

City of St. Helens
Planning Commission Meeting
June 14, 2016
Minutes

Members Present: Dan Cary, Chair
Al Petersen, Vice Chair
Greg Cohen, Commissioner
Audrey Webster, Commissioner
Kathryn Lawrence, Commissioner
Russell Hubbard, Commissioner

Members Absent: Sheila Semling, Commissioner

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

Councilors Present: Ginny Carlson, City Council Liaison

Others Present: Brad Hendrickson
Steve Alexander
Andrew Niemi
Teresa Dillon
Sean Dillon
Don Hibbs
Bryan Garver
Derrick Duehren
James Smith

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

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Consent Agenda

Approval of Minutes

Vice Chair Petersen moved to approve the minutes of the May 10, 2016 Planning Commission meeting. Commissioner Webster seconded the motion. Commissioner Lawrence did not vote due to her absence from that meeting. Motion carried with all in favor. Chair Cary did not vote as per operating rules.

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Topics From The Floor

Dillon, Teresa. 475 S. 2nd Street. Dillon introduced the Commission to their new neighborhood group, Friends and Neighbors of Columbia River View. There are several members of the group in the audience. Dillon said the group consists of smart, capable families who want to actively participate and make St. Helens a better place. The group consists mostly South 2nd, 3rd and 4th Street residents.

They formed the group because of their concerns about safety because of a recent home invasion and their concerns about land use and zoning in the immediate area. Dillon said they want feedback from the City about what their group can do to be involved and recognized as a neighborhood group in future decision making. They have a few ideas, like improving pedestrian staircase at either end of Tualitan Street and installing a pocket park. Overall, they want to be involved in city planning and volunteer.

Dillon asked a question about the Waterfront Redevelopment Overlay District (WROD) from 2009. City Planner Jacob Graichen said that the property was owned by Boise, not the City, when the WROD was developed. Graichen explained the adopted overlay district included a height restriction that decreased closer to the water. Height restrictions were included in the WROD because of public input about preserving views from residents in the bluff. Dillon said she has been participating in the waterfront redevelopment meetings and always comments about height, but it has never been addressed. Vice Chair Petersen encouraged that their group continue to participate because as the process moves further, height will be addressed. Dillon reiterated that they are invested property owners, not just visitors to the site.

Dimsho, Jennifer. Assistant Planner. Dimsho introduced the Commission to the Arts & Cultural Commission's Gateway Sculpture Project: Phase Two. She passed out handouts and explained the Kickstarter fundraising campaign through June and they are trying to raise \$16,000. They are 33 percent funded as of today.

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Public Hearing

Lower Columbia Engineering, LLC

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

134 N. River Street

It is now 7:16 p.m. and Chair Cary continued the hearing for 134 N. River Street. Commissioner Lawrence was absent during the last meeting, but she has no ex-parte contacts, conflicts of interest, or bias in this matter. No one in the audience objected to her ability to make a fair decision in the matter.

Graichen entered the following items into the record:

- Staff report packet dated June 7, 2016 with attachments

Graichen introduced the Commission to the proposal and recommended conditions as presented in the staff report. He recommended that the Commission address the Access Variance before the Conditional Use Permit because denying the Variance will create problems for the Conditional Use Permit.

Chair Cary asked about Graichen's riparian buffer interpretation. Graichen said the intent of the riparian buffer is protect the integrity, function, and value of the resource. The Commission needs to decide if having vehicles this close to the Columbia River creates an additional impact. Graichen explained that in this case, the proposal is not disturbing native vegetation because there was not any to begin with. Chair Cary clarified that our code does not have any stipulations about improving the riparian buffer, but only requires maintenance of what is already existing. Graichen said yes, this is the conclusion he has come to over his tenure.

Commissioner Lawrence asked about the steep bank. Graichen said the applicant can address this.

Commissioner Cohen asked if they Commission has to be concerned about runoff of oils into the Columbia River from vehicles and RVs. Graichen said that the code requires pavement (instead of gravel). The

Commission can also consider a condition about addressing storm water carefully for runoff and having a collection device to separate oil and water, for example.

IN FAVOR

Alexander, Steve. Lower Columbia Engineering, LLC. Applicant. Alexander said Graichen did a good job explaining the proposal. He feels this use is a good fit for the area because it is close to downtown, the park, marina activities, and it is walkable. He said River Street will gain an improved streetscape (street trees and landscaping) that continues from other proposals.

