

**CITY OF ST. HELENS PLANNING DEPARTMENT**  
**STAFF REPORT**  
Partition, PT.1.21

**DATE:** March 1, 2021  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT:** Andrew and Lindsay Schlumpberger  
**OWNER:** same as applicant

**ZONING:** Suburban Residential, R10  
**LOCATION:** 160 Belton Road; 5N1W-34BC-1100 and 5N1W-34-201  
**PROPOSAL:** 2-parcel Partition

**SITE INFORMATION / BACKGROUND**

The subject property is located along the Columbia River, Dalton Lake and Belton Road. Belton Road provides access. It is developed with a detached single-family dwelling that, per the County Assessor data, was built in 1976. The subject property did not abut the Columbia River until 2004 when a Lot Line Adjustment was done that resulted in today's lot configuration, now proposed to be divided into two.

This is a reapplication of Partition PT.1.20, which was amended administratively, then denied by the Planning Commission on appeal AP.1.20, and then appealed to the Oregon Land Use Board of Appeals LUBA No. 2020-075. The Commission denied the matter based on an on-site sewerage system drainfield easement recorded in 1976 as Book 208, Page 404 Columbia County Clerk's records. After the LUBA appeal was filed that easement was eventually extinguished (Instrument No. 2020-12301) and the LUBA appeal was dismissed. The applicant has now reapplied for the same 2-parcel Partition.

Pursuant to St. Helens Municipal Code 17.24.280(1) a waiting period of at least 12 months is required before resubmittal of the same application which was originally denied at the local level. The notice of the Planning Commission's denial of the matter (AP.1.20) was issued on July 7, 2020. However, one exception to this 12-month resubmission limitation is if there has been a substantial change in the facts. The city determined that removal of the "drainfield easement" is a justifiable change in facts to allow reapplication within the one-year time period.

Partitions are normally administrative decisions. Pursuant to SHMC 17.24.090(2), the Planning Director may refer any application for review to the Planning Commission. Staff chose to refer this to the Commission due to their involvement in the appeal of the original application and because public hearings are better platform for public testimony which was well represented in the original application and its appeal.

**PUBLIC HEARING & NOTICE**

**Public hearing** before the Planning Commission: March 9, 2021

**Notice** of this proposal was sent to surrounding property owners within 200 feet of the subject property on February 17, 2021 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

**Notice** was published on February 24, 2021 in The Chronicle newspaper.

#### **APPLICATION COMPLETENESS**

This application was originally received on January 5, 2021. Staff identified missing information or other aspects that rendered the application incomplete and notified the applicant of the issue pursuant to SHMC 17.24.050 on January 20, 2021. The applicant provided revised or new information and the application was deemed complete on January 27, 2021.

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

#### **APPLICABLE CRITERIA, ANALYSIS & FINDINGS**

##### **SHMC 17.140.040 – Partition approval criteria.**

A request to partition land shall meet all of the following criteria (1-5):

**(1)** The proposal conforms with the city's comprehensive plan;

**Finding(s):** There is no known conflict with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC.

There is no known conflict with the addendums to the Comprehensive Plan which includes Economic Opportunities Analysis (Ord. No. 3101), Waterfront Prioritization Plan (Ord. No. 3148), the Transportation Systems Plan (Ord. No. 3150), the Corridor Master Plan (Ord. No. 3181), the Parks & Trails Master Plan (Ord. No. 3191), the Riverfront Connector Plan (Ord. No. 3241), and the Housing Needs Analysis (Ord. No. 3244).

**(2)** The proposed partition complies with all statutory and ordinance requirements and regulations;

**Finding(s):** New property lines do not create any new substandard compliance with the **R10 zone standards**, except as described herein.

There is **area of special flood hazard** (i.e., 100 year flood) associated with the Columbia River. Pursuant to SHMC 17.46.050(1)(g)(ii) this Partition must:

- (A) Be consistent with the need to minimize flood damage.
- (B) Have public utilities and facilities such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage;
- (C) Have adequate drainage provided to reduce exposure to flood hazards.

Based on the Flood Insurance Rate Maps (FIRMS), there appears to be adequate area outside of the floodplain to meet these requirements. It is possible that any development of Parcel 2 can avoid this. Further consideration will occur when Parcel 2 is developed. City may require elevation data to ensure any development is outside of the floodplain.

Per SHMC 17.132.025 a **tree plan** is required. Most trees can probably be saved, but some are proposed to be removed eventually for driveway and utility service to Parcel 2. Some anticipated to be removed are noted on the final plat. Also, some were removed less than a year from the date of this application; the applicable stumps and identified replacements are noted. Per 17.132.025(3):

(3) Trees removed within the period of one year prior to a development application listed above will be inventoried as part of the tree plan above and will be replaced according to SHMC 17.132.070(4).

Trees within protection zones are already protected per Chapter 17.40 SHMC. Tree replacement shall be required when future development occurs. A protection program defining standards and methods that will be used by the applicant to protect trees during and after construction is a code requirement related to this. The preliminary plat includes some general notes in that regard.

**Utilities** are already underground in this area. This is required.

**(3)** Adequate public facilities are available to serve the proposal (to address transportation facilities in this regard, a traffic impact analysis shall be prepared, as applicable, pursuant to Chapter 17.156 SHMC);

**Finding(s): Water** is available. There is a water main within the Belton Road right-of-way along the west side of the subject property and along the south side of the property. For the purpose of this Partition, whether or not Parcel 2 will have access to the southerly water main is unknown, but it is at least available from the Belton Road right-of-way to Parcel 2 via proposed easements as shown on the preliminary plat.

**Sanitary sewer** is available. When 160 Belton Road was originally built in 1976 it was connected to an on-site septic system with holding tank and drain field. Around the late 1980s with further improvements in the early 1990s a septic tank effluent pump (STEP) system was installed in the area. This is a pressurized sanitary sewer system with limited capacity.

Sometime after the STEP system was installed, the subject property connected; it currently gets billed for both water and sanitary sewer.

The applicant provided an analysis of the STEP system by an Oregon Registered Professional Engineer that notes that the STEP system has 8 connections currently and potential capacity for more (12-20 total or 4-12 more connections). Proposed Parcel 1 is already served and Parcel 2 has the ability to be served as the STEP system can handle an additional connection.

**Storm Water.** Both the Columbia River and Dalton Lake are nearby. Given the parcel sizes and adjacency of large bodies of water, storm water can be managed if done properly, in a manner courteous to neighbors and in compliance with all regulations.

**Street system/access.** The street system for this area does not meet the current standards today. Any property owner with a legal property is entitled to *develop* it. However, no property owner is entitled to *divide* property when public facilities, including streets for access, are inadequate. A key question for the Commission is if this Partition can be allowed despite the access shortcomings.

#### Current conditions

There are currently about ten homes accessed by a single narrow road (Belton Road / Grey Cliffs Drive) with no outlet, starting from the driveway to the Elks Lodge at 350 Belton Road and proceeding easterly to road terminus. The first approximate 500 feet of this section of road is paved at a width of approximately 17 feet, thereafter the width is around 11' in most places. This doesn't meet any current standard for a public or private street that accesses 10+ dwellings.

#### Public Road standards

Public road standards are generally addressed in Chapter 17.152 SHMC. There are several classifications with Belton Road classified as a "local street" per the City's Transportation Systems Plan. As applicable to the analysis of this Partition:

- Local street, normal: 34' roadway width. No max dwelling unit limit.
- Local "skinny" street: 20' or 26' roadway width. Limited to 200 average daily trips (ADT) (i.e., about 20 detached single-family dwellings).
- Cul-de-sac (essential a local street that terminates at one end): limited to 20 dwelling units; Normal max length is 400'.

Belton road (with Grey Cliffs Drive), starting from just after the Elks Lodge driveway at 350 Belton Road, currently serves about 10 detached single-family dwellings, is much longer than 400' (at > 1,000 linear feet), and is predominately less than 20' wide over its course as described above.

No physical public road standard is met.

However, the 50' wide right-of-way width meets the minimum standard for a normal (as opposed to "skinny") local classified street.

#### Exception to standards

Per SHMC 17.152.030(5)(b):

(b) Improvements to streets shall be made according to adopted city standards, *unless the approval authority determines that the standards will result in an unacceptable adverse impact on existing development or on the proposed development or on natural features such as wetlands, steep slopes or existing mature trees.* In approving an exception to the standards, the approval authority shall determine that the potential adverse impacts exceed the public benefits of the standards. In

evaluating the public benefits, the approval authority shall consider the criteria listed in subsection (5)(a) of this section.

Said subsection (5)(a):

(a) The planning director shall recommend, to the decision-making body, desired right-of-way width and pavement width of the various street types within the subdivision or development after consideration of the following:

- (i) The type of road as set forth in Figure 19, Road Standards;
- (ii) Anticipated traffic generation;
- (iii) On-street parking needs;
- (iv) Sidewalk and bikeway requirements;
- (v) Requirements for placement of utilities;
- (vi) Street lighting;
- (vii) Drainage and slope impacts;
- (viii) Street tree location;
- (ix) Planting and landscape areas;
- (x) Safety for motorists, bicyclists, and pedestrians; and
- (xi) Access needs for emergency vehicles;

So alternate designs to public road standards can be considered, given findings based on the above. **So what alternative design is there?**

Use of “access easement” alternative for an actual street?

Per SHMC 17.152.030(3) the approval authority can approve an access easement instead of a public road when “such an easement is the only reasonable method by which a lot, large enough to develop, can be created.” It references Chapter 17.84 SHMC for the standards.

This is the standard that allows Parcel 2 to be accessed via an easement over Parcel 1 instead of a more fully developed street in a dedicated right-of-way.

**The Commission could also consider the “access easement” alternative improvements for Belon Road itself but is not bound to allow this.** The “access easement” road width standards based on uses contemplated by the R10 zoning are: 3 to 6 dwelling units need at least 20 feet. 6 units/lots is the normal maximum allowed for the “access easement” alternative.

The current situation exceeds this as it has about 10 dwellings (4 above the 6 maximum) on a road predominately less than 20’ wide over its course.

