



## PLANNING COMMISSION

Tuesday, July 11, 2023 at 6:00 PM  
HYBRID: Council Chambers & Zoom (details below)

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### AGENDA

#### 6:00 P.M. CALL TO ORDER & FLAG SALUTE

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

#### CHAIR/VICE CHAIR SELECTION

#### CONSENT AGENDA

- A. Planning Commission Minutes Dated June 13, 2023

#### PUBLIC HEARING AGENDA (times are earliest start time)

- B. 6:05 p.m. Conditional Use Permit at 1955 Old Portland Road - Seaford, LLP

#### DISCUSSION ITEMS

- C. Architectural Review for Gateway at intersection of S. 1st Street & St. Helens Street (City of St. Helens)

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

- D. Site Design Review (Minor) at 795 S Columbia River Hwy - Kendall Construction, Inc.
- E. Sensitive Lands Permit at 2760 Columbia Blvd - Columbia County
- F. Accessory Structure at 330 Tualatin Street - John Soares

#### PLANNING DEPARTMENT ACTIVITY REPORT

- G. Planning Department Activity Report - June

#### PROACTIVE ITEMS

- H. Architectural Standards

#### FOR YOUR INFORMATION ITEMS

#### ADJOURNMENT

**NEXT REGULAR MEETING: August 8, 2023**

#### VIRTUAL MEETING DETAILS

Join: <https://us06web.zoom.us/j/83611494519?pwd=QjIGcnhvK0YyUnY5Y3dkbDRSZzd1dz09>

Meeting ID: 836 1149 4519

Passcode: 845193

Dial by your location: +1 253 215 8782 US (Tacoma)

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

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



## PLANNING COMMISSION

Tuesday, June 13, 2023, at 6:00 PM

### DRAFT MINUTES

**Members Present:** Chair Steve Toschi (present only during TOPICS FROM THE FLOOR)  
 Vice Chair Dan Cary  
 Commissioner Jennifer Pugsley  
 Commissioner Charles Castner  
 Commissioner Ginny Carlson  
 Commissioner Russ Hubbard  
 Commissioner Russ Low

**Members Absent:** None

**Staff Present:** City Planner Jacob Graichen  
 Associate Planner Jenny Dimsho  
 Community Development Admin Assistant Christina Sullivan  
 Councilor Mark Gundersen

**Others:** Brady Preheim  
 Tina Curry  
 Steve Topaz

Chair Steve Toschi was not present at the start of the meeting, so Vice Chair Dan Cary was the acting Chair.

#### CALL TO ORDER & FLAG SALUTE

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

**Toschi, Steve.** Toschi was called to speak. He handed a letter of resignation to the secretary. He said he joined the Planning Commission to hopefully make some positive changes in the city. He said it had become clear that some of the projects that the Planning Commission had spearheaded, especially ones that he was leading, had resulted in a lot of negative things. He said at this time he was resigning to go in a different direction to help the public. He said the Resolution 1986 that the City Council had passed was not constitutional and since he had already been falsely accused of things, he felt it necessary to step away from the Commission to protect his reputation and support the public in a different way. He thanked the Commission for all the time and effort they put into the city and was thankful for the knowledge they had provided to him.

**Preheim, Brady.** Preheim was called to speak. He said he was glad that Steve Toschi had decided to resign, and he thought this would be good for the future of the Commission.

**Topaz, Steve.** Topaz was called to speak. He discussed his opinion about a tour held for the wastewater lagoon. He shared the City wants to turn it into a waste dump. He said there would be several legal problems if there were failures. He mentioned there was a meeting in December in 2018 about possible uses of the lagoon. He said in 2019 there was supposed to be a public meeting about

the lagoon being turned into a waste dump, but the meeting was cancelled because the State Representatives could not be present. He discussed some reasons why he was taken to the Ethics Board.

## **CONSENT AGENDA**

### **A. Planning Commission Minutes Dated May 9, 2023**

Chair Dan Cary asked for corrections to a portion of the minutes on page two.

**Motion:** Upon Commissioner Pugsley's motion and Commissioner Carlson's second, the Planning Commission unanimously approved the Draft Minutes dated May 9, 2023, with the suggested amendments. Commissioner Hubbard abstained as he was absent from the meeting. [AYES: Commissioner Carlson, Commissioner Castner, Commissioner Pugsley, Commissioner Low; NAYS: None]

## **DISCUSSION ITEMS**

### **B. Architectural Character Review Revision - 353 S. 1st Street (Crooked Creek Brewery)**

Associate Planner Jenny Dimsho shared the final draft of the doors planned to be installed at the new Crooked Creek Brewery building. She said the original door had a single light door with a kick plate, but after doing a little work, they realized the opening was wider than the original door. So Crooked Creek proposed to widen the door with side lights that were made of wood. The door would also be solid wood with a kick plate. She said this same door on the front would be what they used on the side door now as well. Dimsho said before approving the building permit with this design, she wanted to confirm the Planning Commission was okay with these changes.

The Planning Commission agreed they were okay with this final design.

## **PUBLIC HEARING AGENDA** (times are earliest start time)

### **C. Deliberations of appeal of Sensitive Lands Permit SL.2.23 at N. 15th Street**

City Planner Jacob Graichen confirmed with the commissioners who were absent from the public hearing if they had reviewed the video, minutes and record, and obtained enough information to make the same educated decision as those present at the hearing the previous month. Both commissioners said yes.

Graichen confirmed there were no ex-parte contacts, conflicts of interests, or bias in this matter.

No one from the audience objected to the ability of any of the commissioners to make a fair decision.

Graichen did a recap of the hearing, mentioned there was testimony, and information was obtained about the application during the hearing. He said the appellant requested the record to be left open. During the time the record was open, there was additional written testimony received and it was given to the Planning Commission prior to these deliberations for them to be able to review and provide feedback at deliberations.

He shared the information and conditions that were previously mentioned at the hearing. He felt the application was not fully complete and the conditions would need revised if the commission approved the decision.

There was a small discussion on a tree that was removed.

Commissioner Hubbard mentioned there were other ways to make the retaining wall sturdier and they could consult a designer to help them.



Commissioner Pugsley asked if these plans were deemed complete or what the process was to consider them a complete submittal. Graichen said they tried to condition it to make it more complete, but the appellant asked for a more complete plan to be provided with a new submittal.

There was a discussion about the Geotech Report for the soil on the property, but ultimately no additional geotech was provided by the applicant.

Commissioner Pugsley asked, if denied, what the enforcement would be for the illegal tree removal. Dimsho said it was still an enforcement case and would be addressed with a new application or through a building permit.

**Motion:** Upon Commissioner Carlson's motion and Commissioner Pugsley's second, the Planning Commission unanimously denied the application to minimize impact to neighboring properties and because it was an incomplete submittal. [AYES: Commissioner Carlson, Commissioner Castner, Commissioner Pugsley, Commissioner Low, Commissioner Hubbard; NAYS: None]

**Motion:** Upon Commissioner Carlson's motion and Commissioner Pugsley's second, the Planning Commission unanimously approved the Chair to sign the Findings. [AYES: Commissioner Carlson, Commissioner Castner, Commissioner Pugsley, Commissioner Low, Commissioner Hubbard; NAYS: None]

#### **PLANNING DIRECTOR DECISIONS** (previously e-mailed to the Commission)

- D. Sign Permit (x2) at 465 S Columbia River Hwy - Portland Sign Co. (Pacific One Bank)
- E. Home Occupation at 58710 Noble Court - 1791 Armory, LLC
- F. Temporary Sign Permit at 2100 Block of Columbia Blvd - St. Helens Kiwanis Club

There was no discussion on the Planning Director Decisions.

#### **PLANNING DEPARTMENT ACTIVITY REPORT**

- G. Planning Department Activity Report - May

Graichen shared there were five first readings for ordinances at the last Council meeting, all of which were from Planning. Three were annexations, one was the street naming, and last was the HB 3115 ordinance.

Dimsho mentioned the design for the Gateway project was started and that the first phase of construction at the intersection of S. 1<sup>st</sup> Street and St. Helens Street could be through the end of the year. There was a small discussion on the construction timelines and the Riverfront Development.

#### **PROACTIVE ITEMS**

- H. Architectural Standards

Graichen said they planned to discuss this item at the Joint City Council Meeting, but it was cancelled. He encouraged the Commission to start thinking about different parts of the standards to tackle instead of taking on too large of a project.

