

**City of St. Helens**  
**Planning Commission Meeting**  
**February 10, 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

**Councilors Present:** Ginny Carlson, City Council Liaison

**Others Present:** Stanton Wirta  
Breanne Mares  
Jeff & Karen Reinan

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**

Commissioner Cohen requested that Columbia River Fire & Rescue's condition regarding use of the fire prop on "no burn days" be clarified for the reader and to better match Graichen's condition. Chair Petersen requested on page 11 that one-thirtieth of a PSI be changed to one-third of a PSI, and on page 8, 70 miles per hour be changed to 70 miles.

Commissioner Cohen moved to approve the minutes of the January 13, 2015 Planning Commission meeting as corrected above. 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**

**Stanton Wirta**

**Variance / V.1.15**

**2625 Sykes Rd.**

It is now 7:07 p.m. and Chair Petersen opened the public hearing. Chair Petersen declared an ex-parte contact. In 2006, Chair Petersen owned and developed the parcel adjacent to the subject property. He has also spoken with Wirta regarding the subject property.

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

- Staff report packet dated February 3, 2015 with attachments

Graichen discussed the staff report and applicable criteria with the Commission. The applicant wishes to divide the parcel into three lots, but due to lot dimensions, the applicant cannot quite meet the minimum standard for lot width at the building line. The minimum required lot width at the building line is 60 feet, and the subject proposed parcel has a building line width of 55 feet.

Chair Petersen requested to view the city's sewer and storm drainage systems using the city's Web GIS. When Chair Petersen developed the adjacent property, he installed a storm drain to the city's storm system, eliminating the practical need for the drainage ditch mentioned in the staff report under criterion D. The drainage ditch, although it may still be listed on the deed of the subject property, is no longer a practical issue because all of the water flowing from upstream is now routed to the city's storm line.

Commissioner Cohen asked if the side setbacks would change. Graichen said no. The applicant is only requesting a variance for a slightly smaller building line width. Commissioner Webster asked if the lot would still meet the minimum lot size. Graichen said yes. Graichen also noted there is also a requirement for a 50 foot minimum width at the street, which can be met via the proposed access easement.

Commissioner Semling asked about the applicant's driveway. Graichen noted that the applicant's site plan uses the same symbology for the access easement (the driveway), the utility easement, and the emergency turn-around.

### **IN FAVOR**

γ **Stanton Wirta, Applicant.** Wirta explained that the smaller, third lot didn't have quite enough width at the building line and that is what he is requesting a variance for. He explained that he made his driveway (access easement) wide in order to meet the 50 feet minimum width at the street on the third lot. Wirta said he also went to the fire station to make sure the emergency turn-around on the site plan met their needs.

### **IN OPPOSITION**

There was no testimony in opposition.

### **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**

Vice Chair Cary clarified that the subject property does not contain any known wetlands.

Chair Petersen said it is a fairly minor request, five feet off the width of the building line. Commissioner Lawrence said as long as the setback requirements are met, she sees no problems with the proposal. Commissioner Webster concurred.

## **MOTION** B

Commissioner Webster moved to approve the variance with no additional conditions. Commissioner Semling seconded. All in favor; none opposed; motion carries.

Commissioner Cohen 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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## **Marijuana and Land Use Discussion (Continued)**

Breanne Mares, the Prevention Specialist at Columbia County Mental Health (CCMH), requested to share information with the Commission regarding trends related to marijuana use and perception among youth, risk and prevention factors, and the cognitive and developmental impacts of marijuana on youth. Her full report is included in the archived packet.

Commissioner Lawrence asked Mares if CCMH has strategies or plans to educate parents on this issue. Mares said yes and just this last year at the Middle School, there was a presentation to parents regarding drug use. CCMH also intends to share the information with parents regarding drug use and perception by using social media and local newspapers.

Commissioner Cohen asked if the survey in the presentation only looked at marijuana use. Mares said it includes other illicit drugs, alcohol, and prescription drugs. Commissioner Cohen asked how the other drugs rated compared to marijuana. Mares said alcohol is the most abused because of easy access, but she did not know how the percentages of the other drugs off-hand. Commissioner Cohen asked if Oregon is doing research into Colorado's youth marijuana prevention methods. Mares said the OLCC is gathering input across the state and she will be attending a session in Beaverton at the end of February to ask questions.

Chair Petersen summarized the marijuana proposal being considered tonight and asked if there were any other recommendations Mares wanted to discuss. Mares explained her intention with the presentation was to provide information and data to the Commission, not to make land use recommendations.

Commissioner Lawrence asked if Mares has data about marijuana youth prevention in Colorado and Washington, where recreational marijuana is legal. Mares said the rate of marijuana use among youth has gone up in Colorado. She does not know about Washington, but assumes it will follow this trend. She said that accidental youth poisoning (consumption of highly concentrated THC edibles) has gone up by 213 percent in Colorado.