**But the Commission could consider SHMC 17.84.070(4), below, as the alternative public street standard under the circumstances if it can address all the findings necessary for 17.152.030(5)(b) above:**

(4) Vehicle turnouts (providing a minimum total driveway width of 24 feet for a distance of at least 30 feet) may be required so as to reduce the need for excessive vehicular backing motions in situations where two vehicles traveling in opposite directions meet on driveways in excess of 200 feet in length.

There is an approximate 90-degree angle of the Belton Road right-of-way that is a blind corner that abuts the subject property. This segment of road precedes 7 of the approximate 10 dwellings (plus any new development on parcel 2). This is an optimum location for a vehicle turnout because it maximizes visibility westward where pull off opportunities are lacking for people leaving the area increasing the probability that a vehicle by the turn out would see the oncoming vehicle and be able to use the turnout.

### Paving

The street is paved where it lies within public right-of-way, but turns to gravel when it leaves the right-of-way along the south side of the subject property. Paving is required in residential areas per current standards. This would apply to any new road or driveway, or expansions of existing roads/driveways.

**(4)** All proposed lots conform to the size and dimensional requirements of this code; and

**Finding(s):** There are two aspects of this criterion, 1) Sensitive Lands and 2) the provisions of the R10 zoning district.

**Sensitive Lands.** The site abuts the Columbia River (with 75' upland protection zone required per Chapter 17.40 SHMC) and Wetland D-16, otherwise known as Dalton Lake (with 75' upland protection zone required per Chapter 17.40 SHMC). The applicant has conducted an Environmental Assessment to determine the boundaries of these sensitive lands and their respective buffers, which are reflected on the preliminary plat.

The City's local wetland inventory also identified Wetland D-17 on or close to the property, but the Environmental Assessment effort determined D-17 was not close to the property and does not impact this partition.

For subdivisions (creating 4 or more lots), significant wetlands and riparian areas and their protection zones are required to be part of dedicated preservation tracts to be managed by a homeowners association or other responsible entity. Partitions do not create tracts. Thus, the City has allowed easements as a substitute to preserve these areas (e.g., see P.P. No. 2009-17). However, the intent of this is for newly created properties to be "whole" excluding the sensitive lands and protection zones. "Whole" means that the net property not encumbered needs to meet the standards of the Development Code.

Thus, the **R10 zoning district** standards. The minimum lot size of is 10,000 square feet. The net area excluding the wetland, riparian area and protection zones still exceeds this for both parcels. The minimum lot width at the building line is 70' or 80' for a corner lot. Parcel 1 is a corner lot and exceeds this. Parcel 2 gets close to 70' in its net area, but still meets the standard.

The minimum lot width at the street is 60' or 30' along an approved cul-de-sac (i.e., dead-end road). Parcel 1 meets this and Parcel 2 meets the "cul-de-sac standard" given the 30' wide, increasing to 40' wide, access and utility easement off Belton Road.

Minimum lot depth is 100 feet. This is met for both parcels using the net area.

**(5)** All proposed improvements meet city and applicable agency standards.

**Finding(s):** This would be a requirement if approved. Fire Marshall consideration is particularly important given limited access to the area.

\* \* \*

**SHMC 17.140.050 – Special provisions for parcels created by 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 impacted. (b) Excluding sensitive land protection buffers, the net area for Parcel 2 has an average width of approximately 90’ and a depth of approximately 230’. This meets the depth to width ratio requirement more-or-less. Parcel 1 meets this easily. (c) Not applicable; the property is zoned residential.

**(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 proposed.

**(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):** Given surrounding wetlands, the Columbia River, floodplain associated with the Columbia River, one narrow road access for this neighborhood, this neighborhood’s wildland-urban interface (a transition area between wildland and human development with a higher wildfire risk), and limited sanitary sewer capacity, density promotion is unwise in this area. Redevelopment planning such as “shadow plats” are not warranted for this proposal.

**(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):** There is an existing fire hydrant along Belton Road by the southern edge of the subject property.

The access easement and driveway proposed to serve Parcel 2 will exceed 150 feet. Per SHMC 17.152.030(3)(a), when access easements exceed 150 feet, they shall be improved in accordance with the fire code. When Parcel 2 is developed, its driveway will need to be able to accommodate emergency vehicles. Any requirement of the Fire Marshall shall be met.

**(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):** An access easement is proposed to access Parcel 2 from the Belton Road right-of-way through Parcel 1. Maintenance agreement shall be required.

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

**Finding(s): This applies to the access from parcel 1 to parcel 2 only. Broader access considerations (i.e., Belton Road access for the neighborhood) is addressed above.**

The access easement proposed to provide street connection to proposed Parcel 2 encompasses the southerly 30' of Parcel 1 (where there are previously recorded access and utility easements for other parties) and the west 40' of Parcel 1.

Parcel 2 is likely to be developed as a detached single-family dwelling. It could also be developed as a duplex beginning July 1, 2021 given Oregon House Bill 2001. The minimum easement for up to two dwellings is 15' width with a minimum 10' pavement width.

In addition, the following requirements apply under SHMC 17.84.070:

(2) Private residential access drives shall be provided and maintained in accordance with the provisions of the Uniform Fire Code.

(3) Access drives in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus in accordance with the engineering standards of SHMC Title 18 and/or as approved by the fire marshal.

(4) Vehicle turnouts (providing a minimum total driveway width of 24 feet for a distance of at least 30 feet) may be required so as to reduce the need for excessive vehicular backing motions in situations where two vehicles traveling in opposite directions meet on driveways in excess of 200 feet in length.

New access to Parcel 2 will be subject to Fire Marshall/Fire Code standards. This includes a turn-around area.

New access to Parcel 2 shall be paved as required by the Development Code. When Parcel 2 is developed, it will need a minimum 10' wide paved driveway from Belton Road to the dwelling or other principal use proposed. This must be within the easement on Parcel 1 for Parcel 2 (cannot be on adjacent property). This is important to consider as the private road along the south side of the subject property, serving other properties, is mostly outside of the subject property where it intersects Belton Road, but angles into the subject property progressing eastward.

(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):** There is no reason to modify the overall road pattern.

#### CONCLUSION & RECOMMENDATION

**Based upon the facts and findings herein, staff recommends denial of this application if the Commission determines that access is insufficient to allow a new parcel accessed by a street system already woefully substandard because a new parcel creates new entitlements to development.**

~or~

*This assumes the Commission is able to find in favor of the exception to the street standards to be met with the private street vehicle turn out.*

**Based on the facts and findings herein, if the Planning Commission approves this Parttition, staff recommends the following conditions:**

1. **This Land Partition preliminary plat approval shall be effective for a period of twelve (12) months from the date of approval.** The approval shall become void if a final plat prepared by a professional registered surveyor in accordance with 1) the approved preliminary plat, 2) the conditions herein, and 3) the form and content requirements of the City of St. Helens Development Code (SHMC Title 17) and Oregon Revised Statutes is not submitted within the twelve (12) month approval period. **Note: a time extension of up to six months is possible per SHMC 17.140.035(3).**
2. **The following shall be required before the City accepts a final plat for review:**
  - a. Construction plans for a vehicle turnout (providing a minimum total driveway width of 24 feet for a distance of at least 30 feet) along Belton Road (and within the right-of-way) along the subject property shall be provided for city review and approval. The City may require no-parking identification.

Location of turnout shall remedy the blind corner to the maximum extent possible where the public right-of-way has an approximate 90-degree angle along the west side of the subject property.

3. **The following shall be required before the City signs an approved final plat:**
  - a. The vehicle turnout per plans per condition 2.a shall be completed and approved by the City.
  - b. Applicant shall provide a maintenance agreement, subject to city review and approval, that will be recorded with the final plat per condition 5.

4. **In addition to compliance with local, county, state and other requirements, the following shall be included on the final plat:**
  - a. Conservation easements to the City for wetlands and related upland protection zone, and riparian areas and related upland protection zones. For conservation easements, there shall be a narrative that states: “this area subject to the restrictions and protections of the City of St. Helens” or an alternative as approved by the City.
  - b. A note shall be included on the plat for the maintenance agreement for shared access (see condition 3.b and 5.a) with a line to write the instrument number on the plat upon the agreement’s recordation.
5. **The following shall be recorded with the final plat:**
  - a. Maintenance agreement shall be required for the shared access (within easement) on Parcel 1 for the benefit of Parcel 2.
6. **The following shall be required prior to any development or building permit issuance for Parcel 2 of this partition with implementation required prior to final inspection/ approval of the contemplated development:**
  - a. Fire Marshall approval of driveway design shall be required and included in the plans for applicable building/development permits.
  - b. Plans as part of the building/development permits shall show minimum 10’ paved driveway width (or additional requirements per the Fire Marshall) from Belton Road to the dwelling or other principal use proposed. This must be within the easement(s) on Parcel 1 benefitting Parcel 2.
7. Any requirement of the Fire Marshall as it applies to this Land Partition shall be met.
8. All utilities shall be underground pursuant to SHMC 17.152.120.
9. Tree replacement shall be required when future development occurs, as applicable per Chapter 17.132 SHMC. Development shall follow the approved protection program defining standards and methods that will be used by the applicant/owner to protect trees during and after construction.

Specific location of replacement trees subject to city inspection and approval prior to any plan approval. Inspection of replacement tree plantings subject to city inspection prior to final approval.
10. This partition does not allow impacts to sensitives lands (such as floodplains, wetlands and their upland protection zones, and riparian areas and their upland protection zones). Additional permitting may be required for such impacts.

11. This partition is allowed on a street system already substandard for existing development given improvements as described herein to incrementally improve the system. This does not guarantee future land divisions for this or other property dependent on this substandard system.
12. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17).

