



## PLANNING COMMISSION

Tuesday, September 13, 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 Russ Low  
Commissioner Sheila Semling

**Members Absent:** None

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

**Others:** Brady Preheim  
Andrew Johnson

#### 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 August 9, 2022

**Motion:** Upon Commissioner Webster's motion and Commissioner Pugsley's second, the Planning Commission unanimously approved the Draft Minutes as amended dated August 9, 2022. Commissioner Semling was absent from this meeting, so she abstained. [AYES: Vice Chair Hubbard, Commissioner Toschi, Commissioner Webster, Commissioner Low, Commissioner Pugsley; NAYS: None]

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

##### B. 7:00 p.m. Variance (Sign Adjustment) at vacant lot north of Howard Street and US 30 - St. Helens OR, LLC

Associate Planner Jennifer Dimsho presented the staff report dated September 6, 2022. She explained this application was for one lot that is part of a four-lot commercial subdivision. She said it was near Howard Street and the Columbia Commons driveway. She said there was a Site Design Review on this lot in April of 2022 for a Burger King to be placed on this lot. The applicant was representing Burger King.

She said the applicant was requesting the sign variance because of an easement that encumbers the property. She said the easement was established in 2003 and the benefiting party of the easement is the abutting property owner of Columbia Commons. She said there is a very similar easement on the north end of the property which already has a sign constructed.

She said the code requirements about freestanding signs limit the property to one freestanding sign per frontage. She said the code allows for one ground mounted sign along each primary frontage. When there are multiple street frontages a sign can be permitted at each frontage location but only applies to arterial or collector streets. She mentioned US 30 was an arterial street, but Howard Street was not, so they were not allowed to have multiple freestanding signs.

She said per the code, Burger King's pole sign would be the only allowed freestanding sign on this lot, no other freestanding signs would be allowed. The variance was to allow and make sure that the abutting property, Columbia Commons, was not prohibited from building a ground mounted sign within the already established easement in the future.

She said there was three main criteria for variance sign adjustments including replacement of zoning district with any term that references sign district. The second was the sign adjustment could not be a result of any actions of the applicant, owner, previous owner or circumstances of physical condition, age, or financial situation. Third was approval would not adversely affect the function or the appearance of the development and that the sign adjustment would not impose limitations on other properties.

She said approving the variance is reducing a limitation on the adjacent property and was not causing adverse impacts.

She did mention there was a time requirement for the sign variance to be used. She said it could only be used for the second sign if the proposed Burger King sign is established within the validity period of this variance. This variance would only be valid if the Burger King sign has been installed and sign easement is still in place.

She did mention the owner and applicant would still be required to receive a sign permit and follow all building and development codes to construct the sign.

Dimsho did say that the variance would not allow Burger King to build another freestanding sign on the property. Only the abutting property owner, Columbia Commons, could build another sign in the easement.

**Johnson, Andrew. Applicant.** Johnson is a project manager at InSite Real Estate and represents the applicant. He said the easement had been in place for nearly twenty years and the adjacent owner of the easement had not built a sign on or even acted on the easement that encumbers the proposed area. He said they do plan to submit a sign permit and did not foresee any issue with obtaining that. He said they were just trying to allow the adjacent property owner the right to construct a sign within their easement after they build the Burger King sign. They did say they were not looking to build more than one freestanding sign on their lot.

Commissioner Toschi asked the applicant if they had spoken to the adjacent property owner about their intention of building a sign. Johnson said they had spoken to them, but it was a difficult conversation to start or to continue with. They said they are notified of the intent for the variance, but they were not aware of any intent to construct a sign.

Chair Cary asked when they planned to construct their sign. The applicant said within the first year before the Variance validity expires.

## **In Favor**

No one spoke in favor.

**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**

Commissioner Toschi asked about adding a condition to the Variance if the adjacent property decides to erect a sign in their easement that they would have to present their design to the Commission for approval to be sure their design did not adversely affect the abutting properties. City Planner Jacob Graichen said yes, that has been done before. He also said the approval criteria for signs that the Commission would be reviewing the sign permit under are fairly straightforward.

There was a small discussion on what type of sign could be built by the adjacent property and if it would have an adverse affect on the applicant's property.

