

City of St. Helens
Planning Commission Meeting
May 9, 2017
Minutes

Members Present:

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

Members Absent:

Ginny Carlson, City Council Liaison
Greg Cohen, Commissioner

Staff Present:

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

Others Present:

Wayne Weigandt
James Kessi
Todd Mobley
Jeff Pricher
Bob Johnston
Gabriel Woodruff
John Chambers
Richard & Annie Buell
Kolton DeFord

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

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Consent Agenda

Approval of Minutes

Commissioner Semling moved to approve the minutes of the April 11, 2017 Planning Commission meeting. Commissioner Webster seconded the motion. Motion carried with all in favor. Chair Petersen did not vote as per operating rules.

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Topics From The Floor

There were no topics from the floor.

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Public Hearing
Wayne Weigandt
Subdivision / SUB.2.17
35090 Pittsburg Road

It is now 7:03 p.m. and Chair Petersen opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

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

- Staff report packet dated May 2, 2017 with attachments

Graichen introduced the Commission to the subdivision proposal, as presented in the staff report. He said this proposal is related to the zone change that was approved by City Council a few months back.

Graichen noted several things that were not included in the packet. There is a revised conditions list, a letter from Lancaster Engineering regarding street stubs, an email with revised Fire District conditions, and a handout from the Building Official regarding Oregon Administrative Rules related to Fire District requirements. Graichen also noted a revision in the staff report regarding the entity responsible for requiring fire suppression as part of building construction. This authority is actually a partnership between the Building Official and the Fire Marshal.

Graichen said the applicant is requesting for the subdivision to be phased, which allows the approval to last longer. With this phased approach, after preliminary plat approval, most public improvements must be installed within six years. Graichen went through the revised conditions with the Commission, as included in the record. Graichen said they received comments from the Columbia County sanitarian regarding the septic systems along Hillcrest Road. These comments have been incorporated into the conditions of approval.

Regarding street stubs, Graichen said there is redevelopment potential along Hillcrest Road. A street stub in that location would be a loss of probably only one lot, but greater connectivity would be gained. On the east side, there is a long, narrow lot that may have a difficult time with access if they can only utilize Pittsburg Road and Helens Way. A street stub might help with this and could extend further west. Graichen said a requirement to provide pedestrian access to Pittsburg Road along the utility easement has been included as a condition.

Graichen said a Traffic Impact Analysis was conducted for the zone change hearing before City Council. It identified a problem and required solution at the intersection of Vernonia Road and Columbia Boulevard. The solution has been included as a condition. Graichen said that Lancaster Engineering is present and can answer any questions about this.

Graichen described the nonconforming situation on lot 29 which is the reason for condition 2(g). He said the Commission needs to decide whether to require a setback variance, demolition of the existing home, or accept the nonconformity.

Regarding tree preservation, Graichen said a better solution was found than what was written in the staff report. Graichen said the applicant indicated that most trees, if not all, will be removed because of required grading work. This means the applicant must use a two-to-one ratio for replacement. There are a certain number of assumed street trees required along Pittsburg Road, Vernonia Road, and the new local streets. In addition to these, Graichen said the applicant could be required to plant one additional tree per lot, which will meet the required ratio. This has been included in the revised conditions.

Graichen said the code requires a ten-foot landscape buffer in the rear yards where through lots are proposed along arterial streets (in this case Pittsburg Road). Through lots are lots with streets on two sides. He said lots 30-32 are proposed as through lots abutting Pittsburg Road. Technically, lots 34 and 35 abut Pittsburg Road too, but a buffer would not be required by code because Pittsburg Road is adjacent to their side yards. Given these circumstances, Graichen said the Commission needs to decide if they want to include landscaping buffering for all or none of these lots.

IN FAVOR

Kessi, James. Applicant's Representative. Kessi is with Kessi Engineering & Consulting and is representing the property owner as the project planner and engineer. Kessi thanked staff for a detailed staff report. He wants to focus on the main concerns the Commission had. Kessi said it is fairly common to do a phased approach with subdivisions. Phasing allows flexibility in the case of a future recession. He said many lots may be built sooner than the six years allowed.