He said they could look at implementing architectural standards by zoning districts and break it down by the area. He mentioned another way to do it was with an overlay zone which could allow the standards to crossover into multiple zoning districts. He also said a third way to approach these standards was looking at the Historic Landmarks list. He also said they could look at the use types of the different types of development (like multi-family).

He did say when considering residential uses, they need to be sure the standards are clear and objective to comply with state requirements.

Graichen mentioned the Commission should have a primary goal on how they want to move forward with the architectural standards for the next Joint Planning Commission/City Council meeting.

Dimsho suggested when the Commission was doing research on other towns that have architectural standards to consider the standards for the Riverfront District the City already has in place that are working. Instead of locating architectural standards for downtowns, she encouraged the Commission to locate standards for residential districts, since that is where the gap is.

### **FOR YOUR INFORMATION ITEMS**

Graichen mentioned the Joint Planning Commission and City Council meeting was cancelled because of such a busy month with activities. He said he was going to suggest cancelling the June meeting permanently in the future, but said it was better to leave them on the calendar for instances when there may not be a busy June and there is time to meet.

Chair Cary said he would like to see more joint decision making to cancel joint meetings and better communication about it in the future.

Dimsho congratulated Commissioner Hubbard for receiving a grant from the St. Helens Mainstreet Alliance for his project on N. 12<sup>th</sup> Street. Commissioner Hubbard shared some of the details of his project and how it was moving forward.

Graichen mentioned there was a vacancy and he asked who wanted to participate on the interview committee. Both Commissioner Pugsley and Commissioner Hubbard volunteered to be on the committee. Chair Cary also mentioned there should be a vote on the new Chair and Vice Chair positions at the next meeting.

### **ADJOURNMENT**

*There being no further business before the Planning Commission, the meeting was adjourned at 7:15 p.m.*

*Respectfully submitted,*

*Christina Sullivan  
Community Development Administrative Assistant*

**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Conditional Use Permit CUP.3.23**

**DATE:** June 30, 2023  
**To:** City Council  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT:** SEAFORD LLP  
**OWNER:** same as applicant

**ZONING:** Heavy Industrial, HI  
**LOCATION:** 1955 Old Portland Road  
**PROPOSAL:** Storage yard as business venture

**SITE INFORMATION / BACKGROUND**

The site, an entire city block surrounded on all four sides by public rights-of-way, is developed with fencing/gates and access improvements and a freestanding sign along Old Portland Road.

An aerial photo from 1983 at City Hall shows no improvements or use of the site. A wrecking yard was established around 1993 (via Site Development Review). This was modified in 2000 (minor Site Development Review SDRm.9.00) and in 2003 (minor Conditional Use Permit CUPm.2.03).

Based on aerial photography, the wrecking yard use ceased in 2010 and no active use has occurred since.

**PUBLIC HEARING & NOTICE**

**Public hearing** before the Planning Commission: July 11, 2023

**Notice** of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on June 21, 2023 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

**Notice** was published on June 28, 2023 in The Chronicle newspaper.

**APPLICATION COMPLETENESS**

This application was originally received and deemed complete on May 23, 2023.

The 120-day rule (ORS 227.178) for final action for this land use decision is September 20, 2023.

**AGENCY REFERRALS & COMMENTS**

None received.

### APPLICABLE CRITERIA, ANALYSIS & FINDINGS

**Zoning Compliance:** The site is zoned Heavy Industrial, HI.

The previous and only known official use of the subject property—wrecking and junkyard—is a conditional use in the HI zone. Since the use has been discontinued for so long it is no longer valid. It is also not proposed now.

The HI zone allows storage as a use. If the storage was related to a business function/operation (as opposed to a business venture in and of itself) it would be a permitted use per SHMC 17.32.140(2)(n). Storage as a business venture or a service is a conditional use per 17.32.140(3)(n). The applicant proposes the latter, thus this Conditional Use Permit.

\* \* \*

**Sensitive Lands:** There are no known sensitive lands as identified in the Development Code within the boundary of the subject property.

However, per the city's Local Wetlands Inventory as more specifically delineated by Oregon DSL WD# 2017-0445, there is a linear wetland within the Hamlin Street right-of-way along the northeast side of the site. This is wetland MI-4 identified on the City's Local Wetlands Inventory, which is not significant to the city per Chapter 17.40 SHMC.

\* \* \*

**Building Height Limitations & Exceptions:** Chapter 17.68 SHMC includes provisions for industrial buildings. Two new buildings are proposed; they are conex boxes and pose no height requirement conflict.

\* \* \*

**Landscaping/buffering/screening:** Street trees could potentially be required because the site has over 100 feet of street frontage. In this case, there are rights-of-way on all sides.

Aside from Old Portland Road, the surrounding rights-of-way are undeveloped or underdeveloped. In their current state and location, street trees would have limited to no streetscape value.

For this leg of Old Portland Road, the city has not required street trees without street frontage improvements. Street frontage improvements are not warranted by this proposal. There are some existing trees along Old Portland Road both outside and just inside the existing fence. It is unknown if these were intentionally planted or not. The applicant said the trees shouldn't interfere with their operations and can be kept.

Staff also spoke to Columbia River PUD about these. They said that power feeding the site has not been energized for some time, but if reenergized they would trim trees as needed.

**This chapter requires buffering but it's not required in this case.** Up to 150' of buffer could be required if off-site impacts are significant, but as a storage site, that is not anticipated.

**This chapter requires screening.** Sight-obscuring fence as mostly in place from the prior use, satisfies this. However, some of this fencing along the entry area off Old Portland Road has been replaced with non-sight obscuring fence. The applicant has repaired/replaced dilapidated segments of the existing fence to thwart theft issues, which is a problem for this area and something they have already been victim of.

Screening required in accordance with SHMC 17.72.080(5)(a) - (c). This can be achieved with a sight-obscuring fence or landscaping. Staff assumes the applicant will rely on fencing for this.

\* \* \*

**Visual Clearance:** Chapter 17.76 SHMC requires proper sight distances at intersections to reduce traffic hazard potential. The required area to maintain clear vision is greater for arterial streets.

Access design is preexisting and appears that vehicles will have vision clearance. The fence along Old Portland Road is approximately 10' back from the right-of-way line, which helps.

\* \* \*

#### **Off-Street Parking/Loading:**

For the storage yard, applicant proposes a gravel/unpaved surface for storage purposes. This is possible per SHMC 17.80.050(10). However, if there is evidence of adverse effects upon adjacent roadways, watercourses or properties, paving may be required in the future; this shall be a condition of approval.

Per 17.80.050(10)(b)(ii) gravel parking areas shall not be allowed within 25' of an improved public right-of-way, in this case Old Portland Road. The driveway area just off Old Portland Road between the existing fence and the road is already paved.

Gravel has been ok for open storage yards, but when buildings are introduced, such as with mini-storage, paving has been required for previous such proposals in the city. A couple of existing buildings within the larger fenced area as noted on the site plan are assumed to be incidental to the use and are not divided into subunits. In the smaller fences area, two conex boxes are proposed as buildings, which include doors along the long side in addition to the typical short side openings. Per the applicant, this is to be able to secure smaller equipment, more prone to theft in the larger open yard. Because these buildings are not proposed to be divided into subunits, and because they are in a more confined fenced area, **the Planning Commission can still accept a gravel surface. If any case, a conditional emphasizing that this CUP does not allow**

additional buildings related to the use, regardless of whether or not building permits are required or not, as more buildings will require additional surface area considerations. Moreover, this CUP also does not allow partitioning of any existing building or the proposed conex boxes in the smaller fenced area into subunits. Building subunits begets a a ministorage type facility, which has more site improvement considerations than this proposal.

Off-street parking requirement is based on one employee on the largest shift per SHMC 17.80.030(3)(y). Per the applicant, they anticipate one active person associated with the use. Previous plans contemplated parking outside the fenced area, which is logical for a wrecking yard. There is still area available for that, as well as within the fenced site. Note a mini storage facility, not proposed, would have a different parking requirement calculation; additional permitting would be necessary for such.

\* \* \*

**Access/egress/circulation: Joint access and reciprocal access easements.**

**Public street access.** All vehicular access and egress per Chapter 17.84 SHMC is required to directly connect to a public or private street approved by the City for public use.

