



PLANNING COMMISSION

Tuesday, May 13, 2025 at 6:30 PM
HYBRID: Council Chambers & Zoom (details below)

AGENDA

1. **6:30 P.M. CALL TO ORDER & FLAG SALUTE**
2. **TOPICS FROM THE FLOOR** (Not on Public Hearing Agenda): Limited to five minutes per topic
3. **CONSENT AGENDA**
 - A. Planning Commission Minutes Dated April 8, 2025
4. **PUBLIC HEARING AGENDA** (times are earliest start time)
 - B. 6:30pm - Remand of Appeal AP.1.25 - AP.3.25 of the Planning Commission's denial of Variances V.1.25 - V.3.25 at 35732 Hankey Road – McCarter
 - C. 7:00pm - Annexation at 35363 Fir Street - McFeron
 - D. 7:15pm - Annexation at 58909 Firlok Park - Bradford
 - E. 7:30pm – Annexation at 58209 Columbia River Highway & 35369 Millard Road - Decker
5. **DISCUSSION ITEMS**
 - F. Architectural Review at 161 St. Helens Street – Clark Signs
6. **PLANNING DIRECTOR DECISIONS** (previously e-mailed to the Commission)
 - G. Extension of time (Temporary Use Permit) – 2225 Gable Road – Paintner
 - H. Extension of time (Temporary Use Permit) 555 S. Columbia River Highway-Hacienda Las Juanitas
 - I. Sensitive Lands Permit (Amended) – 134 S. 6th Street – Scholl
 - J. Temporary Sign Permit - 2100 Block of Columbia Blvd – Kiwanis
 - K. Temporary Sign Permit - 2100 Block of Columbia Blvd – Epperly
 - L. Partition - 234 N 16th Street - Hiebert
8. **PROACTIVE ITEMS**
 - M. Architectural Standards
 - N. Vacant and Underutilized Storefronts
9. **CITY COUNCIL LIAISON REPORT**
10. **FOR YOUR INFORMATION ITEMS**
11. **ADJOURNMENT**

NEXT REGULAR MEETING: June 10, 2025

VIRTUAL MEETING DETAILS

Join Zoom**Meeting:** <https://us06web.zoom.us/j/85735823901?pwd=6wBttPDsL5daviCj6VoWaH1nvbMX6U.1>**Meeting ID:** 857 3582 3901**Passcode:** 286805**Call in:** +1 669 444 9171 US

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Hall at 503-397-6272.

Be a part of the vision and get involved...volunteer for a City Board or Commission! For more information or for an application, go to www.sthelensoregon.gov or call 503-366-8217.



PLANNING COMMISSION

Tuesday, April 08, 2025 at 6:30 PM

DRAFT MINUTES

Members Present: Chair Jennifer Shoemaker
 Vice Chair Brooke Sisco
 Commissioner Charles Castner
 Commissioner Reid Herman
 Commissioner Scott Jacobson
 Commissioner Trina Kingsbury

Members Absent: Commissioner David Rosengard

Staff Present: City Planner Jacob Graichen
 Associate Planner Jennifer Dimsho
 Communications Officer Crystal King
 Community Development Administrative Assistant Angelica Artero
 Councilor Russell Hubbard

Others: None

1. 6:30 P.M. CALL TO ORDER & FLAG SALUTE

Chair Shoemaker called the meeting to order at 6:30 p.m.

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

There were no topics from the floor.

3. CONSENT AGENDA

- A. Planning Commission Minutes dated March 11, 2025
- B. City Council Planning Commission Joint Meeting Minutes dated March 12, 2025

Motion: Upon Commissioner Jacobson's motion and Vice Chair Sisco's second, the Planning Commission voted to approve the Planning Commission minutes dated March 11, 2025.

[AYES: Vice Chair Sisco, Commissioner Castner, Commissioner Herman, Commissioner Jacobson, Commissioner Kingsbury, NAYS: None]

Motion: Upon Commissioner Jacobson's motion and Vice Chair Cisco's Second, the planning Commission voted to approve the Planning Commission minutes dated March 12, 2025. [AYES: Commissioner Kingsbury, Commissioner Reid, Vice Chair Cisco, Commissioner Castner, Commissioner Jacobson, NAYS: None]

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

- C. 6:35 p.m. – Zoning Map Amendment at 1771 Columbia Blvd. – City of St. Helens

Chair Shoemaker opened the public hearing at 6:36 p.m. City Planner Graichen reviewed the staff report with the Planning Commission. The property is under consideration for a public safety facility. The zoning needs to be changed to allow for a police station on the property. Changing the zoning

increases the variety housing types allowed in the district. The zone change also cleans up the spot zoning created by the 2009 Houlton Business District (HBD) zoning updates.

Chair Shoemaker asked if the property owner was in favor of this. City Planner Graichen said the property owner is concerned about the RV park usage going away and had some concerns. However, the staff recommendation is to change it so that it cleans up the spot zoning issue regardless of the sale going through for a police facility. Chair Shoemaker mentioned this was a "poster child of spot zoning."

In Favor

No one spoke in favor of the application.

Neutral

No one spoke as neutral of the application.

Opposition

No one spoke in opposition of the application.

End of Oral Testimony

Close of the Public Hearing & Record

Deliberations

The Commission felt like this was a pretty cut and dry zone change. Commissioner Castner made a motion that they recommend changing the doing as per staff recommendations.

Motion: Upon Commissioner Castners motion and Commissioner Jacobson's second, the Planning Commission unanimously voted to recommend approval to the City Council of the zoning map amendment as recommended by staff.

[AYES: Vice Chair Sisco, Commissioner Castner, Commissioner Herman, Commissioner Jacobson, Commissioner Kingsbury, NAYS: None]

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

- D. Sign Permits (2) (Temporary) – 2100 Block of Columbia Blvd – Columbia Economic Team
- E. Sensitive Lands Permit – 134 S. 6th Street - Scholl

There was no discussion on either of the sign permits or the sensitive lands permit.

6. PLANNING DEPARTMENT ACTIVITY REPORT

- F. Planning Department Activity Report – March 2025

There was no discussion.

7. PROACTIVE ITEMS

- G. Architectural Standards

Chair Shoemaker mentioned that the commission was willing to start with windows for architectural standards, as discussed in the Joint Planning Commission City Council meeting.

- H. Vacant Storefronts

Commissioner Jacobson reported that he was still working on researching vacant storefronts. He mentioned speaking with local businesses and finding that many did not perceive vacant storefronts as a significant issue. Commissioner Jacobson stated he was looking into the Astoria model and had

received materials from the Main Street Alliance. He expressed hope to present his findings at the next Joint meeting with the City Council.

The Commission discussed inviting Marcia Sanders to present again on the Main Street program, potentially at the next joint meeting. They also considered renaming the agenda item to "Vacant and Underutilized Storefronts" to better reflect the scope of the issue.

I. The Plaza Square

Chair Shoemaker noted that this item would be tabled for now due to ongoing discussion between the County and the City.

8. FOR YOUR INFORMATION ITEMS

Associate Planner Dimsho said the Oregon Government Ethics Commission filing of economic interest is due for all Commissioners.

Associate Planner Dimsho said she went on a 260 S. 2nd Street Historic Resource Review final inspection last week. One condition of approval which was not met was the siding facing South 2nd Street. The back siding was supposed to be replaced with visually similar siding that matches what exists. They do not match and the condition was explicit. Associate Planner Dimsho spoke with owner on the phone and he submitted a letter asking for forgiveness with his reasoning. The applicant noted the asbestos siding was not original and it is not possible to source an exact match. The Commission agreed to waive the condition due to the difficulty of sourcing similar looking material.

Chair Shoemaker requested to add an agenda item to allow Council Liaisons the opportunity to report out.

Councilor Hubbard said the police station site is something that was previously looked at when he was on the Commission. He thinks the Houlton location is a good site.

There was a brief discussion about a parking plan for the waterfront site. City Planner Graichen said the new Transportation Systems Plan (TSP) will occur before refined parking plans will likely occur.

9. ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Angelica Artero

Community Development Administrative Assistant



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Commission
 FROM: Jacob A. Graichen, AICP, City Planner
 RE: City Council remand of Appeal AP.1.25 – AP.3.25 back to the Planning Commission
 DATE: May 5, 2025

Pursuant to SHMC 17.24.370(2) an appealed matter may be remanded provided all parties provide written consent to extend the 120-day limit per ORS 227.178 and with certain findings made.

On February 11, 2025, the Commission denied the 35732 Hankey Road Variances (V.1.25 – V.3.25) and that decision was appealed to the City Council.

On April 16, 2025, the City Council remanded the matter back to the Commission based on new evidence.

The basis for the remand is consideration of the sloped area on the opposite side of Hankey Road from the subject property for this proposal. This consideration was posed at the Council hearing after the Planning Commission's hearing where the Commission denied the three Variances, and the Council felt the Commission should reconsider the matter with this new information.

Written consent pertaining to the 120-day rules per ORS 227.178 was provided by the applicant on April 17, 2025.

Options:

If you wish to **deny** this application, please see **attached** draft denial prepared for but unused by the Council.

If you wish to **approve** this application based on reconsidering the new information, for example, the following conditions of approval, from the initial staff report to the Commission are recommended:

1. These Variance approvals are valid for a limited time pursuant to SHMC 17.108.040.
2. These Variance approvals do not constitute a land partition. Subsequent preliminary plat and final plat partition applications are required. **As part of the partition permitting process**, the following issues will need to be addressed:
 - a. 30' x 30' shop shall be properly permitted as a detached single-family dwelling prior to any subsequent application.

- b. Actual lot dimensions, lot sizes, and setbacks are to be verified by a surveyor licensed in the state of Oregon prior to preliminary plat application. If any estimated dimensions substantially differ than those approved by these Variances, re-permitting may be required. Utilities shall be verified by survey as well (see condition 2d).
 - c. A detailed shared access proposal which meets the requirements of SHMC Chapter 17.84 to serve the existing dwelling is required with the preliminary plat. Prior to final plat, access will be required to be paved along with two non-tandem parking spaces.
 - d. The dwelling and the shop appear to share utilities (power, sewer, water, storm) which cross the proposed property line. Utility easements and/or reconfiguration of utilities will be required as part of the preliminary plat application. This includes any stormwater improvements and/or modifications as required by City Engineering and/or the Building Official to ensure there is no nuisance stormwater runoff between the properties.
 - e. Any requirements of the Building Official would have to be met prior to final plat, including but not limited to, fire-resistant construction for residential structures (including eaves) within 3' of any proposed property line, or a reduction of the eave width to ensure no encroachment within 3' of the property line.
 - f. Any structures, including but not limited to, the retaining wall and dwelling porch stairs/landing, shall not be located on or over a property line without respective shared agreements or they shall be removed.
3. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variance(s) granted herein

Attached: Draft denial prepared for but unused by the Council
 Applicant's appeal application (includes ground for appeal)
 Site plan
 Appeal City Staff Created Map (general information)
 Appeal City Staff Created Map (distances from other zonings)
 Presentation slides (City Staff Created) used as the Council's appeal hearing

For additional information please see the previous meeting packets
<https://www.sthelensoregon.gov/meetings> for:

- Planning Commission February 11, 2025 meeting (item D on agenda)
- City Council April 16, 2025 5:30pm public hearing
- City Council April 16, 2025 regular session (item 3 on agenda)

THIS IS A DRAFT FINAL DOCUMENT IF THE CITY COUNCIL UPHELD THE COMMISSION'S DENIAL. It was prepared for the Council to be able to make a final decision the same day as the hearing, if denied, to comply with the 120-day rule. It is a template for denial by the Commission, if the Commission is inclined to deny again based on remand.

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Appeal AP.1.25 – AP.3.25 of the Planning Commission's denial of Variances V.1.25 – V.3.25**

APPLICANT: Kevin & Katherine McCarter (also the appellant)

OWNER: same as applicant

ZONING: Moderate Residential, R7

LOCATION: 35732 Hankey Road; 4N1W-4AB-100

PROPOSAL: Variances (x3) for reduced side yard (setback), reduced lot size, and reduced lot width for a potential future land partition application

SITE INFORMATION / BACKGROUND

The Planning Commission considered this matter at a February 11, 2025 public hearing and denied the Variances. The matter has been appealed to the City Council. The City Council may affirm, reverse, or modify the decision which is the subject of the appeal.

PUBLIC HEARING & NOTICE

Public hearing before the City Council: April 16, 2025 This is when the Council remanded the matter back to the Commission.

Notice of this proposal was sent to surrounding property owners within 100 feet of the subject property on March 27, 2025 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on April 4, 2025 in the Columbia County Spotlight newspaper.

For remand, notice sent/mailed on April 18, 2025 and published on May 2, 2025.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

The applicant proposes three Variances to separate a shop building from the original dwelling on its own lot. This proposal is not a land partition, but Variances that could be used with a land partition. This would result in a parcel that is less than the normal size and width allowed. It will also result in both the shop and dwelling being closer to the new property line than normally allowed.

