

City of St. Helens Planning Commission

Approved Minutes

September 11, 2018

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

Members Absent: Commissioner Kathryn Lawrence

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

Others: Susie Wilson
Brent Violette
Mark Grenz
Scot Lamping
Catherine Ross
Jacob & Heather Erickson
Carl Knoll
Roger Toth
Herb Bailey
Bart Catching
Sue Collins
Jacy Morgus
Les Waters
Tiffany Harms
Ashley & Brandon Edelman

- 1) **7:37 p.m. Call to Order and Flag Salute**
- 2) **Consent Agenda: Approval of Minutes**
2.A Minutes Dated August 14, 2018

Motion: Upon Commissioner Semling's motion and Commissioner Webster's second, the Planning Commission unanimously approved Draft Minutes dated August 14, 2018 with the correction of "Vide Chair" to "Vice Chair" on the first page of the first motion. [AYES: Commissioner Cohen, Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

- 3) **Topics from the Floor: Limited 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 7:30 p.m. - (CONTINUED) - Conditional Use Permit at Lot 5 of the Matzen Subdivision - Multi-Tech Engineering Services, Inc.

Graichen said the public hearing was continued from last meeting to allow the applicant to make revisions to their proposal, which they have provided. Graichen went through the revised staff report based on the revised plans with the Commission, as included in the packet. ODOT approved a revised Traffic Impact Analysis (TIA) for the proposal. This removes one of the conditions. Graichen noted that they still need an approved ODOT approach.

Commissioner Cohen asked about requirements for walking trails and walkways. Graichen said the Parks & Trails Master Plan does not propose a trail through the property. The applicant will install frontage improvements, which include sidewalks. They also have private walkways through the property and access agreements with the lots next to the Highway. Graichen said they will also have a multi-use path along Brayden Street where vehicular access terminates that leads to the Highway.

In Favor

Grenz, Mark. Representing Applicant. Grenz appreciates extra time for them to make revisions. Staff has been very helpful. All of the required conditions in the revised staff report are achievable. Grenz said they have already prepared revised plans that meet the new conditions, but they did not want to include it in the record tonight.

Neutral

Bailey, Herb. Bailey is with Hudson Garbage Service. He is not for or against the proposal. He was asked to review their trash compactor. He noted that having one garbage collection point proves difficult. He said most of their multi-family complexes of this size have between two to three to four separate collection points. Hudson Garbage does not have trash compactor service for collection. Waste Management would be dealing with the trash compactor. Trash compactors are a more efficient way to collect. A comparable sized proposal in Clark County has a collection area of 20' by 35'. Bailey said they generally have two to three days between garbage pick-ups. Graichen said this proposal has a 20' by 45' collection area.

In Opposition

Violette, Brent. Violette lives next to the proposal. He is wondering how far the setback is from his property. Graichen said the buildings themselves will be 15 feet from his property. Some of the parking will be as close as 10 feet. Violette asked how many of the big oak trees are going to be saved. Graichen said the majority of the trees to be saved are along McBride Street. Violette wondered about his solar access rights. He asked why they are not using native plants. Graichen said the applicant may be able to answer his questions. Violette asked about the trash enclosure. Vice Chair Cary said it has been moved away from his property to a more central location. He thanked the Commission for slowing down approval on this. He wished the public received the revised plans in the mail. Chair Hubbard said this is a continued public hearing from the last meeting where the continuation was announced, so a new notice mailing was not required.

Ross, Katherine. Ross lives on May Avenue. She thought more of the traffic would be on Brayden Street and Matzen Streets, but now it is proposed on McBride Street. Ross is concerned about the increase in the cut-through traffic that this development will have on the homeowners along May Avenue. Graichen said the McBride Street and May Avenue intersection was included in the study area for the TIA. It determined that the intersection will continue to function operationally upon project completion. She also has a question about how they will replace all of the trees. She would like the applicant to consider using native plants. Ross feels there is not adequate parking for residents and visitors. Ross is concerned about construction noise.

Rebuttal

Grenz, Mark. Representing Applicant. Grenz is confident they can comply with the revised conditions in the staff report. Grenz said solar access is usually based on the south-facing window, which will not be affected by the proposal. Commissioner Webster is concerned about the garbage collection. She said there is an 8-unit complex on 18th Street and it is full all of the time. Grenz said trash compaction and collection is different. When the compactor is reaching capacity, Waste Management is called and the refuse is collected. Recycling will also be included in the enclosed structure. Compaction minimizes litter. He said this is a proven method of refuse collection on other similar projects. Commissioner Cohen asked about the plant species for the landscape buffer. Grenz said the landscape designer selected species that grow quickly and work well for screening. Vice Chair Cary said there is shallow topsoil here too. Grenz said the proposed plants do not require a large root ball.

