

**City of St. Helens**  
**Planning Commission Meeting**  
**June 13, 2017**  
**Minutes**

**Members Present:**

Al Petersen, Chair  
Dan Cary, Vice Chair  
Greg Cohen, Commissioner  
Sheila Semling, Commissioner  
Audrey Webster, Commissioner  
Kathryn Lawrence, Commissioner  
Russell Hubbard, Commissioner

**Staff Present:**

Jacob Graichen, City Planner  
Jennifer Dimsho, Associate Planner

**Councilors Present:**

Ginny Carlson, City Council Liaison  
Keith Locke, City Councilor

**Others Present:**

Howard Blumenthal  
Wayne & Brad Weigandt  
Teresa & Sean Dillon  
Andrew Niemi  
Brad Hendrickson  
Jud Cowell  
Roy & Julie Wheeler  
Matt Perkins

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

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**Consent Agenda**

**Approval of Minutes**

Commissioner Semling moved to approve the minutes of the May 9, 2017 Planning Commission meeting with the change that Commissioner Cohen was absent from the meeting. He was listed in both present and absent. Commissioner Webster seconded the motion. Motion carried with all in favor. Chair Petersen did not vote as per operating rules. Commissioner Cohen did not vote due to his absence from that meeting.

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**Topics From The Floor**

There were no topics from the floor.

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**Public Hearing**  
**Sean & Teresa Dillon**  
**Variance / V.1.17**  
**475 S. 2<sup>nd</sup> Street**

It is now 7:01 p.m. and Chair Petersen opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

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

- Staff report packet dated June 6, 2017 with attachments

Graichen introduced the proposal to the Commission and went through the recommended conditions of approval, as presented in the staff report. He added into the record a referral letter received from the Fire Marshal that requested the subject property install address numbers that meet fire code standards. Graichen said the deck is already built, but they had not yet received a building permit. The building permit application triggered the need for a variance to the front setback.

Vice Chair Cary asked where the road was positioned in the right-of-way. Graichen said the road is closer to the subject property because the right-of-way slopes into the bluff on the opposite side of the road from the subject property.

**IN FAVOR**

**Dillon, Teresa. Applicant.** Dillon explained that the intent of the variance is to maximize otherwise unused, front-of-house, outdoor space. Dillon explained that she is receiving a 20 percent reduction of the front setback without a variance, so the variance request is a four-foot front setback variance for an eight-foot deck. Dillon explained the special circumstances. She said her front yard is exceptionally small and sloped, making it virtually unusable. She also explained that the existing deck was built and permitted in 2013. A variance was not required, even though it extends 12 feet from the house. Dillon said the new deck will not encroach on air, light, and space of neighbors because there are no neighbors across the street. Dillon said the new deck above the garage will not affect the flow of car traffic because there is only one other house that uses 2<sup>nd</sup> Street to access their property because it is a dead-end street. Parking will not be affected by the deck. Dillon said there is an added egress out of their home, which adds personal safety. Dillon said the deck allows them to enjoy the space in the front of their house with the added safety of not being at vehicle level, which is especially helpful during popular events like 13 Nights on the River, Fourth of July, Spirit of Halloweentown, and the Christmas Ships. Dillon said the deck is the size proposed because a table and chairs would not work with anything smaller. Dillon said the deck is supported by many of her neighbors who have signed a letter stating that they are in favor. It included everyone on S. 2<sup>nd</sup> Street and within the 100-foot notice area. She added an additional list of supporters into the record. Dillon also added an exhibit that shows the sidewalk along S. 2<sup>nd</sup> Street into the record. After measuring, Dillon said the average setback in the area is 15 feet along S. 2<sup>nd</sup> Street. Dillon said this proposal is called a variance, but a 15-foot front setback is very typical for the neighborhood. Dillon said the builder of the deck is also here to speak if there are further questions.

**IN OPPOSITION**

No one spoke in opposition.

**END OF ORAL TESTIMONY**

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

## **FURTHER QUESTIONS OF STAFF**

Chair Petersen asked if porches are allowed to encroach into the front setback. Graichen said yes, open porches that are not covered are allowed to encroach into the front setback, but it is limited. This exception does not apply in this case. Graichen also clarified that the building permit that was received in 2013 was like-for-like replacement of a deck assumed to be grandfathered.

## **CLOSE PUBLIC HEARING & RECORD**

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

## **DELIBERATIONS**

Vice Chair Cary said the deck makes the appearance of the property look better. Commissioner Webster agreed. Chair Petersen noted that on the added list of signatures that was added into the record, the adjacent neighbor was added. Chair Petersen said he could understand why the applicant is proposing this deck, since the river view is on this side of the house. Commissioner Webster thinks there is no reason not to allow this variance. The Commission agreed.