Kessi said a paved pedestrian access to Pittsburg Road within the 20-foot easement is acceptable to the applicant. Chair Petersen asked if they were opposed to emergency response access through this easement. Kessi said no. He said they could install removable bollards to prevent vehicular access, but allow for emergency access. Vice Chair Cary asked if pedestrians would be competing with the residences who would use the easement for access. Kessi said he has seen accesses like this in other locations, and it does not seem to be an issue since traffic is only going to four residences. Kessi asked if condition 2(d) could be removed because it seems to be covered by previous conditions.

Regarding the nonconforming lot 29, Kessi said they tried to draw the plat to best accommodate the existing house. He said they would appreciate the ability to permit the house as a nonconforming situation as shown. Kessi said they could mess with the dimensions to skew the front and side yards to try to fit into the setbacks, but he does not feel anything would be gained by doing so. Kessi said if they would have known it was going to be an issue, they could have formally applied for a variance. He noted that the re-zoning concept was approved by City Council with an affordable housing lens. Kessi said when lot sizes are reduced and density increased, it lowers the cost of the housing, which increases housing opportunities for local residents. Kessi said they would be open to planting trees along the frontage to make up for the reduced front setback if needed.

Commissioner Lawrence asked if school buses would be traveling through the subdivision. Kessi said it is up to the school district where their routes are. Kessi described the street widths and where on-street parking would be allowed. He said Portland has much skinnier street standards than St. Helens. Commissioner Semling asked if sidewalks would be throughout the subdivision. Kessi said yes, there will be sidewalks throughout the entire subdivision along all local streets. They will connect into Camden and Catarin Streets.

Regarding condition six, Kessi would like that "buildings that are accessed by private streets greater than 150 feet long" be added or that the "case by case basis" language be added back. He said that this is more consistent with the code. Kessi said he understands that the Fire District is representing their interest, but Kessi said they have already designed the subdivision to meet the standards of the code. A blanket requirement for fire sprinklers will reduce the affordability of the homes. When fire sprinklers are required, \$1.50 per square foot is added to the cost of the home. Kessi said it does not seem like there is a demonstrated need for fire sprinklers on the lots accessed by shared private driveways.

Kessi said the applicant approves of the street tree provisions. He thinks the ten-foot planting buffer for the through lots along Pittsburg Road is okay, but feels the buffer will occur naturally. Most people will want to put in a six-foot fence to protect their yards from the arterial street.

Mobley, Todd. Applicant's Traffic Engineer. Mobley prepared the Traffic Impact Analysis for the zone change and provided a memo regarding the street stub issue that was brought up in the staff report. Mobley said the access to the east to Hillcrest Road is adequate to serve the existing homes. The street is deteriorating and is not constructed to serve additional traffic. Since Vernonia Road is a collector street, Mobley said that even if the Hillcrest Road were in a better condition, the spacing between Pittsburg Road and Hillcrest Road does not meet the City's access standards. Regarding access to the west, Helens Way is already close to meeting its maximum capacity as a local street. Mobley said installing a stub to the west may overload Helens Way even more. Instead, Mobley would encourage access connections west as those vacant lots develop. Chair Petersen asked what the alternatives are. Mobley said that encouraging traffic to Oakridge Street and to Pittsburg Road would be more desirable. Vice Chair Cary asked if another access is allowed along Pittsburg Road with a different development. Graichen said he would not rule it out.

NEUTRAL

Pricher, Jeff. Columbia River Fire & Rescue. Fire Marshal. Pricher greeted the Commission. Regarding the signage required for the construction access, Pricher said the Fire District wants to make sure there is one access identified for emergency vehicles. If there are multiple accesses, he is requesting that they be labeled with a number or a letter. This is a common standard nationally.

