



PLANNING COMMISSION

Tuesday, March 09, 2021 at 7:00 PM

AGENDA

1. **7:00 P.M. CALL TO ORDER & FLAG SALUTE**
2. **CONSENT AGENDA**
 - A. Planning Commission Minutes dated February 9, 2021
3. **TOPICS FROM THE FLOOR** (Not on Public Hearing Agenda): Limited to five minutes per topic
4. **PUBLIC HEARING AGENDA** (times are earliest start time)
 - B. 7:00 p.m. Partition at 160 Belton Road - Andrew & Lindsay Schlumpberger
 - C. 8:00 p.m. CPZA.1.21, 2021 Development Code Amendments - City of St. Helens
5. **PLANNING DEPARTMENT ACTIVITY REPORT**
 - D. February Planning Department Report
6. **FOR YOUR INFORMATION ITEMS**
7. **NEXT REGULAR MEETING: April 13, 2021**
8. **ADJOURNMENT**

VIRTUAL MEETING DETAILS

Due to the COVID-19 pandemic and the Governor's declared state of emergency (March 8, 2020) and subsequent Executive Order No. 20-16 (April 15, 2020), the public hearing will be held virtually via a phone-and-internet based application.

Join Zoom

Meeting: <https://zoom.us/j/96009799306?pwd=VzhCbDM5VEF2WGcvMUhIcmllLczdxzd09>

Meeting ID: 960 0979 9306

Passcode: 788052

Call In: +12532158782,96009799306# US (Tacoma)

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PLANNING COMMISSION

Tuesday, February 09, 2021 at 7:00 PM

DRAFT MINUTES

- Members Present:** Chair Cary
Vice Chair Hubbard
Commissioner Webster
Commissioner Semling
Commissioner Lawrence
Commissioner Pugsley
Commissioner Cavanaugh
- Members Absent:** None
- Staff Present:** City Planner Graichen
Associate Planner Dimsho
Community Development Admin Assistant Sullivan
Councilor Birkle
- Others:** Kathryn Frank

1. 7:00 P.M. CALL TO ORDER & FLAG SALUTE

2. CONSENT AGENDA

- A. Planning Commission Minutes dated January 12, 2021

Motion: Upon Commissioner Webster's motion and Commissioner Pugsley's second, the Planning Commission unanimously approved the Draft Minutes Dated January 12, 2021. Commissioner Lawrence, Commissioner Cavanaugh and Commissioner Semling did not vote due to their absence at this meeting [AYES: Commissioner Pugsley, Commissioner Webster, Vice Chair Hubbard NAYS: None]

3. TOPICS FROM THE FLOOR (Not on Public Hearing Agenda): Limited to five minutes per topic

There were no topics from the floor.

4. PUBLIC HEARING AGENDA (times are earliest start time)

B. 7:00 p.m. Annexation at 35526 Firway Lane - Mark & Elizabeth Sell

Associate Planner Dimsho presented the staff report dated February 1, 2021. She showed a map where the property was located. She mentioned that most who apply to annex to the City want to connect to the City utilities. This applicant would like to annex because they want to be in the City. She mentioned it was about a half-acre property, no sidewalks, but a curb you can see. It is currently connected to McNulty water, and there is sewer available. She mentioned the zoning and that it was abutting property inside city limits. She said it is currently zoned County General Commercial. The Comprehensive Plan says this property is classified as Unincorporated Highway Commercial, so upon annexation Highway Commercial (Incorporated) would be the only option for zoning. If the house was ever destroyed the applicant would not be allowed to rebuild it due to its zoning.

Staff's recommendation is to annex it and to zone Highway Commercial.

Commissioner Pugsley asked when properties are annexed into the City why is it done one at a time rather than an entire block. Dimsho said it requires certain permissions from the applicant and the City has never forced an Annexation.

In Favor

No one spoke in favor.

Neutral

No one spoke as neutral testimony.

In Opposition

No one spoke in opposition.

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

There were no deliberations.

Motion: Upon Commissioner Webster's motion and Commissioner Pugsley's second, the Planning Commission unanimously approved the Annexation as written. [Ayes: Commissioner Semling, Commissioner Webster, Commissioner Lawrence, Commissioner Pugsley, Commissioner Cavanaugh, Vice Chair Hubbard; Nays: None]

C. 7:15 p.m. Annexation at 58830 Firlok Park Street - Kathryn & Charles Frank

Associate Planner Dimsho presented the staff report dated February 1, 2021. She showed a map where the property was located. She said the Applicant would like to connect to City water and that the property was not currently serviced by City sewer. She mentioned the property was abutting City limits and is zoned County Multi-Family Residential. Once they annex in, the only option for zoning is Apartment Residential. She mentioned frontage improvements cannot be required at annexation, but when the property is developed.

Vice Chair Cary asked about the insufficient sewer and what it would take to have sewer available. Dimsho mentioned it was a substantial improvement that would need to be done and was complicated for multiple reasons.

There was a small discussion about the sewer capacity and different types of private systems.

Frank, Kathryn. Applicant. Kathryn Frank was called to speak. She mentioned that she asked the City to connect to the sewer system but were denied. She said they do currently have approval for a septic system. She said they only plan on building a single-family dwelling.

In Favor

No one spoke in favor.

Neutral

No one spoke as neutral testimony.

In Opposition

No one spoke in opposition.

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

There were no deliberations.

Motion: Upon Commissioner Webster's motion and Commissioner Pugsley's second, the Planning Commission unanimously approved the Annexation as written. [Ayes: Commissioner Semling, Commissioner Webster, Commissioner Lawrence, Commissioner Pugsley, Commissioner Cavanaugh, Vice Chair Hubbard; Nays: None]

5. ST. HELENS INDUSTRIAL BUSINESS PARK (SHIBP) MASTER PLAN

D. SHIBP Master Plan Document

Associate Planner Dimsho said this was on the agenda so the Commission would be aware of the Plan. She presented a map that showed the three different Waterfront areas the City was currently working on. She said the City was actively working to get the Veneer property ready for development. She said the City was working on studying the repurposing of the oversized Wastewater Treatment Plan. Lastly, she discussed where the St. Helens Industrial Business Park would be located, just south of the wastewater lagoon. She talked about a grant received to do some planning efforts on the site. She said the goal of the parcelization plan was to guide development of the site. She talked about some of the existing operations already on the site. She showed a few of the undeveloped rights-of-way. She also showed the phased plan for utility development.

There was a discussion about access roads and their location.

Dimsho presented a phase one cost summary and existing revenue sources.

There was a small discussion on what the City plans for selling different parcels.

There was a discussion about wetlands and how they would be treated in the development plan.

6. 2021 DEVELOPMENT CODE AMENDMENTS REVIEW

E. 2021 Development Code Amendments Document

City Planner Graichen presented an update of the Amendments Review. He said a notice was sent out to about four thousand property owners concerning the code change.

There was a small discussion about reviewing the changes and preparing for the Public Hearing in March.

7. PLANNING DIRECTOR DECISIONS (previously e-mailed to the Commission)

- a. Sign at 2296 Gable Road Ste. 230 – Integrity Signs of Oregon
- b. Sign at 254 N Columbia River Hwy – H & I Stonecasting
- c. Sign at 150 N 15th St – Frank Robison, People, Pets & Vets
- d. Sign at 150 N 15th St – Frank Robison, People, Pets & Vets

8. PLANNING DEPARTMENT ACTIVITY REPORT

F. January Planning Department Report

9. FOR YOUR INFORMATION ITEMS

Dimsho mentioned she submitted for the Certified Local Government grant. She said they will have ten-thousand dollars to award to an eligible historic property for exterior historic preservation work. She mentioned the Planning Commission would be scoring the applicants and eventually award the money.

Graichen mentioned there were two Public Hearings next meeting. He mentioned the Belton Road partition was coming back to the Planning Commission after the original application was withdrawn from the Land Use Board of Appeals.

Graichen also brought up that meeting in person is in the future. He said they would follow the City Council's lead on how to modify meetings for in-person.

Chair Cary welcomed Commissioner Cavanaugh to the Commission. Commissioner Cavanaugh discussed why she was interested in the Planning Commission and why she felt she would be a good fit to their team.

NEXT REGULAR MEETING: March 9, 2021

There being no further business before the Planning Commission, the meeting was adjourned 8:49 p.m.

Respectfully submitted,

*Christina Sullivan
Community Development Administrative Assistant*

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
 Partition, PT.1.21

DATE: March 1, 2021
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Andrew and Lindsay Schlumpberger
OWNER: same as applicant

ZONING: Suburban Residential, R10
LOCATION: 160 Belton Road; 5N1W-34BC-1100 and 5N1W-34-201
PROPOSAL: 2-parcel Partition

SITE INFORMATION / BACKGROUND

The subject property is located along the Columbia River, Dalton Lake and Belton Road. Belton Road provides access. It is developed with a detached single-family dwelling that, per the County Assessor data, was built in 1976. The subject property did not abut the Columbia River until 2004 when a Lot Line Adjustment was done that resulted in today's lot configuration, now proposed to be divided into two.

This is a reapplication of Partition PT.1.20, which was amended administratively, then denied by the Planning Commission on appeal AP.1.20, and then appealed to the Oregon Land Use Board of Appeals LUBA No. 2020-075. The Commission denied the matter based on an on-site sewerage system drainfield easement recorded in 1976 as Book 208, Page 404 Columbia County Clerk's records. After the LUBA appeal was filed that easement was eventually extinguished (Instrument No. 2020-12301) and the LUBA appeal was dismissed. The applicant has now reapplied for the same 2-parcel Partition.

Pursuant to St. Helens Municipal Code 17.24.280(1) a waiting period of at least 12 months is required before resubmittal of the same application which was originally denied at the local level. The notice of the Planning Commission's denial of the matter (AP.1.20) was issued on July 7, 2020. However, one exception to this 12-month resubmission limitation is if there has been a substantial change in the facts. The city determined that removal of the "drainfield easement" is a justifiable change in facts to allow reapplication within the one-year time period.

Partitions are normally administrative decisions. Pursuant to SHMC 17.24.090(2), the Planning Director may refer any application for review to the Planning Commission. Staff chose to refer this to the Commission due to their involvement in the appeal of the original application and because public hearings are better platform for public testimony which was well represented in the original application and its appeal.

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission: March 9, 2021

Notice of this proposal was sent to surrounding property owners within 200 feet of the subject property on February 17, 2021 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on February 24, 2021 in The Chronicle newspaper.

APPLICATION COMPLETENESS

This application was originally received on January 5, 2021. Staff identified missing information or other aspects that rendered the application incomplete and notified the applicant of the issue pursuant to SHMC 17.24.050 on January 20, 2021. The applicant provided revised or new information and the application was deemed complete on January 27, 2021.

The 120-day rule (ORS 227.178) for final action for this land use decision is May 27, 2021.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.140.040 – Partition approval criteria.

A request to partition land shall meet all of the following criteria (1-5):

(1) The proposal conforms with the city's comprehensive plan;

Finding(s): There is no known conflict with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC.

There is no known conflict with the addendums to the Comprehensive Plan which includes Economic Opportunities Analysis (Ord. No. 3101), Waterfront Prioritization Plan (Ord. No. 3148), the Transportation Systems Plan (Ord. No. 3150), the Corridor Master Plan (Ord. No. 3181), the Parks & Trails Master Plan (Ord. No. 3191), the Riverfront Connector Plan (Ord. No. 3241), and the Housing Needs Analysis (Ord. No. 3244).

(2) The proposed partition complies with all statutory and ordinance requirements and regulations;

Finding(s): New property lines do not create any new substandard compliance with the **R10 zone standards**, except as described herein.

There is **area of special flood hazard** (i.e., 100 year flood) associated with the Columbia River. Pursuant to SHMC 17.46.050(1)(g)(ii) this Partition must:

- (A) Be consistent with the need to minimize flood damage.
- (B) Have public utilities and facilities such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage;
- (C) Have adequate drainage provided to reduce exposure to flood hazards.

Based on the Flood Insurance Rate Maps (FIRMS), there appears to be adequate area outside of the floodplain to meet these requirements. It is possible that any development of Parcel 2 can avoid this. Further consideration will occur when Parcel 2 is developed. City may require elevation data to ensure any development is outside of the floodplain.

Per SHMC 17.132.025 a **tree plan** is required. Most trees can probably be saved, but some are proposed to be removal eventually for driveway and utility service to Parcel 2. Some anticipated to be removed are noted on the final plat. Also, some were removed less than a year from the date of this application; the applicable stumps and identified replacements are noted. Per 17.132.025(3):

(3) Trees removed within the period of one year prior to a development application listed above will be inventoried as part of the tree plan above and will be replaced according to SHMC 17.132.070(4).

Trees within protection zones are already protected per Chapter 17.40 SHMC. Tree replacement shall be required when future development occurs. A protection program defining standards and methods that will be used by the applicant to protect trees during and after construction is a code requirement related to this. The preliminary plat includes some general notes in that regard.

Utilities are already underground in this area. This is required.

(3) Adequate public facilities are available to serve the proposal (to address transportation facilities in this regard, a traffic impact analysis shall be prepared, as applicable, pursuant to Chapter 17.156 SHMC);

Finding(s): Water is available. There is a water main within the Belton Road right-of-way along the west side of the subject property and along the south side of the property. For the purpose of this Partition, whether or not Parcel 2 will have access to the southerly water main is unknown, but it is at least available from the Belton Road right-of-way to Parcel 2 via proposed easements as shown on the preliminary plat.

Sanitary sewer is available. When 160 Belton Road was originally built in 1976 it was connected to an on-site septic system with holding tank and drain field. Around the late 1980s with further improvements in the early 1990s a septic tank effluent pump (STEP) system was installed in the area. This is a pressurized sanitary sewer system with limited capacity.

Sometime after the STEP system was installed, the subject property connected; it currently gets billed for both water and sanitary sewer.

The applicant provided an analysis of the STEP system by an Oregon Registered Professional Engineer that notes that the STEP system has 8 connections currently and potential capacity for more (12-20 total or 4-12 more connections). Proposed Parcel 1 is already served and Parcel 2 has the ability to be served as the STEP system can handle an additional connection.

Storm Water. Both the Columbia River and Dalton Lake are nearby. Given the parcel sizes and of adjacency of large bodies of water, storm water can be managed if done properly, in a manner courteous to neighbors and in compliance with all regulations.

Street system/access. The street system for this area does not meet the current standards today. Any property owner with a legal property is entitled to *develop* it. However, no property owner is entitled to *divide* property when public facilities, including streets for access, are inadequate. A key question for the Commission is if this Partition can be allowed despite the access shortcomings.

Current conditions

There are currently about ten homes accessed by a single narrow road (Belton Road / Grey Cliffs Drive) with no outlet, starting from the driveway to the Elks Lodge at 350 Belton Road and proceeding easterly to road terminus. The first approximate 500 feet of this section of road is paved at a width of approximately 17 feet, thereafter the width is around 11' in most places. This doesn't meet any current standard for a public or private street that accesses 10+ dwellings.

Public Road standards

Public road standards are generally addressed in Chapter 17.152 SHMC. There are several classifications with Belton Road classified as a "local street" per the City's Transportation Systems Plan. As applicable to the analysis of this Partition:

- Local street, normal: 34' roadway width. No max dwelling unit limit.
- Local "skinny" street: 20' or 26' roadway width. Limited to 200 average daily trips (ADT) (i.e., about 20 detached single-family dwellings).
- Cul-de-sac (essential a local street that terminates at one end): limited to 20 dwelling units; Normal max length is 400'.

Belton road (with Grey Cliffs Drive), starting from just after the Elks Lodge driveway at 350 Belton Road, currently serves about 10 detached single-family dwellings, is much longer than 400' (at > 1,000 linear feet), and is predominately less than 20' wide over its course as described above.

No physical public road standard is met.

However, the 50' wide right-of-way width meets the minimum standard for a normal (as opposed to "skinny") local classified street.

Exception to standards

Per SHMC 17.152.030(5)(b):

(b) Improvements to streets shall be made according to adopted city standards, *unless the approval authority determines that the standards will result in an unacceptable adverse impact on existing development or on the proposed development or on natural features such as wetlands, steep slopes or existing mature trees*. In approving an exception to the standards, the approval authority shall determine that the potential adverse impacts exceed the public benefits of the standards. In

evaluating the public benefits, the approval authority shall consider the criteria listed in subsection (5)(a) of this section.

Said subsection (5)(a):

(a) The planning director shall recommend, to the decision-making body, desired right-of-way width and pavement width of the various street types within the subdivision or development after consideration of the following:

- (i) The type of road as set forth in Figure 19, Road Standards;
- (ii) Anticipated traffic generation;
- (iii) On-street parking needs;
- (iv) Sidewalk and bikeway requirements;
- (v) Requirements for placement of utilities;
- (vi) Street lighting;
- (vii) Drainage and slope impacts;
- (viii) Street tree location;
- (ix) Planting and landscape areas;
- (x) Safety for motorists, bicyclists, and pedestrians; and
- (xi) Access needs for emergency vehicles;

So alternate designs to public road standards can be considered, given findings based on the above. **So what alternative design is there?**

Use of “access easement” alternative for an actual street?

Per SHMC 17.152.030(3) the approval authority can approve an access easement instead of a public road when “such an easement is the only reasonable method by which a lot, large enough to develop, can be created.” It references Chapter 17.84 SHMC for the standards.

This is the standard that allows Parcel 2 to be accessed via an easement over Parcel 1 instead of a more fully developed street in a dedicated right-of-way.

The Commission could also consider the “access easement” alternative improvements for Belon Road itself but is not bound to allow this. The “access easement” road width standards based on uses contemplated by the R10 zoning are: 3 to 6 dwelling units need at least 20 feet. 6 units/lots is the normal maximum allowed for the “access easement” alternative.

The current situation exceeds this as it has about 10 dwellings (4 above the 6 maximum) on a road predominately less than 20’ wide over its course.

But the Commission could consider SHMC 17.84.070(4), below, as the alternative public street standard under the circumstances if it can address all the findings necessary for 17.152.030(5)(b) above:

(4) Vehicle turnouts (providing a minimum total driveway width of 24 feet for a distance of at least 30 feet) may be required so as to reduce the need for excessive vehicular backing motions in situations where two vehicles traveling in opposite directions meet on driveways in excess of 200 feet in length.

There is an approximate 90-degree angle of the Belton Road right-of-way that is a blind corner that abuts the subject property. This segment of road precedes 7 of the approximate 10 dwellings (plus any new development on parcel 2). This is an optimum location for a vehicle turnout because it maximizes visibility westward where pull off opportunities are lacking for people leaving the area increasing the probability that a vehicle by the turn out would see the oncoming vehicle and be able to use the turnout.

Paving

The street is paved where it lies within public right-of-way, but turns to gravel when it leaves the right-of-way along the south side of the subject property. Paving is required in residential areas per current standards. This would apply to any new road or driveway, or expansions of existing roads/driveways.

(4) All proposed lots conform to the size and dimensional requirements of this code; and

Finding(s): There are two aspects of this criterion, 1) Sensitive Lands and 2) the provisions of the R10 zoning district.

Sensitive Lands. The site abuts the Columbia River (with 75' upland protection zone required per Chapter 17.40 SHMC) and Wetland D-16, otherwise known as Dalton Lake (with 75' upland protection zone required per Chapter 17.40 SHMC). The applicant has conducted an Environmental Assessment to determine the boundaries of these sensitive lands and their respective buffers, which are reflected on the preliminary plat.

The City's local wetland inventory also identified Wetland D-17 on or close to the property, but the Environmental Assessment effort determined D-17 was not close to the property and does not impact this partition.

For subdivisions (creating 4 or more lots), significant wetlands and riparian areas and their protection zones are required to be part of dedicated preservation tracts to be managed by a homeowners association or other responsible entity. Partitions do not create tracts. Thus, the City has allowed easements as a substitute to preserve these areas (e.g., see P.P. No. 2009-17). However, the intent of this is for newly created properties to be "whole" excluding the sensitive lands and protection zones. "Whole" means that the net property not encumbered needs to meet the standards of the Development Code.

Thus, the **R10 zoning district** standards. The minimum lot size of is 10,000 square feet. The net area excluding the wetland, riparian area and protection zones still exceeds this for both parcels. The minimum lot width at the building line is 70' or 80' for a corner lot. Parcel 1 is a corner lot and exceeds this. Parcel 2 gets close to 70' in its net area, but still meets the standard.

The minimum lot width at the street is 60' or 30' along an approved cul-de-sac (i.e., dead-end road). Parcel 1 meets this and Parcel 2 meets the "cul-de-sac standard" given the 30' wide, increasing to 40' wide, access and utility easement off Belton Road.

Minimum lot depth is 100 feet. This is met for both parcels using the net area.

(5) All proposed improvements meet city and applicable agency standards.

Finding(s): This would be a requirement if approved. Fire Marshall consideration is particularly important given limited access to the area.

* * *

SHMC 17.140.050 – Special provisions for parcels created by through the partition process.

(1) Lot Dimensions. Lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated, and:

- (a) No lot shall be dimensioned to contain part of an existing or proposed public right-of-way;
- (b) The depth of all lots shall not exceed two and one-half times the average width, unless the parcel is less than one and one-half times the minimum lot size of the applicable zoning district; and
- (c) Depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Finding(s): (a) No existing or proposed right-of-way is impacted. (b) Excluding sensitive land protection buffers, the net area for Parcel 2 has an average width of approximately 90' and a depth of approximately 230'. This meets the depth to width ratio requirement more-or-less. Parcel 1 meets this easily. (c) Not applicable; the property is zoned residential.

(2) Through Lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation, and:

- (a) A planting buffer at least 10 feet wide is required abutting the arterial rights-of-way; and
- (b) All through lots shall provide the required front yard setback on each street.

Finding(s): No through lot is proposed.

(3) Large Lots. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the approving authority may require that the lots be of such size and shape, and be so divided into building sites, and contain such site restrictions as will provide for the extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size, and:

- (a) The land division shall be denied if the proposed large development lot does not provide for the future division of the lots and future extension of public facilities.

Finding(s): Given surrounding wetlands, the Columbia River, floodplain associated with the Columbia River, one narrow road access for this neighborhood, this neighborhood's wildland-urban interface (a transition area between wildland and human development with a higher wildfire risk), and limited sanitary sewer capacity, density promotion is unwise in this area. Redevelopment planning such as "shadow plats" are not warranted for this proposal.

(4) Fire Protection. The fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on firefighting capabilities.

Finding(s): There is an existing fire hydrant along Belton Road by the southern edge of the subject property.

The access easement and driveway proposed to serve Parcel 2 will exceed 150 feet. Per SHMC 17.152.030(3)(a), when access easements exceed 150 feet, they shall be improved in accordance with the fire code. When Parcel 2 is developed, its driveway will need to be able to accommodate emergency vehicles. Any requirement of the Fire Marshall shall be met.

(5) Reciprocal Easements. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.

Finding(s): An access easement is proposed to access Parcel 2 from the Belton Road right-of-way through Parcel 1. Maintenance agreement shall be required.

(6) Accessway. Any accessway shall comply with the standards set forth in Chapter 17.84 SHMC, Access, Egress, and Circulation.

Finding(s): This applies to the access from parcel 1 to parcel 2 only. Broader access considerations (i.e., Belton Road access for the neighborhood) is addressed above.

The access easement proposed to provide street connection to proposed Parcel 2 encompasses the southerly 30' of Parcel 1 (where there are previously recorded access and utility easements for other parties) and the west 40' of Parcel 1.

Parcel 2 is likely to be developed as a detached single-family dwelling. It could also be developed as a duplex beginning July 1, 2021 given Oregon House Bill 2001. The minimum easement for up to two dwellings is 15' width with a minimum 10' pavement width.

In addition, the following requirements apply under SHMC 17.84.070:

(2) Private residential access drives shall be provided and maintained in accordance with the provisions of the Uniform Fire Code.

(3) Access drives in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus in accordance with the engineering standards of SHMC Title 18 and/or as approved by the fire marshal.

