

City of St. Helens Planning Commission

Approved Minutes

September 10, 2019

Members Present: Vice Chair Cary
Commissioner Lawrence
Commissioner Stenberg
Commissioner Webster
Chair Hubbard

Members Absent: Commissioner Cohen
Commissioner Semling

Staff Present: Councilor Carlson
Associate Planner Dimsho
City Planner Graichen

Others: Martin Schiller
Elliot Michael
Diana Moosman
France Fitzpatrick
Eric Paine
Bill Lanning
Tyler Joki
Iris & Dan Miller
Brian Vaerewyck
Suzie Dahl

- 1) **7:00 p.m. - Call to Order and Flag Salute**
- 2) **Consent Agenda: Approval of Minutes**
2.A Planning Commission Minutes dated August 13, 2019

Motion: Upon Commissioner Webster's motion and Commissioner Lawrence's second, the Planning Commission approved the Planning Commission Minutes dated August 13, 2019. Commissioner Stenberg did not vote due to her absence from that meeting. [Ayes: Vice Chair Cary, Commissioner Lawrence, Commissioner Webster; 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 reflect earliest start time)**
4.A 7:00 p.m. - Variance (Fence Height) at 55 Dubois Lane - Vaerewyck

Chair Hubbard opened the Public Hearing at 7:03 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. City Planner Jacob Graichen entered the staff report dated September 3, 2019 into the record.

Graichen said the variance request is to exceed the maximum residential fence height. The applicant would like to build a two foot concrete foundation with a six foot cedar fence on top. Vice Chair Cary asked if the fence would be over the storm line. Associate Planner Dimsho said yes. Public Works said it is not an ideal situation, but they did not recommend against its construction altogether. Dimsho said Public Works asked the applicant to locate the fence structure at least four feet from the catch basin by Dubois Lane to ensure the functionality and maintenance of the catch basin. Graichen explained the condition regarding the location of the floodway. He also noted that the Commission could consider only granting the variance in the side yard, if they felt this condition would help the proposal meet the variance standards.

In Favor

There was no testimony in favor.

In Opposition

Schiller, Martin. He lives next door to the applicant. Schiller is concerned about the plan to change the grade of the property. He thinks there will be negative flooding impacts to his property with the proposal.

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

Vice Chair Cary agrees with the staff report that they should not be able to build within the floodway. He also thinks the eight foot fence in the front yard is too big for a residential lot. Commissioner Webster and Commissioner Stenberg agreed. Commissioner Webster felt more comfortable allowing the eight foot fence at the house line, which is approximately 20 feet from the front property line. Chair Hubbard confirmed that the applicant is allowed to build on top of the storm line. Graichen said Public Works was not recommending against construction of the fence and concrete foundation altogether, just within four feet of the catch basin. Vice Chair Cary noted that it sounded like the Commission is hesitant to approve the variance at all. Commissioner Lawrence said she did not want to. The Commission felt like the applicant did not meet multiple variance standards for approval.

Motion: Upon Vice Chair Cary's motion and Commissioner Lawrence's second, the Planning Commission unanimously denied the Variance Permit. [Ayes: Vice Chair Cary, Commissioner Lawrence, Commissioner Stenberg, Commissioner Webster; Nays: None]

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

4.B 7:30 p.m. - Conditional Use Permit at property adjacent to US 30 & Gable Road - Community Development Partners

Chair Hubbard opened the Public Hearing at 7:34 p.m. Vice Chair Cary declared that he works for the Department of State Lands (DSL). He is reviewing a wetland permit application for this site. He said the Director at DSL said that his participation in the hearing would not be a conflict of interest. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the staff report dated September 3, 2019 into the record.

Graichen said the proposal is a 238-unit apartment complex with eleven residential buildings and one common building. He noted that three items were added into the record since the staff report was sent out. There was a revised building height schematic from the applicant, an email from the abutting property owner to the east, and a letter from the property owner to the north, Columbia River People's Utility District (CRPUD). The property owner to the east requested a fence between the two properties. Graichen has concerns with this because the wetlands cross the property line, and a fence could disturb them. He also noted that the Transportation System Plan (TSP) recommends an extension of McNulty Way, and a fence could conflict with the vision clearance area should McNulty Way be extended in the future.

Graichen said the proposal is six parking spaces deficient out of the 440 required, but the parking deficiency could grow, depending on how the Commission deals with CRPUD's letter requesting access to their site. Commissioner Webster asked if the applicant could utilize the CRPUD site for additional parking. Graichen noted that the CRPUD property is not in City limits, so it would be a conversation with Columbia County and a possible annexation, but it would not be impossible. He noted there are potential drainage issues and utilities on the site that may make that option difficult too.