Pricher said the Fire District is a proponent of sprinkling residential homes for a number of reasons. He said the reduction of lot size does increase affordable housing, but the developer also makes more money when the lot sizes shrink. When high density lots are built and the developer leaves, the Fire District is the one left responsible to deal with fire protection problems. Pricher said the code allows the Fire District to require trade-offs, such as sprinkling, in order to help mitigate limited access (such as the easements for shared private driveways proposed). Pricher explained that any time there is a fire loss, there are changes to the Fire District's insurance rating, which affects the community as a whole. Pricher noted that the cost for sprinkler systems has gone down considerably over time and feels that property preservation and life safety are worth the small upfront cost. With newer construction homes, the Fire District only has about three to five minutes to respond. Pricher said fire sprinkler systems promote the preservation of property and life.

Pricher feels they have demonstrated a need for sprinkling based on the vehicle size requirements and maneuverability. There is one entrance in and one entrance out of the proposed subdivision. He said fire sprinkling would be an added benefit not just for the Fire District, but for individual homeowners. Pricher said the Fire District is being very reasonable in requiring a very limited number of homes to be sprinkled.

Chair Petersen asked Pricher to explain why he is requesting fire sprinklers in this case, since the shared private driveways are not over 150 feet. Pricher said the Fire District is concerned about residents parking along the lots with shared driveways and access easements. He said even though it will be signed for no parking, it is private property and cannot be enforced. Therefore, Pricher said the Fire District is looking at the issue from an access perspective. He said the Fire District can require additional fire suppression if it relates to access. Chair Petersen requested more information regarding the requirements that the Fire District can make when it relates to access issues.

IN OPPOSITION

Chambers, John. 550 Hillcrest Road. Chambers said he is only hearing about exceptions to the code for the subdivision. He feels the applicant is cramming 77 homes in an area where only 40 homes should be allowed. Chambers said the streets need to be wide enough for the fire trucks. The easement needs to be wide enough to service the properties. The applicant has reduced lot sizes, so there are no yards for the kids to play in. There is no playground. What kind neighborhood are we trying to make for our residents? Chambers feels we need something better.

Woodruff, Gabriel. 35377 Helens Way. Woodruff said he just moved to the neighborhood. A lot of children play in this area. Traffic in the area will increase and it is not fair to people who live in the area. When he bought his house, he had no idea they would develop the property. He thought it was a greenspace. Woodruff is concerned about safety of the area. He said it seems unrealistic to cram so many houses in such a small area.

REBUTTAL

Kessi, James. Applicant's Representative. Kessi said the site is zoned for 5,000 square foot lots. The average is approximately 5,050 square feet. They are complying with the zoning requirements. Kessi said they need to provide an array of housing choices and increase affordable housing in the area. This subdivision accomplishes this. Regarding lot 29, Kessi demonstrated how they could reconfigure the lot to satisfy setback requirements. Vice Chair Cary clarified there are actually four shared accesses on the revised plans. Kessi said yes.

Chair Petersen asked where the fire hydrants are located. Kessi said they are indicated on the preliminary utility plan. Chair Petersen asked if the applicant is opposed to putting a fire hydrant at the entrance to every private drive. Kessi said their intent is to have every lot be within 200 feet of a fire hydrant, so this is do-able. He requested that the condition be written to be more flexible to say installed near private drives and/or within 200 feet of a hydrant. Kessi said too many fire hydrants add additional maintenance costs.

Regarding the Fire District comments, Kessi said there will be signage for no parking on the shared private driveways and they will have two off-street parking spaces on the driveway and two spaces in the garage on their property. Kessi said the property owner did a little research on fire suppression systems, and they run about \$4,500 per home. This additional cost may put homes just out of the price range of many locals. Kessi said the authority to require additional fire suppression actually falls on the City Building Official *in conjunction* with the Fire Marshal. It is not strictly the Fire Marshal's call.

Vice Chair Cary asked about the 40-foot skinny street standard used for one section of the street. Kessi said this section of the street will be signed to allow parking on only one side. He said the street will contain a seven-foot parking space with two ten-foot travel lanes. Vice Chair Cary asked if the lack of on-street parking would reduce livability more than a slightly smaller lot would. Kessi said there is a trade-off, but most people probably prefer a larger yard. He also noted the rest of the subdivision will have parking on both sides.