**Attachment(s):**

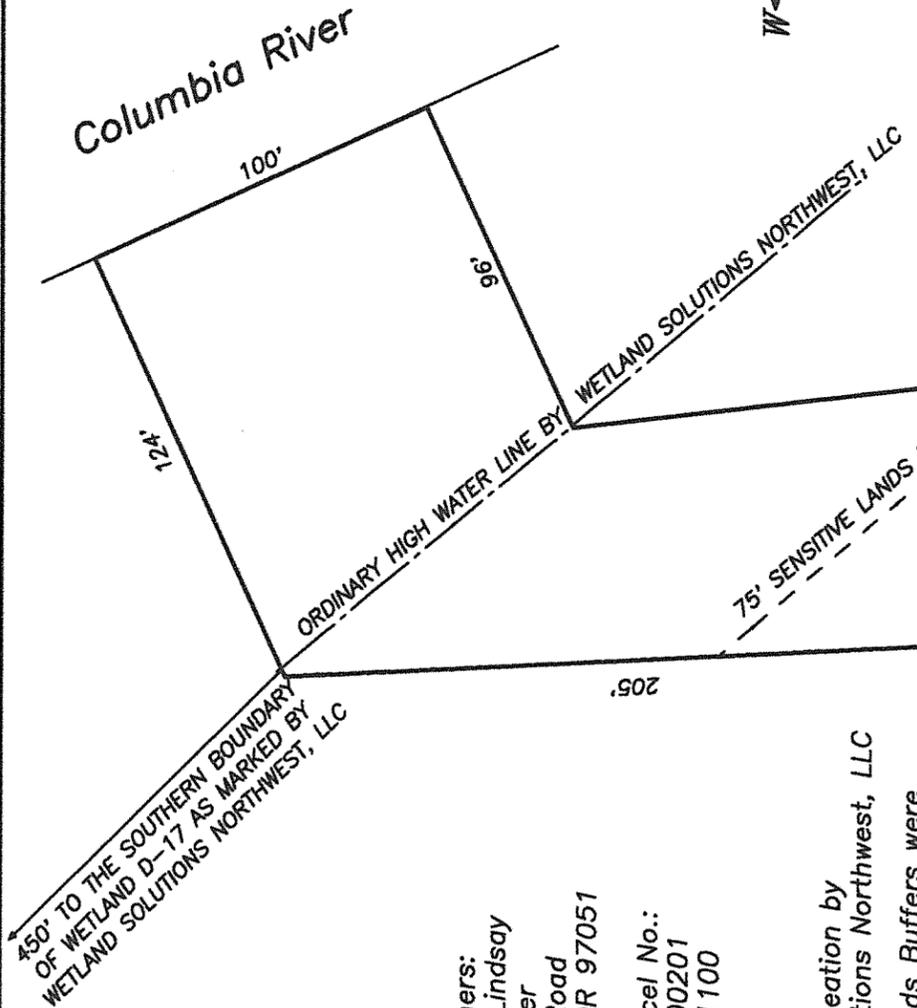
- Original application materials – January 27, 2020 (when application deemed complete):
  - Preliminary plat dated January 25, 2001
  - Belton Road S.T.E.P. system analysis memo dated December 13, 2019
  - Environmental Assessment (wetland/waters delineation) dated January 30, 2020
  - Instrument No. 2020-12301, easement extinguishment and relinquishment
  - Letter from CRFR Fire Inspector dated November 30, 2020
  - Letter from Scappoose Fire District dated May 29, 2020
  - Estimate from Triton Lawn and Yard Maintenance dated May 27, 2020
  - Letter from Jerry and Lynn Belcher (undated)
  - Letter from Larry Hough dated June 7, 2020
  - Letter from Michelle and Alexander Damis dated January 11, 2021
- Memo from Damien Hall dated/received February 5, 2021
- Letter from Jerry Belcher dated February 24, 2021
- Letter from Larry Hough dated February 24, 2021
- Appeal AP.1.20 attachment (*created by city staff*)
- Private drive/access easement exhibit (*created by city staff*)

RECEIVED

JAN 27 2021

CITY OF ST. HELENS

Columbia River



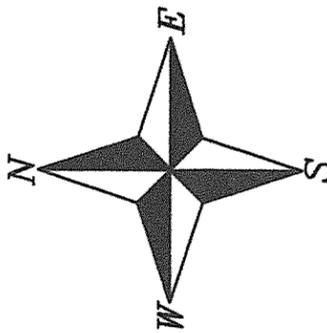
Notes:

Property Owners:  
Andrew and Lindsay Schlumpberger  
160 Belton Road  
St. Helens, OR 97051

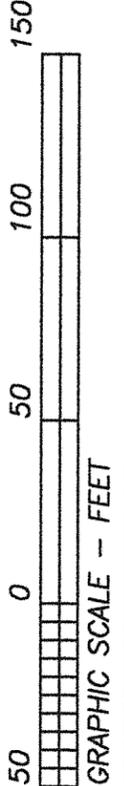
Tax Map Parcel No.:  
5134-000-00201  
5134-BC-01100

Zoning: R10

Wetland Delineation by  
Wetland Solutions Northwest, LLC  
Sensitive Lands Buffers were  
measured along the slope



Scale: 1"=50'  
CF:19054S  
SF:19054S1



REGISTERED PROFESSIONAL LAND SURVEYOR

Reynolds  
Land Surveying, Inc.  
32990 Stone Road  
Warren, Oregon 97053  
(503) 397-5516

OREGON  
JULY 26, 1985  
DAVID E. REYNOLDS  
2157

RENEWAL DATE: 12-31-2022

Tree Plan & Road Improvement Plan  
For  
Andrew & Lindsay Schlumpberger  
Situated In The N.W. 1/4  
Section 34, T.5N., R.1W., W.M.  
City of St. Helens  
Columbia County, Oregon  
January 25, 2021

WESTERLY SENSITIVE LANDS BUFFER

Dalton Lake  
EDGE OF WATER

PROPOSED FIRE APPARATUS TURN AROUND

Parcel 1  
45900 SQ.FT.  
43010 SQ.FT. OUTSIDE OF SENSITIVE LANDS

PROPOSED INGRESS, EGRESS & UTILITIES EASEMENT FOR BENEFIT OF PARCEL 2

PROPOSED VEHICLE TURNOUT 24'X30'

Belton Road

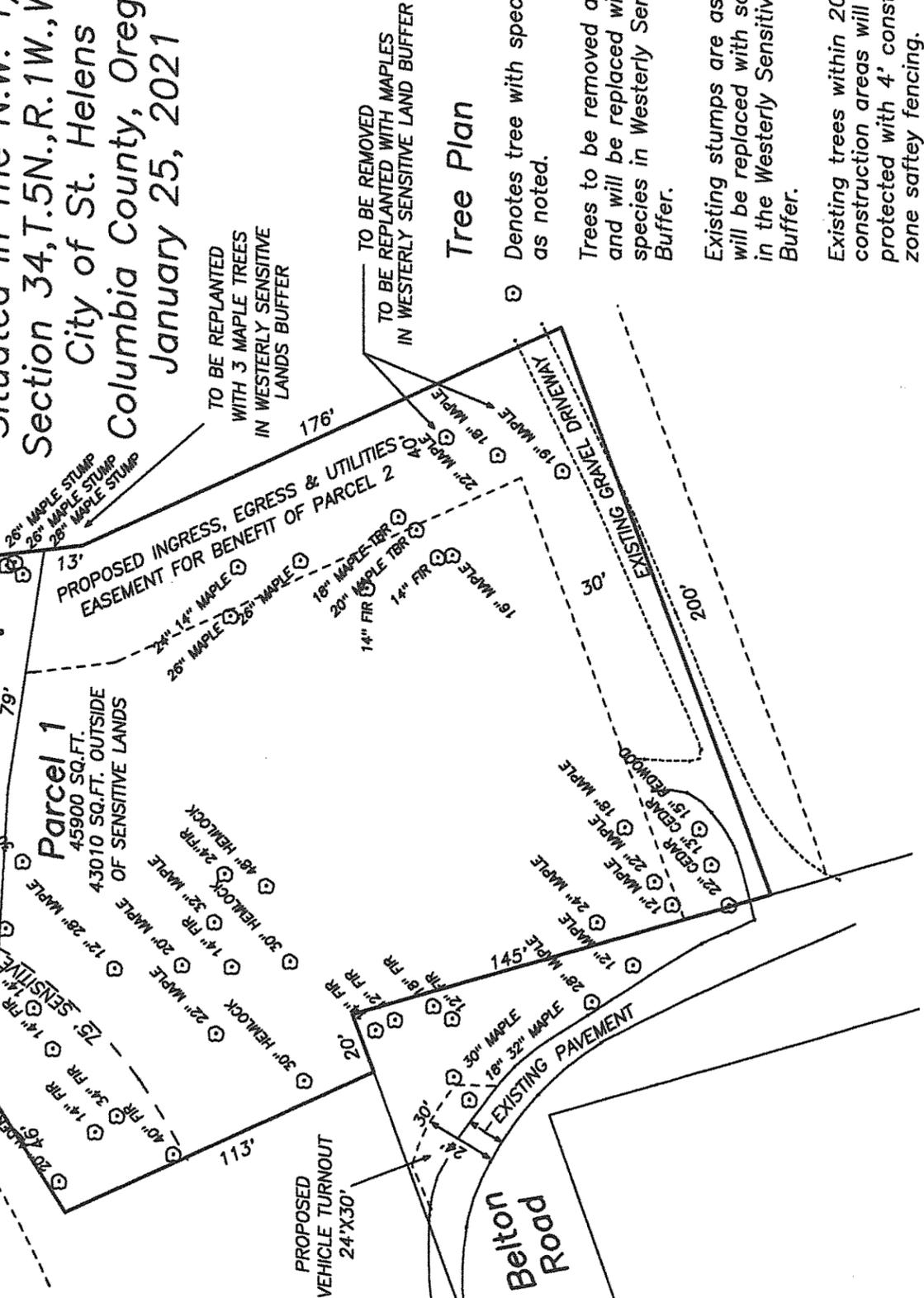
Tree Plan

Denotes tree with species and size as noted.

Trees to be removed are as noted and will be replaced with same species in Westerly Sensitive Lands Buffer.

Existing stumps are as noted and will be replaced with same species in the Westerly Sensitive Lands Buffer.

Existing trees within 20' of any construction areas will be protected with 4' construction zone safety fencing.





