

City of St. Helens
Planning Commission Meeting
June 9, 2015
Minutes

Members Present:

Al Petersen, Chair
Dan Cary, Vice Chair
Greg Cohen, Commissioner
Sheila Semling, Commissioner
Audrey Webster, Commissioner
Kathryn Lawrence, Commissioner
Russell Hubbard, Commissioner

Members Absent:

None

Staff Present:

Jacob Graichen, City Planner
Jennifer Dimsho, Assistant Planner & Planning Secretary

Councilors Present:

Ginny Carlson, City Council Liaison

Others Present:

David Branch
Susan Branch
Alisha Doaust
Josh Doaust
Larry Doaust
Tess Bissell
Mark Holcomb

The Planning Commission meeting was called to order by Chair Al Petersen at 7:00 p.m. Chair Petersen led the flag salute.

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Consent Agenda

Approval of Minutes

The Commission discussed the symbols used with the "Motion" headers. They are confusing to the reader. They are likely caused by word processing software changes. Commissioner Semling moved to approve the minutes of the May 12, 2015 Planning Commission meeting. Vice Chair Cary seconded the motion. Commissioner Hubbard, Commissioner Cohen, Commissioner Semling, Commissioner Webster and Vice Chair Cary voted in favor. Commissioner Lawrence opposed. If there are multiple motions in one hearing, she would like each motion to have their own graphic notation in the minutes to allow the public to easily comprehend them. Chair Petersen did not vote as per operating rules. Motion carries.

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Topics From The Floor

Chair Petersen discussed the success of the SHEDCO sponsored "Before I Die" wall project in the Columbia County plaza. Responses have been more positive than negative. He also noted that the SHEDCO sponsored Business Plan Competition judging is occurring right now. The competition has been narrowed down to three applicants who have the opportunity to win a three-year, no interest \$20,000 loan and a \$5,000 grant. Applicants also received business plan advice and consultation. Lastly, Chair Petersen showed the Commission the proposed St. Helens Post Office mural. The project is funded by the Arts & Cultural Commission.

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Public Hearing

David & Susan Branch

Variance / V.2.15

75 River Way

It is now 7:12 p.m. and Chair Petersen opened the public hearing. There were three ex-parte contacts, conflicts of interest or bias in this matter. Commissioner Lawrence is in the same social circle as the applicant and therefore has bias in the matter. Commissioner Semling owns property near the applicant and has bias in the matter. Commissioner Webster has a bias in the matter and will not be voting. Commissioner Lawrence, Commissioner Semling, and Commissioner Webster will not be voting because they feel they cannot make a fair decision. Commissioner Hubbard has an ex-parte contact with the applicant, but feels he can be impartial in the decision.

City Planner Jacob Graichen entered the following items into the record:

- Staff report packet dated June 2, 2015 with attachments

Graichen discussed the history of the site with the Commission. Back in April 2013, the applicant applied for a Scenic Resource Site Design Review, which is a land use review for development in areas where scenic views may be impacted. The applicant wanted to build a structure larger than the 600 square feet gross floor area for accessory structures. To do this, the structure would have to be attached to the house with a breezeway in order to classify the structure as a building addition because additions do not have a maximum square footage requirement. In May 2013, the applicant applied for a building permit for the building addition. In January 2015, when the final inspection was called, it was discovered that there was no breezeway. The applicant was contacted and they decided the best course of action would be to apply for a variance. The applicant is requesting a variance to allow an accessory structure that exceeds the maximum size allowed because the installation of a breezeway, due to unforeseen construction issues, is not feasible. Graichen discussed the five criteria for granting a variance, as noted in the staff report.

Chair Petersen said he did some rough calculations of the gross floor area. Based on the front elevation, the actual usable floor area is more like 936 square feet, not 1,200 square feet as noted in the staff report. This is because some of the second floor space is not occupiable. Graichen said this was a good observation.

Vice Chair Cary clarified that the Commission was provided a drawing of the proposed garage location, not where the actual garage was located. Graichen said the garage is pretty much in the same place. Chair Petersen said by looking at the photos, it looks like it shifted two feet left of the proposed location.

Commissioner Cohen clarified that the structure in question has already been built. Graichen said yes, the Commission is deciding whether or not to grant a variance for something that has already been built.

IN FAVOR

Branch, David. Applicant. Branch said there is a City sewer line that runs diagonally under their house. They did not know it was there until three or four years after buying the house. Before the garage project began, the City was doing work on the sewer line that required them to reconnect to the line. It was then that they discovered the connection was actually under their house. They were told by the City they would have to move their connection to the side yard, which they did. When they wanted to build the garage, they were told by the building official that they would need a piling on the front, right corner of the proposed garage. The piling would have to be placed below or at grade with the sewer line, but no closer than three feet in distance. This limited where they could place the garage. Then the contractor encountered rock while they were digging in the location of the proposed garage. Ultimately, Branch was unable to get the garage at the same elevation of the house. This made the construction of a breezeway near impossible. Branch is requesting to waive the breezeway requirement for their garage.

