



PLANNING COMMISSION

Tuesday, November 14, 2023, at 6:00 PM

APPROVED MINUTES

Members Present: Chair Dan Cary
Vice Chair Jennifer Shoemaker
Commissioner Ginny Carlson
Commissioner David Rosengard
Commissioner Russ Low
Commissioner Charles Castner

Members Absent: None

Staff Present: City Planner Jacob Graichen
Associate Planner Jenny Dimsho
Community Development Admin Assistant Christina Sullivan
City Councilor Mark Gunderson

Others: Brady Preheim
Steve Toschi
Sabrina Moore
Andrew Stamp
Beth Pulito
Christine Dahlgren
Amelia Kercher
Jenn Kercher
Shaunee Moreland
Marco Costanek
Matt Alexander
Wayne Weigandt

CALL TO ORDER & FLAG SALUTE

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

Preheim, Brady. Preheim was called to speak. He expressed his concern about two of the Planning Commissioners. He said he did not agree with them being on the board as he felt it damaged the reputation of the Commission. He also said the agenda item of Architectural Standards was not something the Planning Commission seemed to prioritize, and he felt that they should change what they look at to the Plaza instead. He said it would continue to be a mess (due to annual Spirit of Halloweentown events) until they did something about it. He said would like to see them be more proactive in taking this on to fix it.

Toschi, Steve. Toschi was called to speak. Toschi welcomed the new Planning Commissioner. He also said he was still concerned about the gag order in place to limit what individuals on commissions or committees are allowed to say. He said it was in part the reason he resigned from the Commission in protest of such an order. He said he sees this order discouraging the Planning Commission from

moving forward proactively, because it portrays an idea that the City Council no longer wants to have the Commission involved in decision making, which he says is unlawful. He also applauded the Planning Commission for standing up to the location of the Police Station and denying the Conditional Use Permit. He expressed concern that the Council decided to move forward with it based on ego, instead of putting the money into fixing up the Houlton District and tearing down and rebuilding the old police station, which would have been more fiscally responsible.

CONSENT AGENDA

A. Planning Commission Minutes Dated September 12, 2023

Motion: Upon Commissioner Low's motion and Commissioner Carlson's second, the Planning Commission unanimously approved the Draft Minutes dated September 12, 2023. Commissioner Rosengard abstained, as he was not a member of the Commission at the last meeting. [AYES: Vice Chair Shoemaker, Commissioner Low, Commissioner Carlson, Commissioner Castner; NAYS: None]

PUBLIC HEARING AGENDA (times are earliest start time)

B. 6:05 p.m. Conditional Use Permit at vacant parcel southeast of 35835 Industrial Way – The Amani Center

Chair Dan Cary opened the Public Hearing at 6:09 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter.

Brady Preheim made an objection to Commissioner Castner and Commissioner Rosengard to make a fair decision on the hearing.

The Commission discussed the objection and felt that both Commissioners were able to make fair decisions.

Associate Planner Jenny Dimsho presented the staff report dated November 7, 2023. She shared the location of the property to be discussed. She mentioned the applicant wanted to build an 8,329 square foot two-story office building. She said there was a public utility easement that was on the northern portion of the property to maintain a public storm facility..

She shared there was a driveway approach built by a neighboring property that the applicant would share for access to their property so no frontage improvements would be required as the site's street frontage is already fully developed.

She also mentioned that the property along with the surrounding properties were zoned Light Industrial and that office use was a conditionally allowed use in that zone only under the allowed classification of an Industrial Park. The subject property is part of a 3-lot partition. When Parcel one and Parcel two were developed there was an instrument recorded on the deed that said all three parcels were subject to the industrial park classification. That means that more than 30-percent of the uses on these three parcels must be permitted outright uses in the Light Industrial zone. She did say that with the proposed development by the applicant, that would make two of these parcels developed with office use. She said they took the third parcel and had them prepare an exhibit that showed each suite on this developed parcel and their business use. They concluded that most of the suites were permitted outright light industrial uses. There was over 66-percent of the uses, including the proposed use, that were permitted out-right uses for the Light Industrial zone.

She shared there were some Sensitive Lands on the property to be developed, but the proposed building was well away from the lands and buffer zone, so no permit required. There are some steep slopes, but the development plans do seem to avoid those areas along with the flood plain areas.

She said the Development Code only requires 24 parking spaces for the size of the building proposed to be built, but the plans the applicant gave show they will have 36 parking spaces, which is well over what is required. She talked about bike parking as well and how there is a required percentage for off-street parking. She said in this case ten percent was required and with their proposed number of spaces four would be the amount of bike spaces required. In the applicant's plan there was only two shown. She also said they typically want to see bike parking covered and it was not shown that way in the plan either. So, the Commission could require them to update that as part of the conditions.