**Schlumpberger Consulting Engineers, Inc.**  
 Structural/Civil /Environmental/Construction Mgt.

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 Oregon: 17744 #A11 Hwy 101 N. Brookings, OR 97415  
 Mobile: 530-859-1277  
 Email: cps@sceshasta.com

**SUBJECT: Additional Connections to the Belton Road S.T.E.P. System  
 In St. Helens, Oregon**

**CLIENT: Andrew Schlumpberger**  
**LOCATION: 160 Belton Road**  
**St. Helens, Oregon**

**RECEIVED**

**JAN 27 2021**

**CITY OF ST. HELENS**

**DATE: December 13, 2019**

**Engineering Report:**

1. The existing STEP wastewater system for the Belton Road and Graycliff Drive in St. Helens, Oregon as shown on the as-built plan dated August 1989 by Smits and Associates, with updates in 1990 and 1992, is a pressure system for the community of Forest Park Road.
2. The Step system requires a pump at each lot that is hooking up to the system.
3. The transport pipe is in City ROW and is maintained as part of the City wastewater collection system.
4. The transport pipe is 2 inch schedule 40 PVC pressure pipe. The transport pipe can take a maximum flow of 127 gallons per minute (gpm) at minimal internal pressure of 20-100 psi.
5. The total length of the transport pipe is less than 1500 feet. Connections are at multiple points along this transport pipe and available to all lots along Belton and Graycliff roads that can connect to the transport pipe.

In reviewing the as-built plans it appears that the existing transport pipe, with 8 current connections, is capable of a number of future connections without significant problems to City STEP System or existing owners since each new owner would have a tank, pump and lateral for which they are responsible for. There are less than ten connections to the pressure line at this time and the two inch line has capacity for more than ten connections at peak capacity where everyone is pumping at the same time. High Head pumps are needed for the static and dynamic TDH losses. Pumps should be efficient between 10 and 30 gpm. Even if all pumps are on at once there is capacity for a minimum of 12 connections or maximum of 20. Pumps should be effluent pumps rather than grinder pumps and TDH capacity of 150 feet and discharge rate of 20 gpm. Therefore there should be no issues with an additional connection to the Belton Road S.T.E.P. System with an approved tank and pump.

Charles Schlumpberger PE  
 C15654

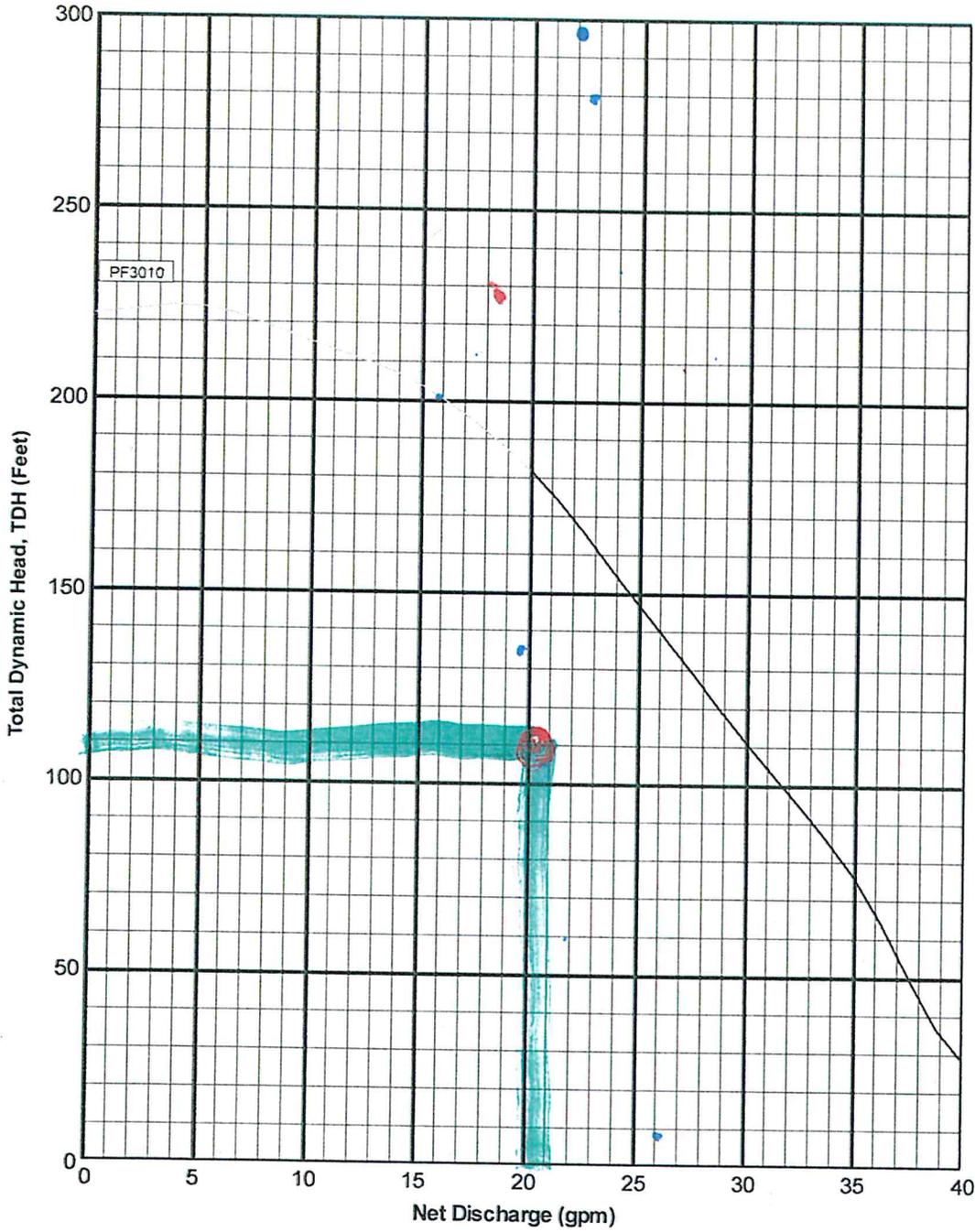


**Pump Curve**  
for PF3010



**Oreco Systems<sup>®</sup>**  
Incorporated

*Changing the Way the  
World Does Wastewater<sup>®</sup>*



Recommended Pump for S.T.E.P.  
Oreco PF3010 High Head

# Belton Road S.T.E.P. System

Belton Road and Graycliff Drive.

## Legend

 Elks Lodge



Google Earth

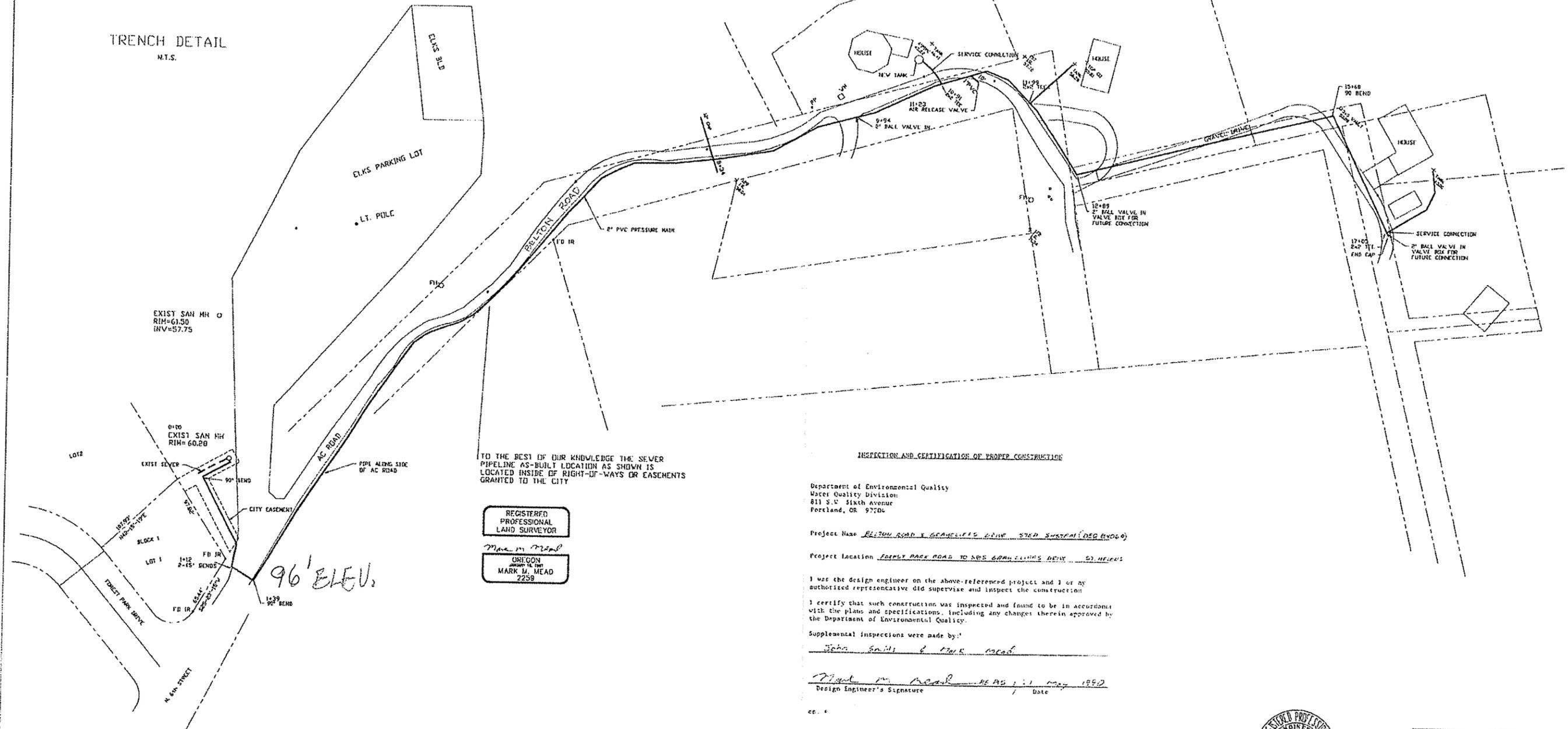
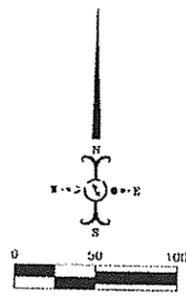
© 2018 Google

# BELTON ROAD S.T.E.P. SYSTEM

GRAYCLIFF DRIVE  
ST. HELENS, OREGON

- NOTES**
1. CONTRACTOR SHALL CALL 48 HOURS IN ADVANCE FOR UNDERGROUND UTILITY LOCATIONS. 1-800-424-5555
  2. PROTECT PIPE FROM LARGE ROCK AND SHARP OBJECTS DURING BACKFILLING PROCESS.
- 2" SCHEDULE 40 PVC PRESSURE SEWER PIPE WITH 18 GAGE TRACER WIRE

TRENCH DETAIL  
N.T.S.



