



## **PLANNING COMMISSION**

Tuesday, June 14, 2022, at 7:00 PM

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### **DRAFT MINUTES**

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

**Members Absent:** Chair Dan Cary

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

**Others:** Keith Locke  
Tracy Brown  
Carmin Dunn  
Brenda Herren-Kenega  
John Waikart  
Jerry Belcher  
Howard Blumenthal  
Brady Preheim  
Scott Jacobsen  
Les Watters  
Rita Larsen

#### **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 May 10, 2022**

**Motion:** Upon Commissioner Semling's motion and Webster's second, the Planning Commission unanimously approved the Draft Minutes dated May 10, 2022. [AYES: Commissioner Webster, Commissioner Semling, Commissioner Toschi, Commissioner Low, Commissioner Pugsley; NAYS: None]

#### **DISCUSSION ITEMS**

##### **B. Architectural Guidelines Recommendation for New Pump Station Building at 1<sup>st</sup> Street & Plymouth Street – City of St. Helens**

Associate Planner Jennifer Dimsho presented the report for the recommendation on the new pump station building. She advised the Commission this was their first decision this year acting as the Historic Landmarks Commission.

She said the City and OTAK were joint applicants for a new pump station on the riverfront redevelopment site. She mentioned it was a necessary piece to serve the site with sanitary sewer. It is being installed as part of a larger infrastructure extension project for future development on that property. She said the area was zoned Riverfront District, Mill Sub District. This zone requires architectural character review on any new construction or permanent exterior alterations to buildings.

Dimsho said staff compared a pump station with exterior elements and cyclone fence screening versus a larger building with enclosed elements and no screening. Ultimately, staff elected to a larger building with enclosed elements to avoid the need for unsightly fence screening.

She showed the area where the building would be placed near the Nob Hill Nature Park staircase and the S. 1<sup>st</sup> Street extension. She said this location was tucked into the bluff closer to the basalt wall and would work as more of a screen on two sides. The Geotech report said it would have to be pulled slightly away from the wall given the shallow bedrock.

She said there was a storm water retention facility located near the proposed station and the pedestrian connection along the bluff trail would act as the sidewalk along that side of the pump station. She said many of the architectural guidelines concerned consistency with surrounding buildings, but since there will be no buildings on either side of the building, many guidelines are not applicable. She went through the guidelines that were.

She discussed the exterior lighting proposed. The Commission liked the lighting as presented by the applicant..

She also discussed the plants and landscaping plan. She said it was a very generous landscaping plan that will screen the facility from the bluff trail, pedestrian path, and the roadway.

She said on the guidelines discuss building materials and color. She said staff decided to use a cost-effective CMU block. She said they chose this because it would make it easier to remove any graffiti and because they were so cost effective. She also said there were several public infrastructure buildings that were similar in style around the City.

Commissioner Toschi asked about the noise and how often it would run, would there be a way to mitigate the noise it makes. Keith Buisman, engineer with OTAK, mentioned the sound that would be heard is the generator inside the building that is running the pump itself. He said the Public Works department would work on a way to have the station run the least amount of time to mitigate the impact to the community.

Commissioner Pugsley said she thought the CMU block was doable on the small utility building and there should be a finding in the report that CMU block is only appropriate for this type of small, utility building.

There was a small discussion on the color pallet and the Commission agreed they liked the colors that were presented.

The Commission also had a discussion on the use of CMU blocks and agreed that this was acceptable per the architectural standards because of its less overall visible location, limited use and size. If this was a larger building with more intense use, CMU would not necessarily be acceptable.

**Recommendation for Street Vacation at N. 1<sup>st</sup> Street, N. & S. River Street, and Columbia Blvd – Locke, Dillard, Williamson Trust, and Jones**

City Planner Jacob Graichen presented the report to the Commission and explained this was not a formal public hearing, but that the Planning Commission would be giving a recommendation to the City Council, so they were going to proceed with some formal items.

He asked if any member of the Commission wished to declare an ex-parte contact, conflict of interest or bias in the hearing of this Street Vacation. Both Commissioner Toschi and Commissioner Low recused themselves from the discussion. They became citizens for this matter to give testimony.

Commissioner Toschi recused himself because he felt the proposal could have a negative financial impact on the property that he owns that was identified in the report.

