



## COUNCIL PUBLIC HEARING

Wednesday, April 07, 2021 at 6:00 PM

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### COUNCIL MEMBERS:

Mayor Rick Scholl  
Council President Doug Morten  
Councilor Patrick Birkle  
Councilor Stephen R. Topaz  
Councilor Jessica Chilton

### LOCATION & CONTACT:

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## AGENDA

### OPEN PUBLIC HEARING

#### TOPIC

1. Amendments to the St. Helens Community Development Code

### CLOSE PUBLIC HEARING

### VIRTUAL MEETING DETAILS

**Join Zoom Meeting:** <https://zoom.us/j/99288010400>

**Meeting ID:** 992 8801 0400

**Dial by your location:** 1 346 248 7799

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

**DATE:** March 30, 2021  
**TO:** City Council  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT:** City of St. Helens

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

Remove Chapter 17.128 Auxiliary Dwelling Units.

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

### **BACKGROUND**

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

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

### **PUBLIC HEARING & NOTICE**

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

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

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

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

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

### AGENCY REFERRALS & COMMENTS

None received as of the date of this report.

### APPLICABLE CRITERIA, ANALYSIS & FINDINGS

#### SHMC 17.20.120(1) – Standards for Legislative Decision

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

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

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

#### ***Statewide Planning Goal 1: Citizen Involvement.***

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

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

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

Efforts prior to the scheduled public hearings:

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

***Statewide Planning Goal 10: Housing.***

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

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

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

**Inventorying**

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

Commercial/Mixed Use land can make up for the high-density land deficiency. Even though there are no guarantees Commercial/Mixed Use lands will be used for residential purposes, the following residential developments on commercial/mixed use lands since the inventorying effort of the HNA creation process are noteworthy:

- St. Helens Place Apartments at 700 Matzen Street. Originally approved by Conditional Use Permit CUP.2.18 in 2018, this 204 unit multidwelling project was completed late 2020.

Zone: General Commercial. Total acres used: 7.72 out of 7.72 ac.

- Unnamed project being developed by the Northwest Oregon Housing Authority (NOHA) and Community Development Partners at 2285 Gable Road (address will change). Originally approved by Conditional Use Permit CUP.3.19, this 238 unit multidwelling project is in its final design stage with development plan submittal anticipated in April. The site has wetlands that will be preserved so only a portion of the property will be developed.

Zone: General Commercial, GC. Total acres used: approx. 13.7 ac. out of 16.7 ac.

Based on these two projects alone, the high-density deficiency is resolved, or at least will be assuming the completion of the NOHA project on Gable Road.

The BLI did not assume the affect HB 2001 would have on the city's housing supply. Generally, these amendments facilitate higher densities and more efficient use of land within the city's corporate boundaries. Quantifying this change is challenging and will most likely occur gradually. ORS 197.296(6)(b) allows jurisdictions to assume up to a three percent increase in capacity compared to that allowed by current zoning districts. Thus, over time (the HNA planning period), each zoning district is assumed to be 3% more efficient, which adds additional surplus to all non-high density residential lands and softens the high-density residential land deficit (in addition to the General Commercial development mentioned above).

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

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

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

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

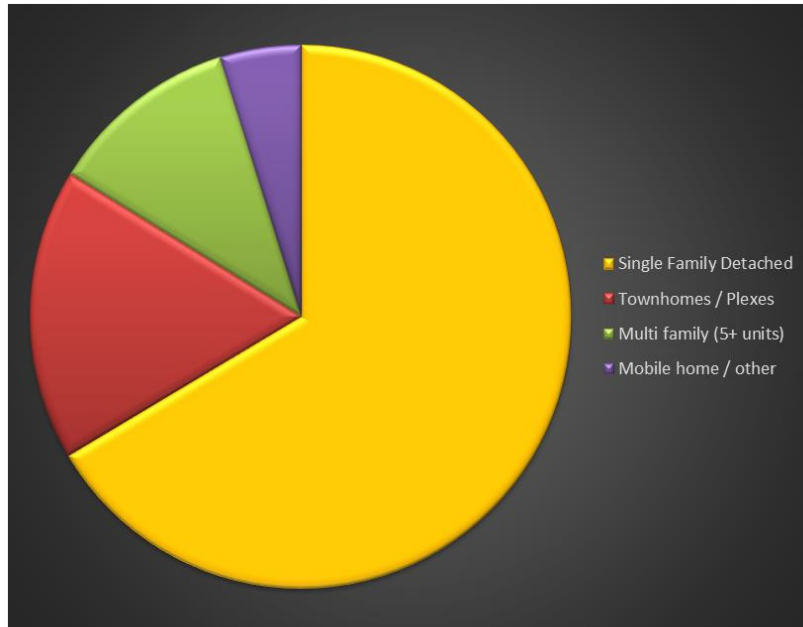
Though the amendments do not address multidwelling development, it will still help facilitate greater use of high density areas and mixed use areas, helping to offset the small high density deficit.

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

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

This proposal increases the potential number of dwelling units in the R7 and R10 zones where duplexes are restricted or not allowed at all. In the R5 and AR zones, where duplexes regulations are less burdensome, this still will facilitate an increase in dwelling units by putting duplexes on the same regulatory footing as detached-single family dwellings. These provisions will help create more duplexes throughout the city's residential zoning districts. Moreover, since St. Helens has decided to allow two-detached single-family dwellings anywhere where duplexes are allowed, this adds a new option to the housing menu in St. Helens.

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



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

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

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

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

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

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

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

In addition to mandating Development Code changes, HB 2001 requires local governments to *consider* ways to increase the affordability of middle housing per Section 3, Chapter 639, Oregon Laws 2019:

- (4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:
  - (a) Waiving or deferring system development charges;
  - (b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and
  - (c) Assessing a construction tax under ORS 320.192 and 320.195.

It is not a requirement to adopt these measures, but at least include them in the conversation as part of the code amendment adoption process. The policies cited above are specific to the

subsidization of middle housing development and affordable housing generally. But this does not mean the city cannot consider other factors to advance middle housing in the community.

The Planning Commission discussed this at their March 9, 2021 public hearing. Staff mentioned the following:

- This batch of code changes is more comprehensive than the minimum requirements of HB2001. \*For example:
  - The city is allowing a second detached single-family dwelling on a lot in addition to duplexes as an outright permitted use. This eliminates additional permitting and other standards (i.e., less hurdles) pertaining to Auxiliary Dwelling Units (ADUs).
  - The city is increasing the building/structure lot coverage from 35% to 40% for all residential lands, except Apartment Residential, which is already 50%.
  - Decreasing the side yard standards for attached single-family dwellings from 10 feet to 5 feet in the Apartment Residential zone.
  - Expanding yard (setback) encroachments allowed.
  - Considering reduced parking space dimensions and allowing tandem parking in some situations—**dialogue to continue at the April 7, 2021 City Council hearing.**
  - Expanding driveway options in addition to ensuring single-family dwellings and duplexes are treated equally as required by HB2001.
  - Provisions for conversion of lawfully existing accessory structures to second detached dwelling units (on lots already developed with one detached single-family dwelling) despite noncompliance of the accessory structure in regards to yard (setback), height, or lot coverage.

\*Staff's discussion with the Commission was not this thorough but is summarized here to help the City Council understand how these amendments exceed the minimum requirements of HB2001.

