



PLANNING COMMISSION

Tuesday, July 12, 2022, at 7:00 PM

APPROVED MINUTES

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

Members Absent: Commissioner Audrey Webster

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

Others: Heidi Oliver
Autumn Oliver
Brady Preheim
Alena Erickson
Vicky Njust
John Brewington
Val O'Farrell
Abigail Dawson
Cyndi Furseth
Jeanne Morain
Shauna Harrison
Matt & Andrea Snook
Courtnei Maddox
Matt Harrison

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 June 14, 2022

Motion: Upon Vice Chair Hubbard's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Draft Minutes as amended by dated June 14, 2022. [AYES: Vice Chair Hubbard, Commissioner Semling, Commissioner Toschi, Commissioner Low, Commissioner Pugsley; NAYS: None]

PUBLIC HEARING AGENDA (times are earliest start time)**B. 7:05 p.m. Planned Development at undeveloped property southeast of the intersection of Pittsburg Road & Meadowview Drive - Westlake Consultants**

Chair Cary called the public hearing to order at 7:05 p.m.

City Planner Jacob Graichen presented the staff report dated May 17, 2022. He explained how the Planned Overlay zone creates a blanket zone over the existing zoning map which allows some flexibilities. This overlay was for a 12-acre site that was composed of two lots. He mentioned it was annexed into the city the previous year. He said the overlay zone is supposed to apply to properties that are over two acres. Because one of the lots is under that measurement, one of the stipulations was that both properties were included in the development proposal.

He said the overlay zone will stay with the property, and the applicant does have a proposal that shows the use of this overlay zone in the design. He did mention it was possible that they could decide not to move forward and there could be someone who comes through later and uses the overlay zone. So, this provides a variety of flexibilities to the conventional zoning standards for the developer.

He said there were two significant wetlands on this property. He mentioned the complex on the south side had a 50-foot protection zone buffer and he said there was a more linear wetland in the middle of the site that had a 75-foot wetland protection zone. He said properties that have large wetland protection zones are good candidates for a Planned Development Overlay as it is a good tool for them to achieve a density given these types of encumbrances.

Commissioner Toschi said since this was a simultaneous application for the Planned Overlay and a Subdivision Preliminary Plat, he felt it necessary to consider all the applicant planned to do with the Subdivision Plat to consider what they do with the Overlay Zone. Graichen said the overlay zone is not a decision made by the Commission; it is a recommendation. Commissioner Toschi asked if they did not have an overlay zone, would the second application be possible? Graichen said there was a condition in the second application for a Subdivision that there needed to be an overlay for the proposed application.

Commissioner Toschi expressed concern about the way this application was being presented to the Commission as he felt there was a significant difference in what was presented to the Commission at the time of the annexation. He said he thought they should hear the testimony from the public before there was a decision made on either application. He said the applicant asked to be annexed in with R7 zoning for this property and now appears to be requesting a different proposal.

Chair Cary said the testimony provided for this application needed to be directly related to the proposal. They were to make their decision for this application based on the staff report, the proposal provided, and the testimony that applied to the specific criteria of this application. He did not agree that they should hear all the testimony for both applications before deciding.

Motion: Commissioner Toschi made a motion to consider both applications before deciding on the Planned Overlay Zone. Commissioner Pugsley seconded the motion. There was no call to vote. Motion fails.

Morain, Jeanne. Applicant. Morain presented some history on the property. She mentioned they were asking for the Planned Development Overlay and why they asked for R7 zoning. Six potential buyers of the property were interested in R5 zoning which is a higher density zone level, and they were looking to squeeze in as many properties as they could to make the most money. She said the developer they chose was not looking to fill the property with a ton of houses. They were willing to honor her late father-in-law's requests of doing what was right for the community and keeping the area at a lower density. She said the property meant a lot to her family and they wanted to leave a legacy

of their family that made the local community proud. She mentioned they hired a consultant to give them a report on the best use of the property based on what was needed within the Urban Growth Boundary. She also said they spoke to a lot of the neighbors to get feedback on what they would like to see or what their issues were with the other subdivisions that had been created before the consideration of this application. She also mentioned they had already done the wetland delineation.