Branch was also under the impression based on discussions with City staff that the building footprint (625 square feet) was the square footage that mattered, not the second floor square footage. He didn't know the second floor, which is about 400 additional square feet, would count in the total square footage. The building inspector had already come out for a final inspection and did not mention the square footage on the second floor. Branch said he was not trying to ignore the size limitation; he just didn't know about it.

Chair Petersen asked for the width of the room upstairs. Branch said there are no walls. Commissioner Cohen asked if the accessory structure has water. Branch said no.

Branch also pointed out that there are no surrounding neighbors who can see the structure because of elevation and vegetation.

END OF ORAL TESTIMONY

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

CLOSE PUBLIC HEARING & RECORD

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

DELIBERATIONS

Graichen said the code defines floor area measured from exterior walls and if there are no walls on the second floor, it is more like attic space. Therefore, the square footage could be defined at approximately 625 feet, rather than the 1,248 feet as calculated in the staff report. Chair Petersen said gross floor area is all horizontal area under the roof. He said the building code says (more or less) that spaces under five feet (possibly 4'6") are not considered occupiable. This is how he calculated 936 square feet as the gross area.

Chair Petersen said there were a number of things out of the control of the applicant, including the location of the sewer line. The applicant had communication with the City throughout the project and the topography proved to be an unexpected challenge. The applicant went into the project wanting to follow the development code. Chair Petersen does not think granting this variance would be a detriment to the intent of the code.

Commissioner Cohen feels that granting the variance would not set a precedence because the applicant did not have normal circumstances. Commissioner Hubbard added that as a neighbor, he doesn't see the accessory structure as a visual disruption to the neighborhood. Commissioner Hubbard also pointed out that constructing the breezeway would actually add to the number of structures constructed over the City's

sewer line.

MOTION

Commissioner Cohen moved to approve the Variance Permit to allow an accessory structure that exceeds the maximum size allowed. Commissioner Hubbard seconded. All in favor; none opposed; motion carries.

Commissioner Cohen moved for Chair Petersen to sign the Findings and Conclusions once prepared. Commissioner Cary seconded. All in favor; none opposed; motion carries.

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Public Hearing

Creation Station Learning Center, LLC
Conditional Use Permit / CUP.2.15
35531 Firway Ln.

It is now 8:05 p.m. and Chair Petersen opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

Graichen entered the following items into the record:

- Staff report packet dated June 2, 2015 with attachments

Graichen said the applicant is applying for a Conditional Use Permit to allow a preschool in an existing highway commercial site. The preschool will have all day classes for children ages six weeks to 12 years old. Although the site has been used as a school in the past, the right to use the property as a school ended because the previous school use ceased years ago. Graichen discussed the suggested conditions of approval as noted in the staff report.

The Commission discussed potential parking strategies and proposed areas for pedestrian walkways. Commissioner Cohen asked if lighting for the parking area could be required. Graichen said yes, but recommended asking the applicant first where there is existing lighting on the site.

IN FAVOR

Doaust, Josh. Applicant. Doaust is representing Creation Station Learning Center, LLC. Ten years ago, Doaust and his wife started a childcare facility in their home. It was called Daisy Daycare and on the first day they opened, they only had one child. After six years, they expanded to caring for 14 children and changed their business name to Creation Station. They are a learning center that offers a full day preschool curriculum focused on tailoring the learning technique to each individual child. In the last four years, their curriculum has expanded to offer not only the standard subjects, but also Spanish, sign language, and creative development. They wish to offer new services to the children currently enrolled and to offer their services to more children in the community. The only way to do this is to expand from their current location to a commercial location. This building would allow them to provide services to expand from 14 children to 38 children and offer employment to six learning professionals. Doaust would like the Commission to approve this Conditional Use Permit so they can continue to grow and expand the learning services they offer to the community.

Chair Petersen asked about the garage with a French door on the site plan. Doaust said that was the site plan for the previous preschool. The door has since changed to a garage door. The applicant's plan is to change the garage door to a standard 36 inch exterior door and a window.

Commissioner Cohen asked if they have received state certification. Doaust said they are certified for 14 children in their current home business, and they can apply for state certification for the new location once they receive land use approval and occupancy for the building.

Commissioner Cohen asked about lighting. Doaust said there is one standard exterior porch light and one flood light outside the garage. Commissioner Cohen asked if the applicant had any preferences about parking. Doaust said they haven't come up with a final parking plan at this point. He said since only eight spaces are required, they will have lots of room to shuffle around spaces for walkways and bike parking. Doaust said they have considered eliminating a few spaces to make room for a pedestrian walkway and bicycle parking.