Dimsho also mentioned the plans should show illumination on all walkways. She said on the current plans there was a pole mounted light that is shown in the middle of the public utility easement and that would need to be moved to avoid underground utility conflicts. She also said there should be walkways to all entrances that connect the property to streets and those would need to be illuminated as well.

She mentioned because the driveway was longer than 150-feet an emergency vehicle turnaround was required.

She discussed the utilities and said that it did have water and sewer access. She mentioned it was in an area with deficient sewer capacity so a sewer capacity fee would apply. She also showed the storm retention area for their storm connection.

Alexander, Matt. Applicant. Alexander works for Lower Columbia Engineering and is an architect for the Applicant. He said the current Amani Center is located in the busiest areas of St. Helens. He said for the type of service they provide; the area was not appropriate. He also said given the size of St. Helens and Columbia County, the Amani Center has outgrown their space and so a new building would help them to continue to offer services to those who need them. He said the new property would offer features that are perfect for helping in trauma situations. He mentioned that as a non-profit, they would love to put their space in a place where a conditional use permit was not required, but with financial constraints, and a willing donor, this property ended up being perfect. He said it would provide security, safety, and privacy. He also shared some other options for walkways to create less expense for the applicant. He also shared the details of the design and how it would fit in with the surrounding buildings and area.

Kercher, Amelia. Applicant. Kercher is the Executive Director of the Amani Center. She said they are a child abuse assessment center. She shared with the Commission what services the Amani Center provides to the community and that they had been doing this for over 20 years. She said they have outgrown their space, and a new building will provide the space and privacy they need to give all the services in one space, instead of sending them to different locations. She also said this building would give them the capacity to serve two families at a time.

Moreland, Shaunee. Applicant. Moreland is the Multi-Disciplinary Program Manager of the Amani Center. She coordinates with all the organizations that are involved in helping provide services to those families affected. She said a new building and space would provide a designated and confidential space to meet in for the amount of time they needed. It would also provide a space for training and networking amongst the different entities.

Commissioner David Rosengard asked if the space would be accessible for a therapy dog to be utilized in the space. Moreland said yes, and that they had worked with a facility dog in the past. She also said they want to be ahead of the game for ADA access and they are putting a lot of effort into making sure the space was comfortable for all involved, including provisions for an elevator.

In Favor

Pulito, Beth. Pulito was called to speak. She said she was the Deputy Director of the Amani Center. She said they currently serve over 275 families and have 18 staff employees. On average, there are about

11 people in the office at a time. She said they would see a small increase in this amount with the new building because they would be able to serve more than one family at a time.

Costanek, Marco. Costanek was called to speak. He said he has spoken with many people in the Community and trying to find if they understand the vision of the Amani Center. He said it seemed many were behind the project and wanted to get behind the services that were provided by the Amani Center.

Dahlgren, Christine. Dahlgren was called to speak. She said they had been strong supporters of the Amani Center for many years. They had decided to develop this parcel of property and felt it the right move to donate this parcel to the Amani Center and is excited to help them get a space to serve more individuals in our community.

Neutral

Moore, Sabrina. Moore was called to speak. She said her family owned the property east of the proposed parcel. She felt the property would be a good fit for their proposed use. She was concerned about future uses of her property and this proposed development becoming a sensitive use (due to industrial use/land proximity) which could devalue her property. She wanted something put in the application that the proposed development would not affect the current or future permitted uses of hers and the surrounding properties.

In Opposition

No one spoke in opposition of the application.

Rebuttal

Alexander, Matt. Applicant. He said he did not know enough about the zoning and that the current proposed use should not affect any neighboring properties. He also said the applicant did not object to language in the application as proposed earlier, if it did not affect the way the Amani Center needed to run their business.

End of Oral Testimony

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

Close of Public Hearing & Record

Deliberations

Commissioner Russ Low asked if verbiage had to be in this application for future uses for other properties. He said it seems those uses would have to come back before the Commission. City Planner Jacob Graichen said no, the uses are permitted, but there could be new legislation in the future that could pertain to this kind of use and prevent them from being able to use their property to the full extent, for example

Vice Chair Jennifer Shoemaker said she did not agree with adding this type of condition to the application, because there was really no way to enforce it, in the future. She did not want to see any rights taken away from the Amani Center and the way they function. Commissioner Ginny Carlson said this was a natural consequence of building in an industrial area. Graichen suggested a condition where the applicant would be acknowledging the surrounding industrial uses and that they would not raise complaint in the future to any new developments. The Commission agreed a condition like this should be added to the proposal. Graichen also discussed a condition that could state that the approved new use would not be a deterrent or inhibitor to the current or future permitted uses on adjacent industrial

lands. There was a discussion about whether this could be enforced, but ultimately the Commission wanted to include it in the decision.