Sandblast, Ken. Sandblast is with Westlake Consultants and a representative of the applicant. He said the overlay would not change the zone. It was simply a way in which the land will be developed, and it provides the flexibility to protect the resources on the property. He said the overlay was not changing the underlying zoning or the density of the zones.

Chair Cary asked, with the overlay zone, if all the lots still be R7 sized lots. Sandblast said no, the tradeoff for protecting the community wetlands and resources is that the density is transferred to the developable areas.

Commissioner Toschi asked if Westlake Consultants was involved in the annexation process. Sandblast said no. Commissioner Toschi asked if they read the report from the annexation to determine that the wetlands were not developable. Sandblast said no he did not read the report, but that wetlands are always an area that cannot be impacted. He mentioned there is a very large setback around these wetlands which result in a smaller acreage available to develop. Commissioner Toschi asked if the property was able to be developed without the overlay. Sandblast said yes, but it would result in a more difficult management of the wetlands and less density.

Vorm, Clark. Vorm is with Noyes Development. He is also a representative of the applicant. He said they wanted to build a development that closely matched what was already surrounding the property. He said they hoped to provide parking on streets and not to pack houses in. He said he understands that those who own land around property that is being developed do not like it. He said their company takes pride in speaking with the neighbors to see what could make their development better. He said they want to build a community that the area is proud of. He felt it was important to keep an open dialogue. He said he has spoken multiple times with the staff and was surprised by the opposition they were receiving at this meeting.

Commissioner Pugsley asked if they generally have covenants and restrictions in the neighborhoods that Noyes builds. She also asked about price range. Vorm said yes, covenants and restrictions were typically a requirement. He said for St. Helens the price range was hard, but he felt a fair range was \$500,000 to \$600,000.

Clark said when you have a property that is this size with a large percentage of land that is not buildable, when you look to transfer density, you are not trying to get more lots than should be on there. You are building essentially the same community that you would build if that property was fully developable. He said it changes the zoning a small amount, but not in some egregious way.

In Favor

No one spoke in favor.

Neutral

Brewington, John. Brewington lives at 59483 Meadowview Drive. He said he did not have specific objections to the subdivision. He expressed concern about the proposed use of their street being the only street to funnel all the traffic to Pittsburg Road. He also said he was concerned about the sewer line not being able to handle the capacity of a large number of homes.

Maddox, Courtni. Maddox said her home borders the property of discussion. She said she had concerns about the erosion of the property as they have a large retaining wall. She said that retaining

wall and the large rocks could fall from the digging. She was excited about the proposed jogging trail, but she wanted to be sure that their property values do not fall as a result of the development..

In Opposition

Snook, Matt. Snook lives on Meadowview Drive. He said he felt the development was all about the money. He did not want to have low-income housing built on this property with concern about the crime it may bring.

O'Farrell, Valerie. O'Farrell said she lives off Barr Avenue and currently lives on a shared driveway. She was concerned about the design and how it would affect her street.

Njust, Vicky. Njust lives at 34854 Westboro Way. She expressed concern about the overlay. She said the property could not efficiently be developed without an overlay because of significant mitigated wetlands. She was expecting R7 zoning which would create a smaller density of homes.

Harrison, Shauna. Harrison lives at 206 N Vernonia Road. She said the surrounding lots were mostly 7,000 square feet or more. She said when the applicant presented their application for annexation, she spoke as neutral for the R7 zoning. She said she had concern about how quickly the City was growing and that the proposal was not right for the area.

Dawson, Abigail. Dawson said she owns a home on Mountainview Drive. She said looking at the proposed subdivision map, she saw lots smaller than 7,000 square feet. She was concerned about duplexes being built on these same smaller sized lots. She said smaller lots mean the houses have to be built taller instead of wider. She said building taller houses would take away the rural feel of the neighborhood and was not consistent with the area. She said with the overlay, it allows the developer multiple ways to change their minds on how to develop the property that could drastically change the nature and character of the neighborhood.