- The City has allowed payment plans for System Development Charges upon request.
- The City allows duplexes and two detached single-family dwelling to share a water meter. The City's System Development Charges are based on water meter size, thus, sharing a meter is a substantial System Development Charge cost reduction.

The Planning Commission (also the acting Historic Landmarks Commission) discussion focused on incentives within the St. Helens Downtown Historic District as listed on the National Register of Historic Places but did not detail what those would be. There is concern about the loss of historic buildings being removed for more intense housing.

This could be an effort of inventorying potential historic landmarks and creating incentives for them to help dissuade removal, for example.

**The City Council will discuss this at their April 7, 2021 public hearing.**



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

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

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

### **Comprehensive Plan Addendums:**

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

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

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

### **Comprehensive Plan Policies:**

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

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

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

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

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

With more housing choice and supply, there is greater probability for housing for people with special needs. Moreover, enabling a second dwelling unit on property provides additional options for people who want to care for their loved ones on their own property.

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

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

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

Some changes not necessarily mandated by HB 2001 but are included with these amendments are listed above (page 7). Many of the changes streamline administration and lessen the burden to develop duplexes or second (on already developed lot) detached single-family dwellings.

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

Chapter 17.156 SHMC requires the city to consider a traffic impact analysis as part of amendments that could potentially increase vehicle trips. In this case Section 3, Chapter 639, Oregon Laws 2019 eliminates consideration of this:

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

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

## CONCLUSION & RECOMMENDATION

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

**Attachment(s):** Summary of amendments by Chapter (Mar. 18, 2021 revision)

Draft code amendments (Mar. 17 and 30, 2021 revision)

Written testimony received as of the date of this report:

- Email from Doug Walker received Feb. 10, 2021
- Letter from Anna and Donald Earlywine received Feb. 18, 2021
- Letter from Wendy Wilson received Feb. 19, 2021
- Email from Bob and Shauna Eckert received Feb. 22, 2021
- Letter from Teresa Thorpe received Feb. 22, 2021
- Email from Les Watters received Mar. 2, 2021
- Letter from Al Petersen received Mar. 9, 2021
- Email from DLCD received Mar. 9, 2021

## Summary of St. Helens 2021 Development Code Amendments by Chapter

### File: CPZA.1.21

Text within a box is an explanation of potential updates based on the outcome of the March 9, 2021 Planning Commission meeting, and other things.

#### Chapter 17.16 – **GENERAL AND LAND USE DEFINITIONS**

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

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

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

#### Chapter 17.32 – **ZONES AND USES**

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

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

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

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

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

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

The current minimum lot size and minimum lot width for a detached single-family dwelling lot is 3,050 square feet and 30 feet. The current standards for a duplex lot are 5,000 square feet in area and 50 feet in width. The new standards for a lot eligible for one or two detached units or a single duplex are proposed at 4,000 square feet in area and 40 feet in width.

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

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

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

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

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

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

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

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

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

RD-Mill zone amended with minor text edits.

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

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

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

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

Staff recently learned that Wetland D-3 was filled (DSL Permit No. 25836-FP). This effort started in 2002. Chapter 17.40 took effect in December 2003. Thus, the fill effort started before this Chapter was in place and staff confirmed with DSL that the wetland is filled and gone. There is nothing to preserve, so D-3 will also be removed from the list.

#### Chapter 17.56 – **DENSITY COMPUTATIONS**

Clarifies density calculations for lots given HB 2001.

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

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

Several of the yard (setback exceptions) allow up to a 3-foot encroachment. Based on public testimony, the Commission recommends increasing this to four feet. The “no closer than 3 feet to a property line” rule would still apply.

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

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

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

#### Chapter 17.72 – **LANDSCAPING AND SCREENING**

Minor edits.

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

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

The Commission recommends the Council consider a reduced parking space size for single-family dwellings (attached and detached) and duplexes such that when two spaces are side-by-side the total area would be 16' wide and 18' deep. Normally (based on the standard 9' x 18' size) two spaces side-by-side would be 18' x 18'.

One matter of discussion is if and when the city allows tandem parking (i.e., parking with one in front of the other as opposed to side-by-side).

The Commission recommends the Council consider tandem parking for lots whose width (at the street and building line) are less than 40 feet. Based on the changes of this proposal, lots less than 40' in width would only be possible for attached single-family dwellings. This should not apply to flag lots.

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

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

#### Chapter 17.88 – **SIGNS**

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

#### Chapter 17.96 – **SITE DEVELOPMENT REVIEW**

Minor edits.

#### Chapter 17.100 – **CONDITIONAL USE**

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

#### Chapter 17.104 – **NONCONFORMING SITUATIONS**

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

#### Chapter 17.108 – **VARIANCES**

Improved language for the exceptions allowed.

#### Chapter 17.128 – **AUXILIARY DWELLING UNITS**

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

#### Chapter 17.132 – **TREE REMOVAL**

Minor edits.

#### Chapter 17.136 – **LAND DIVISION – SUBDIVISION**

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

#### Chapter 17.152 – **STREET AND UTILITY IMPROVEMENT STANDARDS**

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

Based on public testimony, the Commission does not recommend reducing the number of allowed lots allows to use a skinny street.



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~~words stricken~~ are deleted

Text within a box is an explanation of potential updates based on the outcome of the March 9, 2021 Planning Commission meeting, and other things. Planning commission recommends approval as written except where noted in a text box like this.

Further considerations by staff noted are blue with a date of update (i.e., March 30, 2021).

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

## TITLE 17 COMMUNITY DEVELOPMENT CODE

### Chapters:

[...]

17.124 Accessory Structures  
~~17.128 Auxiliary Dwelling Units~~  
 17.132 Tree Removal

[...]

## CHAPTER 17.16 GENERAL AND LAND USE DEFINITIONS

[...]

### 17.16.010 General and land use definitions.

[...]

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

[...]

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

[...]

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

[...]

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

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

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

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

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

[...]

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

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

[...]

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

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

[...]

“Yard” means an open space on a lot which is unobstructed from the ground upward, by buildings and structures for example, except as otherwise provided in this code. There are four

types of yards: front, interior, rear, and side. When determining setback, yard does not include an access easement or street right-of-way.

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

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

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

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

[...]

## CHAPTER 17.24 PROCEDURES FOR DECISION-MAKING – QUASI-JUDICIAL

[...]

### 17.24.120 Notice of decision by the director.

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

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

[...]

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

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

[...]

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

[...]

## CHAPTER 17.32 ZONES AND USES

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[...]

### 17.32.050 Suburban residential zone – R-10.

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

(2) Uses Permitted Outright. In an R-10 zone, the following uses are permitted outright:

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

(3) Conditional Uses (See Chapter 17.100 SHMC). In an R-10 zone, the following conditional uses may be permitted upon application:

- (a) Children's day care or day nursery.
- (b) Cultural exhibits and library services.
- (c) Elderly/convalescent care facility.
- (d) Private park.
- (e) Public facilities, major.
- (f) Public safety facilities.
- (g) Religious assembly.

