

City of St. Helens Planning Commission

Approved Minutes

August 14, 2018

Members Present: Chair Russell Hubbard
Commissioner Greg Cohen
Commissioner Kathryn Lawrence
Commissioner Sheila Semling
Commissioner Julie Stenberg
Commissioner Audrey Webster
Vice Chair Dan Cary

Members Absent: None

Staff Present: Councilor Ginny Carlson
Associate Planner Jennifer Dimsho
City Planner Jacob Graichen

Others: John & Teresa Leonard
Richard Pillsbury
Mark Grenz
Roger Toth
Kate Posner
Greg & Jeanelle Clark
Anita Kyos
Don & Caroline Shade
Christian Jorgensen
Brent Violette
Cat Ross
John Schmidt

- 1) **7:00 p.m. Call to Order and Flag Salute**
- 2) **Consent Agenda: Approval of Minutes**
2.A Minutes Dated July 10, 2018

Motion: Upon Commissioner Webster's motion and Commissioner Stenberg's second, the Planning Commission unanimously approved Draft Minutes dated July 10, 2018. Vice Chair did not vote due to his absence from that meeting [AYES: Commissioner Cohen, Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, 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 (Access) at 34840 Pittsburg Road - John Leonard

Chair Hubbard opened the Public Hearing at 7:01 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 August 7, 2018 into the record.

Graichen introduced the proposal to the Commission and discussed the recommended conditions of approval, as presented in the staff report. Chair Hubbard asked if the County would look at sight distance standards. Graichen said the County will have to approve the access with a joint approval process with the City.

In Favor

Leonard, John. Applicant. Leonard explained that he would like to build a new detached garage. He said the existing gravel approach was well established when they moved in, but they have stopped using it because it exits onto their neighbor's property. He described how he currently maneuvers to avoid backward maneuvering onto Pittsburg Road. Leonard said there are lots of other homes with loop driveways (two approaches) because backing onto Pittsburg Road is so dangerous. He discussed how the 20 foot front setback requirement and the positioning of the house makes it difficult to place the new garage and still be able to maneuver vehicles. The proposed location seems like the only way to get the garage next to the house and safely leave. Chair Hubbard asked how he will be able see oncoming traffic on Pittsburg Road with an access that comes out at a 45 degree angle. Leonard said the way it is proposed allows for adequate vision. Commissioner Webster suggested paving more of the proposed driveway to allow for proper turnaround. She said that way, a variance for two driveways would not be needed. Commissioner Cohen agreed. Leonard said there are a lot of mature trees that he would prefer to save. Graichen noted that there is a provision in the code that says driveways should connect to streets at a right angle for a minimum of 20 feet. He said the variance could include an exception to this rule if approved. Leonard reiterated how common having two driveway approaches is along Pittsburg Road.

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

Commissioner Cohen feels there are another options to expand the driveway to turn around without granting a variance for a second approach. Commissioner Lawrence agreed. Commissioner Cohen said the approach on the south side is really not their approach. He said

there is really only one existing approach on their property. He has no problem with a new proposed access, but only if they remove the other approaches. Vice Chair Cary said they may have to take out some mature trees if they build the new access as suggested, but it is doable.

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

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

4.B 7:30 p.m. - Conditional Use Permit at Lot 5 of the Matzen Subdivision - Multi-Tech Engineering Services Inc.

Chair Hubbard opened the Public Hearing at 7:36 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 August 7, 2018 into the record.

Graichen introduced the proposal to the Commission, as presented in the staff report. He said the subdivision and zone change was successful. This is what allows the applicant to apply for this Conditional Use Permit for a 204 multi-dwelling complex. He noted that the blue text in the conditions are not part of the proposed condition, but commentary to help the Commission navigate the decision. He went through each condition with the Commission, as presented in the staff report. Graichen feels the garages should not qualify for off-street parking because there is likely a fee to use the garages. This would mean that they are not default spaces provided for tenants. Graichen provided a handout to the Commission with additional conditions based on feedback received from ODOT. Although it is complete, the Traffic Impact Analysis (TIA) has not yet been approved with ODOT, so a condition has been added to address this. The handout also added conditions about obtaining ODOT approach approval and any potential traffic control mitigation as required by ODOT. Commissioner Cohen asked if there are rules about the number of trash receptacles. Graichen said there are container sizing rules, but not rules for the number of receptacles.