(4) Vehicle turnouts (providing a minimum total driveway width of 24 feet for a distance of at least 30 feet) may be required so as to reduce the need for excessive vehicular backing motions in situations where two vehicles traveling in opposite directions meet on driveways in excess of 200 feet in length.

New access to Parcel 2 will be subject to Fire Marshall/Fire Code standards. This includes a turn-around area.

New access to Parcel 2 shall be paved as required by the Development Code. When Parcel 2 is developed, it will need a minimum 10' wide paved driveway from Belton Road to the dwelling or other principal use proposed. This must be within the easement on Parcel 1 for Parcel 2 (cannot be on adjacent property). This is important to consider as the private road along the south side of the subject property, serving other properties, is mostly outside of the subject property where it intersects Belton Road, but angles into the subject property progressing eastward.

(7) The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.

Finding(s): There is no reason to modify the overall road pattern.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends denial of this application if the Commission determines that access is insufficient to allow a new parcel accessed by a street system already woefully substandard because a new parcel creates new entitlements to development.

~or~

This assumes the Commission is able to find in favor of the exception to the street standards to be met with the private street vehicle turn out.

Based on the facts and findings herein, if the Planning Commission approves this Parttition, staff recommends the following conditions:

1. **This Land Partition preliminary plat approval shall be effective for a period of twelve (12) months from the date of approval.** The approval shall become void if a final plat prepared by a professional registered surveyor in accordance with 1) the approved preliminary plat, 2) the conditions herein, and 3) the form and content requirements of the City of St. Helens Development Code (SHMC Title 17) and Oregon Revised Statutes is not submitted within the twelve (12) month approval period. **Note: a time extension of up to six months is possible per SHMC 17.140.035(3).**
2. **The following shall be required before the City accepts a final plat for review:**
 - a. Construction plans for a vehicle turnout (providing a minimum total driveway width of 24 feet for a distance of at least 30 feet) along Belton Road (and within the right-of-way) along the subject property shall be provided for city review and approval. The City may require no-parking identification.

Location of turnout shall remedy the blind corner to the maximum extent possible where the public right-of-way has an approximate 90-degree angle along the west side of the subject property.
3. **The following shall be required before the City signs an approved final plat:**
 - a. The vehicle turnout per plans per condition 2.a shall be completed and approved by the City.
 - b. Applicant shall provide a maintenance agreement, subject to city review and approval, that will be recorded with the final plat per condition 5.

4. **In addition to compliance with local, county, state and other requirements, the following shall be included on the final plat:**
 - a. Conservation easements to the City for wetlands and related upland protection zone, and riparian areas and related upland protection zones. For conservation easements, there shall be a narrative that states: “this area subject to the restrictions and protections of the City of St. Helens” or an alternative as approved by the City.
 - b. A note shall be included on the plat for the maintenance agreement for shared access (see condition 3.b and 5.a) with a line to write the instrument number on the plat upon the agreement’s recordation.
5. **The following shall be recorded with the final plat:**
 - a. Maintenance agreement shall be required for the shared access (within easement) on Parcel 1 for the benefit of Parcel 2.
6. **The following shall be required prior to any development or building permit issuance for Parcel 2 of this partition with implementation required prior to final inspection/ approval of the contemplated development:**
 - a. Fire Marshall approval of driveway design shall be required and included in the plans for applicable building/development permits.
 - b. Plans as part of the building/development permits shall show minimum 10’ paved driveway width (or additional requirements per the Fire Marshall) from Belton Road to the dwelling or other principal use proposed. This must be within the easement(s) on Parcel 1 benefitting Parcel 2.
7. Any requirement of the Fire Marshall as it applies to this Land Partition shall be met.
8. All utilities shall be underground pursuant to SHMC 17.152.120.
9. Tree replacement shall be required when future development occurs, as applicable per Chapter 17.132 SHMC. Development shall follow the approved protection program defining standards and methods that will be used by the applicant/owner to protect trees during and after construction.

Specific location of replacement trees subject to city inspection and approval prior to any plan approval. Inspection of replacement tree plantings subject to city inspection prior to final approval.
10. This partition does not allow impacts to sensitives lands (such as floodplains, wetlands and their upland protection zones, and riparian areas and their upland protection zones). Additional permitting may be required for such impacts.

11. This partition is allowed on a street system already substandard for existing development given improvements as described herein to incrementally improve the system. This does not guarantee future land divisions for this or other property dependent on this substandard system.
12. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17).

Attachment(s):

- Original application materials – January 27, 2020 (when application deemed complete):
 - Preliminary plat dated January 25, 2001
 - Belton Road S.T.E.P. system analysis memo dated December 13, 2019
 - Environmental Assessment (wetland/waters delineation) dated January 30, 2020
 - Instrument No. 2020-12301, easement extinguishment and relinquishment
 - Letter from CRFR Fire Inspector dated November 30, 2020
 - Letter from Scappoose Fire District dated May 29, 2020
 - Estimate from Triton Lawn and Yard Maintenance dated May 27, 2020
 - Letter from Jerry and Lynn Belcher (undated)
 - Letter from Larry Hough dated June 7, 2020
 - Letter from Michelle and Alexander Damis dated January 11, 2021
- Memo from Damien Hall dated/received February 5, 2021
- Letter from Jerry Belcher dated February 24, 2021
- Letter from Larry Hough dated February 24, 2021
- Appeal AP.1.20 attachment (*created by city staff*)
- Private drive/access easement exhibit (*created by city staff*)

RECEIVED

JAN 27 2021

CITY OF ST. HELENS

450' TO THE SOUTHERN BOUNDARY
OF WETLAND D-17 AS MARKED BY
WETLAND SOLUTIONS NORTHWEST, LLC

124' 96' 100'

ORDINARY HIGH WATER LINE BY
WETLAND SOLUTIONS NORTHWEST, LLC

205'

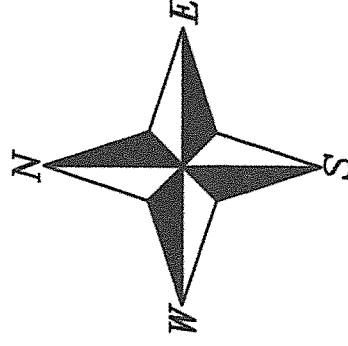
Notes:

Property Owners:
Andrew and Lindsay
Schlumpberger
160 Belton Road
St. Helens, OR 97051

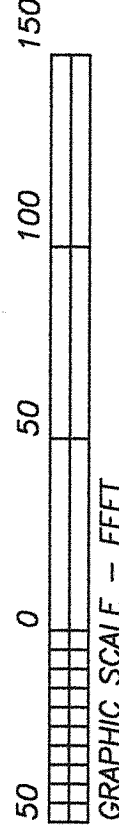
Tax Map Parcel No.:
5134-000-00201
5134-BC-01100

Zoning: R10

Wetland Delineation by
Wetland Solutions Northwest, LLC
Sensitive Lands Buffers were
measured along the slope



Scale: 1"=50'
CF:19054S
SF:19054S1



GRAPHIC SCALE - FEET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Reynolds
Land Surveying, Inc.
32990 Stone Road
Warren, Oregon 97053
(503) 397-5516

OREGON
JULY 26, 1985
DAVID E. REYNOLDS
2157

RENEWAL DATE: 12-31-2022

Tree Plan & Road Improvement Plan For Andrew & Lindsay Schlumpberger Situated In The N.W. 1/4 Section 34,T.5N.,R.1W.,W.M. City of St. Helens Columbia County, Oregon January 25, 2021

Parcel 1

45900 SQ.FT.
43010 SQ.FT. OUTSIDE
OF SENSITIVE LANDS

PROPOSED INGRESS, EGRESS & UTILITIES
EASEMENT FOR BENEFIT OF PARCEL 2

TO BE REPLANTED
WITH 3 MAPLE TREES
IN WESTERLY SENSITIVE
LANDS BUFFER

TO BE REMOVED
TO BE REPLANTED WITH MAPLES
IN WESTERLY SENSITIVE LAND BUFFER

Tree Plan

Denotes tree with species and size
as noted.

Trees to be removed are as noted
and will be replaced with same
species in Westerly Sensitive Lands
Buffer.

Existing stumps are as noted and
will be replaced with same species
in the Westerly Sensitive Lands
Buffer.

Existing trees within 20' of any
construction areas will be
protected with 4' construction
zone safety fencing.

Parcel 2

46060 SQ.FT.
22565 SQ.FT. OUTSIDE
OF SENSITIVE LANDS

PROPOSED
FIRE APPARATUS
TURN AROUND

FIR REPLANTED HERE
TO BE REMOVED

WESTERLY SENSITIVE LANDS
BUFFER

Dalton Lake
EDGE OF WATER

PROPOSED
VEHICLE TURNOUT
24'X30'

Belton
Road

EXISTING PAVEMENT

EXISTING GRAVEL DRIVEWAY

200'



Schlumpberger Consulting Engineers, Inc.
Structural/Civil /Environmental/Construction Mgt.

Main Office: Mount Shasta
624 S. Mt. Shasta Blvd., Mt. Shasta, CA 96067
Tel: 530-926-2605
Oregon: 17744 #A11 Hwy 101 N. Brookings, OR 97415
Mobile: 530-859-1277
Email: cps@sceshasta.com

**SUBJECT: Additional Connections to the Belton Road S.T.E.P. System
In St. Helens, Oregon**

CLIENT: Andrew Schlumpberger
LOCATION: 160 Belton Road
St. Helens, Oregon

RECEIVED

JAN 27 2021

CITY OF ST. HELENS

DATE: December 13, 2019

Engineering Report:

1. The existing STEP wastewater system for the Belton Road and Graycliff Drive in St. Helens, Oregon as shown on the as-built plan dated August 1989 by Smits and Associates, with updates in 1990 and 1992, is a pressure system for the community of Forest Park Road.
2. The Step system requires a pump at each lot that is hooking up to the system.
3. The transport pipe is in City ROW and is maintained as part of the City wastewater collection system.
4. The transport pipe is 2 inch schedule 40 PVC pressure pipe. The transport pipe can take a maximum flow of 127 gallons per minute (gpm) at minimal internal pressure of 20-100 psi.
5. The total length of the transport pipe is less than 1500 feet. Connections are at multiple points along this transport pipe and available to all lots along Belton and Graycliff roads that can connect to the transport pipe.

In reviewing the as-built plans it appears that the existing transport pipe, with 8 current connections, is capable of a number of future connections without significant problems to City STEP System or existing owners since each new owner would have a tank, pump and lateral for which they are responsible for. There are less than ten connections to the pressure line at this time and the two inch line has capacity for more than ten connections at peak capacity where everyone is pumping at the same time. High Head pumps are needed for the static and dynamic TDH losses. Pumps should be efficient between 10 and 30 gpm. Even if all pumps are on at once there is capacity for a minimum of 12 connections or maximum of 20. Pumps should be effluent pumps rather than grinder pumps and TDH capacity of 150 feet and discharge rate of 20 gpm. Therefore there should be no issues with an additional connection to the Belton Road S.T.E.P. System with an approved tank and pump.

Charles Schlumpberger PE
C15654



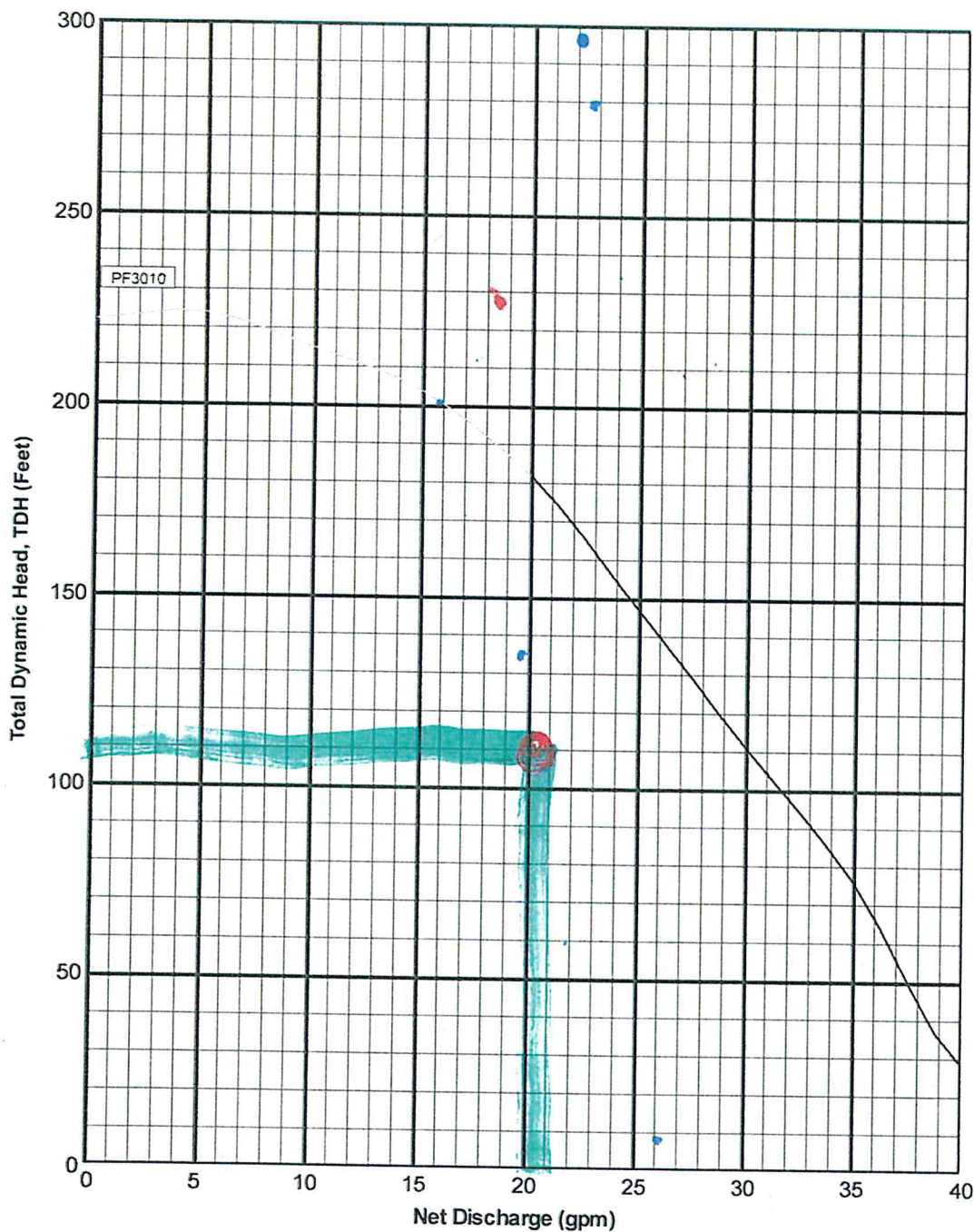
Pump Curve
for PF3010



Orencia Systems®
Incorporated

*Changing the Way the
World Does Wastewater®*

Item B.




Recommended Pump for S.T.E.P.
Orencia PF3010 High Head

Belton Road S.T.E.P. System

Belton Road and Graycliff Drive.

Legend

 Elks Lodge



Google Earth

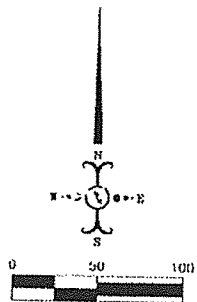
Item B.

BELTON ROAD
S.T.E.P. SYSTEM

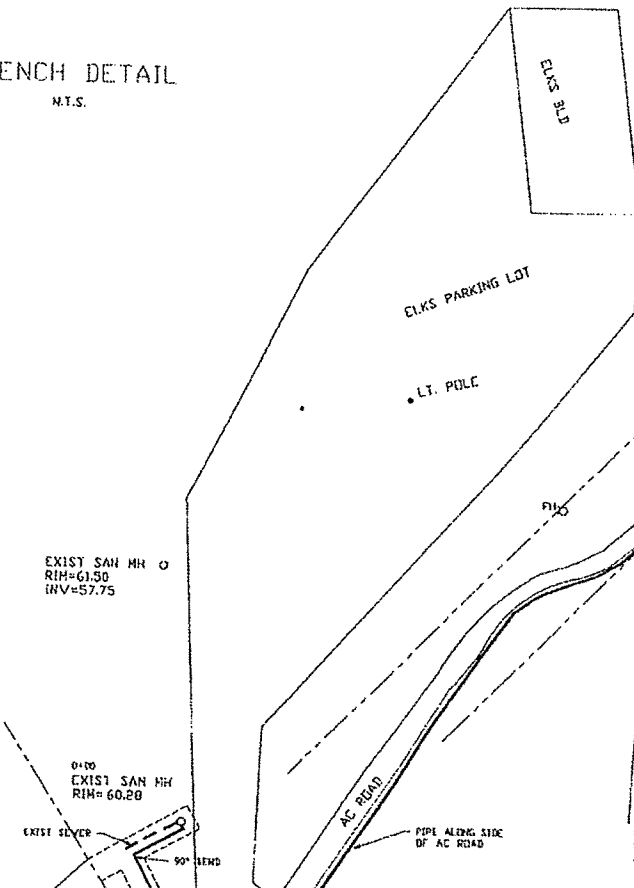
GRAYCLIFF DRIVE
ST. HELENS, OREGON

NOTES

- 1. CONTRACTOR SHALL CALL 48 HOURS IN ADVANCE FOR UNDERGROUND UTILITY LOCATIONS. 1-800-424-3555
- 2. PROTECT PIPE FROM LARGE ROCK AND SHARP OBJECTS DURING BACKFILLING PROCESS.
- 2" SCHEDULE 40 PVC PRESSURE SEWER PIPE WITH 18 GAGE TRACER WIRE



TRENCH DETAIL
N.T.S.



EXIST SAN MH @
RIM=61.90
INV=57.75

0+70
EXIST SAN MH
RIM=60.20

EXIST SEWER

90° BEND

CITY EASEMENT

LOT 1

LOT 2

FOREST PARK DRIVE

M. SAN STREET

1+12
2+15
BENDS

FD IR

1+39
90° BEND

96' ELEV.

TO THE BEST OF OUR KNOWLEDGE THE SEWER PIPELINE AS-BUILT LOCATION AS SHOWN IS LOCATED INSIDE OF RIGHT-OF-WAYS OR EASEMENTS GRANTED TO THE CITY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Mark M. Mead
OREGON
JULY 16, 1989
MARK M. MEAD
2258

INSPECTION AND CERTIFICATION OF PROPER CONSTRUCTION

Department of Environmental Quality
Water Quality Division
811 S.W. Sixth Avenue
Portland, OR 97204

Project Name BELTON ROAD & GRAYCLIFF DRIVE STEP SYSTEM (DESIGNED)

Project Location FOREST PARK ROAD TO S.E. GRAYCLIFF DRIVE ST. HELENS

I was the design engineer on the above-referenced project and I or my authorized representative did supervise and inspect the construction.
I certify that such construction was inspected and found to be in accordance with the plans and specifications, including any changes therein approved by the Department of Environmental Quality.

Supplemental inspections were made by:
John Smith & Mark Mead

Mark M. Mead REAS 1:1 MAY 1992
Design Engineer's Signature Date

cc. *

* Send copy to appropriate sewer system owner



Smits & Associates
Environmental Consultants • Designers
14687 S.E. Kingston Ave.
Milwaukie, Oregon 97267-1043
Ph. (503) 658-5623

REVISED AS-BUILT BY FOREST PARK ROAD 21 SECT. 1992
AS-BUILT JULY 1990 M. M. MEAD

DATE, AUG 1989 SHEET No. 1 OF 1

RECEIVED
JAN 30 2020
CITY OF ST. HELENS

Wetland Solutions Northwest, LLC
59446 Lytle Dr.
St. Helens, Oregon 97051
Stacy@WetlandSolutionsNW.com
503-367-7177

RECEIVED
JAN 27 2021
CITY OF ST. HELENS

January 30, 2020

Andrew Schlumpberger
160 Belton Road
St. Helens, OR 97051

SUBJECT: 160 Belton Road, St. Helens Wetland/Waters Delineation
Tax Map / Lots 5013400 / 200 & 50134BC / 1100

Introduction and Background Information

A lot partition is proposed on the subject site. The subject site includes tax lot 200, located at 160 Belton Road which contains an existing residence, and tax lot 1100 which is undeveloped and extends north of tax lot 200 to the Columbia River. Three wetlands/waters are mapped on or in close proximity to the subject site in the City of St. Helens Local Wetland Inventory (LWI) (Otak, Inc. 1999). Dalton Lake (LWI unit D-16) is mapped adjacent to the northwest portion of tax lot 200, the Columbia River is mapped along the north edge of tax lot 1100, and wetland unit D-17 is mapped extending south of the Columbia River into tax lot 1100. Wetland units D-16 and D-17 are considered Type I significant wetlands, and the City requires a 75-foot protection zone adjacent to Type I significant wetlands. A 75-foot protection zone is also required adjacent to the top of bank of the Columbia River. The tax lot boundaries of the subject site and the LWI mapping are shown on Figure 1 which was obtained from Columbia County Web Maps (Columbia County 2020). A wetland/waters delineation was conducted on the site in order to map the actual location of on and off-site resources and the adjacent 75-foot protection zones to facilitate site planning.

Methods & Results

A wetland/waters delineation was conducted on January 9, 2020 by Stacy Benjamin of Wetland Solutions Northwest, LLC in accordance with the methodology of the Corps of Engineers (Corps) Wetlands Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the Corps Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0; Corps 2010) used by both the Oregon Department of State Lands and the Corps.

The ordinary high water (OHW) line/top of bank of the Columbia River was delineated based on field indicators including a vegetation line, with predominantly bare sandy soils occurring below the OHW line and a notable increase in grasses and weedy forbs occurring above the OHW line.

The wetland boundary of Dalton Lake is well-defined by steep topography, and the wetland boundary coincided with the edge of ponded water during the January 2020 site visit. The southern portion of the lake boundary is defined by a steep hillslope. The steep hillslope, which comprises the majority of the 75-foot protection zone, is vegetated with native trees and shrubs in the overstory including balsam poplar, red alder (*Alnus rubra*), and beaked hazelnut (*Corylus cornuta*), and mainly invasive species in the understory including Himalayan blackberry (*Rubus armeniacus*) and English ivy (*Hedera helix*). A small amount of native sword fern (*Polystichum munitum*) is also present. An existing narrow dirt footpath (approx. 2 feet wide) is present in the riparian protection zone, and a small amount of the upslope edge of the protection zone falls within the edge of an existing mowed lawn. Slopes adjacent to the east/northeast edge of Dalton Lake are more gradual. A dense thicket of Himalayan blackberry is present along the eastern edge of the lake, and a fringe of mainly native wetland vegetation consisting of red osier (*Cornus alba*), Oregon ash (*Fraxinus latifolia*) and reed canarygrass is present extending around the northeast portion of the lake.

Wetland D-17 was determined not to extend onto tax lot 1100, and the southern edge of wetland D-17 was delineated approximately 450 feet north of tax lot 1100. Wetland D-17 consists of a forested and scrub-shrub wetland vegetation community containing balsam poplar (*Populus balsamifera*) and Pacific willow (*Salix lasiandra*) in the overstory with reed canarygrass (*Phalaris arundinacea*) and tall scouring-rush (*Equisetum hyemale*) in the understory. Hydric soils were observed in the wetland, along with water-stained leaves indicating the presence of wetland hydrology. The south wetland boundary was delineated where the reed canarygrass understory transitioned to a Himalayan blackberry understory, soils became a more sandy texture which did not display hydric soil features, no indicators of wetland hydrology were observed, and site topography began to rise.

The boundary of Dalton Lake and the OHW of the Columbia River were professionally land surveyed by Reynolds Land Surveying, Inc (Figure 2), and the 75-foot protection zones were mapped. Site photographs are attached.

