

**COLUMBIA CITY PLANNING COMMISSION
PUBLIC HEARING / REGULAR SESSION
VIA "ZOOM MEETING"
JANUARY 19, 2021 - 6:30 P.M.**

PLANNING

COMMISSIONERS:

Kelly Niles, Chair
Barbara Gordon, Vice-Chair
Coralee Aho
Doug Calkins
George Fortier*
Dana Marble

*Denotes Commissioner absent

STAFF:

Lauren Scott, City Planner
Helen Johnson, Planning Administrative Assistant

OTHERS:

Bill Amos, Columbia City Resident, future Planning Commission member
Al Petersen, AKAAN Architecture + Design LLC
Gary Sailer, property owner of vacant land at 2215 The Strand
Robert Wilson, 2205 The Strand

MEETING TO ORDER:

Kelly called the meeting to order at 6:32 p.m.

APPROVAL OF MINUTES:

IT WAS MOVED (DANA) AND SECONDED (DOUG) TO APPROVE THE MINUTES OF THE NOVEMBER 17, 2020 MEETING AS SUBMITTED. MOTION CARRIED UNANIMOUSLY.

CITIZEN INPUT AND REQUESTS:

None.

KELLY CLOSED THE REGULAR SESSION AND OPENED THE PUBLIC HEARING.

PUBLIC HEARING:

Kelly stated the hearing is quasi-judicial and the applicant is AKAAN Architecture + Design LLC and is requesting Planning Commission approval for a variance to the 50% lot coverage maximum.

Helen verified that the applicant, Al Petersen, was present along with the property owner, Gary Sailer.

Staff report:

Lauren explained the application is for a variance to exceed the 50% lot coverage requirements in the R-2 zone. She said the proposal is for 66% lot coverage or about 3,720 sq. ft. of impervious area on a 5,600 sq. ft. lot. Lauren commented the lot had been re-platted in the 80's prior to the current requirements of the zone and current lots are now required to be at least 10,000 sq. ft. She explained that due to the substandard size of the lot the applicant is requesting the variance, otherwise there would be a hardship to development since all impervious surfaces would be severally restricted to about 2,800 sq. ft. Lauren stated the proposed home does meet all the other R-2 zoning requirements.

Lauren explained that one of the purposes of the lot coverage limitation is to mitigate the impact of increased stormwater runoff volumes after the development increases impermeable surfaces at the site. The City Engineer has reviewed the proposal and found it could be mitigated if all stormwater is contained on-site. She explained that staff has included the City Engineers recommendation as a condition of approval and prior to any approval of a building permit a developer would be required to submit a stormwater report to the City Engineer for review and approval.

Lauren said staff is recommending an approval of the application to the Planning Commission as the applicant has demonstrated they met the criteria of a variance with the stormwater condition included.

Applicant presentation:

Al Petersen, with AKKAN Architecture + Design LLC at 101 St. Helens Street in St. Helens Oregon introduced himself and the property owner. Al explained that his company was given the task to design an ADA accessible home on a sloped site. He stated they proposed a single lane driveway from The Strand to the back of the lot where the garage would be located. He continued by stating halfway up the slope, the driveway meets the level of the front door, where one can stop get out and go into the house and then continue up the slope to park the car in the garage.

Al stated there was an error in the staff report that states the lot was reduced, when in fact it was actually enlarged to 5,600 sq. ft. He said the lot was part the City's original platting at 5,000 sq. ft. He mentioned that he feels the design contributes to the nature of the neighborhood as it reduces the number of parking spaces that face the street and they think that contributes to the walkability of The Strand. Al also stated that views in Columbia City are important and he has designed the living spaces to be at the front of the home. Al also mentioned that Columbia City is also known for its very large street right-of-ways. He said the street right-of-way appears to be part of the property, which it technically isn't. He explained there is a large grassy area in front of the property which is technically street right-of-way.

Al said he has reviewed the staff report and encourages the Planning Commission to approve the approval from staff except they have a problem with the condition. He commented all of us have lived in Oregon over the last few weeks and there has been a lot of rain. He referenced from the staff report that it says all stormwater must be contained on-site. Al commented that phrase is virtually impossible and one he cannot meet and feels no one could meet. He explained in standard stormwater practice there is a condition on property that they have to contain their water on-site and usually that water is treated somehow. Al stated the treatment can be accomplished in different ways, for example a detention pond or a grassy swale.