VARIANCE—V.1.25 REDUCED SIDE YARD (SETBACK)

DISCUSSION:

In the R7 zone, the minimum side yard (setback) is 7 feet. Per the applicant, there is about 8 feet between the existing detached single-family dwelling (to be on one parcel) and shop building (to be on another parcel). This is the distance identified on the plans for the building permit to build the shop in 2015. Proposed yards proposed are approximately 50" (4'2") from the dwelling and new property line and 46" (3'10") from the shop to the property line.

None of the city's residential zoning districts have side yards (setbacks) less than 5'. 5' is the side yard for detached single-family dwellings and duplexes in the R5 and AR zones, the two highest density residential zones of St. Helens. Further, the R5 and AR zones allows attached single-family dwellings and multifamily development (3 or more dwelling units on a lot), but the R7 and R10 zones do not. In other words, close proximity of dwelling units is contemplated in the AR and R5 zones, but not the subject property or the vast surrounding area. In fact, the closest higher residential zoning is approximately 1,700 feet to the SE (MU zone) and about 2,000 feet to the SE (AR zone) and SW (R5 zone).

These setbacks do not include architectural extensions such as eaves. Viewing the property via aerial photography, there appears to be less than 6 between roof lines. This means distance of building features to the proposed property line may be less than 3 feet (if not modified). This is supported by the numbers provided by the applicant indicating a proposed 46" (3'10") yard (setback) from the shop building to the proposed property line and that the shop has 13.75" (1'1.75") eaves. Ultimately, these numbers would need to be surveyor certified. This issue has a couple of implications:

1. Building code issues. Such close proximity to property lines may have building code issues such as fire rated construction requirements.
2. SHMC 17.64.050(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.*

So, any Building Code issue would need to be addressed and this Variance would need to include an exception to 17.64.050(6).

The above assumes both the detached single-family dwelling and shop are detached. Currently, they are not lawfully detached. To explain, the dwelling has been in place for a long time; per County Assessor records it was built in 1895. However, the shop is much newer.

The shop's building permit was number 13222 from around 2015. The City Planner produced a memo for this building permit, which includes conditions about the building being connected to the dwelling and it not being a dwelling. The buildings were attached in order for the building permit to be approved and this was shown on the site plan. Based on the aerial photography below the attachment was probably removed in 2021 or 2022.



Above: June 2021 Google Earth aerial image. Note the brown roof color and breezeway connecting the grey roofed shop building. The attachment (covered breezeway) was an integrated part of the roof.

Right: City of St. Helens April 2022 aerial photo. Roof had changed for the original home and the breezeway and any roof integration has been removed. This contradicts prior permitting and current city law.



There is no accessory structure permit, which would be required for the building to be detached. However, the maximum gross floor area for a detached accessory structure is 600 square feet. The shop is 30' x 30' and two floors with a total gross floor area of 1,800 square feet or 300% larger than normally allowed. There is no Variance to allow this. These rules have been in place long before 2015 and still apply.

In 2015 in the R7 zone, the only way to get a second dwelling unit on a lot was via Conditional Use Permit for an Auxiliary Dwelling Unit or Duplex. No such permit was ever pursued.

This matter needs to be resolved. Current law allows duplexes and a second detached dwelling unit as outright permitting use. So, can the shop be permitted as a second detached dwelling? There are a couple of things to consider:

First, Ordinance No. 3264 (2021) was when the duplex and second detached dwelling rules were put in place. At this time an interior yard (i.e., distances between buildings on the same lot) was established for the R7 zone at 7 feet. With the current 8' between buildings, the 7' standard would be met.

Second, also created by Ordinance No. 3264 is SHMC 17.104.040(5):

(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 the ordinance codified in this chapter that allowed yard exceptions for accessory structures;
- (d) The accessory structure does not encroach upon any easements or any public utility or other infrastructure;
- (e) 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;
- (f) The minimum off-street parking requirements can be met (required if not); and
- (g) 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.

The shop is not a lawfully existing accessory structure. And the interior yard appears to be ok, but with a property line between the dwelling and shop, the normal side yard will not be met. This exception doesn't allow the property line as proposed, but the Variance potentially could, if approved.

STAFF RECOMMENDATION: The Planning Commission discussed how having two detached dwellings on a lot is normal now ("the new normal"). So, should that alone be a basis to allow land division? The city needs to be very careful about setting a precedence. Just because there are two dwellings, doesn't mean a lot should be divided and, in this case, technically, the shop is not a dwelling or a lawfully detached building. Further, the side setbacks proposed between two buildings will be less than normal for even high density zoning.

VARIANCE—V.2.25 REDUCED LOT SIZE

DISCUSSION:

In the R7 zone, the minimum lot size is 7,000 sq. ft. for detached single-family dwellings. Placing a property line between the detached single-family dwelling and the shop will result in the parcel with the shop less than 7,000 square feet. The applicant notes approximately 5,100 square feet. Final figures would need to be surveyor certified.

This Variance would create a lot more akin to R5 zoned size. The closest higher residential zoning is approximately 1,700 feet to the SE (MU zone) and about 2,000 feet to the SE (AR zone) and SW (R5 zone).

The Council could consider that development on the immediate opposite side of Hankey Road from the subject property is not anticipated in the future given the steep slope, which can promote a feeling of air, light and space more akin to R7, though because each new lot can include two homes, this would increase density on a hill (approx. 7% slope along the subject property) with quarry related truck traffic.

STAFF RECOMMENDATION: Creating a R5 sized lot nowhere near zoning that would otherwise allow such small size along Hankey Road with its slope and quarry traffic is a cause of concern. If the lot was vacant, maybe that would help, but including two large buildings in close proximity to one another (that was designed to comply with code as one structure) forcing a yard (setback) also contrary to R7 standards makes this a concerning approval. Having two homes on a lot is the new normal and should not be a basis for division.

VARIANCE—V.3.25 REDUCED LOT WIDTH

DISCUSSION:

In the R7 zone, there are a couple of lot width standards: lot width at the street (50') and building line (60'). So normally, an R7 lot could have 50' of street abutment (frontage) but would need to widen to 60' back from the street. In this example, the lot width at the street is anticipated to meet the minimum 50' standard, but the lot narrows instead of widening.

STAFF RECOMMENDATION: The proposed narrowness of the lot is more akin to R5 zoning where the lot width at the street and building line are 50 feet. This creates the type of lot, dimensionally, not contemplated in the R7 zone. As noted above, higher density residential zoning is not near this area.

VARIANCE—CRITERIA:

SHMC 17.108.050 (1) – Criteria for granting a Variance

- (a) The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and be

significantly detrimental in its consequence to other properties in the same zoning district or vicinity;

- (b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- (c) The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
- (d) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and
- (e) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

DISCUSSION: The Council needs to find all these criteria (a) – (e) are met in order to approve the three (3) variances.

FINDINGS:

(a) This criterion requires a finding that the variance will not be detrimental.

This proposal will be significantly detrimental in its consequence to the overall purposes of this code. All three Variances propose development patterns (reduced yards) and lot size and dimension contrary to the intent on the R7 zone. The proposed yards, lot size and lot width are those of a higher density zoning which contemplates overall less air, light and space, and more allowed dwelling units to be clustered closer together. Moreover, the subject property is within a vast area of R7/R10 zoning with the closest higher residential zoning is approximately 1,700 feet to the SE (MU zone) and about 2,000 feet to the SE (AR zone) and SW (R5 zone).

This proposal will be significantly detrimental in its consequence to the overall purposes of the Comprehensive Plan. The Comprehensive Plan designation of the property is Suburban Residential, SR. The goal of this designation is:

To establish conditions which will maintain attractive, convenient residential living typical of moderate density semi-suburban areas.

A policy that advances this is SHMC 19.12.030(3), where the zoning possible under the SR Comprehensive Plan Designation is R7 and R10.

As a contrast, the city's higher density residential zonings, R5 and AR, are possible under the General Residential, GR Comprehensive Plan designation. Like the zoning noted above, the GR designation is approximately 2,000' away. The Goal of the GR designation is:

To create conditions suitable for higher concentrations of people in proximity to public services, shopping, transportation and other conveniences.

The subject property and area surrounding it are not intended for higher concentrations of people.

Because in St. Helens two detached homes are allowed on any residential lot that allows a detached single-family dwelling, allowing division of a lot with exceptions to rules (i.e., the proposed Variances) to separate a second detached dwelling disregards this new normal and sets a precedence contrary to the intent of the code. As such, approving these Variances would be detrimental in its consequence to the overall purposes of this code.

The Council finds this criterion is not met.

(b) The criterion requires a finding that there are special and unique circumstances.

There is nothing special or unique about the property that justifies creating reduced yards, or lot size and lot dimension not contemplated for individual lots in the R7 zone. The shop was never permitted as a detached structure and is in a state of violation.

Though not technically the current situation, two dwellings are allowed for this property, just like other residential properties that allow detached single-family dwellings. There is nothing unique about the potential for this property having two dwelling units to be basis for the Variances proposed.

One of the aspects the applicant notes is that “the old house had no garage and it appeared this [the shop building] would solve many problems.” Now the applicant wants to separate the shop building from the home via a land partition (the purposes of the Variances), contradicting their own statement.

The Council finds this criterion is not met.

(c) This criterion prohibits a use variance and requires a finding that the applicable standards are maintained to the greatest extent that is reasonably possible.

The existing circumstances of the subject property is a detached single-family dwelling with what is suppose to be an attached two story addition, with no dwelling unit, that provides a garage amenity utilizing the sole abutting street access off Hankey Road. The subject property’s lot size is approximately 13,504 s.f. and less than twice the minimum size for the R7 zone.

The property is reasonably developed, if made lawful (the building addition issue and lack of attachment since 2021-2022), and there is no justification to create a new parcel that would otherwise not be allowed. In this case, especially because the detached single-family dwelling and shop where never supposed to be detached; this proposal contradicts past permitting.

Moreover, because a duplex and two detached family dwellings are allowed on R7 zone lots, the land partition that these Variances may make possible, could result in the one current

lawful dwelling turning into four. This is inappropriate based on undersized lots created outside of a planned development.

In addition, there is an existing retaining wall and porch stairs/landing which appear to cross onto the proposed property line and potential fire rating requirements per the Building Code. Existing development complicates any partition that these Variances support.

In regards to parking, a detached single family dwelling requires two off-street parking spaces that are supposed to be paved. For detached single family dwellings, off street parking is required to be on the same lot as the dwelling. In the applicant's narrative they note that "the old house had no garage and it appeared this [the shop building] would solve many problems." Now access is proposed on an adjacent separate property to access a gravel parking area that appears to be over 40 from the dwelling and is not visible within the boundary of subject property on the 2022 aerial photo in this report. Note area for parking or maneuvering of vehicles is supposed to be paved.

The Council finds this criterion is not met.

(d) This criterion requires a finding that existing physical and natural systems will not be adversely affected as a result of the requested Variance.

The close proximity of the buildings with a proposed property line in between creates a very narrow setback between the structures which creates less area to be able to effectively manage stormwater runoff. For example, there are currently rain drains from the existing dwelling that are directed towards the proposed property line and the natural slope of the property would create nuisance stormwater runoff between the properties.

There are a number of shared utilities (power, sewer, water) between the two structures which would have to be re-configured, or easements recorded prior to any partition which would create disparate ownership.

Creating lots smaller than normally allowed along Hankey Road promotes public hazard, because an R7 lot or parcel may have a duplex of two detached single-family dwellings, that can result in increased density and vehicle use of the site. Hankey Road is classified as a Collector Street per the city's Transportation Systems Plan. Along Collector Streets there is a driveway spacing requirement of 100' and in no case shall the design of a drive require of facilitate the backward movement or other maneuvering of a vehicle in a collector street.

The current driveway serving both the dwelling and shop was approved in 2015 via Access Variance V.4.15. The plan provided with this Variance was the attached shop. The current proposal contradicts the V.4.15 Variance plan because this access was intended to support the dwelling and its attached building addition (i.e., not a detached building). Reducing the size of the lot that this drive supports with the potential of having two dwelling on the "shop parcel" does not align with what was approved for Access Variance V.4.15.

The Council finds this criterion is not met.

(e) This criterion requires a finding that the variance issue is not self-imposed and that the variance is the minimum necessary to alleviate the hardship.

The current owner and applicant has created the situation at hand. In 2016 they did a Lot Line Adjustment that placed the lot line north of the detached single family dwelling, resulting in a lot less than 14,000 square feet in size. They created a lot that was not able to be divided under normal circumstances.

The Building Permit for the shop (Building Permit No. 13222) from 2015 included conditions about ensuring it was attached to the dwelling with a covered breezeway as per plans and that the shop could not constitute a dwelling unit. That is when the 8' separation between buildings was established; it was not and has ever been permitted to be detached.

This proposal does not honor the circumstances presented to allow the driveway (i.e., Access Variance V.4.15).

The circumstances behind the Variances requests contradicts, a previous Variance, the Building Permitting associated with the shop and presents a situation that is more akin to high density zoning that is nowhere near the subject property.

