

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variance V.5.23 & Lot Line Adjustment LLA.1.23**

DATE: August 25, 2023
TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner

APPLICANT: Jason Mills
OWNER: Mills Contracting, LLC

ZONING: General Residential, R5
LOCATION: 155 S. 6th Street, 4N1W-4AA-900 & 901
PROPOSAL: Variance to lot dimensional standard (minimum lot width) for a lot line adjustment request

SITE INFORMATION / BACKGROUND

The subject property contains three individual lots (16, 17, and 18 of Block 59) from the St. Helens Subdivision. There is a detached single-family dwelling developed on Lot 17 which encroaches onto Lot 18 by approximately 7'. The applicant would like to adjust the shared property line between Lot 17 and 18 so that the existing detached single-family dwelling complies with the required 5' side yard (setback) and the 10' rear yard (setback) requirement.

There is a steep drop off between Lots 18 and 17. The more developable area (less steep) of the lot is the southeast corner of the Lot 18, near S. 6th Street. A property corner monument, which appears to have been placed in 2008 as part of a Lot Line Adjustment between Lot 19 and Lot 20, was located between the subject property and Lot 19 (the neighbor to the south), pictured below.



PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission: September 12, 2023

Notice of this proposal was sent to surrounding property owners within 100 feet of the subject properties on August 16, 2023, via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on August 23, 2023, in The Chronicle newspaper.

AGENCY REFERRALS & COMMENTS

As of the date of this report, there are no relevant agency comments.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

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): (1) Is the proposed size, width, shape and orientation of each lot appropriate for the location of the development and for the type of use contemplated?

Lot 18 is zoned General Residential (R5). For residential development, the lot is topographically challenged. This lot line adjustment will give 720 sq. ft. of the more steeply sloped area of Lot 18 and give it to Lot 17, which is already developed with a single-family dwelling.

(a) There is no existing or proposed right-of-way within the adjusted lots.

(b) The depth of the lots does not exceed 2.5 times the average width.

(c) The lots of are zoned residential, so this does not apply.

(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 lots are 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): The lots are not likely to be divided in the future.

(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 are no changes to accessways with this lot line adjustment.

(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): There are no common drives proposed or required.

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

Finding(s): There are no changes to accessways with this proposed lot line adjustment.

(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): Both lots are accessed by S. 6th Street which is not changing with this lot line adjustment.

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): An additional parcel is not created by the lot line adjustment. The lot which is being reduced will be reduced to approximately 5,080 sq. ft. The minimum lot size is 5,000 sq. ft. for detached single-family dwellings, which complies.

(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): For the developed lot, the minimum side yard is 5' and the minimum rear yard is 10'. These are both proposed to be met. The front yard of 20' is not met, but this lot line is not proposed to be adjusted. This finding is met, provided that the applicant verifies all dimensions with a licensed surveyor prior to recording the lot line adjustment.

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

Finding(s): The minimum lot depth is 85', and both lot depths are not changing from 100'. The minimum lot width at the building line and at the street is 50'. This met for the developed lot (Lot 17), but not met for the undeveloped lot (Lot 18). The proposed lot width is only 46'. This is the subject of the Variance (V.5.23) below. **This finding is met, provided that the Commission can approve the variance.**

(d) The lots involved were legally created.

Finding(s): Both lots were legally created with the St. Helens Subdivision.

SHMC 17.108.050 (1) – Criteria for granting a Variance

- (a) The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;
- (b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- (c) The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
- (d) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and
- (e) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

The Commission needs to find all these criteria **(a) – (e)** are met in order to approve the variance.

FINDINGS:

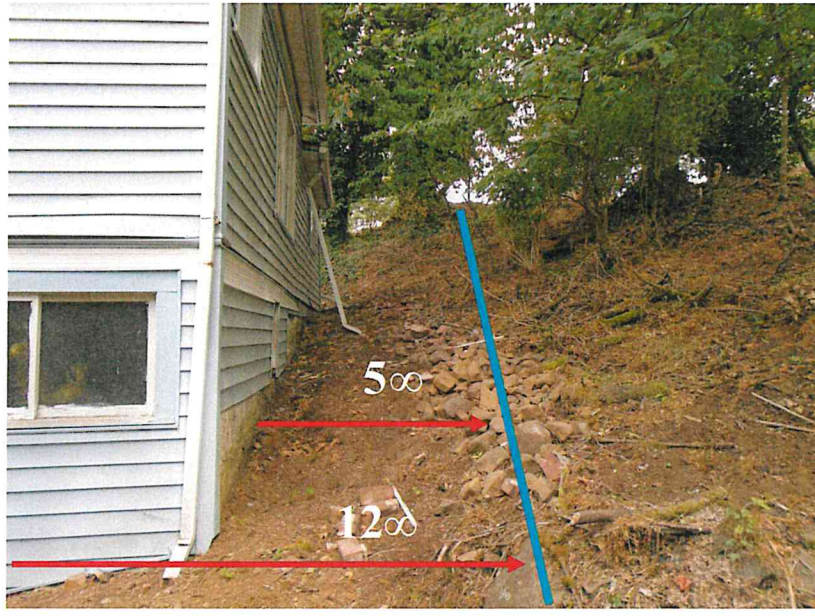
(a) This criterion requires a finding that the variance will not be detrimental.

