



## PLANNING COMMISSION

Tuesday, May 9, 2023, at 6:00 PM

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### APPROVED MINUTES

- Members Present:** Vice Chair Dan Cary  
Commissioner Jennifer Pugsley  
Commissioner Charles Castner  
Commissioner Ginny Carlson
- Members Absent:** Chair Steve Toschi  
Commissioner Russ Hubbard  
Commissioner Russ Low
- Staff Present:** City Planner Jacob Graichen  
Associate Planner Jenny Dimsho  
Community Development Admin Assistant Christina Sullivan  
Councilor Mark Gundersen
- Others:** Brady Preheim  
Robyn Toschi  
Shauna Stroup  
Lynne Pettit  
Greg Pettit  
Dan Hatfield  
Guy Davis

#### CALL TO ORDER & FLAG SALUTE

Chair Steve Toschi was absent, so Vice Chair Dan Cary was the acting Chair.

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

**Preheim, Brady.** Preheim was called to speak. He suggested they clarify the public comment period and that it was for topics that they were not going to take public input on later in the agenda. He wanted to clarify the difference between a public hearing and discussion items. He said he felt that the Chair of the Commission should be removed from his position as the Chair's behavior with the Mayor was making the entire Commission, in his opinion, look bad. He also said he would like to see the Commission discuss improving the Courthouse Plaza area. He also said he would like to see some regulations that keep businesses on the main street from becoming vacant or used for residences.

**Pettit, Lynne.** Pettit was called to speak. She shared she was the Vice Chair of the Parks and Trails Commission. She shared that they had just been presented the Planning Commission's proposal on HB 3115 and she had some concerns about where the encampment proposed would be placed. She shared the space directly behind the Recreation Center along Old Portland Road would be something the Parks and Trails Commission would be okay with, but anything further into the space and along Milton Creek they did not want to see being used. She said the Parks and Trails Commission has plans

to turn it into a reserve to protect the wildlife and the beauty of the area. She also said there was a future to connect this park area to the McCormick Park area with a walking trail.

**Pettit, Greg.** Pettit was called to speak. He expressed his concern about the Planning Commission's HB 3115 proposal and the locations they had named as a place to create an encampment. He said the area in the old Boise Park along the creek was a treasure to be kept. He mentioned he was empathetic to the situation of the homeless and had volunteered many years with Community Action Team. He said if they plan to create an encampment, there should be toilets and trash receptacles that are regularly maintained to help protect the beauty of the area.

**Stroup, Shauna.** Stroup was called to speak. She expressed concern about the people living in their vehicles in residential areas. She wanted to be sure there was attention being paid to this behavior and looking for ways to discourage it. She also said she hoped they would be thoughtful about the other aspects of the City when they considered where to place a homeless camp.

## **CONSENT AGENDA**

### **A. Planning Commission Minutes Dated April 11, 2023**

Commissioner Jennifer Pugsley asked for corrections to the motions made on page 6 of 7 of the minutes.

**Motion:** Upon Commissioner Castner's motion and Commissioner Carlson's second, the Planning Commission unanimously approved the Draft Minutes dated April 11, 2023, with the suggested amendments. [AYES: Commissioner Carlson, Commissioner Castner, Commissioner Pugsley; NAYS: None]

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

### **B. 6:05 p.m. Variance and Minor Modification Site Development Review at 373 S Columbia River Hwy – 1771 Columbia Blvd, LLC**

Chair Dan Cary opened the Public Hearing at 6:16 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter.

Commissioner Pugsley shared her potential conflict of interest in the proposal, as she and the applicant had a working relationship with different properties in the City, but she still felt she could make an unbiased decision on the application. No one in the audience objected to her ability to make a fair decision.

City Planner introduced the proposal as presented in the staff report dated May 1, 2023.

Graichen shared where the property was located. He shared that a home on this property had burnt down and was a total loss. The owner expanded the parking lot and improved the access off Little Street. Graichen said when this development proposal came in a plan was approved and then was not completely followed.