Bob, Johnston. City Building Official. Johnston included a copy of the Oregon Administrative Rules in the record. He said the Fire Marshal determines if the applicant proposed adequate access and fire suppression. If the Fire Marshal determines he does not have adequate fire suppression or access, the Building Official then determines what standards can be required of the builder to make fire access and/or suppression adequate. Johnston recognizes that fire suppression systems cost more, but they are done in the protection of life and safety. He noted that fire sprinklers are not the only answer. There are other approaches that can be used to reach the level of safety as listed in the Uniform Alternate Construction Standard from the OAR 918.480.0125 handout provided.

Commissioner Lawrence asked if the Building Official and the Fire Marshal would look at each lot as they were being built. Johnston encouraged the Commission with their authority during the planning process to make fire suppression a condition now, rather than later. Johnston does not want the builder be surprised at a later date with unanticipated expenses when it could be addressed now during the planning stages.

Chair Petersen said Oregon land use laws are good because they are clear and defined. He said the

requirement for fire sprinkling is when the driveway is over 150 feet. The proposal complies with the rules because none of the driveways are over 150 feet. Petersen said, from a policy standpoint, how can the Commission require more than the rule requires? Johnston said the 150-foot driveway rule is not the only regulation that regulates adequate fire access. Johnston said there are other fire access rules. He referred the Commission to the Fire District's revised comments, which are included in the record. Johnston said based on these comments, he is hearing the Fire Marshal say, "I don't have adequate access." Johnston said these comments allow him to require alternative fire suppression methods to address those concerns.

Pricher, Jeff. Columbia River Fire & Rescue. Fire Marshal. Pricher said the Fire District has noticed trends as developers increase density and narrow the roads. Over time, they have experienced access issues. This is why they are proposing to sprinkle a few homes. Pricher said he has also noted that this particular developer has struggled to make lots affordable. Therefore, instead of requiring all 42 homes to be sprinkled, Pricher said the Fire District is only requesting that the eight homes along the shared access private driveways be sprinkled. Pricher said newer homes burn ten times faster in most cases than older, "legacy homes." The residential sprinkler system reduces property damage and improves life safety.

Vice Chair Cary asked about the emergency vehicle access. Pricher said there is a bend in the road (Pittsburg Rd.) right where the access is proposed, so there is a vision clearance issue. Pricher also thinks that people will occasionally park there, which also causes access issues. He said he has seen this in other areas. Pricher noted there is also a question about who will enforce the no parking requirement, since it is private.

Commissioner Hubbard asked about the cul-de-sac not meeting minimum size requirements. Pricher said he wanted to make sure it was on the record that the Fire District is compromising by only requiring eight homes to be sprinkled, rather than requiring all of the homes located on the insufficiently sized cul-de-sac to be sprinkled.

Weigandt, Wayne. Applicant. Weigandt said all of the streets were designed to meet City standards. Eight months ago, when they were planning this project, he did know they would need to discuss the proposal with the Fire District. Weigandt said he spoke to Columbia River Fire & Rescue Chief Greisen a week ago. Greisen said that limiting the parking on the private access driveways would be acceptable. Weigandt said that the water flow is also acceptable. Greisen also requested to have bollards located at the pedestrian access to allow for emergency access.

Commissioner Hubbard asked if they ever considered access on Pittsburg Road. Weigandt said City Engineering will not allow it because it does not meet access standards.

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

Chair Petersen recommended that the Commission go through each revised condition. The Commission agreed that phasing the subdivision as proposed is reasonable. The Commission also agreed that the applicant should provide a sanitary sewer route analysis if the septic systems fail along Hillcrest Road. The Commission wanted emergency access to be added to the access easement to Pittsburg Road.

