

# **City of St. Helens**

## **Planning Commission Meeting**

### **May 10, 2016**

### **Minutes**

**Members Present:** Dan Cary, Chair  
Al Petersen, Vice Chair  
Greg Cohen, Commissioner  
Sheila Semling, Commissioner  
Audrey Webster, Commissioner  
Russell Hubbard, Commissioner

**Members Absent:** Kathryn Lawrence, Commissioner  
Ginny Carlson, City Council Liaison

**Staff Present:** Jacob Graichen, City Planner  
Jennifer Dimsho, Assistant Planner & Planning Secretary

**Councilors Present:** Keith Locke, City Councilor

**Others Present:** Brad Hendrickson  
Steve Alexander  
Andrew Niemi  
Edward Kim

The Planning Commission meeting was called to order by Chair Dan Cary at 7:00 p.m. Chair Cary led the flag salute.



### **Consent Agenda**

#### **Approval of Minutes**

Vice Chair Petersen moved to approve the minutes of the April 12, 2016 Planning Commission meeting. Commissioner Semling seconded the motion. Motion carried with all in favor. Chair Cary did not vote as per operating rules.



### **Topics From The Floor**

There were no topics from the floor.



## **Public Hearing**

**Lower Columbia Engineering, LLC**

**Conditional Use Permit / CUP.3.16**

**197 N. River Street**

It is now 7:01 p.m. and Chair Cary opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter. Commissioner Webster received a notice in the mail for the proposal, but it will not impact her ability to make a fair decision in the matter. No one in the audience objected to any of the Commissioners' ability to make a fair decision.

City Planner Jacob Graichen entered the following items into the record:

- Staff report packet dated May 3, 2016 with attachments

Graichen introduced the proposal to the Commission and discussed recommended conditions of approval as presented in the staff report. Commissioner Cohen asked if having only one entrance concerned the City as far as maneuverability. Graichen said yes, that is why conditions 2(a)(ii) and 6 are included. Condition 2(a)(ii) requires that a maximum size be posted at the entrance and condition 6 allows the City to restrict the size further if deemed necessary to protect the public, health, safety, and welfare.

Chair Cary asked if the steep slope was an issue for development. Graichen said the slope is something that can be worked out. City Engineering has had plans for a Wyeth Street connection between River Street and 2<sup>nd</sup> Street for some time. Graichen explained because this circumstance has limited space, there is some flexibility in design.

Graichen said Columbia River Fire & Rescue said there are not enough vehicle spaces in the proposal to warrant a second exit for vehicles, but an alternate pedestrian egress will be required. Graichen said that landscaping along the perimeter of the travel trailer park and the public right-of-way between Wyeth Street access improvements and the subject property will contain required vegetation and street trees.

### **IN FAVOR**

**Alexander, Steve. Lower Columbia Engineering, LLC. Applicant.** Alexander explained that RV sites are a growing commodity in the U.S. As baby boomers retire, sites like this are in demand across the United States. This is a great location because it is close to the park, downtown, the marina, and it is walkable. RV parks add to the economic mix of St. Helens. Alexander said they do not take any exception to the conditions Graichen included in the staff report. They will work with City Engineering to meet the Wyeth Street improvement access requirements.

**Niemi, Andrew. Lower Columbia Engineering, LLC. Applicant.** Niemi said the property owner already operates a small RV park in the area. It fits in well to the area and it is well managed. This proposal is only five spaces. The frequency for in and out traffic conflicts is pretty rare. Niemi explained that the steepest portion of the driveway is 16 percent. Columbia River Fire & Rescue said that 16 percent has been the threshold for slope if it is paved. They will be sensitive to ensure a gradual grade change to make sure RVs will not bottom out. They do not want RVs or trailers to scrape up the City's street.

Vice Chair Petersen asked what elevation the site will be. Niemi said he hopes to level the site off at around 35 feet, down from about 40 to 45 feet. There may be some changes, because the excavation crew has not come and done testing to see how workable the rock is.

Hubbard asked if there is a reason why they did not want to design the driveway as a hammerhead for

easier maneuverability, particularly for parking space number one. Chair Cary had the same question. Niemi said the person who is going to deal with conflict the most if it is not designed appropriately is the property owner. They have played around with some hammerhead designs, but ultimately, the final design will be the one that creates the easiest maneuverability.

Commissioner Cohen asked if they considered vehicular visibility coming from down the hill. Niemi said it did not seem to be an issue because of the low speed and low traffic.

Vice Chair Petersen asked how the applicant will provide proof that turning radiuses will be met to satisfy the condition Graichen included. Niemi said if the maximum width for the spaces is 35 feet, they will do the calculations for this width. He also pointed out there is a sample 40-foot motor home turning radius provided on the site plan.

## **IN OPPOSITION**

No one spoke in opposition.

## **END OF ORAL TESTIMONY**

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

## **CLOSE PUBLIC HEARING & RECORD**

The applicant waived the opportunity to submit final written argument after the close of the record.