He said where the plan started to be an issue was with the landscaping islands. He showed the Commission the first island and explained it was supposed to be 17-feet wide with a curb along the opposite side of the sidewalk. It was installed with 13-foot width and no curb. He also said the street tree installed did not meet the minimum two-inch diameter d.b.h. as required by the standard.

He said the second island was described on the plan as seven-feet, but when installed it was only five-feet.

He said the third island was the most off the original plan. He said on the original plan it was proposed to be nine-feet in width but was installed as three-feet in width. He said the tree was planted in the back as there was not enough space in the island to grow.

He said the Variance was the easiest way to address the deficiencies of the parking lot landscaping islands.

**Weigandt, Wayne. Applicant.** Weigandt was called to speak. He said he started on this project almost a year ago. He said he met multiple times with the Planning Department about the plans and there were errors in them that he was not aware of. He said the dimensions of the actual space did not match what was laid out on the plans and so when they were in construction, they were trying to fit the approved plan into the smaller dimensions. He said the discrepancies were not intentional. He mentioned he built the parking lot because the number of customers and employees of the complex was starting to increase, so he felt this would be a nice addition to the property. He said he was trying to improve the area with better access and sidewalks onto Little Street. He said there was some confusion with his draftsman who did his plans and the dimensions of the property, but he felt it turned out nicely and thinks this layout works very well for the customer base, the employees, and the vendors who come in and service the property.

#### **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 to the application.

#### **End of Oral Testimony**

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

#### **Close of Public Hearing & Record**

#### **Deliberations**

Chair Cary said he felt it was important for the trees to have enough soil for them to grow. He said he thought the landscaping islands being large enough to support them was important. He did not think it was a good thing to require the landscaping and then not require the appropriate amount of care for them to take root and survive for years to come.

There was a small discussion about landscaping and the standards.

Commissioner Pugsley said she thought the landscaping bump out was too small, but if it was built to the standard, it would be too large for vehicles to navigate around it.

There was a small discussion on the width of the bump out and how it would affect the parallel parking spaces.

There was a discussion on the number of parking spots in between the landscaping islands.

The Commission agreed the first landscaping island closest to Little Street should have the correct size street tree and a curb added. They said the other two landscaping islands were approved as is.

The Commission agreed the undersized parking spot should be eliminated or marked as a compact parking space.

**Motion:** Upon Commissioner Castner's motion and Commissioner Pugsley's second, the Planning Commission unanimously approved the Variance with the conditions of planting a street tree and a curb to the landscaping island number one and eliminating the adjacent parking or marking it as a compact space. [AYES: Commissioner Pugsley, Commissioner Carlson, Commissioner Castner; NAYS: None]

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

C. **6:30 p.m. Appeal of Sensitive Lands Permit SL.2.23 at N. 15<sup>th</sup> Street – Infinity Investments-Puget Sound, LLC**

Chair Cary opened the Public Hearing at 7:09 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter.

Associate Planner Jennifer Dimsho introduced the proposal as presented in the staff report dated May 1, 2023.

Dimsho said the appeal was of an administratively approved Sensitive Lands Permit to build a retaining wall of up to 12-feet in height. She shared the location of the proposed wall and said there was a City owned wetland just north of the subdivision and a small tract of City owned land between the wetland and the subdivision. The applicant also included a storm line which would daylight onto the City-owned wetland tract. In order for the private storm outfall to be maintained by the future owner of the lot, the wall would have to be setback from the property line. The City Engineering Department also required that they build the storm outfall protection to the standard provided in the report.

She said the applicant supplied engineering on the retaining wall, and it was about 50-feet wide and 50-feet long on the backside of the property.

She shared some of the other conditions placed on the original Sensitive Lands Permit for approval, including that they would need revised wall plans to show a setback to account for the storm infrastructure required by Engineering. They also needed to supply additional wall profile and edge conditions to detail about how the wall would tie into the rock bluff to ensure all rock/fill will be contained on the lot.