End of Oral Testimony

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

Further Questions of Staff

Commissioner Cohen asked if the Commission could require speed bumps if there is a significant traffic impact to neighbors. Graichen said speed bumps are not typically utilized because of pushback from Public Works and the Fire Department, but other methods of traffic calming could be considered. Commissioner Cohen asked if the developers could be responsible for putting in traffic calming features only if there is a large impact to neighbors. Graichen said it depends on what the Commission considers a "large impact." Graichen said the applicant is responsible for frontage improvements, so it could be the applicant's responsibility to also install traffic calming features.

Close of Public Hearing & Record

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

Deliberations

Commissioner Cohen said the proposal seems much better than last meeting. Commissioner Cohen feels the garbage issue has been handled adequately. Chair Hubbard did not feel the solar access was an issue. He noted that the bike storage issue has been resolved. Chair Hubbard and Vice Chair Cary said landscaping should be narrow and have small root bases,

not necessarily natives. Commissioner Cohen would like to include traffic calming measures along McBride Street in the existing condition for 2.b.A. on page 27. Chair Hubbard noted the testimony was about the volume of traffic, not the speed. Commissioner Cohen agreed, but noted that they cannot prohibit traffic, only design it so that people will use alternate routes.

Motion: Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Conditional Use Permit at Lot 5 of the Matzen Subdivision - Multi-Tech Engineering Services, Inc. with an additional condition about requiring traffic calming features along McBride Street and the removal of the condition regarding the TIA. [AYES: Commissioner Cohen, Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

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

4.B 8:00 p.m. - Subdivision south of 500 S. Columbia River Highway - AKS
Engineering & Forestry, LLC

Chair Hubbard opened the Public Hearing at 8:37 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the staff report dated August 31, 2018 into the record.

Graichen introduced the proposal and recommended conditions of approval to the Commission, as described in the staff report. He said it is an 80-lot subdivision with multiple zoning districts. There are two lots that will remain commercial. City Engineering commented that this area is a significant drainage area. There's also a sanitary sewer line through the property. Mixed-use zoning yields to General Residential (R5) zoning for exclusive residential use. Lots 1-78 are eligible for attached single-family dwellings (SFDs), also known as townhomes. Lot 61 is eligible for a detached SFD. Lots 60 and 21 are eligible for detached SFDs or duplexes. Graichen said a wetland delineation from 2003 found no wetlands on the property.

Graichen said that based on testimony received, there may be burial mounds on the site. In 2005-2006, this property had an approved subdivision that was never executed because of the recession. Before, a letter was prepared by Archaeological Investigations Northwest, Inc. that gave the property a "clean bill of health." Graichen said the Chiotti's dispute the 2002 letter. There is a condition in the staff report that says in the event that artifacts or human remains are discovered during construction or excavation, work shall cease, and the City shall be notified. A Sensitive Lands Permit would be required to continue work. Graichen said the Commission could consider a condition that requires an updated letter to address archaeological concerns.

Graichen said there is a 10 foot buffer requirement between the attached SFDs and the detached SFDs to the south and elsewhere. It says the developer should install it so that it is consistent, but in this case, there may be no one to ensure it survives. Instead, Graichen said the recommendation is to have a very clear plan home builders can follow that will be attached to each building permit. Graichen said the applicant is working with a different property owner to connect to Shore Drive, which would be a second access point to the subdivision. If they do not get a second access, all homes will have to be sprinkled because the Fire Marshal said there is a mandatory requirement to have multiple access points if there are more than 30 homes in the

subdivision. Graichen would like the Commission to consider whether or not to require the applicant to build sidewalks on both sides of Commons Drive or only along the subdivision side. Graichen also recommends a requirement for a pedestrian access to Kelley Street. Access may be able to be in conjunction with a stormwater tract and utility easements.

Commissioner Cohen asked if the street width was enough for on-street parking and if there will be enough room for backing movements. Graichen said yes, it is not a skinny street. Vice Chair Cary asked if the TIA was done. Graichen said yes, and the development did not cause any intersection issues. Graichen said the St. Helens School District Superintendent recommended a Wyeth Street crosswalk. Graichen noted that the Corridor Plan (2015) recommended an enhanced pedestrian crossing at this intersection because of the high number of students who cross there. It is about 700 feet from this development. Graichen said the Commission can consider a condition to address this.

