



## PLANNING COMMISSION

Tuesday, November 08, 2022, at 7:00 PM

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### APPROVED MINUTES

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

**Members Absent:** Commissioner Russ Low

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

**Others:** None

#### CALL TO ORDER & FLAG SALUTE

**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 October 11, 2022**

Commissioner Toschi requested an amendment to the minutes.

**Motion:** Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Draft Minutes dated October 11, 2022, with the amendment to exclude the indemnity clause found on Page 4. [AYES: Vice Chair Hubbard, Commissioner Toschi, Commissioner Webster, Commissioner Pugsley, Commissioner Semling; NAYS: None]

#### **PUBLIC HEARING AGENDA** (times are earliest start time)

##### **B. 7:00 p.m. Variance at 144 N 2<sup>nd</sup> Street – Pugsley & Garcia**

Commissioner Toschi disclosed a potential bias as he is friends with the applicant. Despite this, Commissioner Toschi felt he could still make a fair decision. The applicant did not object to continue in making the decision.

Commissioner Pugsley recused herself from the public hearing since she is the applicant.

Associate Planner Jennifer Dimsho presented the staff report dated November 1, 2022. She said the applicant wants to build a deck as part of a larger home remodel. She oriented the Commission with

the location of the home. She said in 2021, the property owner sold the back portion of the lot that fronts North 1st Street and there is currently a duplex on that portion of the lot. This duplex has two easements for access, parking, and utilities. She also mentioned there is a pedestrian easement where the duplex owners can park their car and walk down to their home entrance.

She said the applicant plans to build an approximately 180 square-foot deck. She said a small portion of the deck encroaches into a required setback. Because of the access easement, the applicant's setback is 10 feet instead of 5 feet. The setback is also measured from the easement, not the property line, which is why the Variance is needed. She mentioned there is some elevation of the deck with siding, so there would be privacy for the users of the space and not easily visible to those who are using the access easement.

She said the placement of the deck was the best area to build one because it requires the least exceptions to the code.

Chair Cary asked about access for large trucks and emergency vehicles and if there was substantial room for them to get in. City Planner Graichen said the length of the access easement does not warrant a fire turnaround.

**Pugsley, Jennifer. Applicant.** Pugsley was called to speak. She said they did not add on to the house at all and removed some of the sheds and carports that were encroaching on the easement. She said they did not proposed a deck in the back, because the neighbor to the north would have their view obstructed more. So, she said this placement was the best area to impact her neighbors the least. She mentioned they want to improve the house and stick with the period of the house. She said they plan to add more greenery and remove some of the asphalt. She said the railing will have siding to match the house, but will not be all the way to the ground

### **In Favor**

No one spoke in favor.

### **Neutral**

No one spoke in neutral

### **In Opposition**

No one spoke in opposition

### **Rebuttal**

There was no rebuttal.

### **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 small discussion about the utility easement and what utilities run through it. Dimsho said the deck was not proposed to encroach into the easement and would not interfere with the ability to access utilities.

There was a small discussion about the design of the deck and making sure it had the least impact on vehicles coming into the parking area.

**Motion:** Upon Commissioner Toschi's motion and Commissioner Webster's second, the Planning Commission unanimously approved the Variance as recommended by staff. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Webster, Commissioner Toschi; 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: Vice Chair Cary, Commissioner Semling, Commissioner Webster, Commissioner Toschi; Nays: None]

## **DISCUSSION ITEMS**

### **C. Semi-Annual Planning Department Report**

City Planner Graichen presented the report they also give to the City Council to keep the Planning Commission informed of what is going on.

Dimsho talked about several projects they are working on and managing. She talked about Phase 1 of the St. Helens Industrial Business Park. She said Portland General Electric was working on the land use permitting and applications to bring in a new sub-station. She also discussed Phase 1 of the Riverwalk. She said they were working toward 90-percent design. She gave the updates on the funding source and making sure they complied with federal grant requirements.

She mentioned the Columbia Pacific Food Bank and that the project was completed. She also talked about a few other projects she was working alongside, including the Streets & Utilities improvements, Grey Cliffs Park in-water facility design, and the Campbell Park Sports Court project.

She also mentioned the Safe Routes to School grant and the project costs increased. She said she was working with Engineering to locate additional funds and lower the costs of the actual work to be done.

Graichen talked about more Planning Department projects that were completed. He shared the maps and data for the new GIS system. He also talked about the Proactive Initiative with the Planning Commission, their above average recruitment for vacancies, and upcoming HB 3115 measure.

He discussed the Chase Road agreement that originated in 2009. He said there was an access easement agreement that they recently updated and recorded. He said they will need to keep this easement intact as this could help with future development of the property.

Graichen and Dimsho talked about the current development projects they were working on. Graichen also showed some before and after photos of the New Legacy Clinic, Apartments, Grocery Outlet and Popeye's transformation. He discussed the upcoming Columbia Commons Commercial Subdivision. He also talked about the Comstock Subdivision movement, the Sand Island projects and even the High School renovations.

