

**City of St. Helens**  
**Planning Commission Meeting**  
**September 12, 2017**  
**Minutes**

**Members Present:** Al Petersen, Chair  
Dan Cary, Vice Chair  
Greg Cohen, Commissioner  
Sheila Semling, Commissioner  
Audrey Webster, Commissioner  
Kathryn Lawrence, Commissioner  
Russell Hubbard, Commissioner

**Members Absent:** None

**Staff Present:** Jacob Graichen, City Planner  
Jennifer Dimsho, Associate Planner  
Matt Brown, Finance Director

**Councilors Present:** Ginny Carlson, City Council Liaison

**Others Present:** Jessica Pickett  
Todd Mobley  
David Etchart  
Jamin Kimmel  
Henry Fitzgibbon  
Julie Thompson  
Jennifer & Aaron Phelps  
Scot Stockwell

The Planning Commission meeting was called to order by Chair Al Petersen at 7:00 p.m. Chair Petersen led the flag salute.

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**Consent Agenda**

**Approval of Minutes**

Commissioner Semling moved to approve the minutes of the August 8, 2017 Planning Commission meeting. Commissioner Webster seconded the motion. Motion carried with all in favor. Chair Petersen did not vote as per operating rules.

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**Topics From The Floor**

There were no topics from the floor.

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## **Soda Tax Presentation & Discussion**

Finance Director Matt Brown went through a presentation about what the soda tax is. He is asking for feedback from the Commission to bring the Public Forum scheduled for October 4 at 6 p.m. Brown said the soda tax was brought up when Council began considering alternative funding sources in order to fund park and sidewalk improvements. Chair Petersen asked if there is a reason parks funding has been reduced over the years. Brown said funding has been reduced because of multiple factors, including large manufacturers like Boise leaving, a low property tax rate, and changes to allocations within the General Fund.

Brown said the Parks Master Plan has \$3.3 million in improvements and only \$100,000 in the bank. Brown described the alternative funding sources the Budget Committee and Council went through, including the sugar-sweetened beverage tax. Brown also discussed the options for exempting any locally owned businesses county-wide, businesses who have less than \$100,00 in gross sales, and/or self-distributors.

Commissioner Lawrence asked about diet sodas that contain artificial sweeteners. She feels they have equally harmful impacts to health. She is in support of a soda tax that includes sugar-sweetened beverages as well as artificially sweetened beverages, but not just sugar-sweetened beverages.

Commissioner Cohen asked if the tax would include fountain drinks. Brown said yes. Commissioner Cohen asked who would decide how the money is spent. Brown said his recommendation would be to create a committee with broad representation who would determine how the money is spent. Commissioner Cohen asked why the exemptions would be included if the goal is to increase revenues. Brown said there has been a lot of feedback from small businesses that encouraged him to include an exemption clause.

Commissioner Webster asked if there is a small town that has implemented a tax like this. Brown said Albany, California has about 20,000 people and is probably the most similar.

Chair Petersen said the tax in Philadelphia was less successful because people drive outside of the City to purchase their soda. He said the same will happen in St. Helens. He also said the high commuter rate will mean that less people purchase soda locally. Chair Petersen said for this reason, the estimates for revenue would likely be less than is anticipated. Commissioner Semling said she does not support the tax because people will just shop elsewhere. Commissioner Lawrence thinks this tax would harm local businesses. Vice Chair Cary thinks it is a good idea. Commissioner Hubbard does not support the tax because he feels it is a "sin tax." Chair Petersen agrees. Brown asked the Commission, of the other alternative funding options, which they would like to see pursued. The Commission would like Council to pursue a Local Option Levy.

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## **Public Hearing**

**St. Helens School District**

**Site Design Review & Sensitive Lands Permit / SDR.6.17 & SL.3.17**

**354 N. 15<sup>th</sup> Street & 474 N. 16<sup>th</sup> Street**

It is now 7:44 p.m. and Chair Petersen opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

City Planner Jacob Graichen entered the following items into the record:

- Staff report packet dated September 5, 2017 with attachments

Graichen discussed the Site Design Review and recommended conditions of approval, as presented in the staff report. Graichen said Site Design Reviews are not normally reviewed by the Commission, but he has

the authority to pass the decision to the Commission. Graichen said given the scale of the project, the Commission elected to review the decision during a public hearing.