In Favor

Catching, Bart, Applicant. Catching is a land use planner for AKS Engineering & Forestry representing the applicant and owner of the property. Ken Leahy, the property owner, cannot be here tonight. Catching said the applicant intends to pair the attached SFDs, not have a wall of five homes. Lots 21 and 60 will be detached SFDs. He noted that the minimum lot size for attached SFDs in R5 is 2,500 square feet. All of the lots proposed are larger than this. Everything except one side of Commons Drive is planned to be built out to the local street standards with sidewalks on both sides. There is a detailed landscape plan on page 10 that details street trees. The suggested condition for the 10 foot buffer is not an issue. They are close to getting a written agreement to finalize the Shore Drive access. Catching clarified with Graichen the land use process to permit access off Shore Drive.

Regarding the crosswalk on Highway 30 at Wyeth Street, Catching said there was no official comment from ODOT, but they are open to discuss it. For pedestrian access to Kelley Street, they are not aware of a code requirement for this, but they are open to it.

Catching said the ongoing fill that has been occurring on the site is not part of this subdivision application. He said this has been going on under existing permits. Regarding cultural resources on the site, Catching concurs with the City's determination that it is appropriate to continue ongoing monitoring of the site during construction. Catching said camas is not listed as an endangered species and should not inhibit the ability to develop the site. Vice Chair Cary asked if they considered an alternative path to Kelley Street, instead of Shore Drive. Catching said the previously approved subdivision on the site had a connection to Howard Street. They have re-designed a layout that they feel makes most efficient use of the space. Vice Chair Cary asked about the pedestrian path to Kelley Street through the stormwater facility and utility easements. Catching said they are not opposed to this condition.

Synkelma, Trevor. Synkelma is an engineer with AKS Engineering & Forestry who worked on the stormwater plan. The stormwater facility will be maintained by a Homeowner's Association (HOA) if the City does not want ownership. Regarding the detention ponds, they will be designed in accordance with the City's standards. During construction, the construction documents will include the details about safety and security. Regarding downstream flow of stormwater, the facility will detain post-development flow to pre-development standards. Compared to pre-development conditions, they will be reducing the stormwater leaving the site post-development. He added a diagram for the direction of flow and the containment of the

stormwater to the record to address Chiotti's stormwater concerns. There are no plans to alter the storm lines or sewer lines on the site. Commissioner Cohen asked how much rock would be removed from the site. Synkelma said there is not an estimate, but their goal is to raise the elevation to help reduce the amount of excavation required for utility construction. Chair Hubbard asked if the fill on the site was engineered fill. Synkelma said no, they are currently just stockpiling fill.

In Opposition

Watters, Les. Watters owns property adjacent to the proposal. Watters said a week ago they started filling near Kelley Street. This area is still green in August. He is in support of a pedestrian connection to Kelley Street to allow for easier access to the Highway. Watters would like to see the DSL concurrence letter renewed. Watters has a lot of history on the parcel that lead him to distrust stormwater engineering on that site. He said when ODOT widened the Highway, the stormwater did not do what they wanted or engineered it to do. He said ODOT never connected the stormwater outfall that runs under the Highway. The City still has an alley where the stormwater is conveyed. He passed out a letter summarizing this. He is concerned about the stormwater management plan and facility. He is concerned it will not be engineered correctly and not maintained in perpetuity. He would like to ask that this facility be engineered to meet a higher standard because he has fears that runoff will be worse than expected.

Violette, Brent. Violette said Milton Creek actually used to run through this area before it was diverted to its current location. He thinks there are wetlands and camas meadows on the site. When the flood of 1996 occurred, it re-opened the original creek path. He is concerned about stormwater on the site. The site has a long history. Water will go where water wants to go.

Morgus, Jacy. Morgus lives off Trillium Street, which abuts this property. She moved from Beaverton to get away from this type of development. Her and her neighbors were shocked to see tree removal and construction vehicles occurring at odd hours of the morning. At that point, they had no grading permits. Her neighbor has Parkinson's and when he does not get enough sleep, it affects his mobility. She submitted additional letters in opposition from her neighbors. She is very concerned that this developer will not follow the rules. She said her yard already floods, so she is worried about an increase in flooding. She is wondering if the townhomes will be two or three stories. Graichen said the zoning allows for 35 foot high homes, but at this point, they do not know. She said her fence is leaning because of the grade/fill work. The work is beginning before 7 a.m. and past 10 p.m. at night.

Collins, Sue. Collins is wondering about the two retirement homes and the women's shelter behind the proposal. The shelter was sited there for secrecy. She asked about the height of the buildings. Collins is concerned about privacy.

Rebuttal

Catching, Bart. Applicant. Catching said the post-development flow will be less than pre-developed flow. The conditions on the site will not be made worse by development. Regarding Shore Drive, one approach would be a condition of approval that lists the various alternatives discussed. He listed the three alternatives in order of priority. He discussed how the stormwater facility would be maintained by the HOA with the assurances of Covenants, Conditions & Restrictions (CC&Rs) for longevity. A tremendous amount of effort has been put into the design of the detention facility. Regarding the women's shelter and the retirement homes, they are

proposing a legal permitted use on this site. If there are issues beyond that, they have no intention of impact to those existing uses.