In Favor

Grenz, Mark. Representing Applicant. Grenz apologized for the areas where the applicant did not provide enough detail in the narrative for how the standards were met. Grenz said he did not see a section of the code that states covered parking garages cannot be used as off-street parking. He said almost all other projects provide some sort of enclosed parking garages for the tenants. He did not know if their client would be charging tenants. The garages are proposed in that location because they are not necessarily going to be utilized by people to meet the primary parking space requirement. They are still providing more than one space per unit, but the covered parking offers another option for tenants that is in addition to the space directly in front of their unit. Grenz said the Commission can choose to convert the garages to parking spaces if the garages are seen as an issue. He said they are proposing eight ADA-compliant spaces. They intend to install signage on the parking spaces near Building 12 to ensure they are used for residents, not as public parking for the retail lot abutting the property.

Regarding the ODOT conditions, he is surprised to discover that the TIA has not yet been approved. ODOT has had it since June, so he thought the traffic consultant had already received approval. He said their approach plans have been permitted by ODOT. Graichen said the approach was approved for the Medical Office, but not the multi-dwelling complex. Grenz is okay with the conditions related to ODOT. He said one third of their bike parking is covered under stairwells. They did not anticipate covering all bike spaces. Should the Commission desire this, they will provide revised plans. He did not anticipate that the carports would be considered accessory structures. He showed the Commission a photo of the carports.

Grenz described his interpretation of the exterior elevation criteria and went through each building type. Graichen said their interpretation does not seem to match staff's interpretation of the criteria. Further, there was no narrative provided in the application that stating how each building complies. Commissioner Cohen suggested withdrawing their application and re-applying to work out the exterior elevation differences and other issues. Chair Hubbard feels there are too many unknowns to approve the decision tonight. Graichen said the Commission could continue the hearing to a date, time, and place certain. He said the applicant could also voluntarily withdraw and re-apply. The Commission could also deny the application, but then the applicant could not re-submit an application for a year. The Commission did not want to deny the application. Grenz would prefer to continue the hearing to the next meeting to allow an opportunity to work with staff through the issues. He said he has no problem with waiving the 120-day rule. He asked for guidance from the Commission on a number of the issues brought up in the staff report. The Commission agreed to discuss these items after further testimony.

In Opposition

Violette, Brent. Violette lives adjacent to the proposal. He is glad that the approval process will be delayed. He is opposed to this development. He said this does not belong in St. Helens. He requested that Brayden Street be called Violette Street. Graichen said he made that suggestion to the applicant, but the subdivision has already been platted. Violette is surprised to see access off of McBride Street. He thought the access would be off Matzen Street and Brayden Street. He said the medical clinic will bring a lot of traffic. He said this proposal is built on basalt rock, except for a swampy area on the northeast corner of the property.

Posner, Kate. Posner lives in the cul-de-sac behind McBride Street. She is concerned about parking. She is wondering if they will be providing enough parking on site. She feels there will be parking overflow onto the surrounding side streets, which are not particularly wide. She is concerned about the increase in traffic for the children who ride their bikes on the streets. She has concerns about apartment management. Will there be on-site management and maintenance? Will there be a place to file complaints? Will these apartments be smoking or non-smoking? She is concerned about how these apartments will affect home values in the surrounding neighborhoods. They moved here because they are trying to escape the large apartment complexes in Portland. She feels this development will change the culture of the neighborhood, especially for the people who have lived here for over ten years.

Ross, Kathryn. Ross agrees with everything that was just said. She lives on May Avenue. She spoke during previous hearings. She is concerned about an increase in traffic. She does not think these concerns should be blown off. She said there is a lot of cut through traffic on May Avenue. This development will only increase this problem. She loves this property for the trees and wildlife. She has not heard a discussion about tree replacement. She is concerned that the trash compactor will be loud. She is concerned about drug abusers. Those who live on May

Avenue are very familiar with the Forest Park Apartments because the cops are always there. Hopefully a newer complex will not have this issue. Will there be on-site management? Is there someone neighbors can go to complain about misconduct? The City needs to consider more than just the money that this development will bring in.

