

# City of St. Helens Planning Commission

Approved Minutes

December 10, 2019

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**Members Present:** Chair Hubbard  
Commissioner Cohen  
Commissioner Lawrence  
Commissioner Semling  
Commissioner Stenberg  
Commissioner Webster  
Vice Chair Cary

**Members Absent:** None

**Staff Present:** City Planner Graichen  
Associate Planner Dimsho  
Councilor Carlson  
Community Development Administrative Assistant Sullivan

**Others:** Jeff Bolton  
Anita Kjos  
Steve Topaz

- 1) **7:00 p.m. - Call to Order and Flag Salute**
- 2) **Consent Agenda: Approval of Minutes**  
2.A Planning Commission Minutes dated October 8, 2019

**Motion:** Upon Commissioner Semling's motion and Commissioner Cohen's second, the Planning Commission unanimously approved Minutes Dated October 8, 2019. Vice Chair Cary and Commissioner Lawrence did not vote due to their absences from that meeting. [AYES: Commissioner Cohen, Commissioner Semling, Commissioner Stenberg, Commissioner Webster; Nays: None]

- 3) **Topics from the Floor: Limited to 5 minutes per topic (not on public hearing agenda)**

**Topaz, Steve.** Topaz has concerns for public and private safety along with long-term City legality problems related to Acceptance Agenda Item 7.b. for a marijuana processor at 1400 Kaster Road. He has concerns about this industry federally. He advised when the FDA takes over that the facility would have to be brought up to code and incur a great expense. Topaz is concerned if this happens that the current tenant would abandon the facility and the City would be left with vacant buildings. He thinks that the FDA will require that their product be kept in a secure warehouse where there are no outside components that could contaminate it. He said they are currently storing in a general warehouse. He cited an article that he gave to Councilor Locke regarding dust causing cancer. He said the facility would need high grade filters and air quality systems to avoid the poor air quality in the processing rooms. He is concerned about the safety of the solvents being used in the processing. He also expressed concern that, according

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to what he saw in the plans, there was no preparation for a major accident or in-house contamination. He expressed concern about the City's financial liability since we currently own the property. He admits the facility may be meeting all of Oregon state laws, but not federal regulations. Chair Hubbard asked if the Council, when signing the lease with the current tenant, required any bonding. Topaz advised he was not part of that meeting and did not know. Councilor Carlson said she did not have the documents present to answer the question, as it was not an agenda item. Commissioner Cohen asked if the Planning Commission has the jurisdiction to oversee this issue. City Planner Jacob Graichen said that the Commission can regulate time, place, and manner of land uses. He added that the proposed use was outright permitted. Commissioner Cohen suggested that Topaz go back to City Council with these concerns. Graichen also noted that the Building Official and the Fire Marshall have jurisdiction over most safety concerns. There may also be a state agency that deals with the safety of the facility.

Graichen said that the audio/visual system has changed. There are no microphones on the tables. They are in the ceiling. He also introduced Christina Sullivan, the new Community Development Administrative Assistant. She will be taking over the meeting operations and minutes at the next meeting. Commissioner Semling expressed gratitude for all the new audio equipment.

**4) Public Hearings (times reflect earliest start time)**

- 4.A 7:00 p.m. - Comprehensive Plan & Zone Map Amendment at the SE corner of Matzen Street & Maplewood Drive (Brayden Street) - Multi-Tech Engineering Services

Chair Hubbard opened the Public Hearing at 7:18 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the staff report dated December 3, 2019 into the record.

Graichen introduced the proposal to the Commission, as presented in the staff report. The applicant is requesting a zone change from Moderate Residential (R7) to General Commercial (GC). He reminded the Commission that this request is for the zone change, not the development itself, which will come later. The applicant acquired this property to develop the garages for the apartment complex development to the north. However, Graichen mentioned that once the zone change is made, the applicant could decide to develop something different. He also noted there are comprehensive policies about encouraging commercial development in and adjacent to well-established business areas. He mentioned the commercial zoning on two sides of the property. The property will also be a new significant intersection, since Matzen Street is a collector street. He noted there is a 293-acre surplus of low-density residential lands according to the adopted Housing Needs Analysis (2019), so this reduction of residential land will not have an impact on residential land availability. The Economic Opportunities Analysis (2008) identified a shortage of employment lands, and this proposal would add employment lands. Commissioner Lawrence asked about the proposed use. She asked if they are proposing car garages or actual storage units. Graichen said there is a plan in their narrative, but the Commission is not approving development plans tonight. The future application will come before the Commission when they apply.

Graichen went through the recommended conditions of approval, as identified in the staff report.

## **In Favor**

**Bolton, Jeff. Applicant.** Bolton is representing the property owner, St. Helens Land Company, LLC. Bolton said the reason the owner pursued this property was to further develop it. He said there is a shortage of General Commercial property in the City. He feels this proposal fits in with the character of the area. It is adjacent to commercial uses. The property is under 0.5 acres. Commissioner Cohen asked if they plan to allow the tenants exclusive use of the storage units. Bolton said he was not sure at this time. The plan is to have garages on the lower level with storage on the upper level. The property owner has developed these in other communities and they have been successful with tenants. Graichen said mini storage is not an allowed use in the General Commercial zoning, so this proposed future development would have to be for the exclusive use of the residents in order to be allowed per the zoning. Bolton noted that they would have liked to have fit the garages on the existing property, but they could not. Commissioner Cohen said that it was important to him that the proposed storage be tied in directly with the apartments.