- See applicant's narrative.
- Staff comment(s): The visual difference between a minimum lot width of 50' and 46' is almost undetectable from the street. The challenging topography of the lot is more likely the main limiting factor which affects the building envelope, not the lot width itself. The Commission could find that the proposed variance would not be significantly detrimental in consequence to the overall purpose of the code or to other properties within the vicinity and zoning district.

(b) The criterion requires a finding that there are special and unique circumstances.

- See applicant's narrative.

- Staff comment(s): Lot 17 is topographically challenging to develop. The area proposed for adjustment is in the area of a very steep slope pictured below. The Commission can find that this a special and unique circumstance to this location.



Taken from the rear yard of 155 S. 6th Street looking towards S. 6th Street.

(c) This criterion prohibits a use variance and requires a finding that the applicable standards are maintained to the greatest extent that is reasonably possible.

- See applicant's narrative. Applicant notes building a "small" dwelling.
- Staff comment(s): The variance is not a use variance. With the proposed lot line adjustment, the building envelope for the undeveloped lot is reduced. At 46' in width, including the required side yards of 5', the building envelope is approximately 36' wide. **Does the Commission feel this provides an adequate remaining building envelope?**

(d) This criterion requires a finding that existing physical and natural systems will not be adversely affected as a result of the requested Variance.

- See applicant's narrative.
- Staff comment(s): Water is available in S. 6th Street. Sewer is available in the rear of the lot. There is no evidence that there will be physical or natural systems adversely affected by the proposed variance.

(e) This criterion requires a finding that the variance issue is not self-imposed, and that the variance is the minimum necessary to alleviate the hardship.

- See applicant's narrative.

- Staff comment(s): The applicant did not build the single-family dwelling at 155 S. 6th Street. The variance issue is not self-imposed. The proposal is not in excess of the rear and side yard requirements. The Commission can find that it is minimum necessary to alleviate the hardship.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Lot Line Adjustment with the following conditions:

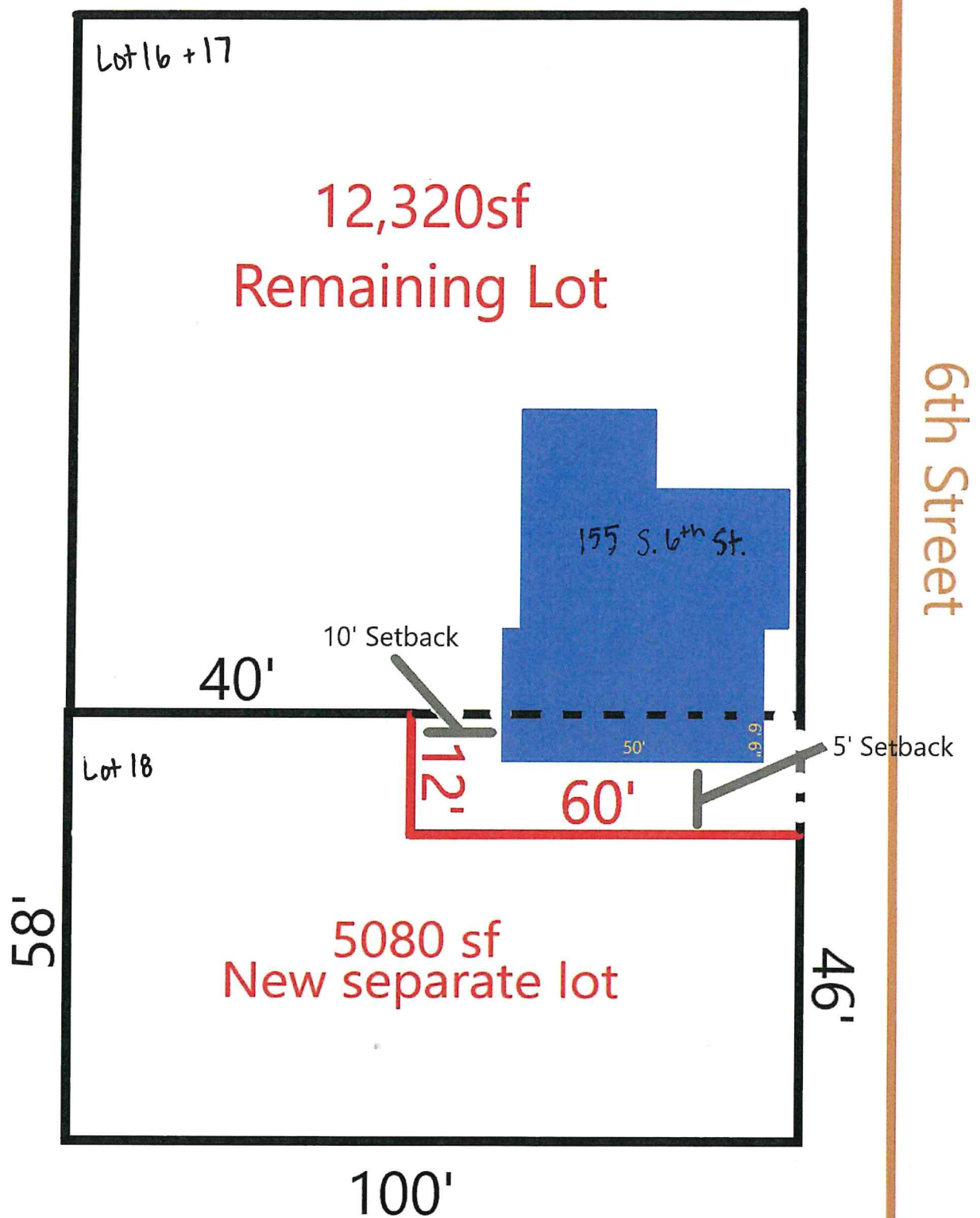
1. Approval of this **Lot Line Adjustment** shall be effective for a period of twelve (12) months from the date of approval pursuant to SHMC 17.140.035. This approval shall be void if the Lot Line Adjustment is not properly recorded with Columbia County within this time period or is a departure from the approved plan (See Condition 3).
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**, confirmation with a surveyor licensed in the state of Oregon to confirm all dimensions proposed in the preliminary Lot Line Adjustment Plan shall be provided to the city. If the survey identifies discrepancies between the preliminary plan which substantively changes the proposal, additional permitting may be needed.
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 (See Condition 3), application, and staff report (this document).
6. The applicant/owner shall comply with all local, state, and federal laws.

CONCLUSION & RECOMMENDATION





Based upon the facts and findings herein, staff recommends approval of this Variance with the following conditions:

1. This Variance approval is valid for a limited time pursuant to SHMC 17.108.040.
2. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variance granted herein.

