

City of St. Helens Planning Commission

Approved Minutes

March 13, 2018

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

Members Absent: Vice Chair Dan Cary

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

Others: Rich & Ellen Bailey
Daniel Kozpke
John Paullus
Sean Henderson
Larry Scott

- 1) **Call to Order and Flag Salute**
- 2) **Consent Agenda: Approval of Minutes**
2.A Draft Minutes Dated February 13, 2018

Motion: Upon Commissioner Semling's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved the Planning Commission Minutes dated February 13, 2018. [AYES: Commissioner Webster, Commissioner Cohen, Commissioner Lawrence, Commissioner Stenberg, 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 reflect earliest start time)**
4.A 7:00 p.m. - Planned Development at 34759 Sykes Road - Kessi Engineering & Consulting

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. Graichen entered the Staff Report dated February 28, 2018 into the record. He said that the proposal involves two more public hearings, a subdivision and a planned development agreement. This hearing is just for approval of the

overlay zone. Graichen said the Commission's decision tonight is a recommendation to City Council.

Graichen said that the only recommended condition of approval is that in order to utilize the overlay zone, both properties must be used together. He said overlay zones are intended to be used when there is a natural resource, such as a wetland, that must be preserved and protected. Graichen also discussed the Fair Housing Council letter that was submitted into the record yesterday regarding Goal 10 of the Statewide Planning Goals. In response to the letter, he provided a memo that addresses the House Council's concerns. He further explained that the proposal for an overlay zone does not allow an increase in density or change the residential uses possible on the property.

Commissioner Cohen asked if the wetlands to be protected will be discussed at the next hearing. Graichen said yes. He said that our wetlands chapter specifically calls out use of a planned development overlay zone for the purpose of protecting wetlands. Chair Hubbard asked if the base zone under the overlay would still be Moderate Residential, R7. Graichen said yes, it will still remain R7, but it will have more flexibility that the applicant can choose to utilize. It does not change the density or housing type, but it allows flexibility in lot size. Graichen explained that the standard setbacks of the R7 zone still apply to the perimeter of the property, just not on the interior setbacks within the subject property.

Commissioner Lawrence asked about impact to the wetland from development, like storm runoff. Graichen said that will be addressed with the future subdivision process. Chair Hubbard asked if the BPA powerline easement would remain the same. Graichen said yes.

In Favor

Bailey, Rich. Applicant. Bailey represents Rich Bailey Construction, who is the applicant and owner of the property. Rich Bailey Construction builds custom homes. He was hoping Mr. Kessi, the project engineer, would be here to discuss the proposal, but he did not make it. Bailey said they are trying to maximize development with the small space they have with the wetlands and other encumbrances on the property. Bailey said they have been in business since 1993, and he has lived locally his entire life. They hire mostly locals. Bailey said they want to build a product to be proud of. It has taken about a year of expense and study to get to this point. Commissioner Cohen asked how many lots will be developed. Bailey said it will be approximately 17 or 18 lots, including the existing home that will remain. They are trying to maximize lot sizes, despite the wetlands.

In Opposition

Paullus, John. 59333 Mountain View Drive. Paullus lives directly behind the wetland in question. He asked if any wetland mitigation has or will be done. He bought his house brand new. He said the water that flows through the wetland can be a raging current. It crosses the road (Mountain View Drive) and floods surrounding homes. He asked how the drainage from the new development will be channeled to the storm water system. He asks if the existing flow patterns will be maintained, and if not, where the stormwater runoff will be diverted. He asked if the water flow will be examined. Graichen said these are all design-related questions, and storm drainage will be discussed with the subdivision at the next public hearing.

Scott, Larry. 59309 Mountain View Drive. Scott said his crawl space gets water. He moved in and he already had one foot of water underneath his home. He explained that his crawl space has plastic laid down that works like a bladder. It is a very sensitive system and as long as he keeps an eye on it, his house does not flood. Scott also makes sure that the storm culvert under Mountain View Drive is maintained and clear. He said the City does not maintain it. He said the upper culvert never has any water in it, so there is a storm drainage issue there. He is very concerned about his house flooding with new development. He does not have flood insurance, and he is very worried about stormwater impacts. He said there is already a drainage problem that exists. Scott wants drainage to be addressed now, not after development. Commissioner Cohen asked if this area is within a FEMA-regulated floodplain. Graichen said no.

