

City of St. Helens Planning Commission

Approved Minutes

June 9, 2020

Members Present: Chair Hubbard
Vice Chair Cary
Commissioner Cohen
Commissioner Semling
Commissioner Lawrence
Commissioner Webster
Commissioner Pugsley

Members Absent: None

Staff Present: City Planner Graichen
Associate Planner Dimsho
City Councilor Carlson
Community Development Admin Assistant Sullivan

Others:

CT Brownlow	Laurie Brownlow	Robert Sorenson
Jeanne Sorenson	Brandon Sundeen	Hunter Blashill
Kathleen Ward	Daniel Kearns	Patrick Birkle
Jen Pearl	Tracey Hill	Robin Nunn
Kristin Quinlan	Bryan Denson	Jeff Seymour
Brandon Deahl	Shauna Lewis	Andrew Schlumpberger
Lindsey Schlumberger	Ron Schlumpberger	

1) **7:00 p.m. Call to Order and Flag Salute**

2) **Consent Agenda**

2.A Planning Commission Minutes dated May 12, 2020

Motion: Upon Commissioner Semling's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved the Draft Minutes Dated May 12, 2020. Vice Chair Cary and Commissioner Pugsley did not vote due to their absence from that meeting. [AYES: Commissioner Cohen, Commissioner Lawrence, Commissioner Webster, Commissioner Semling; Nays: None]

3) **Topics from the Floor: Limited to 5 minutes per topic (not on Public Hearing Agenda)**

There were no topics from the floor.

4) **Public Hearings (times are earliest start time)**

4.A 7:00 p.m. Conditional Use Permit at 254 N Columbia River Hwy – Brandon Deahl and Shauna Lewis

Chair Hubbard opened the Public Hearing at 7:02 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter.

Associate Planner Dimsho entered the staff report dated June 2, 2020. Dimsho introduced the proposal to the Commission as presented in the staff report. She said the applicant is requesting to establish retail use and an artisan workshop. She said the workshop would be for preparing garden art using castings. Dimsho mentioned that to access the site you must traverse onto some private property and some Oregon Department of Transportation (ODOT) Rail right-of-way. She said it is all Houlton Business zoning, so that means it is a mixed-use zone. She said it is mostly commercial use in the area except for some townhomes which were not on the map presented. Dimsho mentioned the existing building closer to the railroad on the property is the proposed retail location and the shop in the back is where they would do all their cast work. They also hope to use outdoor storage to showcase their product which is what is triggering the Conditional Use Permit..

Dimsho said the first criteria that needs to be considered is that the space needs to be of adequate size for the proposed use. The site is a large area with lots of outdoor display area. She mentioned the applicant is proposing an addition to the workshop and they are proposing an addition to the retail space in the form of a deck. She mentioned the current deck will be redone and that is also where the applicant is proposing an ADA ramp. She said there is plenty of space on this site for those improvements.

The second criteria Dimsho said is that the characteristics are suitable for this use. She said they would need legal, public access to the site. They will also need to meet any requirements for the Building Official and Fire Marshall.

Dimsho said the third criteria is that the facility would need to have adequate capacity to serve the proposal. She said it is currently hooked into City water, but that it was not hooked into sewer. She said the Building Official had mentioned it would need to have access to sewer discharge. Dimsho said the nearest sewer line was 190feet. She said they have two options to solve the Building Official's concerns about sewer..

Dimsho said the zoning requires ten percent of the site to be landscaping, which was not shown on the applicant's plan and based on her site visit, it was void of landscaping. So, this would be a condition needed for approval. She also mentioned they require screening for outdoor storage. She said they currently are constructing a six-foot cyclone fence with black slats. She said they are also required to have four parking spots including ADA spot and the way the plan is presented now, the screening would have to soften the impact of their parking. She said there are options for creating the parking on this site, but the plan presented was not to scale. She also mentioned they are required to screen HVAC and dumpsters. She also said they require paved walkways to all entrances.

There was a small discussion about screening and landscaping.

