

City of St. Helens

CITY COUNCIL

Public Hearing Minutes

April 5, 2017

Members Present: Rick Scholl, Mayor
Doug Morten, Council President
Keith Locke, Councilor
Susan Conn, Councilor
Ginny Carlson, Councilor

Staff Present: John Walsh, City Administrator
Matt Brown, Finance Director
Crystal Farnsworth, Communications Officer
Margaret Jeffries, Library Director
Neal Sheppard, Public Works Operations Director
Sue Nelson, Public Works Engineering Director

Others:

Kathryn Lawrence	Sean Dillon	Teresa Dillon
Andrew L. Schwiebert	Janet Abbott	Gwen McMartin
Paul Krenz	Marcia Krenz	Joe Pacitti
Ryan Kuhlmann	Thomas Gleason	Howard Blumenthal
Caroline Skinner	Tony Rockdaschel	Lisa Rockdaschel
Joseph Oakleaf	Randy Simonatti	William Probst
Leslie Heimuller	Tracy Chamberlain	Kenny Jillson
Todd Heimuller	Mike Johnson	Gloria J. Smart
J.L. Warwick	Chelsea Schultz	Steve W. Palmer
F. Brandon	M. Hallstone	Roy McCullough
Wren Christopher	Al Petersen	Don Hibbs
Amy Garber	Steve Topaz	Dennis Wilson
J.J. Duehren	Vance Gardner	



Public Hearing

Applicant: City of St. Helens

Request: Zoning Map Amendments; Comprehensive Map Amendments; Development Code Text Amendments; Comprehensive Plan Text Amendments

Location: City-wide

At 6 p.m., Mayor Scholl opened the public hearing.

Ex-Parte Contact/Conflict of Interest

Councilor Conn declared that she lives on the bluff but does not feel that it presents a conflict of interest in the matter.

Wren Cristopher personally knows Conn and feels that she cannot ethically make an unbiased decision since she lives on the bluff.

Council President Morten recommended that Councilor Conn recuse herself from voting but be allowed to participate in the discussion. Council concurred.

Staff Report

City Planner Jacob Graichen presented his staff report dated March 6, 2017. A copy is included in the archive meeting packet.

Following Graichen's review of the proposal, Council asked questions:

- 1) Will the rights of way would be protected now that Nob Hill Nature Park is designated as a park on the new zoning districts map? Graichen said that the only way to remove the right of way would be through a street vacation process.
- 2) Will height restrictions on the bluff rim prevent a developer from building a 35 foot tall wall of apartment units blocking everyone's view? Graichen said that type of development would have to meet the scenic resource review standards which require development to not block more than 50% of the river views of surrounding properties.
- 3) Will all development proposals be subject to a public hearing? Graichen said that plans approved via a development agreement will be subject to a public hearing. However, a development agreement is not required. Potentially it could be just an administrative decision.

Mayor Scholl asked what the current height restrictions are on the bluff. Graichen said that zone currently has a 35 foot height limit.

Based upon the facts and findings, staff recommends approval of the proposal.

Testimony in Favor

♦ Al Petersen, 101 St. Helens Street. He serves on the Planning Commission and was on the Waterfront Advisory Committee. He acknowledged City Administrator Walsh's hard work in getting the waterfront redevelopment process started. The Planning Commission recommended a 75 foot height restriction. He talked about a notice that has been circulating around the community and the negative impacts of not restricting building height.

Al wants to discuss ethics. Someone walked into his office and told him that he was the cause of him losing \$100,000 and that Al would benefit greatly from this development because he would be designing for the waterfront as an architect. Al informed him that would be a serious ethics violation. For the record, he files a Statement of Economic Interest report with the State annually. He would not risk his architectural license over an ethics violation. He also notifies his potential clients up front if he feels there might be an ethics violation. Three times he has called the State of Oregon Ethics Commission to verify whether proceeding with an issue was ethical or not and has followed their advice each time.

Al talked about the circulating notice's reference to property values. The most important case that allowed zoning and planning in the United States was the Village of Euclid vs. Ambler Realty Corporation. He read the ruling into the record. The US Supreme Court set two precedences:

- 1) It allowed zoning rules across the entire United States.
 - 2) It threw out the argument of property values because it is speculative and is irrelevant.
- He talked about a case in the Oregon Supreme Court as well. They made the same determination, that expected impacts must be likely to occur and not just speculative impacts.

Based on reports from the City's consultants, a large row of skyscrapers is not likely. Decisions should be based on present and future uses. Nob Hill properties are currently being used as houses and will continue to be able to be used as houses in the future.

He thinks City staff have done a wonderful job working through this process and the waterfront development plan should be adopted.