References

Columbia County. 2020. Columbia County Web Maps. Available at: <http://webmap.co.columbia.or.us/geomoose2/>

Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. Vicksburg, MS: U.S. Army Engineer Waterways Experiment Station.

Otak, Inc. 1999. Local Wetland Inventory, City of St. Helens, OR. Available at: http://www.oregon.gov/dsl/WETLAND/Pages/lwi_disclaimer_agreed.aspx.

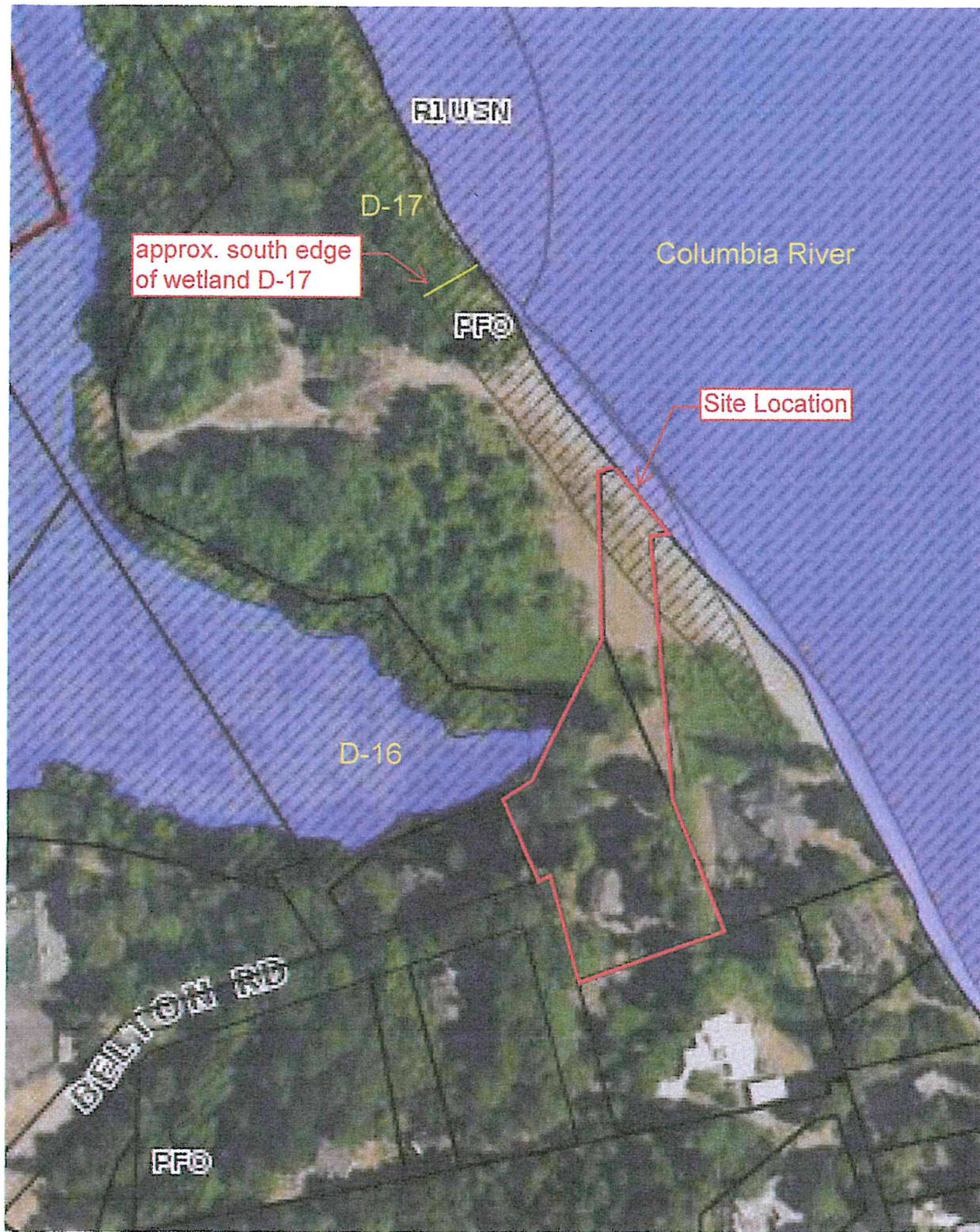
U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-10-3. Vicksburg, MS: U.S. Army Engineer Research and Development Center.


Attachments

Figure 1. Tax lot map showing LWI mapping

Figure 2. Wetland & waters delineation map

Site photographs



160 Belton Road, St. Helens Wetland & Waters Delineation Figure 1. Site Location Map		Wetland Solutions Northwest, LLC
	Scale approx. 1 inch = 200 ft	
Source: downloaded from: http://webmap.co.columbia.or.us/geomoose2/		January 2020

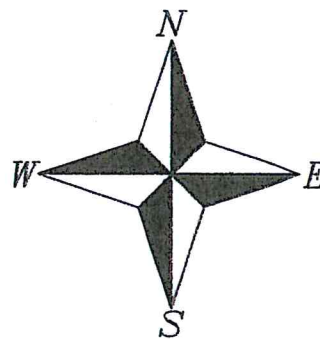
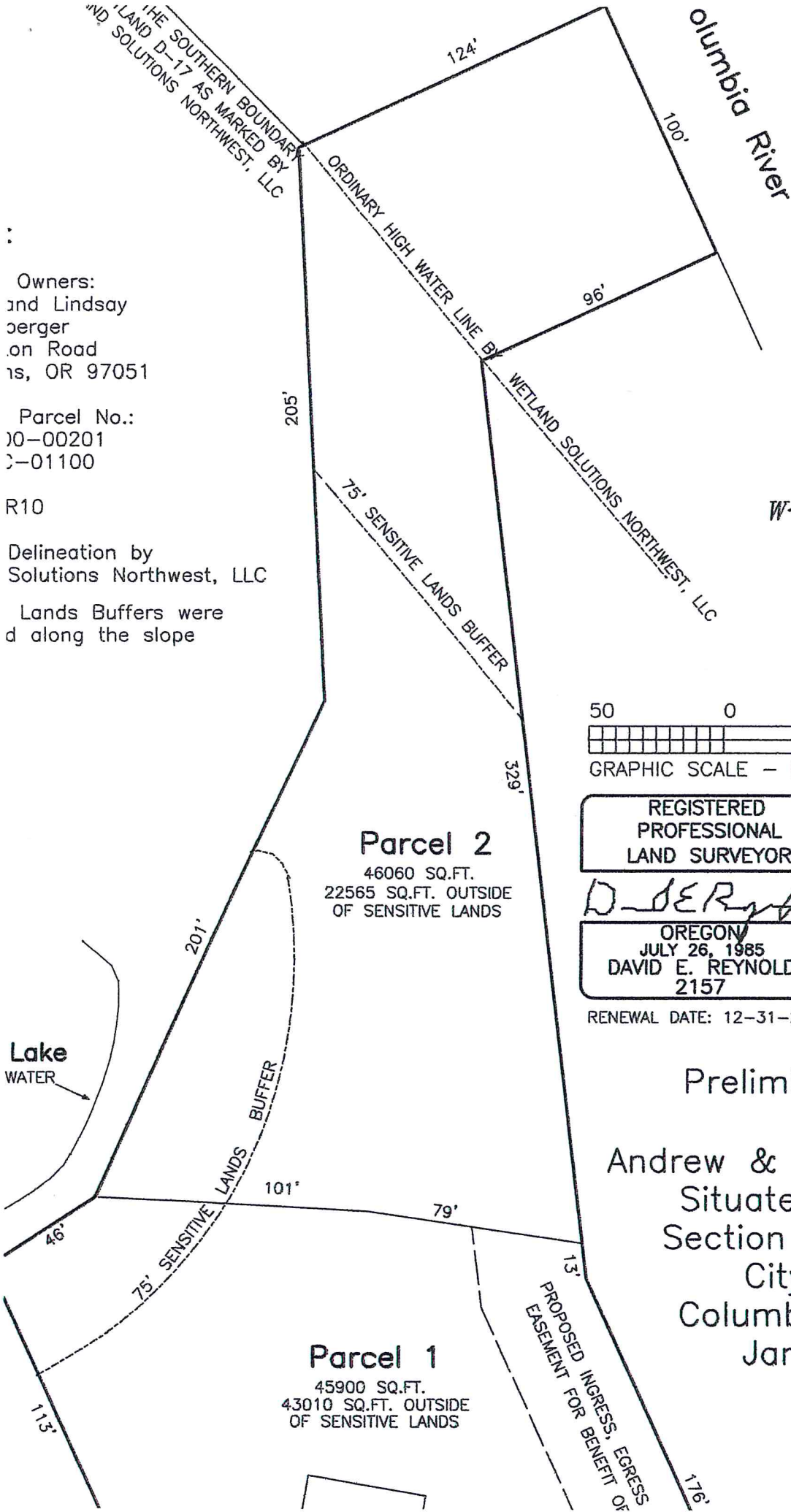
Owners:
 and Lindsay
 erger
 on Road
 is, OR 97051

Parcel No.:
 00-00201
 00-01100

R10

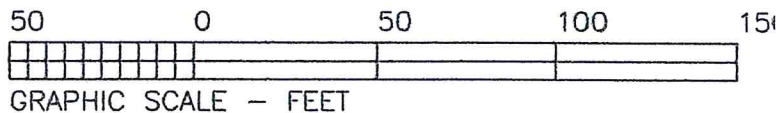
Delineation by
 Solutions Northwest, LLC

Lands Buffers were
 d along the slope



Scale: 1"=50'

CF&SF:19054S



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

D. E. Reynolds
 OREGON
 JULY 26, 1985
 DAVID E. REYNOLDS
 2157

RENEWAL DATE: 12-31-2020

Reynolds
 Land Surveying, Inc.
 32990 Stone Road
 Warren, Oregon 97051
 (503) 397-5516

Preliminary Partition Plat
 For
 Andrew & Lindsay Schlumpberger
 Situated In The N.W. 1/4
 Section 34, T.5N., R.1W., W.M.
 City of St. Helens
 Columbia County, Oregon
 January 21, 2020



Photo A. View east of southern boundary of Dalton Lake and mixed native/invasive community in adjacent 75-foot protection zone.



Photo B. View west of invasive Himalayan blackberry community in 75-foot protection zone adjacent to eastern edge of Dalton Lake.



Photo C. View north of delineated OHW of Columbia River (red flag).



Photo D. View south of delineated OHW of Columbia River (red flag).

After recording return to:
Daniel Goldstein, Esq.
621 SW Morrison St, Ste 1050
Portland, OR 97205



00279914202000123010040040

I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon
certify that the instrument identified herein was recorded in the Clerk
records.

Elizabeth E. Huser - County Clerk

Document: Easement Extinguishment and Relinquishment
Grantor: Tracey A. Hill, an individual
Tracey A. Hill on behalf of the Hill Family Trust
Grantees: Andrew Schlumpberger and Lindsay Schlumpberger

Easement Extinguishment and Relinquishment

Grantor is the record owner of the following real property located in Columbia County, Oregon:

See Exhibit A, attached hereto and incorporated herein in by this reference (the "Benefitted Property")

Grantees are the record owners of the following real property located in Columbia County, Oregon:

See Exhibit B, attached hereto and incorporated herein in by this reference (the "Burdened Property")

Grantor is also the holder and beneficiary of that certain easement (Drainfield Easement) established "for the construction, maintenance, use and repair of an individual water-carried subsurface sewage disposal system," dated July 27, 1976 and recorded October 13, 1976 in Book 208 page 404 of the Records of Columbia County, Oregon, which encumbers the Burdened Property.

For good and valuable consideration, the receipt of which is hereby acknowledged, Grantor, on behalf of herself, her heirs, assigns, devisees, successors, and anyone else claiming right, title or interest in the Benefitted Property, hereby extinguishes, relinquishes, releases, terminates, waives, abandons, and reconveys the Drainfield Easement to the record owners of the Burdened Property, their heirs, devisees, successors, assigns, and anyone else claiming any right, title, or interest in the Burdened Property.

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QUIT CLAIM DEED – Page 1


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JAN 27 2021

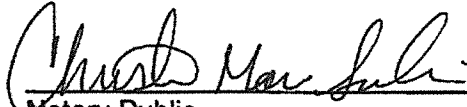
CITY OF ST. HELENS

Dated this 23 day of November 2020.

Grantor:


Tracey A. Hill

The foregoing instrument was acknowledged and executed before me this 23
day of NOVEMBER, 2020, by Tracey A Hill.



Notary Public

My Commission Expires: JANUARY 13, 2024

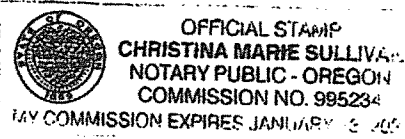


Exhibit A

Beginning at a point which is North 4 '35'30" West 1223.3 feet and East 1891.3 feet from the Northeast corner of "Rose Hill," Columbia County, Oregon, said point being on the left bank of the Columbia River; thence along low water line along said left bank North 31 '38' West a distance of 266.37 feet; thence South 69'24' West a distance of 227.37 feet; thence North 24'36'30" West to a point on the most Easterly North line of City Ordinance #1877 recorded August 18, 1969 in Book 17 4, Page 343, Deed Records of Columbia County, Oregon; thence South 60'21' West 153.57 feet; thence South 57'16' West 46.43 feet to the TRUE POINT OF BEGINNING of herein described tract, said point being the Northwest corner of tract described in Trust Deed recorded March 30, 1976 in Book 137, Page 12, Mortgage Records of Columbia County, Oregon; thence South 68'47'30" West 81.22 feet; thence South 64'47'30" West 73.10 feet; thence South 46'33' West 87.50 feet; thence South 34'02' East to the North line of 50 foot road conveyed to City of St. Helens by deed recorded October 12, 1971 in Deed Book 184, Page 11; thence North 69'24' East along the North line of said 50 foot road to the point of intersection with the West line of tract described in Mortgage Book 137, Page 12; thence North 24'36'30" West along said West line to the point of beginning.

EXHIBIT ~~B~~ ³ LEGAL DESCRIPTION

A tract of land situate in the Northwest quarter of Section 34, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

PARCEL 1: Beginning at a point which is North 4°35'30" West 1223.3 feet and East 1891.3 feet from the Northeast corner of ROSE HILL, in the County of Columbia and State of Oregon, said point being on the left bank of the Columbia River; thence along low water line along said left bank North 31°38' West a distance of 266.87 feet; thence South 69°24' West a distance of 227.37 feet to the TRUE POINT OF BEGINNING; thence North 24°36'30" West to a point on the most Easterly North line of City Ordinance No. 1877 recorded August 18, 1969 in Book 174, page 343, Deed Records of Columbia County, Oregon; thence South 60°21' West 153.57 feet; thence South 57°16' West 46.43 feet; thence South 24°36'30" East 251.73 feet; thence South 16°02' East 6.3 feet; thence North 69°24' East 200 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying within 50 foot road conveyed to City of St. Helens by deed recorded October 12, 1971 in Book 184, page 11, Deed Records of Columbia County, Oregon.

PARCEL 2: Beginning at a point which is North 4°35' 1/2" West 1223.3 feet and East 1891.3 feet from the Northeast corner of ROSE HILL, Columbia County, Oregon, said point being on the left bank of the Columbia River; thence along said lot water line along said left bank North 31°38' West a distance of 593.93 feet to the most Easterly Northeast corner of City Ordinance No. 1877, recorded August 18, 1969 in Book 174; page 343, Deed Records of Columbia County, Oregon; thence South 60°21' West along said most Easterly North line of said City Ordinance line 208.11 feet to the TRUE POINT OF BEGINNING; thence South 60°21' West along the said most Easterly North line of said City Ordinance line 153.57 feet; thence North 24°30' 1/2" East to a point that is North 24°16' 1/2" West from the true point of beginning; thence South 24°36' 1/2" East to the true point of beginning.

PARCEL 3: Beginning at a point which is North 70°03'34" East 1377.04 feet and North 69°24'00" East 200.02 feet from the initial point of Belton Terrace, said point being the Southeast corner of the Richard Sorenson tract in the Northwest quarter of Section 34, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, said point is reported to be North 04°35'30" West 1223.30 feet and East 1891.30 feet and North 31°38'00" West 266.87 feet and South 69°24'00" West 227.37 feet from the Northeast corner of Rose Hill, as per plat on file and of record in the Columbia County Clerk's Office; thence North 24°38'20" West, along the Easterly line of said Sorenson tract, 175.69 feet to the TRUE POINT OF BEGINNING of the parcel herein described; thence, leaving said Sorenson East line, North 06°46'00" West a distance of 342.08 feet; thence North 65°11'41" East a distance of 96.04 feet to the low water line of the Columbia River; thence North 24°48'19" West along said low water line a distance of 82.74 feet to the most Northerly corner of Instrument No. 98-09246, on file and of record in the Columbia County Clerk's Office; thence South 24°31'22" West along the Northwestern line of said Instrument No. 98-09246 a distance of 265.39 feet to the Northerly corner of said Sorenson tract; thence South 24°38'20" East along the Easterly line of said Sorenson tract a distance of 235.05 feet to the true point of beginning.

PARCEL 4: Beginning at a point which is North 70°03'34" East 1377.04 feet and North 69°24'00" East 200.02 feet from the initial point of Belton Terrace, said point being the Southeast corner of the Richard Sorenson tract in the Northwest quarter of Section 34, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, said point is reported to be North 04°35'30" West 1223.30 feet and East 1891.30 feet and North 31°38'00" West 266.87 feet and South 69°24'00" West 227.37 feet from the Northeast corner of Rose Hill, as per plat on file and of record in the Columbia County Clerk's Office; thence North 24°38'20" West, along the Easterly line of said Sorenson tract, a distance of 410.74 feet to the most Northerly corner of said Sorenson tract and the TRUE POINT OF BEGINNING of the parcel herein described; thence North 24°31'22" East, along the Northwestern line of tract of land described under Columbia County Clerk's Instrument No. 98-09246, a distance of 265.39 feet to the low water line of the Columbia River; thence North 24°48'19" West along said low water line a distance of 17.26 feet; thence leaving said low water line South 65°11'41" West a distance of 125.00 feet; thence South 02°57'08" East a distance of 204.94 feet to the true point of beginning.



Columbia River Fire & Rescue

Fire Prevention Division

270 Columbia Blvd * St Helens, Oregon * 97051
Phone (503)-397-2990 * www.crfr.com * FAX (503)-397-3198

Item B.

November 30, 2020

RECEIVED

JAN 5 2021

CITY OF ST. HELENS

Andrew Schlumpberger
160 Belton Road
St. Helens, OR 97051

Mr. Schlumpberger,

This letter is regarding a driveway consultation I performed this morning on your proposed new house development site off Belton Road. This was not an initial driveway inspection, but a consultation of our Fire District's driveway standards to determine if a fire department access road is feasible to your proposed new home site.

After reviewing our Fire District's residential driveway standards with you this morning along with visiting your proposed driveway/house site, a fire department access road (driveway) is feasible. Our fire engines and ambulances should have no issues accessing your new home site on an approved driveway access road.

Regards,

James E. Christiansen
CRFR Fire Inspector

RECEIVED

JAN 27 2021

CITY OF ST. HELENS



FIRE MARSHAL

Columbia River Fire & Rescue / Scappoose Fire District



Item B.

Date: 05/29/2020

Andrew Schlumpberger

RE:

Belton Road Development Partition PT.1.20

Andrew Schlumpberger

Property Description: 160 Belton Road (5N1W-34BC1100 & 5N1W(34/201))

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JUN 1 2020
CITY OF ST. HELENS

Mr. Schlumpberger:

I received your request to review the subject property identified above and provide comments for the partition that is being requested. This is in accordance to item number 6 of the conditions listed by the City of St. Helens in the Land Use Decision. The recommendations by the fire district are listed below and are in accordance with fire district ordinances and the Oregon Fire Code (OFC).

1. New construction as proposed will not conform to the OFC. Specifically, Section 503 (Access to buildings) and Appendix "D". The tradeoff for the access challenge will be the following conditions:
 - i. The building shall be protected by a residential automatic sprinkler system meeting all provisions of NFPA 13D.
 - ii. Signage that clearly identifies the location of the new structure is required.
2. All items that are identified in the Fire code Guide (Adopted by ordinance) need to be adhered to and completed by final occupancy and inspection of the building. This includes the adopted county driveway standard, included as part of the driveway permit process.
 - i. Driveway Permit
 - ii. Address Signs
3. The fire district would like to request to have an opportunity to conduct operational training on the building prior to occupancy. This will consist of tours to become familiar of the building layout as well as pre plan our response operations due to some of the access challenges.

Should you have any questions about anything else, please do not hesitate to give me a call.

Sincerely,

Jeff Picher

Division Chief

Fire Marshal (CRF&R / SRFD)

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Columbia River Fire and Rescue / Scappoose Rural Fire District
270 Columbia Blvd. St Helens, OR 97051 / 52751 Columbia River Hwy (P.O.BOX 625) Scappoose OR, 97056
(503) 397-2900 / (503) 543-5026

Triton Lawn & Yard Maintenance

PO Box 1206

Rainier, OR 97048 US

503-793-7597

nealk13@gmail.com

Estimate

Andrew Shlumpberger

160 Belton Rd

St Helens, OR 97051

1023

05/27/2020

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2-Equipment:2-Excavator		35,000.00	35,000.00
Move 2 fire hydrants from proposed Belton road right of way. This excludes cost associated with breaking, drilling or blasting rock.			
2-Equipment:2-Excavator	1	18,000.00	18,000.00
Remove 14 trees from proposed Belton road right of way. Including stumps and roots.			
2-Equipment:2-Excavator	1	45,000.00	45,000.00
Prepare roadway surface to Columbia County Private road standards. This excludes any cost associated with breaking, drilling or blasting of rock.			
2-Equipment:2-Excavator	1	60,000.00	60,000.00
Pave road to Columbia County Private Road standards.			
1-Rock:3. 3 inch minus	1	7,000.00	7,000.00
Base rock for road widening			
1-Rock:1. 3/4 inch minus	1	1,800.00	1,800.00
Top Coat for road widening			
5-Other:Supplies	1	3,500.00	3,500.00
New hydrants to meet fire department code			
2-Equipment:1-Solo Truck	1	6,000.00	6,000.00
Haul rock to job site			
5-Other:Disposal Fee	1	5,000.00	5,000.00
Disposal of fill, wood, waste and stumps			

TOTAL

\$181,300.00

Accepted By

Accepted Date

Dear Planning Commission,

As a member of the community served by belton road I want to express my approval for the land partition, proposed by my neighbors Andrew and Lindsay Schlumpberger.

I have lived in the community where the new partition is proposed for many years. In this time I have seen changes occur including the construction of new homes and changes to existing terrain and roadways.

While it is known that this community is served by a long and narrow road, this neighborhood is also known to be safe. Many drivers navigate this roadway daily with little to no difficulty including the addition of delivery trucks and/or construction vehicles (only one single vehicle accident in last 30 years that I can recall).

I welcome the proposal of the Schlumpberger's new home and do not personally foresee any problems from the creation of one more home served by belton road.

Sincerely,

Ferry Belcher
Gym Belcher

105 Belton Road
St. Helens, OR 97051

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Exhibit 4

To whom it may concern:

We have lived off of Belton Rd on Greycliff Rd for many years, our home is one of the furthest homes serviced by the City's Step system, we live just down the road from the Schlumpberger's home, where we have not had any problems with the City's Step system, nor do we have any issues with the Schlumpberger's partitioning and building a new home closer to the river. As they have over 2 acres and with it meeting all the zoning requirements we do not see any reason why they should not be able to build a new home. As far as the safety of Grey Cliff Road and Belton Rd, we do not know of any accident that has occurred on either of these streets, as all of the neighbors drive at a safe speed due to the topography and the skinny streets that are present in this area.