Harrison, Matt. Harrison lives at 34875 Sykes Road. He said he would like to see a nice community built in this area. He said he felt the 7,000 square foot lots would be the best for this new development as it seemed to fit the theme of the area.

Shober, James. Shober lives at 59543 Meadowview Drive. He said the lots should stay at 7,000 square foot or larger.

Oliver, Autumn. Oliver has family who lives on Westboro Way. She was concerned about the traffic flow and the safety of the people who already live in the neighborhood. She said the lots should be larger for larger homes so that people can care for their families.

Kirtland, Rhonda. Kirtland lives at 59305 Barr Avenue. She said the City's housing needs were met for the next 20 years. She said the highest density zoning was the closest to deficiency. She said there was no need for high density zoning. She said the Planning Commission already recommended R7 for the property and that the City Council agreed. She felt everyone was on board with more open space and being careful not to impact the sensitive lands. She said with the new proposal, it was shocking to see smaller lots.. She felt it would take away from the character of the current neighborhood.

Oliver, Heidi. Oliver lives at 34815 Westboro Way. She was concerned about the traffic flow and the safety of the pedestrians in the neighborhood. She was also concerned about adding more subdivisions to the City of St. Helens as she did not agree that the infrastructure or the stores could handle any more people.

Rebuttal

Morain, Jeanne. Applicant. Morain said she understands the neighbors do not want to see development. She said they were looking to do what was in the best interest of St. Helens and they

have done several studies and spoken with consultants to figure out what was the best use for the property. She said they would be able to help, through development, to bring some affordable homes to the community. She said they will be doing connectivity through a jogging trail, that was promised by previous developers but not followed through. She also said there were other things that were included in the plan to meet the needs of the neighbors and the city.

Vorm, Clark. Vorm said they build very quality homes that are energy efficient. He said they sacrifice profit margin for quality.. He said they care about what they do, and they do what they can to make sure the neighbors and those purchasing homes are proud of what they do. Chair Cary asked if the applicant would entertain doing the development with larger lots. He also asked if they reduced density, would it make it unaffordable to develop? Vorm said they have considered this. He said that 46 lots would be the maximum they would build on this site. He said the current application was for 44 lots. He said they were not looking to max out the lots, but to build a nice community.

Commissioner Toschi asked if they were to only allow 7,000 square foot lots, if they would still need the Planned Overlay to have some flexibility. Vorm answered that yes, they did based on the wetlands and the buffers on the property, they still need the lot flexibilities that the overlay zone offers.

Sandblast, Ken. Sandblast said they were consistent with all the criteria for approval of an overlay. He said they were not violating any federal or state statutes and the proposal was utilizing the applicable provisions of the implementing ordinances. He said the proposal was protecting resources of the open space. He said it was not spot zoning if it allowed flexibility to attain the density for R7. He said the application meets all the criteria for approval of a Planned Development Overlay.

Chair Cary asked if they had considered any other designs for this development that might be less lots. Sandblast answered that because of the way the infrastructure, streets and wetlands are located, the design is fixed on what they can do. Sandblast said there were not a lot of alternate plans they could design to meet all the criteria for the wetland buffers and the development already around it. He also said there was the economic aspect of the whole thing as well. It could be more costly to try reduce the number of lots. He said currently because of the wetlands, it is like building three mini subdivisions with all the public infrastructure needed.

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

Chair Cary asked about the specific flexibilities that the overlay zone allows. Graichen said it does not change the use. He said the lot sizes could vary, but it will still only be single-family dwellings or duplexes allowed on the lots. He said he included duplexes, because the State requires the City to treat duplexes the same as single-family dwellings. Graichen said the lot coverage was still 40 percent. Chair Cary asked if they would be able to come back and ask for a variance for setbacks in the future. Graichen said the Planned Development allows the developer to play with setbacks without a variance. However, he said the perimeter setbacks, front, and rear, could not be changed.

Commissioner Toschi asked if the shapes of the lots had to be a certain shape if they did not allow the overlay. Graichen said there are lot dimensional standards that would need to be met without it.

There was a discussion on the density and the R7 zoning standard request from the applicant. The Commission discussed the idea of requiring the lots to be a minimum of 7,000 square feet.