The site abuts the following streets:

Street/Road Name	Public or Private	Street Class (TSP)	Jurisdiction	Improved?
Old Portland Road	Public	Minor Arterial	City of St. Helens	partial; no sidewalks or other frontage improvements
Renton Avenue	Public	Local	City of St. Helens	gravel road only
Hamlin Avenue	Public	Local	City of St. Helens	No (wetland within)
7 <sup>th</sup> Street	Public	Local	City of St. Helens	No

The site uses Old Portland Road and Renton Avenue for access.

**Vehicular access spacing, amount, etc.** Existing access points are ok. The access from Old Portland Road, a minor arterial street, is midblock which is the code's standard. Code prefers access from non-arterial streets, so some of this acceptability is based on preexisting improvements. Also, because there is access from Renton Avenue, the site is not entirely dependent on Old Portland Road.

The Old Portland Road access includes a "U" shaped design, with driveway widths of approximately 30' and 20', with about 30' in between. This could be seen as two access points, but is acceptable as a preexisting condition. As there is little development for this proposal, reconstruction of the Old Portland Road access is not warranted.

The Renton access is acceptable.



No new road/street accesses are proposed.

\* \* \*

**Signs:** There is an existing freestanding sign along Old Portland Road. There is a building permit (#4193) from 1993, providing evidence of approval.

\* \* \*

### **Site Development Review:**

Per Chapter 17.96 SHMC trees with a 6" or greater dbh require preservation or replacement. As noted above, the applicant has noted being able to keep trees along Old Portland Road. These are the only trees associated with the subject property.

There is an evergreen tree just east of the existing sign. Conflict with the existing fence and overhead power service may warrant its removal.

**Crime prevention.** Applicant has noted troubles of breaking in and theft, much due to the existing dilapidated fencing. They intend on adding a light by the Old Portland Road access and improving the fencing, some of which has already occurred as the applicant secures the premises.

\* \* \*

### **Conditional Use:** Pursuant to SHMC 17.100.040:

(1) The planning commission shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

- (a) The site size and dimensions provide adequate area for the needs of the proposed use;
- (b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
- (c) All required public facilities have adequate capacity to serve the proposal;
- (d) The applicable requirements of the zoning district are met except as modified by this chapter;
- (e) The supplementary requirements set forth in Chapter 17.88 SHMC, Signs; and Chapter 17.96 SHMC, Site Development Review, if applicable, are met; and
- (f) The use will comply with the applicable policies of the comprehensive plan.

Staff does not see any issue with these criteria; **the Commission needs to agree to approve this proposal.**

Note that for (c) the closest city water main is approximately 350' to the southeast along Old Portland Road from the closest portion of the subject property, which poses some challenges if needed in the future. Sanitary sewer is along abutting rights-of-way. However, no utility connection is proposed.

Note conversion of a building to an office would require utility considerations and site improvement considerations; such would require a modification to this Conditional Use

Permit. No existing building can currently be used as an office; there is no permitting history supporting any prior allowance of this.

SHMC 17.100.150 has additional requirements for certain conditional use types. The proposal does not include any of these.

SHMC 17.100.040(3) provides “condition of approval guidance” as follows:

(3) The planning commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to, the following:

- (a) Limiting the hours, days, place, and manner of operation;
- (b) Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
- (c) Requiring additional setback areas, lot area, or lot depth or width;
- (d) Limiting the building height, size or lot coverage, or location on the site;
- (e) Designating the size, number, location, and design of vehicle access points;
- (f) Requiring street right-of-way to be dedicated and the street to be improved;
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- (h) Limiting the number, size, location, height, and lighting of signs;
- (i) Limiting or setting standards for the location and intensity of outdoor lighting;
- (j) Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- (k) Requiring and designating the size, height, location, and materials for fences; and
- (l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

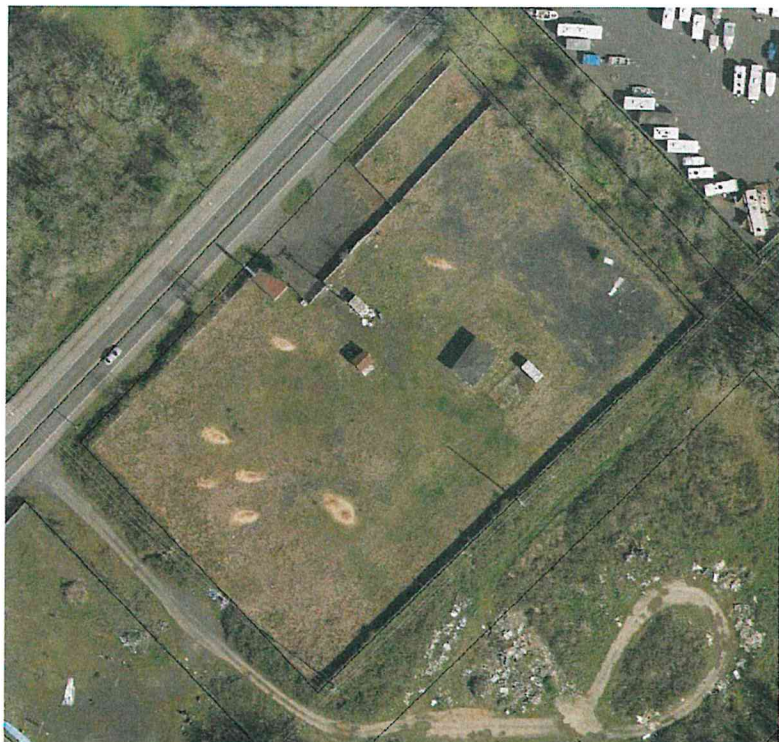
These are for the Commission’s consideration.

\* \* \*

**Street/Right-of-Way Standards:**

This proposal is not of such magnitude that street improvements are wanted.

**Other Considerations:** The site has been around since the 1990s. The current owner acquired the property in July 2021. The City of St. Helens conducted aerial photography in April 2022, which comparing with Google Earth aerial photography going back several years, is consistent with the conditions of the site when purchased.



This aerial photo from April 2022 is a good existing conditions reference.



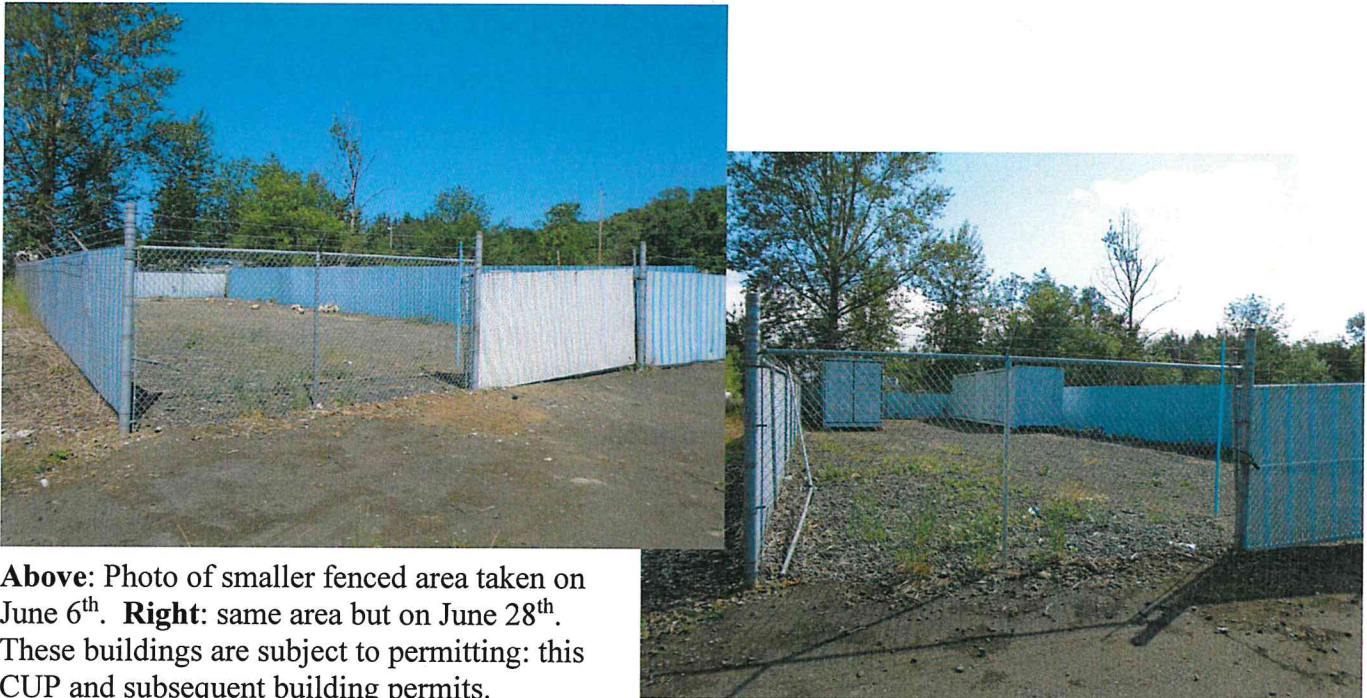
Per the city's building permit records, the only permit pertaining to any building on site is #4688 for an approximate 12 x 24 foot metal "tool box." The building along OPR fits this description. Building code does not require a permit for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses provided the floor area is not greater than 120 square feet.