(4) Standards. In the R-10 zone the following standards shall apply:

- (a) The minimum lot size shall be 10,000 square feet for all uses.
- (b) The minimum lot width at the building line shall be 70 feet, except on a corner lot it shall be 85 feet.
- (c) The minimum lot width at the street shall be 60 feet.
- (d) The minimum lot width at the street on an approved cul-de-sac shall be 30 feet.
- (e) The minimum lot depth shall be 100 feet.
- (f) The minimum front yard shall be 20 feet.
- (g) The minimum side yard width shall be 10 feet except on corner lots where the ~~setback~~ exterior side yard shall be 20 feet ~~when facing a street other than an alley.~~
- (h) The minimum rear yard depth shall be 20 feet.
- ~~(i)~~ The minimum interior yard shall be 10 feet.
- ~~(j)~~ (j) The minimum front and side yards or other setbacks as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way widths to serve the area; in such cases, the planning commission shall determine the necessary setback requirements.
- ~~(k)~~ (k) The maximum building height shall be 35 feet, except as required in SHMC 17.68.040.
- ~~(l)~~ (l) Structures and buildings shall not occupy more than ~~35~~ 40 percent of the lot area.
- ~~(m)~~ (m) No lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92

shall have more than one principal building thereon, except as otherwise allowed in this section.

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

(5) All chapters of the Development Code apply.

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

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

### **17.32.060 Moderate residential zone – R-7.**

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

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

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

(b) Home child care.

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

(d) Public facilities, minor.

(e) Public park after site design review.

(f) Residential home.

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

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

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

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

(c) Community recreation facility.

(d) Cultural exhibits and library services.

~~(e) Duplex residential units.~~

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

~~(g)~~ (f) Elderly/convalescent home.

~~(h)~~ (g) Private park.

~~(i)~~ (h) Public facilities, major.

~~(j)~~ (i) Public safety facilities.

~~(k)~~ (j) Religious assembly.

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

(a) The minimum lot size is 7,000 square feet for all uses ~~except for duplexes which need 10,000 square feet on interior lots.~~

(b) The minimum lot width at the building line shall be 60 feet, except on a corner lot it shall be 85 feet.

(c) The minimum lot width at the street shall be 50 feet; ~~except for duplexes, the minimum lot width shall be 60 feet.~~

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

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

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

(g) The minimum side yard shall be seven feet except on corner lots where the ~~setback~~ exterior side yard shall be 14 feet ~~when facing a street other than an alley.~~

(h) The minimum rear yard depth shall be 20 feet.

(i) The minimum interior yard shall be 7 feet.

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

~~(k)~~ (k) The maximum building height shall be 35 feet.

~~(l)~~ (l) Buildings and structures shall not occupy more than ~~35~~ 40 percent of the lot area.

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

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

(5) All chapters of the Development Code apply.

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

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

### 17.32.070 General residential zone – R-5.

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

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

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

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

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

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

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

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

~~(g) Residential facility.~~

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

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

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

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

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

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

(c) Commercial recreation facility.

(d) Cultural exhibits and library services.

(e) Neighborhood store/plaza.

(f) Multidwelling units.

(g) Elderly/convalescent home.

(h) Private park.

(i) Public facilities, major.

(j) Public safety facilities.

(k) Religious assembly.

(l) Residential facility.

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

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

(b) The maximum building height shall be 35 feet except as required in SHMC 17.68.040.

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

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

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

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

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

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

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

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

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

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

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

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

(5) All chapters of the Development Code apply.

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

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

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

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

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

### **17.32.080 Apartment residential zone – AR.**

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

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

- ~~(a) Auxiliary dwelling unit (per Chapter 17.128 SHMC).~~
- ~~(b) (a) Duplex dwelling units.~~
- ~~(c) (b) Home child care.~~
- ~~(d) (c) Home occupation (per Chapter 17.120 SHMC).~~
- ~~(e) (d) Multidwelling units.~~
- ~~(f) (e) Public facility, minor.~~
- ~~(g) (f) Public park.~~
- ~~(h) (g) Residential facility.~~
- ~~(i) (h) Residential home.~~
- ~~(j) (i) Single-dwelling unit, attached residential units (five units maximum together).~~
- ~~(k) (j) Single-dwelling unit, detached residential units.~~ Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

(5) All chapters of the Development Code apply.

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

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

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

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

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

### **17.32.090 Mobile home residential zone – MHR.**

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

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

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

(b) Home child care.

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

(d) Mobile home parks.

(e) Public parks.

(f) Public facility, minor.

~~(g) Residential facility.~~

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

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

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

- (a) Bed and breakfast, homestay, and boarding house.
- (b) Children's day care or day nursery.
- (c) Community recreation including structures.
- ~~(d) Duplexes.~~
- ~~(e)~~ (d) Neighborhood store/plaza.
- ~~(f)~~ (e) Multidwelling units.
- ~~(g)~~ (f) Private park.
- ~~(h)~~ (g) Public facilities, major.
- ~~(i)~~ (h) Public or private school or college.
- ~~(j)~~ (i) Religious assembly.
- (j) Residential facility.
- (k) Sanitarium, rest home, senior or convalescent care facilities.
- ~~(l) Single dwelling unit, attached.~~
- ~~(m)~~ (l) Travel trailer parks.

(4) Standards. In the MHR zone, the same standards as in the R-5 zone shall apply except for the following:

- (a) Standards for mobile home parks shall conform to Chapter 17.60 SHMC.

(5) All chapters of the Development Code apply.

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

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

### 17.32.095 Mixed use zone – MU.

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

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

- (a) Animal sales and services: grooming, kennels, retail and veterinary (small animals).
- ~~(b) Auxiliary dwelling unit (per Chapter 17.128 SHMC).~~
- ~~(c)~~ (b) Car washes.
- ~~(d)~~ (c) Congregate housing.
- ~~(e)~~ (d) Continuing care retirement community.
- ~~(f)~~ (e) Cultural and library services.
- ~~(g)~~ (f) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses.
- ~~(h)~~ (g) Eating and drinking establishments.
- ~~(i)~~ (h) Equipment (small) sales, rental and repairs.
- ~~(j)~~ (i) Financial institutions.
- ~~(k)~~ (j) Hardware store, without outdoor storage.
- ~~(l)~~ (k) Home child care.
- ~~(m)~~ (l) Home occupation (per Chapter 17.120 SHMC).
- ~~(n)~~ (m) Hotels and motels.

- ~~(n)~~ (n) Offices – all.
- ~~(o)~~ (o) Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.
- ~~(p)~~ (p) Plumbing, HVAC, electrical and paint sales and service, without outdoor storage.
- ~~(q)~~ (q) Produce stands.
- ~~(r)~~ (r) Public facility, minor.
- ~~(s)~~ (s) Repair and maintenance of permitted retail products.
- ~~(t)~~ ~~Residential facility.~~
- ~~(v)~~ (t) Residential home.
- ~~(w)~~ (u) Retail sales establishments, not specifically catering to motorists.
- ~~(x)~~ (v) Studios.
- ~~(y)~~ (w) Theaters, except drive-ins.

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

- (a) Amusement services.
- (b) Bar.
- (c) Bed and breakfast facilities, homestay, and boarding house.
- (d) Broadcast facilities without dishes over 36 inches or transmitter/receiver towers.
- (e) Bus and train stations/terminals.
- (f) Businesses with outdoor storage (those businesses permitted in subsection (2) of this section).
- (g) Child care facility/day nursery.
- (h) Drive-up businesses and services.
- (i) Dwellings on same level as nonresidential use.
- (j) Funeral homes.
- (k) Hospitals and senior or convalescent care facilities.
- (l) Laundromats and dry cleaners.
- (m) Lodge, fraternal and civic assembly.
- (n) Lodging facilities or rooming house.
- (o) Marijuana retailer and/or medical marijuana dispensary.
- (p) Multidwelling units.
- (q) Nurseries and greenhouses.
- (r) Parking lots.
- (s) Parks, public and private.
- (t) Pawn shops.
- (u) Public and private schools.
- (v) Public facilities, major.
- (w) Public safety facilities.
- (x) Recreation facilities (public or private).
- (y) Religious assembly, including cemeteries.
- ~~(z)~~ (z) Residential facility.
- ~~(aa)~~ (aa) Shopping centers.
- ~~(bb)~~ (bb) Travel trailer parks.
- ~~(cc)~~ (cc) Vehicle repair, service, and sales.