Commissioner Low recused himself as he had property that could have a negative financial impact from the proposal as his property abuts the proposal.

No objections were made for the Commissioners that remained.

Graichen explained that not all Street Vacations come before the Planning Commission, but several have. The ones that do come before the Planning Commission tend to be more complicated and Graichen said it can be more valuable to the City Council to have the additional thought process especially from the Planning Commission who specialize in these types of things. The Planning Commission has also taken a more proactive stance, and these are the types of things they look at in our code. This Street Vacation involves a little bit more details than normal, so it seemed fitting to be presented to the Commission.

Graichen shared the affected area and mentioned that there was two-thirds of the affected area and one hundred percent of the abutting properties that agree with the proposal to move forward. He explained to the commission what the Planning Department describes as abutting property and then showed the areas that agreed.

He explained that over the years what they have considered abutting has been those properties that abut along the side. He said the basis they use is with a street vacation, typically you draw a line down the middle the right of way goes to each property, so there is the potential of right-of-way acquisition. If someone is not a petitioner, they want to be sure that they agreed to having the right-of-way running directly next to their property. He mentioned there was some question on whether property is considered abutting since it touches by a point and whether a point begets adjacency. If it was a potential challenge, the applicant could take the risk or amend the area to be vacated to have a separation and if adjacency is touching that separation can be minute. So, this is an easily resolved issue.

Graichen explained the overall staff recommendation only considers the public interest. He said they must look at if the proposal is prejudicial or contrary to the public interest or not. He said after considering all these aspects, the staff recommendation was for a small area on South River Street.

Associate Planner Dimsho explained why the different segments were impacted by utilities, transportation plans and existing facilities and that there was only a small section, that they recommended, that did not have utility or transportation-related conflicts.

She explained that North River Street and South River Street are both considered normal local streets and have a normal minimum right-of-way of 50-feet. She said the existing right-of-way was 80-feet. She said the roadway was very skewed towards the east side of the right-of-way along River Street which means the properties across from the proposal are not likely eligible for a similar vacation request, because the roadway itself would within the request to be vacated. She also mentioned that the River Street roadway was not consistent in width. It varies from 24-feet to 34-feet. There are no sidewalk facilities along the west side due to the steep bluff. She mentioned this petitioner was requesting 25-feet which would leave 55-feet of right-of-way. This was enough for a sidewalk to be

developed along the west side if the City decided. She mentioned it was not likely, as the bluff was so steep and would require retaining walls which could become very costly.

She also mentioned there was a gravel trail that connects the dead-end gravel area of Columbia Boulevard down to South River Street. She mentioned that without knowing the exact location of the trail, staff feels uncomfortable vacating any area that the trail might be located on. She also mentioned that the Parks and Trails Master Plan (2015) identifies this as a trail project to improve. She said there was a public sanitary sewer line that gets close to the North River Street right-of-way. If they were to consider this area, the City Engineering Department would request a 40-foot easement area to be able to get in and maintain this line. The request would be larger than usual because of the slope. Along South River, there was enough room for 15-foot easement without impacting the suggested area to be vacated.

Dimsho also discussed First Street. She said North First Street is classified as a local street north of Columbia Boulevard and South of Columbia Boulevard, it is considered a collector street. She said it has a minimum of 50-foot right-of-way and currently it has 80-feet. She said the petitioner was requesting 30-feet on each side which would leave 20-feet of right-of-way left. She mentioned the 80-foot by 80-foot square intersection area on Columbia Blvd and First Street that the City did not want to vacate at all, because there are proposed sidewalk treatments and roadway improvements in the Corridor Master Plan that would utilize that area. She showed a gravel driveway that serves as the sole access point for 114 First Street and beyond this there is a very steep slope as well.

She mentioned the petitioner wrote on the application that the purpose for vacating the streets was to develop or redevelop the subject properties. Dimsho said the current zoning for those districts allows for multi-family development outright. She said staff thought it was important to think about the access that would be needed for multi-family units and making sure there's an access that meets the minimum standard.