In Favor

Deahl, Brandon. Applicant. Deahl was called to speak. Deahl spoke about what his business does. He said they make cast stone or concrete statues, bird baths, benches, and decorative yard pieces. He said they would be making them onsite and store all their molds. He said the front building would be a cleaner environment to be able to sell some of their smaller pieces. He also said the outdoor storage space would be a garden area, with plants, paths, and landscaping where they could showcase their larger pieces. He said the only thing that would be

stored back there would be the pieces they make. He said he would not be stacking any of their products. He said he was hoping to take this vacant space and turn it into something beautiful.

Vice Chair Cary asked if they had spoken to the owner of the property for access to the site. Deahl said they have a verbal agreement with them but have had a hard time connecting with them. They do know access is a condition before they can have occupancy.

Vice Chair Cary also asked about the sewer access and how would they be hooking into sewer. Deahl mentioned that they have been in contact with the Public Works Department and they are hoping to have the unfinished sewer line tested, inspected, repaired, and completed. They are working on an public utility easement for the main line too..

Commissioner Pugsley asked about the restroom on site. Deahl said there is a restroom on site, but it was done incorrectly and possibly illegally. They will be correcting this issue.

Neutral

No one spoke as neutral testimony.

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 of Public Hearing & Record

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

Deliberations

The Commission discussed a few of the conditions and there was a small discussion about the sewer line and screening. Commissioner Pugsley also mentioned some of the historic value this property has.

Motion: Upon Commissioner Webster's motion and Commissioner Pugsley's second, the Planning Commission unanimously approved the Conditional Use Permit as written. [Ayes: Commissioner Semling, Commissioner Lawrence, Commissioner Webster, Commissioner Cohen, Commissioner Pugsley, Vice Chair Cary; Nays: None]

Motion: Upon Commissioner Webster's motion and Commissioner Semling's second, the Commission unanimously approved the Chair to sign the Findings when prepared. [Ayes: Commissioner Semling, Commissioner Cohen, Commissioner Lawrence, Commissioner Webster, Commissioner Pugsley, Vice Chair Cary; Nays: None]

4.B 8:00 p.m. Appeal of PT.1.20 at 160 Belton Road – Tracey Hill

City Planner Graichen opened the Public Hearing at 8:04 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter.

Graichen entered the staff report dated June 2, 2020. Graichen introduced the proposal to the Commission as presented in the staff report and the additional information received after

packets were mailed. He said it was originally an administrative decision for a partition of a property located at 160 Belton Road. It is adjacent to Dalton Lake and abuts the Columbia River. He mentioned the access road is predominantly 11 feet wide. He mentioned that the proposal is to split the property into two parcels. One already has a house on it and the other they would look to develop. He said per the Sensitive Land rules there is a 75-foot boundary from Dalton Lake and the river that is required. He said the applicant did conduct an environmental assessment to determine those boundaries. He said they want to make sure the net buildable space, after those boundaries were determined, is still a suitable lot size for new construction. He mentioned the applicant proposed an access easement to the south of the property over parcel one to get to parcel two. He also mentioned the easement for the septic drainfield that is shared with the subject property and 250 Belton Road.

Graichen mentioned there are three issues raised for this appeal. One was concern about removal of protected vegetation. He said they did investigate twice and did not see any new concern. He said they did get into the buffer a little bit, but it was mostly Himalayan black berries, and no large trees. He said they used that to educate the applicant and the rules for sensitive lands. The second concern was the easement for a drainfield. He said the significance of the drainfield is you are not supposed to put roads on it or construct utilities within 10-feet of the drainfield per the County. He said the debate between the validity of the easement is between the applicant and the appellant, but they do need it to be resolved for the Partition because the Commission does not want to create a parcel that does not have access. The third concern is road access to the subject property. The road being predominantly 11-feet in width is not something they would allow in construction and access today. Public welfare must be considered when looking at the access. He mentioned that one of the conditions, if approved, would be to add a 24-foot turnout. The Commission can decide if this is enough or they can request more. He said they could also say that this was too much traffic impact to this area, and they could deny the proposal.

