

City of St. Helens Planning Commission

Approved Minutes

May 8, 2018

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

Members Absent: Commissioner Cohen

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

Others: George Hafeman
Hugh & Becky Fitzgerald
Oscar Eisenschmidt
Brian & Haley Sakultarawattn
Joshua Christiansen
Scott Richards
Bill Craft
Max Snook
Eric & Linda Zahl
Ryan & Lisa Scholl

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

Motion: Upon Commissioner Semling's motion and Commissioner Stenberg's second, the Planning Commission unanimously approved Draft Minutes dated April 10, 2018. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Vice Chair Cary, Commissioner Webster; Nays: None]

- 3) **Topics from the Floor: Limited to 5 minutes per topic (not on public hearing agenda)**

Hafeman, George. Hafeman owns a real estate office on Highway 30 next to the developing property on McBride/Matzen Street. Hafeman paved a portion of undeveloped right-of-way to increase their parking at the real estate office. It has been that way since 1983. He said they are using about half of the width of the right-of-way. This parking is very important to them. He is in favor of putting in a pedestrian path, as was approved with the subdivision, but he worries that development will impact their parking. City Planner Jacob Graichen explained the level of impact on the parking area will be determined by the development proposal of the lots next to it.

Vice Chair Cary asked if that development of the lots next to the parking area will be an administrative decision. Graichen said there is not a proposal at this time, but it will likely be administrative. Vice Chair Cary said it sounds like Hafeman should be in contact with Graichen as those lots get developed.

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

4.A 7:00 p.m. - Variance (Setback) at 58700 Magnolia Circle - Hugh & Becky Fitzgerald

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. City Planner Graichen entered the staff report dated April 27, 2018 into the record. Graichen described the proposal and recommended conditions of approval, as presented in the staff report. Graichen noted that the City Engineer would like the additional runoff from the new structure to be directed to the street and stormwater catch basin. The Commission can add this as a condition.

Vice Chair Cary asked why the applicant has a second driveway. Graichen said the property is located on a cul-de-sac with a rolled curb. This subdivision also pre-dates the access management standards adopted with the 2011 Transportation System Plan. Commissioner Lawrence asked what the distance will be from the eave structure from the side setback. Graichen said the applicant can answer this, especially since they are proposing gutters.

In Favor

Fitzgerald, Hugh. Applicant. Fitzgerald said it will have gutters that will be routed to the stormwater system in the street. Fitzgerald said the measurements included in the site plan are for the building footprint, which does not include the eaves. Vice Chair Cary asked if the Homeowners' Association will be okay with the larger structure. Fitzgerald said it will not be a problem to get approval. Vice Chair Cary asked if there was a fence between their property and the neighbor. Fitzgerald said yes.

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 feels this proposal is pretty cut and dry.

Motion: Upon Vice Chair Cary's motion and Commissioner Webster's second, the Planning Commission unanimously approved the Variance Permit with the additional condition regarding

stormwater. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Vice Chair Cary, Commissioner Webster; Nays: None]

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

4.B 7:30 p.m. - Sign Code Adjustment (Variance) at 25031 Millard Road - St. Helens Bible Church

Chair Hubbard opened the Public Hearing at 7:30 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the staff report dated April 27, 2018 into the record.

Graichen described the proposal and recommended conditions of approval, as presented in the staff report. Graichen said because they are in a predominantly residential area, they have to use the residential sign code, as opposed to commercial/industrial. Residential areas are more restrictive. Graichen noted that the proposed sign location will need to change in order to stay outside of the vision clearance area, as depicted in the staff report's vision clearance exhibit.

In Favor

Eisenschmidt, Oscar. Applicant. Eisenschmidt is representing the St. Helens Bible Church as the applicant. The reason they are applying for the variance is mainly because of the speed limit along Millard Road and the visibility of the sign. In his research, he found that they recommend letters of four inches in height for 35 MPH roads and six inches on 45 MPH roads. The font size for the sign proposed is three inches. Eisenschmidt said the size of the sign was chosen because of the amount of text required to be on the sign. The height of the sign is partly because the grade of the field is about one and a half feet lower than the road. He said the sign will be about six inches higher than the maximum height if you take out the grade difference of the road. He has no problem with moving the location of the sign to meet the vision clearance requirements. Eisenschmidt was hoping to use the County's rules because they allow a maximum size of 40 square feet, and they are proposing 36 square feet. Commissioner Semling asked about the sign content. Eisenschmidt clarified that her question was about their web address. Councilor Carlson asked if it was illuminated. Eisenschmidt said no.