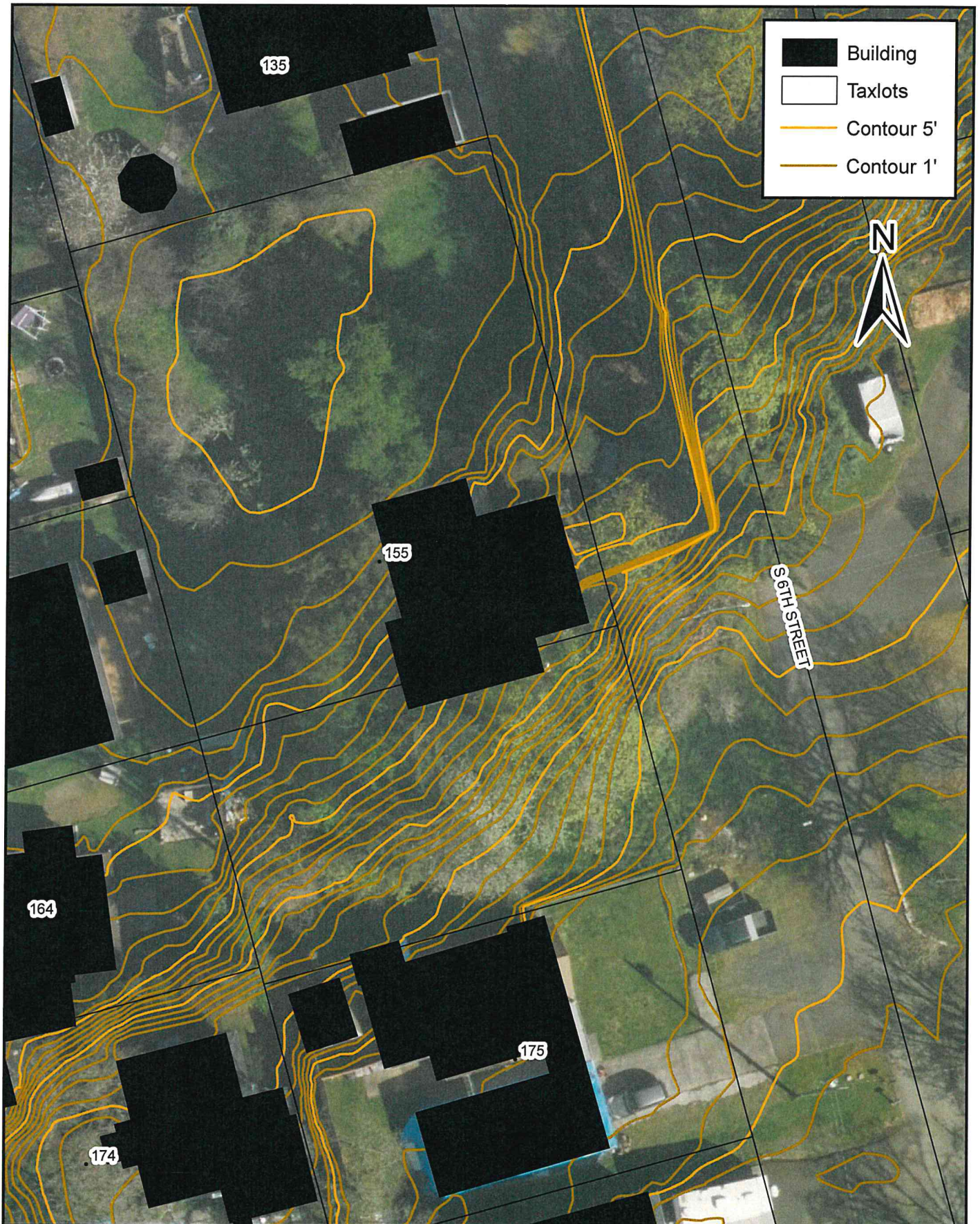
Attachments: *Preliminary Lot Line Adjustment, Topography Map, Applicant Narrative & Photo (3 pages)*



Legend:

-  House
-  Current Lot Lines
-  Proposed line change
-  Line being moved

V.5.23 & LLA.1.23 Topography



Variance Narrative

Mills Contracting, LLC
Jason Mills
365 SW Salix PL
Beaverton, OR 97006
503-866-4893

Property address: 155 S 6th St, St Helens, OR, 97051

Zoning district: Residential (R5)

Existing use of property: Single family home sitting on a combined 17,400sf across 3 tax lots (58'x100' each), making one large lot.

Proposed use case: I am proposing sub dividing the single large lot into 2 separate residential lots. Creating a second buildable and deeded lot.

Requested variance: Allow a 46' lot width at the street instead of the required 50':

17.32.070 General residential zone – R-5

(c) The minimum lot width at the building line and street shall be 50 feet for detached units

Reason for the requested variance:

- The existing home is built roughly in the center of the 3 tax lots, but it encroaches 6' 6" across the lot line of the lot I wish to separately deed.
- I wish to jog the lot line into the proposed new lot for a total of 12' x 60', which will allow the proposed new lot line to be at the lawful minimum setback distance on both the side (5') and rear (10').
- This will maintain the minimum buildable lot size (5,000sf) at 5080sf for the purposed new deeded lot.
- As a result the lot width at the street would not meet the minimum (50'). It would be 46'.

Purpose for the division:

- To eventually build a small single family home for a AirBnB.
- The home sits kitty-corner to the 'Twilight Swan house' from the movie series. On nice days hundreds of people walk up to take selfies in front of the house.
- Renting the home should bring new business to the downtown core year around.

Impact of the variance on the property and the surrounding neighborhood:

- The proposed lot has a steep hill rising up above the current home and there is a flat area on top where a small home should fit in nicely with the neighboring homes.
- I intend to keep all the trees on the proposed densely treed separate lot.
- The variance should have little impact on the already busy street, even after a home is constructed.