Graichen discussed the District's mistake of removing of healthy trees within the wetland protection zone. He said the District was aware of the state's rules regulating wetland tree removal, but not the local rules. Graichen said this is why there is a proposed fine as a condition of approval.

Graichen discussed the abutting right-of-way improvements, including the various sidewalk segments. He noted that the Police Chief has specific concerns about the trail on the southeast side of the site. Graichen said the Commission needs to decide what type of illumination should be provided for crime prevention. He noted that the District provided a letter to the Commission in regards to site illumination. Graichen provided the Commission an excerpt from the code related to crime prevention that applies to this situation.

Chair Petersen said he is confused about the applicant's narrative regarding the trail. Graichen said the applicant is proposing to close the existing trail. Chair Petersen asked about the fine for removing the trees within the wetland buffer. The applicant will mitigate the loss of the trees, but the Commission can choose to charge a fine for cutting down healthy trees within the wetland buffer without a permit. Graichen said his recommendation is to include a fine as a condition of approval.

## **IN FAVOR**

**Stockwell, Scot. St. Helens School District Superintendent.** Stockwell wanted to publically thank the community for supporting the school bond. The Columbia County Education Campus (CCEC) has been housed in portable classrooms for about 20 years. Those classrooms are now dilapidated and he is very excited about this project. Stockwell said the Middle School was built more as a Junior High School, and it is past its prime. It no longer meets the needs of the 21<sup>st</sup> century learner. Stockwell said there is about seven million set aside for safety and security and science upgrades for the High School. He said any money not spent on the Middle School or CCEC will be spent on the High School improvements. The bond was passed on November 8. Stockwell said they are all very anxious to start construction. This land use decision is one of the first steps of the process. He thanked the Commission for the opportunity.

**Kimmel, Jamin. Angelo Planning Group.** Kimmel said Angelo Planning Group represents the District for the land use application. He thanked Graichen for his timely responses. The District hired a wetland consultant and a traffic consultant for this application. Kimmel said the team reviewed and clarified the staff report, and they are all comfortable with the proposed conditions of approval.

Regarding the illumination standards, the team is in the process of putting together a lighting study that will show levels of illumination across the site, but it is not ready for this meeting. Kimmel said they are committed with working with the Police Chief and staff through the crime prevention requirements that come from the study. Kimmel said the District has agreed to light the existing path along 15<sup>th</sup> Street more than was originally proposed, but they are asking for an exception to the undergrounding of power pole requirements just for this area. Installing a few new poles will cost the District \$10,000 to \$15,000 less than undergrounding the utilities because of the basalt bedrock. Overhead lights to light the entire field would cost the District upwards of \$250,000. The district is not proposing to use the field for evening events, so this expense was not included in the budget. Kimmel said they will work with staff and the Police Chief to ensure that existing lighting will provide adequate lighting to the field. Kimmel said the lighting around the perimeter of the parking lot and building could be adjusted to light the field in a way that would satisfy crime prevention needs. Kimmel is requesting that a lighting plan could be included as a condition of approval so they can meet the tight construction timeline. Commissioner Hubbard asked if 16<sup>th</sup> Street lights could help. Kimmel said yes, but the Police Chief was referring more to the lighting of the athletic fields. Commissioner Cohen asked if the team considered future pedestrian safety with the proposal. Kimmel said

the traffic engineer is here and more equipped to answer that question.

**Fitzgibbon, Henry. Soderstrom Architects.** Fitzgibbon is representing the project's architect team. He said the project was designed to allow students to use the old school while construction is occurring on the football field. Fitzgibbon said the same access entrance is utilized. Fitzgibbon said there is a lot of on-site queueing room for parents to drop off the students. He said the goal is to not have any on-street spillover. They have two loops that will keep buses separate from the parent drop-off area. Fitzgibbon said the Columbia County Education Campus trailers and portable classrooms will be replaced with a permanent building and a covered play structure.