Graichen explained that there is some flexibility built into the code regarding the number of parking spaces needed if there is community interest in preserving a natural feature on the site (e.g., the wetland).

Graichen said the applicant is proposing 2.3 acres of shared recreation area outdoors, which is more than double the recreation requirement. Graichen feels this warrants an exception to the requirement of private recreation space which, as proposed, is not provided on the senior housing.

Graichen said for the frontage improvements, the applicant must comply with the TSP standard, not the Riverfront Connector Plan standards, because it had not yet been adopted when the application was submitted. However, Graichen said the Traffic Impact Analysis recommended installation of a dedicated center turn lane. In addition, Graichen said that since the AM and PM peak trips are exceeding standards under the development proposal, the applicant will also pay a proportional fee of the intersection improvement.

In Favor

Paine, Eric. Applicant. Paine works for Community Development Partners representing the applicant. He said they work to create communities that are integrated with the surrounding City. He described other projects they have worked on. They have built housing for veterans and seniors. The senior housing proposed in this project is independent living, but there is a common dining area and community spaces for interacting with other residents. There are no medical services on site. The building will be three stories with an elevator. The proposed site is adjacent to services and has been vacant for a long time. They want to activate and enhance the wetlands by creating walking trails for the residents to enjoy. They will install sidewalks and street trees along Gable Road where there currently are none. Instead of just building 238 units that all look the same, Paine said they wanted to build three different types to add architectural variety and meet different residential needs. They are also building a 4,500 square foot community center where the different population groups can socialize together. Commissioner Stenberg asked if any units will be low-income or subsidized. Paine said there may be an opportunity to partner with the Northwest Oregon Housing Authority. The rents are likely going to be market rate or slightly lower. They are also looking for partnerships for the senior programming and an operator for the senior commercial kitchen.

Moosman, Diana. Moosman is with MWA Architects who designed this proposal. Their goal was to create a campus with different housing types and various outdoor spaces. The townhomes are closest to Gable Road near the entry. They each have their own individual entrances, intended to be similar to a brownstone. The street that leads to the townhomes is not a parking lot, but a tree-lined street with parallel parking. The family housing is more centralized and has a very large courtyard and playground. Moosman said the senior housing is a higher density building and forms an L-shape with a courtyard facing the wetland. Moosman said the community building is very conceptual. She likes Graichen's suggestion in the staff report about adding windows on the east side. Vice Chair Cary asked if a taller privacy wall on the townhomes would be an issue. She said no. Vice Chair Cary commented on the safety of the bike storage. Commissioner Webster asked about the siding on the buildings. Moosman said the drawings were conceptual. Vice Chair Cary asked where they would put parking spaces if they needed more. Paine discussed a few potential locations where more parking spaces could be added.

Miller, Dan. Miller said his mom owns the property across the street. He does not think CRPUD has always owned the land. They purchased it to make some money on the billboard. He feels they do not have the right to demand an access easement. They bought the property knowing it was landlocked. The billboard operators cross the railroad to get to the property, not through the subject property. He is concerned about the traffic at the Gable Road/US 30 intersection. He thinks the problem is on the other side of US 30, but US Bank and Safeway prevent the addition of a turn lane. He is glad for the center turn lane with this project, but maybe a light is needed at McNulty Way and Gable Road.

Michael, Elliot. Property Owner. Michael owns one of the subject property parcels with his business partner. Michael said he also owns a lot of other property in St. Helens. He feels very strongly that the applicant wants to create a better community. He wanted to attract quality, sustainable buyers for the property. He has turned down potential buyers over the years because he felt they were not good fits. Regarding the testimony for a fence, he does not know how realistic it would be because of the wetlands. The wetlands that are going to be preserved will remain wetlands in perpetuity. The wetlands to be filled on the rest of the site are secondary

and exist in part because ODOT dumped all of their stormwater onto the site. They will be putting a fence along the wetland as part of their mitigation with Army Corps. He thinks the fence will be sufficient to prevent trespassing. He does not recall an easement to the CRPUD property. They are landlocked, but they were landlocked before this project. CRPUD has never been able to cross through their property. This project does not change existing conditions. Vice Chair Cary asked if storm water goes onto the CRPUD's property. He said yes. Michael said the PUD is amenable to find a permanent solution to the drainage issues.