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

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

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

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

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

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

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

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

(5) All chapters of the Development Code apply.

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

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

[...]

### **17.32.172 Riverfront district – RD, plaza.**

[...]

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

[...]

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

[...]

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

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

~~(g) Rear Yard Setbacks. New buildings containing nonresidential uses abutting~~

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

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

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

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

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

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

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

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

[...]

### 17.32.173 Riverfront district – RD, mill.

[...]

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

(a) Residential.

(i) Single dwelling units, attached.

(ii) Multidwelling units.

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

[...]

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

[...]

(e) ~~Interior Setbacks.~~ New buildings containing any nonresidential use abutting a residential zoning district require one foot of setback for each foot of wall height with a minimum setback of 10 feet. For yards abutting nonresidential districts, no ~~interior~~ setback is

required, subject to building code requirements. Note: this setback may be reduced proportionately when the residential zoning district is topographically above the base level of new construction.

[...]

### 17.32.180 Houlton business district – HBD.

[...]

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

(a) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses.

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

~~(e)~~ (b) Public and institutional uses.

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

~~(rr)~~ (qq) Shopping centers and plazas.

~~(ss) Residential facility.~~

~~(tt)~~ (rr) Residential home.

[...]

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

[...]

(m) Multidwelling units.

(n) Religious assembly, excluding cemeteries.

(o) Residential facility.

~~(p)~~ (p) Parking lots/facilities, private.

~~(q)~~ (q) Nurseries and greenhouses.

~~(r)~~ (r) Vehicle repair, service, and sales.

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

[...]

(b) The maximum lot coverage including all impervious surfaces shall be 90 percent; ~~provided, however, for new construction or existing legally constructed buildings seeking new or~~

~~revised development approvals, lot coverage may be increased up to 100 percent by payment of a lot coverage fee established by resolution of the city council. The lot coverage fee shall be deposited into the Houlton business district community capital improvement account to offset loss of landscaping and open space in the HBD zone.~~

[...]

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

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

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

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

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

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

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

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

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

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

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

[...]

## CHAPTER 17.40 ZONES PROTECTIVE MEASURES FOR SIGNIFICANT WETLANDS, RIPARIAN CORRIDORS, AND PROTECTION ZONES

[...]



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

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

[...]

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

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

Staff recently learned that Wetland D-3 was filled (DSL Permit No. 25836-FP). This effort started in 2002. Chapter 17.40 took effect in December 2003. Thus, the fill effort started before this Chapter was in place and staff confirmed with DSL that the wetland is filled and gone. There is nothing to preserve, so D-3 will also be removed from the list.

[...]

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

[...]

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

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

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

(c) The director or approving authority shall adjust the underlying zone setback standards to the extent necessary to reduce or minimize encroachment into the protection zone. Design shall be to this adjustment. The director or approving authority may approve up to a 50 percent adjustment to any dimensional standard (e.g., front yard, side yard or other setbacks, including



height or lot area) to permit development as far outside or upland of the protection zone as is possible; and

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

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

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

~~(g)~~ (g) All applicable general criteria in SHMC 17.40.055, including minimum restoration and enhancement requirements, shall be met.

[...]

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

[...]

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

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

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

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

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

(e) The proposed development shall minimize disturbance to the resource area and protection zone by utilizing design options to minimize or reduce impacts of development including but not limited to multistory construction, minimizing parking, garage space, and

paving and use of retaining walls or other engineering solutions to minimize filling and grading; and

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

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

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

[...]

#### **17.40.050 Additional requirements for land divisions and new development.**

[...]

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

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

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

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

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

[...]

### **CHAPTER 17.56 DENSITY COMPUTATIONS**

[...]

#### **17.56.020 Density Calculation.**

(1) Net development area, in acres, shall be determined by subtracting the following land

area(s) from the gross acres, which is all of the land included in the legal description of the property:

[...]

- (c) All land dedicated for public right-of-way:
  - (i) Single-dwelling units: allocate 20 percent of gross acres for public facilities; and
  - (ii) Multiple-dwelling units: allocate 15 percent of gross acres for public facilities;
- (d) All land proposed for private streets; and
- (e) A lot of at least the size required by the applicable base zoning district, if ~~an~~ lawfully existing ~~dwelling~~ use is to remain on the site.

(2) To calculate the net units per acre, divide the number of square feet in the net acres by the minimum number of square feet required for each lot by the applicable zoning district. Lots eligible for detached single-family dwellings or duplexes as allowed by the zoning district shall be treated as one unit per lot for the purpose of density calculations (i.e., the potential second unit on the lot does not burden the calculation).

[...]

## CHAPTER 17.64 ADDITIONAL YARD SETBACK REQUIREMENTS AND EXCEPTIONS

[...]

### 17.64.040 Exceptions to yard requirements.

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

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

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

### 17.64.050 Projections into required yards.

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

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

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

properties. ~~Porches may extend into a required front yard not more than 36 inches.~~ This does not apply to exterior side yards (on corner lots).

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

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

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

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

|  | <u>Front</u> | <u>Rear</u> | <u>Side</u> | <u>Exterior Side<br/>(on corner lots)</u> | <u>Interior</u> |
|--|--------------|-------------|-------------|---|-----------------|
| <u>17.64.050(1), eves,<br/>etc.</u>          | <u>Yes</u>   | <u>Yes</u>  | <u>Yes</u>  | <u>Yes</u>                                | <u>Yes</u>      |
| <u>17.64.050(2),<br/>chimneys</u>            | <u>Yes</u>   | <u>Yes</u>  | <u>Yes</u>  | <u>Yes</u>                                | <u>Yes</u>      |
| <u>17.64.050(3), open<br/>porches, etc.</u>  | <u>No</u>    | <u>Yes</u>  | <u>Yes</u>  | <u>No</u>                                 | <u>No</u>       |
| <u>17.64.050(4),<br/>porches</u>             | <u>Yes</u>   | <u>No</u>   | <u>No</u>   | <u>Yes</u>                                | <u>No</u>       |
| <u>17.64.050(5), stairs<br/>and landings</u> | <u>Yes</u>   | <u>Yes</u>  | <u>No</u>   | <u>Yes</u>                                | <u>Yes</u>      |

Several of the yard (setback exceptions) allow up to a 3-foot encroachment. Based on public testimony, the Commission recommends increasing this to four feet. The “no closer than 3 feet to a property line” rule would still apply.

[...]

## CHAPTER 17.68 BUILDING HEIGHT LIMITATIONS – EXCEPTIONS

[...]

### 17.68.040 Building height criteria for scenic resources.

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

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In late March a citizen noted that even though there is a North and South River Street, those are not spelled out like they are for the numbered streets. So, including a North and South River Street is prudent.

This also presents a discussion about other W-E orientated streets (River Way as proposed and others not listed) and whether they should be listed too?

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[...]

## CHAPTER 17.72 LANDSCAPING AND SCREENING

[...]