Henderson, Sean. 39392 Mountain View Drive. Henderson pointed on the map where the stormwater goes under Mountain View Drive. He dug a trench through his property with the City's permission. He said the water gets about three feet deep. He is terrified about the other property to the east (owned by James Comstock) being sold to a developer because it acts as the drain field for all of the development to the west. He spent seven thousand dollars for a professional to build a sump pump system. He said his property is built on a wetland, so why was it built in that location? He was not allowed to build additional structures on his property because of the wetland. He does not understand why the City would allow new homes now to be built on a wetland. The homeowners in the new development will have a financial burden of water issues.

Graichen asked Henderson when his home was built. He said his home was built in 1999. Graichen said wetland rules were adopted in 2003. Graichen said prior to the adoption of the wetland rules, many homes were built very close to wetlands and creeks. He said these homes could not be built so close today. Henderson said he hopes the builder understands what he is doing, and he hopes there is no selfishness.

Kozpke, Daniel. 34815 Westboro Way. Kozpke said he is also concerned that the builder is selfish. He said the neighborhood he lives in has a lot of pride. He noted there are a lot of children that play in the street, and it will be a lot busier with this development. He is confused why a builder wants to build in this spot. There are plenty of other areas in the City.

Rebuttal

Bailey, Rich. Applicant. Bailey said the engineer will address most of the stormwater concerns in the upcoming subdivision proposal. He said the City will not let him build on the wetland. He is not a fly-by-night guy. He did not develop the neighbors' properties. He will comply with the City's wetland rules. Chair Hubbard said he assumes the new homes will all have stormwater systems. Bailey said yes. Commissioner Lawrence said hopefully the concerns will be addressed by the engineer.

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

Graichen said that the public will be notified about future public hearings. Graichen said this particular wetland is regulated by the Department of State Lands. Generally, any impact over 50 cubic yards must be permitted and mitigated. Locally, this wetland is protected as a Type II wetland with a 50 foot buffer. Commissioner Cohen asked what responsibility the City has regarding stormwater runoff. Graichen said the Engineering Department looks at pre-development conditions and post-development conditions. The goal of the stormwater requirements will be to not impact the post-development conditions to surrounding properties. Commissioner Cohen asked if a report from the City Engineering Department regarding stormwater runoff can be prepared for the next public hearing or if the City Engineer could be present. Graichen said he would inquire with City Engineering.

Motion: Upon Commissioner Cohen's motion and Commissioner Stenberg's second, the Planning Commission unanimously recommend approval to City Council of the planned development overlay zone as presented in the staff report. [AYES: Commissioner Webster, Commissioner Cohen, Commissioner Lawrence, Commissioner Stenberg, Commissioner Semling; Nays: None]

5) **Acceptance Agenda: Planning Administrator Site Design Review**
5.A Site Design Review (Minor) at 454 Milton Way - Replacement of old communications equipment

Motion: Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission unanimously approve Site Design Review (Minor) at 454 Milton Way - Replacement of old communications equipment. [AYES: Commissioner Webster, Commissioner Cohen, Commissioner Lawrence, Commissioner Stenberg, Commissioner Semling; Nays: None]

6) **Planning Director Decisions**
a. Sign Permit (Banner) at 2100 Block of Columbia Blvd - Columbia County Bridal Expo
b. Home Occupation (Type I) at 465 S. 3rd Street - Home-based janitorial services
c. Home Occupation (Type II) at 59144 Whitetail Ave. - Mobile ice cream sales with a vehicle scooter
d. Home Occupation (Type I) at 2515 Columbia Blvd - Home-based janitorial services
e. Scenic Resource Review at 373 & 375 S. 2nd Street - New duplex
f. Home Occupation (Type I) at 35243 Sykes Road - Home-based computer repair

There were no comments about the Planning Director Decisions.

7) **Planning Department Activity Report**
7.A February 27, 2018 Department Report

There were no comments about the Planning Department Activity Report.

8) **For Your Information Items**

Graichen said next month, the Commission will likely see the subdivision related to tonight's proposal. He asked the Commission if the next meeting could begin at 6 p.m. to accommodate a Riverfront Connector Plan Work Session. The Commission had no problems with this. Graichen said there does not need to be a quorum, but it would be nice if everyone could show

up. Commissioner Stenberg noted that all Riverfront Connector Plan materials are located on the project website <http://www.riverfrontconnectorplan.com> for review ahead of time too.

Graichen also said the Auxiliary Dwelling Unit discussion will happen when time permits. He said that the state now mandates that cities over 5,000 population allow them. We have rules that allow them, but we want to update them to make them easier to develop.

Councilor Carlson said there was a Merchants Meeting recently, and the City is going through a list of five action items to make us friendlier to business and growth.

9) **Next Regular Meeting** - April 10, 2018

10) **Adjournment**

There being no further business before the Planning Commission, the meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Jennifer Dimsho
Associate Planner