Commissioner Cohen asked how many times the property could be partitioned. Graichen said they recommended against partitioning the parcel anymore because of utilities, access, and sensitive lands. Commissioner Cohen also asked why the Commission should not wait to decide on the Partition until the easement is under an agreement between the applicant and the appellant. Graichen said because the State statute does not allow staff to delay it. He also said they ended up amending the decision once, and he advised the applicant they would need to take care of the easement or to find a different way around it. He said the Partition would be valid for a year, with potential time extension, and it is conceivable that the easement issue could be resolved in that validity period.

In Favor of the Appeal

Hill, Tracey. Appellant. Hill was called to speak. She lives at 250 Belton Road. She said her house allows her to see all the nature that lives nearby. She has seen herons, eagles, and many other wildlife. She said that her neighborhood is filled with people who have lived in these homes for many years. She said before she purchased her property, she did a lot of due diligence. She said she found out about her easement, she learned about it and what it was for. She said she learned what a STEP system was and how the sewage worked on this property she now lives on. She also mentioned how sewage has been a problem on these properties in the past. She said she became very familiar with different ordinances that protect the land around here and her responsibility to the sensitive lands that surround her home. She said that her easement was an insurance policy for her so that if the STEP system failed, she would still be able to live in her home. She said she has called the County Sanitarian, the Public Works

Director and other City entities and spoke with them about the validity of her easement. She said just because the easement is not in use currently, does not take the validity of it away. She said it protects the area on which it sits. She said it is bordered by and in some cases sits on the sensitive lands area. She said it protects the lake and the river. She mentioned her interactions with the applicant have been unpleasant.

Kearns, Daniel. Appellant. Kearns is the attorney of the appellant. He mentioned the easement is shared by both properties and that it is large. He said no use of the easement is allowed except for that of the drainage field. He said the parcel that is in question does not meet City code for access. He asked for denial of this request for partition, as the application, even with conditions, will be hard to complete within the allotted time frame. He said based on City code, the parcel, the way it sits, cannot be partitioned. He discussed the infrastructure of the step system and how it requires consistent maintenance. He said if there was any reason that the STEP system was to fail, the drainage field would be needed. He said the easement is an important insurance policy for his client's property. He said besides the easement, he does not think the Commission can approve the Partition based on City code for access and Sensitive Lands guidelines.

In Favor of the Application

Seymour, Jeff. Applicant. Seymour is the attorney for the applicant. He said they prepared a preliminary tree and road improvement plan for the partition. He said the applicant has not used poison to remove invasive species. He mentioned after receiving a letter from the City that the removal was improper, they have not been down in those areas since. He said they did cut down a few trees that were in the access area. But the tree plan meets the requirements of City code. He said the easement is null and void because the septic system it was created for has been destroyed. He said the road access is something they are working to resolve and realize there will be a large expense to make it meet code. He requested the Partition be granted as he believes that there is plenty of time to resolve the easement disagreement and conditions within the year that the Partition would be valid.

Schlumpberger, Andrew. Applicant. Schlumpberger was called to speak. He spoke about the sticker bushes that are in the shrubs that get on his dog and family members. He spoke to a surveyor who suggested he would need to trim out a pathway to figure out where the property lines and 75-foot boundary is for the Sensitive Lands. He said he used a gas-powered trimmer and a tractor to make this pathway, not poison. He said the wetlands specialist gave him instructions on how to remove the invasive species. He said he stopped after he received the notice from Graichen and has not done anything since. He also mentioned that his experience with the appellant were unpleasant. He said he did not know about the drainfield easement when he purchased the house.

Vice Chair Cary asked if it was possible to use just part of the drainfield easement instead of the whole portion. Seymour said they would be fine with using part of the drainfield easement if the appellant would agree to it. But he said that the appellant has said many times she would prolong this and cost them as much money as she could to block the partition. Vice Chair Cary also asked why they chose the south side of the property for the access to parcel two. Schlumberger said it was where the property lines would end up. He also said partly because of the current access and the 90-degree turn.

Chair Hubbard asked if the escrow showed the easement. Seymour said it looked like it was a sewer line, not an easement. Chair Hubbard also asked if the new system was in the same

place as the septic system that was destroyed. Schlumpberger said the appellant's tank was located on her property and his was located about 10 feet on his property.