TO THE BEST OF OUR KNOWLEDGE THE SEWER PIPELINE AS-BUILT LOCATION AS SHOWN IS LOCATED INSIDE OF RIGHT-OF-WAYS OR EASEMENTS GRANTED TO THE CITY

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Mark M Mead*  
MARK M. MEAD  
2258

### INSPECTION AND CERTIFICATION OF PROPER CONSTRUCTION

Department of Environmental Quality  
Water Quality Division  
811 S.W. Sixth Avenue  
Portland, OR 97204

Project Name BELTON ROAD & GRAYCLIFF DRIVE STEP SYSTEM (DEQ BY060)

Project Location FOREST PARK ROAD TO NEB GRAYCLIFF DRIVE ST. HELENS

I was the design engineer on the above-referenced project and I or my authorized representative did supervise and inspect the construction.

I certify that such construction was inspected and found to be in accordance with the plans and specifications, including any changes therein approved by the Department of Environmental Quality.

Supplemental inspections were made by:  
John Smith & Mark Mead

Mark M Mead REAS 1:1 July 16, 1989  
Design Engineer's Signature Date

cc. \*

\* Send copy to appropriate sewer system owner



**Smits & Associates**  
Environmental Consultants • Designers

14887 S.E. Kingston Ave.  
Milwaukie, Oregon 97207-1043  
Ph. (503) 658-6623

DATE: AUG 1989 SHEET No. 1 OF 1

REVISED AS-BUILT BY FOREST PARK ROAD 21 SECT. 1992  
AS-BUILT JULY 1990 M. M. HEAD

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JAN 30 2020  
CITY OF ST. HELENS

Wetland Solutions Northwest, LLC  
59446 Lytle Dr.  
St. Helens, Oregon 97051  
Stacy@WetlandSolutionsNW.com  
503-367-7177

RECEIVED  
JAN 27 2021  
CITY OF ST. HELENS

January 30, 2020

Andrew Schlumpberger  
160 Belton Road  
St. Helens, OR 97051

SUBJECT: 160 Belton Road, St. Helens Wetland/Waters Delineation  
Tax Map / Lots 5013400 / 200 & 50134BC / 1100

### Introduction and Background Information

A lot partition is proposed on the subject site. The subject site includes tax lot 200, located at 160 Belton Road which contains an existing residence, and tax lot 1100 which is undeveloped and extends north of tax lot 200 to the Columbia River. Three wetlands/waters are mapped on or in close proximity to the subject site in the City of St. Helens Local Wetland Inventory (LWI) (Otak, Inc. 1999). Dalton Lake (LWI unit D-16) is mapped adjacent to the northwest portion of tax lot 200, the Columbia River is mapped along the north edge of tax lot 1100, and wetland unit D-17 is mapped extending south of the Columbia River into tax lot 1100. Wetland units D-16 and D-17 are considered Type I significant wetlands, and the City requires a 75-foot protection zone adjacent to Type I significant wetlands. A 75-foot protection zone is also required adjacent to the top of bank of the Columbia River. The tax lot boundaries of the subject site and the LWI mapping are shown on Figure 1 which was obtained from Columbia County Web Maps (Columbia County 2020). A wetland/waters delineation was conducted on the site in order to map the actual location of on and off-site resources and the adjacent 75-foot protection zones to facilitate site planning.

### Methods & Results

A wetland/waters delineation was conducted on January 9, 2020 by Stacy Benjamin of Wetland Solutions Northwest, LLC in accordance with the methodology of the Corps of Engineers (Corps) Wetlands Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the Corps Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0; Corps 2010) used by both the Oregon Department of State Lands and the Corps.

The ordinary high water (OHW) line/top of bank of the Columbia River was delineated based on field indicators including a vegetation line, with predominantly bare sandy soils occurring below the OHW line and a notable increase in grasses and weedy forbs occurring above the OHW line.

The wetland boundary of Dalton Lake is well-defined by steep topography, and the wetland boundary coincided with the edge of ponded water during the January 2020 site visit. The southern portion of the lake boundary is defined by a steep hillslope. The steep hillslope, which comprises the majority of the 75-foot protection zone, is vegetated with native trees and shrubs in the overstory including balsam poplar, red alder (*Alnus rubra*), and beaked hazelnut (*Corylus cornuta*), and mainly invasive species in the understory including Himalayan blackberry (*Rubus armeniacus*) and English ivy (*Hedera helix*). A small amount of native sword fern (*Polystichum munitum*) is also present. An existing narrow dirt footpath (approx. 2 feet wide) is present in the riparian protection zone, and a small amount of the upslope edge of the protection zone falls within the edge of an existing mowed lawn. Slopes adjacent to the east/northeast edge of Dalton Lake are more gradual. A dense thicket of Himalayan blackberry is present along the eastern edge of the lake, and a fringe of mainly native wetland vegetation consisting of red osier (*Cornus alba*), Oregon ash (*Fraxinus latifolia*) and reed canarygrass is present extending around the northeast portion of the lake.

Wetland D-17 was determined not to extend onto tax lot 1100, and the southern edge of wetland D-17 was delineated approximately 450 feet north of tax lot 1100. Wetland D-17 consists of a forested and scrub-shrub wetland vegetation community containing balsam poplar (*Populus balsamifera*) and Pacific willow (*Salix lasiandra*) in the overstory with reed canarygrass (*Phalaris arundinacea*) and tall scouring-rush (*Equisetum hyemale*) in the understory. Hydric soils were observed in the wetland, along with water-stained leaves indicating the presence of wetland hydrology. The south wetland boundary was delineated where the reed canarygrass understory transitioned to a Himalayan blackberry understory, soils became a more sandy texture which did not display hydric soil features, no indicators of wetland hydrology were observed, and site topography began to rise.

The boundary of Dalton Lake and the OHW of the Columbia River were professionally land surveyed by Reynolds Land Surveying, Inc (Figure 2), and the 75-foot protection zones were mapped. Site photographs are attached.

## References

Columbia County. 2020. Columbia County Web Maps. Available at:  
<http://webmap.co.columbia.or.us/geomoose2/>

Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. Vicksburg, MS: U.S. Army Engineer Waterways Experiment Station.

Otak, Inc. 1999. Local Wetland Inventory, City of St. Helens, OR. Available at:  
[http://www.oregon.gov/dsl/WETLAND/Pages/lwi\\_disclaimer\\_agreed.aspx](http://www.oregon.gov/dsl/WETLAND/Pages/lwi_disclaimer_agreed.aspx).

U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-10-3. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

## **Attachments**

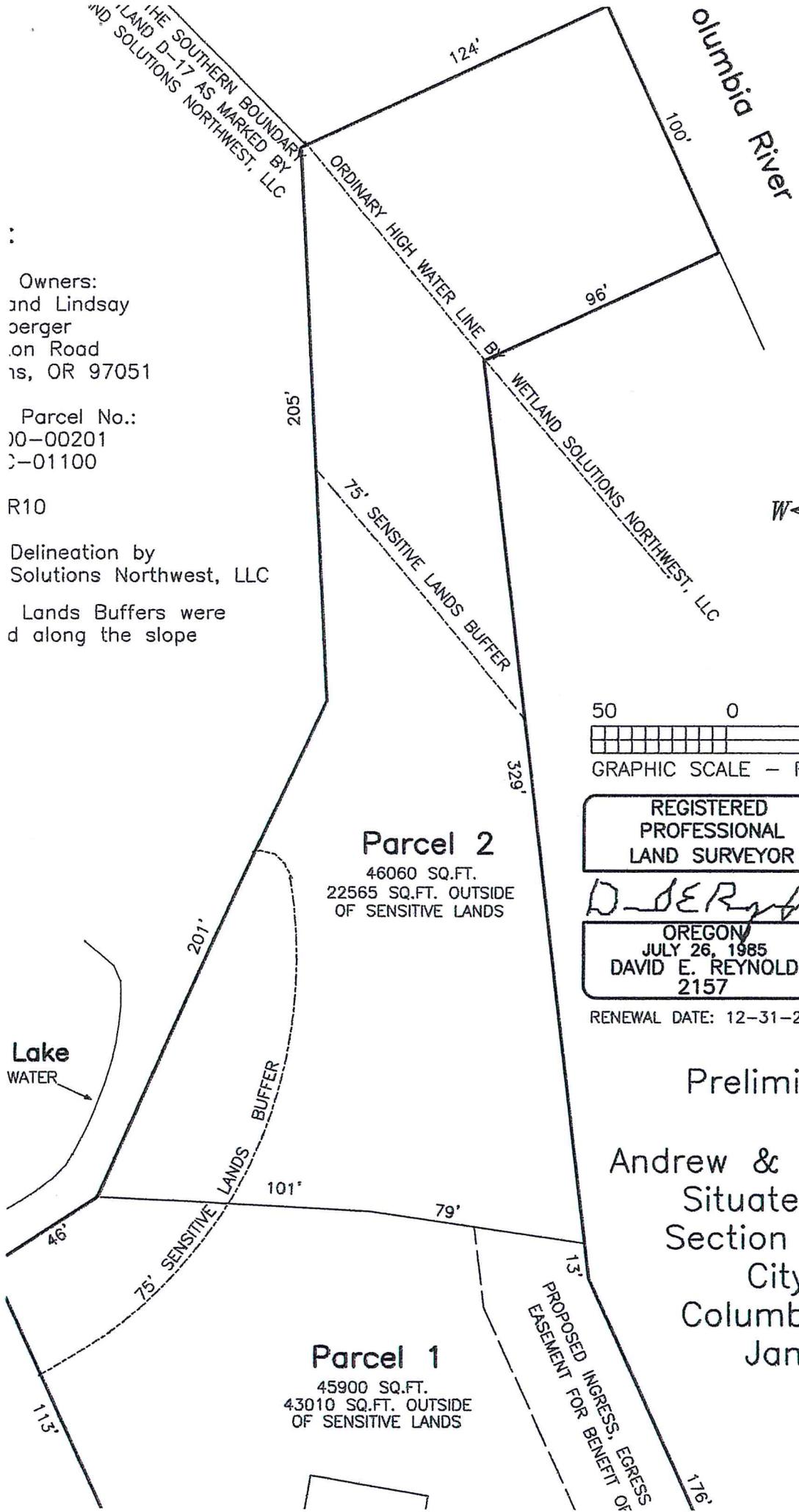
Figure 1. Tax lot map showing LWI mapping