Sakultarawattn, Brian. Sakultarawattn said traffic signs may be easily visible from the road, but they do not have to comply with the vision clearance rules. This is partly why they are requesting a larger sign. He also noted that it would be difficult to find a comparable situation where there is a large lot with a building set back so far from the road.

In Opposition

No one spoke in opposition.

Further Questions of Staff

Graichen clarified that the vision clearance triangle would be measured from the property line and from the edge of the driveway. This is because the road will eventually be built out to the edge of the right-of-way.

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 has no problem with the proposal as presented.

Motion: Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Sign Code Adjustment. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Vice Chair Cary, Commissioner Webster; Nays: None]

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

4.C 8:00 p.m. - Annexation at 60120 & 60110 Barrick Lane - Eric & Linda Zahl

Chair Hubbard opened the Public Hearing at 8:00 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the staff report dated April 27, 2018 into the record.

Graichen introduced the Commission to the annexation proposal, as presented in the staff report. The Commission is to make a recommendation to City Council on whether or not to approve the annexation and what to zone the property. The purpose of the annexation is for the applicant to use our development standards. Graichen said the Comprehensive Plan designation allows for R10 or R7. It also allows for R5 or AR if the parcel is vacant and larger than two acres in size, there are adequate public services, and it is appropriate for the surrounding area. Therefore, the Commission can pick R10, R7, R5, or AR based on which zoning the Commission feels is compatible with the surrounding area. Graichen noted there is also an affordable housing policy in our Comprehensive Plan, which could be used to argue in favor of a higher density zone.

In Favor

Zahl, Eric. Applicant. Zahl said they have lived on this property for over 20 years. He entered a presentation into the record that follows the narrative that was included in the staff report. He described that they would like the property to be zoned R5 because it complies with the Comprehensive Plan goals and policies related to affordable housing. He explained the various demographic shifts that are creating a higher demand for mid to lower cost housing. This is causing costs to rise. He said the Columbia County Housing Report created by Community Action Team (published February 2017) concluded that we need about 109 dwelling units per year to keep up with demand. The report also recommended a mix of housing types, including

attached single-family dwellings and smaller size housing as a way to reduce the cost of housing. Zahl said they plan on developing the property with a mix of detached and attached homes. If it were zoned R7, they would not be able to do attached homes. They could also create smaller homes with smaller lots, which is needed to create more affordable housing. He said there would also be a common greenspace for a quality neighborhood aesthetic. He noted there are not a lot of vacant large parcels of R5 zoned property in the City.

To address spot-zoning, Zahl made the argument that the large vacant property to the east could be annexed as R5, which would mean that their property is starting the R5 trend, not a spot zone. He provided a concept plan for the subdivision layout. He said the homes will be developed with quality design and traditional-style architecture. Zahl said the Development Code and Comprehensive Plan allows for R5, and he would like the Commission to consider this designation.

Vice Chair Cary asked what would happen to Barrick Lane with development. Zahl said that is to be determined with a full subdivision application. It is currently an access easement for the existing Zahl homes. It is also designated as Elk Ridge's emergency access easement. Graichen said the proposed subdivision layout is beyond the scope of the annexation.

Neutral

Scholl, Lisa. Scholl and her husband live on Ridgeway Loop adjacent to the proposal. Scholl is not against the annexation. When they moved in, she knew that the subject property would eventually be subdivided because of the street stub. She knows that there is a need for affordable housing in the community, but she feels that the R5 zone does not fit in with the character of the surrounding zones. It is surrounded by R7. Scholl is concerned about the increase in traffic. She said there are lots of children that play throughout her subdivision. Scholl said there will be more affordable housing with apartments and other development in the City. Scholl said the City Engineer recommended R7 zoning. Scholl said it could be years before the property to the east is developed. We have no idea what it will be zoned. It is just speculation to say that it will be zoned R5. Lastly, Scholl said the visibility is difficult around Steinke Drive and Hankey Road. She explained this more in her letter, which was included in the staff report.