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

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

**DISCUSSION ITEMS**

**C. Planning Commission Term Expirations**

City Planner Graichen said that Commissioner Semling and Commissioner Webster had expressed a desire to no longer continue the Commission after this term. He mentioned there were several people who had applied and were still interested in being considered for these positions from recruiting efforts and interviews earlier in the year. He mentioned that they would rerun the advertisement for the openings and could collect more candidates interested in the open positions.

There was a small discussion on types of candidates they would like to see placed in the vacant positions.

Graichen asked for volunteers for the interview committee. Commissioner Pugsley, Chair Cary and Vice Chair Hubbard all volunteered to be on the committee.

Graichen mentioned he will work with staff to schedule an interview day and timeframe for interviews after the advertisement for new commissioners had been run to recruit more applicants.

**D. Council Reports land use matters to Planning Commission**

Graichen mentioned there are items that the Commission reviews and then goes to the Council and that Councilor Birkle wanted to be sure the Commission stayed informed. Councilor Birkle expressed that he wanted to keep the Commission in the loop on new information or how the Council moves forward with decisions made by the Commission are appealed to the Council. He also said whenever the Council receives information that is related to Planning, he wanted to create a policy or procedure where the Commission is included on the information provided.

There was a small discussion about the benefits of having more information. The Commission agreed they would like to be provided the opportunity to see the extra information given when it comes to the Council, after the Planning Commission reviews it.

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

- E. Site Design Review at Lot 10 of the McNulty Creek Industrial Park - Port of Columbia County
- F. Sensitive Lands Permit at Lot 10 of the McNulty Creek Industrial Park - Port of Columbia County
- G. Partition at 35531 Firway Lane & 58606 Kavanagh Ave - Holcomb Revocable Trust
- H. Sensitive Lands Permit (x2) at 414 Riverside Drive - Bo & Emily Kelley
- I. Partition at SE corner of Howard Street & Kelly Street - Barry Hess
- J. Accessory Structure at 325 S 20th Street - Kara Marsh
- K. Site Design Review (Minor) at 1400 Kaster Road - ACSP
- L. Temporary Use Permit at 175 Bowling Alley Lane - CCPOD, LLC

There was no discussion of the Planning Director Decisions

**PLANNING DEPARTMENT ACTIVITY REPORT**

- M. Planning Department Activity Report - August

Vice Chair Hubbard asked about the Riverfront Utility Improvements and if the quote was for the whole site. Dimsho said no, it was for the underground utilities, but not the entire S. 1<sup>st</sup> Street connection to Plymouth Street.

There was also discussion about the new Mainstreet Alliance Coordinator and how she will be involved in the Planning Department.

**PROACTIVE ITEMS**

- N. Oregon HB 3115

Commissioner Toschi presented a report on the new measure Oregon House Bill 3115. He said all cities within the state were faced with how to handle the homelessness.

He mentioned some issues with homeless camps in the past years and how with the help of the City Council and law enforcement, these encampments were cleaned up and procedures were created to keep these areas clear.

He discussed ideas on how to protect the City from not being able to defend itself from future encampments with this new measure and their ability to enforce laws. He also shared his concern about the civil suits that could arise from not having procedures and laws in place.

There was a discussion on whether to study and research how to become exempt to this measure. There was also a discussion on staff time requirement and financial requirements to proceed. The Commission agreed this would be a Proactive Item they would like to take on. They selected Commissioner Toschi and Commissioner Low to be the subcommittee who would work on this project. They also agreed that the subcommittee would reach out to other entities for advice and help on moving forward in creating procedure and law around this measure.

#### **FOR YOUR INFORMATION ITEMS**

Commissioner Pugsley asked about the meeting time change from 7:00 p.m. to 6:00 p.m. for the future meetings and if it was approved through the Council. Graichen said it would take effect in January when they set the meetings for the year on the calendar. Councilor Birkle also mentioned the Council was open to regular joint meetings with the Planning Commission. He said there just needed to be dates proposed to be placed on the calendar for the year. The Commission did agree there should be quarterly meetings between them and the Council.

#### **ADJOURNMENT**

*There being no further business before the Planning Commission, the meeting was adjourned 9:42p.m.*

*Respectfully submitted,*

*Christina Sullivan*

*Community Development Administrative Assistant*