## **MOTION**

Commissioner Semling moved to approve the variance permit. Commissioner Webster seconded. All in favor; none opposed; motion carries.

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

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## **Public Hearing**

**Brad Weigandt**

**Conditional Use Permit / CUP.1.17**

**N. Vernonia Road**

It is now 7:41 p.m. and Chair Petersen 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 6, 2017 with attachments

Graichen introduced the proposal to the Commission and went through the recommended conditions of approval, as presented in the staff report. He noted two referral letters that were received after the staff report was prepared. The Fire Marshal requested address numbers meet the fire code standards and that the driveway access and clearance standards be met. The City Engineer requested that the sanitary sewer line be physically located to ensure it is within the easement and if it is not, to require an adjustment to the easement to include the sewer line. The City Engineer also requested that storm infrastructure be directed towards existing storm drainage in N. Vernonia Road. Graichen discussed how these referral comments can be incorporated into additional conditions. Graichen noted that a fee in lieu

of frontage improvements is recommended by staff due to the lack of sidewalks in the surrounding area, but ultimately this is a decision of the Commission. The Commission can also decide whether or not to require street trees. Graichen noted that because N. Vernonia Road is a collector street, the driveways must prevent backward maneuvering. He also said the applicant needs to provide a revised site plan that delineates a maximum driveway approach of 24 feet and how the four non-tandem parking spaces would fit and function.

Vice Chair Cary noted that the trees are located over the sewer easement, which may cause long term issues with their root system.

## **IN FAVOR**

**Weigandt, Brad. Applicant.** Weigandt said the site plan he originally submitted was a quick sketch and he had not worked out the specifics. He described a few methods he could use to provide the required four non-tandem parking spaces. Vice Chair Cary asked if there was a reason why he placed the building so close to N. Vernonia Road. Weigandt said no, he could easily pull the structure back and comply with the 20-foot rear setback. Weigandt said it is an 11,000 square foot lot, so there is plenty of space to re-position the dwelling to accommodate additional parking. Weigandt would prefer to pay the fee in lieu of sidewalks since there are no adjacent sidewalks. Weigandt said he is fine with what the Commission decides for street trees.

## **NEUTRAL**

**Perkins, Matt. 245 N. Vernonia Road.** Perkins lives to the west of the proposal. Perkins is concerned about stormwater drainage because he does not want his basement to flood with the new development.

## **IN OPPOSITION**

**Wheeler, Julie. 240 N. Vernonia Rd.** Wheeler lives across the street of the proposal. She is concerned about how cars will turn around. She notices a lot of traffic along Vernonia Road. She is also concerned about stormwater and drainage. This proposal might displace more water onto Campbell Park where it already floods. She does not see how the applicant could direct the stormwater towards Vernonia Road. Campbell Park ballfield users may hit stray balls onto the property. Wheeler is concerned about the loss of her view. She is from the country and the vacant greenspace across the street from her has been great.

## **REBUTTAL**

**Weigandt, Brad. Applicant.** Weigandt said he could build a larger single-family home without the Conditional Use Permit process and it would cause a bigger stormwater nuisance. He will work with the City Engineer to come up with the best way to address runoff.

Vice Chair Cary asked how he knew there was no wetland on the property. Graichen said the local wetland inventory does not identify one, although there are some surrounding Campbell Park. Graichen noted there are surprise wetlands not identified on the inventory, but none had been noted here.

## **END OF ORAL TESTIMONY**

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

## **FURTHER QUESTIONS OF STAFF**

Graichen went through the recommended additional conditions that were not already included in the staff report. Under condition 2 (c), the existing public sanitary sewer main shall be physically located to ensure it is within the easement. If it is not, the City Engineer reserves the right to require an amended easement. Graichen recommended a new condition 9 to require that storm drainage from the building shall be directed towards the existing storm drainage in N. Vernonia Road. Lastly, Graichen recommended adding the Fire Marshal's requests: 3(c) to require that addresses are posted to fire marshal specifications, and 2(a) to require that the revised site plan be approved by the Fire Marshal per vision and clearance requirements.

## **CLOSE PUBLIC HEARING & RECORD**

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

## **DELIBERATIONS**

Commission Webster said the hammerheads always end up being additional parking. Graichen said human behavior is hard to control. Commissioner Webster asked if landscaping could help prevent this. Chair Petersen said it might. Vice Chair Cary said there is no other way for the applicant to access the property. A hammerhead is necessary. Commissioner Semling said if the applicant moves the building back further from the road, there will be more maneuvering room.

