

City of St. Helens City Council

Public Hearing Minutes

June 17, 2020

This meeting was held electronically via Zoom.

Members Present: Mayor Rick Scholl
Council President Doug Morten
Councilor Ginny Carlson
Councilor Keith Locke
Councilor Stephen R. Topaz

Members Absent: None

Staff Present: John Walsh, City Administrator
Matt Brown, Assistant City Administrator
Kathy Payne, City Recorder
Margaret Jeffries, Library Director
Sue Nelson, Interim Public Works Director
Jenny Dimsho, Associate Planner
Jacob Graichen, City Planner
Lisa Scholl, Deputy City Recorder

Others:	John Warneke	David Force	Michael Anders
	Diane Warneke	Shelly Nelson	Kelly Hossaini
	Maggie Sturm	Wayne Weigandt	

1) **6:00 P.M. - Open Public Hearing**

2) **Topic**

2.A Appeals of Variances for Certain Lots in Emerald Meadows Subdivision

Associate Planner Dimsho presented the staff reported dated June 10, 2020. A copy is included in the archive meeting packet. There were no ex-parte contacts, conflicts of interest, or bias in this matter. There were no objections from the audience for the Council to make a fair decision.

This hearing is an appeal of nine variance requests. The Planning Commission denied all the variances and the applicant has appealed the decision to the City Council. The request is for variances to lot coverage that range from 1% to 7.5% in lot coverage. The reason they are requesting these variances is because Lennar uses specific model types which are difficult to fit on these lots. In March 2019, Richmond American applied for and received 12 lot coverage variances, similar to what Lennar is requesting. Richmond American has since then began developing five of those lots without using those variances. This is important because the Planning Commission reviewed and approved the 12, and now they are not all being used. Typically, a subdivision could have a variance applied to it at the time of the subdivision application. Now, we are looking at this after-the-fact and that is why there are so many.

For this appeal staff report, Dimsho is going to focus on the basis for denial that the Planning Commission relied on. The Planning Commission felt that two of the five criteria were not met. They felt that adding nine lot variances was asking too much. However, the applicant has indicated that they are only asking for eight variances now. Is approving variances for 15 lots out of a 77-lot subdivision too much? The Council can grant them all or some of them.

Councilor Topaz asked about the lots that did not use the variance. If they want to change the building, will they still need that variance? Dimsho explained that they cannot go back after the fact and use them. They are mute after a year.

Councilor Topaz does not believe the overall design of that community now fits. There is a one time shot at a variance. Dimsho pointed out that variances run with the land and are based on a specific proposal for that lot.

Dimsho reviewed the conditions. The Council has three options:

1. Affirm the Planning Commission's decision and deny all eight (removing lot 66) of the variances.
2. Reverse the Planning Commission decision and approve all eight of the variances with the conditions listed in the staff report. It is important to tie the nine lots to the home plan.
3. Pick which variances you want to grant if you do not want to grant them all. She suggests selecting the lowest lot coverage requests.

Applicant Testimony

- ◆ Kelly Hossaini, Miller Nash. She represents the applicant, Lennar NW. Michael Anders, Lennar's Director of Land Acquisition; David Force, Lennar's Planning Manager; and Shelly Nelson, Lennar's Land Analyst are also in attendance. They are here this evening requesting the City Council reconsider the Planning Commission's decision to deny the variance requests. They did remove Lot 66 from the variance request, so it is eight lots now. The variances being requested are very similar to what Richmond American requested and received last year. Staff supports the variances. The variances are minimal and provide a better, more diverse housing stock for St. Helens. Plus, they provide a type of single family dwelling that citizens want.
- ◆ Mike Anders, Lennar NW. Clarified a couple public comments. First, when they enter into a contract to purchase a property, they initially do some investigation and then dive into the business points with the seller, and then put the property into contract. From that point, they investigate setbacks, CC&R's, building permits, etc. They were already in escrow when they discovered the lot coverage ratio. Second, they determined the need for more ranch style homes. Lennar builds the homes on a speculative basis. They are not closing on the property waiting for a buyer to come along. The size of homes that they believe are best for the marketplace do not fit on those lots without variances.

Kelly reiterated that the variances being requested are very small but have substantial benefits. St. Helens needs this type of one-level affordable housing. They are respectfully asking the City Council to approve all their variance requests.

Councilor Topaz asked how long they have been in business building houses. Michael responded that he does not know the exact date. They are a publicly traded company. They are currently building in about 13-14 communities in the tri-county area.

Councilor Topaz pointed out that they should have been aware of all the building codes and regulations. Saying they did not know is not valid. Michael reiterated that codes are different in every municipality they work in.

Council President Morten asked for a general characteristic and price of their ranch style design. Michael explained that they are three-bedroom, two-bath homes that are 1574 sq. ft. and 1659 sq. ft. They do not issue prices until they are ready to go to market. Their anticipated prices are competitive with what is being built in the community now.

Councilor Topaz pointed out confusion he is having with them not knowing the approximate cost of the houses, but saying they are low income housing. Michael clarified that they did not say low-income homes. Their goal is to bring competitively priced homes that a certain number of buyers can achieve.

Testimony in Favor

- ◆ Wayne Weigandt. He submitted a letter to Dimsho today with the summation of the concerns that he had for the denial. A copy is included in the archive meeting packet. He cannot understand why the Planning Commission denied it when it falls in line with what Richmond American Homes did about a year ago. This is a very small variance request. He is totally in favor with asking the Council to approve the application. He is here to answer any questions. Testimony was well presented by the attorney.

Dimsho received an email today from an abutting property owner who was in support of the application. A copy is included in the archive meeting packet. Her main points were that she would prefer no development but understands development happens and would prefer to have single level living next to her.

Councilor Topaz asked if Wayne sold the original property to this estate. Wayne confirmed that he originally owned the property that was subdivided.

Testimony in Neutral – None

Testimony in Opposition

- ◆ Al Petersen. Copy of letter in the staff report.

Rebuttal – None

3) **Close Public Hearing** – 6:40 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:


Kathy Payne, City Recorder


Rick Scholl, Mayor