There is no hardship. Even if the shop was a lawful detached structure and included a dwelling unit, which is the idea behind the applicant's proposal, it is normal under St. Helens law to have two dwelling units on a lot in any residential zoning that allows detached single-family dwellings. There is no hardship to remedy and thus no Variance need in order for the owner to have reasonable economic use of their property, while still honoring the Development Code.

The Council finds this criterion is not met.

CONCLUSION & DECISION

Based upon the facts and findings herein and the City Council denies the three proposed Variances.

Jennifer Massey, Mayor

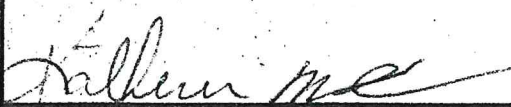
Date

City of St. Helens

Application for Appeal of Land Use Decision

Appellant Name(s): Kevin McCarter & Kathy McCarter	File No. of Land Use Decision being Appealed: <div style="text-align: center; font-family: cursive; font-size: 1.2em;"> VARIANCE V.1.25- V.3.25 </div>
Appellant Mailing Address: 35732 Hankey Road, St. Helens, OR 97051	
Appellant Telephone No.: 503-970-9670	Appellant E-mail Address: kevin1967@gmail.com

APPEAL INFORMATION

Subject Property Assessor's Map & Tax Lot No.: 4N1W-2AB-100 4N1W-5AB-100	Subject Property Site Address: <i>Street name if # not assigned</i> <div style="text-align: right;">35732</div> Hankey Road, St. Helens, OR 97051
Type of Land Use Decision being Appealed:	
Statement as to how appellant qualifies to appeal (pursuant to Development Code): When addressing the council initially all of the variance requests 2 of 3 with the exception of the 3 rd variance was approved with their statement the request is self imposed. This decision is inaccurate as state law has changed since the time of build.	
Grounds for Appeal: <i>Include specific reference(s) to Development Code and/or Comprehensive Plan provisions which form the basis for the appeal.</i> I am appealing this decision based on the fact the council stated the 3 rd variance was not approved because when the 30 by 30 shop was built, it was built as an addition. The council insinuated this would than be self imposed as we could have built it with more space. However, at the time of build no one could have foreseen the law would change allowing two structures on one parcel lot. This law was changed a couple of years ago by the State of Oregon which makes this request not self imposed and gives the impression the council is not using guidance to follow state laws. Had we known or could have seen into the future we most certainly would have built the shop with greater area. Therefore, this is not self imposed and we respectfully request this request be granted.	
<div style="font-family: cursive; font-size: 1.5em;">  </div> Appellant(s) Signature	<div style="font-family: cursive; font-size: 1.5em;"> 2-25-2025 </div> Date Signed

FOR OFFICE USE ONLY



APPEAL AP.1.25 - AP.3.25 CITY STAFF CREATED MAP



April 2022 aerial photo.

0 15 30 60 US Feet



Parcel also owned by applicant.
Created by 2016 Lot Line Adjustment.

Long time existing access that provided access to the 1985 dwelling. This access was separated from the dwelling with the 2016 Lot Line Adjustment (and why a new driveway between the shop and Hankey Road was installed).

Proposed off-street parking area for 1895 dwelling (accessed via separate parcel).

HANKEY ROAD

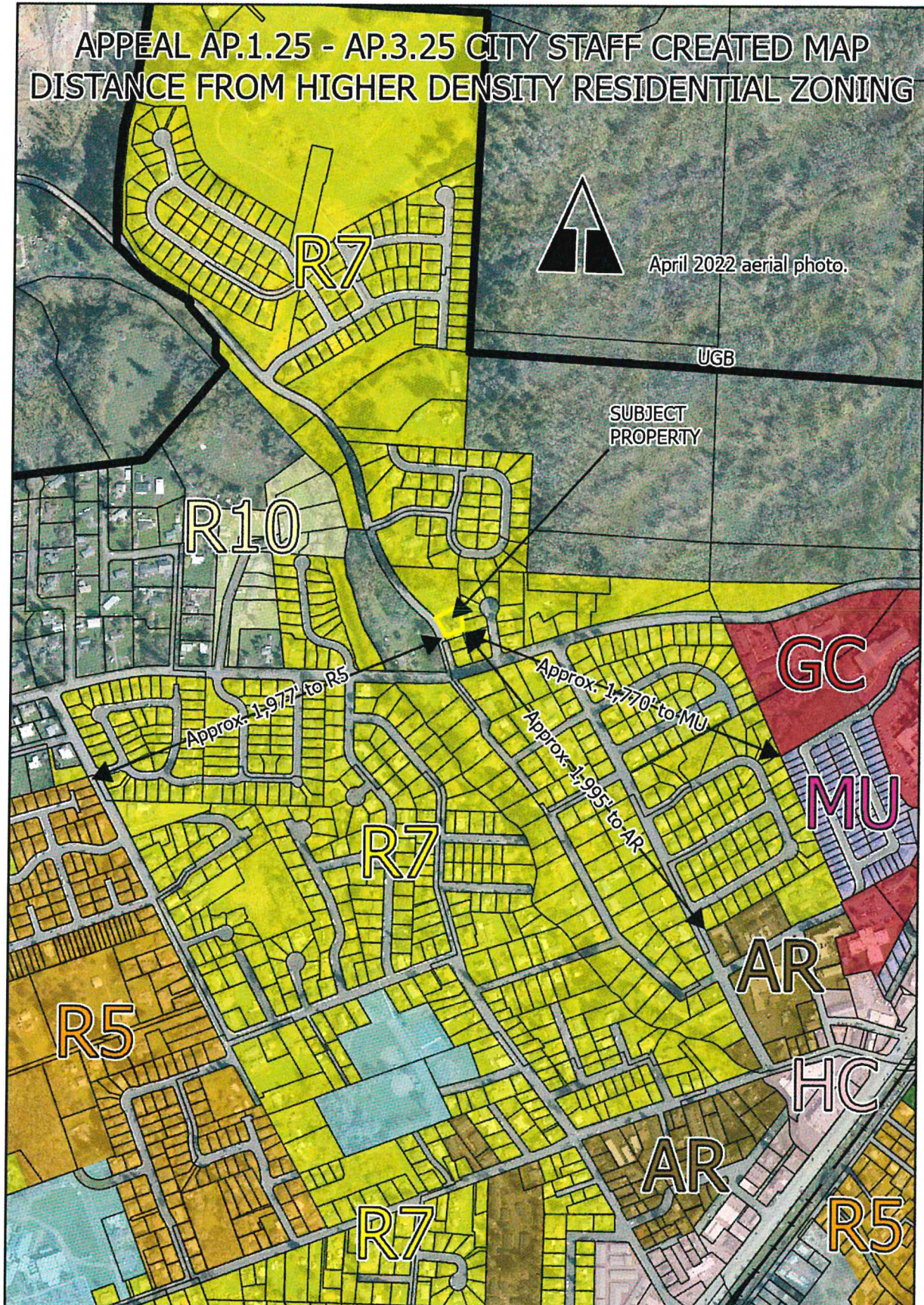
Property line created by
2016 Lot Line Adjustment.

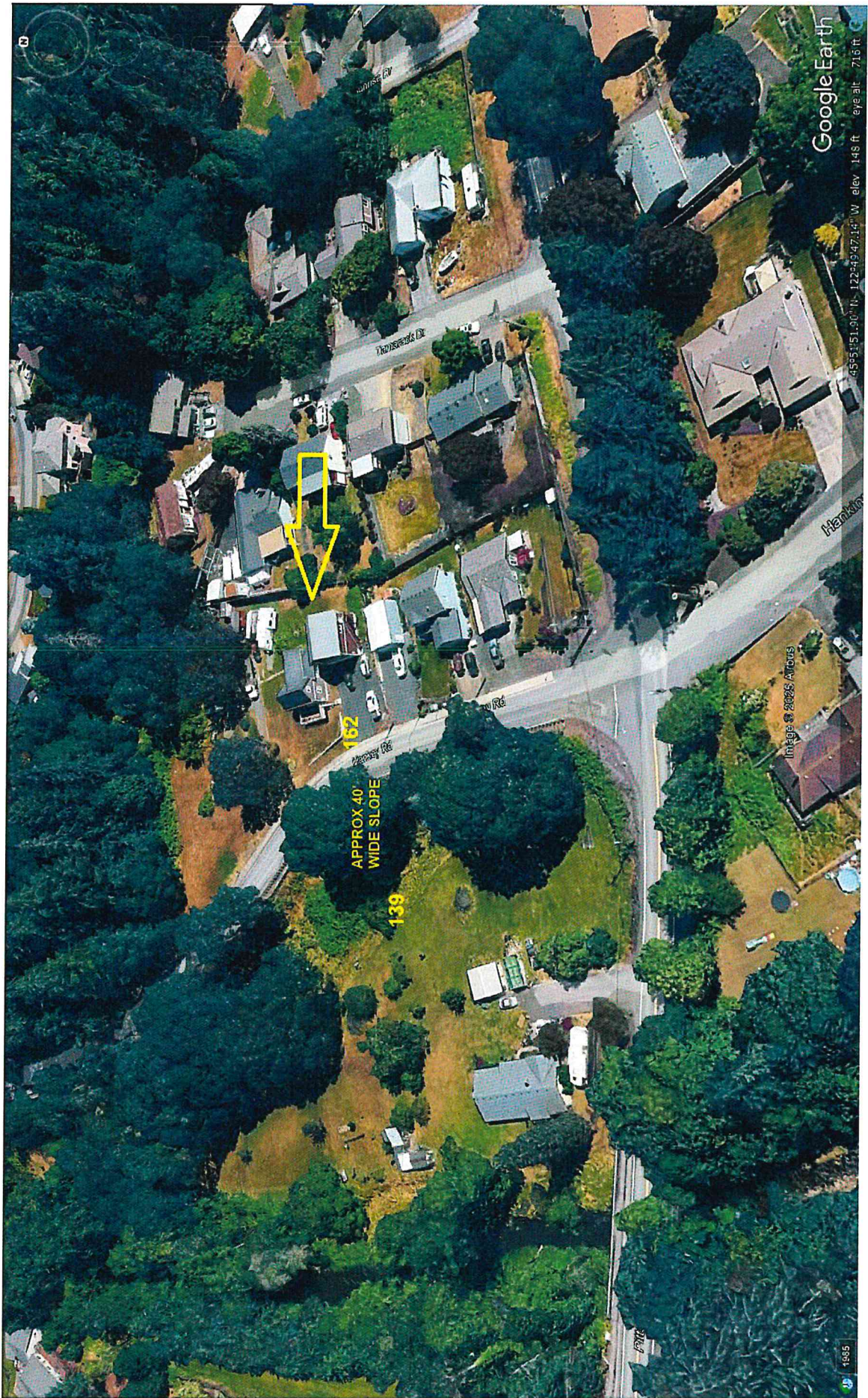
Detached single-family dwelling (1895)

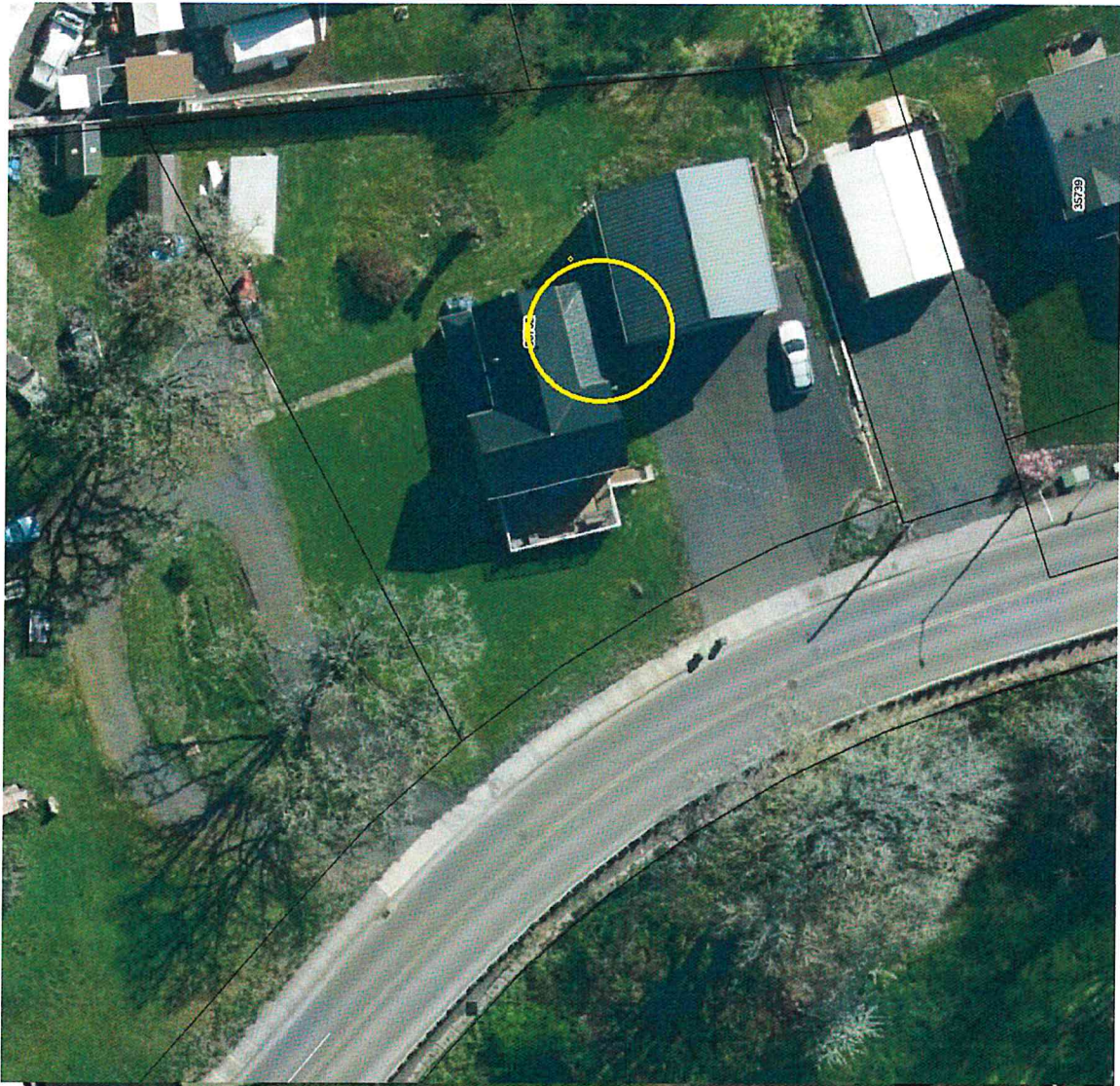
Concept property line.

