



PLANNING COMMISSION

Tuesday, October 11, 2022, at 7:00 PM

APPROVED MINUTES

Members Present: Vice Chair Russ Hubbard
Commissioner Steve Toschi
Commissioner Jennifer Pugsley
Commissioner Audrey Webster
Commissioner Russ Low
Commissioner Sheila Semling

Members Absent: Chair Dan Cary

Staff Present: City Planner Jacob Graichen
Associate Planner Jennifer Dimsho
Community Development Admin Assistant Christina Sullivan
Councilor Patrick Birkle

Others: Brady Preheim
Matthew Alexander
Mark Cooper
Bruce Heintz

CALL TO ORDER & FLAG SALUTE

Chair Cary was absent, so Vice Chair Hubbard was the acting Chair.

TOPICS FROM THE FLOOR (Not on Public Hearing Agenda): Limited to five minutes per topic

There were no topics from the floor.

CONSENT AGENDA

A. Planning Commission Minutes Dated September 13, 2022

Motion: Upon Commissioner Semling's motion and Commissioner Low's second, the Planning Commission unanimously approved the Draft Minutes as written dated September 13, 2022. [AYES: Commissioner Toschi, Commissioner Webster, Commissioner Low, Commissioner Pugsley, Commissioner Semling; NAYS: None]

PUBLIC HEARING AGENDA (times are earliest start time)

B. 7:00 p.m. Conditional Use Permit and (2) Variance Permits at vacant property to the east and south of 150 N 15th Street.

The Public Hearing was opened at 7:01 p.m. Associate Planner Jennifer Dimsho presented the staff report dated October 4, 2022. She oriented the Commission with where the property was located. The area where the project is proposed is in the Houlton Business District (HBD), which allows for mixed use properties. She said the applicant proposed a mixed-use building with commercial and residential

dwelling units on the ground floor and residential dwelling units on the second floor. Because they propose dwelling units on the same level as non-residential, there is a Conditional Use Permit required. She also mentioned the applicant was requesting two variances. One variance was for exceptions to the multi-family site development review standards and one for setbacks.

She said the applicant is working on two developable land parcels that they plan to tie together with a land restriction covenant which means the lot would never be able to be sold separately (while shared improvements are in place) and the Commission can look at the whole area as one lot for this project. She mentioned the property abuts four developed roadways which is another unique and somewhat constraining situation for this project.

She said when developing multi-family residential in the HBD, you must comply with the Apartment Residential standards. She shared the minimum setbacks required for this zone as 20-feet for the front and 10-feet for the side. She said the applicant proposed two feet for the front and side yards which shows the need for the variance. She said for the commercial units there was a zero-setback requirement unless there were pedestrian amenities in lieu of the setback. She did say the applicant proposes to have a rock garden, landscaping, seating, and walkways for the pedestrian amenities.

She discussed the landscape design. She mentioned the applicant would have street trees to help create screening. She also said when there is mixed use, where a residential unit abuts a commercial property there is a buffering requirement. She said with what is proposed they would normally require a 10-foot buffer. She said the situation proposed there was no room on the design for this requirement, but there is an in lieu of buffering standard. It says the applicant can provide an alternative if it provides the same degree of screening as required by the development code. She shared there was already a fence along the unit and the applicant proposed to add privacy slats and the Commission could also require an 8-foot landscape strip on the abutting property. If landscaping is required, they would need an easement from the neighboring property.

She discussed the parking and that there was an adequate amount of parking available to meet the development code, partly because the HBD allows on-street parking to count towards off-street parking requirements. She mentioned there was a maintenance and shared access easement in place for both properties.

She said the applicant would like to share the trash enclosure with the abutting vet property. She said there is currently a 225-square foot enclosure and only a 28-square foot requirement so even with the new use, they would have an overage of space. She also said there should be revised plans submitted that address the access to the enclosure and make it safe for pedestrians.

She discussed the shared outdoor recreation area required by the development code was 1661-square feet. She mentioned the proposed project was about 500 square feet short of this requirement. She said there was some flexibility in the development code that allowed a public recreation area less than a quarter mile away from the development to be considered. She mentioned there were three parks that were within this distance. The code also allows for less shared space if the private space is larger than required.

She also discussed there was a residential bathroom window located on the ground level that would need revised plans to show it removed, or the Commission could just require a privacy glazing since there is not enough distance from the street.