### 17.72.080 Buffer and screening requirements.

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

[...]

## CHAPTER 17.80 OFF-STREET PARKING AND LOADING REQUIREMENTS

[...]

### 17.80.020 General provisions.

- (1) Parking Dimensions. The minimum dimensions for parking spaces are:
- (a) ~~Eight~~ Nine feet, ~~eight inches~~ wide and 18 feet long for a standard space;
  - (b) Eight feet wide and 15 feet long for a compact space; ~~and~~
  - (c) Eight feet wide and 22 feet long for parallel spaces; and

~~(e)~~ (d) As required by applicable state of Oregon and federal standards for designated disabled person parking spaces.

The Commission recommends the Council consider a reduced parking space size for single-family dwellings (attached and detached) and duplexes such that when two spaces are side-by-side the total area would be 16' wide and 18' deep. Normally (based on the standard 9' x 18' size) two spaces side-by-side would be 18' x 18'.

After further consideration staff recommends that an area 18' x 18' should still be required, but that the paved portion (including minimum driveway approach width when spaces abut the street) may be 16' wide. The "extra" 1' on each side is meant for clear space for opening doors and such.

Sample language:

(e) Side-by-side parking for single-family dwellings (attached and detached) and duplexes:

(i) The total dimension in unobstructed area for side-by-side parking spaces for single-family dwellings (attached and detached) and duplexes shall be 18' x 18' (two 9' x 18' spaces together), but the improved portion may be 16' in width centered within the 18' for the purposed of paving requirements and, if the spaces are adjacent or close to the street, driveway approach width.

(ii) This does not apply to tandem parking, rows of parking that exceed two spaces and individual spaces. This only applies to two-space parking areas that are adjacent to each other along the long side.

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[...]

### 17.80.030 Minimum off-street parking requirements.

[...]

(1) Residential.

~~(a) Auxiliary dwelling — one space.~~

~~(b)~~ (a) Bed and breakfast, boarding house, homestay – one space per bedroom.

~~(e)~~ (b) Caretaker – two off-street spaces for each dwelling unit.

~~(d)~~ (c) Duplexes – two off-street spaces ~~for each dwelling unit~~ for each duplex.

~~(e)~~ (d) Group care – one space per three residential beds plus one space for each employee on largest shift.

~~(f)~~ (e) Group residential – one space for each guest room plus one space for each employee on largest shift.

~~(g)~~ (f) Mobile home park – two off-street spaces for each dwelling unit.

~~(h)~~ (g) Multiple dwelling (also see SHMC 17.80.020(7)):

(i) Studio – one space for each unit.

(ii) One bedroom – one and one-half spaces for each unit.

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(iii) More than one bedroom per unit – two spaces for each.

(+) (h) Single-dwelling units, ~~(attached or detached)~~ – two off-street spaces for each dwelling unit.

(i) Single-dwelling units, detached – two off-street spaces for each dwelling unit or pair of dwelling units as allowed by the zoning district.

Oregon DLCD commented on the language per 17.80.030(1)(i) as proposed. They feel that the language should be clearer to ensure no more than two spaces are required. They are concerned about the potential of different interpretations by different people. Staff intends to modify to make it more “interpretation proof.”

We will clarify that no more than 2 spaces are required even for two detached units.

Sample language <to follow the last sentence after (i) above this text box>:

No more than two spaces are required for one duplex on a lot, one detached single-family dwelling on a lot, or two detached single-family dwellings on a lot.

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[...]

#### **17.80.050 Parking dimension standards.**

(1) Accessibility.

(a) Each parking space shall be accessible from a street or right-of-way, and the access shall be of a width and location as described by SHMC 17.84.070 and 17.84.080 as applicable.

(b) All parking spaces shall be independently functional. This means the vehicle in the parking space is not dependent on another vehicle moving to get to the street or right-of-way from the parking space. For example, a two-vehicle garage with a garage opening and driveway, both 18 feet in width, can only count as two parking spaces (not four), since the vehicles in the garage cannot get to the street without the ones in the driveway moving out of the way.

(2) Table of Standards.

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

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

One matter of discussion is if and when the city allows tandem parking (i.e., parking with one in front of the other as opposed to side-by-side).

The Commission recommends the Council consider tandem parking for lots whose width (at the street and building line) are less than 40 feet. Based on the changes of this proposal, lots less than 40' in width would only be possible for attached single-family dwellings.

We should also make sure flag lots are not eligible.

Staff recommends some caution here. Assuming 20 feet for a parking space, if the Council is ok reducing the paved width for side-by-side 2-space parking for detached single-family dwellings or duplexes to 16', Lots 36' and under should be eligible for tandem parking. If the Council wishes to stay with the 18' width for two side-by-side spaces, then lots 38' and under would be eligible for tandem parking.

We also want to make sure that tandem parking is only allowed for up to two spaces (i.e., not more than two may be tandem).

March 30, 2021

[...]

## CHAPTER 17.84 ACCESS, EGRESS AND CIRCULATION

[...]

### 17.84.040 Public street access.

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

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

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

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

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

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

[...]

## CHAPTER 17.88 SIGNS

[...]

### **17.88.040 Exemptions from requirement for permit.**

[...]

#### **(3) Flags.**

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

(i) The pole will be greater than 20 feet in height; or  
(ii) The pole is located such that it could fall off site (i.e., the setback is less than the height of the pole).

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

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

[...]

### **17.88.045 Temporary signs.**

[...]

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

(a) Signs shall only be placed on property where the community event is taking place,

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

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

[...]

#### **17.88.095 Freestanding signs.**

[...]

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

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

[...]

### **CHAPTER 17.92**

#### **MIXED SOLID WASTE AND RECYCLABLES STORAGE IN NEW MULTI-UNIT RESIDENTIAL AND NONRESIDENTIAL BUILDINGS**

[...]

#### **17.92.060 Location, design and access standards for storage areas.**

[...]

##### **(2) Location Standards.**

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

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

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

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

[...]

## CHAPTER 17.96 SITE DEVELOPMENT REVIEW

[...]

### 17.96.180 Approval standards.

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

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

- ~~(a) Chapter 17.44 SHMC, Sensitive Lands;~~
- ~~(b) Chapter 17.60 SHMC, Manufactured/Mobile Home Regulations;~~
- ~~(c) Chapter 17.56 SHMC, Density Computations;~~
- ~~(d) Chapter 17.124 SHMC, Accessory Structures;~~
- ~~(e) Chapter 17.64 SHMC, Additional Yard Setback Requirements and Exceptions;~~
- ~~(f) Chapter 17.68 SHMC, Building Height Limitations—Exceptions;~~
- ~~(g) Chapter 17.72 SHMC, Landscaping and Screening;~~
- ~~(h) Chapter 17.76 SHMC, Visual Clearance Areas;~~
- ~~(i) Chapter 17.80 SHMC, Off-Street Parking and Loading Requirements;~~
- ~~(j) Chapter 17.84 SHMC, Access, Egress, and Circulation;~~
- ~~(k) Chapter 17.88 SHMC, Signs;~~
- ~~(l) Chapter 17.132 SHMC, Tree Removal;~~
- ~~(m) Chapter 17.152 SHMC, Street and Utility Improvement Standards; and~~
- ~~(n) Chapter 17.156 SHMC, Transportation Impact Analysis;~~

[...]

## CHAPTER 17.100 CONDITIONAL USE

[...]