Al also has a concern about the way the City Engineer put together his report, saying water runs downhill and if you build your house at the bottom of the hill you have to expect water to run down the hill. He finds that putting this condition on the approval is excessive. He said finding a way to mitigate is one thing, but requiring someone to totally 100% guarantee that no water will leave the site is too much. Al propose that the condition be removed or drastically modified. He stated if you look at other properties in the neighborhood, they grossly exceed the 50% lot coverage maximums.

Al shared his screen of an aerial map from the County's GIS system, with the red dot showing the subject property and he referenced a property on the map that was mentioned in the Engineers report and grossly exceeds the 50% lot coverage requirement. Al said his client is being asked to project the property owner across the street, who exceeds the lot coverage. He referenced additional properties in the area stating because of the small lots and excessively wide street right-of-way they also exceed the lot coverage.

Al stated he understands the idea of protecting properties downhill when a large commercial piece of property is being developed, but this is a small residential non-conforming legal piece of property.

Al asked the Commissioner's to look at the site plan presented and he commented there will be quite a bit of landscaping. He again asked for Commissioner approval minus the Engineers condition.

Gary Sailer, property owner, stated he did talk with the neighbor Lorraine Flowers at 2225 The Strand asking about the recent heavy rains and how the runoff had been for her property and how she felt about it. He stated she said there was some standing water in the driveway, but the recent work done to The Strand prevented it from crossing the road. Gary stated the comments about water crossing the road in the Engineers report would no longer be accurate, the road is 2 inches higher than it had been in the past. He commented that Lorraine has French drains around her house not her property and her lot coverage is about 50% and with the recent rains the water did run and pool at the front of the lot, but disappeared in a day or so and never crossed the road. Gary said she didn't have any concerns.

Helen wanted to let everyone know that the address on Figure 1 of the Engineer's comments for the subject property is incorrect, it should be 2215 not 2125, the other part of the comments references the address correctly.

Input in favor:

None.

Input in opposition:

Robert Wilson, 2205 The Strand who lives just south of the subject property, is concerned the driveway as proposed on the south side of the property, would go directly over his septic tank and he is not sure if it could handle the traffic weight. He commented if the design could be rotated 180 it would really be good. Robert also mentioned the driveway would be approximately 4 feet from his bedroom window.

Written materials submitted:

None.

Staff comment:

Lauren stated it was the City Engineer, Robert Peacock, who had gone out to the site and reviewed the stormwater issue in coordination with the Public Works Superintendent so she would be unable to speak in depth to the Engineering comments. She suggested the Planning Commission might considered a continuation of the hearing in order to get further information from the City Engineer, Al Petersen and the property owner before modifying the condition or severely reducing it. She mentioned that as stated in the City Engineers comments there are no stormwater facilities in this area and the lot coverage maximum is in place to mitigate that so undue burden is not placed on property owners to develop properties and create additional impervious surfaces. She stated the Engineer could possibly be present at the next meeting if needed.

Lauren commented that staff is not aware of the septic tank location. She did comment that property owners and/or developers are required to call before they dig to confirm there are no underground utilities or septic tanks in the location they plan to dig.

Lauren also commented the Development Code only regulates the locations of structures and doesn't have setbacks for paving.

Commissioner Barbara asked how many other houses in the general area have 100% mitigation of drainage of stormwater on their property or to the City sewer system. Lauren answered Barbara to say probably none of them because they did not have a variance and the requirement at the time of their development was probably less restrictive. Lauren stated they would have been allowed to develop outright without seeking discretionary approval from the City or Planning Commission. Barbara then asked is it because he is requesting a variance that this requirement is being triggered? Lauren stated a variance cannot have an impact on public facilities in the area. She further explained in Robert's review he found that the Columbia City Development Code would require the submittal of a stormwater report to considered drainage runoff volumes and stormwater disposal and concludes that in order to approve the variance the stormwater would need to be contained entirely on the site without any additional discharge.