Date 06/07/2020

Signed

Larry R Hough

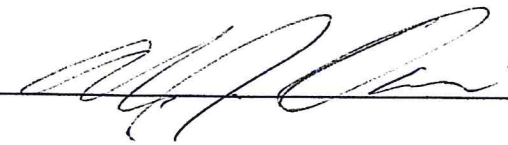
Name LARRY HOUGH
Address 575 GREY CLIFFS DRIVE
St HELENS, OR 97051

Ph# 503-366-0434

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JAN 27 2021
CITY OF ST. HELENS

I am a neighbor of Andrew and Lindsay Schlumpberger and my property is adjacent to the land partition that the Schlumpberger's are proposing on 160 Belton Road.

The purpose of this letter is to show my support for their proposed land partition as I support their project and have no desire to express any objections.

Signed:  Michael J. Quinn

Address: 80 Belton Rd. St. Helens, OR 97051

Date: 1/14/21

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CITY OF ST. HELENS



101 SW Main Street, Suite 1100
Portland, Oregon 97204

balljanik.com

t 503.228.2525
f 503.295.1058

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FEB 05 2021

CITY OF ST. HELENS

MEMORANDUM

TO: Jacob Graichen
FROM: Damien Hall
DATE: February 5, 2021
RE: Improvements to Belton Road

I. Background

The applicant proposes to partition an existing residential lot into two residential lots. The new residential lot to the north ("Parcel 2") is proposed to be accessed from Belton Road, a local collector, via private way across the new residential lot to the south ("Parcel 1"). The partition application does not propose any development on either parcel. Future residential development will be subject to additional review and approval by the City of St. Helens ("City").

While not required for a partition without concurrent development, the applicant is amenable to voluntarily improving the Belton Road right-of-way to a width of 24' at the location of the 90 degree turn adjacent to Parcel 1, as depicted on the submitted plans.

The balance of this memorandum details the applicable provisions of the St. Helens Municipal Code ("SHMC") and demonstrates that no street improvements are required for a partition without accompanying development. Even if the City should be inclined to interpret the SHMC to condition approval of this partition on concurrent or future street improvements, the City bears the burden to demonstrate that such improvements are roughly proportional to the impact of the proposed partition.

Finally, nothing in the SHMC precludes the City from agreeing to the voluntary street improvements proposed by the applicant or deferring street improvements to a future process. SHMC 17.152.030(5)(b) authorizes the City to determine that partial street improvements are appropriate and SHMC 17.152.030(1)(d) authorizes the City to accept a future improvement guarantee in lieu of street improvements.

II. No Street Improvements are Required

Street improvements are only required in association with development. See SHMC 17.152.030(1)(a) ("Streets within a development and streets adjacent shall be improved...") and 17.152.030(1)(b) ("Development on site adjacent to nonstandard street shall require improvement of street..."). The applicant proposes only a partition with no accompanying "development," which as that term is used in the SHMC is limited to physical changes such



as construction. See definition of development, SHMC 17.16.010. Thus, the applicant is not required to improve Belton Road. Street improvement requirements are properly imposed upon a future application for site development.

III. Constitutional Limitations

The applicant has provided an estimate of partial costs to improve Belton Road adjacent to the site. The estimate excludes breaking, drilling, and blasting rock. The shallow and hard nature of the basalt rock deposit upon which the site and the surrounding area is located and sensitivities related to blasting in residential areas result in an expensive and time consuming excavation. Even excluding the rock work, the estimate came in at \$181,300.

The costs of a full street improvement are not proportional (roughly or otherwise) to the nonexistent impact of the proposed partition. The impact is non-existent because no new residential use is proposed and no additional trips will be created by approval of the proposed partition. All residential use of Parcel 2 and associated impacts must be reviewed and approved in a subsequent action. Further, the City has the burden to demonstrate that any required street improvement is roughly proportional to the impacts of the proposed partition. The City cannot meet that burden because there are no impacts that flow from the partition application.

IV. Future Improvement Guarantee

Even if the SHMC does require a street improvement despite there being no proposed development (it does not), and even if the City somehow meets its constitution burden to demonstrate that the required street improvement is roughly proportional to the nonexistent impact of the proposed partition (it cannot), City staff should still accept a future improvement guarantee in lieu of a street improvement.

“The director may accept a future improvement guarantee in lieu of street improvements if one or more of the following conditions exist ... (iii) Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and that improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity.”

SHMC 17.152.030(1)(d)(iii). A partial improvement to Belton Road along the frontage of Parcel 1 provides no capacity increase or safety increase. Such an improvement would result in a narrower roadway surface than the voluntary improvement and would not extend through the entire 90-degree turn, resulting in the retention of limited sight lines and developed road width.

Further, the established single-family residential pattern along Belton Road is unlikely to be redeveloped in the near foreseeable future. Thus, there will not be an opportunity for the



City to require street improvements that would connect to a half street improvement along the frontage of Parcel 1. Accordingly, the City may accept a future improvement guarantee in lieu of any street improvements. See SHMC 17.152.030(1)(d)(iii).

V. Exception to Street Standards

The SHMC expressly permits the City to approve a partition on streets with paved roadways that are less than standard width, such as Belton Road. SHMC 17.152.030(5)(b) authorizes an exception to the roadway width standards when the "potential adverse impacts exceed the public benefits the standards," and directs the City to consider evaluating the public benefits in light of the criteria listed in subsection (5)(a).

Here, the proposed improvement would increase the width of the Belton Road at the 90 degree turn that neighbors and fire department personnel have identified as the location most in need of safety improvements. A half-street improvement along the frontage of the applicant's parcel would result in a narrower roadway surface than the voluntary improvement and would not extend through the entire turn. Further, the standard improvement would not change anticipated traffic generation, would not result in the availability of on-street parking or bikeways, and would decrease safety for motorists and bicyclists compared to applicant's proposed improvement. Thus, the proposed improvement would deliver additional public benefit.

The proposed improvement would also avoid removal of multiple mature trees, unnecessary grading and excavation of basalt rock, and potential impacts to adjacent wetlands. Such potential adverse impacts of the standard street improvement exceed the public benefits of the standard, which are negative compared to applicant's proposed improvement. Thus, the City is expressly authorized to impose an alternative standard.

I am a neighbor of Andrew and Lindsay Schlumpberger and my property is adjacent to the land partition that the Schlumpberger's are proposing on 160 Belton Road.

The purpose of this letter is to show my support for their proposed land partition as I support their project and have no desire to express any objections.

Signed: Jerry Belcher

Address: 105 Belton Rd.
St. Helens, OR 97051

Date: 24 Feb 2021

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MAR 1 2021
CITY OF ST. HELENS

I am a neighbor of Andrew and Lindsay Schlumpberger and my property is adjacent to the land partition that the Schlumpberger's are proposing on 160 Belton Road.

The purpose of this letter is to show my support for their proposed land partition as I support their project and have no desire to express any objections.

Signed: _____

Larry R. Hough

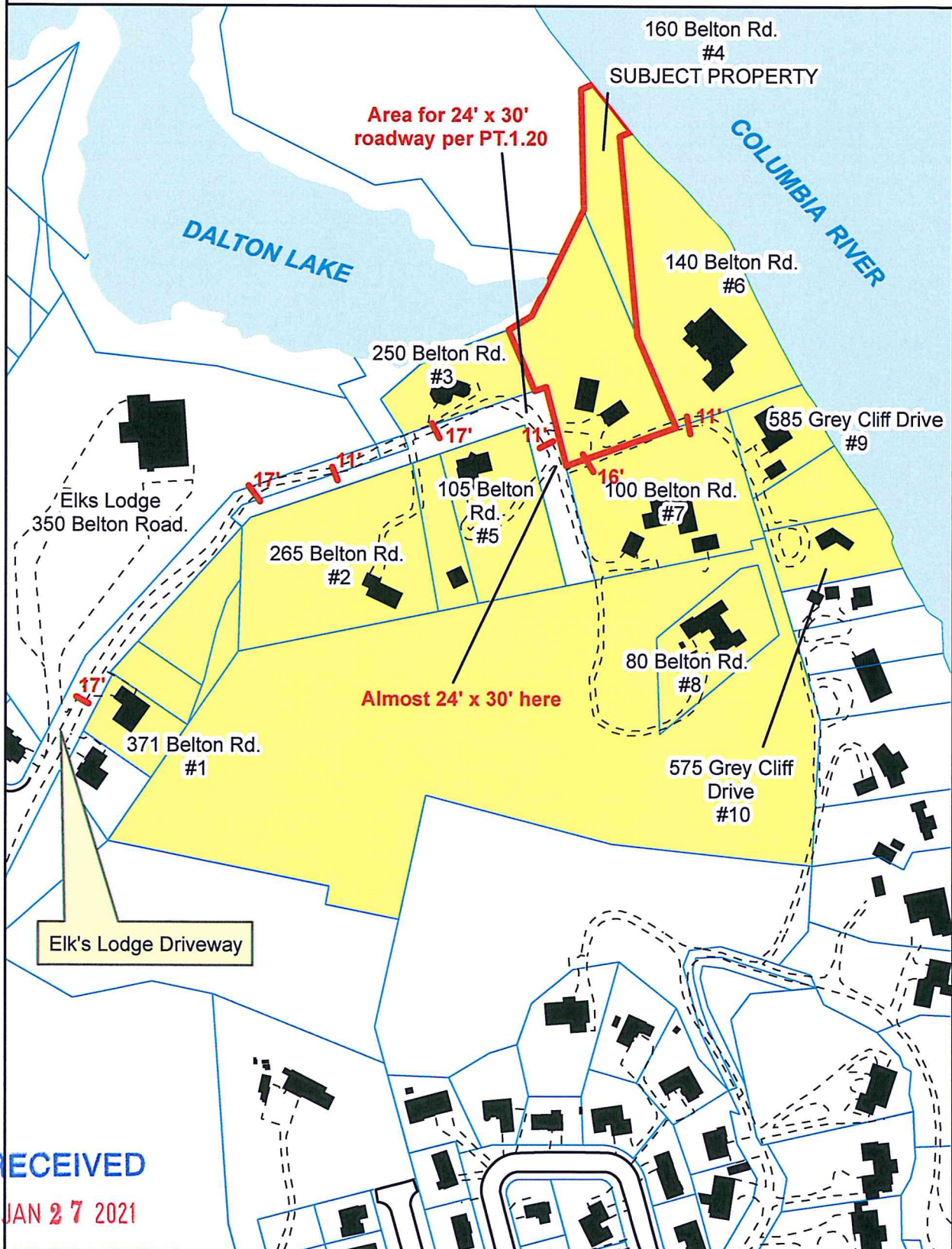
Address: 575 Grey Cliffs Drive, St. Helens OR 97051

Date: 2/24/21

RECEIVED
MAR 1 2021
CITY OF ST. HELENS

FILE: AP.1.20
ATTACHMENT

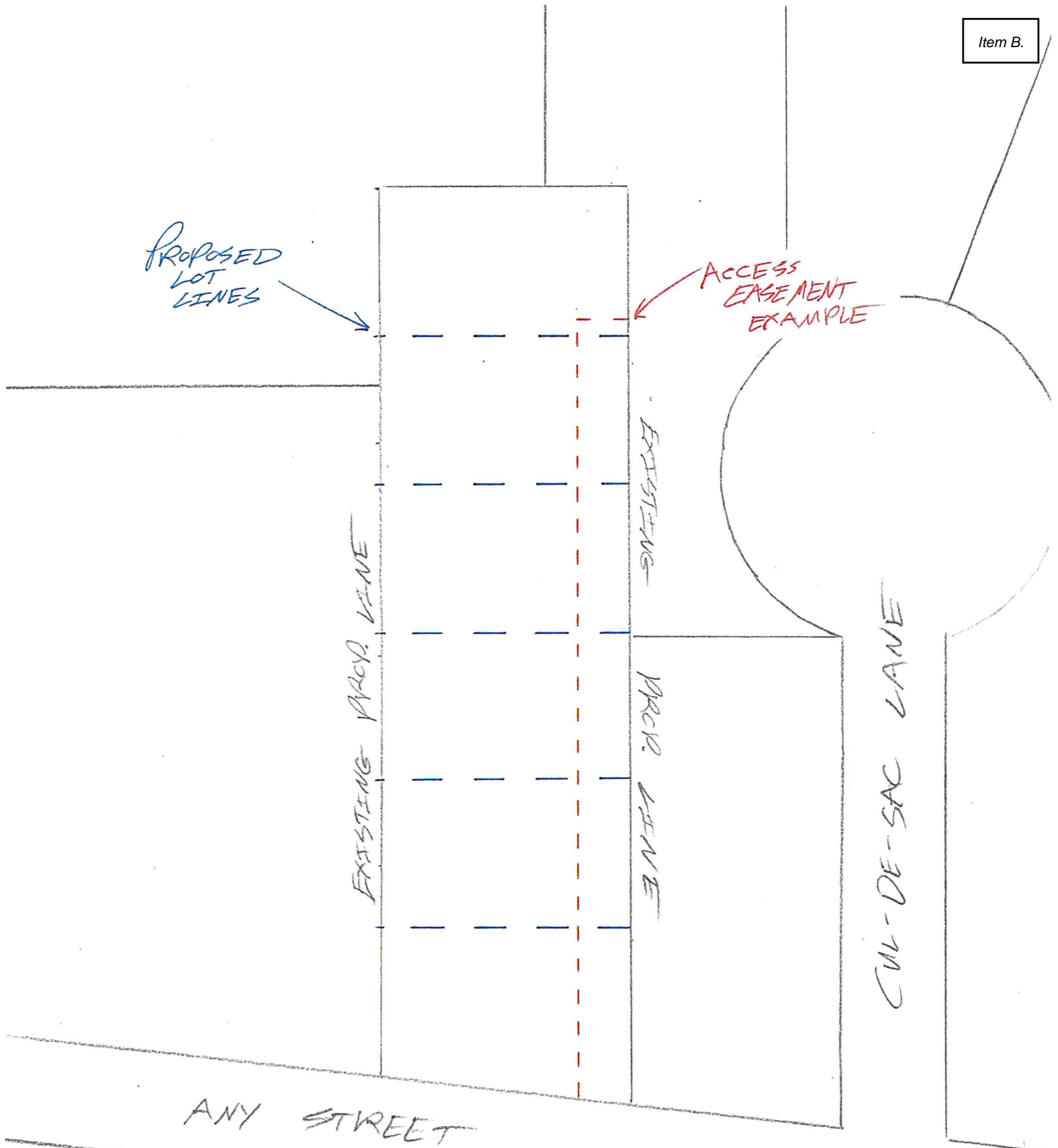
Number of Existing Dwellings Currently Accessed Via Belton Road
After The Elks Lodge Driveway & Road Width Measurements



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JAN 27 2021

CITY OF ST. HELENS



Private Drive/Access Easement Exhibit.

The purpose of this exhibit is to show how a typical access easement (private drive), when allowed in lieu of a public right-of-way, looks like. This is not to scale and does not indicate any approved development plan. It is strictly for explanation purposes only.

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Development Code Amendments CPZA.1.21**

DATE: March 1, 2021
To: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: City of St. Helens

PROPOSAL: Amend the following Chapters of the St. Helens Municipal Code: 17.16 general and land use definitions, 17.24 procedures for decision-making – quasi-judicial, 17.32 zones and uses, 17.40 protective measures for significant wetlands, riparian corridors, and protection zones, 17.56 density computations, 17.64 additional yard setback requirements and exceptions, 17.68 building height limitations – exceptions, 17.72 landscaping and screening, 17.80 off-street parking and loading requirements, 17.84 access, egress and circulation, 17.88 signs, 17.92 mixed solid waste and recyclables storage..., 17.96 site development review, 17.100 conditional use, 17.104 nonconforming situations, 17.108 variances, 17.124 accessory structures, 17.132 tree removal, 17.136 land division – subdivision, 17.152 street and utility improvement standards, and 19.20 maps.

Remove Chapter 17.128 Auxiliary Dwelling Units.

The 120-day rule (ORS 227.178) for final action for this land use decision is not applicable.

BACKGROUND

These amendments address several Chapters of the Development Code. The main catalyst of this effort is Oregon House Bill (HB) 2001 (July 2, 2019), which creates an entitlement for two dwellings on a single property that allows a detached single-family dwelling. As a “medium city” per this HB (i.e., city with a population between 10,000 – 12,500) St. Helens is required to enact laws that achieves the “2-dwelling” requirements of the HB by June 30, 2021.

Because this effort necessitated a thorough review of the Development Code, staff used this opportunity to amend other matters to improve the code (code housekeeping).

PUBLIC HEARING & NOTICE

Hearing dates are as follows: March 9, 2021 before the Planning Commission and April 7, 2021 before the City Council.

Notice of this proposal was sent to property owners of land zoned residential (R10, R7, R5, AR and MHR) and some mixed-use zones (MU and HBD) on February 8, 2021. This notice was sent to approximately 4,000 different properties to satisfy any requirements per ORS 227.186 in addition to providing information to citizens.

Notice was sent to agencies by mail or e-mail on February 17, 2021.

Notice was published in the The Chronicle on February 24, 2021.

Notice was sent to the Oregon Department of Land Conservation and Development on February 1, 2021.

AGENCY REFERRALS & COMMENTS

None received as of the date of this report.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.20.120(1) – Standards for Legislative Decision

The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:

- (a) The statewide planning goals and guidelines adopted under ORS Chapter 197;
- (b) Any federal or state statutes or guidelines found applicable;
- (c) The applicable comprehensive plan policies, procedures, appendices and maps; and
- (d) The applicable provisions of the implementing ordinances.
- (e) A proposed change to the St. Helens zoning district map that constitutes a spot zoning is prohibited. A proposed change to the St. Helens comprehensive plan map that facilitates a spot zoning is prohibited.

(a) Findings: This criterion requires analysis of the applicable statewide planning goals. The applicable goals in this case are: Goal 1 and Goal 10.

Statewide Planning Goal 1: Citizen Involvement.

Goal 1 requires the development of a citizen involvement program that is widespread, allows two-way communication, provides for citizen involvement through all planning phases, and is understandable, responsive, and funded.

Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in the statutes and in its acknowledged comprehensive plan and land use regulations.

The City's Development Code is consistent with State law with regards to notification requirements. Pursuant to SHMC 17.20.080, at least one public hearing before the Planning Commission and City Council is required. Legal notice in a newspaper of general circulation is required too. The City has met these requirements and notified DLCD of the proposal as required by State law.

Efforts prior to the scheduled public hearings:

- October 13, 2020 – Initial presentation before the Planning Commission to vet the issues.
- November 4, 2020 – Initial presentation to the City Council to vet the issues. Feedback helped to guide staff's efforts.
- December 8, 2020 – Follow-up discussion with the Planning Commission (limited discussion due to the Commission's workload). Feedback helped to guide staff's efforts.
- January 12, 2021 – Follow-up discussion with the Planning Commission to vet issues based on Council feedback from the November 4, 2020 effort. Feedback helped to guide staff's efforts.
- January 20, 2021 – Follow-up discussion with the City Council explaining concepts proposed and request for approval of concepts as required by SHMC 17.20.020(2)(b) to officially start the legislative process. Feedback helped to guide staff's efforts.
- February 8, 2021 – Notice was sent to the owners of approximately 4,000 different properties as noted under the Public Hearing and Notice section above.
- February 9, 2021 – Preparatory discussion with the Planning Commission in anticipation of the March public hearing.
- February 19, 2021 – City Communications staff posts information about the code amendments on the City's Facebook page <https://www.facebook.com/cityofsthelens/>.
- February 26, 2021 – The city's March 2021 e-newsletter includes an article about the code amendments.

Statewide Planning Goal 10: Housing.

Goal 10 requires buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Housing is a major component of this proposal. Moreover, this Goal must be addressed as residential lands or any land where needed housing is possible are potentially affected.

This Goal has a couple components: 1) inventorying of land for housing need, and 2) demographic broad spectrum housing availability in both quantity and variety of type.

Inventorying

St. Helens completed and adopted a Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) in 2019 (Ordinance No. 3244). The results of the housing needs analysis indicates that the current St. Helens Urban Growth Boundary is sufficient to accommodate future housing needs, with a small deficiency of high-density land for multi-family development.

The BLI did not assume the affect HB 2001 would have on the city's housing supply. These amendments facilitate higher densities and more efficient use of land within the city's corporate boundaries.

Land Need (net acres)	
Low Density*	240
Medium Density**	40
High Density	24
Manufactured Home Parks	5
Total	309
Buildable Land Inventory (net acres)	
Low Density	532
Medium Density	93
High Density	16
Manufactured Home Parks	45
Commercial/Mixed Use***	19
Total	705
UGB Land Surplus/Deficit (net acres)	
Low Density*	293
Medium Density**	53
High Density	(8)
Manufactured Home Parks	40
Commercial/Mixed Use	19
Total	397
Adequacy of UGB to meet housing need	adequate

* Includes detached units and mobile homes. ** Includes townhomes, plexes and group quarters.

Left: Table showing the city's HNA findings. St. Helens has adequate land across most categories. The high-density deficit could be addressed in the commercial/mixed use land surplus.

The amendments enable more efficient use of residential land uses in the city's residential zones (R10, R7, R5, AR and MHR) and some mixed use zones (MU and MHR).

Though the amendments do not address multidwelling development, it will still help facilitate greater use of high density areas and mixed use areas, helping to offset the small high density deficit.

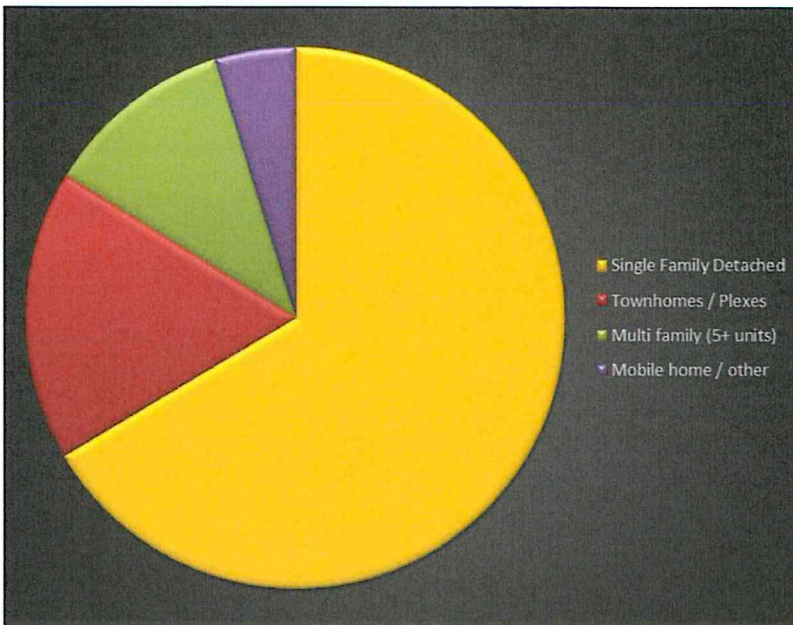
The HNA includes a policy goal to develop a cottage cluster code. Though, these amendments do not do that, staff did use the HB2001 model code for "large cities" to propose building separation standard limits that would be within the cottage clusters allowances. This way, the separation standards proposed now will translate to cottage clusters when the city pursues a cottage cluster code in the future.

Demographic broad spectrum housing availability in both quantity and variety of type

This proposal doubles the potential number of dwelling units in the R7 and R10 zones where duplexes are restricted or not allowed at all. In the R5 and AR zones, where duplexes regulations are less burdensome, this still will facilitate an increase in dwelling units by putting duplexes on the same regulatory footing as detached-single family dwellings. These provisions will help create more duplexes throughout the city's residential zoning districts. Moreover, since

St. Helens has decided to allow two-detached single-family dwellings anywhere where duplexes are allowed, this adds a new option to the housing menu in St. Helens.

Note that the ADU Chapter is being removed. An ADU is a smaller unit on a lot with a detached single-family dwelling per St. Helens law. Since two detached dwellings can be allowed with no required size differential per these amendments, the ADU Chapter is moot.



Left: Existing housing mix 2013-2017, City of St. Helens.