Driveway approved by 2015 Access Variance.

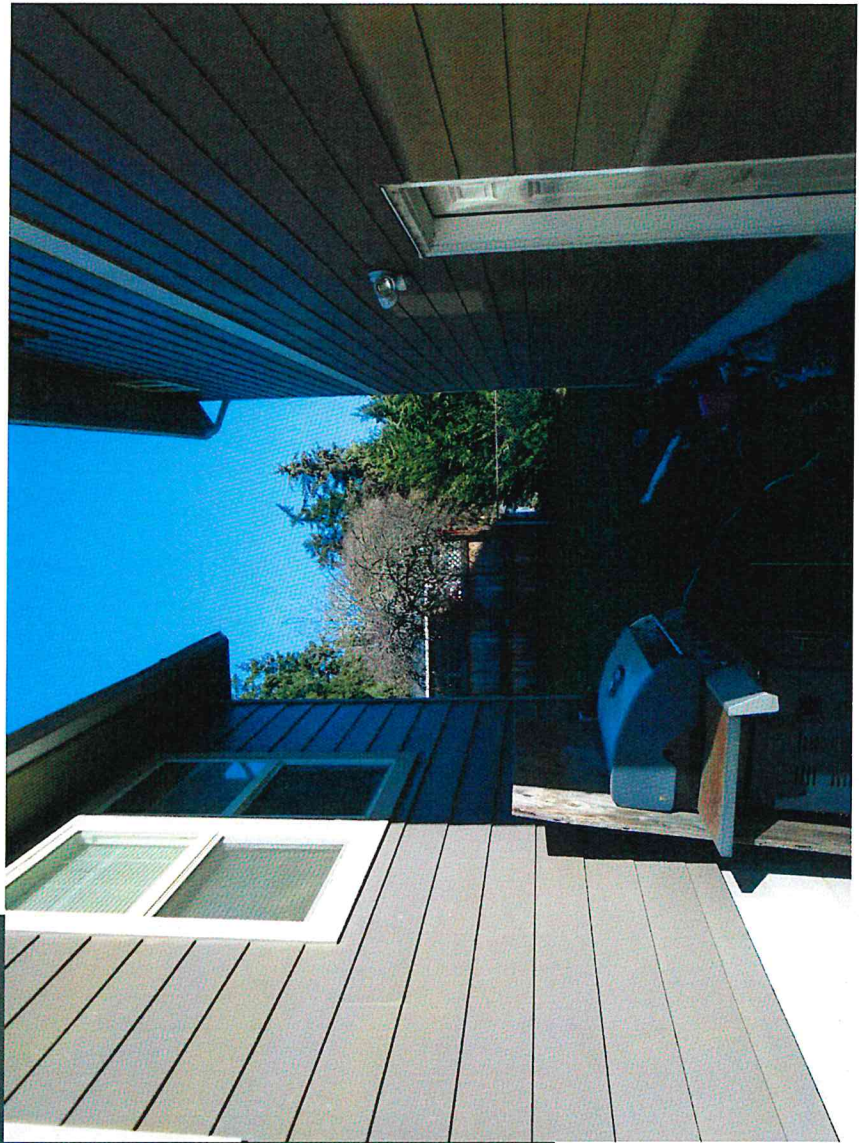
Attached garage/shop (2015).
Attachment unlawfully
removed 2021-2022.

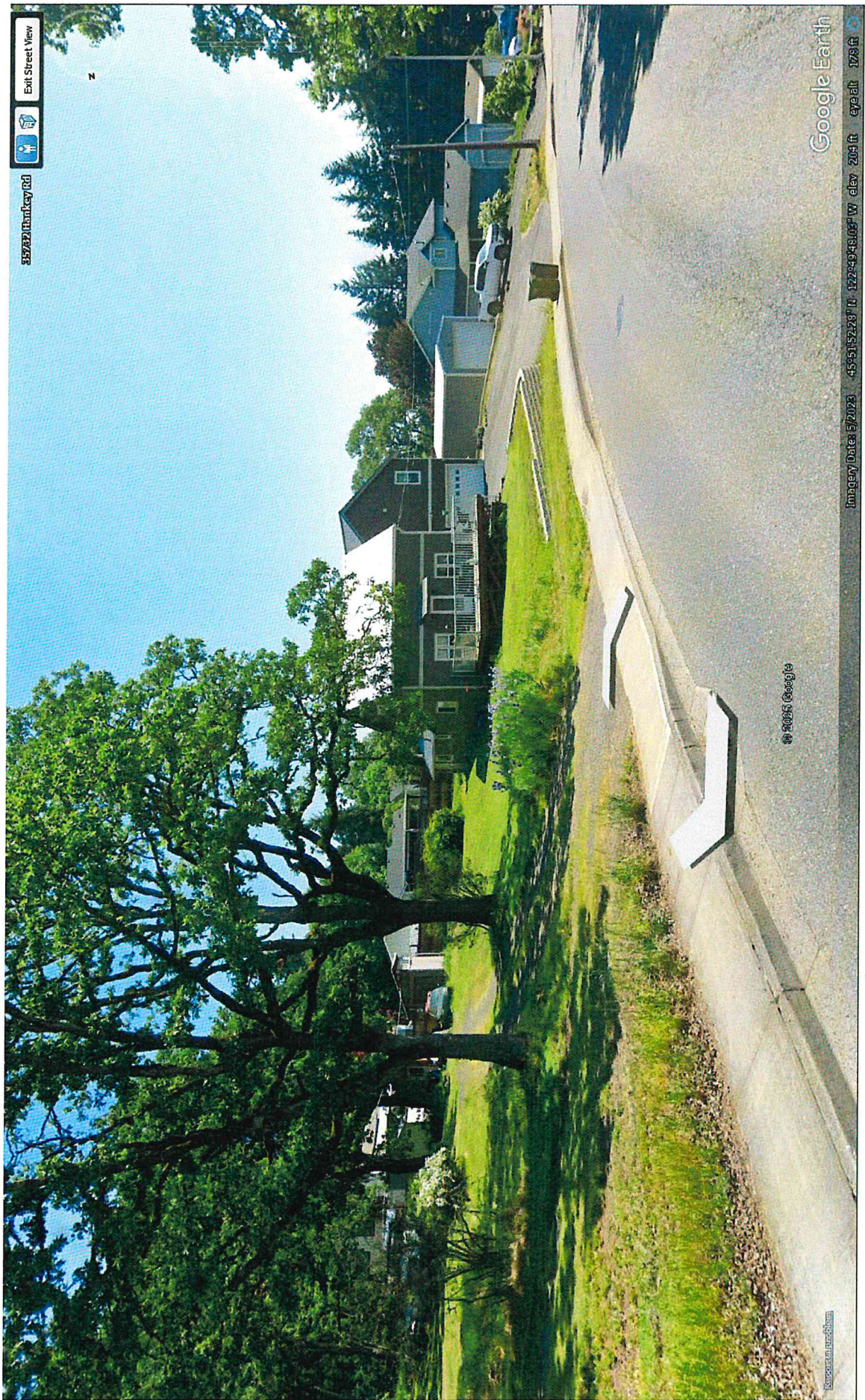












All of the following criteria must be satisfied:

- (a)** The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;
- (b)** There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- (c)** The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
- (d)** Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and
- (e)** The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Annexation A.2.00**

DATE: May 6, 2025
TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner
APPLICANT: Greg & Amanda McFeron
OWNERS: Same
ZONING: Columbia County's Single-Family Residential (R-10)
LOCATION: 35262 Fir Street; 4N1W-8BB-3000
PROPOSAL: The property owner filed consent to annex in 2000 because their septic system failed and they connected to the City's system under a Sewer Service Agreement (Recording No. 2000-05418)

SITE INFORMATION / BACKGROUND

The subject property is a rectangular shaped lot at 20,909 square feet or 0.48 acres. The property is developed with a detached single-family dwelling and accessory structures. It is accessed by Fir Street, which is a developed local classified street without frontage improvements (sidewalks, curb, and landscape strip) on either side. The road is within the County's jurisdiction.



*Left: 35262 Fir Street single-family dwelling
 Right: Fir Street right-of-way abutting subject property*

Abutting Zoning

North – County Multi-Family Residential (MFR)
 East – County Single-Family Residential (R-10)
 South – County Single-Family Residential (R-10)
 West – County Single-Family Residential (R-10)

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: May 13, 2025. Public hearing before the City Council: June 4, 2025.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on April 8, 2025 through their PAPA Online Submittal website.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on May 1, 2025, via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on May 2, 2025, in the Columbia County Spotlight newspaper.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no comments have been received from relevant agencies regarding this proposal.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.08.040 (1) – Quasi-judicial amendment and standards criteria

- (a) A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:
 - (i) The applicable comprehensive plan policies and map designation; and that the change will not adversely affect the health, safety, and welfare of the community; and
 - (ii) The applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197, until acknowledgment of the comprehensive plan and ordinances; and
 - (iii) The standards applicable of any provision of this code or other applicable implementing ordinance.
- (b) Consideration may also be given to:
 - (i) Any applicable evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

Discussion: (a)(i) The Comprehensive Plan designation for the subject property is Rural Suburban Residential (RSUR). Zoning and Comprehensive Plan designations are addressed under SHMC 17.28.030 (1).

SHMC 19.08.030 discusses public services and facilities and includes utility provisions (e.g., water and sewer) as well as services such as police and library. In sum, all services are

intertwined; the consent to annexation allows connection to City sewer to support existing and future development on the subject property, and, once annexed, all other City services/facilities. Sewer and water capacity to serve this property is addressed in more detail under SHMC 17.28.030 (1) below. By this review process, the proposal complies with this aspect of the Comprehensive Plan. There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC.

There is no known conflict with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC. Zoning and Comprehensive Plan designations are addressed under SHMC 17.28.030 (1)

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).

Finally, there is no evidence that this proposal will be contrary to the health, safety, and welfare of the community.

(a)(ii) The City's Comprehensive Plan has been adopted by the State, thus, the applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197 do not need to be analyzed per this section.

(a)(iii) In addition, Section 3 of the City's Charter states that "annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate." However, during the 2016 Legislative Assembly, Senate Bill 1578 was passed. It states that a City shall annex the territory without submitting the proposal to the electors if certain criteria are met:

1. Property is within the UGB
2. Property will be subject to the City's Comprehensive Plan
3. Property is contiguous to the City limits or is separated by only a public right of way or body of water
4. Property conforms to all other City requirements

As this proposal meets these criteria, this property will **not** be subject to a majority vote among the electorate.

Other provisions applicable to this proposal are discussed elsewhere herein.

(b) There is no evidence of a change in neighborhood, or mistake or inconstancy in the Comprehensive Plan or Zoning Map.

Finding: The quasi-judicial amendment and standards criteria are met.

SHMC 17.08.060 – Transportation planning rule compliance

- (1) Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060 (the Transportation Planning Rule ("TPR")).
 "Significant" means the proposal would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (i) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
 - (iii) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Amendments That Affect Transportation Facilities. Comprehensive plan amendments, zone changes or land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
 - (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060.
 - (c) Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
 - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (3) Traffic Impact Analysis. A traffic impact analysis shall be submitted with a plan amendment or zone change application, as applicable, pursuant to Chapter 17.156 SHMC.