Note this does not mean such a structure would be exempt from the Development Code and any necessary permitting.

Generally, other buildings on site, as seen in the aerial photo above are within the 120 square feet, except for the largest building towards the center of the site (approx. 22' x 30' in size).

Other than the previously permitted building as described previously, the applicant only identifies one other existing building close to the entry as being a mobile office/shed. Its use as an actual office would be enough to require permits and additional site improvement considerations.

The other buildings shown on the site plan are two proposed 40' long storage contains (conex boxes). 40' long conex boxes are about 320 square feet in size and would require building permits, if used as buildings.



**Above:** Photo of smaller fenced area taken on June 6<sup>th</sup>. **Right:** same area but on June 28<sup>th</sup>. These buildings are subject to permitting: this CUP and subsequent building permits.

### CONCLUSION & RECOMMENDATION

**Based upon the facts and findings herein, staff recommends approval of this Conditional Use Permit, with the following conditions:**

1. This **Conditional Use Permit** approval is valid for a limited time (to establish the use) pursuant to SHMC 17.100.030. This Conditional Use Permit approval is valid for 1.5 years. A 1-year extension is possible but requires an application and fee. If the approval is not vested within the initial 1.5 year period or an extension (if approved), this is no longer valid and a new application would be required if the proposal is still desired. See SHMC 17.100.030.
2. Prior to commencement of use as proposed:
  - a. The storage areas shall be screened in a method approved by the city in accordance with SHMC 17.72.080(5)(a) - (c). Approval required before installation. If proposal is more than just making existing fencing sight-obscuring, a revised plan submitted for review and approval shall be required.
  - b. *Staff intends to talk to the Planning Commission about this one, to evaluate its appropriateness. If the PC thinks it's not required, it can be omitted →* The smaller fenced area along Old Portland Road and the northerly corner of the subject property shall be paved such that all areas within that can be traversed on by vehicles or pedestrians is paved and that paved area is contiguous with the paved area outside of the fenced areas (Old Portland Road access).
  - c. Building permits needed for new buildings allowed by this CUP and for demo of any existing building.
3. If there is documented evidence of adverse effects upon adjacent roadways, watercourses, or properties resultant from gravel use for the gravel parking areas proposed and allowed, use of that/those area(s) shall be improved with asphalt or concrete surfaces or similar type materials approved by the City. Additional permitting may be required for this.
4. This CUP does not allow additional buildings related to the use, regardless of whether or not building permits are required or not for them.
5. This CUP also does not allow partitioning of any existing building or the proposed conex boxes in the smaller fenced area into subunits. This CUP does not allow a mini storage use.
6. This CUP does not grant use of unlawful buildings. Unlawful pertains to any applicable code such as the Development Code, Building Code and Fire Code.
7. Conversion of any building to an office will require a modification to this Conditional Use Permit or a new one.
8. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17).

**Attachment(s):** Site Plan







# CITY OF ST. HELENS PLANNING DEPARTMENT

# MEMORANDUM

**TO:** Planning Commission acting as the Historic Landmarks Commission  
**FROM:** Jennifer Dimsho, AICP, Associate Planner  
**RE:** S. 1<sup>st</sup> Street, just south of the St. Helens Street Intersection  
**DATE:** June 30, 2023

In November 2022, the City kicked off construction of the Streets & Utilities Project to prepare the Riverfront property for redevelopment and enhance downtown St. Helens. A more detailed description of the infrastructure included in this project is included on the City's waterfront website. It is anticipated to be completed by September 2024.

<https://www.sthelensoregon.gov/waterfront/page/streets-and-utilities-extension-project>

Part of the project includes intersection enhancements to the intersection of S. 1<sup>st</sup> Street and St. Helens Street, which has been identified as "gateway" intersection, welcoming people to the City's downtown. One of the elements includes a gateway feature. City Council selected Lower Columbia Engineering, LLC to work with a Stakeholder Committee to recommend a preferred design. The Stakeholder Committee met three times from May to June and developed the preferred concept. The final design will be shared for final feedback with the group.

Gateway Design Stakeholder Membership	
Member	Role
John Walsh	City Administrator
Jenny Dimsho	City Project Manager
Sharon Darroux	City Engineering Manager
Alex Bird	City Engineer II
Les Watters	Columbia County Museum Association Curator
Brandon Sundeen	City Councilor
Jessica Chilton	City Council President
Amara Liebelt	Mainstreet Alliance Executive Director
Suzie Dahl	Mainstreet Alliance Arts & Design Committee
Russell Hubbard	Planning Commissioner



"Welcome to St. Helens"  
Gateway on the corner of 4<sup>th</sup> Street &  
Columbia Blvd.

Per SHMC 17.132.172 (7), permanent exterior architectural changes to buildings (including new construction) must comply with the ***Riverfront District Architectural Guidelines***. The Historic Landmarks Commission shall make a recommendation to the approval authority as to whether the Commission believes the proposal complies. Please review your copy of the Guidelines when looking at this proposal and be prepared to discuss. The Guidelines can also be found on the City website on the City's website:

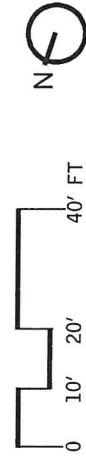
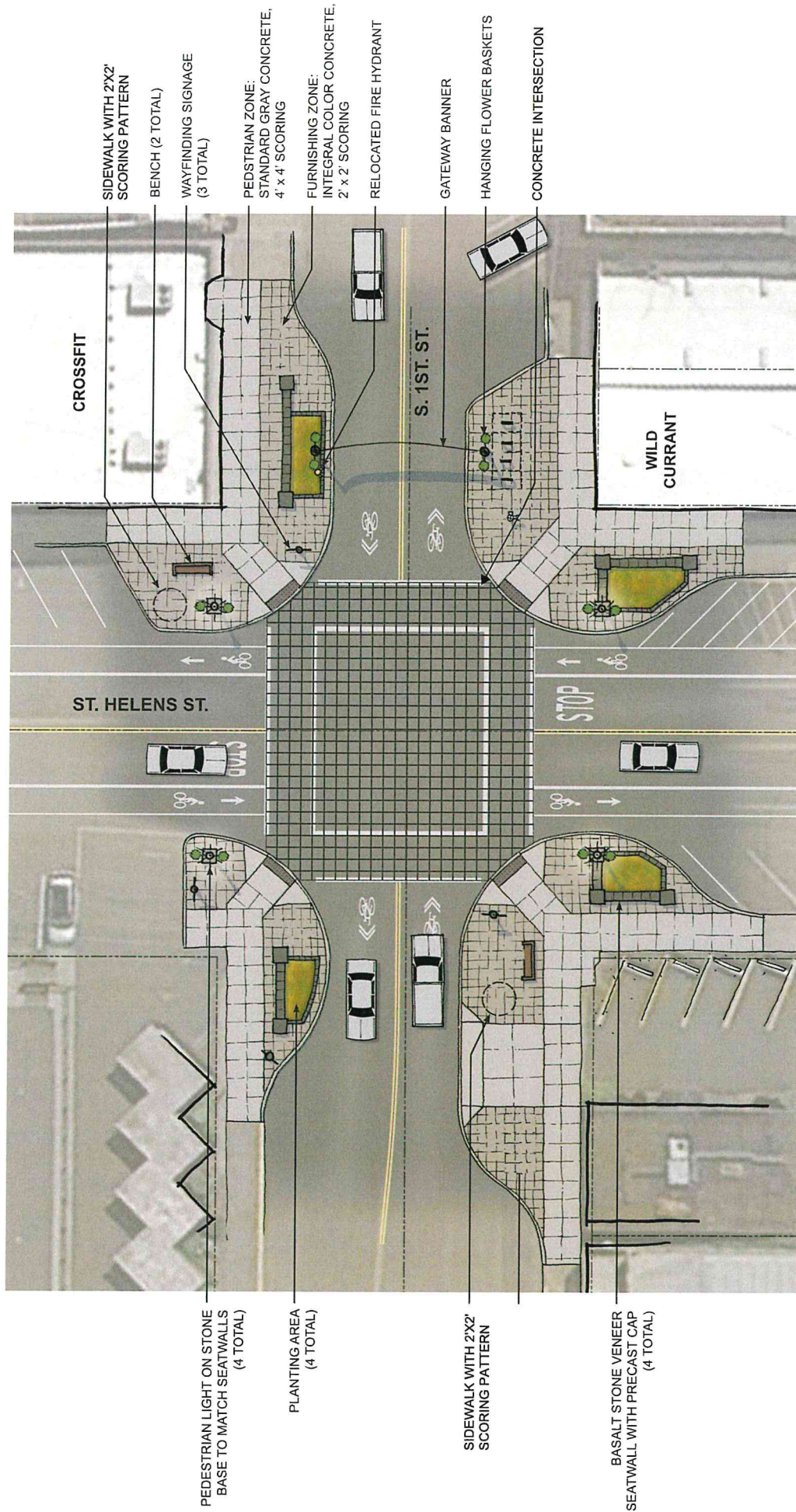
<https://www.sthelensoregon.gov/planning/page/riverfront-district-architectural-design-guidelines>