## **Neutral**

**Kjos, Anita.** Kjos lives at 525 Matzen Street. Kjos is asking if speed bumps could be put in along Matzen Street. She has lived there for five years. Graichen said similar comments were received back during the apartment Conditional Use Permit public hearing, so staff asked the applicant to look into traffic calming features. They included a curb extension in their design to shorten the crossing distance along Matzen Street. Graichen said Public Works and the Fire District are generally not in favor of speed bumps, but other traffic calming measures could be used. Councilor Carlson expressed concern with the traffic increase in a historically quiet neighborhood. Graichen suggested that Kjos bring this up at a Council meeting or by talking to Public Works directly about traffic calming for this area.

## **In Opposition**

No one spoke in opposition.

## **Rebuttal**

**Bolton, Jeff. Applicant.** Bolton said two traffic calming features will be built very soon. They curved all the frontages. They will be putting a new six foot sidewalk along the apartment complex property. He said this would extend onto the new storage property as well. He did say their initial traffic analysis found additional trips, but not enough to create large impacts to the transportation system.

## **End of Oral Testimony**

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

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

The applicant waived the opportunity to submit final written argument after the close of the record.

## **Deliberations**

Vice Chair Cary noted that the traffic impacts of General Commercial would be greater than residential. Graichen said the applicant's traffic analysis did find that there would be additional

trips, but it would not be enough to have a large effect. Graichen said this is a recommendation to City Council.

**Motion:** Upon Commissioner Cohen’s motion and Commissioner Webster’s second, the Planning Commission unanimously recommended to City Council approval of the Comprehensive Plan and Zone Map Amendment as written. [AYES: Commissioner Cohen, Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

## 5) Discussion Items

### 5.A Proposed Text Amendments Discussion

Graichen explained the proposed text amendments, as included in the memo. There are two main topics: accessory structures and floodplain management. Staff is recommending to increase the size requirement for when an accessory structure permit is required from 120 square feet to 200 square feet. This would match the Oregon Building Code. The other change is related to the maximum size allowed. Currently, there are two tiers. Most lots in the City allow a shed to be 600 square feet. Lots that are 2.5 acres or more, the City allows a shed up to 1,000 square feet. Graichen said the proposal is to allow 1,000 square feet for lots under 2.5 acres and 1,600 square feet for lots more than 2.5 acres. Lot coverage and setback requirements still apply.

Commissioner Cohen asked about nuisance stormwater runoff. Graichen said most complaints from neighbors regarding accessory structures are related to structures being built on the property line. There will still be a requirement that structures have to be three feet from property lines. Commissioner Cohen is concerned with stormwater runoff and the amount of accessory structures that are added to properties without permits. Commissioner Lawrence agrees. She is concerned about neighborhood character. Associate Planner Jenny Dimsho noted we allow breezeways to accommodate larger structures currently. Graichen said that updating the code would result in less pointless breezeways. Graichen said aligning the Development Code with the Building Code would make it easier for customers to understand the permitting process. After another small discussion on avoiding the increase of unpermitted structures being built around the City, the Commission came to an agreement. The Commission supported increasing the applicability of a permit from 120 to 200 square feet, but not increasing the maximum size.

Graichen discussed diagrams in the floodplain rule changes, as included in the memo. Chair Hubbard asked what the Base Flood Elevation is in St. Helens. Graichen said it varies throughout the community. Commissioner Cohen asked what these changes would apply to. Graichen said it would apply to new construction or substantial improvements, which is defined in the code. Councilor Carlson asked if there were exceptions for historic structures. Graichen said yes. Commissioner Cohen asked when the last time FEMA flood maps were updated. Graichen said November 2010. The next update will be up to FEMA. The Commission tentatively agrees with Graichen's suggestion for Base Flood Elevation changes, but could also live with status quo. He recommended requiring that new residential construction or substantial residential improvements be built one foot above Base Flood Elevation. For commercial, he recommend increasing the Base Flood Elevation from zero to one foot for new construction and substantial improvements. Graichen wanted feedback in order to begin drafting the amendments before the formal adoption hearings.

### 5.B Term Expiration Discussion

Graichen said Commissioner Lawrence has not served a full two terms, so advertising for the opening is not necessary. He asked the Commission if they supported re-appointing her for a four-year term.

**Motion:** Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission unanimously recommended approval of a second term for Commissioner Lawrence. [AYES: Commissioner Cohen, Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

**6) Acceptance Agenda: Planning Administrator Site Design Review**

**Motion:** Upon Commissioner Cohen's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved the Acceptance Agenda: Planning Administrator Site Design Review. [AYES: Commissioner Cohen, Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

**7) Planning Director Decisions**

There were no comments.

**8) Planning Department Activity Report**

- 8.A Planning Department Activity Report dated October 29, 2019
- 8.B Planning Department Activity Report dated November 25, 2019

There were no comments.

**9) For Your Information Items**

Chair Hubbard asked about the new designs for the Columbia View Park Amphitheater. He recommended a design similar to Kalama's Riverfront Park. He also asked if the gazebo would move. Dimsho said they were looking at using the existing seating, but the gazebo would be replaced.

Councilor Carlson mentioned the upcoming State of the City meeting is on January 11, 2020. It will be held at the new middle school in collaboration with the school district.

Chair Hubbard asked about the progress of the container homes near 6<sup>th</sup> Street Park. Graichen said they have submitted a building permit and there were issues with the site plan. They met with the builder and they are working on a revised plan.

**10) Next Regular Meeting: January 14, 2020**

**11) Adjournment**

*There being no further business before the Planning Commission, the meeting was adjourned at 9:08 p.m.*

*Respectfully submitted,*

*Christina Sullivan  
Community Development Administrative Assistant*