Discussion: This section reflects State law regarding the Transportation Planning Rule (TPR): Transportation Planning Rule (TPR), OAR 660, Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility. **Current zoning of the property is Columbia County's Single-Family Residential (R-10) and the City's only zoning option given annexation is Moderate Residential (R7) or Suburban Residential (R10)**

Generally, when comparing potential land use impact on transportation facilities, the *reasonable worst case scenario* for the existing and proposed designation/zone are considered. The potential land uses are very similar for both the City and County. The City's zoning is comparable to the County with regards to the possible intensity of uses allowed and potential vehicular trips generated. Thus, this proposal will not affect an existing or planned transportation facility.

Finding: No transportation facility will be significantly affected by this proposal. No traffic impact analysis is warranted.

SHMC 17.28.030 (1) – Annexation criteria

- (a) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
- (b) Comply with comprehensive plan amendment standards and zoning ordinance amendment standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and
- (c) Complies with state laws; and
- (d) Abutting roads must meet city standards or property owner will be required to sign and record an irrevocable consent to local improvement district; and
- (e) Property exceeding 10 acres in gross size must show a need on the part of the city for such land if it is designated residential (e.g., less than five years' supply of like designated lands in current city limits).

Discussion: (a) Water – The existing single-family dwelling is currently served by City water. Regarding capacity, the City's current water capacity is 6 million gallons/day and the peak flow, usually in the summer, is 3 to 4 million gallons/day. Additionally, the City has the capacity of approximately 10 million gallons to meet future demands. Any additional uses that occur on the subject property can be accommodated by the City's municipal water system as infrastructure has substantial capacity available.

Sewer - The site connected to City sewer around 2000 with a Sewer Service Agreement.

With regards to *capacity*, the City's wastewater treatment plant currently has a daily limit (physically and as permitted by DEQ) to handle over 50,000 pounds of Biochemical Oxygen Demand (BOD) and a monthly average limit of 26,862 pounds. This is the "loading" or potency of the wastewater received by the plant. The average daily BOD is well below this at only 1,500 pounds. Sanitary sewer *capacity* is adequate.

With regards to *conveyance*, the city adopted a new **Wastewater Master Plan (WWMP)** in November 2021 that identifies undersized trunk lines already operating at or above capacity that further development of the subject property (e.g., land division creating new parcels) would depend on. The WWMP can be found here:

<https://www.sthensoregon.gov/engineering/page/public-infrastructure-master-plans>

If the subject property was redeveloped in the future with a proposal that required a land use permit (e.g., Site Development Review or Partition) while the conveyance issue still exists, the city may implement a proportional fee as a condition of approval to contribute to the conveyance projects in the WWMP to help offset the deficiency. Because single-family dwellings and duplexes are not subject to Site Development Review per SHMC 17.96.020, the fee would not apply to that type of development. As a property that has an existing detached single-family dwelling which is already connected to City sewer, this fee would not apply to this annexation.

Transportation - As described above, this proposal poses no significant impact on a transportation facility.

Finding: Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area.

(b) The proposed land use of the subject property is a detached single-family dwelling. This is a permitted use in the corresponding zoning district.

Finding: There is no known conflict with the Comprehensive Plan and implementing ordinances.

(c) With regards to Oregon Revised Statutes (ORS), city annexations of territory must be undertaken consistent with ORS 222.111 to 222.183.

Pursuant to ORS 222.111(1), a City may only annex territory that is not within another City, and the territory must either be contiguous to the annexing City or be separated from the City only by a body of water or public right-of-way. The subject property is not within another City's jurisdiction and City of St. Helens corporate limits is only separated by public right-of-way to the east. See the attached memo for an exhibit related to the eligibility of this property to annex.

Although undertaking an annexation is authorized by state law, the manner in which a city proceeds with annexation is also dictated in the city charter. ORS 222.111(1) references a city's charter as well as other ORS. St. Helens' Charter requirements pertaining to annexations are noted above.

Per ORS 222.111(2) an annexation may be initiated by the owner of real property or the city council. This annexation request was initiated by the property owner in 2000 as part of a Sewer Service Agreement. Further, ORS 222.125 requires that that all property owners of the subject property to be annexed and at least half of the electors residing on the property consent in writing to the annexation. These documents were submitted with the annexation application.

ORS 197.175(1) suggests that all annexations are subject to the statewide planning goals. The statewide planning goals that could technically apply or relate to this proposal are Goals 1, 2, 11 and 12.

- ***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 also required. The City has met these requirements and notified DLCD of the proposal.

- **Statewide Planning Goal 2: Land Use Planning.**

This goal requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.

Generally, Goal 2 requires that actions related to land use be consistent with acknowledged Comprehensive Plans and coordination with affected governments and agencies and be based on an adequate factual base. The City has an adopted Comprehensive Plan, compliance of this proposal which is addressed herein. Moreover, explanation and proof of coordination with affected agencies and factual base are described herein, as well, including inventory, needs, etc.

- **Statewide Planning Goal 11: Public Facilities and Services.**

Goal 11 requires cities and counties to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The goal requires that urban and rural development be "guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."

City water and sewer capacities are addressed under SHMC 17.28.030 (1) above. There is no evidence that adequate infrastructure will not be available to serve the annexed area if redeveloped in the future.

- **Statewide Planning Goal 12: Transportation.**

Goal 12 requires cities, counties, metropolitan planning organizations, and ODOT to provide and encourage a "safe, convenient and economic transportation system." This is accomplished through development of Transportation System Plans based on inventories of local, regional and state transportation needs. Goal 12 is implemented through OAR 660, Division 12, also known as the Transportation Planning Rule ("TPR"). The TPR contains numerous requirements governing transportation planning and project development.

Traffic impacts and the City's provisions that address the TPR are explained above. This proposal will not significantly affect an existing or planned transportation facility.

(d) The subject property abuts Fir Street. Fir Street is classified as a local street with a minimum right-of-way width of 50', which is met. There are no frontage improvements (sidewalks, curb) abutting the subject property. City standards require such improvements.

However, this property is not the subject of a current development land use review, which provides the legal nexus and proportionality to require such improvements. As such, no improvements are warranted with this proposal. At the time of future land division and/or development, these items would be considered.

(e) The subject property is not greater than 10 acres in gross size. An analysis is not necessary.

Finding: The annexation approval criteria are met for this proposal.

SHMC 17.28.030 (2) – Annexation criteria

The plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's comprehensive plan map designation.

Discussion: The Comprehensive Plan designation is currently Rural Suburban Unincorporated Residential (RSUR). The City's options for zoning are Suburban Residential (R10) or Moderate Residential (R7). The Comprehensive Plan designation would be Suburban Residential (Incorporated) (SR).

Finding: Upon annexation, the subject property's Comprehensive Plan designation shall be Suburban Residential (Incorporated) (SR) and zoned **Suburban Residential (R10) or Moderate Residential (R7) based on the findings of the Planning Commission and City Council.**

SHMC 17.112.020 – Established & Developed Area Classification criteria

- (1) Established Area.
 - (a) An "established area" is an area where the land is not classified as buildable land under OAR 660-08-0005;
 - (b) An established area may include some small tracts of vacant land (tracts less than an acre in size) provided the tracts are surrounded by land which is not classified as buildable land; and
 - (c) An area shown on a zone map or overlay map as an established area.
- (2) Developing Area. A "developing area" is an area which is included in the city's buildable land inventory under the provisions of OAR except as provided by subsection (1)(b) of this section.

Discussion: OAR 660-008-0005 classifies *buildable land* as:

Residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year flood plain; or
- (e) Cannot be provided with public facilities.

Discussion: This property is already developed with a detached single-family dwelling and is unlikely to be redeveloped. Therefore, this property is not considered buildable land under OAR 660-008-0005.

Finding: The subject property should be designated as "established."

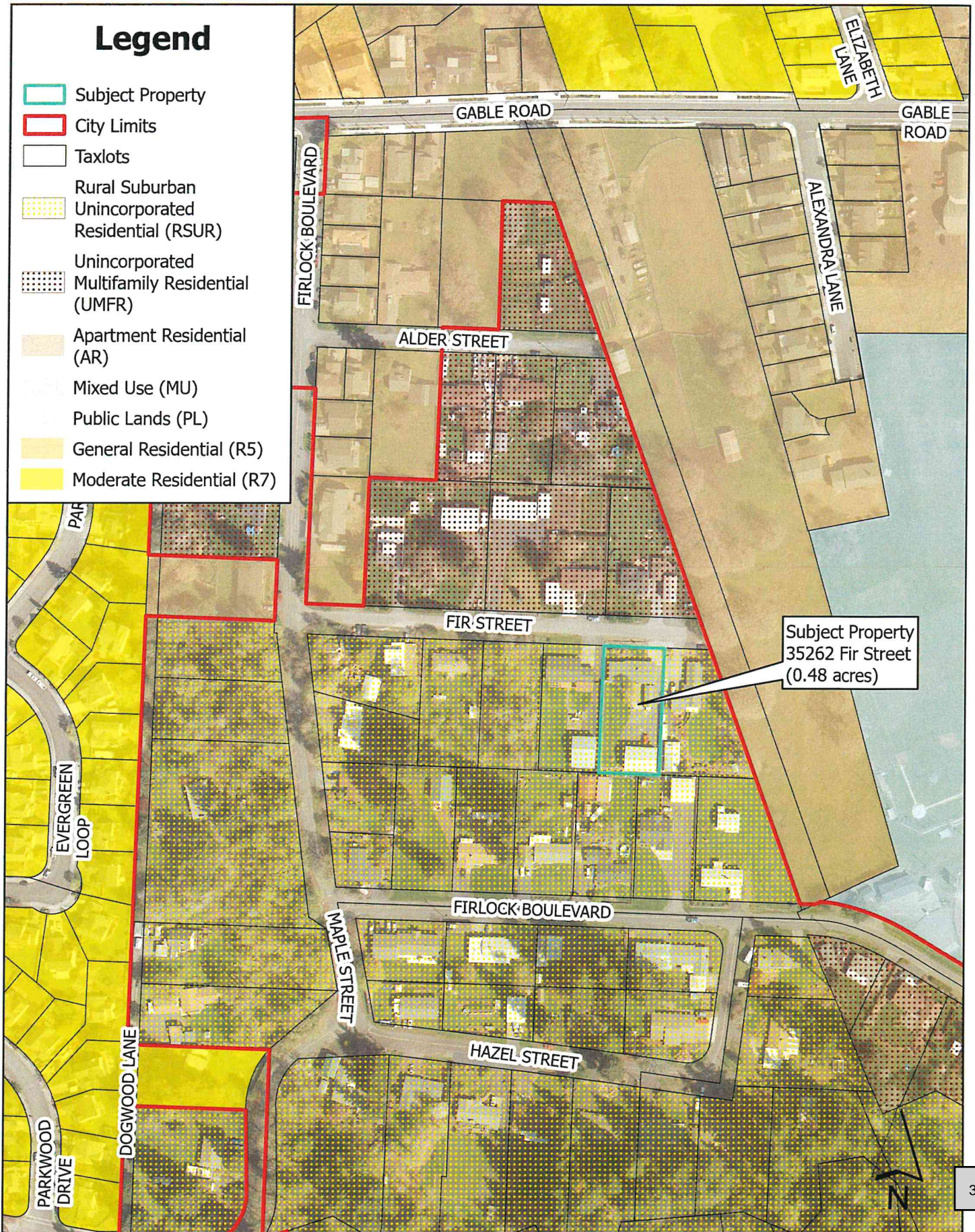
CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Suburban Residential (Incorporated) (SR), zoned Suburban Residential (R10) or Moderate Residential (R7) based on the findings of the Planning Commission and City Council, and be designated as “established.”

*This annexation will **not** be subject to voter approval subsequent to this land use process.*

Attachments: Aerial Map
Memo Dated March 24, 2025

Annexation A.2.00 Aerial Map





CITY OF ST. HELENS PLANNING DEPARTMENT

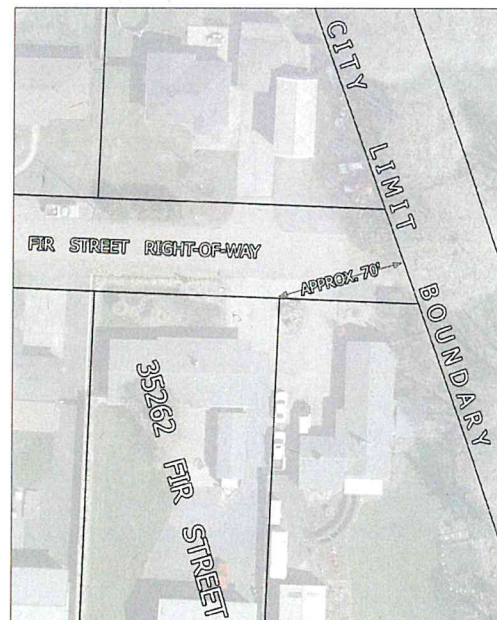
MEMORANDUM

TO: City Recorder & Engineering Division Manager
FROM: Jacob A. Graichen, AICP, City Planner
RE: 35261 Fir Street Sewer Agreement & Annexation File A.2.00
DATE: March 24, 2025

This agreement to allow a STEP system to gain access to the public sewer began in 2000 and has been amended four times since, at five-year intervals. The most recent fourth amendment extended the agreement to May 5, 2025. The fourth amendment was recorded on May 21, 2020.