Commissioner Pugsley said there was no guarantee that Noyes was going to complete the project and that the Commission needed to consider that the decision they were making was going to run with the land, not based on the developer. She said the proposal looked like an R5 zoning, not R7 as the Commission recommended at annexation. She also mentioned she would like to see the Homeowner's Association be utilized in this development as she saw a real benefit from them.

There was a discussion about what could happen if they did not grant the overlay. There was also more discussion on adding a condition to approve the overlay, but keep the lot sizes at 7,000 square feet and maintain the side yard (setback) of the R7 zone to ensure spacing between buildings consistent with surrounding development and zoning.

There was a discussion about allowing lot size flexibility, but ultimately the Commission decided that the applicant could apply for variances if they desired.

Motion: Upon Commissioner Toschi's motion and Commissioner Semling's second, the Planning Commission recommended the approval of the overlay with the condition of a 7,000 square foot minimum lot size and that the side yard spacing follow the minimum R7 standards. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Pugsley, Commissioner Toschi, Commissioner Low; Nays: None]

C. 7:30 p.m. Subdivision Preliminary Plat at undeveloped property southeast of the intersection of Pittsburg Road & Meadowview Drive - Westlake Consultants

Chair Cary called the public hearing to order at 10:19 p.m.

Graichen presented the staff report dated July 5, 2022. He said this application was for a 46-lot subdivision final plat.

He said one of the conditions was there would need to be a Planned Development Overlay and if the City Council upheld the recommendation from the Planning Commission, this layout would not work for the Final Plat as there lots under the 7,000 square foot size.

He said with the Planned Overlay, there were some standards they could flex and some they could not. He said the applicant is proposing four phases for development. He said there was not clarification on which phases the wetlands would be addressed during. Wetlands and their protection zones are to be dedicated as tracts during their respective phases.

He said another thing to note was lot 40 was connected to the extension of Willie Lane and when doing improvements, they cannot have any temporary improvements in place so Willie Lane would have to be moved from the fourth phase to the third phase to accommodate the lot 40.

He said in phase one, the southerly road utilizes some right-of-way that was dedicated in a previous decision. He said it was considered a skinny street with a 40-foot right-of-way which serves a minimal number of lots. He also said it was a cul-de-sac and that there was a limit on how long a cul-de-sac can be and how many lots it can serve, and he said the proposed did not come close to those maximums. He also said there was storm tract in this phase.

In phase two, Graichen talks about where the Bonneville Power Administration (BPA) lines are located. He said they are partially in Westboro Way and there would be some agreements that need to be made with BPA. He said it would extend Westboro Way into a conventional cul-de-sac. He said there was also a trail that was proposed to connect Westboro Way to an open space tract. He said this would go along with the Parks and Trails Master Plan.

He said phase three will provide the connection through to Edna Barr Lane. He mentioned there was another storm tract there. He also said with the in-fill development, it would complete a block and would bring it more into code compliance.

He said phase four has lots that are off Pittsburg Road which is a minor arterial street. He said the code does not allow direct access to Pittsburg Road. He said that is why the access is from Meadowview Drive. He said these would be double frontage lots, so there would be some additional screening required. He also mentioned as part of creating the subdivision, they would require a sidewalk to be built on the Pittsburg Road prior to building permitting. He said there was also a private drive on this phase and the private road exception is used minimally in this proposal since there is only one.

He also said there would be a Homeowners Association to maintain the tracts and wetland areas.

He said the large issue with this proposal was the sewer. He said the Wastewater Management Plan showed some undersized infrastructure. He said there was a portion on Sykes Road and Port Avenue that was considered critical and there were identified problems where there could be potential surcharges. He said surcharges occur when the system backs up and overflows. He said it could come out of manholes and could also have the potential to back up into homes. He said the solution is not resolvable by one subdivision. He said the estimated cost to fix these problems after system development charges are used was over \$10 million dollars. He did mention this was a priority for the City Engineering Department and they were estimating a two-to-four-year completion, but it depended on a loan they were hoping to obtain from DEQ.