In Favor of the Application

Schlumpberger, Ron. Schlumpberger lives at 1400 Second Street in Columbia City. He said that he was excited to have his family close to him. He mentioned that before they purchased this property, they were told that there would not be an issue to partition it, so they decided to move forward. He said they hired an engineer to make sure the system was working correctly. He said the easement was a surprise to them but felt it would be an easy fix because the old system was destroyed and made it null and void. He mentioned that the appellant was going to do whatever it took to delay the partition and that she was not willing to work with them.

Schlumpberger, Lindsay. Applicant. Schlumpberger lives at 160 Belton Road. She said she felt that her family and their character was in question. She wanted to clarify that they are not looking to steam roll through the community or to cause problems. She said they try to be friendly with everyone and has tried to communicate with all the neighbors. She said there is a lot of stuff that needs to be maintained and they are trying to be diligent and responsible homeowners and take care of their property. She said it was not necessary to partition their lot, but as homeowners they can.

Neutral

No one spoke as neutral testimony.

In Opposition to the Application

Nunn, Robin. Nunn lives at 100 Belton Road. She said the applicants are nice people, but she is not ok with what they are doing to the property. She is concerned with where they are building the new house as it could cause damage to the new construction, but also interferes with the neighbors unencumbered views. She feels this property is the applicants through a loophole and what they are proposing is creating division in their neighborhood. She said she is worried about the new construction interfering with the wildlife that currently lives there and the Native American artifacts that are there. She said dividing it will bring property values down. She said the beach is not supposed to have people on it. It is owned by her mother and that when people are walking through it is trespassing. She is concerned about the safety of the road as well.

Ward, Kathleen. Ward lives at 140 Belton Road. She said originally her family owned all the beach property. She said the state acquired some of their land to have it declared wetlands. She said that four generations have lived on this area and she feels strongly that they need to protect the beach from being developed. She said it was important because there is so little pristine land along the Columbia River that is untouched. She is concerned that the development will interfere and hurt the local wildlife and vegetation that lives there. She said the previous owners came to an agreement with the applicants that this beach would remain untouched and undeveloped. She is unsure why the applicants would want to go against this agreement. She is concerned their proposal is divisive in her neighborhood.

Blashill, Hunter. Blashill lives in Corvallis. He said he is the son of the appellant. He said his interactions with the applicants were not pleasant. He mentioned there was a strong suggestion that the applicants did use poison to remove plants. He said he was concerned about the foot traffic that adding another home and opening beach would create for the already problematic access. He mentioned there was a large elderly population that lives in this neighborhood and

the narrow roads are an issue. He mentioned that the proposed partition and what the applicants are currently doing to their site would devalue the property around it.

Sorenson, Jeanne. Sorenson lives in St. Helens. She said they sold this subject property because she could no longer able to maintain it. She said the applicants knew about the easement as there was a copy included in the escrow. She mentioned there has been floods on that property before and where the partition proposes a property that would put a house right in the flood zone. She is also very worried about the division this partition is creating in the neighborhood.

Sorenson, Richard. Sorenson lives in St. Helens. He said when they owned the home, there was a meeting with the Fire Marshall and all the neighbors about the access challenges with providing fire protection to the neighborhood. At one point, the Fire Marshall said they would not provide protection to their neighborhood.

Rebuttal to the Applicant

Hill, Tracey. Appellant. She felt her character was defamed and was upset that the applicants implied that she would hold them up in this partition. She said that she has lived there for a long time and all the neighbors know she is not like that.

Kearns, Daniel. Appellant. He said the Applicants property does not fall into code. He said the septic system was unhooked in 1990 and then they all hooked into the step system. He said at that point the drain field was not used. He said the pipe systems are still there and not filled with sand. He said the easement still exists and has not been abandoned. He gave more explanation as to why the easement is still valid. He mentioned he did not believe the turnout suggested for the access will meet the street code. He said he feels the only path forward, based on the City code is denial.