Chair Petersen asked if the Commission should require street trees. Commissioner Lawrence said she does not remember the neighborhood having a pattern of street trees already. Commissioner Hubbard said there is a lot of foot traffic along N. Vernonia Road. He said a sidewalk does not make sense, but the flow of foot traffic should not be blocked with landscaping. Commissioner Semling also noted that children cut through the adjacent property to get to the park. After viewing an aerial of the surrounding properties, the Commission decided to require street trees.

## **MOTION**

Commissioner Cohen moved to approve the Conditional Use Permit with the additional conditions proposed by staff regarding sewer, storm, the two Fire Marshal requests, requiring street trees on the revised site plan, removal of the requirement to preserve the existing trees and/or replant trees, and a requirement for a fee in lieu of frontage improvements. Commissioner Webster seconded. All in favor; none opposed; motion carries.

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

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## **Public Hearing**

**Lower Columbia Engineering LLC**

**Conditional Use & Sensitive Lands Permit / CUP.2.17 & SL.2.17**

**104 & 114 N. River Street**

It is now 8:30 p.m. and Chair Petersen 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 1, 2017 with attachments

Graichen introduced the proposal to the Commission. Graichen also provided a copy of the Fire Marshal and City Engineer referral comments to the Commission that were submitted after the staff report was prepared. He noted that the Commission previously reviewed a proposal for a four-plex in the same location, but ultimately the property owner decided to increase the number of RV spaces instead. Graichen said the proposal is a Conditional Use Permit and a Sensitive Lands Permit because the proposal is within the 100-year flood zone and within the Columbia River riparian area protection zone.

Vice Chair Cary asked if the berm will be used for open space. Graichen said yes, it is proposed as open space for the RV users. Grey Cliffs Park is also nearby.

Graichen went through the recommended conditions and the suggested additions to the conditions presented in the staff report. He recommended adding a condition that a physical barrier be added to the site plan to prevent vehicles from going out onto the berm. He also recommended adding a reference to the Fire Marshal's letter in condition 4.

Graichen said there are no recommended changes to the Sensitive Lands permit conditions. Graichen said the applicant is not proposing to encroach into any riparian area or wetland, but the City has protection zone requirements. Since the applicant is proposing development (RV space #6) in an area that has not already been impacted within the Columbia River upland protection zone, they must mitigate this new impact. To mitigate this impact, the applicant has proposed native plantings along the berm. Chair Petersen clarified that the mitigation has nothing to do with flood zone cut and fill requirements. Graichen said yes.

Commissioner Cohen asked about the City Engineer's comments regarding oil/water separation. Graichen said the oil-water separation requirement could be added to condition 2(b). Graichen said the applicant will likely address the retaining wall comment in their testimony.

Commissioner Cohen asked about the filling on space number six. Graichen said space six is encroaching into a non-impacted area, so the Commission needs to decide if this new impact is justified. Graichen said the code asks if the applicant has reasonable use of the property with or without the impact. It also asks if the impact is the minimum intrusion necessary. Vice Chair Cary said the proposed mitigation is already within the riparian protection zone, so all the applicant is doing is modifying it. It not a net gain of protected areas. Graichen said that is the question that the Commission needs to decide. Is space number six justified to the Commission?

## **IN FAVOR**

**Niemi, Andrew. Lower Columbia Engineering, LLC. Applicant.** Niemi thanked Graichen for his thorough review. Niemi said the minimum 1,000 square feet per site is met if portions of the area surrounding the retaining wall are included. Although the retaining wall contains the RVs, it does not necessarily define the boundary of the full space. Therefore, he feels they are meeting the 1,000 square foot per site minimum.

Niemi described the three boundaries on the site plan: 1) the existing developed footprint (for the houses that were removed), 2) the ordinary high-water line, and 3) the wetland boundary. The proposal is staying outside of the wetland and the ordinary high water line. The mitigation that they are proposing is related to the local riparian upland protection zone that the City requires. Although the house footprint itself did not extend beyond the existing developed footprint, the impacted area likely extended to the retaining wall, which was clearly man-made. Knowing this, they still thought it was important to mitigate appropriately by removing fill and planting native species along the berm at a one-to-one ratio.

Niemi said like the previous proposal, they are proposing parking for vehicles in between the RV spaces,

which helps meet the 15 feet between the lots. Niemi said wheel stops could easily be provided at the end of each parking pad.