I do not recall reviewing this previously, but upon recent review of this fourth amendment and the original 2000 agreement I observe the following as it specifically pertains to the Planning Department—the annexation aspects:

- The 2000 agreement notes that the property is “nearly adjacent” to the City Limits and also notes the Applicant has indicated a willingness to irrevocably consent to annex the Applicant’s property to the City and has executed a separate document to be recorded in the public records evidencing said consent (attached).
- The 2020 amendment, recital H, notes “until this property has been annexed and the public sanitary sewer is available, the McFeron’s will need to continue using the STEP system.”
- Pursuant to Oregon Revised Statute 222.111(1):
...the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream.
- The subject property is Lot 58 of the Firlok Park Subdivision. The City Limit boundary extends to the eastern end of the Fir Street right-of-way. The closest distance between the subject property and the City boundary is 70', which is a lesser distance compared to many of the city’s rights-of-way, which can be 80' wide or more. Regardless, the entire area between the subject property and City Limits is public right-of-way.
- **This property is eligible for annexation now and it should be done.**



The subject property is separated by public right-of-way as close as approximately 70 feet. This, combined with the consent to annex executed in 1999 (attached), the property is eligible for annexation now.

This could impact the content of the next amendment, if any. Pursuant to SHMC 13.14.060(5) a sewer agreement for STEP systems is a requirement of city law, so there is reason to continue with the agreement if desired. Also consider that since the fourth agreement was recorded in 2020, the city has adopted a new Wastewater Master Plan (adopted via Resolution No. 1940 in November 2021).

PETITION FOR ANNEXATION TO THE
CITY OF ST. HELENS, OREGON

To: The Common Council of the City of St. Helens, Oregon

We, the undersigned owners of the property described below, hereby petition for, and give our consent to, annexation of that property to the City of St. Helens.

The property legal description to be annexed is attached as Exhibit A.

Street Address of Property:
(If address has been assigned)

Signature of Owner(s):
(Print name below signature)

35262 Fir Street
Property address

St. Helens
City

Amarria McFeron

Send correspondence to:

Greg McFeron

Amanda McFeron
Name

35262 Fir Street
Mailing address

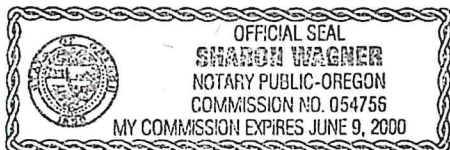
St. Helens 97051
City Zip

Amanda McFeron
Dry MZ

503-397-2330
Telephone number

We agree that this consent shall be irrevocable and is a covenant and runs with the land, and is binding on our heirs, assignees, or successors in interest.

The foregoing instrument was acknowledged before me this 9th day of Nov., 1999 by Sharon Wagner.



Sharon Wagner
Notary Public for Oregon
My commission expires: June 9, 2000

Mail petitions to: City of St. Helens
PO Box 278
St. Helens, OR 97051

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Annexation A.2.24**

DATE: May 6, 2025
To: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner
APPLICANT: Bradford Pyl
OWNERS: Bradford & Teresa Pyl
ZONING: Columbia County's Multi-Family Residential (MFR)
LOCATION: 58909 Firlok Park Street; 4N1W-8BB-2100
PROPOSAL: The property owner filed consent to annex because they desired to connect to City sanitary sewer.

SITE INFORMATION / BACKGROUND

The subject property is a rectangular shaped lot at 25,265 square feet or 0.58 acres. The property is developed with an existing detached single-family dwelling. It is accessed by Firlok Park Street, which is a developed collector classified street without frontage improvements (sidewalks, curb, and landscape strip) on either side. The road is within the County's jurisdiction. The parcel slopes to the back with the North Fork McNulty Creek bordering the western property line. The dwelling is connected to City water and connected to City sewer in 2024 with Permit No. 1511.



Left: 58909 Firlok Park Street single-family dwelling

Right: Firlok Park Street right-of-way abutting subject property looking south

Abutting Zoning

North – City Apartment Residential (AR)
 East – City Apartment Residential (AR)
 South – County Multi-Family Residential (MFR)
 West – City Moderate Residential (R7)

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: May 13, 2025. Public hearing before the City Council: June 4, 2025.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on April 8, 2025, through their PAPA Online Submittal website.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on May 1, 2025, via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on May 2, 2025 in the Columbia County Spotlight newspaper.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no comments have been received from relevant agencies regarding this proposal.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

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 - (iii) The standards applicable of any provision of this code or other applicable implementing ordinance.
- (b) Consideration may also be given to:
 - (i) Any applicable evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

Discussion: (a)(i) The Comprehensive Plan designation for the subject property is Unincorporated Multi-Family Residential (UMFR). Zoning and Comprehensive Plan designations are addressed under SHMC 17.28.030 (1).

SHMC 19.08.030 discusses public services and facilities and includes utility provisions (e.g., water and sewer) as well as services such as police and library. In sum, all services are

intertwined; the consent to annexation allows connection to City sewer to support existing and future development on the subject property, and, once annexed, all other City services/facilities. Sewer and water capacity to serve this property is addressed in more detail under SHMC 17.28.030 (1) below. By this review process, the proposal complies with this aspect of the Comprehensive Plan. There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC.

There is no known conflict with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC. Zoning and Comprehensive Plan designations are addressed under SHMC 17.28.030 (1)

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).

Finally, there is no evidence that this proposal will be contrary to the health, safety, and welfare of the community.

(a)(ii) The City's Comprehensive Plan has been adopted by the State, thus, the applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197 do not need to be analyzed per this section.

(a)(iii) In addition, Section 3 of the City's Charter states that "annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate." However, during the 2016 Legislative Assembly, Senate Bill 1578 was passed. It states that a City shall annex the territory without submitting the proposal to the electors if certain criteria are met:

1. Property is within the UGB
2. Property will be subject to the City's Comprehensive Plan
3. Property is contiguous to the City limits or is separated by only a public right of way or body of water
4. Property conforms to all other City requirements

As this proposal meets these criteria, this property will **not** be subject to a majority vote among the electorate.

Other provisions applicable to this proposal are discussed elsewhere herein.

(b) There is no evidence of a change in neighborhood, or mistake or inconstancy in the Comprehensive Plan or Zoning Map.

Finding: The quasi-judicial amendment and standards criteria are met.

SHMC 17.08.060 – Transportation planning rule compliance

- (1) Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060 (the Transportation Planning Rule ("TPR")). "Significant" means the proposal would:
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (i) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
 - (iii) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Amendments That Affect Transportation Facilities. Comprehensive plan amendments, zone changes or land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060.
 - (c) Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
 - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (3) Traffic Impact Analysis. A traffic impact analysis shall be submitted with a plan amendment or zone change application, as applicable, pursuant to Chapter 17.156 SHMC.

Discussion: This section reflects State law regarding the Transportation Planning Rule (TPR): Transportation Planning Rule (TPR), OAR 660, Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility. **Current zoning of the property is Columbia County's Multi-Family Residential (MFR) and the City's only zoning option given annexation is Apartment Residential (AR).**

Generally, when comparing potential land use impact on transportation facilities, the *reasonable worst case scenario* for the existing and proposed designation/zone are considered. The potential land uses are very similar for both the City and County. The City's zoning is comparable to the County with regards to the possible intensity of uses allowed and potential vehicular trips generated. Thus, this proposal will not affect an existing or planned transportation facility.

Finding: No transportation facility will be significantly affected by this proposal. No traffic impact analysis is warranted.

SHMC 17.28.030 (1) – Annexation criteria

- (a) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
- (b) Comply with comprehensive plan amendment standards and zoning ordinance amendment standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and
- (c) Complies with state laws; and
- (d) Abutting roads must meet city standards or property owner will be required to sign and record an irrevocable consent to local improvement district; and
- (e) Property exceeding 10 acres in gross size must show a need on the part of the city for such land if it is designated residential (e.g., less than five years' supply of like designated lands in current city limits).

Discussion: (a) Water – The existing single-family dwelling is currently served by City water. Regarding capacity, the City's current water capacity is 6 million gallons/day and the peak flow, usually in the summer, is 3 to 4 million gallons/day. Additionally, the City has the capacity of approximately 10 million gallons to meet future demands. Any additional uses that occur on the subject property can be accommodated by the City's municipal water system as infrastructure has substantial capacity available.

Sewer - The site connected to City sewer in 2024 with Building Permit No. 1511.

With regards to *capacity*, the City's wastewater treatment plant currently has a daily limit (physically and as permitted by DEQ) to handle over 50,000 pounds of Biochemical Oxygen Demand (BOD) and a monthly average limit of 26,862 pounds. This is the "loading" or potency of the wastewater received by the plant. The average daily BOD is well below this at only 1,500 pounds. Sanitary sewer *capacity* is adequate.

With regards to *conveyance*, the city adopted a new **Wastewater Master Plan (WWMP)** in November 2021 that identifies undersized trunk lines already operating at or above capacity that further development of the subject property (e.g., land division creating new parcels) would depend on. The WWMP can be found here:

<https://www.sthelensoregon.gov/engineering/page/public-infrastructure-master-plans>

If the subject property was redeveloped in the future with a proposal that required a land use permit (e.g., Site Development Review or Partition) while the conveyance issue still exists, the city may implement a proportional fee as a condition of approval to contribute to the conveyance projects in the WWMP to help offset the deficiency. Because single-family dwellings and duplexes are not subject to Site Development Review per SHMC 17.96.020, the fee would not apply to that type of development. As a property that has an existing detached single-family dwelling which is already connected to City sewer, this fee would not apply to this annexation.

Transportation - As described above, this proposal poses no significant impact on a transportation facility.

Finding: Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area.

(b) The proposed land use of the subject property is a detached single-family dwelling. This is a permitted use in the corresponding zoning district.

Finding: There is no known conflict with the Comprehensive Plan and implementing ordinances.

(c) With regards to Oregon Revised Statutes (ORS), city annexations of territory must be undertaken consistent with ORS 222.111 to 222.183.

Pursuant to ORS 222.111(1), a City may only annex territory that is not within another City, and the territory must either be contiguous to the annexing City or be separated from the City only by a body of water or public right-of-way. The subject property is not within another City's jurisdiction and City of St. Helens corporate limits lies on the north, east, and west side of the subject property.

Although undertaking an annexation is authorized by state law, the manner in which a city proceeds with annexation is also dictated in the city charter. ORS 222.111(1) references a city's charter as well as other ORS. St. Helens' Charter requirements pertaining to annexations are noted above.

Per ORS 222.111(2) an annexation may be initiated by the owner of real property or the city council. This annexation request was initiated by the property owner. Further, ORS 222.125 requires that that all property owners of the subject property to be annexed and at least half of the electors residing on the property consent in writing to the annexation. These documents were submitted with the annexation application.

ORS 197.175(1) suggests that all annexations are subject to the statewide planning goals. The statewide planning goals that could technically apply or relate to this proposal are Goals 1, 2, 11 and 12.

- ***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 also required. The City has met these requirements and notified DLCD of the proposal.

- **Statewide Planning Goal 2: Land Use Planning.**

This goal requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.

Generally, Goal 2 requires that actions related to land use be consistent with acknowledged Comprehensive Plans and coordination with affected governments and agencies and be based on an adequate factual base. The City has an adopted Comprehensive Plan, compliance of this proposal which is addressed herein. Moreover, explanation and proof of coordination with affected agencies and factual base are described herein, as well, including inventory, needs, etc.

- **Statewide Planning Goal 11: Public Facilities and Services.**

Goal 11 requires cities and counties to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The goal requires that urban and rural development be "guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."

City water and sewer capacities are addressed under SHMC 17.28.030 (1) above. There is no evidence that adequate infrastructure will not be available to serve the annexed area if redeveloped in the future.

- **Statewide Planning Goal 12: Transportation.**

Goal 12 requires cities, counties, metropolitan planning organizations, and ODOT to provide and encourage a "safe, convenient and economic transportation system." This is accomplished through development of Transportation System Plans based on inventories of local, regional and state transportation needs. Goal 12 is implemented through OAR 660, Division 12, also known as the Transportation Planning Rule ("TPR"). The TPR contains numerous requirements governing transportation planning and project development.

Traffic impacts and the City's provisions that address the TPR are explained above. This proposal will not significantly affect an existing or planned transportation facility.

(d) The subject property abuts Firlok Park Street. Firlok Park Street is classified as a collector street with a minimum right-of-way width of 60', which is not met. There are also no frontage improvements (sidewalks, curb, landscaping strip) abutting the subject property. City standards require such improvements.

However, this property is not the subject of a current development land use review, which provides the legal nexus and proportionality to require such improvements or right-of-way

dedications. As such, no improvements are warranted with this proposal. At the time of future land division and/or development, these items would be considered.

(e) The subject property is not greater than 10 acres in gross size. An analysis is not necessary.