Figure 2. Wetland & waters delineation map

Site photographs



<p>160 Belton Road, St. Helens Wetland &amp; Waters Delineation Figure 1. Site Location Map</p>	<p>↑</p> <p>Scale approx. 1 inch = 200 ft</p>	<p>Wetland Solutions Northwest, LLC</p>
<p>Source: downloaded from: <a href="http://webmap.co.columbia.or.us/geomoose2/">http://webmap.co.columbia.or.us/geomoose2/</a></p>		<p>January 2020</p>

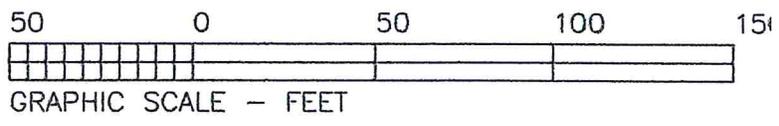
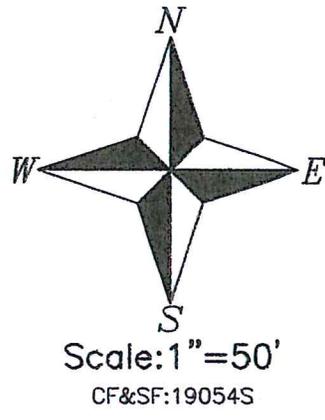


Owners:  
 Andrew and Lindsay  
 Schlumpberger  
 3290 Stone Road  
 Warren, OR 97051

Parcel No.:  
 30-00201  
 30-01100

R10

Delineation by  
 Wetland Solutions Northwest, LLC  
 Lands Buffers were  
 delineated along the slope



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*D. E. Reynolds*  
 OREGON  
 JULY 26, 1985  
 DAVID E. REYNOLDS  
 2157

RENEWAL DATE: 12-31-2020

Reynolds  
 Land Surveying, Inc.  
 32990 Stone Road  
 Warren, Oregon 97051  
 (503) 397-5516

**Parcel 2**  
 46060 SQ.FT.  
 22565 SQ.FT. OUTSIDE  
 OF SENSITIVE LANDS

**Parcel 1**  
 45900 SQ.FT.  
 43010 SQ.FT. OUTSIDE  
 OF SENSITIVE LANDS

Preliminary Partition Plat  
 For  
 Andrew & Lindsay Schlumpberger  
 Situated In The N.W. 1/4  
 Section 34, T.5N., R.1W., W.M.  
 City of St. Helens  
 Columbia County, Oregon  
 January 21, 2020



**Photo A.** View east of southern boundary of Dalton Lake and mixed native/invasive community in adjacent 75-foot protection zone.



**Photo B.** View west of invasive Himalayan blackberry community in 75-foot protection zone adjacent to eastern edge of Dalton Lake.



**Photo C.** View north of delineated OHW of Columbia River (red flag).



**Photo D.** View south of delineated OHW of Columbia River (red flag).



I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon  
certify that the instrument identified herein was recorded in the Clerk  
records.

Elizabeth E. Huser - County Clerk

After recording return to:  
Daniel Goldstein, Esq.  
621 SW Morrison St, Ste 1050  
Portland, OR 97205

Document: Easement Extinguishment and Relinquishment  
Grantor: Tracey A. Hill, an individual  
Tracey A. Hill on behalf of the Hill Family Trust  
Grantees: Andrew Schlumpberger and Lindsay Schlumpberger

---

### Easement Extinguishment and Relinquishment

Grantor is the record owner of the following real property located in Columbia County, Oregon:

See Exhibit A, attached hereto and incorporated herein in by this reference (the "Benefitted Property")

Grantees are the record owners of the following real property located in Columbia County, Oregon:

See Exhibit B, attached hereto and incorporated herein in by this reference (the "Burdened Property")

Grantor is also the holder and beneficiary of that certain easement (Drainfield Easement) established "for the construction, maintenance, use and repair of an individual water-carried subsurface sewage disposal system," dated July 27, 1976 and recorded October 13, 1976 in Book 208 page 404 of the Records of Columbia County, Oregon, which encumbers the Burdened Property.

For good and valuable consideration, the receipt of which is hereby acknowledged, Grantor, on behalf of herself, her heirs, assigns, devisees, successors, and anyone else claiming right, title or interest in the Benefitted Property, hereby extinguishes, relinquishes, releases, terminates, waives, abandons, and reconveys the Drainfield Easement to the record owners of the Burdened Property, their heirs, devisees, successors, assigns, and anyone else claiming any right, title, or interest in the Burdened Property.

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JAN 27 2021

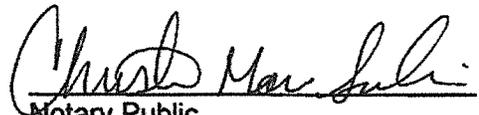
CITY OF ST. HELENS

Dated this 23 day of November 2020.

Grantor:

  
Tracey A. Hill

The foregoing instrument was acknowledged and executed before me this 23  
day of NOVEMBER, 2020, by Tracey A Hill.

  
Notary Public

My Commission Expires: JANUARY 13, 2024

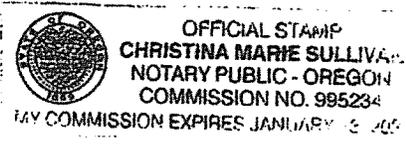


Exhibit A

Beginning at a point which is North 4 '35'30" West 1223.3 feet and East 1891.3 feet from the Northeast corner of "Rose Hill," Columbia County, Oregon, said point being on the left bank of the Columbia River; thence along low water line along said left bank North 31 '38' West a distance of 266.37 feet; thence South 69'24' West a distance of 227.37 feet; thence North 24'36'30" West to a point on the most Easterly North line of City Ordinance #1877 recorded August 18, 1969 in Book 17 4, Page 343, Deed Records of Columbia County, Oregon; thence South 60'21' West 153.57 feet; thence South 57'16' West 46.43 feet to the TRUE POINT OF BEGINNING of herein described tract, said point being the Northwest corner of tract described in Trust Deed recorded March 30, 1976 in Book 137, Page 12, Mortgage Records of Columbia County, Oregon; thence South 68'47'30" West 81.22 feet; thence South 64'47'30" West 73.10 feet; thence South 46'33' West 87.50 feet; thence South 34'02' East to the North line of 50 foot road conveyed to City of St. Helens by deed recorded October 12, 1971 in Deed Book 184, Page 11; thence North 69'24' East along the North line of said 50 foot road to the point of intersection with the West line of tract described in Mortgage Book 137, Page 12; thence North 24'36'30" West along said West line to the point of beginning.

**EXHIBIT ~~3~~ 3**  
**LEGAL DESCRIPTION**

A tract of land situate in the Northwest quarter of Section 34, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

**PARCEL 1:** Beginning at a point which is North 4°35'30" West 1223.3 feet and East 1891.3 feet from the Northeast corner of ROSE HILL, in the County of Columbia and State of Oregon, said point being on the left bank of the Columbia River; thence along low water line along said left bank North 31°38' West a distance of 266.87 feet; thence South 69°24' West a distance of 227.37 feet to the TRUE POINT OF BEGINNING; thence North 24°36'30" West to a point on the most Easterly North line of City Ordinance No. 1877 recorded August 18, 1969 in Book 174, page 343, Deed Records of Columbia County, Oregon; thence South 60°21' West 153.57 feet; thence South 57°16' West 46.43 feet; thence South 24°36'30" East 251.73 feet; thence South 16°02' East 6.3 feet; thence North 69°24' East 200 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying within 50 foot road conveyed to City of St. Helens by deed recorded October 12, 1971 in Book 184, page 11, Deed Records of Columbia County, Oregon.

**PARCEL 2:** Beginning at a point which is North 4°35' 1/2' West 1223.3 feet and East 1891.3 feet from the Northeast corner of ROSE HILL, Columbia County, Oregon, said point being on the left bank of the Columbia River; thence along said lot water line along said left bank North 31°38' West a distance of 593.93 feet to the most Easterly Northeast corner of City Ordinance No. 1877, recorded August 18, 1969 in Book 174; page 343, Deed Records of Columbia County, Oregon; thence South 60°21' West along said most Easterly North line of said City Ordinance line 208.11 feet to the TRUE POINT OF BEGINNING; thence South 60°21' West along the said most Easterly North line of said City Ordinance line 153.57 feet; thence North 24°30' 1/2' East to a point that is North 24°16' 1/2' West from the true point of beginning; thence South 24°36' 1/2' East to the true point of beginning.

**PARCEL 3:** Beginning at a point which is North 70°03'34" East 1377.04 feet and North 69°24'00" East 200.02 feet from the initial point of Belton Terrace, said point being the Southeast corner of the Richard Sorenson tract in the Northwest quarter of Section 34, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, said point is reported to be North 04°35'30" West 1223.30 feet and East 1891.30 feet and North 31°38'00" West 266.87 feet and South 69°24'00" West 227.37 feet from the Northeast corner of Rose Hill, as per plat on file and of record in the Columbia County Clerk's Office; thence North 24°38'20" West, along the Easterly line of said Sorenson tract, 175.69 feet to the TRUE POINT OF BEGINNING of the parcel herein described; thence, leaving said Sorenson East line, North 06°46'00" West a distance of 342.08 feet; thence North 65°11'41" East a distance of 96.04 feet to the low water line of the Columbia River; thence North 24°48'19" West along said low water line a distance of 82.74 feet to the most Northerly corner of Instrument No. 98-09246, on file and of record in the Columbia County Clerk's Office; thence South 24°31'22" West along the Northwesterly line of said Instrument No. 98-09246 a distance of 265.39 feet to the Northerly corner of said Sorenson tract; thence South 24°38'20" East along the Easterly line of said Sorenson tract a distance of 235.05 feet to the true point of beginning.