He said if the Commission looked at our standards, there was a provision that land use application could be denied when there is a deficiency that exists, and it cannot be rectified within the development and could result in a threat to public health and safety or cause a violation of state or federal standards. He mentioned there could be fines to the City for surcharges from Oregon DEQ as well.

He said a second option was to approve with conditions, but with a delay of building permit activity, which includes taking building permits in. He said the subdivision could be approved, but you could only put in the infrastructure (and not build homes). He said can be dangerous because they would now have these lots created with the infrastructure in and now there is vested interest from the developer who now is waiting on the building permits to be allowed after the sewer is upsized. He said this could result in lots being sold in the meantime. He said with this scenario, there would need to be a notice on each lot's deed that expresses this delay so that there was nobody who did not receive notice.

He said they could also approve the subdivision and take the risk. He said he was not sure how much risk, but they could have the City Council make this decision for them as the code allows the Commission to give a matter to the Council with a vote of the Commission.

Commissioner Low asked if there was a timeframe that was typical for the development of subdivisions and connection to sewer for an individual house. Graichen said they did not know the timeline of the phasing, but per the standards of the subdivision approval, it could be extended seven years before it was no more. Graichen said typically developers can design and develop the public infrastructure in about six months to a year, which does not include the building permitting process and actual home construction.

Graichen said the sewer is an issue now, and when they had talked with the Council before, they were resistant to establish an across-the-board development moratorium.

Morain, Jeanne. Applicant. Morain said the developer was working with the Engineering Department to work together to upgrade the sewer to where some of the expense was placed on them as the developer. She said if the Council places a moratorium, it would be for all building, not just some. She said with their phased approach to the development, it could be a benefit to the City to continue to allow them to move forward. She said allowing more people in a slower approach to connect to the City sewer reduces the impact to the City. She mentioned there were some smaller lots because they were looking to preserve some of the wildlife. She said they chose the developer they did because they were willing to utilize larger lots and would work within the code to protect the wildlife and wetlands. They also agreed to incorporate the walking trails and jogging trails that other developers had promised but did not provide to the surrounding areas.

Sandblast, Ken. Sandblast is with Westlake Development. He is a representative of the applicant. He said the subdivision criteria were all met per the code except for the Sewer situation. He said the subdivision could be developed in phases and that was the plan they submitted, to create less impact. He gave a small timeline as to when they would start building these different houses and subdivisions. He said the grading would take them some time. They said to stay out of all the buffers, they would be shuffling dirt around the site a bunch. He said the dirt will all come from the site and go back to the site. He also mentioned that the south wetlands would be in phase one to protect them and the northern wetlands would be in phase two to keep the least amount of impact to them. He mentioned the shared private drive was to make the three lots that utilize it normal size. He said as Westboro Way comes in from the west, it drops, and they have minimized the impact of that drop with grade fill.

Vorm, Clark. Vorm is with Noyes Development. He is a representative of the applicant. Vorm said that if they implemented R7 code only, there would be a reduction in the amount of lots because of the narrow shape of the property and the wetlands. He said they are not trying to build something with high density. He said they proposed 46 lots because the code does not allow them to increase, only to decrease. He said currently, the proposal was at 43 lots. He said he is trying to build a nice community for the neighbors and the surrounding community.

In Favor

No one spoke in favor.

Neutral

Kirtland, Rhonda. Kirtland lives at 59305 Barr Avenue. She said she thought the layout was nice. She said the only thing she was concerned about was maintaining the R7 lot size. She also was curious how this would affect her addressing.

Furseth, Cyndi. Furseth lives off Pittsburg Road and is a part of the Meadowbrook Homeowners Association board. She said the applicant was utilizing the Meadowbrook subdivision as the comparison for how they would develop. She said the Meadowbrook subdivision has houses very close together so the map that is presented by the applicant fits the same consistency. She said the sewage should not be a major issue for all the houses around there as they are all on septic systems. She said wetlands are expensive to maintain and it is more affordable with a Homeowner's Association with more lots paying fees in place.