She said in previous decisions, if sidewalks were already in place along the streets that were in good condition, there was not a requirement to redo the whole thing to the new Corridor Plan street standard. She said there would need to be improvements to the sidewalk and the driveway approach along Columbia Blvd. She recommended about 75-feet of reconstruction of jagged and broken concrete and trip hazards. She also said the applicant proposed a walkway and some reconstruction as well

along the Columbia Blvd frontage. She said because they were doing over 50-percent reconstruction, staff also recommended reconstruction of the cross section to the adopted Corridor Plan standard.

She discussed the variance requests. She mentioned the first requirement is that they are not detrimental to the abutting properties. She said they would also need to have a special circumstance. She shared how there was no direct impact to neighboring and abutting properties. She also reiterated the special shape of the property and how it abuts four streets which means there are larger frontage and side yard requirements as well. She said the second variance was to give them some flexibility in how they design their building. She said the design was a nice appearance and would fit into the area.

City Planner Jacob Graichen discussed the sewer conveyance and capacity. He said the utility connections were figured out when the site was first divided. He mentioned currently the city has a large portion of pipes that cannot handle the flow (i.e., above capacity). He showed them the current Wastewater Treatment Plan and how it would affect the proposed development on this project. He mentioned the city is working diligently to repair and upgrade the wastewater lines. He spoke about how the City Council had discussed a possible moratorium and other options to help with the amount of impact on the critical lines. The Council decided on a fee to be applied to those that plan to connect to the sewer lines. He also said the city could require an indemnification condition to protect the city from fines and such resulting from surcharges.

There was a small discussion on implementation of the condition of indemnification.

Alexander, Matthew. Applicant. Alexander works with Lower Columbia Engineering and is the representative for the applicant. He said his clients did not feel comfortable with the indemnification condition. He said the lot was very oddly shaped and they could not fit another building on the smaller lot, which is why they decided to combine them together. He discussed the sidewalk improvements. He said they would prefer to just sawcut the sidewalk to make it even the whole way down. He also said they were willing to move the fire hydrant and utility pole to be out of the way of the sidewalks as well. He mentioned that redoing the whole sidewalk itself could be a significant financial burden to his clients as well. He said they were willing to build the walkway to get them out of the parking lot safely. He said they were willing to screen the residential areas from the abutting property, but mentioned the buildings were far enough apart and there was only a service door on the one side of the building, that they felt the slats to the fence would be plenty of buffering between the two. He also discussed some of the color choices and design of the building.

King, Kathryn. Applicant. King is the owner of the property. She said they purchased the two lots with the hopes of developing both residential and commercial properties. She said she felt that St. Helens was a great place for investment and a very lively community that they wanted to be a part of. She also said the residential units were considered with sizeable space and open design to be more middle housing type. She said in the planning portion of their design they were also encouraged to build mixed use as it was needed in the city.

Carpenter, Gavin. Applicant. Carpenter is the owner of the property. He expressed how much they were looking forward to being invested in the community. He did mention they were looking to add well designed building for both commercial and residential purposes. He also expressed concern about the condition for the indemnification as he felt this could really halt development and he would want to consult legal help if it was imposed.

In Favor

No one spoke in favor.

Neutral

No one spoke in neutral

In Opposition

Cooper, Mark. Cooper lives at 125 N 13th Street. He was very concerned about the parking situation. He said there was currently not enough parking for the commercial business that was already there. He expressed there should be more parking onsite required.

Heintz, Bruce. Heintz was called to speak. Heintz said he was developing the two duplexes across the street. Heintz expressed concern about the parking and that there was not enough onsite parking for the residential units. He said he also did not think it was good for the residential units that did not have access to their units from a parking lot, it was directly from the street. He also felt the setbacks needed to be maintained between this property and the abutting property as well for future developers. He said the development should be beneficial to the city, not just for the developer.

Rebuttal

Alexander, Matthew. Applicant. He said he took into consideration how much parking was required by the code and they were providing almost three times the amount required for the development.

End of Oral Testimony

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

Close of Public Hearing & Record

Deliberations

There was a discussion about revised plans being submitted that would show glazing over the ground level bathroom window. The plans would also reflect a walkway from the parking area to the sidewalk to avoid crossing the vehicular drive aisle. The plans would also show updated improvements to the Columbia Blvd frontage.

There was a small discussion on the amount of frontage improvements for Columbia Blvd. that would be required. The Planning Commission discussed that they could extend the amount of time for improvements up to two years to complete the sidewalk to standard. They also discussed doing a partial reconstruction. The Commission agreed that they would not impose a full reconstruction to the developer, but instead just require replacement where damaged or where minor alterations were needed.