She discussed the topography and usability, and she said the Corridor Master Plan recommends a pedestrian bike trail through this area. She said there was already a feasible nonmotorized access area just below the cliff and the North First Street area proposed connects easily to that area, making it problematic to vacate

She mentioned along the west side of North First Street, there is a Columbia River Public Utility District (CRPUD) pole that spans and connects to a different pole that goes across the whole proposed area. She also said Comcast has connections on those same poles. She said the CRPUD asked that, at the owner's expense, there be a requirement to relocate the facilities, including utility poles, lines, and any other equipment. They said that easements can cause a layer of difficulty, especially for expansion, maintenance and access during an outage or an emergency type situation. Comcast added they would want a public utility easement to be added and the poles to be moved if the vacation was granted.

She also mentioned Northwest Natural said they have a gas line that runs approximately 100 feet north of Columbia Boulevard. They did not note a relocation option or their line, so they would require a public utility easement.

She also said there was a city pump station that had an access area that was included in the proposed area. She said the City would need to continue to have access to this area to maintain serve the pump station.. This would be an additional area that would have to be excluded from the proposal.

She ended with Columbia Boulevard. She said along the southern part of Columbia Boulevard, there are CRPUD utilities that conflict. She said a public utility easement would be needed or relocation of those poles.

She also mentioned the Corridor Master Plan. She said in 2015, the consultants at the time identified this area as an opportunity area with scenic views. She said where the road terminates, there is a very scenic view and they recommended to improve the area as a public overlook. She listed a few of the improvements given, including a stairway to River Street, curbs extensions and possible bicycle connections. She showed a 30-percent level design to the Commission and did not feel comfortable vacating any property that may end up needing to be used in future development of this project identified in the Corridor Master Plan.

Graichen shared some information about the Scenic areas, and he said he wanted to be sure not to affect scenic views, so he amended what they recommended to vacate. He said wanted to make sure there would not be a visual wall to the panoramic view. It could be plants or a building and if you have it as right-of-way, you can maintain control of that. He said the Comprehensive Plan identified this view as a public value. He recommended an amendment to the staff recommendation of S. River Street to make sure they were not compromising the maximum public view from this area.

**Locke, Keith. Applicant.** Locke was called to speak. He shared that there used to be a one-way road that was considered the exit from the marina. He said because of that one road access, a committee was formed to discuss how to make the area more accessible. From that committee, there was a recommendation that came about for a viewpoint. He described his property and the apartments on the site. He said he wanted to develop his property for more individuals to enjoy the view. He said if he was going to develop on just his property, then it would be a small footprint. So, he looked for different ideas to move forward with a better development plan. He said if they develop more houses or multifamily units there would be more taxes to collect towards with the Urban Renewal Agency. He said there could be a condition put in that the developer put in the stairway access to connect Columbia Boulevard and River Street and to put in the viewpoint. So, he felt this would be a benefit to the City, as they would be developing it. He mentioned the applicants were willing to work with any conditions placed on the application. He said they would like to continue the meeting so they had time to comb over the conditions and address how they could meet all of those.

**Brown, Tracy. Representative of the applicant.** Brown spoke on behalf of the applicant. He said he was the City Planner of Sandy for many years. He said the current trail that was referred to would go away and improved as part of the viewpoint. He talked about the City sewer line and the request for a 40-foot easement. He felt it was excessive for the purpose to maintain a line. He said they did not include the setback when making that recommendation. He said some of the proposed vacation would not be built on, as it would be included in the setback. He acknowledged there is a lot of utilities and they felt there were reasonable ways to relocate them as requested. He said he felt there would be plenty of reasons for them to move forward with the street vacation with appropriate conditions. Without any vacation, nothing will get developed. He said with the development the property and area would meet the City goal of an overlook and more scenic views enjoyed by many.

### **In Favor**

No one spoke in Favor.

### **In Neutral**

No one spoke in Neutral

### **In Opposition**

**Herren-Kenaga, Brenda.** Herren-Kenaga said she was in opposition of the proposal as it would affect the health of our community. She said there may be need for increased public land and hoped they would look at the location being considered during all seasons. She was thankful they included those with mobile disabilities when making their decisions on what was appropriate to vacate or not.

She mentioned a study that discussed the health benefits of being located near a body of water. She said it was benefit in decreasing the mortality rate of those near it. She said not vacating this property will help keep our community healthier.

**Waikart, John.** Wakert lives at 137 N River Street. He said he was approached and asked to sign in approval for this street vacation. He wished to rescind his signature after learning more about it. He said he was not in favor of the City giving away such prime property without some kind of compensation. He said he was worried about the development causing a negative financial impact to his property because of concrete retaining walls and no direct access to the views. He said he did not feel this development was in the best interest of the public.