A key objective of HB 2001 is to support the balance of “middle housing” types compared to the traditional single detached single-family dwelling per lot.

The amendments create more opportunity for plexes (2-unit at least), which are considered a type of middle housing. This should help shift the makeup of housing types in this community over time to be less dominated by the traditional single detached single-family dwelling per lot housing type.

Source: U.S. Census, American Community Survey, 2013-2017.

These amendments help facilitate housing options, adding to housing type diversity and increased density which helps to broaden housing options for people. This proposal advances the flexibility of housing location, type and density as required by this Goal.

(b) Findings: This criterion requires analysis of any applicable federal or state statutes or guidelines.

This proposal is largely driven by Oregon House Bill 2001. The Bill requires St. Helens to adopt certain two-unit entitlements on detached single-family lots by the end of June 2021 or do nothing and be mandated to follow a model code. St. Helens seeks to adopt its own code in compliance with the restrictions of the House Bill as per OAR 660-046.

In addition, some of the other changes proposed that are not a result of HB 2001 relate to other State law. See **attached** summary of code amendments by Chapter.

(c) Findings: This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices and maps.

For these findings, the comprehensive plan addendums will be examined followed by policies.

Comprehensive Plan Addendums:

The applicable addendums to the Comprehensive Plan include the **Economic Opportunities Analysis** (Ord. No. 3101), **Waterfront Prioritization Plan** (Ord. No. 3148), **Transportation Systems Plan** (Ord. No. 3150), **Corridor Master Plan** (Ord. No. 3181), **Parks & Trails Master Plan** (Ord. No. 3191), **Riverfront Connector Plan** (Ord. No. 3241), and **Housing Needs Analysis** (Ord. No. 3244).

The applicable addendum is the **Housing Needs Analysis** (HNA). One of the HNA recommended policies regarding housing included consider[ing] allowing duplexes in R7 zoned land. Currently, duplexes are a conditional use in this zone and the HNA suggested making them permitted uses. This proposal does that and much more.

Another recommended policy of the HNA included development of a cottage cluster code which would specify design standards and dimensions for cottage cluster development. Though this is not being specifically addressed at this time, allowing two detached single-family dwellings anywhere a duplex or single detached single-family dwelling would go is a step towards cottage clusters. In addition, in examining distance between building requirements for the current proposal, staff looked at the model code for large cities (OAR 660-046 Exhibit B – Large Cities Middle Housing Model Code) as a guide for standards that could apply to cottage clusters in the future that are consistent with other standards being proposed now.

Comprehensive Plan Policies:

The overall purpose of these amendments is to increase housing choice and supply. This supports the following policies of SHMC 19.08.050(3):

- (b) Encourage the distribution of low income and/or multifamily housing throughout the city rather than limiting them to a few large concentrations

With more housing choice and supply, there is greater probability for housing for low income. Though these amendments do not specifically pertain to multifamily development, they will enable two-dwelling units on the majority of single-family lots in the city, rather than a concentrated area.

Moreover, a second dwelling unit on a property could allow for rental income, which may bring some into the housing market who could not otherwise afford it (e.g., without rental income subsidy).

- (d) Encourage and cooperate with all efforts to provide adequate housing for those with special needs

With more housing choice and supply, there is greater probability for housing for people with special needs. Moreover, enabling a second dwelling unit on

property provides additional options for people who want to care for their loved ones on their own property.

(g) Re-evaluate city ordinances and, where possible, streamline administration and requirements in order to reduce development costs

Because Oregon House Bill 2001 required staff to review the city's code in detail, it presented an opportunity to make improvements for better clarity.

HB 2001 required changes eliminate conditional use permit requirements for duplexes in the R7 zone and makes them possible in the R10 zone. It reduces the number of parking spaces from four to two and reduces most standards that apply to duplexes.

Changes not necessarily mandated by HB 2001 but are included with these amendments includes (but is not limited to):

- Removal of the ADU chapter as allowing two detached single-family dwellings on a lot. This means one less permit and easier standards to follow;
- Increasing building/structure coverage of residential zones from 35% to 40%; and
- Providing more options when a second driveway may be allowed for one- or two-unit residential lots.

Many of the changes streamline administration and lesson the burden to develop duplexes or second (on already developed lot) detached single-family dwellings.

(d) Findings: This criterion requires analysis of the applicable provisions of the implementing ordinances. This proposal updates the City's implementation ordinances as embodied in the Development Code.

(e) Findings: This criterion is intended to prevent spot zoning, which does not apply in this case.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this application.

Attachment(s): Summary of amendments by Chapter (Jan. 28, 2021 revision)
Draft code amendments (Jan. 26, 2021 revision)

Written testimony received as of the date of this report:

- Email from Doug Walker received Feb. 20, 2021
- Letter from Anna and Donald Earlywine received Feb. 18, 2021
- Letter from Wendy Wilson received Feb. 19, 2021
- Email from Bob and Shauna Eckert received Feb. 22, 2021
- Letter from Teresa Thorpe received Feb. 22, 2021

Summary of St. Helens 2021 Development Code Amendments by Chapter

File: CPZA.1.21

Chapter 17.16 – GENERAL AND LAND USE DEFINITIONS

Updates to Accessory Dwelling Unit (ADU) and yard (setback) definitions per Oregon HB 2001 related amendments. Also adds “interior yard” which is a required distance between buildings. Other minor edits.

Chapter 17.24 – PROCEDURES FOR DECISION-MAKING – QUASI-JUDICIAL

Minor edits. Notice required for subdivision final plats is currently incorrect and being fixed.

Chapter 17.32 – ZONES AND USES

R10 zone amended to allow 2 dwelling units per lot per Oregon HB 2001. May be a duplex or two detached single-family dwellings. Duplexes are not allowed in this zone currently. Establishes 10’ distance requirement between buildings. Lot standards for duplexes will be the same as the current standards for detached single-family dwellings. Increases building and structure maximum lot coverage from 35% to 40%.

Removes “residential facility” as a permitted use. Pursuant to ORS 197.667(2), a residential facility shall be a conditional use in any zone where multifamily residential uses are a conditional use. Multifamily development is not allowed in this zone and residential facility is not listed in the R7 zone, which is higher density than R10. This use is out of place in this zone.

R7 zone amended to allow 2 dwelling units per lot per Oregon HB 2001. May be a duplex or two detached single-family dwellings. Duplexes are conditionally allowed in this zone currently. They will be a permitted use with these changes. Establishes 7’ distance requirement between buildings. Lot standards for duplexes will be the same as the current standards for detached single-family dwellings. Increases building and structure maximum lot coverage from 35% to 40%.

R5 zone amended to allow 2 dwelling units per lot per Oregon HB 2001. May be a duplex or two detached single-family dwellings. Duplexes (but not two detached units) already allowed as a permitted use. Establishes 6’ distance requirement between buildings. Lot standards for duplexes will be the same as the current standards for detached single-family dwellings. Increases building and structure maximum lot coverage from 35% to 40% for detached single-family dwelling unit or two-dwelling unit lots; 50% already allowed for attached single-family dwelling and multifamily lots.

Also moves “residential facility” to conditional use category. Pursuant to ORS 197.667(2), a residential facility shall be a conditional use in any zone where multifamily residential uses are a conditional use. Multifamily is a conditional use in this zone.

AR zone amended to allow 2 dwelling units per lot per Oregon HB 2001. May be a duplex or two detached single-family dwellings. Duplexes (but not two detached units) already allowed as a permitted use. Establishes 6’ distance requirement between buildings.

The current minimum lot size and minimum lot width for a detached single-family dwelling lot is 3,050 square feet and 30 feet. The current standards for a duplex lot are 5,000 square feet in area and 50 feet in width.

The new standards for a lot eligible for one or two detached units or a single duplex are proposed at 4,000 square feet in area and 40 feet in width.

Decreasing side yard for attached single-family dwellings from 10 feet to 5 feet. The requirement in the R5 zone (the other residential zone where attached single-family dwellings are allowed) is 5 feet. AR zone is higher density than R5 so having a more restrictive standard is out of place.

MHR zone amended to allow 2 dwelling units per lot per Oregon HB 2001. Same standards as the R5 zone in that regard.

Removes attached single-family dwellings from list of conditional uses; few properties are zoned MHR (Mobile Home Residential) and attached single-family dwelling lots would not be eligible for manufactured homes.

MHR zone has the same residential facility issue as described in the R5 zone.

MU zone amended to allow 2 dwelling units per lot per Oregon HB 2001, which are the same standards as the R5 zone in that regard.

MU zone has the same residential facility issue as described in the R-5 zone.

RD-Plaza and HBD zones amended by removing fee in lieu of provision for off-street parking and landscaping. Due to the small size of these zoning districts, the fees collected (\$0 to date) would not be of any practical value. Also, amendments for better clarity.

In the HBD zone, detached single-family dwellings and duplexes use the R5 zone standards. See R5 zone above.

HBD zone has the same residential facility issue as described in the R5 zone.

RD-Mill zone amended with minor text edits.

Chapter 17.40 – PROTECTIVE MEASURES FOR SIGNIFICANT WETLANDS, RIPARIAN CORRIDORS, AND PROTECTION ZONES

Amended to allow two units per lot per Oregon HB 2001 where one detached dwelling unit is referenced. Clarifies how rules in this chapter apply to certain land divisions.

Also removes wetland F-4 from the Type II wetland list. Wetland F-4 was officially determined to not be significant to the City via Ordinance 2895 (October 2003). Chapter 17.40 took effect on December 1, 2003, so Wetland F-4 should have never been listed. Wetland F-4 is between the wastewater treatment lagoon and the Multnomah Channel.

****Note that Wetland F-4 also removed from the table in Chapter 19.20 of the Comprehensive Plan.****

Chapter 17.56 – DENSITY COMPUTATIONS

Clarifies density calculations for lots given HB 2001.

Chapter 17.64 – **ADDITIONAL YARD SETBACK REQUIREMENTS AND EXCEPTIONS**

Improves language for clarity given new distance-between-buildings (interior yard) rules. Allows exterior side yard (setback) encroachment allowances for corner lots on the flanking street side like other allowances already in place for other yards (e.g., front and rear). Includes stair and landing yard exception for interior yards (area between buildings). Increases height for “open porch, etc.” yard encroachment allowance to 48 inches from 36 inches. Generally, anything less than 30” above grade is exempt from yard requirements so 36 inches (only 6” difference) seems odd.

Residential accessory structures (shed on a lot developed with a home for example) that are small enough to not require permitting (200 square feet and under generally) have smaller setback requirements than larger buildings that require permits. Language clarifying this is added.

Chapter 17.68 – **BUILDING HEIGHT LIMITATIONS – EXCEPTIONS**

Adds River Way to the lists of streets that Scenic Resource Review is required. Staff believes its omission was an oversight of the past.

Chapter 17.72 – **LANDSCAPING AND SCREENING**

Minor edits.

Chapter 17.80 – **OFF-STREET PARKING AND LOADING REQUIREMENTS**

Improves language for parking space size and other matters. Revises parking requirements per HB 2001.

Chapter 17.84 – **ACCESS, EGRESS AND CIRCULATION**

Currently, number of street access points (driveways) is restricted to one per residential lot, except for duplexes on corner lots. Proposal changes this to allow a second driveway for any corner lot and when a lot abuts a street that does not allow on-street parking. Spacing and other standards still apply so two driveways along streets other than local classified streets will still be restricted. This pertains to detached single-family or duplex lots.

Chapter 17.88 – **SIGNS**

Building code no longer addresses signage if it is not mounted on or otherwise related to a building. Taller signs will require footing and foundation details as part of Sign Permits to ensure they will not become a hazard.

Chapter 17.96 – **SITE DEVELOPMENT REVIEW**

Minor edits.

Chapter 17.100 – **CONDITIONAL USE**

Language added to caretaker residence standards (related to industrial use) emphasizing only one dwelling allowed. Also, removal of travel trailer park standard that limits stay to 30 days which is invalid per ORS 197.493.

Chapter 17.104 – **NONCONFORMING SITUATIONS**

Amended to make detached single-family dwellings and two units equal as necessary per HB 2001. Also new provisions for converting accessory structures to second detached dwelling units (on a lot already developed with a detached single-family dwelling).

Chapter 17.108 – **VARIANCES**

Improved language for the exceptions allowed.

Chapter 17.128 – **AUXILIARY DWELLING UNITS**

This chapter is being deleted. Since the City is electing to allow two detached single-family dwellings per lot given HB 2001, this chapter is no longer necessary.

Chapter 17.132 – **TREE REMOVAL**

Minor edits.

Chapter 17.136 – **LAND DIVISION – SUBDIVISION**

Updating access control standards. Code references the historically used reserve strip. Language added to allow narrative on the plat that achieves the same purpose, which has been a common practice for many years.

Chapter 17.132 – **STREET AND UTILITY IMPROVEMENT STANDARDS**

Changes given HB 2001. Also, updates the City's skinny street standards, increasing the roadway width within a 40' wide right-of-way from 26 feet to 28 feet to better accommodate on-street parking on one side, while eliminating the 20-foot roadway width standard that does not allow for any on-street parking. Also reduces the maximum number of lots allowed to use a skinny street from 20 to 10, more-or-less.

underlined words are added
~~words-stricken~~ are deleted

[...] means skipping text as it reads in the code (e.g., to focus on text being edited in this document)

TITLE 17 COMMUNITY DEVELOPMENT CODE

Chapters:

[...]

17.124 Accessory Structures

~~17.128 Auxiliary Dwelling Units~~

17.132 Tree Removal

[...]

CHAPTER 17.16 GENERAL AND LAND USE DEFINITIONS

[...]

17.16.010 General and land use definitions.

[...]

Accessory Dwelling Unit. See “auxiliary or accessory dwelling unit.”

[...]

Auxiliary or Accessory Dwelling Unit. See “dwelling, auxiliary or accessory” ~~and Chapter 17.128 SHMC.~~

[...]

Duplex. See “dwelling: duplex or two units (two-family).”

[...]

“Dwelling, auxiliary or accessory” means an interior dwelling unit or attached or detached residential dwelling unit structure that is used in connection with, or that is accessory to, a detached single-family dwelling unit (principal dwelling) and is located on the same lot or parcel as the principal dwelling. ~~Auxiliary dwelling units are subject to Chapter 17.128 SHMC.~~ Ordinance No. ???, allows a second detached single-family dwelling or duplex on any lot that

allows detached single-family dwellings as a permitted use. An allowed second dwelling unit is a principal use and may also be considered an auxiliary or accessory dwelling unit.

“Dwelling, detached: single unit (one-family)” means one dwelling unit, freestanding and structurally separated from other dwelling units or buildings, located on a lot.

“Dwelling: duplex or two units (two-family)” means two dwelling units placed so that some structural parts are in common and are located on a single lot or development site. No more than two units may be joined by common wall.

“Dwelling: multidwelling unit, apartment (multifamily)” means a structure containing at least three dwelling units in any vertical or horizontal arrangement located on a single lot (e.g., town-house, triplex, apartments and condominiums).

“Dwelling unit” means one or more rooms designed for occupancy by one or more persons for living purposes providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

[...]

~~“Floodplain” means land adjacent to a watercourse that is covered with water during periods of flooding; normally defined as an area of land inundated by a flood having a one percent chance of occurring in any year.~~ See Chapter 17.46 SHMC.

~~“Floodway” means the normal stream or drainage channel and that adjoining area of the natural floodplain needed to convey the waters, and including the no-rise floodway area defined by the most current U.S. Corps of Engineers Flood Insurance Study. Floodways must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.~~

[...]

Single Unit, Attached. See “dwelling, attached: single unit.”

Single Unit, Detached. See “dwelling, detached: single unit (one-family).”

[...]

“Yard” means an open space on a lot which is unobstructed from the ground upward, by buildings and structures for example, except as otherwise provided in this code. There are four types of yards: front, interior, rear, and side. When determining setback, yard does not include an access easement or street right-of-way.

“Yard – front” means a yard, the front of which is the front lot line measuring at right angles toward the building/structure the required distance or to the front exterior wall of the building/structure.

“Yard – interior” means a yard between buildings/structures on the same lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.

“Yard – rear” means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the building/structure.

“Yard – side” means a yard not defined as front; ~~or rear, or interior~~. On corner lots (see “lot, corner”) the side yard along the flanking street is the exterior side yard.

[...]

CHAPTER 17.24 PROCEDURES FOR DECISION-MAKING – QUASI-JUDICIAL

[...]

17.24.120 Notice of decision by the director.

(1) Notice of the director’s decision on an application pursuant to SHMC 17.24.090 shall be given by the director in the following manner:

(a) Within 10 working days of signing the proposed decision, notice shall be sent by mail to:

[...]

(ii) All surrounding property owners of record of property within the applicable notice area of the property for the following types of director decisions:

(A) Lot line adjustments, major site ~~design~~ development reviews, minor modifications to conditional use permits, sensitive lands, temporary uses, accessory structures, subdivision final plats: 100 feet;

[...]

(4) If not listed in subsection (1) of this section, no notice of a director’s decision is required (e.g., final plat partitions, ~~final plat subdivisions~~, building permits).

[...]

CHAPTER 17.32 ZONES AND USES

[...]

17.32.050 Suburban residential zone – R-10.

(1) Purposes. The R-10 zone is intended to provide minimum development standards for residential purposes and to establish larger urban residential home sites.

- (2) Uses Permitted Outright. In an R-10 zone, the following uses are permitted outright:
- (a) ~~Auxiliary dwelling unit (per Chapter 17.128 SHMC)~~ Duplex.
 - (b) Home child care.
 - (c) Home occupation (per Chapter 17.120 SHMC).
 - (d) Public facilities, minor.
 - (e) Public park after site ~~design~~ development review.
 - ~~(f) Residential facility.~~
 - ~~(g)~~ (f) Residential home.
 - ~~(h)~~ (g) Single-dwelling unit, detached. Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.
- (3) Conditional Uses (See Chapter 17.100 SHMC). In an R-10 zone, the following conditional uses may be permitted upon application:
- (a) Children's day care or day nursery.
 - (b) Cultural exhibits and library services.
 - (c) Elderly/convalescent care facility.
 - (d) Private park.
 - (e) Public facilities, major.
 - (f) Public safety facilities.
 - (g) Religious assembly.
- (4) Standards. In the R-10 zone the following standards shall apply:
- (a) The minimum lot size shall be 10,000 square feet for all uses.
 - (b) The minimum lot width at the building line shall be 70 feet, except on a corner lot it shall be 85 feet.
 - (c) The minimum lot width at the street shall be 60 feet.
 - (d) The minimum lot width at the street on an approved cul-de-sac shall be 30 feet.
 - (e) The minimum lot depth shall be 100 feet.
 - (f) The minimum front yard shall be 20 feet.
 - (g) The minimum side yard width shall be 10 feet except on corner lots where the ~~setback~~ exterior side yard shall be 20 feet ~~when facing a street other than an alley~~.
 - (h) The minimum rear yard depth shall be 20 feet.
 - (i) The minimum interior yard shall be 10 feet.
 - ~~(i)~~ (j) The minimum front and side yards or other setbacks as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way widths to serve the area; in such cases, the planning commission shall determine the necessary setback requirements.
 - ~~(j)~~ (k) The maximum building height shall be 35 feet, except as required in SHMC 17.68.040.
 - ~~(k)~~ (l) Structures and buildings shall not occupy more than ~~35~~ 40 percent of the lot area.
 - ~~(l)~~ (m) No lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92 shall have more than one principal building thereon, except as otherwise allowed in this section.
 - ~~(m)~~ (n) The minimum landscaping shall be 25 percent of the lot area.
- (5) All chapters of the Development Code apply.
- (a) See Chapter 17.64 SHMC for additional yard requirements and exceptions.
 - (b) See SHMC 17.108.050(4) for yard reductions and structure/building coverage increases.

17.32.060 Moderate residential zone – R-7.

(1) Purpose. The R-7 zone is intended to provide minimum development standards for residential purposes and to establish urban moderate density residential home sites.

(2) Uses Permitted Outright. In an R-7 zone, the following uses are permitted outright:

- (a) ~~Auxiliary dwelling unit (per Chapter 17.128 SHMC)~~ Duplex.
- (b) Home child care.
- (c) Home occupation (per Chapter 17.120 SHMC).
- (d) Public facilities, minor.
- (e) Public park after site design review.
- (f) Residential home.
- (g) Single-dwelling unit, detached. Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.

(3) Conditional Uses (See Chapter 17.100 SHMC). In an R-7 zone, the following conditional uses may be permitted upon application:

- (a) Bed and breakfast, homestay, boarding house.
- (b) Children's day care/day nursery.
- (c) Community recreation facility.
- (d) Cultural exhibits and library services.
- ~~(e) Duplex residential units.~~
- ~~(f)~~ (e) Neighborhood store/plaza.
- ~~(g)~~ (f) Elderly/convalescent home.
- ~~(h)~~ (g) Private park.
- ~~(i)~~ (h) Public facilities, major.
- ~~(j)~~ (i) Public safety facilities.
- ~~(k)~~ (j) Religious assembly.

(4) Standards. In the R-7 zone the following standards shall apply:

- (a) The minimum lot size is 7,000 square feet for all uses ~~except for duplexes which need 10,000 square feet on interior lots.~~
- (b) The minimum lot width at the building line shall be 60 feet, except on a corner lot it shall be 85 feet.
- (c) The minimum lot width at the street shall be 50 feet; ~~except for duplexes, the minimum lot width shall be 60 feet.~~
- (d) The minimum lot width at the street on an approved cul-de-sac shall be 30 feet.
- (e) The minimum lot depth shall be 85 feet.
- (f) The minimum front yard shall be 20 feet.
- (g) The minimum side yard shall be seven feet except on corner lots where the ~~setback exterior side yard~~ shall be 14 feet ~~when facing a street other than an alley.~~
- (h) The minimum rear yard depth shall be 20 feet.
- (i) The minimum interior yard shall be 7 feet.
- ~~(j)~~ (i) The minimum front and side yards or other setbacks as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way widths to serve the area; in such cases, the planning commission shall determine the necessary setback requirements.
- ~~(j)~~ (k) The maximum building height shall be 35 feet.
- ~~(k)~~ (l) Buildings and structures shall not occupy more than ~~35~~ 40 percent of the lot area.

~~(4)~~ (m) No lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92 shall have more than one principal building thereon, except as otherwise allowed in this section.

~~(m)~~ (n) The minimum landscaping shall be 25 percent of the lot area.

(5) All chapters of the Development Code apply.

(a) See Chapter 17.64 SHMC for additional yard requirements and exceptions.

(b) See SHMC 17.108.050(4) for yard reductions and structure/building coverage increases.

17.32.070 General residential zone – R-5.

(1) Purpose. The R-5 zone is intended to provide minimum development standards for residential purposes and to establish ~~sites for single dwelling, detached and attached units for medium density residential developments~~ urban moderately high density residential home sites.

(2) Uses Permitted Outright. In an R-5 zone, the following uses are permitted outright:

~~(a) Auxiliary dwelling unit (per Chapter 17.128 SHMC).~~

~~(b)~~ (a) Duplex ~~dwelling units.~~

~~(e)~~ (b) Home child care.

~~(d)~~ (c) Home occupation (per Chapter 17.120 SHMC).

~~(e)~~ (d) Public facility, minor.

~~(f)~~ (e) Public park.

~~(g) Residential facility.~~

~~(h)~~ (f) Residential home.

~~(i)~~ (g) Single-dwelling units, attached (five units maximum together).

~~(j)~~ (h) Single-dwelling unit, detached. Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.

(3) Conditional Uses (See Chapter 17.100 SHMC). In an R-5 zone, the following conditional uses may be permitted upon application:

(a) Bed and breakfast, homestay, and boarding house.

(b) Children's day care/day nursery.

(c) Commercial recreation facility.

(d) Cultural exhibits and library services.

(e) Neighborhood store/plaza.

(f) Multidwelling units.

(g) Elderly/convalescent home.

(h) Private park.

(i) Public facilities, major.

(j) Public safety facilities.