Since this proposal is not a typical building, most of the guidelines do not apply. Gateway features most resemble signage, so the relevant chapters include the Signage (Chapter 4) and the Material & Building Colors (Chapter 6). The Commission must decide if the proposed Gateway feature complies with the relevant Guidelines.

#### **Attachments:**

S. 1<sup>st</sup> St. & St. Helens St. Intersection Improvement Plan  
Streetscape Elements  
Gateway Plan Set  
Relevant Chapters from the *Riverfront District Architectural Guidelines*  
Gateway Rendering **(TO BE PRESENTED DURING THE MEETING)**

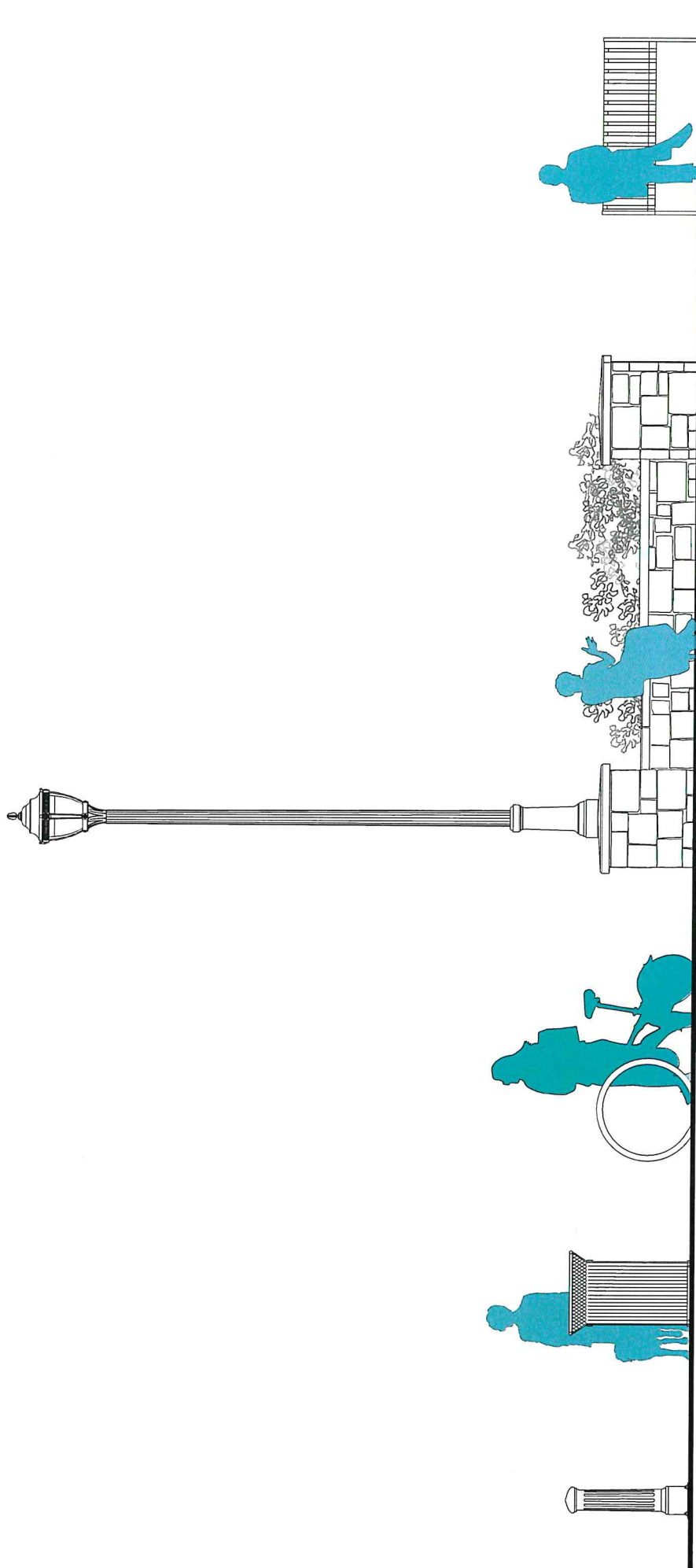




# 1<sup>st</sup> & ST. HELENS INTERSECTION IMPROVEMENTS CONCEPT PLAN



Item C.