### 17.100.150 Additional requirements for conditional use types.

[...]

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

[...]

- (e) Caretaker Residence.
  - (i) Must have at least 20 feet of yard around the residence;
  - (ii) The residence can only be occupied by the caretaker and the caretaker's family;
  - (iii) The caretaker must be an employee and/or under a contract to perform

“caretaker” duties (e.g., security);

(iv) The yard must be at least 50 percent landscaped; ~~and~~

(v) The maximum height of the caretaker residence shall be 35 feet; and

(vi) Only one dwelling unit is allowed. More than one dwelling unit is prohibited;

[...]

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

[...]

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

[...]

## CHAPTER 17.104 NONCONFORMING SITUATIONS

[...]

### 17.104.040 Criteria for nonconforming situations.

(1) Nonconforming Lots of Record.

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

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

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

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

[...]

(5) Conversion of accessory structures to second detached single-family dwellings. A lawfully existing accessory structure that does not comply with a yard or height requirement or

lot coverage restriction (including the sum of all other buildings and structures) on a lot developed with one detached single-family dwelling, may be converted to a second detached single-family dwelling on the same lot if:

- (a) A second detached dwelling unit is allowed by the zoning district;
- (b) The conversion does not increase the nonconforming yard, height, or lot coverage;
- (c) Any yard associated with the accessory structure is not the result of the exception pursuant to SHMC 17.64.040(3) or any applicable laws prior to Ordinance No. ??? that allowed yard exceptions for accessory structures;
- (e) The accessory structure does not encroach upon any easements or any public utility or other infrastructure;
- (f) The location of the accessory structure does not interfere with future street extensions or increases in right-of-way width based on adopted plans and standards;
- (g) The minimum off street parking requirements can be met (required if not); and
- (h) It is not located in any of the following areas:
  - (i) Resource or resources per Chapter 17.40 SHMC;
  - (ii) Protection zones per Chapter 17.40 SHMC; or
  - (iii) Area of special flood hazard per Chapter 17.46 SHMC.

[...]

## CHAPTER 17.108 VARIANCES

[...]

### 17.108.050 Criteria for granting a variance.

[...]

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

- (a) The reduction of the ~~setback area~~ yard or increase in lot coverage established by the applicable zoning district shall be necessary to allow for the enlargement or remodeling of an existing principal building, accessory structure, or auxiliary dwelling unit as defined per SHMC 17.16.010;
- (b) The increase in lot coverage established by the applicable zoning district may also allow for new accessory structures or auxiliary dwelling units;
- (c) The garage or carport setback to the front property line satisfies the requirements of the applicable zoning district;
- (d) Reductions to setback requirement do not apply to interior yards. Interior yards shall not be reduced per this subsection;
- ~~(d)~~ (e) The standards of Chapter 17.76 SHMC, Visual Clearance Areas, shall be satisfied;
- ~~(e)~~ (f) The proposed building, accessory structure, addition, or auxiliary dwelling unit shall not encroach upon any existing easements or any public utility or other infrastructure;

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

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

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

[...]

### **17.108.080 Exceptions to site development review standards.**

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

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

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

(f) The decision authority shall determine that the basis for this exception is clear and objective to be allowed.

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

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

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

- (a) There is direct access by a pedestrian path, not exceeding one-quarter mile, from the

proposed development to public open space or recreation areas which may be used by residents of the development;

(b) The development operates a motor vehicle which is available on a regular basis to transport residents of the development to public open space or recreation areas; or

(c) The required square footage of either the private outdoor area or the shared outdoor recreation area may be reduced if together the two areas equal or exceed the combined standard for both.

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

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

(4) Uses not subject to Site Development Review or Conditional Use Permits (e.g., single dwelling units and duplexes) are not eligible for any of these exceptions.

[...]

## CHAPTER 17.124 ACCESSORY STRUCTURES

[...]

### 17.124.070 Approval criteria.

[...]

#### (2) Nondimensional Approval Criteria.

[...]

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

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

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

[...]

## ~~CHAPTER 17.128 AUXILLIARY DWELLING UNITS~~

### ~~Sections:~~

~~17.128.010 Purpose.~~

~~17.128.020 Applicability.~~

~~17.128.030 Design standards.~~

- ~~17.128.040—Addressing of auxiliary dwelling units.~~  
~~17.128.050—Prohibited areas for auxiliary dwelling units.~~  
~~17.128.060—Prohibited uses of auxiliary dwelling units.~~  
~~17.128.070—Permit procedures for auxiliary dwelling units.~~

#### **17.128.010 Purpose.**

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

- ~~(1) Create new housing units while respecting the look and scale of single dwelling neighborhoods;~~
- ~~(2) Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;~~
- ~~(3) Allow more efficient use of existing housing stock and infrastructure;~~
- ~~(4) Provide a mix of housing that responds to changing household needs, sizes and compositions;~~
- ~~(5) Provide a means for new homeowners to defray some of the costs associated with the purchase of a first home;~~
- ~~(6) Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods and obtain extra income, security, companionship and services;~~
- ~~(7) Provide a broader range of suitable and affordable housing; and~~
- ~~(8) Create additional long-term family living situations, while avoiding the exploitation of this housing type through their use as short-term living and other related business.~~

#### **17.128.020 Applicability.**

- ~~(1) An auxiliary dwelling unit may be added to or constructed or installed on the same lot or parcel as a detached single dwelling unit or manufactured home (principal dwelling) in any zone where the existing principal use is permitted and where auxiliary dwelling unit is listed as a permitted use.~~
- ~~(2) Only one auxiliary dwelling unit is allowed per lot or parcel developed with a detached single-family dwelling or manufactured home (principal dwelling).~~

#### **17.128.030 Design standards.**

- ~~(1) Standards for creating auxiliary dwelling units address the following purposes:~~
  - ~~(a) Ensure that auxiliary dwelling units are compatible with the desired character and livability of St. Helens residential zones;~~
  - ~~(b) Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;~~
  - ~~(c) Ensure that auxiliary dwelling units are smaller in size than detached single-family dwellings or manufactured homes;~~
  - ~~(d) Provide adequate flexibility to site buildings so that they fit the topography of sites; and~~
  - ~~(e) The design standards for auxiliary dwelling units are stated herein. If not addressed in this section, the base zone development standards apply.~~



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

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

- ~~(i) Converting existing living area, attic, basement or attached garage of the detached single-family dwelling or manufactured home;~~
- ~~(ii) Adding floor area to the detached single-family dwelling or manufactured home;~~
- ~~(iii) Constructing a detached auxiliary dwelling unit on a developed site;~~
- ~~(iv) Constructing a new detached single-family dwelling or manufactured home with an internal or detached auxiliary dwelling unit; or~~
- ~~(v) Converting a lawfully existing accessory structure;~~

~~(b) Entrances. Only one entrance to the house may be located on the front facade of the detached single-family dwelling or manufactured home facing the street, unless the detached single-family dwelling or manufactured home contained additional front door entrances before the conversion to an auxiliary dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground, such as entrances from balconies or decks;~~

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

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

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

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

- ~~1. When none of the roadways in abutting streets are at least 20 feet wide;~~
- ~~2. When none of the abutting streets allow on-street parking; or~~
- ~~3. When the auxiliary dwelling unit is created at the same time as the detached single-family dwelling or manufactured home. An auxiliary dwelling unit is considered created at the same time as the principal dwelling even if a permit per this chapter is applied for within one year from the date of certificate of occupancy of the principal dwelling.~~

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

~~(d) Size.~~

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

allowed by the building code;

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

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

(3) ~~Additional requirements for detached auxiliary dwelling units or for auxiliary dwelling units created through the addition of floor area to the detached single family dwelling or manufactured home:~~

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

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

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

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

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

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

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

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

#### **17.128.040 Addressing of auxiliary dwelling units.**

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

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

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

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

- ~~(a) Resource or resources per Chapter 17.40 SHMC;~~
- ~~(b) Protection zones per Chapter 17.40 SHMC; and~~
- ~~(c) Area of special flood hazard per Chapter 17.46 SHMC.~~

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

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

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

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

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

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

[...]