After sending the original approval out, a neighboring property appealed the decision citing impacts to the neighboring properties.

She said of the items the appellant brought up, there were two things to consider: the definition of a structure and the definition of a yard.

She said they could regulate this wall as a structure because it was proposed to be built in what was otherwise a ranging setback of approximately 2' to 25' from the rock bluff. A new 12' high structure would block what was otherwise a setback between the appellant's property line and the rock bluff. She said to regulate this, they could consider the wall a structure, and utilize setbacks based on the R5 zone. She said the Planning Department added a recommended condition that the applicant would need to submit revised plans which comply with setback requirements per the R5 zoning district unless variance(s) is/are granted to allow less.

Dimsho said this was different than a fence, as fences are capped at six-feet and this wall was going to be 12-foot in height as proposed.

City Planner Graichen said the appellant asked for additional conditions to be placed on the applicant than what the Planning Department recommended. He said the Planning Commission could require a yard setback to be met and installed.

**Yordy, Alan. Appellant.** Yordy is the representative of the Infinity Investments-Puget Sound, LLC. He said the reason they looked to appeal the decision was for multiple items. He said Lot 10 of the proposed application had part of the property in the wetland area. He also said the 12-foot wall went well beyond the height of the standards and shared some different examples of smaller walls with alternate construction materials. He said there was no landscaping plan to tone down the wall and there was already disturbance to the current landscaping there, including a removal of a tree taken down against City Development Code. He mentioned he was worrying about building something like this in an area that was subject to sloping. He said there were already structures there in the sloping area that had fallen. He also felt it blocked access to his property for emergency evacuation.. He said with the property being a wetland, there were special requirements that needed to be met which were not addressed in the original application. He also said the plans showed a tilting wall, but the plot plan showed a straight wall, so it was not clear on the design, other than it was not a poured concrete, reinforced, wall. He said he would also like to see a seismic report done.

### **In Favor**

No one spoke in favor of the application.

### **Neutral**

No one spoke as neutral testimony.

### **In Opposition**

No one spoke in opposition to the application.

### **Rebuttal**

**Hatfield, Dan. Applicant.** Hatfield was called to speak. He said based on the survey done on his property, the tree was removed legally. He also said they are looking to place the wall the appropriate distance from the property line. He explained how they would have to build the wall and the construction materials to be used. He talked about the anchors and the way it would be placed, based on an engineer's report, to make sure it was sound and stable. He also discussed the storm drainage and the pipe that was connected to all the houses and how it drains into the wetlands. He said that the wall did not have to be 12-foot, there were other options to make this space safe.

There was a small discussion about the drainage of storm water. Hatfield said they could put the drainage on the property and could be moved to be sure that it does not affect the neighboring properties.

**Yordy, Alan. Appellant.** He shared that after hearing all the information from the original applicant, he felt a full plan needed to be laid out before they moved forward with the wall. He felt this would resolve all the issues of how things needed to be laid out on the property. He shared the wall should be moved or smaller. He thinks there could be a solution that satisfies all involved.

### **End of Oral Testimony**

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

### **Close of Public Hearing & Record**

The Appellant asked for the Public Record to be left open. Graichen explained that the applicant and the appellant would have seven days for additional written testimony, another seven days to respond to the new information, and a final seven days for the applicant to prepare any final written argument. Deliberations on this matter will occur at the next Planning Commission meeting on June 13, 2023.

### **DISCUSSION ITEMS**

**D. CUP.2.23, et. al., condition of approval 2.a.G**

Graichen shared the design plan for the mixed-use development on the corner of 6<sup>th</sup> Street and Columbia Blvd. He said one of the conditions was to have the building design brought to them for recommendations and to see if the design fit the neighborhood better.

He shared the roof was a flat layout now. Commissioner Pugsley was still concerned about the siding and did not like the location of the building. She did say the design was much nicer than the original submittal.