Vice Chair Petersen asked what elevation they have to build at to stay out of base flood elevation. Alexander believes it is 26.3 feet in this area. The sewer line must be above this elevation or flood proofed. Alexander also explained that there are street trees proposed along River Street and along the cul-de-sac side of the parking lot to meet the screening requirements.

Chair Cary asked what kind of trees would be planted. He would like to see larger species that can be used as wildlife habitat within the riparian area.

Niemi, Andrew. Lower Columbia Engineering, LLC. Applicant. Niemi wanted to address the stability of the site for RVs and vehicles and the protection of the embankment. Niemi explained that as engineers, they are required to do some test digging. Normally in St. Helens, there is an issue with too much rock. If they find the soils in this area are too sandy and unstable during the test digging, they will take that into consideration during the design process, which is the next step should the Commission approve the Conditional Use Permit. Niemi said bio-engineering bank stabilization will be included to address the sloughing off of the bank that some Commissioners and Graichen noted in the staff report. Niemi said part of the development process may include vegetative mats, native plantings, and possibly some woody debris to help establish native vegetation and limit erosion. Niemi said the property owner does not want to be dealing with erosion issues. He sees the proposed development as a chance to address and manage erosion properly, not worsen the bank conditions. They will work with DSL as needed through this process. He said they are currently working on four other bank stabilization projects and are well versed in coordinating with DSL through these projects. Vice Chair Petersen asked if they will be going through DSL to figure out what type of bio-engineering bank stabilization they will do. Niemi said they may not necessarily require a DSL permit for the work they are doing. They may apply for General Authorization (GA) or they may do work that does not require a GA. For example, Niemi explained if they remain outside of Ordinary High Water boundary, DSL does not need to be notified.

Chair Cary asked if there are any other developments this close to the Columbia River in St. Helens. He is concerned that there is no buffer between the proposal and the river. Cohen agreed that runoff from vehicles should be addressed. Chair Cary also noted that there are fourteen threatened or endangered species in the Columbia River. Niemi said the Commission has the authority to include a condition regarding runoff. He noted that the vehicles using the proposed parking area are no different than the marina facilities just south of the proposal. He also noted there is a spill kit at the adjacent boat ramp for these concerns.

Chair Cary said he wished that the applicant had come to the Commission with a complete plan for bank stabilization because plantings would help with runoff pollutants and would help address the issue that the proposal is within the riparian buffer. Niemi said with any land use permitting process, they must balance how far they design the proposal before receiving land use approval.

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

Chair Cary asked about the protection zone along the river. Graichen said that from 75 feet from top of the bank is considered the protection zone. However, in this case, Graichen noted there are historical impacts to the area which are well within the 75 foot distance, such as the developed street.

DELIBERATIONS

Vice Chair Petersen said that the one-way in and one-way out Access Variance proposal is a safer alternative than the previous proposal, which required nearly every vehicle back into the site. Chair Cary agreed, and he noted that the storm water outfall and boat ramp necessitate the Access Variance.

MOTION_A

Vice Chair Petersen moved to approve the Access Variance Permit as written. Commissioner Cohen seconded. All in favor; none opposed; motion carries.

DELIBERATIONS

Regarding the Sensitive Lands Permit, Vice Chair Petersen said he feels the site has been impacted greatly, most recently with the dredge spoils and as a construction site for the storm drain outfall project. He is a little uncomfortable approving it with just a small note on the plan that mentions bank stabilization. Commissioner Lawrence is concerned about the safety of the site with the steep bank and the environmental concerns associated with the riparian area. Vice Chair Petersen summarized the two main concerns of the Commission: the erosion of the bank and improvement of the riparian area. Graichen said the Commission could include a condition about requiring a plan for bank stabilization and riparian flora which needs to be completed before development or occupancy.

MOTION_B

Vice Chair Petersen moved to approve the Sensitive Lands Permit with the additional condition requiring a bank stabilization plan and riparian flora. Commissioner Lawrence seconded. All in favor; none opposed; motion carries.

MOTION_C

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.

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Public Hearing

Edward Kim

Conditional Use Permit / CUP.5.16

264 N. Columbia River Hwy

Graichen said the applicant's attorney requested to continue this hearing to the next meeting because they are making progress on acquiring legal access to the site. The applicant also waived the 120 day rule.

Commissioner Cohen moved to continue the public hearing to the July 12 meeting at 7 p.m. Vice Chair Petersen seconded. All in favor; none opposed; motion carries.