(k) Religious assembly.

(l) Residential facility.

(4) Standards. In the R-5 zone, the following standards shall apply:

(a) For dwellings the minimum lot size shall be 5,000 square feet for the single-dwelling unit, detached and ~~5,800 square feet for a duplex dwelling structure~~ duplex and 2,500 square feet for each single-dwelling unit, attached (maximum of five units together). For multidwelling units, use ~~duplex-size~~ 5,000 square feet as base plus 2,500 square feet for each multidwelling unit thereafter.

(b) The maximum building height shall be 35 feet except as required in

SHMC 17.68.040.

(c) The minimum lot width at the building line and street shall be 50 feet for detached units and duplexes. For ~~duplex structures the width shall be a minimum of 58 feet and for~~ attached single-dwelling units the width shall be at least 25 feet wide each. See SHMC 17.64.030 for multidwelling units. No minimum for multidwelling unit lots. For flag lots the width at the street shall be a minimum of 20 feet.

(d) The minimum lot width at the street on an approved cul-de-sac shall be 30 feet.

(e) The minimum lot depth shall be 85 feet.

(f) The minimum front yard shall be 20 feet; ~~see SHMC 17.64.020.~~

(g) No side yard shall be less than five feet wide for single-dwelling, detached, duplexes and single-dwelling, attached structures and 10 feet for multidwelling structures (see SHMC 17.64.030 for multidwelling units). Corner lots shall have a minimum ~~side yard setback~~ exterior side yard of 10 feet ~~on the flanking street~~.

(h) The minimum rear yard depth shall be 10 feet. (~~See SHMC 17.64.030 on multidwelling units.~~)

(i) The minimum interior yard shall be 6 feet. Multidwelling units shall also comply with SHMC 17.96.180(11).

~~(j)~~ (i) The minimum front and side yards or other setbacks as stated herein shall be increased where such yard or setbacks abut a street having insufficient right-of-way widths to serve the area; in such cases, the planning commission shall determine the necessary setback requirements.

~~(j)~~ (k) Buildings and structures shall not occupy more than ~~35~~ 40 percent of the lot area except for single attached and multidwelling units, which can be up to 50 percent.

~~(k)~~ (l) No lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92 shall have more than one principal building constructed thereon, except for multidwelling structures and as otherwise allowed in this section.

~~(l)~~ Multidwellings shall be subject to the special standards of SHMC 17.64.030.

(m) The minimum landscaping for dwellings other than multidwellings shall be 25 percent of the lot area.

(5) All chapters of the Development Code apply.

(a) See Chapter 17.64 SHMC for additional yard requirements and exceptions.

(b) SHMC 17.96.180 includes many site development standards specific to multidwelling units.

(c) See SHMC 17.108.050(4) for yard reductions and structure/building coverage increases.

(d) Flag lots are possible in this zoning district. See SHMC 17.140.055.

~~(6) Flag lots are possible in this zoning district. See SHMC 17.140.055.~~

17.32.080 Apartment residential zone – AR.

(1) Purpose. The AR zone is intended to provide minimum development standards for residential purposes where complete community services are available and to provide ~~for single dwellings, detached and attached, duplexes, and low/medium-rise multiple dwelling residential units~~ for heavy high density residential development.

(2) Uses Permitted Outright. In an AR zone, the following uses are permitted outright:

~~(a) Auxiliary dwelling unit (per Chapter 17.128 SHMC).~~

- ~~(b)~~ (a) Duplex ~~dwelling units~~.
- ~~(e)~~ (b) Home child care.
- ~~(d)~~ (c) Home occupation (per Chapter 17.120 SHMC).
- ~~(e)~~ (d) Multidwelling units.
- ~~(f)~~ (e) Public facility, minor.
- ~~(g)~~ (f) Public park.
- ~~(h)~~ (g) Residential facility.
- ~~(i)~~ (h) Residential home.
- ~~(j)~~ (i) Single-dwelling unit, attached residential units (five units maximum together).
- ~~(k)~~ (j) Single-dwelling unit, detached residential units. Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.

(3) Conditional Uses (See Chapter 17.100 SHMC). In an AR zone, the following conditional uses may be permitted upon application:

- (a) Bed and breakfast, homestay, and boarding house.
- (b) Children's day care/day nursery.
- (c) Community recreation, including structures.
- (d) Commercial recreation facility.
- (e) Neighborhood store/plaza.
- (f) Hospitals, sanitariums, rest homes, and elderly homes.
- (g) Lodge, fraternal, and civic assembly.
- (h) Lodging facilities or rooming house.
- (i) Parking facilities.
- (j) Private parks.
- (k) Public facilities, major.
- (l) Religious assembly.
- (m) Schools and related facilities.

(4) Standards. In the AR zone, the following standards shall apply:

(a) For dwellings the minimum lot size shall be ~~3,050~~ 4,000 square feet for single-dwelling, detached units; ~~5,000 square feet minimum lot size for~~ and duplexes ~~structures~~; 1,600 square feet minimum lot size for single-dwelling, attached units each (maximum of five units together); and 1,500 square feet minimum lot size for each multidwelling unit over the base of ~~5,000~~ 4,000 square feet for the first two units (with no maximum).

(b) The minimum front yard shall be 20 feet.

(c) For single-dwelling, detached units and duplexes the minimum lot width at the street and building line shall be ~~50~~ 40 feet; ~~30 feet for single detached dwelling units~~ and no minimum for multidwelling unit lots; for flag lots and single attached dwelling units the minimum lot width at the street is 20 feet.

(d) The minimum lot depth shall be 85 feet, except single-dwelling units, attached shall be 80 feet.

(e) ~~No single-dwelling, detached unit yard shall be less than five feet wide on both sides; corners shall be 10 feet wide on flanking street sides. Duplexes, single attached unit buildings, and multiplexes shall have a minimum of 10 feet on side yards.~~ No side yard shall be less than five feet wide for single-dwelling, detached, duplexes and single-dwelling, attached structures and 10 feet for multidwelling structures. Corner lots shall have a minimum exterior side yard of 10 feet.

(f) The minimum rear yard depth shall be 10 feet.

(g) The minimum interior yard shall be 6 feet. Multidwelling units shall also comply with SHMC 17.96.180(11).

~~(g)~~ (h) The minimum front and side yards or other setbacks as stated herein shall be increased where such yard or setbacks abut a street having insufficient right-of-way widths to serve the area; in such cases, the planning commission shall determine the necessary setback requirements.

~~(h)~~ (i) The maximum building height shall be 35 feet, except as required in SHMC 17.68.040.

~~(i)~~ (j) Buildings and structures shall not occupy more than 50 percent of the lot.

~~(j)~~ (k) No lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92 shall have more than one principal building constructed thereon, except for multidwelling structures, ~~in which case there is no such limitation~~ and as otherwise allowed in this section.

~~(k)~~ (l) The minimum landscaping shall be 25 percent of the lot area except for multidwelling structures.

(5) All chapters of the Development Code apply.

(a) See Chapter 17.64 SHMC for additional yard requirements and exceptions.

(b) SHMC 17.96.180 includes many site development standards specific to multidwelling units

(c) See SHMC 17.108.050(4) for yard reductions and structure/building coverage increases.

(d) Flag lots are possible in this zoning district. See SHMC 17.140.055.

~~(6) Flag lots are possible in this zoning district. See SHMC 17.140.055.~~

17.32.090 Mobile home residential zone – MHR.

(1) Purpose. The MHR zone is intended to provide minimum development standards for residential purposes where complete community services are available, and where population concentrations of a moderate nature, including mobile home parks, may develop.

(2) Uses Permitted Outright. In the MHR zone, the following uses are permitted outright:

~~(a) Auxiliary dwelling unit (per Chapter 17.128 SHMC)~~ Duplex.

(b) Home child care.

(c) Home occupation (per Chapter 17.120 SHMC).

(d) Mobile home parks.

(e) Public parks.

(f) Public facility, minor.

~~(g) Residential facility.~~

~~(h)~~ (g) Residential home.

~~(i)~~ (h) Single-dwelling unit, detached. Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.

(3) Conditional Uses (See Chapter 17.100 SHMC). In the MHR zone, the following conditional uses may be permitted upon application:

(a) Bed and breakfast, homestay, and boarding house.

(b) Children's day care or day nursery.

(c) Community recreation including structures.

~~(d) Duplexes.~~

~~(e)~~ (d) Neighborhood store/plaza.

- ~~(f)~~ (e) Multidwelling units.
 - ~~(g)~~ (f) Private park.
 - ~~(h)~~ (g) Public facilities, major.
 - ~~(i)~~ (h) Public or private school or college.
 - ~~(j)~~ (i) Religious assembly.
 - ~~(j)~~ (i) Residential facility.
 - (k) Sanitarium, rest home, senior or convalescent care facilities.
 - ~~(l)~~ ~~Single dwelling unit, attached.~~
 - ~~(m)~~ (l) Travel trailer parks.
- (4) Standards. In the MHR zone, the same standards as in the R-5 zone shall apply except for the following:
- (a) Standards for mobile home parks shall conform to Chapter 17.60 SHMC.
- (5) All chapters of the Development Code apply.
- (a) Flag lots are possible in this zoning district. See SHMC 17.140.055.
 - ~~(6) Flag lots are possible in this zoning district. See SHMC 17.140.055.~~

17.32.095 Mixed use zone – MU.

(1) Purpose. The MU zone is intended to provide for mixed uses in certain areas, generally between general commercial and residential zones. This method allows the market to mostly determine the uses.

(2) Uses Permitted Outright. In an MU zone, the following uses are permitted outright subject to the provisions of this code and especially the chapter on site development review (Chapter 17.96 SHMC):

- (a) Animal sales and services: grooming, kennels, retail and veterinary (small animals).
- ~~(b) Auxiliary dwelling unit (per Chapter 17.128 SHMC).~~
- ~~(e)~~ (b) Car washes.
- ~~(d)~~ (c) Congregate housing.
- ~~(e)~~ (d) Continuing care retirement community.
- ~~(f)~~ (e) Cultural and library services.
- ~~(g)~~ (f) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses.
- ~~(h)~~ (g) Eating and drinking establishments.
- ~~(i)~~ (h) Equipment (small) sales, rental and repairs.
- ~~(j)~~ (i) Financial institutions.
- ~~(k)~~ (j) Hardware store, without outdoor storage.
- ~~(l)~~ (k) Home child care.
- ~~(m)~~ (l) Home occupation (per Chapter 17.120 SHMC).
- ~~(n)~~ (m) Hotels and motels.
- ~~(o)~~ (n) Offices – all.
- ~~(p)~~ (o) Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.
- ~~(q)~~ (p) Plumbing, HVAC, electrical and paint sales and service, without outdoor storage.
- ~~(r)~~ (q) Produce stands.
- ~~(s)~~ (r) Public facility, minor.
- ~~(t)~~ (s) Repair and maintenance of permitted retail products.

~~(u)~~ (t) Residential facility.

~~(v)~~ (t) Residential home.

~~(w)~~ (u) Retail sales establishments, not specifically catering to motorists.

~~(x)~~ (v) Studios.

~~(y)~~ (w) Theaters, except drive-ins.

(3) Conditional Uses. In the MU zone, the following conditional uses may be permitted upon application, subject to provision of Chapter 17.100 SHMC and other relevant sections of this code:

(a) Amusement services.

(b) Bar.

(c) Bed and breakfast facilities, homestay, and boarding house.

(d) Broadcast facilities without dishes over 36 inches or transmitter/receiver towers.

(e) Bus and train stations/terminals.

(f) Businesses with outdoor storage (those businesses permitted in subsection (2) of this section).

(g) Child care facility/day nursery.

(h) Drive-up businesses and services.

(i) Dwellings on same level as nonresidential use.

(j) Funeral homes.

(k) Hospitals and senior or convalescent care facilities.

(l) Laundromats and dry cleaners.

(m) Lodge, fraternal and civic assembly.

(n) Lodging facilities or rooming house.

(o) Marijuana retailer and/or medical marijuana dispensary.

(p) Multidwelling units.

(q) Nurseries and greenhouses.

(r) Parking lots.

(s) Parks, public and private.

(t) Pawn shops.

(u) Public and private schools.

(v) Public facilities, major.

(w) Public safety facilities.

(x) Recreation facilities (public or private).

(y) Religious assembly, including cemeteries.

(z) Residential facility.

~~(z)~~ (aa) Shopping centers.

~~(aa)~~ (bb) Travel trailer parks.

~~(bb)~~ (cc) Vehicle repair, service, and sales.

(4) Standards. In the MU zone the following standards shall apply:

(a) Wherever a proposed structure abuts a residential zone, it may be required to be set back per Chapter 17.72 SHMC.

(b) The maximum building height shall be 45 feet, except as required in SHMC 17.68.040.

(c) Outdoor storage abutting or facing a lot in a residential zone shall comply with Chapter 17.72 SHMC.

(d) Maximum nonresidential lot coverage including all impervious surfaces shall be 90

percent.

(e) Multidwelling units and units above permitted uses must comply with AR standards and other applicable sections of this code.

(f) Single-dwelling units, attached or detached, and duplexes shall comply with R-5 standards.

~~(g) Duplexes shall comply with R-5 standards.~~

(5) All chapters of the Development Code apply.

(a) Flag lots are possible in this zoning district. See SHMC 17.140.055.

~~(6) Flag lots are possible in this zoning district. See SHMC 17.140.055.~~

[...]

17.32.172 Riverfront district – RD, plaza.

[...]

(4) Standards Applicable to All Uses. In the plaza subdistrict, the following standards and special conditions shall apply and shall take precedence over any conflicting standards listed in this code:

[...]

(b) The maximum lot coverage including all impervious surfaces shall be 90 percent; ~~provided, however, for new construction or existing legally constructed buildings seeking new or revised development approvals, lot coverage may be increased up to 100 percent by payment of a lot coverage fee established by resolution of the city council. The lot coverage fee shall be deposited into the riverfront district community capital improvement account to offset loss of landscaping in the RD zone.~~

[...]

(f) ~~Interior or Side Yard Setbacks.~~ New buildings containing any nonresidential use abutting residential districts require one foot of setback for each foot of building wall height on the side abutting the residential zone, with a minimum setback of 10 feet. For yards abutting other nonresidential districts, no setback is required, subject to building code requirements.

Note: Where the plaza subdistrict abuts a residential zone and the uses are more than 30 feet above the proposed commercial use, then the height of the topography counts as part of the setback, e.g., 35-foot bluff behind a commercial building is same as 35-foot setback on that side.

~~(g) Rear Yard Setbacks. New buildings containing nonresidential uses abutting residential districts require one foot of setback for each foot of building wall height with a minimum setback of 10 feet (see above note). For yards abutting other nonresidential districts, no rear setback is required, subject to building code requirements.~~

~~(h)~~ (g) The minimum lot width at the street and building line shall be 20 feet.

~~(i)~~ (h) The minimum lot depth shall be 50 feet.

~~(j)~~ (i) Minimum open space shall be 10 percent, ~~except when the lot coverage fee is paid as per subsection (4)(b) of this section.~~

~~(k)~~ (j) No maximum building size.

(4) ~~(k)~~ No additional or new on-site parking is required for sites with lawfully existing development building footprint coverage in excess of 50 percent of the site lot area (change of use or remodeling without a change to the existing footprint of lawfully existing development building(s) are also exempt).

~~(m)~~ (l) Except for subsection (4)~~(j)~~(k) of this section, new development shall meet required on-site parking requirements with credit, on one-for-one basis of parking spaces in rights-of-way abutting the site. On-street parking (in rights-of-way) shall be based upon parallel parking, or existing; fractions do not count. Moreover, parking standards shall be for normal sized vehicles, for the purpose of the parking credit.

~~(n) New development can buy out of on-site parking requirements by paying into the RD community capital improvement account (a fund shall be designated for future RD located parking facilities) in an amount set by city council in a resolution.~~

[...]

17.32.173 Riverfront district – RD, mill.

[...]

(2) Uses Permitted Outright. The following uses are permitted outright, subject to all provisions of the SHMC including specifically the modifications to development standards and conditions specified in this section. Moreover, the applicable provisions of Chapter 17.96 SHMC, Site Development Review, apply, except those modified by this chapter.

(a) Residential.

(i) Single dwelling units, attached.

(ii) Multidwelling units.

~~(iii) Auxiliary dwelling unit (per Chapter 17.128 SHMC).~~

[...]

(4) Standards Applicable to All Uses. The following standards and special conditions shall apply to all uses in the mill subdistrict:

[...]

(e) ~~Interior Setbacks.~~ New buildings containing any nonresidential use abutting a residential zoning district require one foot of setback for each foot of wall height with a minimum setback of 10 feet. For yards abutting nonresidential districts, no ~~interior~~ setback is required, subject to building code requirements. Note: this setback may be reduced proportionately when the residential zoning district is topographically above the base level of new construction.

[...]

17.32.180 Houlton business district – HBD.

[...]

(2) Uses Permitted Outright. In the HBD zone, the following uses are permitted outright, subject to the modifications to development standards and conditions as specified herein and all other applicable provisions of this code as noted under additional requirements:

- (a) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses.
- ~~(b) Auxiliary dwelling unit (per Chapter 17.128 SHMC).~~
- ~~(e)~~ (b) Public and institutional uses.

[editor's note: reformatting of items under (2) continues]

- ~~(rr)~~ (qq) Shopping centers and plazas.
- ~~(ss) Residential facility.~~
- ~~(tt)~~ (rr) Residential home.

[...]

(3) Conditional Uses. In the HBD zone, the following conditional uses may be permitted upon application, subject to provisions of Chapter 17.100 SHMC and other relevant sections of this code:

[...]

- (m) Multidwelling units.
- (n) Religious assembly, excluding cemeteries.
- (o) Residential facility.
- ~~(p)~~ (p) Parking lots/facilities, private.
- ~~(p)~~ (q) Nurseries and greenhouses.
- ~~(q)~~ (r) Vehicle repair, service, and sales.

(4) Standards Applicable to All Uses. In the HBD zone, the following standards and special conditions shall apply and shall take precedence over any conflicting standards listed in this code:

[...]

(b) The maximum lot coverage including all impervious surfaces shall be 90 percent; ~~provided, however, for new construction or existing legally constructed buildings seeking new or revised development approvals, lot coverage may be increased up to 100 percent by payment of a lot coverage fee established by resolution of the city council. The lot coverage fee shall be deposited into the Houlton business district community capital improvement account to offset loss of landscaping and open space in the HBD zone.~~

[...]

(f) ~~Interior or Side Yard Setbacks.~~ New buildings containing any nonresidential use abutting residential districts require one foot of setback for each foot of building wall height on the side abutting the residential zone, with a minimum setback of 10 feet. For yards abutting other nonresidential districts, no setback is required, subject to building code requirements.

Note: Where the HBD zone abuts a residential zone and the uses are more than 30 feet above the proposed commercial use, then the height of the topography counts as part of the setback; e.g., a 35-foot bluff behind a commercial building is the same as a 35-foot setback on that side.

~~(g) Rear Yard Setbacks. New buildings containing nonresidential uses abutting residential districts require one foot of setback for each foot of building wall height with a minimum setback of 10 feet (see note in subsection (4)(f) of this section). For yards abutting other nonresidential districts, no rear setback is required, subject to building code requirements.~~

~~(h)~~ (g) The minimum lot width at the street and building line shall be 20 feet.

~~(i)~~ (h) The minimum lot depth shall be 50 feet.

~~(j)~~ (i) Minimum open space shall be 10 percent, ~~except when the lot coverage fee is paid as per subsection (4)(b) of this section.~~

~~(k)~~ (j) No maximum building size.

~~(l)~~ (k) No additional or new on-site parking is required for sites with lawfully existing development building footprint coverage in excess of 50 percent of the site lot area (change of use or remodeling without a change to the existing footprint of lawfully existing development building(s) ~~is are~~ also exempt).

~~(m)~~ (l) Except for subsection (4)~~(h)~~(k) of this section, new development shall meet required on-site parking requirements with credit, on a one-for-one basis of parking spaces in rights-of-way abutting the site. On-street parking (in rights-of-way) shall be based upon parallel parking or existing and fractions do not count. Moreover, parking standards shall be for normal sized vehicles, for the purpose of the parking credit.

~~(n) New development can buy out of on-site parking requirements by paying into the HBD community capital improvement account (a fund shall be designated for future HBD located parking facilities), an amount set by the city council in a resolution.~~

~~(o)~~ (m) Notwithstanding the standards of subsections (4)(a) through ~~(n)~~ (l) of this section, these residential uses are subject to the following:

[...]

CHAPTER 17.40

ZONES PROTECTIVE MEASURES FOR SIGNIFICANT WETLANDS, RIPARIAN CORRIDORS, AND PROTECTION ZONES

[...]

17.40.015 Establishment of significant wetlands, riparian corridors and protection zones.

(1) Wetlands. Ordinance 2807 adopted in November 1999 established and listed significant wetland areas within the city of St. Helens. Such areas were added to the comprehensive plan.

[...]

(b) The following significant wetlands are hereby established as Type II:

D-1	D-20	M-5	MC-16
D-2	D-21	M-15	MC-17
D-3	D-22	MC-2	MC-20
D-4	F-2	MC-3	MC-21
D-7	F-4	MC-5	MC-22
D-8	J-6	MC-8	MC-26
D-19	M-3	MC-10	UB-6

[...]

17.40.040 Protection zone exceptions – Limited activities and uses within the protection zone.

[...]

(2) Micro-Siting Standards for Residential Lot of Record Development. When a “legally created lot or parcel of record” as defined in this chapter is proposed to be developed for ~~single-dwelling~~ residential use and all or part of the lot or parcel is encompassed within a protection zone, the development of the lot shall be permitted subject to compliance with the following micro-siting standards:

(a) The lot or parcel must be combined for development purposes with contiguous lots or parcels in the same ownership on the effective date of the ordinance codified in this chapter; and

(b) The building footprint encroaching into the protection zone shall be limited to that which is the minimum necessary to obtain reasonable use of the property for the primary use of ~~single-dwelling~~ residential purposes. Preference in location of the building footprint shall be given to areas devoid of native vegetation; and

(c) The director or approving authority shall adjust the underlying zone setback standards to the extent necessary to reduce or minimize encroachment into the protection zone. Design shall be to this adjustment. The director or approving authority may approve up to a 50 percent adjustment to any dimensional standard (e.g., front yard, side yard or other setbacks, including height or lot area) to permit development as far outside or upland of the protection zone as is possible; and

(d) The proposed development shall minimize disturbance to the protection zone by utilizing design options to minimize or reduce impacts of development: (i) multistory construction shall be used; (ii) parking spaces shall be minimized to no more than that required as a minimum for the use; (iii) no accessory structures allowed; (iv) paving shall be pervious; (v) engineering solutions shall be used to minimize additional grading and/or fill; and

(e) In no case shall the impervious surface area of the ~~single-dwelling~~ residential use (including building footprint, driveway, and parking areas and accessory structures) exceed 3,000 square feet or 50 percent of the protection zone on the lot or parcel, whichever is less; ~~and~~

(f) Residential use is limited to detached single family dwelling(s) or duplex as allowed by the zoning district and shall not exceed two dwelling units total; and

~~(g)~~ (g) All applicable general criteria in SHMC 17.40.055, including minimum restoration

and enhancement requirements, shall be met.

[...]

17.40.045 Resource exceptions – Limited activities and uses within significant wetlands, significant riparian corridors (resource areas).

[...]