Regarding the City Engineer comment about elevation and fill needed to level the site at the driveway, Niemi said they would address this in the final plan. Niemi said the power poles will be placed underground and the vault will be avoided.

Vice Chair Cary asked if the wetlands and ordinary high water lines were determined by Stacy Benjamin. Niemi said yes. Vice Chair Cary asked if it was concurred by the Department of State Lands. Graichen said yes.

Commissioner Webster asked if they could leave the berm and not shave a portion of it away. Niemi said they are proposing cutting it back so that native plants will be more likely to survive. Niemi said the elevation is currently not conducive to plant survival.

**Hendrickson, Brad. St Helens Marina, LLC. Property Owner.** Hendrickson said that to the south of the property, there is a Columbia Boulevard right-of-way that extends to the Columbia River. Hendrickson proposed to use some of the excess dirt from his development to grade the right-of-way and put picnic tables for public use. He said this area would be a nice place for the public to be near the river.

## **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 Petersen asked the Commission if they felt space six is required. Vice Chair Cary said this proposal is providing mitigation by providing fish habitat and plantings, but ultimately, it is still a loss of protected area. Vice Chair Cary said the upland protection rules, as written, do not require mitigation along the entire riparian area's edge. Chair Petersen said they are proposing to enhance the riparian area, but they are also filling an area that is not currently impacted. Ultimately, the proposal is still a net loss of riparian area.

Commissioner Cohen asked how important this riparian area is for the Columbia River habitat. Vice Chair Cary explained that trees along riparian areas provide habitat for fish, clean the water, and regulate the temperature. Vice Chair Cary said currently, this area is not a very good habitat.

The Commission discussed whether or not five or six spaces was economically feasible for the developer and the minimum intensity for reasonable use of the property. Vice Chair Cary recommended moving the parking space from the northernmost RV spot (space #6) to the parallel location along River Street to reduce the impact to the non-impacted area. The Commission agreed. Vice Chair Cary also recommended not cutting back the berm, but requiring mitigation along the entire peninsula with native woody species.

## **MOTION**

Commissioner Lawrence moved to approve the Conditional Use Permit and the Sensitive Lands Permit with the following additional conditions:

- 1) Parking space along RV space #6 to be moved to a location along River Street
- 2) The area along the berm up to 22 feet mitigated with native riparian, woody species
- 3) Wheel stops on the parking pads
- 4) Oil/water catch basins
- 4) Reference of Fire Marshal letter

Commissioner Webster seconded. All in favor; none opposed; motion carries.

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

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*Commissioner Cohen left the meeting.*

## **Approval of Urban Renewal Plan & Report**

Graichen said that state law requires the Planning Commission to find conformance of the Urban Renewal Plan with the St. Helens Comprehensive Plan. Graichen said that the chapter about the conformance with the Comprehensive Plan in the Urban Renewal Plan was very easy to write because of all of the planning work that has been adopted in the last several years. Chair Petersen said that the criticism of the first Urban Renewal Plan back in 2008 was that it was too aspirational and not specific enough. He said this time around there are cost estimates and very detailed project lists in adopted plans. Commissioner Webster agreed.

## **MOTION**

Commissioner Semling moved that the Commission finds, based upon the information provided in the St. Helens Urban Renewal Plan, the St. Helens Urban Renewal Plan conforms to the St. Helens Comprehensive Plan. Commissioner Lawrence 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 373 S. Columbia River Hwy - Skinny's Texaco

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

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### **Planning Director Decisions**

- a. Accessory Structure at 59463 Truman Lane - New storage shed
- b. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - St. Helens Youth Football  
Registration Sign-ups

There were no comments.

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### **Planning Department Activity Reports**

There were no comments.

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### **For Your Information Items**

There were no FYI items.

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There being no further business before the Planning Commission, the meeting was adjourned at 10:07 p.m.

Respectfully submitted,

Jennifer Dimsho  
Associate Planner

### 2017 Planning Commission Attendance Record

*P=Present A=Absent Can=Cancelled*

Date	Petersen	Hubbard	Lawrence	Cohen	Cary	Semling	Webster
01/10/17	P	P	A	P	P	P	P
02/14/17	P	P	P	P	A	P	P
03/14/17	P	P	A	P	P	P	P
04/11/17	P	P	P	P	P	P	P
05/09/17	P	P	P	A	P	P	P
06/13/17	P	P	P	P	P	P	P
07/11/17							
08/08/17							
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10/10/17							
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12/12/17							