## **CHAPTER 17.132 TREE REMOVAL**

[...]

### **17.132.025 Tree plan requirement.**

[...]

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

[...]

### **17.132.030 Permit requirement.**

[...]

(3) Commercial forestry as defined by SHMC 17.132.020(1) ~~(b)~~ and excluding subsection

(2)(d) of this section is permitted after a plan per SHMC 17.132.025 is reviewed and approved and only in accordance with the approved plan.

[...]

## CHAPTER 17.136 LAND DIVISION – SUBDIVISION

[...]

### 17.136.060 Approval standards – Preliminary plat.

[...]

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

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

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

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

[...]

## CHAPTER 17.152 STREET AND UTILITY IMPROVEMENT STANDARDS

[...]

### 17.152.030 Streets.

[...]

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

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

development after consideration of the following:

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

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

| Type of Street                     | Right-of-Way Width | Roadway Width       | Moving Lanes | Bicycle Lanes* |
|------------------------------------|--------------------|---------------------|--------------|----------------|
| Major Arterial                     | 101' minimum       | 74'                 | 4            | 2 @ 6'         |
| Minor Arterial (Typical)           | 60'                | 36'                 | 2            | 2 @ 6'         |
| Minor Arterial (One-Way, Uptown)   | 80'                | 46'                 | 2            | 1 @ 6'         |
| Minor Arterial (Two-Way, Downtown) | 80'                | 52'                 | 2            | 2 @ 6'         |
| Collector                          | 60'                | 36'                 | 2            | 2 @ 6'         |
| Local                              | 50'                | 34'                 | 1 – 2        | None           |
| Local “Skinny” Street              | 40                 | 20' or 26'<br>28'** | 1 – 2        | None           |

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

\*\* This differs from TSP Figure 7-3.

[...]

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

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

[...]

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

- (a) The street will provide access to land uses whose combined average daily trip rate

(ADT) is ~~2~~100 ADT or less (residential lots eligible for two detached single-family dwellings or a duplex as allowed by the zoning district shall be considered one detached single-family dwelling for the purposes of determining ADT); and

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

Based on public testimony, the Commission recommends staying with the 200 ADT limit for skinny street applicability, rather than reducing this to 100 ADT as proposed.

No objection from staff. We can just omit this edit with the final version. March 30, 2021

[...]

## CHAPTER 19.20 MAPS

[...]

### 19.20.060 Map and list of significant wetlands.

[...]

(2) List of Significant Wetlands.

[...]

Frogmore Slough

Unnamed Creek A

F2

UA2

~~F4~~

Staff recently learned that Wetland D-3 was filled (DSL Permit No. 25836-FP). This effort started in 2002. Chapter 17.40 took effect in December 2003. Thus, the fill effort started before this Chapter was in place and staff confirmed with DSL that the wetland is filled and gone. There is nothing to preserve, so D-3 will also be removed from the list.

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

---

Jacob,

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

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

Respectfully,

Doug Walker  
60003 Ridgeway Loop  
St Helens, OR 97051

St. Helens Planning Dept.

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

We strongly disapprove of this -  
BUT

Since it's not our "vote" we choose

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

NO

Tandem parking. Again NO tandem parking

Anna R. EARlgwine  
Donald E. EARlgwine

Anna R. Earlgwine  
Donald E. Earlgwine

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

(503-397-3863)

RECEIVED

FEB 18 2021

CITY OF ST. HELENS



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

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

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


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

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

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

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

Sincerely,

  
Wendy Wilson

RECEIVED

FEB 19 2021

CITY OF ST. HELENS

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

---

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

Feb 17, 2021

Item 1.

St. Helens Planning Dept.

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

I Strongly disapprove of this:  
Since its not my vote I choose-

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

NO, Tandem parking! Again NO  
tandem parking.


Teresa Thorpe  
35146 Helens Way  
St. Helens, Or 97051

Phone 503-397-4128

RECEIVED  
FEB 22 2021  
CITY OF ST. HELENS

**Jacob Graichen**

---

**From:** Les Watters <les.watters@gmail.com>  
**Sent:** Monday, March 1, 2021 5:48 PM   
**To:** Jacob Graichen  
**Subject:** [External] 2021 Development Code Amendments comment

Jacob,

I hope you will consider refining the amendments to limit changes within the Riverfront District (Plaza), RD-Plaza district or the National Historic District area, whichever is more appropriate to protect historic structures and preserve the historic nature of the area.

Les Watters  
2035 SE Main Street  
Portland, OR 97214

503-816-5025

PS I'm curious. I didn't notice any discussion of corner lot setbacks. Are they affected in any way?

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From: Al Petersen 101 St Helens Street St Helens Oregon 97051

**Testimony for Planning commission hearing March 09, 2021**

Dear Planning Commission:

Below please find my testimony regarding the proposed 2021 Development Code amendments.

Since the main purpose of these amendments is to deal with HB2001, specifically duplexes, the Planning Commission, based on staff's interpretations in the past, should deal with an anomaly in the Apartment Residential Zone.

**Regarding the definition of "Duplex":**

In the past staff has interpreted that a duplex in the Apartment Residential zone must be on a single parcel. In a project where there was a two-dwelling-unit building on the same lot as a three-dwelling-unit building the property owner was required to go through a partition process to separate the two-unit building onto its own lot, costing the property owner unfounded architectural and civil engineering fees, surveying fees, city and county fees, and time.

Such an interpretation makes no sense in the Apartment Zone. There is no logical reason to separate two-dwelling-unit buildings from others in the same development in an apartment zone.

I suggest the following revisions:

**17.16.10 Definitions**

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

**Except in the apartment residential "AR" zone where two-dwelling-unit structures may be on the same lot or parcel as other dwelling units.**

Or you could add the following to the AR zone (Section 17.32.80).

17.32.080 (2) (d) "Multi-dwelling units, **including two-unit buildings on the same lot or parcel as other dwelling units.**"

**Regarding all of Section 17.68:**

Section 17.68, in its entirety, should be eliminated from the St Helens Development Code. It does not conform to the St Helens Comprehensive Plan and, more than likely, is not constitutional. (Section 17.68 could actually be a liability to the city.)

The St Helens Comprehensive Plan states:

*““General nature” means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use.”*

Contrary to the “general nature” clause of the SH Comprehensive Plan, the St Helens Development Code (SHDC) Section 17.68 calls out specific streets and grants private properties along those streets, for lack of a better term, “veto like” powers over neighboring properties. Such powers are contrary to the “general nature” of the comprehensive plan, and in my view, unconstitutional.