Al in rebuttal stated he thinks there might be a bit of misinterpretation in the Engineers comments. He stated in large properties when dealing with stormwater the engineering practice in which the stormwater is handled onsite, but all engineers know that in western Oregon there is no physical way to keep it all on-site. He went on to say that what usually happens is the stormwater is handled onsite and then is allowed to go off site after it has been, what they refer to as being treated. Al stated again that this requirement is very impractical in a small residential property. He also stated there are no stormwater facilities in the area. Al said it is slightly inaccurate to say some of the neighboring properties were developed prior to or maybe without a variance, because the property directly across the street was constructed in 2010 and City ordinances were well established when that very large house and extensive amount of paving was installed. He stated the comment that all the properties in area were done before hand is inaccurate because for sure the property across the street, as referenced in the Engineer's comments as being protect, was constructed in 2010.

KELLY CLOSED THE PUBLIC HEARING AND RECONVENED THE REGULAR SESSION.

Commissioner Barbara asked for clarification of what on the maps and drawings is city right-of-way and what is the owner's property. Lauren was able to clarify for Barbara. Barbara also wanted to be sure she understood that paving is part of lot coverage, not just a structure. Lauren shared with Barbara that lot coverage includes any impermeable surface. Barbara asked if access would also be coming from the alley or just The Strand. It was stated by Lauren and Al that the driveway does have access from both. Barbara asked if the design requires two entrances and exits or is this a desire. Her reasoning is if there is too much coverage, then why not only have access off the alley. Helen stated that the alley is not improved and in order to access solely from the alley it would have to be developed to City standards. Helen also thought there is something in code that requires special approval to only access off an alley. Lauren also commented that she is unclear of the fire and emergency access requirements, but there could be a concern about adequate turnaround area if accessing solely from the alley. Commission Chair Kelly stated if a requirement to develop the alley was made, it would put an undo hardship on a single owner when it effects more than just their property.

Commissioner Doug asked if permeable pavers, which allows the water to run through, had been considered. Lauren answered to say they have been used in the past to avoid a variance and the recommendation was made to the applicant in our initial completeness letter. However, the applicant chose to move forward with the application as presented. Helen confirmed what Lauren stated about prior use of permeable pavers and added the property owner had shared with her the cost associated with permeable pavers is quite expensive and she thought that might not be an adequate solution. She couldn't recall, but thought it had come from the City Engineer or from Public Works that they wouldn't technically resolve the concern, but they had been used in the past.

Commissioner Dana asked about the location of the neighbor's septic tank. Mr. Wilson stated the tank is located in the City right-of-way in between the two properties. He said the previous owner of his home owned both.

Barbara commented she would like to send the matter back to Public Works or the City Engineer because the 100% containment on the applicant's property is unreasonable. Kelly agreed there is additional information needed in order to be able to make a good decision. It was also determined that the septic tank location needs to be looked at before the next meeting.

IT WAS MOVED (BARBARA) AND SECONDED (DANA) TO TABLE THE DECISION UNTIL FURTHER CLARIFICATION COULD BE MADE BY THE CITY ENGINEER ABOUT THE STORMWATER RUNOFF AND SEPTIC TANK LOCATION CONCERNS WITH THE DECISION BEING CONTINUED TO THE FEBRUARY 16, 2021 MEETING. MOTION CARRIED UNANIMOUSLY.

Al asked when the 120 day deadline is for decision. Helen said the deadline is March 23, 2021.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Helen introduced Bill Amos as the new Planning Commissioner who will be appointed at the next City Council meeting and will be sworn in and ready to go for the Planning Commission February meeting. Bill introduced himself sharing he has 22 years of Planning Commission experience with the City of St. Helens and has been involved with the school district for 50 years.

Helen also shared the site development review and ordinance interpretation application for development of RV / Boat and Self-Storage Facility on the vacant commercial land near the mini mart is scheduled for the February Planning Commission meeting.

ADJOURNMENT:

Meeting adjourned at 7:27 p.m.

Kelly Niles
Planning Commission Chair

Attest by:

Helen K Johnson
Planning Administrative Assistant