Rebuttal to the Appellant

Seymour, Jeff. Applicant. He is said his clients will comply with all laws according to Sensitive Lands. He said they have a letter from the Fire Chief stating that the access is fine and not going to cause an issue with one more house. He is said he feels the 24-foot by 30-foot turn out should be a sufficient solution to the road access. He said the easement has been abandoned, that there are trees growing on it and that it is probably three times larger than it needs to be. He said that the applicants are willing to work with the appellant to find an agreement to the easement issue. He said there is another year to resolve all the conditions placed on this partition and he feels it can be done.

Schlumpberger, Andrew. Applicant. He said he will not build his new house in the flood plain. He will comply with city code on the flood zone requirements. He said there are a few options to build his house, but they have not gone that far as they are trying to resolve this matter first. As a firefighter, he said he knows that times are different now for how they respond to emergencies. They drive on narrow streets and says that a turnout will be a solution to fixing the access. He said that he was up front with all the neighbors about his intent to develop the property.

End of Oral Testimony

There was a request to leave the record open for written testimony and for final written argument. As such, the public hearing will continue in written form. Graichen said the first period will be held open for seven days to receive written testimony. If there is written testimony received, there will be an additional seven days to responds to that testimony. At this point the

record closes. Then both the applicant and appellant may provide a final argument. The first period for response will end at 5 p.m. June 16, 2020 and the second period of response will end at 5 p.m. June 23, 2020. The deadline for final written comment will be due by June 30, 2020. The applicant agreed to extend the 120-day rule commensurate with these dates provided deliberations are continued to July 1, 2020, instead of the Commission's regularly scheduled meeting on July 14, 2020. A special meeting for deliberations and continuation of this public hearing was set for Wednesday, July 1, 2020 at 7:00 p.m.

5) Riverfront District Architectural Guidelines Recommendation – Modification at 330 S 1st Street

Dimsho said the site they were looking at has had several Site Design Reviews. She said in 2017, the office space was approved on the main floor and a live/work unit was proposed in the basement. She said since then, the applicant submitted a modification to approved 2017 Site Design Review. They have submitted a plan with some exterior rear facade modifications along with an ADA ramp. She said they plan to demolish the current deck in the back and build an ADA ramp that wraps around the building to get the right grade. She said they are proposing a bi-fold door as the current door is not ADA accessible. Commissioner Pugsley recommended installing doors as close to the original as possible, using wood, not vinyl. Dimsho also mentioned the ramp design on the plans mentions metal railing. She said the owner discussed that all exposed metal would be painted to match the fencing that is currently in front of the home. They would be painted according to historical guidelines. Commissioner Pugsley was concerned about the metal mesh that was proposed. . She said she would recommend doing the slats on the railing of the ramp to match the vertical fencing slats in the front.

There was small discussion about the ADA ramp and making sure it matches historical guidelines while also meeting ADA requirements.

Motion: Upon Commissioner Webster's motion and Vice Chair Cary's second, the Planning Commission unanimously recommended approval of the Site Design Review Modification with the additional condition that vertical slats are used in the ADA ramp, instead of mesh as proposed. [Ayes: Commissioner Semling, Commissioner Lawrence, Commissioner Webster, Commissioner Cohen, Commissioner Pugsley, Vice Chair Cary; Nays: None]

6) Riverfront District Architectural Guidelines Recommendation – Bennett Building Modification at 275/277

Graichen said the City has a lot of projects going on at once. He said they have been working on a different land partition that did not allow him to work on this presentation. He said that he will table this recommendation until next month so that he has more time to review it. He said the City is not doing any more work on this project without the Planning Commission recommendation.

7) Planning Director Decisions

- a. Temporary Use Permit at 2295 Gable Road – TNT Fireworks
- b. Temporary Use Permit at 735 Columbia River Hwy – Bethel Fellowship
- c. Temporary Sign Permit at 2100 block of Columbia Blvd – SHHS Senior Planning

There were no comments.

8) Planning Department Activity Report

a. May Planning Department Report

There were no comments.

9) **For Your Information Items**

There were no comments.

10) **Next Regular Meeting: July 14, 2020**

11) **Adjournment**

*There being no further business before the Planning Commission, the meeting was adjourned
11:36 p.m.*

Respectfully submitted,

*Christina Sullivan
Community Development Administrative Assistant*