In Opposition

Snook, Matt. Snook lives on Meadowview Drive. He said the lot sizes proposed did not fit the neighborhood. He said they should stay consistent with the neighborhood and keep lots that are of 7,000 square feet or more. He was also concerned about the burden of the subdivision to the sewer system. He also expressed concern about the amount of traffic and the flow of the streets.

Njust, Vicky. Njust lives at 34854 Westboro Way. She expressed concern about the impact to the sewer. She said the neighbors downstream are the ones that could have the most issue with the sewer overflowing on their property.

Shober, James. Shober lives at 59543 Meadowview Drive. He said he thought the Commission should deny the application because of the sewer impact. He said they should follow the code.

Harrison, Shauna. Harrison lives at 206 N Vernonia Road. She was concerned that this application had made it this far in the approval process since there are serious sewer issues. She said development can pay for some impact, but not the amount that is needed to completely upgrade the system. She said she would not like to see a development started and then not finish because of the possible recession. She also expressed concern about the lot sizes and that what was proposed did not fit the neighborhood.

Dawson, Abigail. Dawson said she owns a home on Mountainview Drive. She was concerned about the impact to the wetlands. She said a lot of the homes on Mountainview Drive own some of the wetlands and she was concerned who would be maintaining them and who would be keeping the individuals out of the space when it belongs to others. She was concerned about the safety of her home with this new development and the value. She was also concerned about the noise level.

Rebuttal

Morain, Jeanne. Applicant. Morain said the sewage system and the mitigation expense was large and spoke on how to reduce the cost. She said with a developer, the City does not have to incur the whole cost of upgrading the system. She said the developer they picked was not looking to fill in a ton of houses. They are looking to do what is safe for the area. She said they were not allowed to put houses in on septic tank systems, that Columbia County advised them they had to annex into the City and connect to City Sewer. She said they consulted experts on the best use of the property and have looked at the whole picture of the property. She said they have worked on a phased approach to best engineer and develop the property to maintain the wetlands.

Sandblast, Ken. Sandblast said he reviewed the staff report and the criteria for the subdivision and he said the conditions imposed address all the normal criteria for a subdivision other than the sanitary sewer. He said they did a traffic study that did not find any issues with traffic. He said they have satisfied the applicable criteria for the application subject to the Planned Development decision.

End of Oral Testimony

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

Close of Public Hearing & Record

Deliberations

Commissioner Toschi asked about a timeline. Graichen said the initial preliminary plat decision is good for 18 months. It becomes void if there is not a final plat submitted with the conditions before the timeframe is up. He said each phase has a two-year time. There is the ability to extend the timeframe but only two times. He said if a phase is not vested within that seven-year period they would have to start over.

Commissioner Toschi did not think they could approve a subdivision final plat that was inconsistent with the recommendation they made to City Council for the Planned Development overlay that is needed to complete the subdivision application submitted. He said he thought the phasing was a great way to develop. He said there should be a consideration of the capacity of sewer before a property is annexed.

There was a discussion about the capacity of the sewer and how it could affect the neighbors. They also discussed how the sanitary sewer system should be paid for and fixed.

Chair Cary said the plan that was presented shows that they worked a lot of the different conditions out to meet the criteria. He discussed the different options on how to move forward with this decision.

Motion: Upon Commissioner Toschi's motion and Commissioner Pugsley's second, the Planning Commission denied the Subdivision Preliminary Plat because it does not satisfy the R7 zoning requirement and inadequacy of the sanitary sewer system. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Pugsley, Commissioner Toschi, Commissioner Low; Nays: None]

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

D. 8:00 p.m. Variance at 204 N 9th Street - Paranto

Chair Cary called the public hearing to order at 10:00 p.m.

Associate Planner Dimsho presented the staff report dated July 5, 2022. She shared where the property was located and discussed that the variance was for a fence height. She said the topography of the property is a mid-tier and the further up 9th Street, the tier goes higher.

She said the wall was between a neighboring property and the subject property. She said in 2018, the wall was six feet in height. She said two years later, the wall had increased to over the six-foot height restriction (eight feet and ten feet in one area). She said the applicant purchased the property and thought the wall was legal, so he is now requesting a variance to bring the wall into compliance.