Neutral

Dahl, Suzie. Dahl said Leila Wilson is her mother. Wilson owns the property to the east and submitted a letter into the record requesting a fence along the shared property line. She said there is an issue with vagrancy and people camping on their property. She has worked with the City to give them access to remove the camps. Within the first two hours, the dump stoppers picked up a five gallon bucket of hypodermic needles. This is the reason for the fence. This helps protect the wetlands too. Her concern is that children from the development will wander onto their site, which can be unsafe because of the vagrants. Dahl also noted that the one person interested in her mom's property was a supermarket, which would make traffic even worse in this area.

Opposition

No one spoke in opposition.

Rebuttal

Michael, Elliot. Property Owner. Michael said they have had similar vagrancy issues. He thinks the more the area gets developed, the less it will be an issue. The wetland mitigation fence should be sufficient. He thinks the abutting property owner will have to build their own fence. Vice Chair Cary asked if the property would be sold, or if he would be a long-term owner. Michael said he would be selling it.

Paine, Eric. Applicant. Vice Chair Cary asked how trespassing would be managed on the wetlands. Paine said there will be between four to six staff on site at all times. They will have a safety and security plan and will be vigilant about calling law enforcement when there are issues.

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

Commissioner Webster thinks the applicant should limit the building height to 35 feet, as was submitted into the record by the applicant. Commissioner Stenberg agreed. Vice Chair Cary

asked if a landlocked parcel has a right of access. Graichen said he was not sure. He knows of a legal procedure to allow access over other property when a parcel of land is landlocked, but he did not think it was automatic. Commissioner Stenberg said the legal terminology is an "easement of necessity." Graichen suggested that the applicant and property owner work directly with CRPUD, outside of this land use approval.

Vice Chair Cary's opinion is that there are never enough parking spaces in apartment complexes. Chair Hubbard noted it is only one percent of the required spaces and a significant portion of the property is encumbered with wetlands. He does not think it is an issue. The Commission decided to require that the applicant provide for three additional spaces than they proposed.

The Commission preferred requiring the shared outdoor wall on the townhomes to be six feet, instead of five, as Graichen recommended. Regarding the Comprehensive Plan policy, Commissioner Lawrence asked if the units along the railroad could be soundproofed. Chair Hubbard said soundproofing would not lower the decibels that much. Vice Chair Cary noted his concern about the amount of General Commercial lands getting developed into apartments by Conditional Use Permit, especially given the shortage of large, undeveloped commercial properties visible from Highway 30. He is not against the project, and the applicant did a good job designing it to be as quiet as possible by surrounding a courtyard by buildings.

Regarding the fence request, Chair Hubbard thinks that the abutting property owner needs to put up their own fence to keep the trespassers out. Vice Chair Cary agreed and thinks the wetland mitigation fence that the applicant already plans on installing is sufficient.

Motion: Upon Vice Chair Cary's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved the Conditional Use Permit as written in the staff report with a maximum building height of 35 feet, allowing a parking deficiency of only three spaces, and a requirement for the shared outdoor dividing wall on the townhouses to be six feet instead of five feet. [Ayes: Vice Chair Cary, Commissioner Lawrence, Commissioner Stenberg, Commissioner Webster; Nays: None]

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

5) **Acceptance Agenda: Planning Administrator Site Design Review**

Motion: Upon Commissioner Webster's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved the Acceptance Agenda: Planning Administrator Site Design Review. [Ayes: Vice Chair Cary, Commissioner Lawrence, Commissioner Stenberg, Commissioner Webster; Nays: None]

6) **Planning Director Decisions**

There were no comments.

7) Planning Department Activity Report

7.A Planning Department Report dated August 28, 2019

There were no comments.

8) For Your Information Items

Graichen said at the last City Council meeting, there was a concern about city annexation policy. He said they are currently only self-initiated, but that the City has the ability to require it. Councilor Carlson asked if we should be more proactive so that there are not islands of county property around city property. Graichen said it would take a lot of staff time and make residents upset if the City started trying to force annexations. The Commission agreed. Chair Hubbard suggested that when one neighbor wants to annex, maybe the City could approach abutting neighbors to do a larger annexation at one time.

Graichen updated the Commission on the progress of the St. Helens Middle School.

Councilor Carlson said she brought up architectural standards and street standards at the last City Council meeting. The Council was not in favor of developing architectural standards or adjusting street standards because of the additional burden on developers and staff. Chair Hubbard said a full design review for every building permit would be difficult and costly for developers. Graichen said if architectural standards are to be considered, the standards need to be clear and objective. For example, requiring windows on walls facing streets could be a simple standard.

9) Next Regular Meeting - October 8, 2019

10) Adjournment

There being no further business before the Planning Commission, the meeting was adjourned at 10:01 p.m.

Respectfully submitted,

*Jennifer Dimsho
Associate Planner*