The St Helens Comprehensive Plan also says:

*“19.08.060 Natural factors and local resources goals and policies.*

*(2) Goals... ..(g) To preserve for the public benefit outstanding scenic areas.”*  
*(emphasis added)*

Contrary to the stated Comp. Plan 19.08.060 Goal (2) (g), SHDC Section 17.68 provides no public benefit. The “living spaces” that are protected in Section 17.68 are the living spaces of private properties.

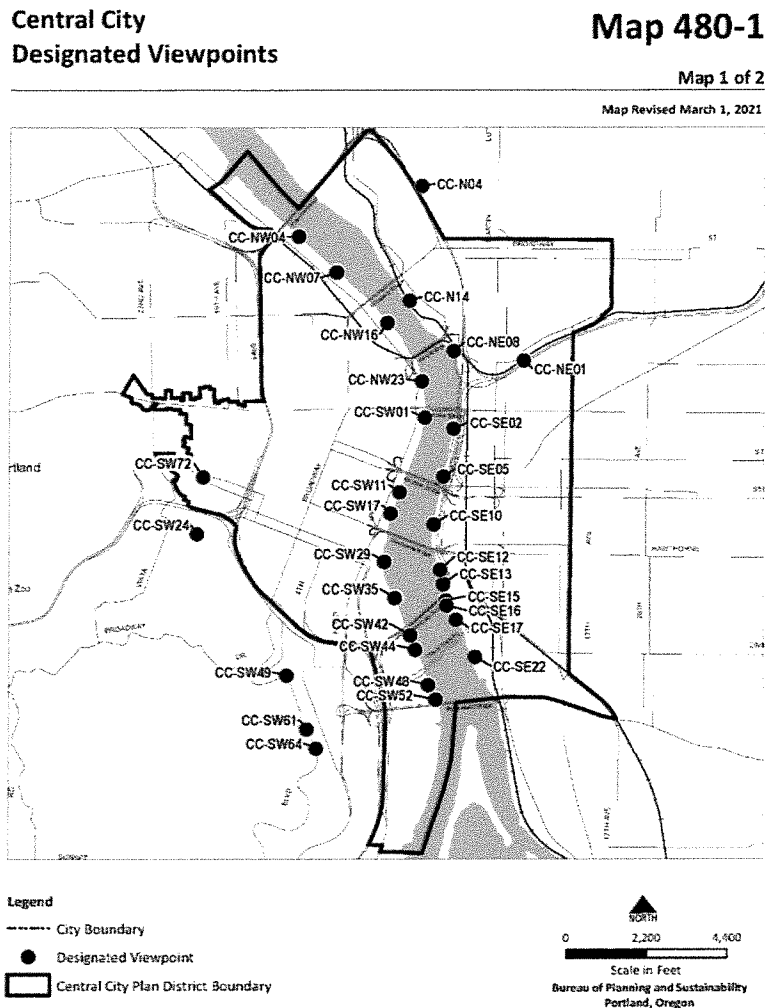
Portland, Denver, and Philadelphia have scenic view ordinances. However, in those cases the public is served because the views that are protected serve public buildings, public parks, and other public spaces. Clearly the public is considered and is meant to benefit from the views that are protected. For example, in Philadelphia one such view is from the top of City Hall Tower (a space accessible to the public) looking towards the location where George Washington crossed the Delaware River. In Denver the views are specific directions from Coors Field (a city property), and views in specific directions from various city parks on hills and other city owned prominent locations.

The same goes for Portland. The City of Portland’s Scenic Resource Chapter says:

*1. Purpose. The intent of the view corridor designation and standards is to establish maximum heights within view corridors to protect views from designated viewpoints and to provide a location where the public can safely take in a significant view. (emphasis added)*

The City of Portland has maps that designate specific public locations (view points in parks, locations on public streets or on city owned bridges or city buildings, and designate the direction of each view.

Here is one such map from Portland's Scenic Resource Chapter.



All of these locations are public spaces not private property. Each location has a “view”, a direction and angle of the view that is protected. In all the cities mentioned above the views are specifically defined so that property owners or potential buyers are aware of where exactly and in which direction the view restrictions apply.

In the case of St Helens the “living spaces” that are protected in Section 17.68 are the living spaces of private property and the “views” that are protected are extremely broad and loosely defined.

In St Helens the public does not benefit from Section 17.68, but rather, the only benefit is to give specific property owners along specific streets rights that they can enforce over the property rights of others.

**Section 17.68, in its entirety, should be removed from the St Helens Development Code.**

**Regarding the specific amendment proposed to section 17.68.**

Staff proposes to add River Way to section 17.68. In "Summary of St Helens 2021 Development Code Amendments by Chapter" staff argues "Staff believes its omission was an oversight in the past".

The above argument is legally indefensible and not valid.

Legislative interpretation dictates that what is written into a law was specifically included in the law by the legislators for specific reasons and findings. Legislative interpretation holds that the converse is also true, that which was left out, was knowingly left out by the law-making body.

The argument "the omission was an oversight" is not valid under well-established precedent of legislative interpretation. Therefore, there are no findings to support the change.

**The planning commission should remove this proposed amendment.**

**Regarding Parking:**

It has long been the policy of the State of Oregon to increase density inside city urban growth boundaries. With increased density naturally comes increased number of automobiles. Such is the nature of cities.

Tandem parking has some drawbacks, mostly inconvenience to the property owner because sometimes they may have to move one car blocking another.

On the other hand, tandem parking allows for smaller driveways and larger front yards. Larger yards increase the open space available to residents, allows more landscaping, decreases stormwater runoff by increasing green area and infiltration opportunities on the property and potentially reducing the storm water loads on the public storm water system.

With Best Regards

A handwritten signature in black ink, appearing to read "Al Peterson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.



## Jacob Graichen

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**From:** Debbaut, Anne <anne.debbaut@state.or.us>  
**Sent:** Tuesday, March 9, 2021 12:22 PM  
**To:** Jacob Graichen  
**Cc:** Debbaut, Anne  
**Subject:** [External] Notice of Plan Amendment CPZA.1.21: (DLCD File No 003-21); Compliance with HB 2001 Medium Cities Requirements

Greetings Jacob,

Even though we spoke on the phone just now, I want to send along the comments below for the record.

Thank you for the subject post acknowledgement plan amendment (PAPA) notice which is primarily directed at city compliance with House Bill 2001 (2019) medium city middle housing requirements. The city is one of the first medium cities to adopt such an ordinance and we are pleased to see HB 2001 implementation proceed so well. Thank you also for discussing with us last week the additional findings needed for compliance with Goal 10 and HB 2001. At the time of our discussion we overlooked one additional concern related to parking requirements which is addressed below. Please include these comments in the record for both this plan amendment and the proceedings of the March 9, 2021 Planning Commission hearing and future related hearings.

We are concerned that the definition of an Accessory Dwelling Unit (ADU) appears to require the same standards applicable to two single family detached dwellings on one lot. More specifically, the development standards in Chapter 17.80 could be interpreted to require two off-street parking spaces per dwelling unit as proposed:

*17.80.030 (i) Single-dwelling units, detached – two off-street spaces for each dwelling unit or pair of dwelling units as allowed by the zoning district.*

Clarification on this point is important as the House Bill 2001 statutory language specifically prohibits a city from requiring even one off-street parking space for an ADU. That is not to say that a developer is not able to build a space, but the city may not require that one be built.

Please let me know if you have any questions.

Best Regards,  
 Anne



**Anne Debbaut**

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 Interim Morrow and Umatilla County Regional Representative | Eastern Oregon Regional Solutions  
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