## **FURTHER QUESTIONS OF STAFF**

Vice Chair Petersen asked about condition 2(b)(i) which requires the applicant to connect the travel trailer park to River Street with a pedestrian connection. The City's conceptual drawing connecting River Street to 2<sup>nd</sup> Street shows a pedestrian path on one side. Vice Chair Petersen asked if the Wyeth Street improvement to 2<sup>nd</sup> Street should include the pedestrian way that is anticipated in the City's conceptual drawing. Graichen noted condition 2(b)(v) that says that the Wyeth street design shall not deter the ability to extend the street. The Commission decided this condition would also maintain the ability to extend the pedestrian path.

## **DELIBERATIONS**

Vice Chair Petersen thinks Graichen's conditions did a good job addressing the aspects of this proposal. He feels that the Commission's expressed concerns are addressed with the conditions provided in the staff report. Commissioner Webster agreed.

## **MOTION**

Vice Chair Petersen moved to approve the Conditional Use Permit as written. Commissioner Webster seconded. All in favor; none opposed; motion carries.

Commissioner Cohen moved for Chair Cary to sign the Findings and Conclusions once prepared. Vice Chair Petersen seconded. All in favor; none opposed; motion carries.



## **Public Hearing**

**Lower Columbia Engineering, LLC**

**Conditional Use Permit & Access Variance / CUP.4.16 & V.4.16**

**134 N. River Street**

It is now 8:03 p.m. and Chair Cary opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

Jacob Graichen entered the following items into the record:

- Staff report packet dated May 3, 2016 with attachments

Graichen said the applicant would like to continue the public hearing to the June 14 meeting. Graichen would like the applicant to provide an extension of 120 day rule. The applicant will provide a letter that the 120 days will be extended from August 18, 2016 to September 19, 2016.

### **MOTION**

Commissioner Webster moved to continue the hearing to the June 14 meeting at 7 p.m. Commissioner Hubbard seconded. All in favor; none opposed; motion carries.



## **Public Hearing**

**Edward Kim**

**Conditional Use Permit / CUP.5.16**

**264 N. Columbia River Hwy**

It is now 8:12 p.m. and Chair Cary opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter. Commissioner Webster said she was contacted by a property owner adjacent to the subject property, but did not discuss the proposal with her. No one in the audience objected to any of the Commissioners' ability to make a fair decision.

Graichen entered the following items into the record:

- Staff report packet dated May 3, 2016 with attachments

Graichen introduced the proposal to the Commission and discussed the approval criteria and recommended conditions, as discussed in the staff report. Graichen explained that the driveway access to this property requires crossing through ODOT right-of-way and through private property. Access from ODOT Rail was formally received on May 5. However, Bonnie Masterson, the current owner of the private property in which access is required to reach the subject property, is concerned about an increase of traffic that would impact her commercial tenants. Testimony from Masterson was received after packets were mailed out. Masterson's request is that Commission approval be withheld until a formal easement is secured or a new driveway is developed that will not impact her tenants. Graichen discussed a 20 foot access easement from a partition completed during the 1980s to benefit an adjacent flooring company, but this easement was not officially recorded. Graichen also showed the Commission a document the applicant provided that was signed by Bonnie Masterson which granted access to the subject property, but was not officially recorded.

Commissioner Cohen asked about security lighting. Graichen said the applicant proposed security cameras, so lighting could certainly be included. Commissioner Cohen also asked how odor will be monitored and controlled. Graichen said there is a condition that states no odor is allowed outside of the property lines. He

explained if there is a complaint, we have a condition that allows us to address it. Commissioner Cohen asked if this property was within 1,000 feet of a school. Graichen said that rule applies to retailers and dispensaries, not for facilities growing marijuana.

## **IN FAVOR**

**Wilner-Nugent, Bear. 620 SW 5<sup>th</sup> Ave. Suite 1008, Portland. Applicant's Lawyer.** Wilner-Nugent represents the applicant for this Conditional Use Permit. He commends Graichen for his thoroughness. Wilner-Nugent represents many applicants across the state and has many licenses pending before the OLCC for businesses like this proposal. He explained that local land use approval must be received before state approval. This is why they will not be filing an OLCC application until this decision is finalized. Wilner-Nugent said there are no buffers for grow facilities in either the state or local laws. He also clarified that the only proposed use is growing plants, not processing.

Wilner-Nugent explained the applicant is proposing to construct a septic system on site. The proposal is to grow plants in inside containers, so there will be no run-off into the wastewater system. It would be very counterproductive to the goal of growing marijuana if they had water runoff into the system. Wilner-Nugent said the only wastewater that will go into the septic system will be human waste.

In Wilner-Nugent's legal opinion, the contract regarding access conveys an easement. He said easements in Oregon are not required to be recorded or notarized, but it is certainly better when they are. There is also no evidence in the record before the Commission that abandoned the contract. Wilner-Nugent said the origin of the document was Carol Chan, who is the broker at John L. Scott real estate that assisted the property owner in purchasing the subject property. He believes she received the document from the title company, Tigor Title. If necessary, they are open to leaving the record open to do additional investigation.