(1) Micro-Siting for Residential Lot of Record Development. When a “legally created lot or parcel of record” as defined in this chapter is proposed to be developed for ~~single-family~~ residential use and all or part of the lot or parcel is encompassed within a significant wetland or riparian corridor, minimum development of the lot necessary to avoid a taking claim shall be permitted subject to compliance with the following micro-siting standards:

(a) The lot or parcel must be combined for development purposes with contiguous lots or parcels in the same ownership on the effective date of the ordinance codified in this chapter; and

(b) The building footprint encroaching into the resource area shall be limited to that which is the minimum necessary to obtain reasonable use of the property for the primary use of ~~single-family~~ residential purposes. The application of the resource and protection zone to the lot or parcel, as evidenced by the environmental assessment, precludes all reasonable use of the parcel under the applicable zone designation and renders it not buildable, after consideration of all applicable limitations and restrictions in this code; and

(c) Preference in location of the building footprint shall be given to areas devoid of native vegetation; and

(d) The director or approving authority shall adjust the underlying zone setback standards to the extent necessary to reduce or minimize encroachment into the resource area and protection zone. Design shall be held to this adjustment. The director or approving authority may approve up to a 75 percent adjustment to any dimensional standard (e.g., front yard, side yard or other setbacks, including height or lot area) to permit development as far outside or upland of the protection zone as is possible; and

(e) The proposed development shall minimize disturbance to the resource area and protection zone by utilizing design options to minimize or reduce impacts of development including but not limited to multistory construction, minimizing parking, garage space, and paving and use of retaining walls or other engineering solutions to minimize filling and grading; and

(f) In no case shall the impervious surface area of the ~~single-family residence~~ residential use (including building footprint, driveway, and parking areas and accessory structures) exceed 3,000 square feet or 50 percent of the resource area and protection zone on the lot or parcel, whichever is less; ~~and~~

(g) Residential use is limited to detached single family dwelling(s) or duplex as allowed by the zoning district and shall not exceed two dwelling units total; and

~~(g)~~ (h) All applicable general criteria in SHMC 17.40.055, including minimum restoration and enhancement requirements at two-to-one area ratio, shall be met.

[...]

17.40.050 Additional requirements for land divisions and new development.

[...]

(2) Design Standards. Except as provided below, significant wetlands, significant riparian corridors and protection zones shall not be permitted as part of individual lots or new streets or infrastructure areas and shall be made part of separate preservation tracts to be managed by a homeowners association or other entity responsible for preservation.

(a) Protection zones may be made part of individual lots and protection zones may vary in width provided average protection zone width complies with this chapter in planned developments with a development agreement pursuant to ORS Chapter 94, provided additional protection zones or off-site mitigation over the minimum standard is provided as consideration for such flexibility.

(b) For parcels created by land partition per Chapter 17.140 SHMC, significant wetlands, significant riparian corridors and protection zones may be part of a parcel if:

(i) The parcel's area excluding the significant wetlands, significant riparian corridors and/or protection zone meets the minimum size and dimension requirements of the zoning district; and

(ii) A conservation easement benefitting the City of St. Helens shall be required for the portions of the parcel containing the significant wetlands, significant riparian corridors and/or protection zone. The easement shall be depicted on and incorporated into the recorded plat of the partition.

[...]

CHAPTER 17.56 DENSITY COMPUTATIONS

[...]

17.56.020 Density Calculation.

(1) Net development area, in acres, shall be determined by subtracting the following land area(s) from the gross acres, which is all of the land included in the legal description of the property:

[...]

(c) All land dedicated for public right-of-way:

(i) Single-dwelling units: allocate 20 percent of gross acres for public facilities; and

(ii) Multiple-dwelling units: allocate 15 percent of gross acres for public facilities;

(d) All land proposed for private streets; and

(e) A lot of at least the size required by the applicable base zoning district, if an lawfully existing ~~dwelling~~ use is to remain on the site.

(2) To calculate the net units per acre, divide the number of square feet in the net acres by the minimum number of square feet required for each lot by the applicable zoning district. Lots

eligible for detached single-family dwellings or duplexes as allowed by the zoning district shall be treated as one unit per lot for the purpose of density calculations (i.e., the potential second unit on the lot does not burden the calculation).

[...]

CHAPTER 17.64 ADDITIONAL YARD SETBACK REQUIREMENTS AND EXCEPTIONS

[...]

17.64.040 Exceptions to yard requirements.

(1) If there are dwellings on both abutting lots with front yard depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.

(2) If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth half-way between the depth of the abutting lot and the required front yard depth.

(3) Detached accessory structures that do not require a permit pursuant to SHMC 17.124.030(1)(a) do not need to comply with the yard requirements of the zoning district but shall still comply with SHMC 17.64.050(6) and shall not encroach into any easement or over any public utility or other infrastructure. Chapter 17.76 SHMC still applies.

17.64.050 Projections into required yards.

(1) Cornices, eaves, belt courses, sills, canopies/awnings, or similar architectural features may extend or project into a required front, interior, rear or side yard not more than 36 inches provided the width of such yard is not reduced to less than three feet.

(2) Fireplace chimneys may project into a required front, interior side, or rear, or side yard not more than three feet provided the width of such yard is not reduced to less than three feet.

(3) Open porches, decks, or balconies not more than ~~36~~ 48 inches in height and not covered by a roof or canopy may extend or project into a required rear or side yard provided such natural yard area is not reduced to less than three feet and the deck extension is screened from abutting properties. ~~Porches may extend into a required front yard not more than 36 inches. This does not apply to exterior side yards (on corner lots).~~

(4) Porches may extend into a required front yard or exterior side yard (on corner lots) not more than 36 inches. Porches may be covered but shall not include any other floor space horizontally (e.g., non-porch area on the same floor) or vertically (e.g., floor space directly above the porch on the second floor) for this to be allowed.

(4) (5) Unroofed landings and stairs may project into required front, interior or rear yards, or exterior side yards (on corner lots) only.

(5) (6) When there is a minimum yard requirement of the zoning district, No building, structure, or portion thereof, regardless of size and whether or not a permit is required for its placement, shall be placed closer than three feet to a property line or to another building or structure.

(7) Table summarizing applicability of this section by yard type:

← NEW TABLE

	Front	Rear	Side	Exterior Side (on corner lots)	Interior
17.64.050(1), eaves, etc.	Yes	Yes	Yes	Yes	Yes
17.64.050(2), chimneys	Yes	Yes	Yes	Yes	Yes
17.64.050(3), open porches, etc.	No	Yes	Yes	No	No
17.64.050(4), porches	Yes	No	No	Yes	No
17.64.050(5), stairs and landings	Yes	Yes	No	Yes	Yes

[...]

CHAPTER 17.68 BUILDING HEIGHT LIMITATIONS – EXCEPTIONS

[...]

17.68.040 Building height criteria for scenic resources.

(1) No new development over one story, or 15 feet in height, shall significantly obstruct views of the Columbia River on lots fronting on Strand Street, South Second Street, North and South First Street, River Street, River Way, and Riverside Drive.

[...]

CHAPTER 17.72 LANDSCAPING AND SCREENING

[...]

17.72.080 Buffer and screening requirements.

(1) A buffer consists of an area within a required ~~interior-setback~~ yard adjacent to a shared property line and having a depth equal to the amount specified in the buffering and screening matrix and containing a length equal to the length of the property line of the abutting use or uses.

[...]

CHAPTER 17.80 OFF-STREET PARKING AND LOADING REQUIREMENTS

[...]

17.80.020 General provisions.

- (1) Parking Dimensions. The minimum dimensions for parking spaces are:
- (a) ~~Eight~~ Nine feet, ~~eight inches~~ wide and 18 feet long for a standard space;
 - (b) Eight feet wide and 15 feet long for a compact space; ~~and~~
 - (c) Eight feet wide and 22 feet long for parallel spaces; and
 - ~~(e)~~ (d) As required by applicable state of Oregon and federal standards for designated disabled person parking spaces.

[...]

17.80.030 Minimum off-street parking requirements.

[...]

- (1) Residential.
- ~~(a) Auxiliary dwelling — one space.~~
 - ~~(b)~~ (a) Bed and breakfast, boarding house, homestay — one space per bedroom.
 - ~~(e)~~ (b) Caretaker — two off-street spaces for each dwelling unit.
 - ~~(d)~~ (c) Duplexes — two off-street spaces ~~for each dwelling unit~~ for each duplex.
 - ~~(e)~~ (d) Group care — one space per three residential beds plus one space for each employee on largest shift.
 - ~~(f)~~ (e) Group residential — one space for each guest room plus one space for each employee on largest shift.
 - ~~(g)~~ (f) Mobile home park — two off-street spaces for each dwelling unit.
 - ~~(h)~~ (g) Multiple dwelling (also see SHMC 17.80.020(7)):
 - (i) Studio — one space for each unit.
 - (ii) One bedroom — one and one-half spaces for each unit.
 - (iii) More than one bedroom per unit — two spaces for each.
 - ~~(i)~~ (h) Single-dwelling units, ~~(attached or detached)~~ — two off-street spaces for each dwelling unit.
 - (i) Single-dwelling units, detached — two off-street spaces for each dwelling unit or pair of dwelling units as allowed by the zoning district.

[...]

17.80.050 Parking dimension standards.

- (1) Accessibility.
- (a) Each parking space shall be accessible from a street or right-of-way, and the access shall be of a width and location as described by SHMC 17.84.070 and 17.84.080 as applicable.
 - (b) All parking spaces shall be independently functional. This means the vehicle in the parking space is not dependent on another vehicle moving to get to the street or right-of-way from the parking space. For example, a two-vehicle garage with a garage opening and driveway,

both 18 feet in width, can only count as two parking spaces (not four), since the vehicles in the garage cannot get to the street without the ones in the driveway moving out of the way.

(2) Table of Standards.

(a) Minimum standards for a standard parking stall's length and width, aisle width, and maneuvering space shall be determined from the Table of Standards for Parking Spaces, Figure 14, below. Figure 14 includes the spaces identified by SHMC 17.80.020(1)(a)-(c) and other spaces if spaces larger than the minimum required are desired.

(b) The width of each parking space ~~does not~~ includes a the stripe striping which separates each space as measured from the center of any shared stripe.

[...]

CHAPTER 17.84 ACCESS, EGRESS AND CIRCULATION

[...]

17.84.040 Public street access.

(8) Number of Access Points. ~~For single family (detached and attached) and duplex housing types, one street access point is permitted per lot, except that two access points may be permitted for duplexes on corner lots (i.e., no more than one access per street), subject to the access spacing standards in subsection (5) of this section. The number of street access points for multiple dwelling unit residential, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection (9) of this section, in order to maintain the required access spacing, and minimize the number of access points. All~~ access points, including additional ones as noted below, are subject to the access spacing standards in subsection (5) of this section and all other provisions of this of this Chapter. Specific standards based on use are as follows:

(a) For single-family dwellings, detached and duplexes, one street access point is permitted per lot/parcel except an additional (second) access point may be allowed when:

(i) The property is a corner lot/parcel and the additional access point is on the other street (i.e., one access per street).

(ii) The lot/parcel does not abut a street that provides any on-street parking on either side.

(b) For single-family dwellings, attached, one street access point is permitted per lot/parcel.

(c) The number of street access points for multiple dwelling unit residential, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the streets, bikeways, sidewalks, etc. for all users. Shared access may be required, in conformance with subsection (9) of this section, in order to maintain the required access spacing, and minimize the number of access points.

[...]

CHAPTER 17.88 SIGNS

[...]

17.88.040 Exemptions from requirement for permit.

[...]

(3) Flags.

(a) Residential freestanding poles shall be limited to one per property and shall require a ~~building~~ sign permit if:

(i) The pole will be greater than 20 feet in height; or

(ii) The pole is located such that it could fall off site (i.e., the setback is less than the height of the pole).

(b) Nonresidential freestanding poles shall require a ~~building permit regardless of height, and shall require the applicable land use permit(s)~~ sign permit if greater than 30 feet in height.

(c) Sign permits for flagpoles shall include footing or foundation details and certification from an engineer registered in the State of Oregon that the pole with flag(s) will not be a falling or other hazard.

[...]

17.88.045 Temporary signs.

[...]

(4) Temporary signs for community events (authorized by a temporary use permit per Chapter 17.116 SHMC or acknowledged by the city council) shall be allowed without the issuance of permits and shall not affect the amount or type of signage otherwise allowed by this chapter; provided, that said signs comply with the following:

(a) Signs shall only be placed on property where the community event is taking place, including rights-of-way subject to street closure for the purpose of the community event, except additional portable signs may be placed in rights-of-way for the exclusive purpose of identifying the community event and/or directing people to the community event provided such signage complies with subsections (5)(a)(ii)(A), (C), (D), (E) and (G) of this section; and

(b) Signs shall be allowed two weeks before and for the duration of the community event only. Signs shall be removed no more than 72 hours after the event.

[...]

17.88.095 Freestanding signs.

[...]

(7) Freestanding signs permitted in a commercial/industrial sign district shall not be located closer than 50 linear feet from the property line of any residential zoned property as measured along the street frontage.

(8) Sign permits for ground-mounted signs greater than six feet in height and all poles signs shall include footing or foundation details and certification from an engineer registered in the State of Oregon that the sign will not be a falling or other hazard.

[...]

CHAPTER 17.92 MIXED SOLID WASTE AND RECYCLABLES STORAGE IN NEW MULTI-UNIT RESIDENTIAL AND NONRESIDENTIAL BUILDINGS

[...]

17.92.060 Location, design and access standards for storage areas.

[...]

(2) Location Standards.

(a) To encourage its use, the storage area for source-separated recyclables shall be collocated with the storage area for residual mixed solid waste;

(b) Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements;

(c) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations;

(d) Exterior storage areas can be located within ~~interior~~ side yard or rear yard areas, but not within exterior side yards (on corner lots). Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street;

[...]

CHAPTER 17.96 SITE DEVELOPMENT REVIEW

[...]

17.96.180 Approval standards.

The director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:

(1) Provisions of ~~the following~~ all applicable chapters of the Community Development Code per SHMC 17.04.010.:

~~(a) Chapter 17.44 SHMC, Sensitive Lands;~~

~~(b) Chapter 17.60 SHMC, Manufactured/Mobile Home Regulations;~~

- ~~(e) Chapter 17.56 SHMC, Density Computations;~~
- ~~(d) Chapter 17.124 SHMC, Accessory Structures;~~
- ~~(e) Chapter 17.64 SHMC, Additional Yard Setback Requirements and Exceptions;~~
- ~~(f) Chapter 17.68 SHMC, Building Height Limitations—Exceptions;~~
- ~~(g) Chapter 17.72 SHMC, Landscaping and Screening;~~
- ~~(h) Chapter 17.76 SHMC, Visual Clearance Areas;~~
- ~~(i) Chapter 17.80 SHMC, Off-Street Parking and Loading Requirements;~~
- ~~(j) Chapter 17.84 SHMC, Access, Egress, and Circulation;~~
- ~~(k) Chapter 17.88 SHMC, Signs;~~
- ~~(l) Chapter 17.132 SHMC, Tree Removal;~~
- ~~(m) Chapter 17.152 SHMC, Street and Utility Improvement Standards; and~~
- ~~(n) Chapter 17.156 SHMC, Transportation Impact Analysis;~~

[...]

CHAPTER 17.100 CONDITIONAL USE

[...]

17.100.150 Additional requirements for conditional use types.

[...]

(3) The additional dimensional requirements and approval standards for conditional use are as follows:

[...]

- (e) Caretaker Residence.
 - (i) Must have at least 20 feet of yard around the residence;
 - (ii) The residence can only be occupied by the caretaker and the caretaker's family;
 - (iii) The caretaker must be an employee and/or under a contract to perform "caretaker" duties (e.g., security);
 - (iv) The yard must be at least 50 percent landscaped; ~~and~~
 - (v) The maximum height of the caretaker residence shall be 35 feet; and
 - (vi) Only one dwelling unit is allowed. More than one dwelling unit is prohibited.

[...]

(m) Travel Trailer Parks. In addition to the standards of the zone in which they are located and other references in this code, travel trailer parks shall comply to the standards of this subsection. If there is a conflict between the two standards, the standards of this subsection shall govern.

[...]

(vi) No trailer shall remain in a trailer park unless a trailer space is available, ~~and then only for a maximum of 30 consecutive days;~~

[...]

CHAPTER 17.104 NONCONFORMING SITUATIONS

[...]

17.104.040 Criteria for nonconforming situations.

(1) Nonconforming Lots of Record.

(a) Except as provided in subsections (1)(b), (2) and (3) of this section, no nonconforming lot of record at the effective date of the ordinance codified in this code or amendment thereto shall be developed for any use, and no existing use on a nonconforming lot of record shall be enlarged, extended or reconstructed;

(b) If on the date of adoption of the ordinance codified in this code a legally constituted lot does not meet the lot size requirements of the applicable zoning district in which the property is located, the lot may:

(i) Be occupied by one use permitted outright in a commercial zoning district, if the lot is located within a commercial zoning district; or

(ii) Be occupied by detached single-dwelling unit(s) ~~and accessory structures or a duplex as permitted outright in a residential zoning district.~~ if located in a residential zoning district; the house may be rebuilt on the same size, or smaller, footprint if destroyed by fire or natural disasters over 60 percent of value (any changes to the footprint must meet all setbacks and other regulations of the zone);

[...]

(5) Conversion of accessory structures to second detached single-family dwellings. A lawfully existing accessory structure that does not comply with a yard or height requirement or lot coverage restriction (including the sum of all other buildings and structures) on a lot developed with one detached single-family dwelling, may be converted to a second detached single-family dwelling on the same lot if:

(a) A second detached dwelling unit is allowed by the zoning district;

(b) The conversion does not increase the nonconforming yard, height, or lot coverage;

(c) Any yard associated with the accessory structure is not the result of the exception pursuant to SHMC 17.64.040(3) or any applicable laws prior to Ordinance No. ??? that allowed yard exceptions for accessory structures;

(e) The accessory structure does not encroach upon any easements or any public utility or other infrastructure;

(f) The location of the accessory structure does not interfere with future street extensions or increases in right-of-way width based on adopted plans and standards;

(g) The minimum off street parking requirements can be met (required if not); and

- (h) It is not located in any of the following areas:
- (i) Resource or resources per Chapter 17.40 SHMC;
 - (ii) Protection zones per Chapter 17.40 SHMC; or
 - (iii) Area of special flood hazard per Chapter 17.46 SHMC.

[...]

CHAPTER 17.108 VARIANCES

[...]

17.108.050 Criteria for granting a variance.

[...]

(4) The ~~setback~~ yard requirements in the applicable zone may be reduced up to 20 percent (a reduction of 20 percent of the required setback) and/or the lot coverage standards increased up to five percent (maximum specified lot coverage plus five percent) without a variance, provided the following standards are satisfied:

(a) The reduction of the ~~setback-area~~ yard or increase in lot coverage established by the applicable zoning district shall be necessary to allow for the enlargement or remodeling of an existing principal building, accessory structure, or auxiliary dwelling unit as defined per SHMC 17.16.010;

(b) The increase in lot coverage established by the applicable zoning district may also allow for new accessory structures or auxiliary dwelling units;

(c) The garage or carport setback to the front property line satisfies the requirements of the applicable zoning district;

(d) Reductions to setback requirement do not apply to interior yards. Interior yards shall not be reduced per this subsection;

~~(e)~~ (e) The standards of Chapter 17.76 SHMC, Visual Clearance Areas, shall be satisfied;

~~(e)~~ (f) The proposed building, accessory structure, addition, or auxiliary dwelling unit shall not encroach upon any existing easements or any public utility or other infrastructure;

~~(f)~~ (g) When the proposed building or addition is within the rear yard, the setback adjacent to the rear property line shall be landscaped with sight-obscuring plantings in accordance with the standards set forth in SHMC 17.72.080, Buffering and screening requirements; ~~and~~

(h) The location of the proposed building, structure or addition shall not interfere with future street extensions or increases in right-of-way width based on adopted plans and standards; and

~~(g)~~ (i) Setback, buffering and screening requirements that apply when commercial and industrial zones abut a residential zone shall be satisfied.

[...]

17.108.080 Exceptions to site development review standards.

The approval authority may apply one or more of the following exceptions (1) – (3) as part of the findings of Site Development Review or Conditional Use Permit applications:

(1) The ~~director~~ approval authority may grant an exception to the ~~setback~~ yard requirements in the applicable zone based on findings that the approval will result in the following:

- (a) An exception which is not greater than 20 percent of the required ~~setback~~ yard;
 - (b) No adverse effect to adjoining properties in terms of light, noise levels, and fire hazard;
 - (c) No reduction in safety for vehicular and pedestrian access to the site and on site;
 - (d) A more efficient use of the site which would result in more landscaping than the minimum required; and
 - (e) The preservation of natural features which have been incorporated into the overall design of the project.
- (f) The decision authority shall determine that the basis for this exception is clear and objective to be allowed.

(2) The ~~director~~ approval authority may grant an exception or deduction to the off-street parking dimensional and minimum number of space requirements in the applicable zoning district based on the following findings:

- (a) The application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, senior citizen housing) and which has a demonstrated low demand for off-street parking;
- (b) There is an opportunity for shared parking and there is written evidence that the property owners have entered into a binding agreement to share parking; or
- (c) There is community interest in the preservation of particular natural feature(s) on the site, public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; therefore, the public interest is not adversely affected by the granting of the exception.

(3) The ~~director~~ approval authority may grant an exception or deduction to the private outdoor area and shared outdoor recreation areas requirements, provided the application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, senior citizen housing) and which can demonstrate a reduced demand for a private outdoor recreational area based on any one or more of the following findings:

- (a) There is direct access by a pedestrian path, not exceeding one-quarter mile, from the proposed development to public open space or recreation areas which may be used by residents of the development;
- (b) The development operates a motor vehicle which is available on a regular basis to transport residents of the development to public open space or recreation areas; or
- (c) The required square footage of either the private outdoor area or the shared outdoor recreation area may be reduced if together the two areas equal or exceed the combined standard for both.

~~(4) The director shall grant an exception to the landscaping requirements of this code, SHMC 17.96.150, upon finding that the overall landscape plan provides for at least 20 percent of the gross site to be landscaped.~~

~~(5) The director's decision may be appealed as provided by SHMC 17.24.310(1). No notice of the director's decision need be given.~~

(4) Uses not subject to Site Development Review or Conditional Use Permits (e.g., single

dwelling units and duplexes) are not eligible for any of these exceptions.

[...]

CHAPTER 17.124 ACCESSORY STRUCTURES

[...]

17.124.070 Approval criteria.

[...]

(2) Nondimensional Approval Criteria.

[...]

(a) Accessory structures or buildings shall comply with all requirements for the principal structure, except where specifically modified by this chapter;

(b) If an application proposed for an accessory structure meets the following criteria, the director shall approve the application proposal:

(i) No accessory building or structure shall be allowed in any required front or interior yard;

[...]

CHAPTER 17.128 AUXILLIARY DWELLING UNITS

Sections:

~~17.128.010 Purpose.~~

~~17.128.020 Applicability.~~

~~17.128.030 Design standards.~~

~~17.128.040 Addressing of auxiliary dwelling units.~~

~~17.128.050 Prohibited areas for auxiliary dwelling units.~~

~~17.128.060 Prohibited uses of auxiliary dwelling units.~~

~~17.128.070 Permit procedures for auxiliary dwelling units.~~

17.128.010 Purpose.

~~Auxiliary dwelling units are allowed in certain situations to:~~

~~(1) Create new housing units while respecting the look and scale of single-dwelling neighborhoods;~~

~~(2) Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;~~

~~(3) Allow more efficient use of existing housing stock and infrastructure;~~

(4) Provide a mix of housing that responds to changing household needs, sizes and compositions;

(5) Provide a means for new homeowners to defray some of the costs associated with the purchase of a first home;

(6) Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods and obtain extra income, security, companionship and services;

(7) Provide a broader range of suitable and affordable housing; and

(8) Create additional long-term family living situations, while avoiding the exploitation of this housing type through their use as short-term living and other related business.

17.128.020 Applicability.

(1) An auxiliary dwelling unit may be added to or constructed or installed on the same lot or parcel as a detached single dwelling unit or manufactured home (principal dwelling) in any zone where the existing principal use is permitted and where auxiliary dwelling unit is listed as a permitted use.

(2) Only one auxiliary dwelling unit is allowed per lot or parcel developed with a detached single family dwelling or manufactured home (principal dwelling).