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Public Hearing

Lower Columbia Engineering, LLC

Conditional Use Permit & Variances (2) / CUP.7.16, V.5.16, & V.6.16

104 & 114 River Street

It is now 8:37 p.m. and Chair Cary opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

Graichen entered the following items into the record:

- Staff report packet dated June 7, 2016 with attachments

Graichen introduced the proposal to the Commission and the recommended conditions of approval as presented in the staff report. Regarding the Conditional Use Permit, he asked the Commission to consider whether or not the applicant met the approval standard related to exterior elevations on page six. Graichen also noted that in addition to the wide driveway approach, there are some design standards not met (on page ten) which rely on approval of the Access Variance.

Vice Chair Petersen asked how the wetlands and the Setback Variance were related. Graichen explained that rather than encroach onto the wetlands, the applicant's proposal stays within the already impacted area. Further, there is a rule that allows adjustment of a setback by up to 50 percent to avoid wetlands, riparian areas, or protection zones, which could be argued as helping to meet the "minimum necessary" setback variance criteria.

Regarding the Access Variance, Graichen noted that the applicant proposed a mountable curb to compensate for the wide driveway, which would help protect the safety of pedestrians on the driveway more than a standard approach.

IN FAVOR

Alexander, Steve. Lower Columbia Engineering, LLC, Applicant. Alexander said that Graichen explained the objective of the proposal pretty well. Alexander said they wanted to preserve the green area adjacent to the river, while maximizing what they could get out of the lot. This is why the proposal is so close to the right-of-way. Regarding exterior elevations, Alexander said the proposed recesses are six feet, not eight feet like the code requires, but he feels the intent to break up the exterior elevation is met.

Niemi, Andrew. Lower Columbia Engineering, LLC, Applicant. Chair Cary asked why they did not want to move the development further north. In the future, the applicant would like to preserve the ability

to develop it in the future. Chair Cary said there is not a great argument to allow for a zero-foot setback on the northern property line, especially since they own the adjacent property and it is undeveloped. Graichen noted there is a requirement for shared outdoor recreation areas, and the projection on the north side of the development accommodates this.

Chair Cary noted concerns about the Ordinary High Water delineation because it had not been concurred with the Department of State Lands. He thinks the Ordinary High Water boundary is closer to 16 feet, not 12 feet.

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.

DELIBERATIONS

Chair Cary noted that the right-of-way is one of the remaining areas along the river for public access. Vice Chair Petersen agreed, but feels that these discussions do not relate. There are two separate issues for the proposal: wetlands and side yard setbacks. Vice Chair Petersen feels this request for a setback variance is self-imposed. They designed large units and pushed them as far south as they could. He said the argument that it is protecting the open space north of the proposal does not mean much because it is still private property. Commissioner Cohen said it seems like the applicant is trying to squeeze too much into the existing footprint.

Chair Cary noted the two trees in the photos. If the buildings we pushed further north, the trees may not need to be taken out, which would help preserve riparian trees.

Regarding the Access Variance, Chair Cary thinks the applicant makes a good case for reducing bumps for pedestrians and bicyclists. Vice Chair Petersen asked why they are providing 13 parking spaces. Graichen said tandem parking is not something he has ever approved during his tenure because the spaces cannot act independent of each other. Chair Cary asked about including an additional landscaping median in the driveway. Commissioner Hubbard suggested proposing it in front of unit three.

MOTION_A

Vice Chair Petersen moved to deny the Setback Variance Permit. Commissioner Cohen seconded. All in favor; none opposed; motion carries.

MOTION_B

Commissioner Webster moved to approve the Access Variance Permit. Commissioner Lawrence seconded. Commissioner Cohen, Commissioner Webster, Commissioner Hubbard, and Commissioner Lawrence in favor; Vice Chair Petersen opposed; motion carries.

MOTIONc

Vice Chair Petersen moved to approve the Conditional Use Permit with the additional conditions to preserve trees greater than six inches in diameter (if development allows), to reduce the number of proposed off-street parking spaces by one, include an additional landscaping median (e.g., in front of unit 3), and to alter the language in condition 2(a)(iv) to address the denial of the Setback Variance. Commissioner Cohen seconded. All in favor; none opposed; motion carries.