Testimony in Opposition

- ◆ Tony Rockdaschel, 475 S. 3rd Street. The request is to rezone from heavy industrial to residential. Residential zones have height limitations. It's not okay to assume that the height can be increased to 75 feet. There is already too much pressure on the Nob Hill neighborhood regarding traffic. They can't handle more traffic load in their area. The local community can't afford to move to high-rise developments. Only Portlanders will be able to afford those prices.
- ◆ Don Hibbs, 485 S. 2nd Street. He has lived there for 30 years. They have enjoyed their views as they raised their children there. He used to work at Boise and everyone he knows and who lives here say they do because it is a small community. They don't want rows of apartments and condos. The Council is proposing changing the entire atmosphere of the area from small town to high density.
- ◆ Amy Garber, 295 S. 2nd Street. She loves her view. She isn't worried about her property values because she plans on living there well into retirement. The pictures of potential development is exciting. The 75 foot building height worries her. Think about a lower number.
- ◆ Steve Topaz, 360 St. Helens Street. He thinks there should be no building height restrictions. The City will profit from permits. Jobs will be created while construction happens. Surrounding restaurants will benefit from the workers. The County is likely to receive \$6 million in taxes from this property. The City is likely to receive \$700,000 million in taxes from the property. To get rid of all of that benefit because a small group of people are trying to dictate what the codes should be is ridiculous. Think about the dollar cost of what is going on the property versus one neighborhood dictating what should happen there.
- ◆ Teresa Dillon, 475 S. 2nd Street. She is aware of the large efforts that have been undertaken to work on plans for the waterfront. Last October, the Waterfront Open House celebration felt like a great conclusion until the height discussion occurred. The proposed concept renderings from the SDAT and previous efforts were an exciting representation of what the waterfront would look like, but none of those drawings show high buildings. Those drawings are what the community was sold on. This isn't just about resident views, it's about what the community signed up for with all the visioning workshops.
- ◆ Andrew Schwiebert, 365 S. 2nd Street. He is one of the newest residents here. He loves all the trails and bluffs and stair wells in St. Helens. That is what drew him to the area. Those features need to be preserved. He hopes the Council will consider a lower number.
- ◆ Caroline Skinner, 462 S. 3rd Street. She read a letter she submitted into the record. She talked about the incorporation of Nob Hill Nature Park as a park instead of industrial land in the new rezoning. She is excited to see new land uses come to the old Veneer property and urges the Council to move forward with the rezoning of the park property. She is deeply appreciative to the City for protecting the park. She opposes allowing a 75 foot height on buildings. It does not compliment the current area. She is offended that people would say that Nob Hill residents are selfish and a minority. She thinks a height limit of 45 feet would be better.
- ◆ Leahnette Phillips, 205 Madrona Court. She does not have a river view but urges the Council to reconsider the height.

◆ Dennis Wilson, 154 S. 9th Street. He supports the Nob Hill residents who want to keep their views. He is concerned with piling so many people onto the riverfront. He likes the small town and moved here because of it. He does not want to see the town ruined by an influx of people.

◆ J.J. Duehren, Save Our Waterfront, 57250 Old Mill Road, Scappoose. She owns rental property on the bluff. She thanked Graichen for putting forth a 50-foot building height proposal. She created the Save Our Waterfront campaign and gained great traction with people. She recommends and hopes that the City Council will adopt a 50-foot building height restriction. She is concerned that there is no inclusion of affordable housing proposals or any proposals for development fees to be used toward addressing the housing crisis. She will be meeting with Portland Mayor Ted Wheeler in the upcoming weeks to collaborate on addressing the housing issue.

◆ Howard Blumenthal, 462 S. 3rd Street. He has been involved with this project since the SDAT project and served on the Waterfront Advisory Committee. It was always proposed that development would complement the existing neighborhoods. He thinks there should be a 45 to 50 foot height restriction. A 75 foot high building restriction was not proposed during any of the planning meetings. Neighborhood views are important, no matter what anyone says. The neighborhood has changed for the better since the heavy industrial use moved off the property. The citizens of St. Helens want the waterfront to be accessible for all. That area can't accept a huge number of high rise residential buildings. He understands that some development has to happen down there, but it should complement the existing buildings.

◆ Vance Gardner, 275 S. 2nd Street. He owns multiple properties with views in town. He does not want a building war to happen where buildings get taller and taller to maintain views blocked by buildings in front of them. He hopes the Council will consider the long-term results in allowing high density growth.

◆ Leslie Heimuller, 325 S. 2nd Street. She was born and raised here. The thought of our town being destroyed by high rises and more people is disheartening. The 45 foot height restriction is necessary. Development can happen without destroying the current feel of St. Helens. Condos and more and more people are not needed.

◆ Frank Brandon, 330 Tualatin Street. He is not concerned about the views, but he would like to retain the small-town feel. He used to live in Portland and was six blocks from his office. Now he drives 40 minutes from St. Helens to get to work but does not mind it because he lives in a far better place.

◆ Wren Christopher, 365 N. 3rd Street. She feels that the earth should be treated with balance. If something is built over 50 feet, there will be a problem because the infrastructure is old. Bringing in high development will create condos and more crime. Our police and fire departments do not have the capacity for that kind of growth. The Council also needs to consider that the property is a floodplain.

Rebuttal

City Planner Graichen addressed concerns raised about developers in line and standing to gain a lot of money. That is not true. Those rumors are causing a toxic social environment. The City is trying to do something with this unique property.

There were no requests to leave the record open or continue the public hearing.

Close Public Hearing and Record – 7:55 p.m.

Deliberations will be held during the regular session following this hearing.



Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:


Crystal Farnsworth, Communications Officer


Rick Scholl, Mayor