**Belcher, Jerry.** Belcher lives at 105 Belton Road. He showed the Commission an Urban Trail proposal. He said he and many others were advocating for an Urban Trail.. He said he felt this Street Vacation will affect the public access. He said the number one physical activity for older adults, shown by surveys, was walking. He said currently there is a trail that passes through and by the property that he wanted to advocate for, because he felt it would be a good connector trail for the proposed Urban Trail.. He was against any property being vacated on Columbia Boulevard as he felt the Urban Trail connection trails would eventually lead up to the future viewpoint. He would hate to see that go.

**Blumenthal, Howard.** Blumenthal did not agree with giving up the property at the end of Columbia Boulevard. He was also concerned about the basalt cliffs and what would become of them. He thought there should be a public viewing space maintained as well at a higher viewpoint.

**Toschi, Steve.** Toschi lives at 135 N 1<sup>st</sup> Street. He was in opposition of the proposal. He felt the property held a very high value. He said the City should maintain all the public spaces for the health of the community. He said it could be used in the future as our community continues to grow.. Toschi said he considered himself to be an abutting property owner because one point of his property touched the proposed vacation area, and he did not sign in approval so the whole proposal should be null and void. He asked why the property was not already being used for public access. He did not feel like the proposal was given to those involved with all the details and it is not in the best interests of the public at all.

**Preheim, Brady.** Preheim mentioned that they had only heard oppositional testimony which he said clearly demonstrates this development was not in the public interest. He had concerns about the standards that would be used for the development of this property and how it would negatively impact the neighboring properties. He said they hoped the house could be saved or remodeled as it was an older important home in St. Helens.

**Jacobson, Scott.** Jacobson said it did not meet the needs of the public interest. He felt that public land should remain public.

**Watters, Les.** Watters said he owned the properties at 130 and 170 Columbia Boulevard. He said at one point, the location at 130 Columbia Boulevard was separated. He said he did not consent to the vacation. He said he participated in the review of the Corridor Master Plan. He said he did so to help maintain the unrestricted public access to public property. He was concerned about the new proposed construction and the amount of traffic it would cause. He also said he felt that any properties affected should be given access to the full staff report.

**Dunn, Carmin.** Dunn is a resident on Madrona Court and a member of the Parks and Recreation Commission. She said she opposed the vacation as she felt the redevelopment of the property was just a financial interest of those property owners and not the City and public. She said the proposal also goes against the 2015 Parks and Master Trails Plan. She also mentioned the staff recommendation of allowing the vacation for part of South River Street. She was against that because it could be needed

for future trail improvements.. She felt they should deny the whole proposal because connectivity and public access was important.

**Low, Russ.** Low was called to speak. Low said he has an abutting property to the proposed vacation. He said he did not have complete information at the time when he signed in agreement to the vacation. After learning more about it, he did not feel it was in the best interests of the public at this time. He also asked to rescind his signature of consent.

At Commissioner Pugsley's request, Graichen read the written testimony provided before the meeting into the record.

### **Rebuttal**

**Brown, Tracy. Representing the applicant.** Brown did not agree with Toschi's definition of abutting property and that he felt the Planning Department was correct in what properties were considered abutting. He said they could amend the proposal to pull one inch away from Toschi's property to just have no question about it. He said the development they were planning would improve the viewpoint at the end of Columbia Boulevard. He said there would be over a million dollars coming into the Urban Renewal Agency. He said it would see an incredible increase in value and then they could use those funds for more improvements to the community. He said the roads had not been used for over 130 years. Locke mentioned he had killed the proposal from Wayne Weigandt bicycle proposal when he was on the City Council, as it was a liability for the City. He said the hill there was too steep and too narrow. He said there was a safer walking trail about 200-feet away from the property. He also said the City was not going to take on the development of that area, as there were too many other things going on. He did not feel a bicycle trail was necessary for that area.

### **Deliberations**

Commissioner Pugsley said with no public notice, there was this amount of opposition. Two of the people who signed the petition in agreement have rescinded their signature and she felt this spoke volumes as to how they should move forward with their recommendation to City Council.

There was a small discussion about the staff recommendation of approval for a small amount of property to be vacated. The Commission unanimously agreed they should deny the proposed Street Vacation in its entirety.