Regarding lighting and security, OLCC administrative rules require that they install security cameras to record conditions at entrances (including windows and doors) and in all lighting conditions (infrared). OLCC is primarily concerned with limiting access to the facility and documenting any unauthorized access attempts. They also require that video surveillance footage is stored for up to a month. Wilner-Nugent believes this requirement addresses the Commission's concerns about security lighting.

Wilner-Nugent said that odor filtration is proposed and would mitigate any off-site impact.

Vice Chair Petersen asked about the legitimacy of the easement. Wilner-Nugent said it was originally created during the sale of the property in 2001 to the previous property owner, Aeries Landscaping. This issue was brought to Wilner-Nugent's attention only yesterday, and he reached out to Bonnie Masterson immediately, but she has not returned their phone calls.

**Kim, Edward. Applicant.** Commissioner Cohen asked about runoff water getting into the system. Kim said it is a soil-based plant, not hydroponic, so any extra water evaporates. Chair Cary asked if they have received a bid for installing the septic system because of shallow bedrock. Kim said they have received a quote and are confident that installation is not cost prohibitive. They anticipate only emptying the septic once a year because the amount of waste is so small.

**Yi, Eric. Applicant's Business Partner.** Yi said his business partner, Edward Kim, is very calculated and makes sure everything is done right. Yi said there were homeless camps and people trespassing on the subject property before they bought it. They put up surveillance cameras and made the location much more secure. Yi said they appreciate the opportunity to be in St. Helens.

## **IN OPPOSITION**

No one spoke in opposition.

## **FURTHER QUESTIONS OF STAFF**

Chair Cary asked if they should continue the hearing or require a condition that access be resolved. Graichen said there could be a condition that states access should be resolved before building permit issuance. Commissioner Cohen pointed out that the letter from Masterson specifically requested that the Commission not make a decision until access is resolved. Commissioner Webster is also uncomfortable making a decision without an access resolution. Graichen said the other option is to close the hearing tonight and re-open at a time and date certain.

## **END OF ORAL TESTIMONY**

The applicant is interested in continuing the hearing to the next Commission meeting and agreed to extend the 120-day rule by 30 days.

## **CLOSE PUBLIC HEARING & RECORD**

The applicant waived the opportunity to submit final written argument after the close of the record.

## **DELIBERATIONS**

The Commission would like more information about the source and legitimacy of the access agreement before making a decision. Vice Chair Petersen would like to continue the hearing until the June 14 Commission meeting.

## **MOTION**

Commissioner Cohen moved to re-open the public hearing and continue deliberations at the June 14 Commission meeting at 7:30 p.m. Commissioner Webster seconded. All in favor; none opposed; motion carries.



## **Planning Commission Annual Report to Council**

Graichen asked the Commission if anyone would like to present the annual report to Council on June 1 at 1:30 p.m. Councilor Locke said it is nice when Commissioners present instead of staff. Vice Chair Petersen said he would show up if he is available, but he may be out of town.

Graichen asked if there is anything the Council can do to support the Commission. Commissioner Cohen and Vice Chair Petersen said they would like Council to address marijuana production, manufacturing, and distribution facilities. Commissioner Cohen feels like other communities were more proactive about their rules. Commissioner Semling feels the City should address how many of these production, manufacturing, and distribution facilities will be allowed in St. Helens. Chair Cary would also like to see Council address where these facilities should be located.

Vice Chair Petersen also thinks that the development code should require documentation (drawing, photos, etc.) of buildings in the historic district prior to demolition.



### **Planning Director Decisions**

- a. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – Race Against Child Abuse
- b. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – Fly-In/Cruise-In Event
- c. Sensitive Lands Permit at 134 N. River Street – Lower Columbia Engineering, LLC
- d. Accessory Structure at 400 N. Vernonia Rd. - New storage shed
- e. Home Occupation (Type I) at 425 N. 9<sup>th</sup> Street - Home office for an equine massage business
- f. Sign Permit (Wall) at 31 Cowlitz Street – Tater Rental LLC
- g. Accessory Structure at 35889 Pittsburg Rd. – New detached garage

There were no comments.



### **Planning Department Activity Reports**

There were no comments.



### **For Your Information Items**

There were no for your information items.



There being no further business before the Planning Commission, the meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Jennifer Dimsho  
Planning Secretary

### 2016 Planning Commission Attendance Record

*P=Present A=Absent Can=Cancelled*

Date	Petersen	Hubbard	Lawrence	Cohen	Cary	Semling	Webster
01/12/16	P	P	P	A	A	P	P
02/09/16	A	P	P	P	P	P	P
03/08/16	P	P	P	A	P	P	P
04/12/16	P	P	P	P	P	P	P
05/10/16	P	P	A	P	P	P	P
06/14/16							
07/12/16							
08/09/16							
09/13/16							
10/11/16							
11/08/16							
12/13/16							