17.128.030 Design standards.

(1) Standards for creating auxiliary dwelling units address the following purposes:

(a) Ensure that auxiliary dwelling units are compatible with the desired character and livability of St. Helens residential zones;

(b) Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;

(c) Ensure that auxiliary dwelling units are smaller in size than detached single family dwellings or manufactured homes;

(d) Provide adequate flexibility to site buildings so that they fit the topography of sites; and

(e) The design standards for auxiliary dwelling units are stated herein. If not addressed in this section, the base zone development standards apply.

(2) Requirements for All Auxiliary Dwelling Units. All auxiliary dwelling units must meet the following standards:

(a) Creation. An auxiliary dwelling unit may only be created through the following methods:

(i) Converting existing living area, attic, basement or attached garage of the detached single family dwelling or manufactured home;

(ii) Adding floor area to the detached single family dwelling or manufactured home;

(iii) Constructing a detached auxiliary dwelling unit on a developed site;

(iv) Constructing a new detached single family dwelling or manufactured home with an internal or detached auxiliary dwelling unit; or

(v) Converting a lawfully existing accessory structure;

(b) Entrances. Only one entrance to the house may be located on the front facade of the detached single family dwelling or manufactured home facing the street, unless the detached

~~single-family dwelling or manufactured home contained additional front door entrances before the conversion to an auxiliary dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground, such as entrances from balconies or decks;~~

~~(c) Parking. The parking requirements balance the need to provide adequate parking with maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site. More parking is required when a vacant lot is being developed because, generally, the site can more easily be designed to accommodate two parking spaces while minimizing impervious surface. In situations where an auxiliary dwelling unit is being added to a site with an existing dwelling unit, it is appropriate to not require additional impervious surface if adequate on-street parking is available:~~

~~(i) The following parking requirements apply to auxiliary dwelling units:~~

~~(A) No Additional Parking Space Required. No additional parking space is required for the auxiliary dwelling unit if it is created on a site with an existing detached single-family dwelling or manufactured home and the roadway of at least one abutting street is at least 20 feet wide and allows on-street parking;~~

~~(B) One Additional Parking Space Required. One additional off-street parking space is required for the auxiliary dwelling unit as follows:~~

~~1. When none of the roadways in abutting streets are at least 20 feet wide;~~

~~2. When none of the abutting streets allow on-street parking; or~~

~~3. When the auxiliary dwelling unit is created at the same time as the detached single-family dwelling or manufactured home. An auxiliary dwelling unit is considered created at the same time as the principal dwelling even if a permit per this chapter is applied for within one year from the date of certificate of occupancy of the principal dwelling.~~

~~(ii) When an additional off-street parking space is required it shall comply with the development code and shall be independently functional. "Independently functional" means the vehicle in the parking space is not dependent on another vehicle moving to get to the street from the parking space. For example, a two-vehicle garage with a garage door and driveway, both 20 feet in width, can only count as two parking spaces (not four), since the vehicles in the garage cannot get to the street without the ones in the driveway moving out of the way. In this instance, a new (additional) parking area would need to be created to the side of the garage or elsewhere while still complying with the development code (e.g., parking and access standards).~~

~~(d) Size.~~

~~(i) Minimum Size. The size of the auxiliary dwelling unit shall be no less than as allowed by the building code;~~

~~(ii) Maximum Size. The size of the auxiliary dwelling unit shall be no more than 75 percent of the living area of the detached single-family dwelling or manufactured home or 1,200 square feet, whichever is less. "Living area" means all areas subject to heat/air conditioning inclusive of walls. This does not include nonheated/non-air conditioned areas including but not limited to porches, garages, carports, balconies, hot tub/pool enclosure/rooms, etc.;~~

~~(iii) Building Height. The maximum building height of a detached auxiliary dwelling unit shall not exceed the height allowed by the zoning district or the height of the detached single-family dwelling or manufactured home, whichever is less. This provision does not apply when converting a lawfully existing accessory structure in its entirety or a portion thereof to an auxiliary dwelling unit provided the conversion does not increase the accessory structure's footprint or height.~~

~~(3) Additional requirements for detached auxiliary dwelling units or for auxiliary dwelling~~

~~units created through the addition of floor area to the detached single family dwelling or manufactured home:~~

~~(a) Exterior Finish Materials. The exterior finish material must be the same, or visually match in type, size and placement, the exterior finish material of the detached single family dwelling or manufactured home;~~

~~(b) Roof Pitch. The roof pitch must be the same as the predominant roof pitch of the detached single family dwelling or manufactured home;~~

~~(c) Trim. Trim on edges of elements on the addition or detached unit must be the same in type, size, and location as the trim used on the rest of the detached single family dwelling or manufactured home;~~

~~(d) Windows. Windows must match those in the detached single family dwelling or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical);~~

~~(e) Eaves. Eaves must project from the building walls the same distance as the eaves on the rest of the detached single family dwelling or manufactured home;~~

~~(f) Setbacks. The auxiliary dwelling unit must meet the same setback requirements as principal dwelling units in the zone or as otherwise allowed by the development code; and~~

~~(g) Lot Coverage. The detached auxiliary dwelling unit may not have a larger footprint than the footprint of the detached single family dwelling or manufactured home, and the combined footprint of all detached structures shall not exceed the lot coverage restriction of the zone or as otherwise allowed by the development code.~~

~~(h) The provisions of subsections (3)(a) through (f) of this section do not apply when converting a lawfully existing accessory structure in its entirety or a portion thereof to an auxiliary dwelling unit provided the conversion does not increase the accessory structure's footprint or height.~~

~~17.128.040 Addressing of auxiliary dwelling units.~~

~~(1) Auxiliary dwelling units shall use the same address number as the principal dwelling, but with a unit or similar number. For example, an auxiliary dwelling unit for a principal dwelling addressed as 101 Anystreet would have an address of 101B Anystreet.~~

~~(2) The applicant for or the owner of the auxiliary dwelling unit shall coordinate with the postmaster for its mailbox location.~~

~~17.128.050 Prohibited areas for auxiliary dwelling units.~~

~~(1) In addition to zoning regulations, auxiliary dwelling units are prohibited in the following areas:~~

~~(a) Resource or resources per Chapter 17.40 SHMC;~~

~~(b) Protection zones per Chapter 17.40 SHMC; and~~

~~(c) Area of special flood hazard per Chapter 17.46 SHMC.~~

~~17.128.060 Prohibited uses of auxiliary dwelling units.~~

~~(1) Given the purpose of auxiliary dwelling units per SHMC 17.128.010 and because they are not considered principal uses, the following uses are prohibited for them:~~

- (a) Short term rentals;
- (b) Bed and breakfast, homestay, boarding house; and
- (c) Lodging facilities or rooming house.

(2) Home occupations may be allowed in auxiliary dwelling units given compliance with Chapter 17.120 SHMC.

~~17.128.070 Permit procedures for auxiliary dwelling units.~~

~~Notice and process for auxiliary dwelling units shall follow the same as for site development review, major, except for criteria and standards, which shall comply with this chapter.~~

[...]

CHAPTER 17.132 TREE REMOVAL

[...]

17.132.025 Tree plan requirement.

[...]

(3) Trees removed within the period of one year prior to a development application listed above will be inventoried as part of the tree plan above and will be replaced ~~according to SHMC 17.132.070(4)~~ per this Chapter.

[...]

17.132.030 Permit requirement.

[...]

(3) Commercial forestry as defined by SHMC 17.132.020(1)(~~b~~) and excluding subsection (2)(d) of this section is permitted after a plan per SHMC 17.132.025 is reviewed and approved and only in accordance with the approved plan.

[...]

CHAPTER 17.136 LAND DIVISION – SUBDIVISION

[...]

17.136.060 Approval standards – Preliminary plat.

[...]

(5) ~~The planning commission may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations and may require:~~

~~(a) Reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.~~

Control of access to adjoining properties, including but not limited to continuation of streets, shall be granted to the city via reserve strips or language in lieu of reserve strips as a note on the plat. Generally, language in lieu of reserve strips is preferred.

(6) The planning commission may require additional conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations.

[...]

CHAPTER 17.152 STREET AND UTILITY IMPROVEMENT STANDARDS

[...]

17.152.030 Streets.

[...]

(5) Minimum Rights-of-Way and Street Widths. Unless otherwise indicated on an approved street plan or adopted corridor plan, or as needed to continue an existing improved street, street right-of-way and roadway widths shall not be less than the minimum width described in Figure 19. Where a range is indicated, the width shall be determined by the decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. (The city council may adopt, by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) (See “City of St. Helens Engineering Department Public Facilities Construction Standards Manual.”)

(a) The planning director shall recommend, to the decision-making body, desired right-of-way width and pavement width of the various street types within the subdivision or development after consideration of the following:

(i) The type of road as set forth in Figure 19, Road Standards;

ROAD STANDARDS MINIMUM RIGHTS-OF-WAY AND STREET WIDTHS (see Transportation Systems Plan [TSP] Figures 7-2 and 7-3) Figure 19

Type of Street	Right-of-Way Width	Roadway Width	Moving Lanes	Bicycle Lanes*
Major Arterial	101' minimum	74'	4	2 @ 6'

Minor Arterial (Typical)	60'	36'	2	2 @ 6'
Minor Arterial (One-Way, Uptown)	80'	46'	2	1 @ 6'
Minor Arterial (Two-Way, Downtown)	80'	52'	2	2 @ 6'
Collector	60'	36'	2	2 @ 6'
Local	50'	34'	1 – 2	None
Local “Skinny” Street	40	20' or 26' <u>28'***</u>	1 – 2	None

* Applies to bicycle lanes required in Transportation Systems Plan (TSP) or Public Facilities Plan (PFP)

** This differs from TSP Figure 7-3.

[...]

(11) Cul-de-Sacs. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

(a) A cul-de-sac shall be no more than 400 feet long nor provide access to greater than 20 dwelling units (residential lots eligible for two detached single-family dwellings or a duplex as allowed by the zoning district shall be considered one dwelling unit for the purpose of determining the number dwelling units):

[...]

(27) Local “Skinny” Streets. Such streets, as set forth in Figure 19, Road Standards, of this chapter, may be allowed, provided:

(a) The street will provide access to land uses whose combined average daily trip rate (ADT) is ~~2~~100 ADT or less (residential lots eligible for two detached single-family dwellings or a duplex as allowed by the zoning district shall be considered one detached single-family dwelling for the purposes of determining ADT); and

(b) ~~Where the roadway/pavement width will be 20 feet, on-street parking shall be prohibited.~~ Roadway width less than 28 feet is prohibited. This includes 20 feet for travel lanes and 8 feet on one side for on-street parking.

[...]

CHAPTER 19.20 MAPS

[...]

19.20.060 Map and list of significant wetlands.

[...]

(2) List of Significant Wetlands.

[...]

Frogmore Slough

Unnamed Creek A

F2

UA2

F4

From: [Doug Walker](#)
To: [Jacob Graichen](#)
Cc: [Kathy Payne](#)
Subject: [External] Proposed changes to city development code
Date: Wednesday, February 10, 2021 8:32:27 AM

Jacob,

As a St Helens homeowner I would like to comment on the proposed change notice I received in the mail yesterday.

My neighborhood is zoned R7 and my primary concern would be for residential zones. My concern is regarding the proposed change to the parking requirement. Residential streets in new developments in St Helens tend to be on the narrow side. On-street parking only exacerbates that narrowness. It also increases the chance of suddenly coming upon a child playing in the street UNseen by a driver until too late to avoid. It is for this reason that I oppose any change in the ordinances that would potentially lead to more on-street parking. I feel that allowing tandem parking would lead to more on-street parking. Please do not change the ordinance to allow tandem parking. Keep the minimum requirement at 2 parking spaces without having to move one for access.

Respectfully,

Doug Walker
60003 Ridgeway Loop
St Helens, OR 97051

Feb. 16, 2021

St. Helens Planning Dept.

We, homeowners, Anna & Donald Earlywine received a letter from Jacob A. Graichen about Oregon House Bill 2001, to amend its codes.

We strongly disapprove of this -

BUT

Since it's not our "vote" we choose

Side by side parking

in a two-car garage or two-car width driveways. (min. 18' wide)

NO

Tandem parking. Again NO tandem parking

Anna R. EARLYwine
Donald E. EARLYwine

Anna R. Earlywine
Donald E. Earlywine

59363 MT. View Dr.
St. Helens, OR 97051

(503-~~555-3863~~)

RECEIVED

FEB 18 2021

CITY OF ST. HELENS

To Jacob Graichen, the St. Helens City Council, and the St Helens City Planning Board:

I am writing in regard to the hearing being held amending the St Helens Development Code and Comprehensive Plan to comply with Oregon HB 2001.

As a homeowner in St Helens, I am very annoyed with our State government forcing their personal opinions on those who live outside the Portland Metro Area. I don't feel that the government should get to regulate what you do with your own personal property. I also don't understand why they would create a law that increases the number of people living on a property and then limit the parking. This is not going to help property values any. But it is too late for that now.

My biggest problem with HB2001 is the parking issue. We don't have public transit here and many of our citizens commute to Portland. Many people have two cars because they are a dual income family. When children get older and start driving then there are even more cars for one household. When you put two families on the same lot that is at least four cars per lot. One driveway space is not going to cut it.

The diagrams you provided depend heavily on people actually using their garages to park their cars. I live in a developed neighborhood of single-family homes and parking is a BIG problem here. Often it is hard to get into a cul-de sac or drive down the street with an oncoming vehicle because of cars parked in the street. There are six houses on my cul-de-sac. Three of them use their garage to park their cars. The other three use their garage for storage or a workshop. This means they park in their driveway, and if they have more than two cars they park on the street. Our garbage truck has to pull in to do one side of the cul-de-sac and then go out and back in to do the other side dodging cars parked on both sides and sometimes blocking their access to the receptacles. Drive through the neighborhoods in town and you will see this is not exclusive to my neighborhood.

The tandem parking is not a solution to this problem. No one is going to want to have to move a car so that another car can get out. It is inconvenient and people won't do it. I would not rent or buy a home with a single car garage and tandem parking. Add to this the tendency for people to not park their cars in their garages at all and you get more people parking in the street. It will be a big mess. It makes neighborhoods look crowded and cluttered. The garbage trucks already have a hard time getting to the receptacles to dump them.

It was not ok for our State to force this on its cities and citizens. I wish I had more solutions to suggest to you as you strive to find a balance between complying with the rules the State placed on you and adequately representing the citizens in our town.

Sincerely,

Wendy Wilson
Wendy Wilson

RECEIVED

FEB 19 2021

CITY OF ST. HELENS

From: [shauna eckert](#)
To: [Jacob Graichen](#)
Subject: [External] Development code
Date: Monday, February 22, 2021 12:18:30 PM

We at elk ridge would like our voices to be heard and do not agree with the code changes!
Our neighborhood is beautiful we do not want it ruined by the proposed changes.
Homeowners on wapiti dr. St. Helens or
Bob and shauna eckert

Feb 17, 2021

Item C.

St. Helens Planning Dept.

as a homeowner TERESA THORPE
received a letter from Jacob R. Graichen
about Oregon House Bill 2001, to
Amend its Codes.

I Strongly Disapprove of this:
Since its Not my Vote I Choose-

Side by side parking in a two-car
garage. At two-car width drive ways
(min 18' wide)

NO Tandem parking! Again NO
tandem parking.

Teresa Thorpe
35146 Helens Way
St. Helens, Or 97051

Phone 503- 3[REDACTED]

RECEIVED
FEB 22 2021
CITY OF ST. HELENS

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



To: City Council
From: Jacob A. Graichen, AICP, City Planner
cc: Planning Commission

Date: 2.23.2021

This report does not indicate all *current planning* activities over the past report period. These are tasks, processing and administration of the Development Code which are a weekly if not daily responsibility. The Planning Commission agenda, available on the City's website, is a good indicator of *current planning* activities. The number of building permits issued is another good indicator as many require Development Code review prior to Building Official review.

PLANNING ADMINISTRATION—PREAPPLICATIONS MEETINGS

Conducted a pre-application meeting for a potential extension of Shore Drive from the Graystone Estates Subdivision.

Later this week will conduct a pre-application meeting for a potential renovation to the St. Helens High School.

Later this week, will attend a Columbia County pre-application meeting for a proposal to redevelop some of the Dahlgren's Building Supply within St. Helens' Urban Growth Area.

PLANNING ADMINISTRATION—MISC.

Continue to work on the 2021 Development Code amendments. With a big push at the end of January, we were able to get documents to the state one day ahead of the Feb. 2nd deadline to keep on schedule for March and April hearings with the Planning Commission and City Council. See this page for more info: <https://www.sthelensoregon.gov/planning/page/2021-development-code-amendments>

Mailings go out for the 2021 Development Code amendments this month. This will go out to approximately 4,000 property owners of the zoning districts were detached single-family dwellings area a permitted use. We worked with MetroPresort for the mass mailing. MetroPresort also does the city's utility billing stuff. The notice can be found on the link at the end of the paragraph just above this one.

The Department of State Lands is seeking comment on an update to Oregon's essential salmonid habitat map, as well as a proposed process for more regular map updates. See <https://www.oregon.gov/dsl/Laws/Pages/Rulemaking.aspx>. The Columbia River, Multnomah Channel, Scappoose Bay, Milton Creek and McNulty Creek are all currently shown as essential habitat and that is not changing. I don't see any changes *within the St. Helens Urban Growth Boundary*. There are changes outside of the UGB however.

DEVELOPMENT CODE ENFORCEMENT

Back in 2011-2012 the city cited the property on the corner of US30 and Pittsburg Road for multiple violations, a key one being unlawful use of property for a wrecking/junkyard. It was cleaned up some but has worsened significantly over the years. Being overwhelmed the past

several years (5+) dealing with growth we were challenged to have time to think about this further. Recently, we've received multiple complaints and the Code Enforcement Officer and I have been revisiting this issue including taking a closer look at the site. There is no question this property presents visual blight to the norther entrance to St. Helens. We sent new enforcement correspondence this month to see if this can be abated.

PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)

February 9, 2021 meeting (outcome): The Commission recommended approval (to the Council) of a couple routine annexations. The Commission also reviewed the parcellation plan for the City's St. Helens Industrial Business Park as an FYI. The Commission also discussed the 2021 code amendments (last discussion before public hearings).

March 9, 2021 meeting (upcoming): The Commission has two public hearings scheduled. One is a land partition application on Belton Road. This is a reboot of a previous application that ended up at the Land Use Board of Appeals (LUBA), but was withdrawn from LUBA. The other public hearing is for the 2021 Development Code Amendments. We anticipate both of these hearings will be more time consuming than normal.

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Data updates this month.

ST. HELENS INDUSTRIAL BUSINESS PARK PROPERTY

Staff has been working with Group Mackenzie to see if we can amend the floodplain maps where the police station is proposed. They are helping us select hydrologist consultants for this work. Hydrologist firm consulting estimates range from \$30,000 + to \$200,000+, with some potential surprises (e.g., if a biologist is needed if FEMA requires Endangered Species Act findings for flood map amendments). Consultants also noted that if we need to use fill to elevate the site from floodplain compliance it would be \$200,000+.

MILLARD ROAD PROPERTY

Staff has been working with ECONorthwest to help with solicitation for development of this property. Scheduled for first Council work session in March.

RIVERFRONT DISTRICT WATERFRONT PROPERTY

Efforts continue on the street development and Riverwalk design. Associate Planner Dimsho mentions some of this in her report ([attached](#)).

ASSOCIATE PLANNER—*In addition to routine tasks, the Associate Planner has been working on:*
See attached.

From: [Jennifer Dimsho](#)
To: [Jacob Graichen](#)
Subject: February Planning Department Report
Date: Monday, February 22, 2021 10:30:21 AM

Here are my additions to the February Planning Department Report.

GRANTS

1. **DLCD 2019-2021 Technical Assistance Program** – Prepared for final presentation and adoption by resolution on 1/20/21. Council adopted unanimously. Final closeout and reimbursement request accepted by DLCD. Presentation to Planning Commission on 2/9.
2. **OPRD - Local Government Grant – Campbell Park Improvements** (\$187k) includes replacement of four existing tennis courts and two basketball courts with two tennis flex courts and one flex sport court, adds a picnic viewing area, improves natural stormwater facilities, expands parking, and improves ADA access. Grant deadline is October 2021. Sue and I working on a direct bid process that was DJC/Chronicle and a public hearing. Soil conditions are requiring a different approach to ensure that the concrete pad will not settle. Sue is working with a Geotech and a contractor to apply a concrete amendment to the stabilize the soil.
3. **EPA – CWA Grant Program** – Final report and reimbursement due 12/31/20. Submitted final report, budget, and cost reimbursement request. EPA Project manager approved final report and we received our final reimbursement!
4. **CDBG- Columbia Pacific Food Bank Project** – Selected contractor for \$1.6 million bid. Contract documents signed on 01/04/21. Two pre-construction meetings held in January. Work to begin in March. Applied for 1-year time extension and budget modification to accommodate the overage of the estimated construction cost.
5. **Safe Routes to School - Columbia Blvd. Sidewalk Project** – Construction timeline provided by David Evans, who is working through design/engineering process.
6. **Business Oregon – Infrastructure Finance Authority** – Accepted our intake form. Invitation to apply received for a low-interest loan to fund the streets, utilities, and Riverwalk on the Riverfront property. Submitted a full application in February for board approval in April 2021.
7. **Oregon Watershed Enhance Board** – Awarded grant (approximately \$12k) to the Scappoose Bay Watershed Council in a partnership with the City for natural enhancements of the 5th Street trail and Nob Hill Nature Park. 2nd Meeting on 2/2 to discuss grant timeline and scope of work. Continued tracking all in-kind contributions from the City on this effort.
8. **OPRD – Local Government Grant Program** – 500k request submitted back in May 2020 for Riverwalk construction. Large grants require a presentation to the board. These presentations were delayed due to COVID until now. Our presentation in 02/04/21 via ZOOM. Updated and practiced presentation due on 01/27/20. These grants will be **highly competitive** this cycle as the funds were reduced due to COVID-19. *OPRD Commission will review and approve projects at their 2/25 meeting.*

MISC

9. **Bennett Building** (Water Department/ UB) – Arciform presented as-built drawings, and

- two proposed alternatives. Discussed how to prioritize and phase the work and prepared for a presentation to Council at their 12/2 meeting. Site visit/measurements on 01/08/21 for Phase I work which includes all new window replacement. Selected black high gloss paint color for the wooden windows. Submitted building permit. Windows ordered. Working on receiving Building Permit.
10. **Riverwalk Design/Engineering Consulting Services** - Contract negotiation authorized by Council on 1/20/21. Contract negotiation meetings with Mayer Reed to finalize scope and budget on 1/21, 2/5, 2/11, 2/18, and 2/24. Contract to go before City Council for approval on 3/3.
 11. Annual **U.S Census Bureau Boundary & Annexation Survey** prepared and submitted for two boundary changes (annexations into the City) that occurred prior to January 1, 2021 but after January 1, 2020.
 12. Attended Pre-Construction Meeting for the **Millard Road/US 30 ODOT Signalization Project** on 1/25. Work expected to begin in early March 2021. This is a \$7.5 million safety improvement project which will increase the turning radius of the right turn lane from U.S. 30 to Bennett Road by widening and restriping the roadway near the intersection, restrict left turns onto U.S. 30 from Bennett Road by creating a median, add a traffic signal at U.S. 30 and Millard Road and widening Millard to provide access to U.S. 30 that will relieve traffic pressure upgrade the rail crossings at both Bennett and Millard Roads.
 13. **Millard Road City-Owned Property Request for Proposals** - Working with EcoNorthwest to prepare a scope of work for them to assist drafting an RFP and assist with solicitation of developers who want to submit a development proposal for the property. The scope of work will include drafting City goals in conjunction with feedback from Council for the property and prioritizing them so that a scoresheet for ranking proposals can be developed. Council approved work on 2/3. Kicked off project on 2/12.

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