Graichen said that City Council felt comfortable with the inclusion of light industrial in the original recommendation, but not heavy industrial. Vice Chair Cary asked if that is because heavy industrial is not a

good location for commercial uses. Commissioner Cohen said he understands why the Commission would want to locate marijuana retailers in certain areas in order to hide them, but locating them in heavy industrial zones devalues the potential for future heavy industrial use. Councilor Carlson elaborated by saying that Council did not want to compromise the integrity of the land use or diminish the inventory of heavy industrial land by including commercial marijuana retailers in heavy industrial zones. However, Chair Petersen said he has seen a survey that says St. Helens far exceeds the state recommended level of heavy industrial lands.

Commissioner Webster asked about the sentence on page three of the memo under section 17.32.140 (1) that begins with, "It is also intended to provide locations for activities that need to be separated..." She would like this sentence to also be added section to the end of 17.32.130 (1). Graichen agreed.

Chair Petersen pointed out that without the heavy industrial, the amount of light industrial land available for use is very small. Commissioner Cohen said this is a good thing. Limiting the use to a narrower, more confined area is a very valid argument to only allow the use in light industrial zones. He is thoroughly opposed to allowing marijuana retailers to locate on heavy industrial lands because it diminishes the quality and purpose of the heavy industrial zone.

Commissioner Cohen asked about the different marijuana products, including baked goods. Graichen said OLCC will regulate the specific marijuana products. He clarified that the proposal for tonight is determining where *any* marijuana product, as permitted by the OLCC, can be purchased.

Chair Petersen asked if the proposal, as written, would allow marijuana manufacturing in light industrial zones. Graichen said yes, but that under Oregon law, the marijuana provider and manufacturer cannot be located on the same site.

Graichen asked if the proposal should contain a sentence about retailers selling "marijuana items only" to prohibit marijuana retailers from selling things like potato chips. He noted that the OLCC does regulate the other incidental items that liquor stores can sell and they will probably do the same for marijuana retailers. Commissioner Lawrence thinks the Commission should let the OLCC regulate what other products retailers can sell. The Commission concurred.

Chair Petersen requested that a sentence be added to not allow marijuana uses to be a temporary use. Commissioner Webster agreed. Commissioner Lawrence asked if trash storage could be required to be inside the building. Graichen said the City of Ashland had an ordinance that required any exterior refuse to be secured. Commissioner Lawrence said the disposal of marijuana refuse or marijuana by-products should be located inside or in a secure and locked area outside. The Commission agreed.

Commissioner Cohen asked what would happen if a marijuana retailer was permitted and a daycare facility wanted to locate within the 1,000 feet buffer. Graichen said he would first see if OLCC kicks the retailer out. However, from a pragmatic standpoint, since the marijuana facility came first and the childcare facility requested to locate there, they could. The 1,000 foot buffer applies to the marijuana retailer, not the childcare facility. He also noted that the chances of this happening are very slim because of the limited light industrial land available.

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## **Residential Lot Coverage Increase Discussion (Continued)**

Chair Petersen asked what the basic lot coverage requirements are for other jurisdictions. Graichen said when he was reviewing this proposal about a year ago, the increase from 40 percent seemed consistent across other jurisdictions. When he did this initial research, he was not focused on the increase from 50 percent, but if the city is going to increase the lot coverage percentage for the lower density residential zones, why not increase it for higher density residential zones too.

Commissioner Webster asked if this proposal to increase lot coverage was triggered by requests to build patios, garages, breezeways, etc. If so, could we increase the lot coverage only for these building additions? Her concern is that if we increase the lot coverage to 40 and 55 percent for new buildings, builders will then ask for 45 and 60 percent. Graichen said yes, it could be specified that the lot coverage increase to 40 and 55 percent only applies to building additions. He explained that currently, the city has a setback reduction of 20 percent for any building additions. This allows the city to maintain original setback requirements, but still gives a break for building additions. Commissioner Webster would prefer if the increase in lot coverage could only apply to building additions or new accessory structures. The Commission agreed.

Vice Chair Cary asked if builders were asking for an increase in lot coverage for building the initial, primary structure. Graichen said he ran into about four plans in the last year where he had to request that the builder re-submit new plans with less lot coverage. Commissioner Cohen says this is good because he does not want to see bigger and bigger houses with less and less natural area between houses. Vice Chair Cary asked what is the difference between a builder who wants to construct the initial structure with a patio but can't because he exceeds the minimum lot coverage up front and a builder who meets the minimum lot coverage initially, but utilizes the increase in lot coverage when he builds the additional patio later? Chair Petersen said the builder would be told that is the way the system works and that he can return in six months to build the addition. There are plenty of examples where the system requires two steps to get to the end result.

Chair Petersen said it is a natural progression of cities to increase in density as they age. He is in support of increasing the lot coverage for additions because he feels densification will occur naturally anyways. The Commission agrees with increasing the lot coverage for additions and accessory structures.

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## **Reinan Street Vacation Discussion for Recommendation to Council**

Graichen said the subject street has a right-of-way of 80 feet and is classified as a local street, which has a 50 feet standard. The bank will not issue a loan to the petitioners because their duplex is located about eight feet into the right-of-way. The petitioners are requesting the west fifteen feet of the South 4<sup>th</sup> Street right-of-way, fronting their duplex. Graichen said if the street was to be widened in the future, fill material and a retaining wall may be necessary because of the topography. In that circumstance, it would be more ideal to vacate only ten feet of the right-of-way in order for the city to access a potential, future retaining wall.