Scholl, Ryan. Scholl said the proposal would be connecting two R7 subdivisions with R5. He said you could speculate about the other property to the east, but this proposal is spot zoning today. Scholl said it is difficult to pull out onto Hankey Road from Steinke Drive. He is concerned about adding additional traffic to an already challenging intersection.

Rebuttal

Zahl, Eric. Applicant. Zahl said the Scholls made good points. Zahl said the Emerald Meadows subdivision was changed to R5, which is closer than one mile, as Scholl noted in the letter.

Regarding spot zoning, he said the Commission needs to consider the adjacent property as a potential R5. Housing needs will continue to increase, which is why it could be likely zoned R5 in the future. Zahl said maintaining consistency is not the only goal of the Planning Commission. Maintaining the status quo does not properly use new facts and reality about housing affordability issues. The Commission is responsible for planning into the future 20, 30, and 40 years from now. Zahl feels with the right kind of design, the feel of the new subdivision will be consistent with the surrounding subdivisions.

Zahl also wanted to address the visibility problem from Steinke Drive onto Hankey Road. He agreed there is a problem, but only about half of the homes in the new development would exit that way. He does see how a 36 percent increase in traffic would address the fundamental problems of that intersection. He also noted a Traffic Impact Analysis (TIA) would be required at the time of the subdivision application and that safety concerns of that intersection would be addressed as part of the subdivision. They did not create the original problem. He described some opportunities to make visibility easier at the intersection.

Zahl, Linda. Applicant. Zahl said having a mix of housing makes a community better. Zahl also noted that the property to the east is owned by Weyerhaeuser and she recently learned from them that the land is not suitable for tree growth. They only re-planted because they are required to. She admitted she does not actually know when or if this will happen, but she spoke with the engineers when they replanted about four years ago. She thinks they will be selling off land for development soon.

Deliberations

Vice Chair Cary asked why a TIA is not warranted at this time. Graichen said an annexation is not a zoning/comprehensive plan amendment, even though the zoning does have to be determined as part of the annexation. Vice Chair Cary asked about the definition of spot zoning. If it is a big enough property, is it still spot zoning? Graichen said the definition of spot zoning is, "rezoning a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan." Vice Chair Cary said it seems like if the parcel were bigger, the proposal would not be considered spot zoning.

Commissioner Webster is in favor of R7 zoning to keep it contiguous. Vice Chair Cary said the concept design is great, but this is not the right place for it. Commissioner Lawrence agrees. The zoning should be contiguous with the surrounding two subdivisions. Commissioner Lawrence asked if the area by the DMV could be developed as R5. Graichen said yes, attached and detached single-family dwellings could be built there.

Motion: Upon Commissioner Lawrence's motion and Commissioner Webster's second, the Planning Commission unanimously recommended approval of the annexation with a zoning designation of R7 to the City Council. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Vice Chair Cary, Commissioner Webster; Nays: None]

5) Discussion Items

5.A Auxiliary Dwelling Unit (ADU) Discussion

Graichen said this is not a public hearing, but a discussion of concepts that will eventually turn into code amendments and a public hearing. Senate Bill 1051, which was passed in August 2017, states that cities with a population greater than 2,500 people must allow at least one accessory dwelling unit for areas zoned for detached single-family dwellings, subject to reasonable local regulations. He said he has never permitted an ADU in his ten years with the City, likely because the standards are too burdensome. Councilor Carlson said it is the Council's opinion that everyone deserves a home, and ADU rules are an easy way to create more housing. Graichen added that since we already have an ADU chapter, making them easier to develop will not be too burdensome.

Graichen said the first change is to amend the definition of ADU to be more consistent with the state and to change them from conditionally permitted to outright permitted. The Commission had no issue with this, as long as underlying zoning setbacks are met. Commissioner Stenberg asked if applicants would still be able to apply for variances. Graichen said yes. Vice Chair Cary asked if residents would be upset if there is not a public hearing associated with the development of an ADU. Councilor Carlson noted that people have ADUs illegally now. This will bring them to the light.