Graichen talked about the Planning Department regulations for the timeline that projects have and the required dates for notices, public hearings and pre-application meetings and decisions to be met by State rules (120-day rule).

There was a small discussion about the timelines and the importance of greater resources for the Planning Department.

Graichen also talked about the different departments in Community Development, Building, Engineering and Planning. He talked about how they work together to make the work life more efficient. He said all departments need people, but they can work together when a new staff member is brought on board. He made a recommendation to support additional Engineering Department staff.

### **D. Planning Commission Interview Committee Recommendations**

Graichen mentioned there were four candidates interviewed, a fifth candidate was considered but not re-interviewed. The Interview Committee ultimately recommended Charles Castner and Ginny Carlson to be the new Planning Commissioners.

**Motion:** Upon Commissioner Semling's motion and Commissioner Toschi's second, the Planning Commission unanimously recommended to City Council the approval of these two candidates. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Webster, Commissioner Toschi, Commissioner Pugsley; Nays: None]

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

- E. Site Design Review at 700 Port Avenue - Pellham
- F. Temporary Sign Permit at 2100 Block of Columbia Blvd - Heather Epperly Agency, Inc.
- G. Site Development Review, Scenic Resource at vacant lot north of 244 N 1st Street - Cuddigan

There was no discussion of the Planning Director Decisions.

**PLANNING DEPARTMENT ACTIVITY REPORT**

**H. Planning Department Activity Report - October**

There was no discussion of the Planning Department Report.

**PROACTIVE ITEMS**

**I. Update on HB 3115 Proactive Study**

Commissioner Toschi reshared information on the HB 3115 Proactive Study. He gave a presentation on ideas to prevent homelessness. He talked about the status of the law and what was happening, generally, in other cities and states. He talked about preliminary data on who the homeless people are.

He also discussed some enforcement issues that other cities had experienced and now were having to reestablish how to handle their sleeping and lying laws. He said St. Helens already had several efforts in place to prevent massive homelessness and shared some more ideas on how to handle and prevent any future issues with homelessness.

He talked about doing a guest model and a place for homeless to camp. He talked about reviewing and strengthening the laws already in place to enforce drug use, possession, and requirement of treatment. He also said there should be research with top legal counsel to help advise the Planning Commission and the subcommittee on how to move forward.

There was a discussion on where individuals could camp and the possibility of creating a place for temporary camping.

Commissioner Toschi orally presented some resolutions on how he would like to move forward. He wanted to resolve to have the Council provide them with a budget to retain legal counsel, that the City Administrator would be actively involving the Planning Commission in how to move forward with this HB 3115 measure.

There was a discussion on what resolutions would be appropriate to request.

Councilor Birkle talked about moving forward and not rehashing the same items. He mentioned there would be new Councilors coming in and they would need to work together to move forward in making something happen to protect St. Helens from the HB 3115 measure.

There was also discussion on how the League of Oregon Cities would provide definitions for this measure as well and give guidance on how to move forward.

Graichen asked if the Subcommittee could start researching the ideas to resolve and research these ideas to get some movement forward since they took this item on as a proactive item. Commissioner Toschi asked if there was a resource to review to help them research these ideas and move forward.

Chair Cary mentioned that when this subject was brought to the Commission to be taken on by the Proactive Committee that it was going to be very legal and attorney research needed. He was not sure that they needed more legal help at this time in the research.

City Councilor Birkle advised that he was unsure that they would need more funding before they could do some more research and to work with his other Commissioner sub-committee members to take on some of the research. He was unsure why the City Council would need to give specific direction at this point of the research. He also did not feel it was necessary to have the City Council direct staff to work with the Subcommittee as he said the staff would already be willing to do that and were already doing that. He said he did not think there would be a battle as the City Council wanted to work with the Planning Commission as a partner on this subject.

Commissioner Toschi made a motion to have a resolution to go and speak to the City Attorney for information on how to move forward with the HB 3115. Graichen mentioned this could cause an issue with the City as who would pay for the time spent with the attorney. He wanted to be able to move forward productively. The motion did not move forward.

**Motion:** Upon Commissioner Toschi's motion and Vice Chair Hubbard's second, the Planning Commission unanimously resolved to have the City Administrator keep the Planning Commission subcommittee advised of all potential solutions being actively considered by the City. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Webster, Commissioner Toschi, Commissioner Pugsley; Nays: None]

**Motion:** Upon Commissioner Toschi's motion and Commissioner Semling's second, the Planning Commission unanimously approved to have the subcommittee meet with police and the library form a stakeholder group and regroup and discuss in January. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Webster, Commissioner Toschi, Commissioner Pugsley; Nays: None]

### **FOR YOUR INFORMATION ITEMS**

Graichen mentioned the City Council agreed to a joint Planning Commission and City Council Meeting for December 14, 2022. He said they would include the new Commissioners and City Council members.

### **ADJOURNMENT**

*There being no further business before the Planning Commission, the meeting was adjourned 10:50 p.m.*

*Respectfully submitted,*

*Christina Sullivan  
Community Development Administrative Assistant*