Finding: The annexation approval criteria are met for this proposal.

SHMC 17.28.030 (2) – Annexation criteria

The plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's comprehensive plan map designation.

Discussion: The Comprehensive Plan designation is currently Unincorporated Multifamily Residential (UMFR). The City's only option for zoning is Apartment Residential (AR). The Comprehensive Plan designation would be General Residential (Incorporated) (GR).

Finding: Upon annexation, the subject property's Comprehensive Plan designation shall be General Residential (Incorporated) and zoned Apartment Residential (AR).

SHMC 17.112.020 – Established & Developed Area Classification criteria

- (1) Established Area.
 - (a) An "established area" is an area where the land is not classified as buildable land under OAR 660-08-0005;
 - (b) An established area may include some small tracts of vacant land (tracts less than an acre in size) provided the tracts are surrounded by land which is not classified as buildable land; and
 - (c) An area shown on a zone map or overlay map as an established area.
- (2) Developing Area. A "developing area" is an area which is included in the city's buildable land inventory under the provisions of OAR except as provided by subsection (1)(b) of this section.

Discussion: OAR 660-008-0005 classifies *buildable land* as:

Residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year flood plain; or
- (e) Cannot be provided with public facilities.

Discussion: In addition to already being developed with a single-family dwelling, this property is subject to natural resource protection measures under Goal 5 due to the presence of Wetland MC-9 (Type I) with a 75' protection zone and Riparian Corridor R-MC-13 with a 50' upland protection zone. Therefore, this property is not considered buildable land under OAR 660-008-0005.

Finding: The subject property should be designated as "established."

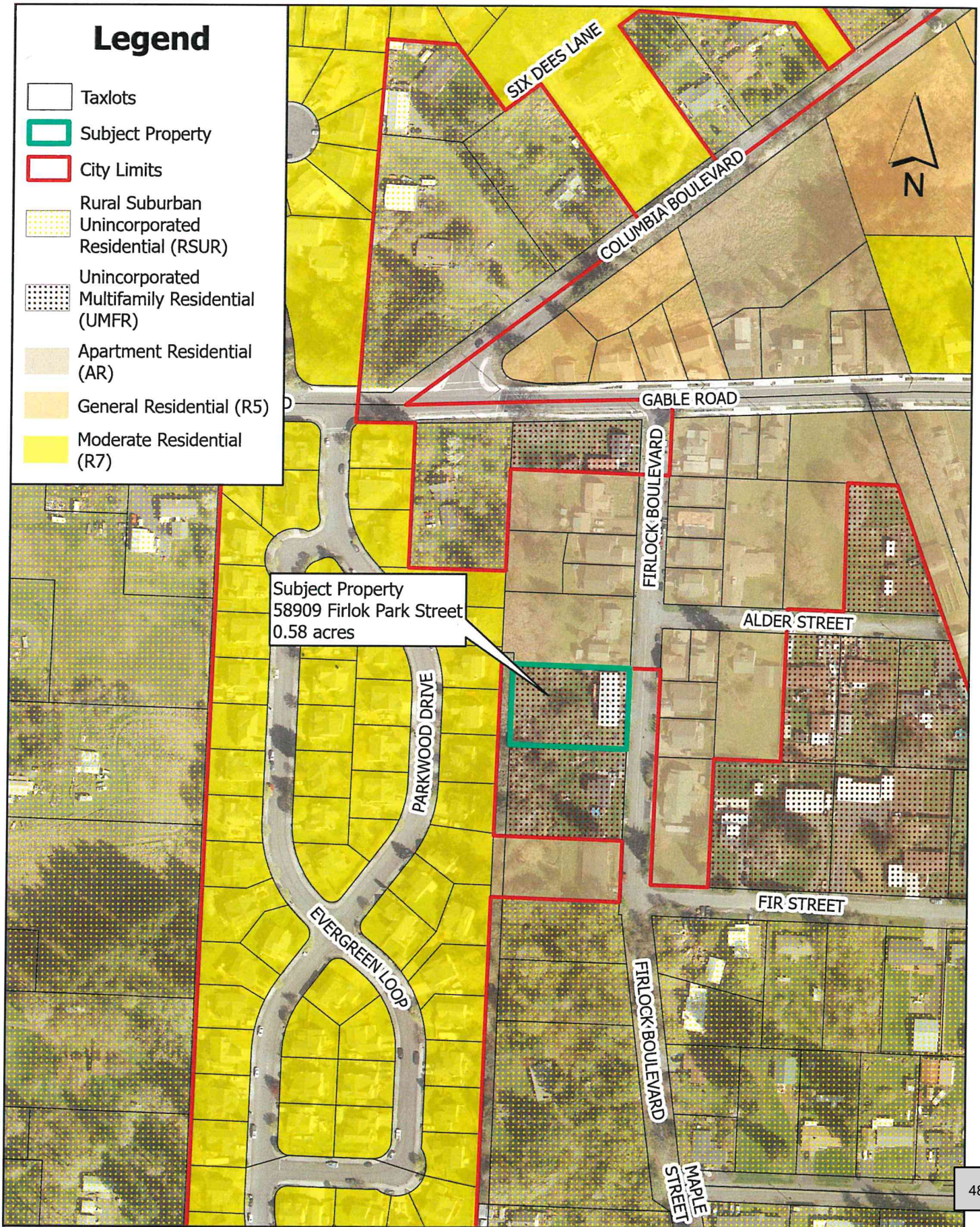
CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of General Residential (GR), be zoned Apartment Residential (AR), and be designated as “established.”

This annexation will *not* be subject to voter approval subsequent to this land use process.

Attachment: Aerial Map

Annexation A.2.24 Aerial Map



**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Annexation A.5.09**

DATE: May 6, 2025
TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner
APPLICANT: Paul Joe & Virginia Decker
OWNERS: JH Rental, LLC
 Ronald & Virginia Decker
ZONING: Columbia County's Commercial-General (C-3)
LOCATION: 58209 Columbia River Highway and 35369 Millard Road
 4N1W-8CA-3700 & 3900
PROPOSAL: Both property owners filed consent to annex because they wanted to connect to City sewer.

SITE INFORMATION / BACKGROUND

The subject property consists of two properties: one at 1 acre in size on Millard Road developed with a detached single-family dwelling and related accessory structures and the other property along US 30 at 4.47 acres in size developed with a RV/travel trailer sales (Family Fun RV). The County authorized an expansion of the use in with a new nearly 3,000 sq. ft. building for repairs of RV/travel trailers in 2022 (DR 22-06 and NCU 23-01). In addition, the County authorized use of the sales building for multiple separate office suites in 2022.

The subject properties are being processed as one annexation because they are adjacent to each other. In 2011, the single-family dwelling property owner filed a consent to annex and connected to City sewer. In 2009, the commercial property, at the time, Bing's Restaurant, filed a consent to annex and connected to City sewer. Both files were on hold until they became eligible for annexation.

Both properties have a shared, paved driveway approach from Millard Road located in an irregularly- shaped portion of the Millard Road right-of-way. The approach is developed with a concrete apron, but there are no other frontage improvements, except for a curb/gutter along Millard Road for the length of the commercial property. The commercial property also has an approach of US 30 which is fully developed with sidewalks, curb and gutter along the length of the property. The public sanitary sewer line which serves both properties runs along the shared property line between the two properties.

Abutting Zoning

North – County Commercial-General (C-3)
 East – County Commercial-General (C-3)
 South - County Commercial-General (C-3) & County Single-Family Residential (R-10)
 West – County Single-Family Residential (R-10)



Left: 35369 Millard Road dwelling taken from the access which serves both the dwelling and Family Fun RV looking north along Millard Road

Right: 58209 Columbia River Highway (Family Fun RV) taken from the access on Millard Road looking south

Below: 58209 Columbia River Highway (Family Fun RV) US 30 frontage taken looking south along US 30



PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: May 13, 2025. Public hearing before the City Council: June 4, 2025.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on April 8, 2025, through their PAPA Online Submittal website.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property on May 1, 2025, via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on May 2, 2025, in The Chronicle newspaper.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no comments have been received from relevant agencies regarding this proposal.

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.

Discussion: (a) The statewide planning goals that could apply to this proposal are Goals 1, 2, 11 and 12.

- ***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 also required. The City has met these requirements and notified DLCD of the proposal.

- ***Statewide Planning Goal 2: Land Use Planning.***

This goal requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.

Generally, Goal 2 requires that actions related to land use be consistent with acknowledged Comprehensive Plans and coordination with affected governments and agencies and be based on an adequate factual base. The City has an adopted Comprehensive Plan, compliance of this proposal which is addressed herein. Moreover, explanation and proof of coordination with affected agencies and factual base are described herein, as well, including inventory, needs, etc.

- ***Statewide Planning Goal 11: Public Facilities and Services.***

Goal 11 requires cities and counties to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The goal requires that urban and rural development be "guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."

The subject property is served by McNulty water. City sewer capacities are explained below. The existing development is adequately served.

- ***Statewide Planning Goal 12: Transportation.***

Goal 12 requires cities, counties, metropolitan planning organizations, and ODOT to provide and encourage a "safe, convenient and economic transportation system." This is accomplished through development of Transportation System Plans based on inventories of local, regional and state transportation needs. Goal 12 is implemented through OAR 660, Division 12, also known as the Transportation Planning Rule ("TPR"). The TPR contains numerous requirements governing transportation planning and project development.

Traffic impacts and the City's provisions that address the TPR are explained below. This proposal will not significantly affect an existing or planned transportation facility.

(b) Section 3 of the City's Charter states that "annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate." However, during the 2016 Legislative Assembly, Senate Bill 1578 was passed. It states that a City shall annex the territory without submitting the proposal to the electors if certain criteria are met:

1. Property is within the UGB
2. Property will be subject to the City's Comprehensive Plan

3. Property is contiguous to the City limits or is separated by only a public right of way or body of water
4. Property conforms to all other City requirements

This property is separated by only a public right-of-way to City limits. As this proposal meets these criteria, this property will **not** be subject to a majority vote among the electorate.

Other provisions applicable to this proposal are discussed elsewhere herein.

(c) The Comprehensive Plan designation for the subject property is Unincorporated Highway Commercial. Applicable designation and zoning district for annexation are discussed later.

There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC. Note that SHMC 19.08.030 discusses public services and facilities and includes utility provisions (e.g., water and sewer) as well as services such as police and library. In sum, all services are intertwined; the consent to annexation allows connection to City sewer to support existing and future development on the subject property, and, once annexed, all other City services/facilities. By this process, the proposal complies with this aspect of the Comprehensive Plan.

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).

(d) Implementing ordinances are addressed in the annexation criteria below.

(e) This is not a spot zone in either the Comprehensive Plan Map or the Zoning Map.

Finding: The legislative amendment and standards criteria are met.

SHMC 17.08.060 – Transportation planning rule compliance

(1) Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060 (the Transportation Planning Rule ("TPR")). "Significant" means the proposal would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:

- (i) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
 - (iii) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Amendments That Affect Transportation Facilities. Comprehensive plan amendments, zone changes or land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060.
 - (c) Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
 - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (3) Traffic Impact Analysis. A traffic impact analysis shall be submitted with a plan amendment or zone change application, as applicable, pursuant to Chapter 17.156 SHMC.

Discussion: This section reflects State law regarding the Transportation Planning Rule (TPR): Transportation Planning Rule (TPR), OAR 660, Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility. **Current zoning of the property is Columbia County's Commercial-General (C-3) and the City's only zoning option given annexation is Highway Commercial.**

Generally, when comparing potential land use impact on transportation facilities, the *reasonable worst case scenario* for the existing and proposed designation/zone are considered. The potential land uses are very similar for both the City and County. The City's zoning is comparable to the County with regards to the possible intensity of uses allowed and potential vehicular trips generated. Thus, this proposal will not affect an existing or planned transportation facility.

Finding: No transportation facility will be significantly affected by this proposal. No traffic impact analysis is warranted.

SHMC 17.28.030 (1) – Annexation criteria

- (a) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
- (b) Comply with comprehensive plan amendment standards and zoning ordinance amendment standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and
- (c) Complies with state laws; and

- (d) Abutting roads must meet city standards or property owner will be required to sign and record an irrevocable consent to local improvement district; and
- (e) Property exceeding 10 acres in gross size must show a need on the part of the city for such land if it is designated residential (e.g., less than five years' supply of like designated lands in current city limits).

Discussion: (a) Water – The site is currently connected to McNulty Water.

Sewer – Since the applicants filed consents to annex in 2009 and 2011, they have both since connected the properties to City sewer.

With regards to *capacity*, the City's wastewater treatment plant currently has a daily limit (physically and as permitted by DEQ) to handle over 50,000 pounds of Biochemical Oxygen Demand (BOD) and a monthly average limit of 26,862 pounds. This is the "loading" or potency of the wastewater received by the plant. The average daily BOD is well below this at only 1,500 pounds. Sanitary sewer *capacity* is adequate.