Fitzgibbon said there will be a temporary fire truck turnaround during construction. The grass paving will surround the middle school to allow for a permanent fire truck turnaround. It will allow for firefighting on all sides of the building. Vice Chair Cary asked why there is a bridge proposed over the wetland. Fitzgibbon said the District believes they could mitigate the wetland, but the process would take about six months that they do not have.

Councilor Carlson asked if the students who cut through the football field currently to get to school will be disallowed through the site during construction. Fitzgibbon said they will not be allowed through. Councilor Carlson asked if they would have to take the long way around in an area with no sidewalks. Fitzgibbon said yes. Councilor Carlson is concerned about the number of children who now have their access closed off.

Chair Petersen asked how the proposal could have only one access for a design capacity of 750 people, particularly when subdivisions with less people, require more. Fitzgibbon said fire trucks do have two ways to enter and exit the site. Chair Petersen asked if the District considered a driveway north to West Street. Fitzgibbon said the circulation is and was working, even when there were upwards of 900 students.

**Mobley, Todd. Lancaster Engineering.** Mobley represents the District's transportation consultants. They studied existing conditions and future capacity with additional enrollment, trips, and students. They found there was adequate capacity with full enrollment, which is not something the District anticipates in the near future. Mobley said regarding non-motorized transportation, sidewalks are included in the proposal. Commissioner Cohen asked if there were any suggested changes for stop sign locations. Mobley said the current system was found to be working well. Drive delays were not excessive and traffic queues were not too long. Mobley said they did not recommend changes for safety or capacity. Chair Petersen asked what the level of service is at Wyeth Street and Highway 30. Mobley said that intersection was outside of their scope. Mobley clarified the site traffic flow for the Commission using the site plan.

## **IN OPPOSITION**

**Holznagel, Bill. 1321 West Street.** Holznagel said he owns an old farmhouse five feet away from the enclosure that contains the dumpster, air conditioner unit, the generator, and other service facilities. He would like to see the service enclosure moved into an area that would not be so close to his and other properties. He does not want rats to breed and fill his basement. He is also concerned about stormwater runoff. It is a steep slope. Holznagel is concerned about the height of the school. He has a second-floor bedroom and students will be able to see right into it. He can hear the name of every student that is called into the office. Holznagel said he would like to be able to maintain his gate access between his property and the school property.

**Phelps, Jennifer. 1221 West Street.** Phelps said she will see the new school building right outside her window. She is concerned for her privacy. She is wondering if the District could stake out how high the building will be with flags. She also asked if the perimeter fence could be taller. Phelps said she has had children jump the fence into their backyard, and now they will be even closer. Phelps said she could hear

every name as they get called into the office too.

**Phelps, Aaron. 1221 West Street.** Phelps asked if there will be a dialogue between the residents and the District about how privacy will be preserved. He said if kids can see into their backyard, they will consider that an opportunity to cause mischief.

## **REBUTTAL**

**Kimmel, Jamin. Angelo Planning Group.** Kimmel said regarding the privacy and noise concerns, many of the trees that are proposed for removal are going to be replanted for mitigation along the perimeter which will provide a substantial screen and privacy for residents. Kimmel said the team would be willing to consider relocating any of the proposed trees to specifically address privacy concerns. Commissioner Cohen asked about the perimeter fence. Kimmel said it is six to eight feet in height and not proposed to change. Kimmel also said the existing gate that was mentioned during previous testimony is not proposed to be removed.

Regarding stormwater runoff, Kimmel said it will be directed into the wetland area. Kimmel said there is no runoff proposed to be directed towards surrounding residents. Vice Chair Cary asked why the storm outfall is so close to the wetland. Kimmel said they will discuss this concern their civil engineer. He said they have been in conversations with the City Engineer about the proposed stormwater plan, and it could likely be drawn back.