Vice Chair Cary noted that even though the right-of-way extends beyond it, the city would be unlikely to widen beyond the retaining wall seen on the bottom of page three in the staff report because of engineering difficulties. In the foreseeable future, Graichen agreed. Chair Petersen clarified that 4<sup>th</sup> Street dead ends. Graichen said yes, it dead ends at Nob Hill Nature Park.

Commissioner Webster asked if approving the vacation would prohibit the city from widening the street to 50 feet in the future. Graichen said no, but clarified fifteen feet is the maximum amount of right-of-way we could grant and still be able to widen the street in the future.

Commissioner Cohen asked if there is a utility easement located in the proposed vacation. Graichen said a utility easement is often required with street vacation, but in this case, there are no known utilities located nearby. Graichen also noted that when the notice is referred to other agencies (including other utility companies), the city can evaluate whether or not to require a utility easement based on the comments received.

Karen Reinan, the petitioner, was invited to speak at the podium. Her and her husband currently own and are renting out the duplex. Reinan said they would eventually like to sell or fix the duplex up, but the bank will not loan on a building within the right-of-way. If they want to sell it, they would have to find a buyer who could buy it with cash or carry the contract themselves. Commissioner Lawrence asked if their duplex would be out of the right-of-way if they only vacated ten feet. Graichen said if the 1981 survey is correct, yes, they would no longer be located within the right-of-way. Commissioner Cohen asked why we would not just vacate the full fifteen feet. Chair Petersen said there was a comment received from the city engineer who said if they ever had to build a retaining wall because of a street widening project in the distant future, they would need a little extra room to access and maintain the constructed retaining wall. Reinan said this is the first time she has heard about considering ten feet.

Chair Petersen said this is a local street that only accesses six to eight properties and dead ends into a park. It is unlikely to ever develop into a major thoroughfare. He sees no reason not to vacate all fifteen feet as the petitioner requested. Commissioner Webster agreed. Vice Chair Cary said it seems like the Commission should leave enough room for the City to access a future retaining wall, should the street ever be widened. Commissioner Lawrence agreed.

Commissioner Webster made a motion to recommend approval to the City Council of the fifteen feet street vacation as requested. Commissioner Semling seconded. Commissioner Lawrence clarified that the city engineer requested ten feet in order to build and retain a possible retaining wall, should the street ever be widened. Chair Petersen said that whenever someone builds a wall on a property line, it is considered common law that they have the right to access it for purposes of maintenance. It has worked this way for hundreds of years. He feels that the city will already have the right to access and maintain any future retaining wall without the extra room. Commissioner Lawrence said hypothetically, if structural work was needed, the extra five feet would allow the city engineers the space to build and maintain the facility. Commissioner Semling said that it is unlikely this would happen in the near future though. Commissioner Webster and Commissioner Semling voted in favor; Vice Chair Cary, Commissioner Hubbard, Commissioner Cohen and Commissioner Lawrence opposed. Motion fails.

Commissioner Cohen said if ten feet gets the petitioner what they need to be out of the right-of-way and satisfies the city engineers' request, then we should go with ten feet. Commissioner Lawrence made a motion to recommend approval to the City Council of a ten feet street vacation. Commissioner Cohen seconded. Vice Chair Cary, Commissioner Hubbard, Commissioner Cohen and Commissioner Lawrence voted in favor; Commissioner Webster and Commissioner Semling opposed. Motion carries.

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

- a. Site Design Review (Major) at 299 S. Vernonia Rd. – O’Reilly Auto Enterprise, LLC

Commissioner Semling moved to accept the acceptance agenda. Commissioner Cohen seconded. All in favor; none opposed; motion carries.

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**Planning Director Decisions**

- a. Home Occupation (Type I) at 264 N. 5<sup>th</sup> St. – Home office
- b. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – Dianna Holmes
- c. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – Sacagawea Health Center
- d. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – Columbia County OHA
- e. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – Pacific NW Works

There were no comments.

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**Planning Department Activity Reports**

Councilor Carlson mentioned the resident who applied for a Planning Commission vacancy a while back is currently gathering funds to install turf on the St. Helens High School JV football field. They are currently fundraising, applying for grants, and are getting closer to their funding goal to install a turf field.

Graichen reported that the earth removal case is being appealed to the Court of Appeals.

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There being no further business before the Planning Commission, the meeting was adjourned at 9:22 p.m.

Respectfully submitted,

Jennifer Dimsho  
Assistant Planner

**2015 Planning Commission Attendance Record**

*P=Present A=Absent Can=Cancelled*

<b>Date</b>	<b>Petersen</b>	<b>Hubbard</b>	<b>Lawrence</b>	<b>Cohen</b>	<b>Cary</b>	<b>Semling</b>	<b>Webster</b>
01/13/15	P	P	P	P	P	P	P
02/10/15	P	P	P	P	P	P	P
03/10/15							
04/14/15							
05/12/15							
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