BOLLARD

TRASH  
RECEPTACLE

BIKE RACK

LIGHT POLE

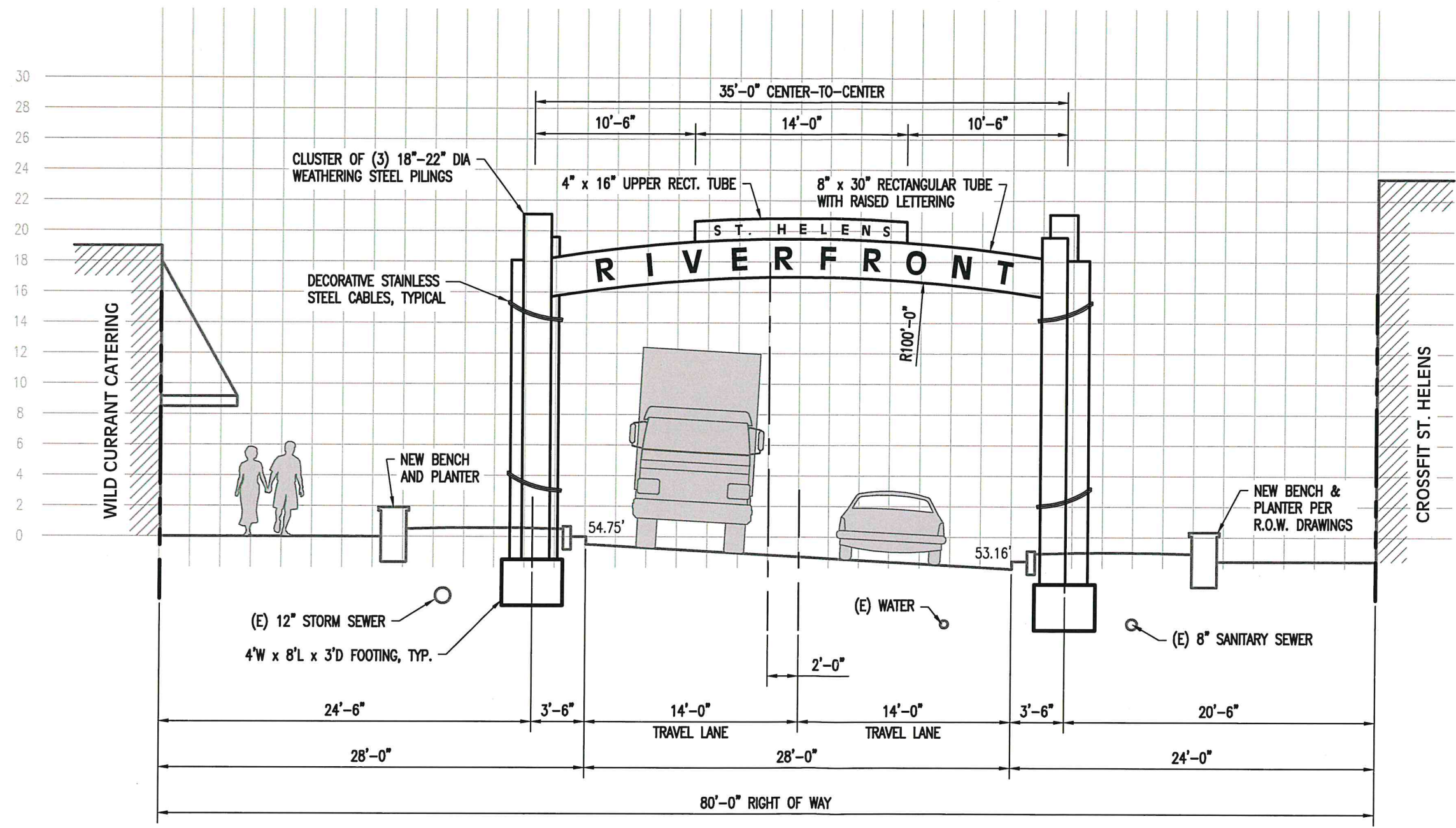
STONE SEATWALL PLANTER

BENCH

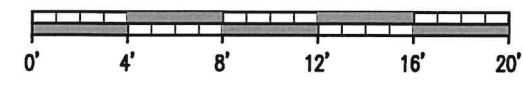
## S. 1st AND STRAND STREETS | DOWNTOWN STREETSCAPE ELEMENTS

MARCH 16, 2022





STREET SECTION THROUGH S 1st STREET FACING NORTH  
SCALE: 1/8" = 1'-0"

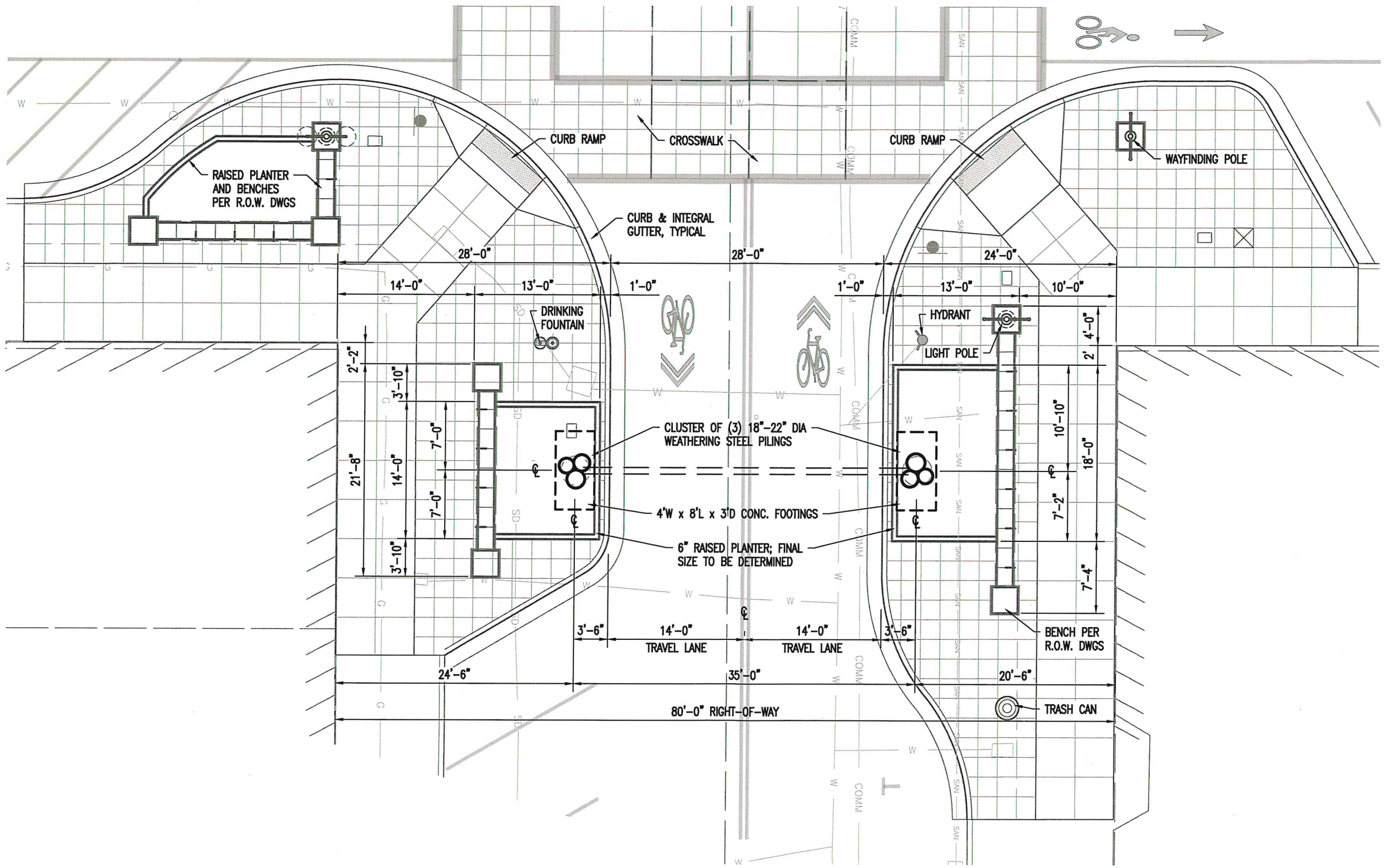


Lower Columbia Engineering

St. Helens, Oregon  
(503) 366-0399

PROJ. NO.	3450	STREET SECTION / ELEVATION
DWG. BY	BMK	ST. HELENS RIVERFRONT GATEWAY
APPR. BY		CITY OF ST. HELENS





**ST HELENS AND S 1ST STREET INTERSECTION - GATEWAY PLAN**

SCALE: 1" = 10'



Lower Columbia Engineering

St. Helens, Oregon  
(503) 366-0399

PROJ. NO.	3450	GATEWAY LAYOUT PLAN
DWG. BY	BMK	ST. HELENS RIVERFRONT GATEWAY
APPR. BY		CITY OF ST. HELENS
SCALE	NOTED	DATE 06/30/2023
		DWG. NO. 3450-PLAN.DWG

## 4. SIGNAGE

Signage that creates visual delight is preferred.

Commercial signs in Olde Towne should identify businesses, promote merchandise or service within, attract customers, provide direction and information, and in some cases create visual delight and architectural interest. Poor quality commercial signage creates an uninviting image and suggests lack of consideration for the historic character of the retail storefronts.

*NOTE: The following is meant as a supplement to the city's Sign Code. Sign permits, obtained through the Planning Department, are required pursuant to the St. Helens Development Code.*



When considering materials for signage, prioritize those that are locally harvested and/or extracted, contain recycled materials, rapidly renewable materials or Forest Stewardship Council (FSC) certified wood.

### 4.2 GENERAL GUIDANCE

**Signs should complement the historic and cultural significance of the area and be sensitive to existing architectural patterns and features found in Olde Towne.**

- Signs should not obscure important architectural details.
- Signs should align with other signs on the block to create a pattern of horizontal and vertical façade features.
- Signs should be positioned to emphasize special shapes or details of the façade, draw attention to the shop entrance, or emphasize a display window.
- Buildings should use signs that are appropriately scaled, durable, and consistent with other signage in Olde Towne. Signs should be good neighbors within a block.
- Wall signs should be well positioned and appropriately sized within architectural features, such as the panels above storefronts on the primary or secondary building front, on the transom, or flanking doorways.
- Projecting signs should be positioned along the first floor level of the façade. Projecting signs may take on their own special shape, or create their own symbol within the overall façade design.

- Awnings may have building or business names or street address on the apron, but may not function as signs with extensive text areas.

**Murals shall not become a predominating visual element of the streetscape.**

- Murals must create and/or promote a similar character or feel to the Olde Towne district.
- Wall murals and other artwork of noncommercial nature should be sympathetic to historical context.