**Fitzgibbon, Henry. Soderstrom Architects.** Fitzgibbon said they cannot disrupt current school operations, so they were forced to develop the new school on the sport field. This is why the building is being relocated so close to residents. Commissioner Cohen asked how difficult it would be to move the service enclosure. Fitzgibbon explained it was placed in that location because the generator needs to be close to the electrical room and the trash enclosure needs to be close to the kitchen service entry. Graichen asked if they could move the enclosure east. Fitzgibbon said that is possible, but they would rather not.

## **END OF ORAL TESTIMONY**

There were no requests to continue the hearing or leave the record open.

## **CLOSE PUBLIC HEARING & RECORD**

The applicant waived the opportunity to submit final written argument after the close of the record.

## **FURTHER QUESTIONS OF STAFF**

Commissioner Cohen asked if the District is required to retain stormwater on site. Graichen said there is a condition that addresses this. The applicant has also submitted an initial stormwater plan. Commissioner Cohen asked if the water would be treated before being directed to the wetland. Graichen said the applicant addressed it in their narrative on page 108, but the Commission could make it a condition of approval so that it does not get missed. Vice Chair Cary and Commissioner Cohen would like to see this added.

## **DELIBERATIONS**

The Commission discussed adding a requirement for the stormwater plan to prevent impact to the wetland. Chair Petersen suggested editing the stormwater condition in the staff report to include *all* stormwater runoff into the wetland, not just net stormwater. The Commission agreed.

Commission Webster asked if the fine for cutting down the healthy trees should remain at \$1,250. The Commission decided to leave the fine as written. The Commission agreed to allow an exception to undergrounding the utility poles along the proposed pedestrian pathway. The Commission would also like to add a condition to the lighting plan condition that would incorporate the crime prevention illumination standards of the open space and fields.

Commissioner Hubbard asked if Councilor Carlson's concern about the lack of safe passage from the neighborhood to the school during construction could be addressed. Vice Chair Cary proposed requiring an access plan to address safe access for children to get to school during construction. He said this way, the plan can change throughout the construction process. Commissioner Cohen also added that the frontage improvements could be required prior to the building permit for the Columbia County Education Campus. Commissioner Cohen said this is similar to how they require subdivision sidewalks prior to construction of homes. Commissioner Hubbard agreed that they should construct the sidewalks prior to construction.

The Commission discussed screening and location of the service and trash enclosure, but decided that the proposal seemed sufficient.

The applicant requested an opportunity to discuss the proposed conditions with their project team. Chair Petersen said they would entertain re-opening the public hearing for additional testimony.

## **PUBLIC HEARING & RECORD RE-OPENED**

**Angelo, Frank. Angelo Planning Group.** Frank said that student safety is the utmost importance. He said that constructing the sidewalks prior to building permit issuance creates an issue because of the area being an unsafe construction zone for pedestrians, potentially breaking up the sidewalk, and the tight construction timeline. He said they recognize that student safety is an issue, and they are willing to create an access plan that addresses the safety of children coming to and from school. Frank said they would prefer to receive their building permit and then construct the sidewalk as the first item. The Commission agreed that would work. Frank reiterated his concern is that they would have to wait to receive a building permit while they construct the sidewalks.

**Stockwell, Scot. St. Helens School District Superintendent.** Stockwell said he is very familiar with the pedestrian activity of the area. Stockwell said even if sidewalks were constructed, the District is concerned with the sidewalk being adjacent to a construction zone. The District's preference is to bus the walking students around the dangerous sections. He said they cannot move the construction date further out which is what would happen if the building permit could not be received prior to building the sidewalks. Stockwell said there is flexibility with bus routes. He said sidewalks will encourage pedestrian use in an unsafe area that is next to the construction zone.