Vice Chair Cary asked if a children drive-through drop off would be logistically better. Currently, Doaust said they only have two to three parents who show up at one time. With the new facility, they will be tripling the amount of children, so they could potentially have a larger group. However, they would not want to rely solely on a drive-through drop off. Chair Petersen asked if all six employees would be at the building at one time. Doaust said no. They have to meet a children-to-teacher ratio, so the number of employees will depend on the number of children in attendance at any given time.

Holcomb, Mark. Property Owner. Holcomb bought the building as a residence and developed it into a preschool in 2006. Holcomb clarified the property lines for the Commission. He said Graichen's condition about restriping the parking is reasonable because the stripes are fading.

Commissioner Cohen asked about the lighting. Holcomb said they talked to Columbia River PUD about installing a pole light in the parking lot about a year ago. Commissioner Cohen would like to see flood lighting on the corners of the building. Holcomb said the previous schools in this location never had lighting issues, but agrees that additional lighting is reasonable.

Holcomb also said the previous schools have also never had circulation or parking concerns. He noted there is a permanent access easement adjacent to their property.

Doaust, Larry. He is the father of Josh Doaust. He thinks this building is well-suited for this use and it is a great opportunity for the applicants to grow their business. He thinks approving this conditional use permit is a win-win.

END OF ORAL TESTIMONY

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

CLOSE PUBLIC HEARING & RECORD

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

DELIBERATIONS

Commissioner Lawrence thinks this proposal is very reasonable, but would like to see lighting as a condition for entering and exiting the building. Chair Petersen said the condition for lighting will have to be careful to address off-site glare. Commissioner Hubbard said the applicant could also just pursue the Columbia River PUD pole light, which would also solve the problem.

Chair Petersen said the applicant has not re-done the parking site plan since the previous County

application. He asked if the Commission feels they should help the applicant along or if they should just require them to reconfigure it and provide the new parking plan themselves. Commissioner Webster said it seems like the most traffic they would see at any given time is six parents. Councilor Carlson agrees and said it only takes about 90 seconds to drop off or pick up children. Similar sized childcare facilities rarely have more than two parking spaces filled at any given time. Vice Chair Cary said that is probably why parking has not been an issue in the past with the previous school uses.

Commissioner Cohen, Commissioner Webster, and Vice Chair Cary agreed as long as the gist of the Commission's concerns and parking parameters were addressed, letting the applicant work out the specific parking plan with staff would be sufficient.

MOTION

Commissioner Cohen moved to approve the Conditional Use Permit with the conditions as outlined in the staff report and the additional condition that the applicant provide a lighting enhancement plan for pedestrian areas and that the revised site plan in Condition 1a. shows any easements and a revised parking plan. Commissioner Webster seconded. All in favor; none opposed; motion carries.

Commissioner Semling moved for Chair Petersen to sign the Findings and Conclusions once prepared. Vice Chair Cary seconded. All in favor; none opposed; motion carries.

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Planning Director Decisions

- a. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - St. Kiwanis Club
- b. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - The Amani Center
- c. Temporary Use Permit at 735 S. Columbia River Hwy. - Fireworks stand

There were no comments.

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Planning Department Activity Reports

There were no comments.

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For Your Information Items

The St. Helens Public Library is hosting the Oregon Humanities Conversation Project, "A City's Center" with Nan Laurence on September 10, 2015 at 7:00 p.m. The Commission is invited.

There is an Open House for the St. Helens Waterfront Redevelopment Project on Tuesday, June 23 from 5pm – 7pm. It will be held in the Muckle Building at 31 Cowlitz Street.

Graichen reported that the City Council voted unanimously to allow marijuana retailers and/or medical dispensaries in commercial areas (GC, HC, HBD, and RD). The decision was likely influenced by business owner testimony. Graichen said they kept the requirement for the conditional use process, eliminated the 200 foot park and residential buffer, and increased the buffer between each retailer and dispensary from 1,000 feet to 2,000 feet. Councilor Carlson said this is because the original concern was that there would be

a marijuana retailer on every corner. The buffer between retailers was a way to ensure that wouldn't occur.

Graichen discussed the existing ban on residential units on the ground floor in the Houlton Business District. Because of the number of residential units in this area and the lack of commercial redevelopment demand, this ban could potentially cause urban blight. Based on recent testimony, City Council requested to start the process of changing the Development Code to allow already existing residential units on the ground floor.

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There being no further business before the Planning Commission, the meeting was adjourned at 9:18 p.m.

Respectfully submitted,

Jennifer Dimsho
Planning Secretary

2015 Planning Commission Attendance Record

P=Present A=Absent Can=Cancelled

Date	Petersen	Hubbard	Lawrence	Cohen	Cary	Semling	Webster
01/13/15	P	P	P	P	P	P	P
02/10/15	P	P	P	P	P	P	P
03/10/15	P	P	A	P	P	P	P
04/14/15	CAN	CAN	CAN	CAN	CAN	CAN	CAN
05/12/15	P	P	P	P	P	P	P
06/09/15	P	P	P	P	P	P	P
07/14/15							
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