There was a discussion about the plan set submitted and how it would need to be revised to fix some of the conditions required.

There was a discussion about the sidewalks and walkways and rerouting them to make it easier for the applicant. They discussed how the alternative walkway considered by the architect would require constructing street frontage improvements along an adjacent property. New conditions should be added to accommodate this alternative.

The Commission also discussed the bike parking and agreed there should be four spaces and it should be covered.

Motion: Upon Commissioner Carlson's motion and Commissioner Low's second, the Planning Commission unanimously approved the Conditional Use Permit as recommended by staff with two new additional conditions relating to the surrounding industrial uses, conditions which would accommodate the alternative walkway as proposed by the applicant, and required 4 covered bike parking spaces. [AYES: Vice Chair Shoemaker, Commissioner Carlson, Commissioner Castner, Commissioner Low, Commissioner Rosengard; NAYS: None]

Motion: Upon Commissioner Carlson's motion and Commissioner Low's second, the Planning Commission unanimously approved the Chair to sign the Findings. [AYES: Vice Chair Shoemaker, Commissioner Carlson, Commissioner Castner, Commissioner Low, Commissioner Rosengard; NAYS: None]

C. **6:30 p.m. Comprehensive Plan and Zoning Map Amendment at 475 N 12th Street; Lots 4, 5, 22, and 23, Block 5, Railroad addition to St. Helens – Vial Fotheringham, LLP**

Chair Dan Cary opened the Public Hearing at 7:37 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter.

Graichen presented the staff report dated November 6, 2023. He shared that the property would be going from an industrial to a residential zoning. He said the property was interesting from a zoning standpoint, because on three sides it was surrounded by residential, and the other side was a former industrial mill site. He said the property was historically developed with an old single-family dwelling that was recently torn down.

He said if you were to look at the property (and not a zoning map), where it sits makes it look like it is already in a Residential Zone as it is just outside of the industrial area. There is a large wall fence that sits around the abutting industrial site that borders this property. The proposed property is the only developed industrial zoned property in this area that sits outside of this fence. He said looking at older zoning maps, the property was zoned residential in the past changed to industrial around 1980.

He said they looked over the Economics Opportunity Analysis to make sure there was sufficient employment lands, and the analysis does show there is plenty of employment acreage without this property.

He also said they will need to address the State Planning goal pertaining to housing based on comments from the Fair Housing Council of Oregon.

There was a small discussion about the sewer capacity. Graichen this was neutral point for the purposes of a zone change.

Stamp, Andrew. Applicant. Stamp is a Land Use Attorney and representing the property owner of the application. He said the property owner originally tried to develop the property as industrial but ran in to some issues with the code requirements for commercial development, particularly the buffering requirements between residential and industrial uses. Because the site is so much smaller, it created limitations with what could be developed on the property. The property owner decided there was a better opportunity for the community if there was the ability to build provide more housing for the City.

Weigandt, Wayne. Weigandt is the owner of the property. He mentioned that he planned to follow all the guidelines for a residential zone and would not be applying for any variances in the future.

In Favor

No one spoke in favor of the application.

Neutral

No one spoke in neutral of the application.

In Opposition

No one spoke in opposition of the application.

Rebuttal

There was no rebuttal from the applicant.

End of Oral Testimony

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

Close of Public Hearing & Record

Deliberations

There were no deliberations on this application.

Motion: Upon Commissioner Carlson's motion and Commissioner Low's second, the Planning Commission recommended to the City Council to approve the Comprehensive Plan and Zone Map Change as recommended by staff. [AYES: Vice Chair Shoemaker, Commissioner Castner, Commissioner Low, Commissioner Carlson, Commissioner Rosengard; NAYS: None]

DISCUSSION ITEMS

D. Planning Commission Vacancy/Term Expirations

Graichen said Commissioner Low's term will end this calendar year. Russ said he was willing to continue, but there would be meetings (approximately six) he would miss in 2024. Commissioner Low notes this is substantial, so he said they should start looking for someone to replace him eventually.

The Commission discussed the possibility of interviews and names Vice Chair Shoemaker and Chair Cary as the two to be on the interview committee. Commissioner Carlson volunteered to be the backup.

All other Commissioners agreed to Commissioner Low's reappointment.

Graichen also shared there was only one applicant who applied for the opening, but could not be considered, as he was an attorney, and the Commission was only allowed to have two of one job type. The other applicants who had applied in the past did not want to be considered at this time for the vacancy on the Commission. He asked if they wanted him to advertise the opening soon and the Commission felt it was important to get the advertisement out. They wanted to fill the position(s).