End of Oral Testimony

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

Further Questions of Staff

Commissioner Cohen asked about the noise violations. Graichen said they would like to impose a fine, but the violation is contained in Volume 1 of the Code, not Volume 2 (the Development Code). There was a discussion about getting City Code Enforcement out to the site to ensure work does not start before 7 a.m. or continue after 9 p.m. Commissioner Cohen asked about the pedestrian crossing near Wyeth Street on Highway 30. Graichen said one of the subdivision standards is compliance with the Comprehensive Plan. The Corridor Plan is an addendum to the Comprehensive Plan. Graichen suggested adding a condition that the applicant be required to work with ODOT to determine feasibility and possibly installation of a pedestrian crossing at the Highway 30/Wyeth Street intersection. Vice Chair Cary asked how the Commission can approve this with only one access. Graichen said it does not violate our code. It is a Fire Code issue. Vice Chair Cary asked about including a fire access to Kelley Street along the pedestrian/utility easement. Graichen said that could make sense.

Close of Public Hearing & Record

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

Deliberations

Chair Hubbard said the Shore Drive connection as a second access would be ideal, but the stub is all we can require. Vice Chair Cary did not think it made sense to include a sidewalk along Commons Drive on the church side, but the Commission would like to see a curb on the church side. The Commission would like to add a condition added as 2.h. regarding the crosswalk at Wyeth Street on Highway 30, as discussed earlier.

Motion: Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission unanimously approved the Subdivision south of 500 S. Columbia River Highway - AKS Engineering & Forestry, LLC with the additional condition about utilizing the access/utility easement as a potential fire access, adding a curb to frontage on Commons Drive to 2.a.K., and a new condition 2.h. to work with ODOT regarding a pedestrian crossing at Wyeth Street and Highway 30. [AYES: Commissioner Cohen, 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 Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

5) Discussion Items

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

Graichen said this is not a formal public hearing, but it is continued discussion from the previous meeting. Since last meeting, a few diagrams have been added to the staff report with more detail about the options for fire turnarounds. One utilizes a 20 foot alley and uses a hammerhead fire turnaround. The other utilizes a 20 foot alley and a cul-de-sac as the fire turnaround. Both recommend keeping the 20 foot alley and the fire turnaround as right-of-way and granting the remaining area to the applicant. Vice Chair Cary asked if the recommended options will prohibit surrounding property owners from vacating their portion of the right-of-way. Graichen said no, they could still apply to vacate the remainder, but the hope is that the fire turnaround and 20 foot alley remain as right-of-way with any future vacations.

Erickson, Jake. Erickson lives at the bottom of the driveway on N. 9th Street. He said his property is surrounded by concrete retaining walls. He is concerned about how the lot lines will change as it gets developed. He is concerned about a tree that may fall onto his home when the property is developed.

Scholl, Rick. Applicant. Scholl explained that if the street vacation is granted, he will be able to position the home in a location that benefits Erickson more than if it was not granted. Scholl said they tried to work with Erickson. Scholl said they cleaned up the property since buying it.

Erickson, Heather. Erickson is Jake's sister. Jake is a volunteer firefighter for the city, retired military, and a single father. This is why he is almost never home. They are concerned about crumbling retaining walls, stormwater issues with development of the proposed lots, and the tree behind their property falling with development. Graichen recommended attending the City Council Public Hearing next Wednesday, September 19 at 6:00 p.m. where a final decision will be made.

Motion: Upon Vice Chair Cary's motion and Commissioner Webster's second, the Planning Commission unanimously recommend approval to the City Council of the Street Vacation as provided as Option #3 (Hammerhead) for Portions of N. 8th Street, N. 9th Street and Wyeth Street. [AYES: Commissioner Cohen, Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

6) **Acceptance Agenda: Planning Administrator Site Design Review**

Motion: Upon Commissioner Cohen's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Acceptance Agenda: Planning Administrator Site Design Review. [AYES: Commissioner Cohen, 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 August Planning Department Report

Commissioner Cohen thanked Graichen for adding a land use City Council report to the monthly Planning Department Activity Report. Commissioner Stenberg agreed.

9) **For Your Information Items**

Chair Hubbard thanked Associate Planner Dimsho for working on the Grey Cliffs Park restroom and non-motorized boat launch project. Dimsho said the paved parking lot and boat launch improvements will occur spring 2019.

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

11) **Adjournment**

There being no further business before the Planning Commission, the meeting was adjourned at 11:06 p.m.

Respectfully submitted,

Jennifer Dimsho
Associate Planner