Graichen said best practices by the state and the Columbia County Housing Study recommend removal of the owner-occupancy requirement because it is impractical to enforce and creates an additional barrier to their development. The Commission is okay with this. Chair Hubbard is concerned about creating ADUs for short-term rentals, especially since the reason for allowing them is to create more affordable housing for locals. Commissioner Stenberg agreed. Graichen said he could add text that does not allow ADUs to become a short-term rental.

Regarding parking, although the literature suggests not requiring off-site parking, Graichen does not recommend this approach. He recommends leaving the code as is. It currently says that no additional space is required if it is created on a site with an existing home and abuts a street that is at least 20 feet wide. Instead of 20 feet wide, he recommended changing the rule to require a parking space if the street has no parking. If the ADU is new, one new, non-tandem parking space is required.

Regarding ADU size, the recommendation is to change the maximum size to be no more than 50 percent of the gross living area of the principal dwelling. The Commission is okay with using gross living area. Graichen said the architectural features section will remain the same. Commissioner Lawrence likes that section.

Graichen recommends not allowing ADUs within the 100-year floodplain to prevent damage to areas that are prone to flooding. The Commission agrees. The Commission also agrees that ADUs should not be allowed to impact Sensitive Lands (riparian areas, wetlands, protection zones). Graichen said that ADUs should be allowed to utilize the exceptions to a variance provided in SHMC 17.108.050 (4). Commissioner Lawrence does not like this, but the rest of the Commission agrees with Graichen. Regarding non-conforming structures, Graichen's recommendation is to allow an existing legal non-conforming structure to be converted, provided that the conversion does not increase the non-conformity. Regarding assigning an address, ADUs would use the same number as the principal dwelling. The Commission is okay with these recommendations.

Graichen said the actual code amendments will be seen by the Commission in the next few months. He also said the text amendments will make Type I Home Occupations exempt. Type II Home Occupations will still remain. There is signage, customers, and outward evidence of the business with a Type II Home Occupation.

5.B [Annual Report to City Council June 6 at 1 p.m.](#)

Graichen asked if anyone wants to present for the Annual Report to City Council on June 6 at 1 p.m. and/or if there is anything that Council can do to better support the Commission. Councilor Carlson noted what other Commissions have asked of Council, like training, conferences, speakers, etc. Commissioner Lawrence asked for additional training sessions.

- 6) **Acceptance Agenda: Planning Administrator Site Design Review**
6.A Site Design Review at 495 S. Columbia River Highway - New medical office building

Motion: Upon Commissioner Webster's motion and Vice Chair Cary's second, the Planning Commission unanimously approved the Site Design Review at 495 S. Columbia River Highway - New medical office building. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Vice Chair Cary, Commissioner Webster; Nays: None]

- 7) **Planning Director Decisions**
- a. Home Occupation (Type I) at 59552 Darcy Street - Home-based indoor OLCC-registered marijuana producer
 - b. Home Occupation (Type I) at 364 S. 6th Street - Home office for drone mapping
 - c. Home Occupation (Type II) at 174 Shore Drive - Home-based interior auto repair
 - d. Temporary Use Permit (1 Year Extension) at 555 S. Columbia River Highway - Food service trailer
 - e. Home Occupation (Type I) at 455 S. 17th Street - Online art sales
 - f. Partition at 1300 & 1400 Kaster Road - City of St. Helens
 - g. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - Kiwanis Community Parade
 - h. Temporary Use Permit (Medical Hardship) at 464 Grey Cliffs Court - Caregiver living in RV
 - i. Temporary Use Permit at 2295 Gable Road - TNT Fireworks Stand
 - j. Subdivision (Final Plat) at McBride & Matzen Streets - Multi-Tech Engineering LLC

There were no comments.

- 8) **Planning Department Activity Report**
8.A April 23, 2018 Planning Department Report

There were no comments.

- 9) **For Your Information Items**

Graichen asked the Commission if they could arrive at the next meeting on June 12 at 6:30 p.m. for a Riverfront Connector Plan work session that will be from 6:30 p.m. - 7:30 p.m. Commissioner Semling will not be in attendance.

- 10) **Next Regular Meeting - June 12, 2018**

- 11) **Adjournment**

There being no further business before the Planning Commission, the meeting was adjourned at 10:14 p.m.

Respectfully submitted,

Jennifer Dimsho
Associate Planner