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

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Public Hearing

St. Helens Church of the Nazarene Conditional Use Permit / CUP.6.16 2360 Gable Road

It is now 10:01 p.m. and Chair Cary opened the public hearing. Vice Chair Petersen declared an ex-parte contact. Petersen met with Pastor Smith two times prior to this proposal about potentially hiring him to do design work, but he was not selected to do the work. No one in the audience objected to any of the Commissioners to make a fair decision in this matter.

Graichen entered the following items into the record:

- Staff report packet dated June 7, 2016 with attachments

Graichen introduced the proposal to the Commission and discussed the recommended conditions of approval as presented in the staff report. Commissioner Cohen asked how long the ODOT-funded grant for Gable Road pedestrian improvements is likely to stay open. Graichen said there is no consensus on the timeframe and that it is Columbia County managing the grant, not the City. Chair Cary asked if they could include a Waiver of Remonstrance instead of requiring frontage improvements. Graichen said yes. Commissioner Cohen asked if there are any existing sidewalks on that side. Graichen said no.

IN FAVOR

Smith, James. St. Helens Church of the Nazarene. Applicant. James has been a pastor with the Church for 28 years and is very familiar with the surrounding area. Regarding storm water, he said that the Safeway loading dock parking lot next to their property is in a low spot and during storms, the water collects and runs onto their property. However, he also noted that the property just to the east of the church is owned by someone within their congregation and they have never seen standing water.

Smith said their congregation is growing and they would like to separate the assembly room from three separate educational facilities for children of various ages. Since the proposal was submitted originally, they hired an architect and had building plans drawn up. These were passed out to the Commission.

James said he is in agreement with the condition that requires them to direct storm water from the roof to Gable Road. Smith said the access into the parking lot is about 60 percent on the Public Health Foundation's property and 40 percent on the Church's property.

Smith said he is aware that all new accesses need to have sidewalks to the street or parking lot. There was

discussion about having a second access leading to a special parking space, but it would not meet access standards. Smith said he would be okay with only having one driveway and constructing sidewalks. However, he noted that the estimated valuation of the addition at just under \$300,000 seemed high and that the estimated work for the sidewalks at \$6,000, seemed low. Graichen said the building addition value is from the International Code Council, which is a standard way to estimate building value. Graichen said the sidewalk estimate was provided by City Engineering and may not include engineering costs. Smith said the Church has estimated the cost project at about \$70,000, which includes some volunteer labor and free project management. Smith said if the Commission requires that he build sidewalks, he will budget for it and see if they can afford it. If not, the project will just be delayed. He is also open to sharing the cost with a future developer.

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.

DELIBERATIONS

Commissioner Cohen suggested changing condition 2(b) to be a requirement that the applicant sign a Waiver of Remonstrance. Commissioner Cohen said there are no sidewalks adjacent to the property and it would be unfair to require one property owner to install them, especially with the ODOT grant. The Commission agrees.

MOTION

Commissioner Cohen moved to approve the Conditional Use Permit with the change to condition 2(b) to require a signed Waiver of Remonstrance instead of requiring street frontage improvements. Commissioner Webster seconded. All in favor; none opposed; motion carries.

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

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Acceptance Agenda: Planning Administrator Site Design Review

- a. Site Design Review (Minor) at 58646 McNulty Way – Parking lot expansion
- b. Site Design Review (Scenic Resource) at 104 & 114 N. River Street – Construction of a four unit multidwelling building

Commissioner Cohen moved to accept the acceptance agenda. Commissioner Webster seconded. All in favor; none opposed; motion carries.

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Planning Director Decisions

- a. Sign Permit at 131, 133, 135, 137 N. River Street (fourplex condo) - St. Helens Marina, LLC
- b. Sensitive Lands Permit at 58646 McNulty Way – Parking lot expansion along McNulty Creek
- c. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – St. Helens Kiwanis Parade
- d. Sensitive Lands Permit at 104 & 114 N. River Street – Building in a floodplain

There were no comments.

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Planning Department Activity Reports

There were no comments.

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For Your Information Items

Dimsho discussed the next Waterfront Redevelopment Open House on July 6 at the Columbia River Receptions & Events at Meriwether Place. Doors open at 5:30 p.m. with a presentation at 6 p.m. Staff and project consultants would like input on the preferred framework plan, specifically circulation design, land uses, amenities, and project phasing. Waterfront planning implementation, including potential funding and financing options, will also be discussed.

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There being no further business before the Planning Commission, the meeting was adjourned at 10:50 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	P	P	P	P	P	A	P
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