Sullivan, Darcy. Sullivan lives in a cul-de-sac near the proposal. She asked if these are luxury or low-income apartments. Graichen said they are market-rate apartments. They are not subsidized. She asked how the increase in apartments will affect the schools. She loves St. Helens and this development is a big change.

Rebuttal

There was no rebuttal from the applicant.

Further Questions of Staff

Graichen reminded the Commission that the record will remain open and additional testimony will be received at the next meeting. The Commission went through some of the items of concern in the staff report. The Commission felt that staff should work through the exterior elevation criteria with the applicant outside of this meeting.

Graichen asked about the location of the trash enclosure. The Commission feels it should be centrally located. Commissioner Cohen feels one compactor would not be sufficient for a development of this size. Chair Hubbard disagrees. He suggested that the applicant provide a narrative about how the compactor will be maintained and managed. The Commission agreed.

The Commission feels the garages should not be allowed. Commissioner Semling feels the ratio of compact spaces for visitors should be adjusted. The Commission agrees. The Commission feels the bike parking should be covered. Vice Chair Cary also did not see how the stairwell bike parking could be used.

Regarding buffering on the east side of the lot, Vice Chair Cary thought a buffer should be provided, but there was no consensus from the Commission. The Commission would like to see signage marking which parking spaces were private and which were public, particularly on the east side of the lot. The Commission felt that the distance from walkways to windows was met with the proposed six-foot wide sidewalks.

Commissioner Cohen asked if the provided ADA spaces were for visitors or residents. Graichen said it does not specify in the code how ADA spaces should be divided between visitors and residents. The Commission would like to see that each covered parking space adjacent to the parking island not be covered to ensure light and room for the trees in the island. The Commission is also okay with the architectural features of the covered parking.

The Commission decided to try to continue the hearing to the September meeting, but if the applicant does not work through the revisions in a timely manner, the Commission can choose to continue it again to the October meeting.

Motion: Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission unanimously voted to continue the public hearing for the Conditional Use Permit to September 11, 2018 on or after 7 p.m. [AYES: Commissioner Cohen, Commissioner Lawrence,

Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary;
Nays: None]

5) **Discussion Items**

5.A **Street Vacation for Portions of N. 8th Street, N. 9th Street and Wyeth Street
Recommendation to City Council**

Graichen said the Planning Commission does not often review street vacations. Since Mayor Scholl is one of the applicants, Scholl suggested that the Commission offer a recommendation prior to Council's decision. The applicant is requesting the street vacation to create four buildable lots. Graichen noted a lot line adjustment would be needed for the proposed lot orientation in the staff report. Graichen went through the staff report, describing the request using photos in the report. A handout was provided to the Commission that included additional diagrams addressing access and fire turnarounds for the proposed lots. The handout includes an alternative staff recommendation from the original staff report. Graichen explained that one of the problems with granting the full requested street vacation and developing the fire turnaround proposal is that the proposed location for access and/or the turnaround will be located beyond the centerline of the right-of-way to be vacated. This would limit the ability for the other abutting property owners to vacate all or a portion of their 40 feet of the 80 foot right-of-way.

Schlumpberger, Ron. Co-applicant. Schlumpberger said if the Commission goes with the staff recommendation of leaving 40 feet of right-of-way on Wyeth Street, he feels the remainder of the right-of-way would be underutilized. The access orientation will be built with the least amount of impact to the rock, and will take up significantly less room than 40 feet.

Scholl, Rick. Co-applicant. Scholl talked to individuals surrounding the proposed development and they have no problem with it. He said this project is similar to the earth removal property that the City now owns. Aside from his proposed lots, Scholl feels there is really only one other potentially developable lot because of the challenging topography. The other developable lot (owned by the Senior Center) could utilize the improved access that he will build. He said there are 40 foot high cliffs. The only access is on 9th Street. He does not see full street connectivity for this area in the future. Graichen's concern with granting the entire vacation is that the likely location for the access is skewed towards the proposed vacation area, and if an access easement is needed for the entire area to be vacated, it defeats the purpose of a street vacation. Vice Chair Cary said maybe this area is not a good place to build. Scholl said that is why they are here. It is difficult to build.

