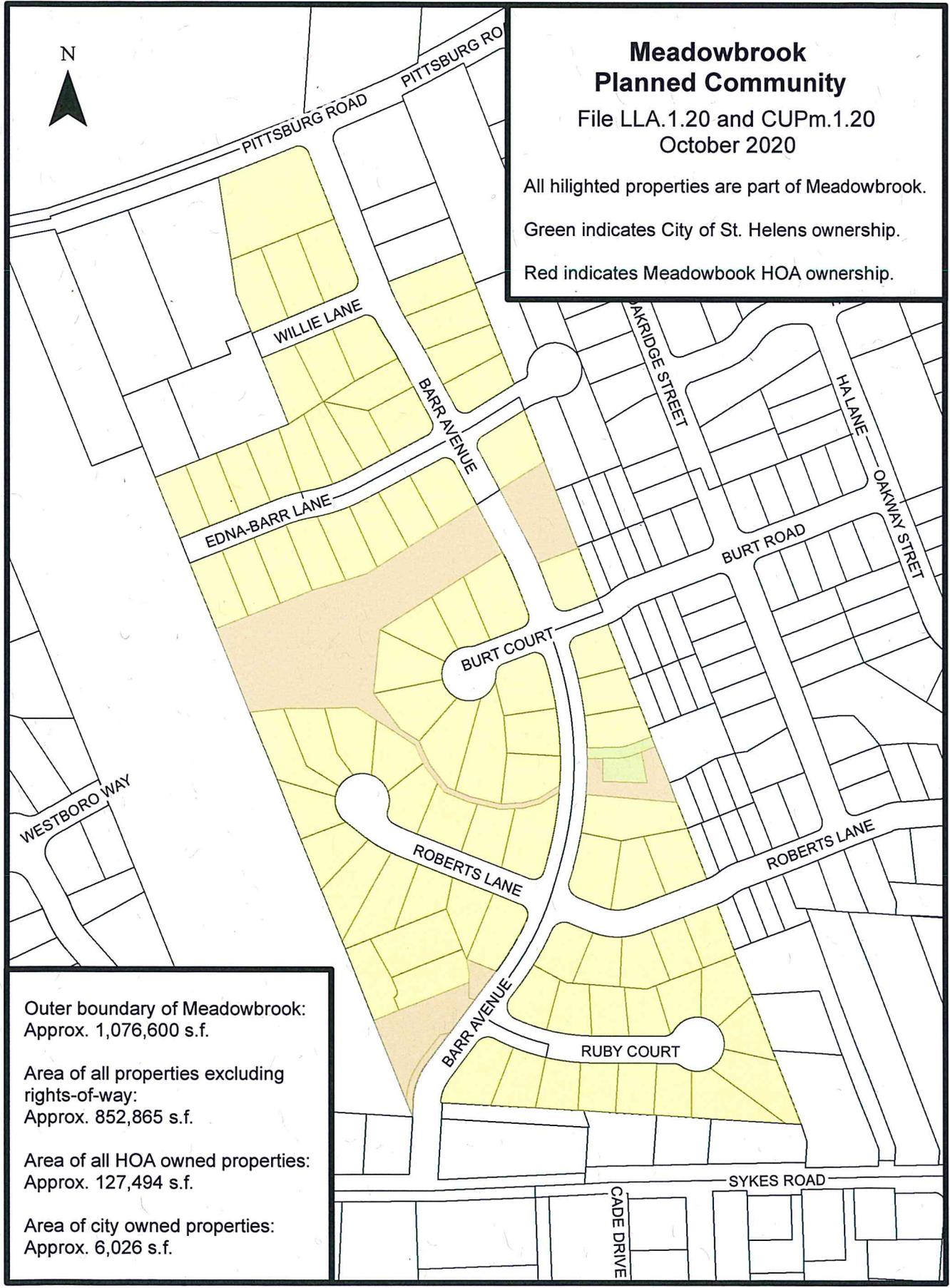
Nov. 14, 2002



Meadowbrook Planned Community

File LLA.1.20 and CUPm.1.20
October 2020

All highlighted properties are part of Meadowbrook.
Green indicates City of St. Helens ownership.
Red indicates Meadowbrook HOA ownership.



Outer boundary of Meadowbrook:
Approx. 1,076,600 s.f.

Area of all properties excluding
rights-of-way:
Approx. 852,865 s.f.

Area of all HOA owned properties:
Approx. 127,494 s.f.

Area of city owned properties:
Approx. 6,026 s.f.