

City of St. Helens City Council

Public Hearing Minutes

May 16, 2018

Members Present: Mayor Rick Scholl
Council President Doug Morten
Councilor Ginny Carlson
Councilor Susan Conn
Councilor Keith Locke

Members Absent: None

Staff Present: John Walsh, City Administrator
Kathy Payne, City Recorder
Jacob Graichen, City Planner
Neal Sheppard, Public Works Operations Director
Sue Nelson, Public Works Engineering Director
Matt Brown, Finance Director
Jacob Graichen, City Planner

Others:

Rich Bailey	Nicole Palton	Dan Koepke
Eric Zahl	Shauna Harrison	Ethan Wallace
Erin Wallace	Ken Forcier	Carl Brogli
David Fix	James Kessi	Ellen Bailey

1) **Open Public Hearing - 6:00 p.m.**

2) **Topic**

2.A Proposal: 18 Lot Subdivision / Planned Development
Applicant: Kessi Engineering & Consulting
Owner: Rich Bailey Construction, LLC / SJRE Ventures, LLC
Location: 34759 Sykes Road and surrounding undeveloped property

City Planner Graichen presented the staff report dated May 4, 2018. A copy is included in the archive meeting packet. There were no ex-parte contacts, conflicts of interest, or bias in this matter.

The Planning Commission voted unanimously to recommend approval to the City Council. Graichen reviewed the recommended conditions and elaborated on the Development Agreement.

Applicant Testimony

- ◆ Rich Bailey. He is the builder. The engineer is in route. They have met all the applicable criteria. The HOA will be funded from the beginning. It will be a nice development. Each house will be different because all of the lots are different. He doesn't build track homes.

Council President Morten is concerned about the wetland. What is the monitoring term per Division of State Lands (DSL)? Bailey does not know. A wetland specialist has been hired to create the plan based on criteria. The HOA will be responsible for maintaining it.

Council posed questions about the wetlands and backyard depth. Bailey responded that the wetland areas will be marked with a fence. Some houses will have smaller backyards due to the wetlands. In response to a question about house size, Bailey said houses will average from 1,800 – 2,300 sq. ft.

Testimony in Favor - None

Testimony in Neutral - None

Testimony in Opposition

- ◆ Daniel Koepke. He lives on Westboro Way. He reviewed his concerns:
 - Has had a hard time finding the laws for zoning overlays. It appears that it was supposed to be used for one or two lots and not an entire development. The zoning overlay is being abused.
 - Putting 18 lots there is an abomination.
 - His street and house were built on property that was never okayed by Bonneville.
 - This does not fit with the surrounding area.
 - Their road is already falling apart, the sidewalk by the wetland is falling in, it's not a stable area.
 - They don't even have the final okay for what they will do with the water from the wetland.
 - It can legally be done but it's not a good idea.
 - There is not clear vision when exiting the road with potential for an accident.
 - He pointed out that Council must consider the public's input.
 - There's a lot of children in the area. He suggested putting in a speed bump.

Council President Morten asked Daniel what the restrictive conditions are that Bonneville imposes on development. Daniel responded that they have not given permission. They were not made aware of the proposal.

Rebuttal

- ◆ Rich Bailey. They are not doing anything illegal. They could have actually developed smaller lots. He cannot blame the builder next door who built houses in the wetlands. His will not be and those concerns will be addressed. Bonneville requires them to keep a clear path with no fences. His lots range from 6,000 – 8,000 sq. ft.

Councilor Carlson asked Public Works Engineering Director Nelson if his proposal will affect the existing houses on Westboro Way. Nelson responded that there is potential if they didn't take measures to counteract it. The preliminary work shows wetland mitigation and improvements that will retain and detain some of the runoff from that development. Code requires that they keep water on their site and release it at a slower rate than what came off of the property before development. The preliminary work shows that it exceeds that requirement.

The applicant's engineer arrived late. Graichen recommended re-opening public testimony.

Applicant Testimony/Testimony In Favor

- ◆ James Kessi, Project Manager and Project Engineer for Kessi Consulting. The project complies with all the wetland criteria, development criteria, and subdivision criteria. The final wetland mitigation plan will be designed in accordance to meet the City and State regulations. They will comply with monitoring periods. They will work with City staff to install a fence that creates separation of the wetland. The HOA will be funded and have by-laws.

Testimony in Neutral

- ◆ Shauna Stroup-Harrison. She is a real estate agent. Are there going to be sidewalk improvements on Sykes Road to accommodate this development?

Graichen responded that the portion of Sykes Road that abuts the subject property will be required to develop frontage improvements, including a sidewalk.

Shauna also heard mention of an R7 zone, however the smallest lot is under 7,000 sq. ft. Graichen explained that planned developments allow for flexibility with lot sizes, dimensions, setbacks, and yards. Shauna wants to see that livability infrastructure improvements are made to accommodate all the growth happening here. She asked where the storm drain system will drain? Graichen said the applicant can address that during rebuttal. Shauna also asked if there a price point?

Testimony in Opposition

- ◆ Daniel Koepke. The storm drain is a big issue. What happens if Bonneville does say no to this?

Graichen said that legal counsel would have to be sought to address that. There are many subdivisions in town that have a Bonneville easement through them with roads. In past conversations with Bonneville, their issue is with buildings.

Graichen reviewed the public notice requirements.

Rebuttal

- ◆ James Kessi. Addressed testimony concerns:
 - Sidewalks will be constructed along the property frontage of Sykes Road.
 - There will be a pedestrian connection from the end of the cul-de-sac to Sykes Road.
 - The overlay zone was adopted by Council with an underlying zone of 7,000 sq. ft. The average lot size is over 7,000 sq. ft. They are just asking for flexibility.
 - The stormwater does drain to the wetland where it currently goes. They have designed a stormwater system to collect all the water on the site. It will be treated in accordance with City regulations and released to the wetlands.
 - Rich Bailey owns the land with a BPA easement over it. Structures will not be placed in the easement. They are just doing what has been done in other developments.

Council President Morten asked Graichen if he was certain that notice requirements were met. Graichen heard concerns like that when Emerald Meadows was proposed. The City takes notice requirements very seriously. There is a 300 foot radius requirement plus notice must be published in the Chronicle. The file includes an affidavit of notice that was distributed.

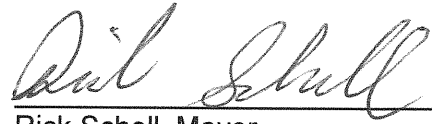
3) **Close Public Hearing** – 7:03 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:



Kathy Payne, City Recorder



Rick Scholl, Mayor