

City of St. Helens Planning Commission

Approved Minutes

February 13, 2018

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

Members Absent: None

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

Others: Ray Vanderwall
Howard Blumenthal
Jesse Vanderwall
Frank Brandon

- 1) **Call to Order and Flag Salute - 7:00 p.m.**
- 2) **Consent Agenda: Approval of Minutes**
2.A Draft Minutes Dated January 9, 2018

Motion: Upon Commissioner Semling's motion and Vice Chair Cary's second, the Planning Commission unanimously approved the Planning Commission Minutes dated January 9, 2018. [AYES: Commissioner Semling, Commissioner Webster, Commissioner Cohen, Commissioner Stenberg, Vice Chair Cary, Commissioner Lawrence; 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. - Annexation at 2130 Gable Road - JLJ Earthmovers, LLC

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 January 29, 2018 into the record.

Graichen described the proposal to the Commission, as presented in the staff report. The applicant wishes to connect to City water services, so they applied for an annexation into the City. There is one recommended condition of approval related to frontage improvements along the subject property.

Graichen said this is included only in the unlikely event that the frontage improvements are not complete prior to annexation.

Graichen said the Commission must decide whether or not to make a recommendation of approval to the City Council. He noted that even though the City's Charter requires voter approval for annexations, state legislation overrides this requirement.

Vice Chair Cary asked about the timing of Columbia County's review. Graichen said the County is taking the lead on the building permit and land use permit until it is annexed. Vice Chair Cary asked if the County's requirements for frontage improvements will look like our requirements for frontage improvements. Graichen said the County communicates with us during this process, since the street is within our jurisdiction.

Chair Hubbard asked about the sewer system. Graichen said they have an approved on-site sewer system because the nearest sewer line is too far away for it to be "legally and physically available," per Oregon Revised Statutes. Graichen noted that the County will still have jurisdiction of the on-site septic system, even once it is annexed. Commissioner Lawrence asked if they will be required to connect if a sewer line is extended in the future. Graichen said if there is a sanitary sewer main line within 160 feet of a property, they could be required to connect and abandon the on-site septic system. Commissioner Cohen asked if this needed to be included in the conditions. Graichen said no, this is already addressed in the Development Code.

In Favor

No one spoke in favor of the proposal.

In Opposition

No one spoke in opposition of 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

Commissioner Cohen thinks the annexation is pretty clear cut. The Commission agrees.

Motion: Upon Commissioner Cohen's motion and Commissioner Semling's second, the Planning Commission unanimously recommended approval of the Annexation to the City Council as written by staff. [AYES: Commissioner Semling, Commissioner Webster, Commissioner Cohen, Commissioner Stenberg, Vice Chair Cary, Commissioner Lawrence; Nays: None]

4.B 7:30 p.m. - Variance (Lot Dimension) & Partition at 321 Tualatin Street - Vanderwall

Chair Hubbard opened the Public Hearing at 7:30 p.m. There were no ex-parte contacts, conflicts of interest, or bias in this matter. Graichen introduced the proposal and went through the recommended conditions of approval, as presented in the staff report.

Graichen said that this lot is larger than a standard 5,800 square foot lot because of a previously approved street vacation along S. 3rd Street and Tualatin Street that made the lot 8,395 square feet. The request is to divide the property into two parcels, one 3,395 square foot lot and one 5,000 square foot lot. He said the Variance Permit is required in order to receive a Partition, so they will be reviewed simultaneously. Graichen went through a number of conditions related to utilities in and around the subject property, including water, storm, sewer, and street conditions.

Vice Chair Cary asked about the City Engineer's comment relating to fill material on the new lot to be created. Graichen said the lack of information related to the soil characteristics is why a geotechnical report is a recommended condition of approval. Commissioner Semling asked if the site is below grade. Associate Planner Dimsho said the lot to be created is below grade from the street and there is storm infrastructure that collects storm water on site.

In Favor

Ray Vanderwall, Applicant. Vanderwall bought the property sometime between 1998 and 2000. He said the existing home was built by him shortly after he purchased the property. The previous home was destroyed in a storm. He said the water line was recently repaired by the City, which is why the site is wet right now. He said the site does get wet periodically, but not any more than any properties in the area. Vanderwall said he is aware of the conditions of the report and asked for questions from the Commission. Cohen asked what he plans on developing the new lot with. Vanderwall said he was considering a duplex if he can meet the minimum lot size. Commissioner Webster asked if the existing home would remain. Vanderwall said yes. He said if he cannot make the square footage requirement for a duplex, he might put in townhouses. Graichen clarified that townhomes would require an additional lot division and subsequent variance to the lot depth requirement. Vanderwall said he may propose an additional lot partition and variance in the future if he decides to go that route, but for now he will build a single-family dwelling or a duplex if the minimum lot size is met.