E. December Joint Meeting with the City Council

Graichen asked the Commission if they wanted to proceed with the joint meeting, and if they had any topics they wanted to discuss. He suggested the psilocybin regulations that would need to be made soon.

The Commission said yes, they wanted to move forward with the meeting. They were not opposed to the psilocybin topic but felt it may be more important to keep it a general discussion.

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

- F. Sensitive Lands Permit at 35454 & 35460 Valley View Drive – Danielson Contractors, Inc.
- G. Sign Permit at 435 N Columbia River Hwy – Clark Signs
- H. Sign Permit at 248 N Columbia River Hwy – Vernon (Troy) Locks
- I. Temporary Use Permit at 71 Cowlitz Street – Michael Sagalowicz (The Klondike Tavern)
- J. Temporary Sign Permit at 2100 Block of Columbia Blvd – The Amani Center
- K. Temporary Sign Permit at 2100 Block of Columbia Blvd – CRF&R Toy-N-Joy Auction

There was no discussion on the Planning Director Decisions.

PLANNING DEPARTMENT ACTIVITY REPORT

- L. Planning Department Activity Report – September
- M. Planning Department Activity Report – October

There was a small discussion on the new police station location. Graichen mentioned the decision the Planning Commission made to deny the location was overturned by the City Council. Vice Chair Shoemaker said the proposal and presentation they presented to the Council was completely different than what the Planning Commission received. She mentioned had the presentation to the City Council received been the same as the Planning Commission, the decision or outcome may have been different.

PROACTIVE ITEMS

- N. Architectural Standards

Vice Chair Shoemaker asked the Commission if they should approach these Proactive Items in a different way. She suggested that they were taking on items that were too large, and maybe they should be listening to the citizens more on what items to take on. She said the Commission is almost a complete rebuild since they took on the idea of being a Proactive Planning Commission. She said she wanted to revisit each Commissioner's enthusiasm on it. She said there were items being brought to them by the public and instead of having their personal agendas, maybe they should reassess and figure out what items to move forward on instead. Graichen said if the Commission all agreed to move forward on a specific item, it was ok to do that.

There was a small discussion on vacancies in storefronts around the city. The Commission felt this should be another topic for the upcoming joint meeting with the Council.

FOR YOUR INFORMATION ITEMS

Dimsho said she was working on a grant to fund a trail from St. Helens to Scappoose. She said it was a 7.5 mile route and there will be a series of meetings with stakeholders to determine a preferred route. She said the grant was approved but would only get them to 30 percent design that they can use to go after more funding.

Dimsho also shared they would find out very soon about a grant they were working on to update the Economics Opportunity Analysis. She said this would be something that would go before the Planning Commission for adoption.

Dimsho also shared that the City Engineering department spearheaded a grant for a new Transportation Systems and received \$300,000 for them to update it. She said this was to help consolidate all the different transportation plans together.

There was a small discussion on the travel lanes in front of Broadleaf Arbor. Graichen mentioned the City was in the process of working with the Oregon Department of Transportation to update the posted speeds in that area. Commissioner Carlson asked about the occupancy rate for the new apartments as well. Graichen said the back half of the development had occupancy, but the buildings toward the front of the project were working to gain occupancy.

Commissioner Carlson asked for an update on the construction off Columbia River Highway by the Department of Motor Vehicles. Graichen said Burger King was very close to getting occupancy. The Fast Lube was also starting to move quickly, and Dairy Queen had an issued land use decision but had not moved forward since then. He said the larger parcel between Burger King and Fast Lube has had no application.

There was a small discussion on a few other construction projects going on in the city.

Commissioner Carlson also asked about the Nuisance Ordinance and whether these items were being enforced. Dimsho mentioned we do have an active Code Enforcement Officer.

Commissioner Charles Castner asked for an update on the Riverwalk Project. Dimsho said there was a \$3 million budget for all the Columbia View Park improvements, including the Riverfront, the stage, the new playground, and picnic shelter. When they went out for bid, they had three bids come in at over \$5 million. She said she can only explain it through inflation. She said they do have a grant for \$1.3 million for the Riverwalk Project and they did not want to jeopardize that funding, so they plan to move forward with a redesign of the project and hold off on the stage, the playground, and a few other items.

Commissioner Castner also asked about the Streets & Utilities Project and wanted to understand why it was all dug up and then put back, but not completed. Dimsho said this project was being managed by the Public Works/Engineering Department. She said the contractor who was doing the work asked them to revisit the undergrounding design for the project because there were not enough details. She said this redesign was what was holding up the completion as there were several utility providers involved.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 8:49 p.m.

Respectfully submitted,

*Christina Sullivan
Community Development Administrative Assistant*