**PARCEL 4:** Beginning at a point which is North 70°03'34" East 1377.04 feet and North 69°24'00" East 200.02 feet from the initial point of Belton Terrace, said point being the Southeast corner of the Richard Sorenson tract in the Northwest quarter of Section 34, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, said point is reported to be North 04°35'30" West 1223.30 feet and East 1891.30 feet and North 31°38'00" West 266.87 feet and South 69°24'00" West 227.37 feet from the Northeast corner of Rose Hill, as per plat on file and of record in the Columbia County Clerk's Office; thence North 24°38'20" West, along the Easterly line of said Sorenson tract, a distance of 410.74 feet to the most Northerly corner of said Sorenson tract and the TRUE POINT OF BEGINNING of the parcel herein described; thence North 24°31'22" East, along the Northwesterly line of tract of land described under Columbia County Clerk's Instrument No. 98-09246, a distance of 265.39 feet to the low water line of the Columbia River; thence North 24°48'19" West along said low water line a distance of 17.26 feet; thence leaving said low water line South 65°11'41" West a distance of 125.00 feet; thence South 02°57'08" East a distance of 204.94 feet to the true point of beginning.



# Columbia River Fire & Rescue

Fire Prevention Division

270 Columbia Blvd \* St Helens, Oregon \* 97051  
Phone (503)-397-2990 \* [www.crfr.com](http://www.crfr.com) \* FAX (503)-397-3198

November 30, 2020

**RECEIVED**  
**JAN 5 2021**  
**CITY OF ST. HELENS**

Andrew Schlumpberger  
160 Belton Road  
St. Helens, OR 97051

Mr. Schlumpberger,

This letter is regarding a driveway consultation I performed this morning on your proposed new house development site off Belton Road. This was not an initial driveway inspection, but a consultation of our Fire District's driveway standards to determine if a fire department access road is feasible to your proposed new home site.

After reviewing our Fire District's residential driveway standards with you this morning along with visiting your proposed driveway/house site, a fire department access road (driveway) is feasible. Our fire engines and ambulances should have no issues accessing your new home site on an approved driveway access road.

Regards,

A handwritten signature in black ink, appearing to read 'J.E. Christiansen', is written over the signature line.

James E. Christiansen  
CRFR Fire Inspector

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**JAN 27 2021**  
**CITY OF ST. HELENS**



# FIRE MARSHAL

Columbia River Fire & Rescue / Scappoose Fire District



Date: 05/29/2020

Andrew Schlumpberger

RE:

Belton Road Development Partition PT.1.20

Andrew Schlumpberger

Property Description: 160 Belton Road (5N1W-34BC1100 & 5N1W(34)201)

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JUN 1 2020  
CITY OF ST. HELENS

34  
/

Mr. Schlumpberger:

I received your request to review the subject property identified above and provide comments for the partition that is being requested. This is in accordance to item number 6 of the conditions listed by the City of St. Helens in the Land Use Decision. The recommendations by the fire district are listed below and are in accordance with fire district ordinances and the Oregon Fire Code (OFC).

1. New construction as proposed will not conform to the OFC. Specifically, Section 503 (Access to buildings) and Appendix "D". The tradeoff for the access challenge will be the following conditions:
  - i. The building shall be protected by a residential automatic sprinkler system meeting all provisions of NFPA 13D.
  - ii. Signage that clearly identifies the location of the new structure is required.
2. All items that are identified in the Fire code Guide (Adopted by ordinance) need to be adhered to and completed by final occupancy and inspection of the building. This includes the adopted county driveway standard, included as part of the driveway permit process.
  - i. Driveway Permit
  - ii. Address Signs
3. The fire district would like to request to have an opportunity to conduct operational training on the building prior to occupancy. This will consist of tours to become familiar of the building layout as well as pre plan our response operations due to some of the access challenges.

Should you have any questions about anything else, please do not hesitate to give me a call.

Sincerely,

Jeff Picher

Division Chief

Fire Marshal (CRF&R / SRFD)

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CITY OF ST. HELENS



Dear Planning Commission,

As a member of the community served by belton road I want to express my approval for the land partition, proposed by my neighbors Andrew and Lindsay Schlumpberger.

I have lived in the community where the new partition is proposed for many years. In this time I have seen changes occur including the construction of new homes and changes to existing terrain and roadways.

While it is known that this community is served by a long and narrow road, this neighborhood is also known to be safe. Many drivers navigate this roadway daily with little to no difficulty including the addition of delivery trucks and/or construction vehicles (only one single vehicle accident in last 30 years that I can recall).

I welcome the proposal of the Schlumpberger's new home and do not personally foresee any problems from the creation of one more home served by belton road.

Sincerely,

*Jerry Belcher*  
*Jym Belcher*

105 Belton Road  
St. Helens, OR 97051

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CITY OF ST. HELENS

To whom it may concern:

We have lived off of Belton Rd on Greycliff Rd for many years, our home is one of the furthest homes serviced by the City's Step system, we live just down the road from the Schlumpberger's home, where we have not had any problems with the City's Step system, nor do we have any issues with the Schlumpberger's partitioning and building a new home closer to the river. As they have over 2 acres and with it meeting all the zoning requirements we do not see any reason why they should not be able to build a new home. As far as the safety of Grey Cliff Road and Belton Rd, we do not know of any accident that has occurred on either of these streets, as all of the neighbors drive at a safe speed due to the topography and the skinny streets that are present in this area.

Date 06/07/2020

Signed Larry R Hough

Name LARRY HOUGH  
Address 575 GREY CLIFFS DRIVE  
St HELENS, OR 97051

Ph# 503-366-0434

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CITY OF ST. HELENS

I am a neighbor of Andrew and Lindsay Schlumpberger and my property is adjacent to the land partition that the Schlumpberger's are proposing on 160 Belton Road.

The purpose of this letter is to show my support for their proposed land partition as I support their project and have no desire to express any objections.

Signed:  

Address: 80 Belton Rd. St. Helens, OR 97051

Date: 1/14/21

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CITY OF ST. HELENS



101 SW Main Street, Suite 1100  
Portland, Oregon 97204

balljanik.com

t 503.228.2525  
f 503.295.1058

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FEB 05 2021

CITY OF ST. HELENS

**MEMORANDUM**

**TO:** Jacob Graichen  
**FROM:** Damien Hall  
**DATE:** February 5, 2021  
**RE:** Improvements to Belton Road

**I. Background**

The applicant proposes to partition an existing residential lot into two residential lots. The new residential lot to the north ("Parcel 2") is proposed to be accessed from Belton Road, a local collector, via private way across the new residential lot to the south ("Parcel 1"). The partition application does not propose any development on either parcel. Future residential development will be subject to additional review and approval by the City of St. Helens ("City").

While not required for a partition without concurrent development, the applicant is amenable to voluntarily improving the Belton Road right-of-way to a width of 24' at the location of the 90 degree turn adjacent to Parcel 1, as depicted on the submitted plans.

The balance of this memorandum details the applicable provisions of the St. Helens Municipal Code ("SHMC") and demonstrates that no street improvements are required for a partition without accompanying development. Even if the City should be inclined to interpret the SHMC to condition approval of this partition on concurrent or future street improvements, the City bears the burden to demonstrate that such improvements are roughly proportional to the impact of the proposed partition.

Finally, nothing in the SHMC precludes the City from agreeing to the voluntary street improvements proposed by the applicant or deferring street improvements to a future process. SHMC 17.152.030(5)(b) authorizes the City to determine that partial street improvements are appropriate and SHMC 17.152.030(1)(d) authorizes the City to accept a future improvement guarantee in lieu of street improvements.

**II. No Street Improvements are Required**

Street improvements are only required in association with development. See SHMC 17.152.030(1)(a) ("Streets within a development and streets adjacent shall be improved...") and 17.152.030(1)(b) ("Development on site adjacent to nonstandard street shall require improvement of street..."). The applicant proposes only a partition with no accompanying "development," which as that term is used in the SHMC is limited to physical changes such



as construction. See definition of development, SHMC 17.16.010. Thus, the applicant is not required to improve Belton Road. Street improvement requirements are properly imposed upon a future application for site development.

### **III. Constitutional Limitations**

The applicant has provided an estimate of partial costs to improve Belton Road adjacent to the site. The estimate excludes breaking, drilling, and blasting rock. The shallow and hard nature of the basalt rock deposit upon which the site and the surrounding area is located and sensitivities related to blasting in residential areas result in an expensive and time consuming excavation. Even excluding the rock work, the estimate came in at \$181,300.

The costs of a full street improvement are not proportional (roughly or otherwise) to the nonexistent impact of the proposed partition. The impact is non-existent because no new residential use is proposed and no additional trips will be created by approval of the proposed partition. All residential use of Parcel 2 and associated impacts must be reviewed and approved in a subsequent action. Further, the City has the burden to demonstrate that any required street improvement is roughly proportional to the impacts of the proposed partition. The City cannot meet that burden because there are no impacts that flow from the partition application.

### **IV. Future Improvement Guarantee**

Even if the SHMC does require a street improvement despite there being no proposed development (it does not), and even if the City somehow meets its constitution burden to demonstrate that the required street improvement is roughly proportional to the nonexistent impact of the proposed partition (it cannot), City staff should still accept a future improvement guarantee in lieu of a street improvement.

“The director may accept a future improvement guarantee in lieu of street improvements if one or more of the following conditions exist ... (iii) Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and that improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity.”

SHMC 17.152.030(1)(d)(iii). A partial improvement to Belton Road along the frontage of Parcel 1 provides no capacity increase or safety increase. Such an improvement would result in a narrower roadway surface than the voluntary improvement and would not extend through the entire 90-degree turn, resulting in the retention of limited sight lines and developed road width.