She said the maximum height for walls/fences is six feet. She gave a report from an engineer that discussed the stability of the wall. She said the report said at eight-feet, the wall was stable, but there was one portion of the wall that stood ten-foot, so she was recommending adding a condition of approval to the staff report to reduce the small ten-foot section down to eight feet.

She said the variance was not detrimental to the surrounding areas and this was making the property developable. She mentioned another condition of approval in the report was to allow a six-foot fence to be built on top of the wall for safety purposes.

Paranto, Steve. Applicant. Paranto said he purchased the property after falling in love with the town. He said the property will look better with the privacy fence along with creating a safer environment for the area. He said he thought the neighbor would want the separation between his property and his. He said he did not have an issue with bringing the wall into engineering compliance by removing the unsafe 10-foot portion.

In Favor

Scholl, Rick. Scholl said he owns property up from the applicant. He said he thought the Commission should approve the Variance for the wall.

Neutral

No one spoke in Neutral.

In Opposition

No one spoke in Opposition.

Rebuttal

There was no applicant 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 neighbor and the feedback he provided at a different public hearing.

Motion: Upon Commissioner Toschi's motion and Semling's second, the Planning Commission unanimously approved the Variance as recommended and amended.. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Pugsley, Commissioner Toschi, Commissioner Low; Nays: None]

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

DISCUSSION ITEMS**E. Chair Signature for Columbia Commons Subdivision Final Plat**

Graichen shared that the Columbia Commons Subdivision, the four-lot commercial subdivision that the Commission had previously looked at, was nearly done. To finalize their final plat, the Chair would need to sign the documents.

F. ACSP Update

Graichen mentioned that ACSP was the marijuana industrial agricultural operation on what was previously the City's property, but was sold to them. He said that the discussion about some of the non-compliance issues led to an invitation to them to attend the Planning Commission at the last meeting. He said since that conversation, there had been a revised application and a discussion with them about corrections. He said there is a shed over a public easement and there will be some movement on getting this corrected. He said they took some steps in the right direction in the permitting process.

G. Conex 8-Plex Ground Lease

Graichen said this is a follow up to the Commission's request for information at the last meeting. The lease mentioned the public benefit is an \$8,160.00 fee per year for the property, \$85.00 per unit per month after a year period, and they also receive six public parking spaces as part of the lot for 6th Street Park. There was a small discussion about the affordability of the condos.

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

- H. Site Design Review at S. 1st Street and Strand - City of St. Helens
- I. Site Design Review at 115 Little Street and 373 Columbia River Hwy - Weigandt
- J. Subdivision Final Plat at Howard Street - St. Helens II, LLC
- K. Temporary Use Permit at 2295 Gable Road - TNT Fireworks
- L. Sign Permit at 2625 Gable Road - St. Helens Parks & Recreation
- M. Sign Permit at 1570 Columbia Blvd - Epperly

- N. Temporary Sign Permit at 2100 Block of Columbia Blvd - Heather Epperly Agency, Inc.
- O. Conditional Use Permit (Minor) at 35031 Millard Road - Happy Hollow Construction
- P. Temporary Sign Permit at 2100 Block of Columbia Blvd - Columbia County Fair

There were no comments on the Planning Director Decisions.

PLANNING DEPARTMENT ACTIVITY REPORT

- Q. Planning Department Activity Report – June

There was no discussion on the Activity Report.

PROACTIVE ITEMS

There were no Proactive Items discussed.

FOR YOUR INFORMATION ITEMS

Commissioner Pugsley asked if there was a way to limit the time for public hearing testimony. Graichen said they would need to have a formal process put into place.

Commissioner Toschi also said they should recommend to the City Council that the sanitary sewer system be fixed sooner than what is proposed, as he sees it as a serious safety risk.

Dimsho reminded all the Commissioners about the upcoming Planning Commissioner training. She said there would be more training in the future for those who could not make it.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned 12:53 a.m.

Respectfully submitted,

*Christina Sullivan
Community Development Administrative Assistant*