With regards to *conveyance*, the city adopted a new **Wastewater Master Plan (WWMP)** in November 2021 that identifies undersized trunk lines already operating at or above capacity that further development of the subject property (e.g., land division creating new parcels) would depend on. The WWMP can be found here:

<https://www.sthensoregon.gov/engineering/page/public-infrastructure-master-plans>

If the subject property was redeveloped in the future with a proposal that required a land use permit (e.g., Site Development Review or Partition) while the conveyance issue still exists, the city may implement a proportional fee as a condition of approval to contribute to the conveyance projects in the WWMP to help offset the deficiency. Because single-family dwellings and duplexes are not subject to Site Development Review per SHMC 17.96.020, the fee would not apply to that type of development. As a property that has an existing detached single-family dwelling and an existing commercial development, this fee would not apply to this annexation.

Transportation - As described above, this proposal poses no significant impact on a transportation facility.

Finding: Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area.

(b) The land use of one of the subject properties is a detached single-family dwelling. This is not an allowed use in the City's Highway Commercial (HC) zoning district. It is also not allowed as a sole principal use in the County's C-3 zone. It is a non-conforming use of the property and will continue to be upon annexation into the City.

The land use of the other subject property is RV and trailer sales and repair, and office uses which are an allowed use in the City's Highway Commercial (HC) zoning district. **In July 2024, the County found an unauthorized expansion of the site's parking area which required a land use submittal. As of the date of this staff report, this remains unresolved.** The unauthorized expansion of land use on the site will become an enforcement issue for the City once it is annexed.

Finding: There is no known conflict with the Comprehensive Plan and implementing ordinances.

(c) With regards to Oregon Revised Statutes (ORS), city annexations of territory must be undertaken consistent with ORS 222.111 to 222.183.

Pursuant to ORS 222.111(1), a City may only annex territory that is not within another City, and the territory must either be contiguous to the annexing City or be separated from the City only by a body of water or public right-of-way. The subject property is not within another City's jurisdiction and City of St. Helens corporate limits is contiguous to the City limited along a portion of the east property line.

Although undertaking an annexation is authorized by state law, the manner in which a city proceeds with annexation is also dictated in the city charter. ORS 222.111(1) references a city's charter as well as other ORS. St. Helens' Charter requirements pertaining to annexations are noted above.

Per ORS 222.111(2) an annexation may be initiated by the owner of real property or the city council. This annexation request was initiated by the property owner. Further, ORS 222.125 requires that that all property owners of the subject property to be annexed and at least half of the electors residing on the property consent in writing to the annexation. These documents were submitted with the annexation application.

(d) The subject property has access off Millard Road which is within the County's jurisdiction. The roadway is classified as a minor arterial in our TSP which has a minimum right-of-way of 60'. This is met in some areas, but not met in other areas where the width is only 50'. The roadway is not developed with complete frontage improvements (sidewalks, curb, gutter, and landscaping) abutting the subject properties. Although, there is some curb and gutter and a developed driveway approach serving both properties.

The other access is off Highway 30, which is within ODOT's jurisdiction. It is developed with complete frontage improvements fronting the subject property.

This property is not the subject of a current development land use review, which provides the legal nexus and proportionality to require frontage improvements or right-of-way dedications. As such, no improvements or requirements are warranted with this proposal. At the time of future development, this would be considered.

(e) The subject property is not zoned residential. This does not apply.

Finding: The annexation approval criteria are met for this proposal.

SHMC 17.28.030 (2) – Annexation criteria

The plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's comprehensive plan map designation.

Discussion: The Comprehensive Plan designation is currently Unincorporated Highway Commercial (UHC). The City's only zoning option given annexation is Highway Commercial (HC). The Comprehensive Plan designation would thus be Highway Commercial (Incorporated) (HC).

Finding: Upon annexation, the subject property's Comprehensive Plan designation shall be Highway Commercial (Incorporated) and zoned Highway Commercial (HC).

SHMC 17.112.020 – Established & Developed Area Classification criteria

- (1) Established Area.
 - (a) An "established area" is an area where the land is not classified as buildable land under OAR 660-08-0005;
 - (b) An established area may include some small tracts of vacant land (tracts less than an acre in size) provided the tracts are surrounded by land which is not classified as buildable land; and
 - (c) An area shown on a zone map or overlay map as an established area.
- (2) Developing Area. A "developing area" is an area which is included in the city's buildable land inventory under the provisions of OAR except as provided by subsection (1)(b) of this section.

Discussion: OAR 660-008-0005 classifies *buildable land* as:

Residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year flood plain; or
- (e) Cannot be provided with public facilities.

OAR 660-008-0005 generally defines "Buildable Land" as vacant residential property not constrained by natural hazards or resources, and typically not publicly owned.

Finding: The subject property is not zoned residential. This provision does not apply.

CONCLUSION & RECOMMENDATION

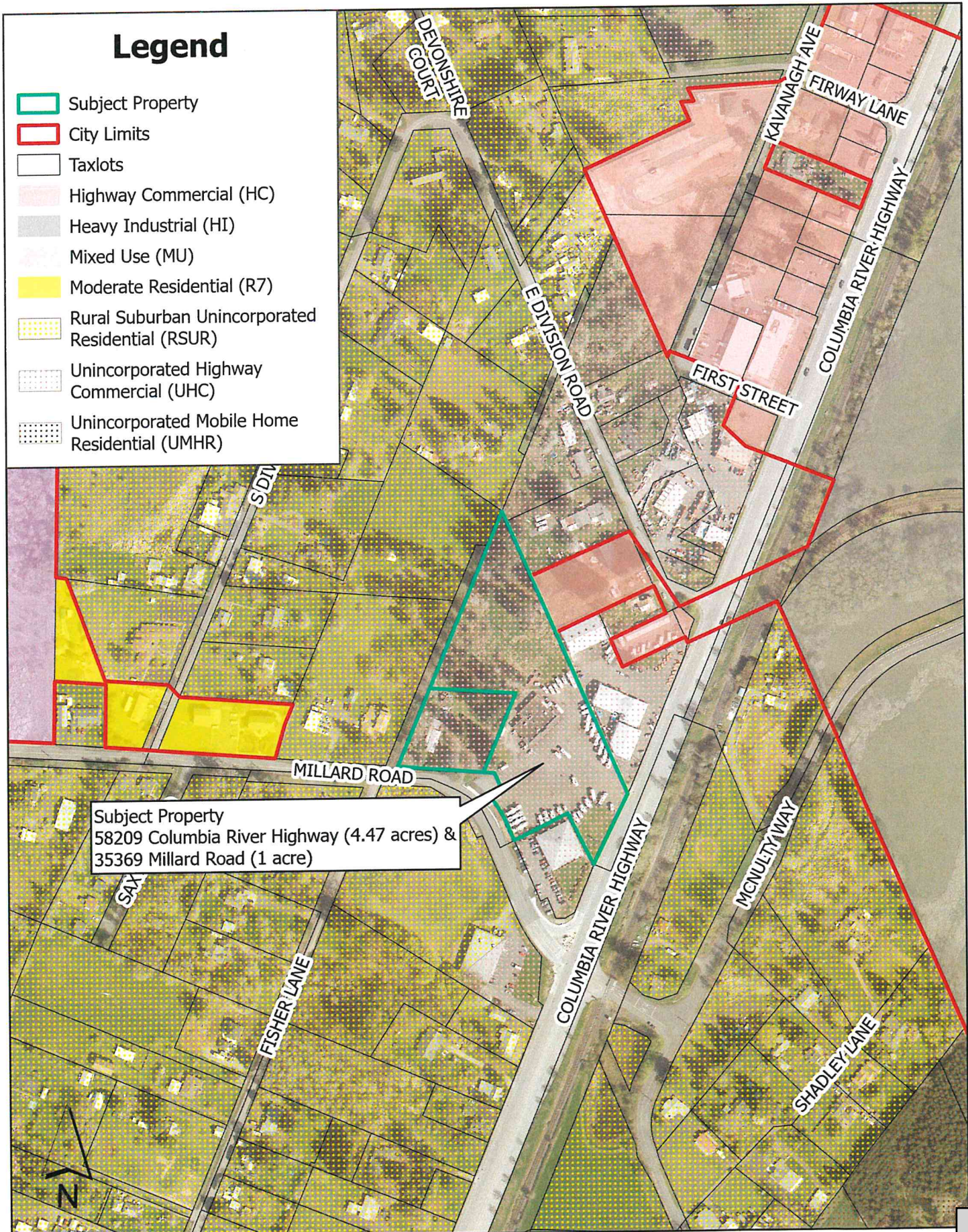
Based upon the facts and findings herein, staff recommends approval of this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Highway Commercial (Incorporated) HC and be zoned Highway Commercial (HC).

*This annexation will **not** be subject to voter approval subsequent to this land use process.*

Attachment: Aerial Map

Annexation A.5.09 Aerial Map

Item E.





CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Commission acting as Historic Landmarks Commission
FROM: Jennifer Dimsho, Associate Planner
RE: New Illuminated Projecting Sign 161 St. Helens Street
DATE: May 6, 2025

In April, Clark Signs applied for a Sign Permit to install a new internally illuminated projecting sign at 161 St. Helens Street. This property was most recently approved for a new convenience store with Site Development Review SDR.2.25.

Being in the Riverfront District (RD) zone, signage is subject to review by the Historic Landmarks Commission (HLC) pursuant to SHMC 17.32.172(7). I have included excerpts from the [Architectural Design Guidelines](#) relevant to new signage as attachments to this memo. The HLC's recommendation will be incorporated into the sign permit decision by staff.

The Guidelines state "neon is acceptable, though can be restricted in size, if it does not obscure architectural detail or overly illuminate display windows. Neon lights should have an authentic period or handcrafted look and should not flash or otherwise vary in display." There are also a few existing projecting neon signs downtown including the theater, City Hall, and Molly's Market.

In the historic photo of S. 1st Street from 1930, the use of projecting signs was very common.

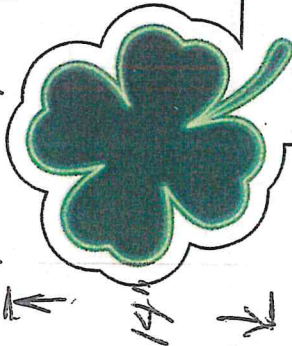
In terms of the size of the sign, the sign code caps projecting signs at 20 sq. ft. per sign face or 12% of the building elevation. This new proposed sign is only 12.5 sq. ft., or approximately 1.6% of the building elevation. The code also requires that the sign projects no further than 8' from the building face and that no portion of the sign projects above the roofline. These will be conditions of approval.

Attached: *Applicant's Materials (4 pages)*
Architectural Design Guidelines Excerpts (3 pages)



73"

14"



SHAM ROCK DOES NOT PROTECT ABOVE ROOFLINE

TOTAL
12,53 SQ FT

34"

Sherlock's
GROCERY

8"

8"

42"

Grocery
Clover and Sherlock's
Clear Red
Double Tube Green
Single Tube

Project Desc. _____
Dimensions _____
Drawing # _____
Revision _____

Customer

Client Approval

Please Sign Here

Date

Clark Signs Co.
Original Designs, concepts and
specifications are exclusive to Clark
Signs Co.

This use of these concepts to
produce similar signs without
permission from Clark Signs Co. is
forbidden and can be prosecuted.



PO Box 1113 St. Helens, OR 97056
503.543.5242 Fax 503.543.5141
www.clarksigns.com

Item F.



- The light source should be shielded from pedestrian view.
- Neon is acceptable, though can be restricted in size, if it does not obscure architectural detail or overly illuminate display windows. Neon lights should have an authentic, period or hand crafted look, and should not flash or otherwise vary in display.
- Lettering styles should be proportioned, simple, and easy to read. In most instances, a simple typeface is preferred over a faddish or overly ornate type style.
- As a general rule, the letterforms should occupy no more than 75% of the total sign panel.

4.5 FREESTANDING SIGNS

The standards herein shall apply to freestanding signs as applicable.

- As an independent feature, a freestanding sign should incorporate architectural features of the building it serves or otherwise complement the historic and cultural significance of the area and be sensitive to architectural patterns and features of Olde Towne.
- If freestanding sign will serve an existing building that is not compatible with the architectural patterns and features of Olde Towne, it should not reflect those incompatible features, but be compatible on its own.

4.3 EXISTING BUILDINGS

Signs should be maintained; signs that are historically represented in photographs may be replaced given compliance with other sign regulation. Murals can be maintained or recreated based on evidence, or created to honor building history.

- Honor historic uses of the structure by investing in mural refurbishment or depicting historically accurate ads, commercial displays, or logos previously displayed on the building.

4.4 NEW CONSTRUCTION

Sign materials should be durable and easy to maintain.

- Appropriate sign materials include painted or carved wood; carved wooden letters; epoxy letters; galvanized sheet metal; slate, marble, or sandstone; gold leaf; gilt; painted, stained, or sandblasted glass; clear and colored acrylic; neon; or stained glass.
- Lighting external to the sign surface with illumination directed toward the sign is preferred. Internally lit signs are generally discouraged.
- Light level should not overpower the façade or other signs on the street.