Further, the established single-family residential pattern along Belton Road is unlikely to be redeveloped in the near foreseeable future. Thus, there will not be an opportunity for the



City to require street improvements that would connect to a half street improvement along the frontage of Parcel 1. Accordingly, the City may accept a future improvement guarantee in lieu of any street improvements. See SHMC 17.152.030(1)(d)(iii).

**V. Exception to Street Standards**

The SHMC expressly permits the City to approve a partition on streets with paved roadways that are less than standard width, such as Belton Road. SHMC 17.152.030(5)(b) authorizes an exception to the roadway width standards when the “potential adverse impacts exceed the public benefits the standards,” and directs the City to consider evaluating the public benefits in light of the criteria listed in subsection (5)(a).

Here, the proposed improvement would increase the width of the Belton Road at the 90 degree turn that neighbors and fire department personnel have identified as the location most in need of safety improvements. A half-street improvement along the frontage of the applicant’s parcel would result in a narrower roadway surface than the voluntary improvement and would not extend through the entire turn. Further, the standard improvement would not change anticipated traffic generation, would not result in the availability of on-street parking or bikeways, and would decrease safety for motorists and bicyclists compared to applicant’s proposed improvement. Thus, the proposed improvement would deliver additional public benefit.

The proposed improvement would also avoid removal of multiple mature trees, unnecessary grading and excavation of basalt rock, and potential impacts to adjacent wetlands. Such potential adverse impacts of the standard street improvement exceed the public benefits of the standard, which are negative compared to applicant’s proposed improvement. Thus, the City is expressly authorized to impose an alternative standard.

I am a neighbor of Andrew and Lindsay Schlumpberger and my property is adjacent to the land partition that the Schlumpberger's are proposing on 160 Belton Road.

The purpose of this letter is to show my support for their proposed land partition as I support their project and have no desire to express any objections.

Signed: Jerry Belcher

Address: 105 Belton Rd.  
St. Helens, OR 97051

Date: 24 Feb 2021

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The purpose of this letter is to show my support for their proposed land partition as I support their project and have no desire to express any objections.

Signed: Jerry R. Hough

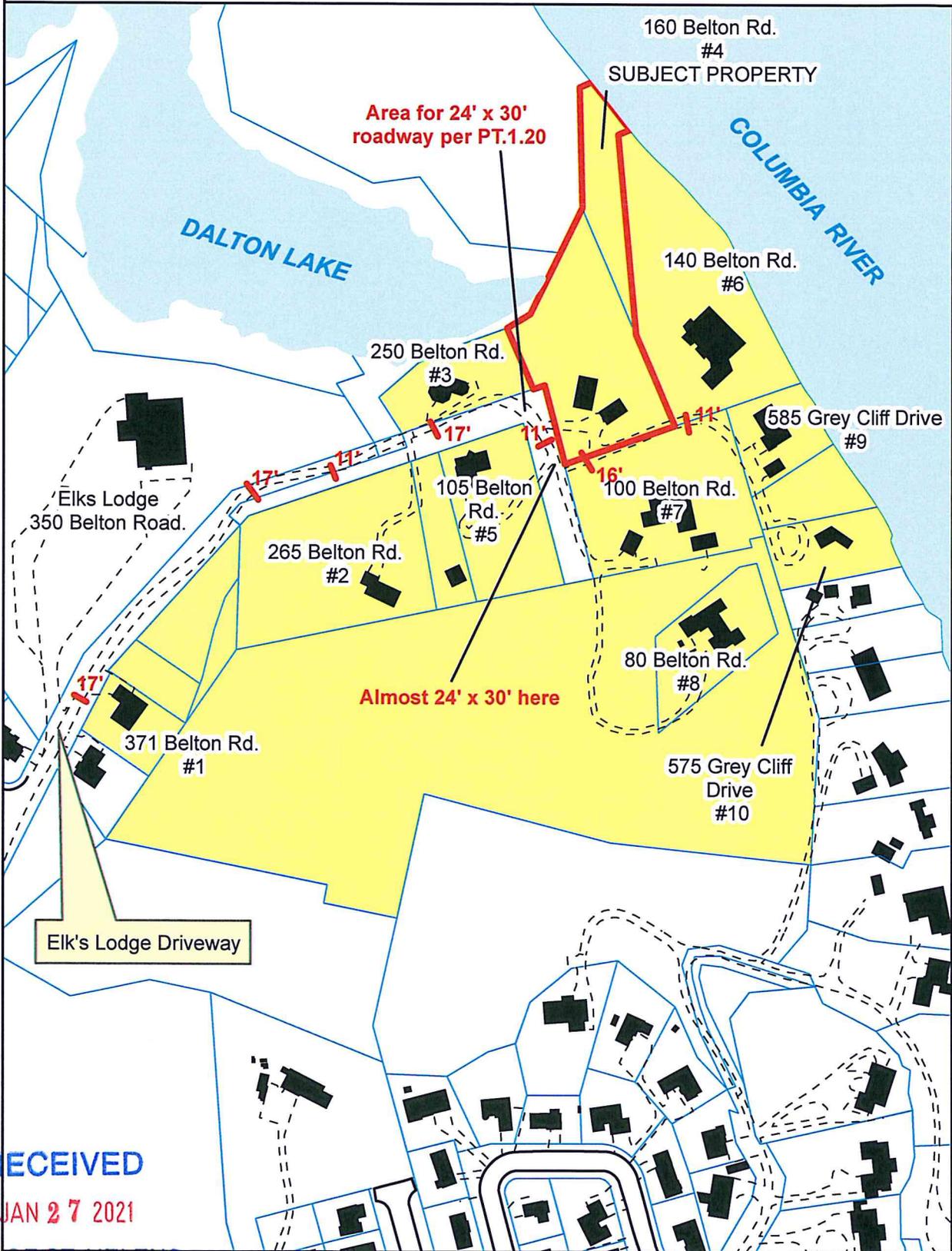
Address: 575 Grey Cliffs Drive, St. Helens OR 97051

Date: 2/24/21

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MAR 1 2021  
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**FILE: AP.1.20  
ATTACHMENT**

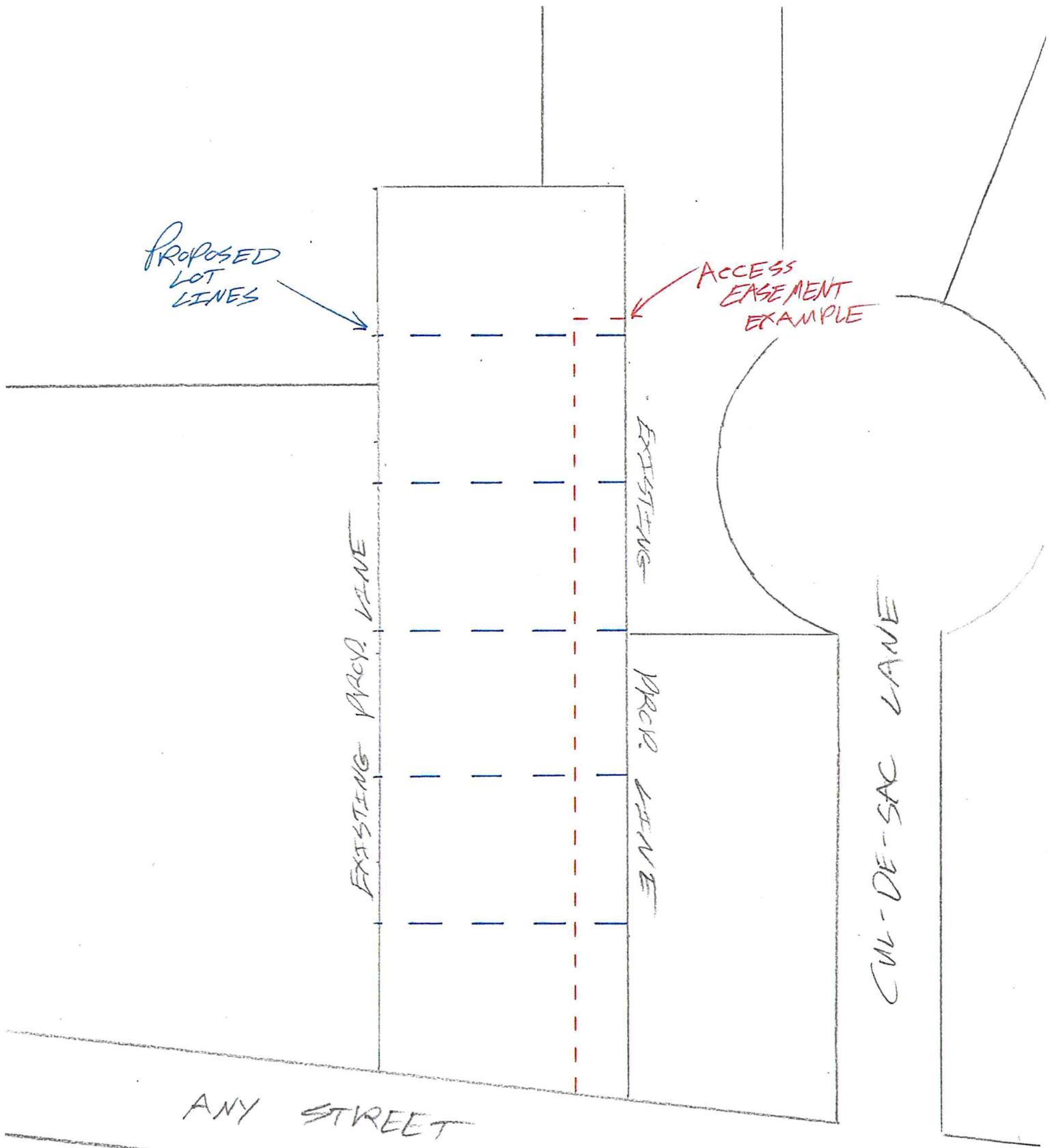
**Number of Existing Dwellings Currently Accessed Via Belton Road  
After The Elks Lodge Driveway & Road Width Measurements**



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JAN 27 2021

CITY OF ST. HELENS



**Private Drive/Access Easement Exhibit.**

The purpose of this exhibit is to show how a typical access easement (private drive), when allowed in lieu of a public right-of-way, looks like. This is not to scale and does not indicate any approved development plan. It is strictly for explanation purposes only.