## **CLOSE PUBLIC HEARING & RECORD**

## **DELIBERATIONS**

The Commission discussed requiring sidewalks prior to building permit issuance of the Middle School, since they are building the Columbia County Education Campus (CEEC) building first. They can still receive a building permit for the CCEC building and begin construction as soon as possible. The Commission decided to also include a student access management plan prior to building permit issuance for the CCEC building.

## **MOTION**

Commissioner Cohen moved to approve the Site Design Review and Sensitive Lands Permits as written with

the additional conditions related to stormwater, an exception to undergrounding power poles for illumination on 15<sup>th</sup> Street, the crime prevention illumination plan, the frontage improvement timing changes, the student access management plan, and the additional buffering adjacent to the abutting properties as discussed in more detail above. Commissioner Webster seconded. All in favor; none opposed; motion carries.

Commissioner Cohen moved for Chair Petersen to sign the Findings and Conclusions once prepared. Commissioner Semling seconded. All in favor; none opposed; motion carries.

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### **Term Expiration Discussion**

Graichen said that Chair Petersen and Commissioner Hubbard's terms expire December 31, 2017. Commissioner Hubbard is on his first term. He agreed to renew. Chair Petersen's position has to be advertised, but he agreed to be included as an applicant for another term. Graichen asked who would want to be on the interview panel. Commissioner Cohen, Commissioner Webster, and Councilor Carlson agreed to be on the interview panel.

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### **Planning Director Decisions**

- a. Home Occupation (Type I) at 35100 Burt Rd. - Pet sitting/walking/transport home office
- b. Sign Permits (x6) at 2275 Columbia Blvd. - Dutch Bros Drive-Thru
- c. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - Amani Center Luau
- d. Home Occupation (Type I) at 275 S. 12<sup>th</sup> Street - Home office for construction business
- e. Temporary Use Permit (1 year) at 385 N. 3<sup>rd</sup> Street - St. Helens High School Construction Class conex box
- f. Sign Permit (x2) at 585 S. Columbia River Highway - Best Western Hotel
- g. Site Design Review (Minor) at 900 Port Ave. - Portland General Electric Company

There were no comments.

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### **Planning Department Activity Reports**

There were no comments.

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### **For Your Information Items**

Chair Petersen discussed the City's Request for Qualifications for the Waterfront Redevelopment Project. The City received one proposal and it seems to comply with most of the requirements in the Framework Plan. He is excited about the proposal.

Chair Petersen also mentioned that Restore Oregon is now the owner of the historic Jantzen Beach Carousel and they are looking for a location in the Portland area to house it. He would like to see the City Council pursue getting it re-located to the waterfront.

Graichen said the Transportation Growth Management Grant project for the corridor from Highway 30 to

the south end of the waterfront property is beginning in October. It will need a Citizen Advisory Committee. Graichen said the Scope of Work is going before City Council September 20 for signature.

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There being no further business before the Planning Commission, the meeting was adjourned at 10:36 p.m.

Respectfully submitted,

Jennifer Dimsho  
Associate Planner



### 2017 Planning Commission Attendance Record

*P=Present A=Absent Can=Cancelled*

| Date     | Petersen | Hubbard | Lawrence | Cohen | Cary | Semling | Webster |
|----------|----------|---------|----------|-------|------|---------|---------|
| 01/10/17 | P        | P       | A        | P     | P    | P       | P       |
| 02/14/17 | P        | P       | P        | P     | A    | P       | P       |
| 03/14/17 | P        | P       | A        | P     | P    | P       | P       |
| 04/11/17 | P        | P       | P        | P     | P    | P       | P       |
| 05/09/17 | P        | P       | P        | A     | P    | P       | P       |
| 06/13/17 | P        | P       | P        | P     | P    | P       | P       |
| 07/11/17 | A        | P       | P        | P     | P    | P       | P       |
| 08/08/17 | P        | P       | P        | P     | P    | P       | P       |
| 09/12/17 | P        | P       | P        | P     | P    | P       | P       |
| 10/10/17 |          |         |          |       |      |         |         |
| 11/14/17 |          |         |          |       |      |         |         |
| 12/12/17 |          |         |          |       |      |         |         |