Neutral

Frank Brandon, 330 Tualatin Street. Brandon lives directly across the street. He asked if the property will stay residential. Graichen said yes.

In Opposition

Howard Blumenthal, 462 S. 3rd Street. Blumenthal has lived at this address for 30 years. He said he has heard water travelling under the ground at this location. He said the travel trailer that was removed from the site almost fell over because the ground is so soft. He described multiple vehicles that sunk into the ground on the site. Blumenthal said he is also concerned about people parking on S. 3rd Street if they don't have enough room to park on their property, especially when they have visitors. Graichen said any new detached single-family dwellings are required to provide two off-street, paved, non-tandem parking spaces. Blumenthal said there are homes with way more than two cars, boats, and trailers throughout the neighborhood. He is concerned about visibility on the corner if people start parking on the corner. He does not want to see new development that will sink into the lot and lower property values. Commissioner Cohen said they will require a geo-technical report to determine soil stability.

Commissioner Lawrence asked if the property would go through Site Design Review. Graichen said no. This zoning district permits the proposed residential uses outright, but the Building Permit review process would include the issues he is concerned about. Blumenthal asked if there are rules to prohibit parking on S. 3rd Street. Graichen said there are potentially rules about restricting fire access, but he does not deal with parking enforcement issues, so he is unsure.

Rebuttal

Ray Vanderwall, Applicant. Vanderwall said he has no problem with conducting a geo-technical report. Vanderwall said he will develop the lot according to City standards, which will require two on-site parking spaces.

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 asked the Commission to consider the variance approval standard that requires that the existing physical and natural systems will not be adversely affected any more a result of the variance than would occur if the development complied with the code. He asked the Commission to consider the difference between dividing the lot as proposed versus the lot orientation that would not have required a Variance Permit. Commissioner Cohen said if it was divided the way that code allows without a variance, it would have to be developed with a very skinny house. He also noted they would still have a storm water drainage issue that would need to be addressed either way. Vice Chair Cary said it makes sense to divide and shape the lot as proposed, rather than have super skinny lots and homes. Commissioner Lawrence feels confident that the geo-technical report will confirm unknowns.

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

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

Motion: Upon Commissioner Cohen's motion and Vice Chair Cary's second, the Planning Commission unanimously approved Chair Hubbard to sign the Findings of Fact and Conclusions of Law when they are prepared. [AYES: Commissioner Semling, Commissioner Webster, Commissioner Cohen, Commissioner Stenberg, Vice Chair Cary, Commissioner Lawrence; Nays: None]

5) Acceptance Agenda: Planning Administrator Site Design Review

- 5.A Site Design Review at 58144 Old Portland Road - Multnomah Industrial Park new building

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

6) Planning Director Decisions

- a. Temporary Use Permit at 1300 Kaster Road - Fence for bale storage
- b. Accessory Structure Permit at 365 S. 13th Street - New storage shed
- c. Home Occupation (Type I) at 244 N. 1st Street - Home-based construction business
- d. Home Occupation (Type I) at 2735 Columbia Blvd. - Home-based house cleaning
- e. Home Occupation (Type I) at 254 Madrona Ct. - Home-based craft beer brewery
- f. Home Occupation (Type II) at 779 Mango Street - Home-based tree trimming
- g. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - St. Helens Sports Booster Club Auction Fundraiser
- h. Sensitive Lands Permit at 58144 Old Portland Road - Building in a flood plain
- i. Home Occupation (Type I) at 465 S. 3rd Street - Home-based janitorial services

Vice Chair Cary asked about the Sensitive Lands Permit at the Multnomah Industrial Park. He asked if the proposal was related to wetlands, in addition to development in a flood plain. Graichen said no. The applicant moved the development to ensure it was comfortably away from the wetlands.

7) Planning Department Activity Report

7.A January 30, 2018 Department Report

Commissioner Cohen asked if the Access Management Plan that the School District submitted met the Planning Commission's request. Graichen said yes. Graichen said he recalled that it was Councilor Carlson who asked about the safety of children getting to school during construction, and her question resulted in a condition requiring the Access Management Plan. He said this was a good example about how the Council Liaison, as a non-voting member, should function in relationship to the Commission. Vice Chair Cary said he was pleased with the Access Management Plan. Councilor Carlson said she was pleased as well. She said the Access Management Plan was distributed to parents and students in the District.

8) For Your Information Items

There was no discussion.

10) Adjournment

There being no further business before the Planning Commission, the meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Jennifer Dimsho
Associate Planner