There was a small discussion about the buffering between the abutting property and the residential units. The Commission agreed they should have the 8-feet of additional landscaping screening in addition to the fence slatting with a landscaping easement.

There was a discussion on the fee imposed for the connection to the wastewater lines and an indemnity clause. The Commission agreed that there should not be an indemnity clause included for this small of a project.

Commissioner Pugsley asked if there was any study done on how many commercial spaces were needed in the community, like they do for the residential units. Graichen mentioned they do this and that document, the Economic Needs Analysis, needs to be updated. Dimsho reminded the Commission there was commercial units along with residential in this plan that was proposed.

Motion: Upon Commissioner Low's motion and Commissioner Webster's second, the Planning Commission unanimously approved the Conditional Use Permit and (2) Variance permits with the amended conditions as recommended by staff excluding the indemnity clause. [Ayes: Commissioner

Semling, Commissioner Webster, Commissioner Pugsley, Commissioner Toschi, Commissioner Low; Nays: None]

Motion: Upon Commissioner Webster's motion and Commissioner Toschi's second, the Planning Commission unanimously approved the Vice Chair to sign the Findings when prepared. [Ayes: Commissioner Semling, Commissioner Webster, Commissioner Pugsley, Commissioner Toschi, Commissioner Low; Nays: None]

DISCUSSION ITEMS

C. Architectural Review at 71 Cowlitz Street (The Klondike Tavern)

Dimsho presented the report to the Commission. She said the Klondike was looking to put on a new roof and include a roof hatch to the building. These are permanent exterior improvements which requires review for the Riverfront District guidelines. She said the owner planned to put the hatch on the backside of the building away from the street. There would be no public view of it. The owner mentioned the hatch was necessary because the roof is so high no ladder will reach it. He said it would make it easier to access the roof for repairs, and in the future when they do seismic, they will have easier access to the attic space.

The Commission agreed it was a great placement for the hatch and they saw the need for these repairs.

Motion: Upon Commissioner Webster's motion and Commissioner Pugsley's second, the Planning Commission unanimously recommended approval to staff of the architectural review as presented. [Ayes: Commissioner Semling, Commissioner Webster, Commissioner Pugsley, Commissioner Toschi, Commissioner Low; Nays: None]

D. Discussion of a joint Planning Commission/City Council Meeting in 2022

The Commission discussed a joint meeting, and because of the long-time Commissioners and Council members that would be leaving, they felt it necessary to meet before the end of the year. They suggested the dates of December 13th or 14th as an option to be decided by the City Council.

E. Discussion of Comstock Decision

Graichen shared the decision that was made by the City Council for the Comstock decision. He mentioned they revised their plans to meet the R7 zone requirements. This meant that no lot was less than 7,000 square feet. He said the Council did approve it, with an additional "fair-share" fee due to wastewater system conveyance deficiencies.

PLANNING DIRECTOR DECISIONS (previously e-mailed to the Commission)

- F. Partition at 700 Port Avenue – Greg & Dawn Pellham
- G. Sensitive Lands Permit at 34959 Roberts Lane – Keepers
- H. Accessory Structure at 2714 Sykes Road – Olson
- I. Temporary Use Permit at 71 Cowlitz Street

There was no discussion of the Planning Director Decisions

PLANNING DEPARTMENT ACTIVITY REPORT

J. Planning Department Activity Report - September

Commissioner Toschi asked about the RV on the Church Property. Graichen said they spoke with the church a few times, and they were quick to respond and had them removed appropriately, though it took longer than anticipated.

PROACTIVE ITEMS**K. Update on HB 3115 Proactive Study**

Commissioner Toschi said he had attended a meeting hosted by a State Representative and two of their City Councilors from Portland and what they were doing to end their homelessness crisis. He said they were mostly discussing creating homeless camps and diverting some of their funding to pay for it. He said there would be a tax imposed on the high-income earners as well. He said they were forthright that they did not have a good idea of how many homeless they had. He said he asked questions about how the homeless were arriving in Portland and they did not have an answer. He said he felt that solutions were being implemented without a real understanding of the problem. He said he would like to successfully maintain the environment that St. Helens already has and to do that, they needed to continue moving forward with the study on their laws and that they are meeting the humane guidelines. He said that he wanted to go before the Council and discussing how to move forward with this study.

FOR YOUR INFORMATION ITEMS

There were no For Your Information Items.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned 11:01 p.m.

Respectfully submitted,

*Christina Sullivan
Community Development Administrative Assistant*