**Motion:** Upon Commissioner Pugsley's motion and Webster's second, the Planning Commission unanimously recommended a denial in its entirety of the proposed Street Vacation. Commissioner Toschi and Commissioner Low did not vote as they recused themselves. [AYES: Commissioner Pugsley, Commissioner Webster, Commissioner Semling; NAYS: None]

### **C. Proactive Planning Commission Framework Discussion**

Commissioner Toschi said he reviewed the improvements to his submission of a draft proactive procedures document. He said he thought it was good and was ready to adopt the procedures.

**Motion:** Upon Commissioner Toschi's motion and Webster's second, the Planning Commission unanimously approved to adopt the new Proactive Procedures as edited by Graichen.[AYES: Commissioner Toschi, Commissioner Pugsley, Commissioner Webster, Commissioner Semling, Commissioner Low; NAYS: None]

### **D. Emails and Quorums**

Graichen explained that emails sent to all Commission members is fine to do if they are only reading it, but they are not allowed to reply all to each other as this could constitute a quorum.

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

- E. Sign Permit at 1935 Columbia Blvd – Crooked Creek
- F. Temporary Use Permit at 735 S Columbia River Hwy – Bethel Fellowship
- G. Temporary Use Permit at 2100 Block of Columbia Blvd – Kiwanis Club/Locke

There were no comments on the Planning Director Decisions.

**PLANNING DEPARTMENT ACTIVITY REPORT**

- H. Planning Department Activity Report – May

Graichen mentioned the ACSP development. He brought up the listing for their property they had for sale. He said in the report there was a letter to OLCC for a denial of a permit. They provide Land Use Compatibility Statements (LUCS) to the OLCC for these grow facilities for production. He recently found out that you can rescind those letters. So, he mentioned he had been in communication with the OLCC about some issues that were happening with this company, so the OLCC reached out to ACSP and told them they need to cooperate with the city. Graichen mentioned that the owner of ACSP reached out to John Walsh, who is Graichen's direct supervisor, and asked him to send an email saying that the OLCC should disregard the letter that Graichen had sent.

Graichen showed the sales listing on Loopnet.com to the Commission and some of the misleading false statements that were on the listing, including that it was 100 percent buildable, there were active processing licenses for the processing buildings, and land use approval.

Commissioner Toschi said he felt they need to know what the legal status is of this property. He had done a public records request to get more details on this property and its status. He felt the Planning Commission should consider investigating what is going on with this property and the business.

There was a small discussion about the permits and trenching that was going on at the property.

Commissioner Toschi wanted the Commission to resolve to have the owners of ACSP come before the Commission to answer some questions the Commission had on the paperwork, permits and any other issues they were having to get into compliance with the City. Graichen mentioned he thought it was too early to have these requests for ACSP, as there is still communication going on between them and staff. He also felt there should be some feedback from Councilor Birkle, who was not present at the meeting.

There was a discussion about having ACSP come before the Planning Commission to answer some questions. The Planning Commission agreed they would like to talk with ACSP and directed staff to invite them to the next meeting.

**PROACTIVE ITEMS**

There were no Proactive Items discussed.

**FOR YOUR INFORMATION ITEMS**

Commissioner Webster asked about purchasing the land that is granted with street vacations. Graichen mentioned there was no policy for that now, but the City Council has brought it up in the past and there has been discussion about implementing guidelines and when to start charging them.

Vice Chair Hubbard asked questions about the City Council approval in 2018 of the new 7<sup>th</sup> Street container homes. He wanted to know how they could have condominium ownership over leased property. He said \$110,000 per unit was mentioned at the time. He said they are currently listed at \$280,000 with additional Homeowner's Association fees of \$300 a month. He said they listed property taxes, but it is on leased property so he wanted to know how that would work. He wanted to know

what the City was going to be making out of this deal. He wanted to know if the City would be charging a lease fee to the developer or the new homeowners?

There was a discussion about how the project was being handled and how this benefitted the public interest.

Vice Chair Hubbard welcomed the new Planning Commissioner Russ Low. Commissioner Low was excited to be on board.

### **ADJOURNMENT**

*There being no further business before the Planning Commission, the meeting was adjourned 10:54 p.m.*

*Respectfully submitted,*

*Christina Sullivan  
Community Development Administrative Assistant*