The Strand looking south c. 1913



### 4.3 EXISTING BUILDINGS

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

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

### 4.4 NEW CONSTRUCTION

**Sign materials should be durable and easy to maintain.**

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

- The light source should be shielded from pedestrian view.

- Neon is acceptable, though can be restricted in size, if it does not obscure architectural detail or overly illuminate display windows. Neon lights should have an authentic, period or hand crafted look, and should not flash or otherwise vary in display.

- Lettering styles should be proportioned, simple, and easy to read. In most instances, a simple typeface is preferred over a faddish or overly ornate type style.

- As a general rule, the letterforms should occupy no more than 75% of the total sign panel.

### 4.5 FREESTANDING SIGNS

**The standards herein shall apply to freestanding signs as applicable.**

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



## 6. MATERIAL & BUILDING COLORS

**A traditional pallet of colors and materials are preferred.**

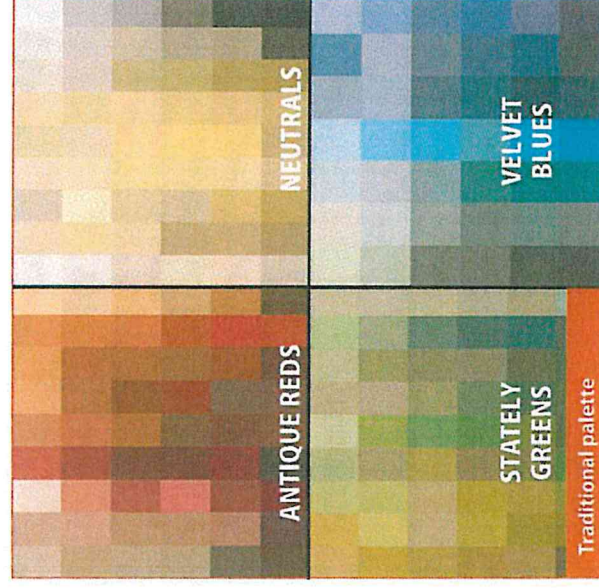
Building materials of new structures and additions or alterations should contribute to the visual continuity of the district. The materials should appear similar to those seen traditionally to establish a sense of visual continuity.

Buildings consume a large portion of Earth's natural resources, including 40% of raw stone, gravel, and sand and 25% of virgin wood. Choosing more sustainable building materials can mitigate negative environmental impacts and conserve virgin materials and resources. Utilize salvaged building materials, look for products with recycled content, containing rapidly renewable materials, Forest Stewardship Council (FSC) certified wood, and/or locally harvested or extracted components.

### 6.2 GENERAL GUIDANCE

Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the historic district should be preserved.

- Match brick and mortar in color, profile and texture to that of the original building or to another neighboring historic building.
- Where possible, use materials indigenous to the region and/or manufactured or supplied locally.



### 6.3 EXISTING BUILDINGS

**During rehabilitation of buildings, replace materials with similar material types to maintain original appearance of the structure.**

- Brick that has not been painted should not be painted.
- Match stone coursing, finish and joints to original.
- Maintain historical architectural detailing at window heads, cornices, belt course, and corners.
- Generally, the use of plastic, bright-unfinished metal, unpainted wood, and false stone is inappropriate and discouraged.
- Retain and preserve original wall and siding materials when possible and appropriate.
- Avoid removing siding that is in good condition or that can be repaired in place.
- Remove only the siding that is deteriorated and must be replaced.
- To preserve the character, defining-features of the historic façade materials do not cover or obscure the original façade.
- If the original material has been covered, uncover it, if feasible.



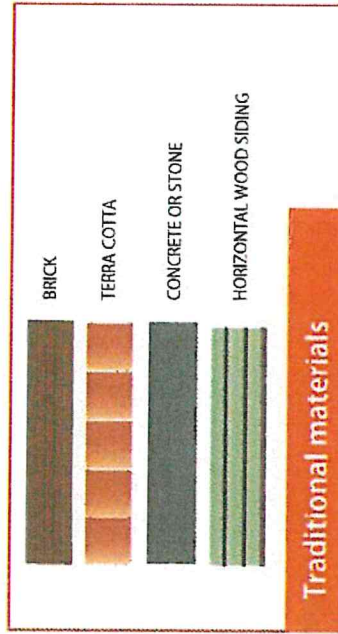
## 6.4 NEW CONSTRUCTION

**To maintain visual consistency, building materials used on the exterior of buildings should be traditional materials that are more durable.**

- Alternative materials to the traditional stone or brick should appear similar in scale, proportion, texture and finish to those used traditionally. Durability should be considered when alternative materials are reviewed.
- Do not use bricks that are larger than the standard size.
- Stone should be limited to colors and types similar to those found in Olde Towne buildings (basalt or similar for face stone, rubble stack okay for non- frontage building faces). Use existing stonework as an example.

**Use building materials and construction practices that evoke a sense of permanence and are compatible with St. Helens' historic buildings.**

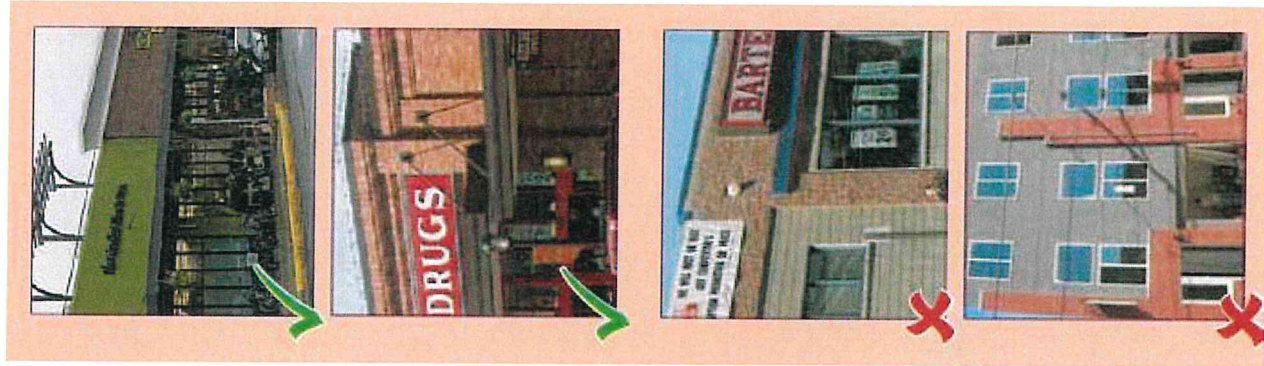
- Incorporate one of the following building materials found on traditional American Main Street commercial storefronts, into the design of the ground floor (street facing) facades:



- T-11 or similar sheet materials
- Stucco clad foam (EFIS)
- Vinyl siding
- Log construction

### Prohibited materials

- Generally, the use of plastic, bright-unfinished metal, unpainted wood, and false stone is inappropriate and discouraged.
- Concrete and wood siding should be painted using a palette of earth tone or muted colors. Bright, neon- like colors are strongly discouraged. Paint color choice is the owner's decision, but painting a structure to be a good neighbor on the block is encouraged.



# **CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT**



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

**Date:** 06.29.2023

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

**ASSOCIATE PLANNER/PROJECT MANAGER**—*In addition to routine tasks, the Associate Planner/Community Development Project Manager has been working on: See attached.*

## **PLANNING ADMINISTRATION—PREAPPLICATIONS MEETINGS**

Conducted a pre-application meeting for a potential division of the Village Inn property.

Conducted a condensed pre-application meeting for a potential auto parts retail establishment along US30 towards the north side of town. We had a pre-application meeting for the same location and use back in 2014 too.

## **PLANNING ADMINISTRATION—MISC.**

With five ordinances having their 2<sup>nd</sup> reading at the June 21<sup>st</sup> regular session, all related to the Planning Department's efforts, we had a burst of post adoption tasks to do. Three annexations and their normal post adoption process, post adoption notice for the Wapama Way matter, and post HB3115 stuff. Post HB3115 stuff included creating a map since all previous one's were intended to help with discussions (not necessarily be stand alone to make sense) and training for SHPD management staff per request from the Police Chief. Also helped SHPD with the notice require to be posted before a campsite is removed.

Conducted final inspection for building G of the Broadleaf Arbor (Gable Road apartments) development. D (community building), E and F (multi-family buildings) inspected previously. G is the 4<sup>th</sup> of ten buildings.