There was a small discussion about building location and how it fits the neighborhood. The majority of the present Planning Commissioners agreed that the new design fits in with the neighborhood.

**E. Semi-Annual Planning Department Report**

Dimsho and Graichen discussed the Semi-Annual Report which was given to Council at their April 19 meeting.

**F. Planning Commission Annual Report to Council**

Graichen said the Planning Commission's annual report would be given next month to the City Council. He specifically mentioned the meeting count which increased from 12 to 15. In prior years, sometimes this number was 11. More meetings makes the Planning Department very busy. He shared some more comparisons of years past versus this year's report, including the increase in discussion items from 15 to 35. This is why meetings have been longer than usual over the last year.

He asked the Commission what they felt the City Council could do to support them. He shared some of the requests from last year and that the budget was very lean this year. Commissioner Carlson said she didn't think we should take the request for additional help off the list, as it would be good for the City Council to consider extra help to take pressure off the department.

There were no other suggestions of things to share with the City Council.

**G. Refine HB 3115 Recommendation**

Graichen shared a few changes based on the City Council's review of the proposal from the Planning Commission. He wanted to narrow down the exact location the Planning Commission wanted to recommend to the City Council. He showed the map of the proposed locations and potential sites for approved camping. Commissioner Carlson expressed concern about too much creek frontage for a camp to be placed. Graichen said there was a 100-foot separation from the space to the creek but it would be hard to manage realistically.

Commissioner Castner said he felt the City Council and the Planning Commission were not really on the same page, but he felt moving forward they should stick with their original recommendation. He said just because the Council and the Planning Commission did not agree, did not mean they should change what they felt was the best recommendation. He said if the Council takes all, part, or none, of the recommendation, then they can say they did their best to give a solid recommendation based on their interpretation of the law.

There was a discussion on what specific areas to be utilized for camping. Based on the map provided by Graichen, the Commission felt only locations one and two should be suggested as a location for approved camping.

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

- H. Sign Permit (x6) at 405 N Columbia River Hwy – Sign Craft (Burger King)
- I. Sign Permit at 115 N Columbia River Hwy – ES&A Sign & Awning

- J. Sign Permit at 420 Columbia Blvd – St. Helens Liquor Store
- K. Sign Permit at 373 S Columbia River Hwy – Aman & Kulwinder, LLC (Skinny's)
- L. Temporary Use Permit at 2225 Gable Road – Shyla Kniffin (St. Hellions Grill)
- M. Site Development Review (Minor) at 71 Cowlitz Street – The Klondike Tavern
- N. Site Development Review at SW Corner of the Wyeth Street/US30 Intersection – Odom (Dairy Queen)

Commissioner Carlson asked about the Temporary Use Permit for a food truck to be placed on private property at the new Crooked Creek Restaurant. She did not agree with opening the business with no parking in front of it. Dimsho mentioned they did not plan to open before the brewery opened and when the road closure opened. They are also only operating on site until the brewery's kitchen is up and running.

#### **PLANNING DEPARTMENT ACTIVITY REPORT**

- O. Planning Department Activity Report – April

There was no discussion on the Planning Department Activity Report.

#### **PROACTIVE ITEMS**

There was no discussion on the Proactive Items.

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

Dimsho shared that Crooked Creek was preparing to submit their building permit and there were slight revisions. He discovered the original main entrance door opening was much larger than the door there now. He proposed to add two side windows for the entrance.

Commissioner Pugsley said she thought the materials for the skylights need to be period correct, regardless of the expense. She did not want to see vinyl windows put in. She did not have an issue with the idea of placing skylights in the door frame.

Dimsho also said the stairs for the upstairs unit originally had a switchback and was now being proposed as a straight staircase with the entrance in the back of the building. She also discussed the storage building that was going to be placed in the back was now going to be attached instead of detached.

#### **ADJOURNMENT**

*There being no further business before the Planning Commission, the meeting was adjourned at 10:13 p.m.*

*Respectfully submitted,*

*Christina Sullivan*

*Community Development Administrative Assistant*