Commissioner Hubbard said he is in favor of accepting the existing house as a nonconforming use regarding setbacks. The Commission agrees. The Commission agreed with how trees were addressed in the staff report. The Commission agreed to remove the through lot requirement for a landscape buffer due to the testimony received from the applicant about the likelihood of a fence being built in the future.

Regarding fire sprinkling and condition six, Chair Petersen wants clarity about the code being applied. Vice Chair Cary wants to include more options for the builder than just sprinkling. The Commission agreed to change condition six to say, "Buildings accessed by private streets/driveways, or on flag lots shall be built per OAR 918.480.0125 as determined on a case by case basis by the Building Official and Fire Marshal."

Regarding the street stubs, Vice Chair Cary is in favor of providing a stub to the west. Commissioner Hubbard would rather see a Hillcrest Road stub because there are less private property owners in order to connect the street system. Vice Chair Cary said there are still two properties that would have to be partitioned to get access to Hillcrest Road. However, Commissioner Hubbard noted there are over five property owners in the other direction. Commissioner Webster would like to see a stub provided to Hillcrest Road, even if it will not be used in the near future. The Commission decided it would be beneficial to provide an additional street stub to align with Hillcrest Road for the future benefit of Hillcrest Road residents and to provide better connectivity in the future.

MOTION

Vice Chair Cary moved to approve the subdivision preliminary plat permit as presented in the revised conditions with these additional changes:

1. Street stub shall be provided east to align with Hillcrest Road.
2. Condition 2(d) will be removed because it is redundant.
3. Emergency access shall be added to the access easement to Pittsburg Road.
4. Condition 2(g) will be removed. The Commission will not require a variance for the nonconforming setbacks of the existing house.
5. Condition 6 will be changed to, "Buildings accessed by private streets/driveways, or on flag lots shall be built per OAR 918.480.0125 as determined on a case by case basis by the Building Official and Fire Marshal."
6. Condition 11 will be removed. The Commission will not require a ten-foot planting buffer for the lots along Pittsburg Road.

Commissioner Semling seconded. All in favor; none opposed; motion carries.

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

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Commission Annual Report to City Council: June 7 at 1:15 p.m.

The Commission did not want to pass along any requests to City Council for the Annual Report. Graichen agreed to present the report on behalf of the Commission.

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Commission v. Staff Review of the St. Helens Middle School Replacement

Graichen asked the Commission if they would like to review the St. Helens Middle School replacement. It is

technically a permitted use, but Graichen has the authority to pass the decision-making authority to the Commission. Graichen said the applicant is going to conduct neighborhood meetings and outreach. He said sometimes it is easier to work out issues with the applicant when the decision is administrative.

Commissioner Lawrence said she thinks the proposal should be reviewed by the Commission to allow for greater public involvement. Chair Petersen noted the outreach might be only done with parents of current students, instead of the surrounding neighbors and those without children. Additionally, the comments during the outreach may not have the weight that they may would have in front of the decision-making power. The Commission requested to review the proposal.

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Acceptance Agenda: Planning Administrator Site Design Review

- a. Site Design Review (Major) at 124 Marshall St. - DNS Northwest LLC

Commissioner Webster moved to accept the acceptance agenda. Commissioner Semling 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. - Kiwanis Parade
- b. Sensitive Lands at 59110 Oak Glen Dr. - Micro-siting standards for residential lot of record

There were no comments.

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For Your Information Items

Associate Planner Dimsho said there is the final Wayfinding & Branding Open House tomorrow at Meriwether Place at 6 p.m. The final preferred wayfinding design will be revealed.

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There being no further business before the Planning Commission, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Jennifer Dimsho
Planning Secretary

2017 Planning Commission Attendance Record

P=Present A=Absent Can=Cancelled

Date	Petersen	Hubbard	Lawrence	Cohen	Cary	Semling	Webster
01/10/17	P	P	A	P	P	P	P
02/14/17	P	P	P	P	A	P	P
03/14/17	P	P	A	P	P	P	P
04/11/17	P	P	P	P	P	P	P
05/09/17	P	P	P	A	P	P	P
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