Vice Chair Cary handed out a few diagrams to the Commission. He said the City of St. Helens used to be an oak savannah. The remaining undeveloped basalt bluffs are usually full of camas. Camas bluffs have been identified as a rare critical habitat. He passed out a map of the remaining bluffs with camas habitat in St. Helens that he knows about. He had this idea prior to this street vacation request to turn part of these right-of-ways into a trail. The other handout is a topographical map with a trail route through the Senior Center property, City owned properties, and right-of-way. Vice Chair Cary would like to ensure the ability to develop a future trail within the remaining right-of-way for the purpose of a trail and public access. Graichen clarified if there is an access easement, as requested by the applicant, it would not inhibit the ability to build a trail for public access.

Graichen said the concern is making sure that the public access is in the optimum place. According to the topographical data we have, it seems that the optimum place is skewed toward the north side of the right-of-way, which is within the area requested to be vacated. Scholl said a topographical survey for the access development would be prepared if the street vacation were granted. Graichen said the challenge is not knowing the exact location. His job is to protect the public interest, so he does not feel comfortable recommending the full 40 feet street vacation. Chair Hubbard said it would be helpful to see the topographical data with the proposed route for access. Extra time would also allow the Commission time to take a trip to the site too.

Motion: Upon Commissioner Cohen's motion and Commissioner Lawrence's second, the Planning Commission unanimously voted to delay making a recommendation for the Street Vacation to the September 11 Planning Commission meeting. [AYES: Commissioner Cohen, Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

5.B Auxiliary Dwelling Unit (ADU) Maximum Size Discussion

Graichen said the text amendments for ADUs are going to Council tomorrow for approval. He wanted to quickly get the Commission's opinion on ADU size and height. The Commission's recommendation last time was a maximum size of 1,200 square feet for an ADU. In order to ensure that ADUs are smaller than the principle unit, Graichen wants to add that they are no more than 75 percent of the principal unit living area **or** 1,200 square feet, whichever is less. He also added a height restriction. Commissioner Cohen agrees that the ADU should be smaller than the original house.

Commissioner Cohen asked about the owner occupancy requirement. He thinks the property owner should have to live in either the ADU or the principle dwelling. Vice Chair Cary thinks that rule is hard to enforce. He sees no problem with ADUs becoming rentals. Graichen said all of the best practices recommend removing that requirement. Commissioner Stenberg, Commissioner Webster, Vice Chair Cary and Commissioner Semling do not mind removing the owner occupancy requirement, as proposed. Chair Hubbard and Commissioner Lawrence agree with Commissioner Cohen.

5.C Millard Road Property Zoning Discussion

The Commission would like to move this to a meeting with a shorter agenda.

6) Acceptance Agenda: Planning Administrator Site Design Review

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

7) Planning Director Decisions

There were no comments.

8) Planning Department Activity Report

8.A July Planning Department Report

There were no comments.

9) **For Your Information Items**

Graichen told the Commission about a demolition permit for 50 Plaza to remove a portion of the facade that was added after it was built. It is required to meet the Riverfront District Architectural Guidelines for the Riverfront District. The applicant wants to make the facade look more like it used to when it was built, so staff feels it meets the intent of the guidelines.

Motion: Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission unanimously recommended approval of the demolition permit at 50 Plaza. [AYES: Commissioner Cohen, Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

Commissioner Cohen asked if each member can see copies of the findings before they are signed. Graichen said that would be reviewing them as an individual, not as a group. That is the point of having a motion for the Chair to sign the findings. The Chair becomes the authority for signing the findings. If the Commission wants to review the findings prior to signature, they can decide to not make the motion for signature. Chair Hubbard clarified that he always reviews and asks any questions before signing if he needs clarification.

Commissioner Cohen would also like a report on any land use related decisions that are made by the City Council. A good example is the outcome of the appeal of the Conditional Use Permit for the marijuana retailer. Commissioner Cohen suggested that Graichen put this information into his monthly Department Report.

10) **Next Regular Meeting**

Dimsho said the next meeting is September 11, 2018 at 6:30 p.m. for the Riverfront Connector Plan Work Session. She will send out a reminder to the Commission about the time change.

11) **Adjournment**

There being no further business before the Planning Commission, the meeting was adjourned at 11:31 p.m.

Respectfully submitted,

Jennifer Dimsho
Associate Planner