The Council authorized signature for a Donation Agreement for property proposed to be donated at the US30/Pittsburg Road intersection at the June 21<sup>st</sup> regular session. Planning Dept. has been assisting with this matter; the donor is the same person who owned and created the 4-lot commercial subdivision where Burger King, Quick Lube, and Dairy Queen are proposed. Given the subdivision effort, Planning staff was already engaged in conversations with the donor.

## **PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)**

June 13, 2022 meeting (outcome): The chair person resigned, so we'll need to select a new chair and vice chair at the July meeting and recruit a new commissioner.

The Commission deliberated on a Sensitive Lands Permit from May. This was for a large retaining wall of a lot along the 200 block of N. 15<sup>th</sup> Street. The Commission denied the matter.

Commissioner Hubbard and Pugsley volunteered to be on the Planning Commission Interview Committee for filling the vacancy due to resignation.

*As the Historic Landmarks Commission*, they approved an architectural change revision to 353 S. 1<sup>st</sup> Street related to Crooked Creek Brewery. They had reviewed it more comprehensively previously, but there was a change since to a door.

July 11, 2023 meeting (upcoming): The Commission will hold a public hearing for a Conditional Use Permit for consideration of a storage business use at 1955 Old Portland Road, the old Ralph's wrecking yard.

*As the Historic Landmarks Commission*, they will consider the gateway design for the S. 1<sup>st</sup> Street/St. Helens Street intersection.

## COUNCIL ACTIONS RELATED TO LAND USE

The marathon task for the Planning Commission which was HB3115 has finally concluded with the passage of Ordinance No. 3296 at the July 21<sup>st</sup> regular session.

## GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Data updates related to the three annexations and right-of-way dedication and vacation finalized by ordinance at the June 21<sup>st</sup> regular session of the City Council.

## FLOODPLAIN MANAGEMENT (NFIP)



FEMA reopened the comment period for an additional 32 days of public input on proposed changes to the implementation of the National Flood Insurance Program (NFIP) in Oregon. These changes may have significant impacts on Oregon communities, individuals, and businesses that intend on developing in the floodplain. FEMA encourages participation during the comment period.

Following findings that the NFIP in Oregon may harm salmon, steelhead, Southern Resident Killer Whale, and other endangered and threatened fish species, FEMA was required to make changes to how the NFIP is implemented in the state. In accordance with the

National Environmental Policy Act of 1969, FEMA is currently developing an Environmental Impact Statement (EIS) to identify potential social and economic impacts of the proposed changes.

As part of the process, FEMA seeks public input relevant to proposed actions and reasonable alternatives to addressing the EIS. The initial Notice of Intent (NOI) to prepare an EIS was published on March 6, 2023 and opened a 60 day public scoping process that ended May 5, 2023. To accommodate additional public input, the comment period will reopen May 25, 2023, for an additional 30 days, **closing June 26, 2023**.

FEMA staff will conduct four in-person community meetings in Oregon next week about the National Flood Insurance Program – Endangered Species Act Integration in Oregon. Additional information on these and future in-person meetings is available on the project website. FEMA will provide an overview of the Proposed Action and the environmental issues that FEMA should consider in the Environmental Impact Statement. The public will have the opportunity to submit public comments.

### **ST. HELENS INDUSTRIAL BUSINESS PARK PROPERTY**

The HB3115 efforts put a monkey wrench into getting other things done. Working with PGE, the city will start the partition process to help create a new parcel for a new PGE substation to serve the SHIBP. Due to the unexpected magnitude of the HB3115, this task is a victim of that and is delayed.

Towards the end of this month Group Mackenzie (consultants) have submitted a new land use permitting package for the police station project for completeness review and, eventually, a public hearing room near you!



**From:** [Jennifer Dimsho](#)  
**To:** [Jacob Graichen](#)  
**Subject:** June Planning Department Report  
**Date:** Thursday, June 29, 2023 3:27:59 PM  
**Attachments:** [image001.png](#)

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Here are my additions to the June Planning Department Report.

## GRANTS

1. **Safe Routes to School - Columbia Blvd. Sidewalk & County Culvert Project** – Mobilization and construction to begin July 17, starting at the culvert near Gable Road. Sensitive Lands Permit conditionally issued. Trees to be identified on site for saving/removal. Submitted quarterly report on 6/7. Attended pre-construction meeting on 6/26 with TFT contractor.
2. **Business Oregon – Infrastructure Finance Authority** – Low-interest loan for Streets & Utilities Project and Columbia View Park improvements that are not covered by grants and Parks SDCs. 1<sup>st</sup> Reimbursement request is being processed (which included over 30 invoices). Submitted an amendment request (for scope of work changes and cost increases). Met with state staff who said an amendment involve going before the IFA board in Salem OR in October. The state began working on a staff report to support the request.
3. **Riverwalk Project (OPRD Grants x2)** – 100% design completed. Submitted building permit revisions to respond to comments on 6/29. Continued interpretive signage review meetings with the CCMA. Preparing for bid documents and final plans for bidding in July.
4. **Community Development Block Grants (CDBG) – RECEIVED NOTIFICATION OF SUCCESSFUL \$2.5 MILLION GRANT AWARD** for a design-only project to fund design/engineering/permitting for the City's Sanitary Sewer Improvement Project! This project covers 3 sanitary sewer basins which were identified as deficient and priorities for improvement in the adopted Wastewater Master Plan. Contracts are expected in August. Construction will be funded by a \$16.4 million loan (with up to \$4.5 million in loan forgiveness) from DEQ's revolving loan fund.
5. **Certified Local Government Historic Preservation Grant Program** – Received our contract for 17k in funding. Grant deadline is July 24 for eligible property owners to apply. ~95 property owners received notifications. PC will review and select projects for funding in August.
6. **DLCD Technical Assistance Program** – Grant cycle will likely open in August and closes in October. DLCD Regional Rep thinks updating our Economic Opportunities Analysis (EOA) could be funded. Compiled resources to assist with scoping our EOA update.
7. **Veterans Memorial Grant Program - RECEIVED NOTIFICATION OF SUCCESSFUL ~\$33k GRANT AWARD** for an expansion at McCormick Park Veterans Memorial. Project includes 7 branch of service monuments and corresponding flags. The project includes matching funds of \$28,130 through in-kind labor and donations. The in-kind match includes the donation of flags and hardware from the local VFW Post 1440, labor and equipment use from the St. Helens Public Works Department, engineering and design donated by Lower Columbia Engineering, LLC, and in-kind labor from City staff to manage the grant.
8. **ODOT Transportation Growth Management Grant** - Providing assistance to Engineering

with TGM grant materials to fund a new Transportation Systems Plan (potentially). Our last TSP was from 2011 and the Engineering Department would like to initiate an update.

## PROJECTS & MISC

9. **Riverfront Streets/Utilities Project** – Attending weekly check-ins to stay in tune with project schedule and any construction delays/issues. Held another public open house for residents/businesses impacted by construction on June 6. Undergrounding utilities notice to bidders July 5. Joint utility trench coordination continues.
10. **S. 1<sup>st</sup> Street & St. Helens St. Gateway Project** – Stakeholder committee has met 3 times to narrow down final direction for gateway. Plans will go before PC during July 11 meeting for compliance with the Architectural Guidelines. Anticipated completion date of design will be end of July 2023. Footing detail has been difficult to coordinate location with proximity to sewer.
11. **St. Helens Industrial Business Park (SHIBP) Public Infrastructure Design** – 30% design for Phase I infrastructure & permitting/grading work for Phase II with Mackenzie. Mackenzie provided preliminary PT for PGE parcel. City will facility partition, PGE will prepare other land use applications. Kicked off Phase II grading work effort.
12. **Warrior Rock Lighthouse Replica Project** – Restoration of the warrior rock lighthouse replica on County-property near Columbia View Park. Councilor Sundeen was able to locate original Warrior Rock lighthouse plans! 2023 Oregon Heritage grant opportunity opens August 2023 which could fund the design and cost of materials for the replica, a kiosk, and signage. Work would be completed in-house by Public Works staff.
13. **Preserving Oregon Grant Review** - SHPO asked me to participate on the Preserving Oregon grant review committee which is a statewide historic preservation and archeological grant. We scored ~23 applications and met on 6/7 to select projects for funding.
14. **Citizens Day in the Park** - Held on June 24 - City managed a booth to discuss waterfront-related development. I spoke with people about the Riverwalk and Streets/Utilities Project.
15. **Columbia County Board of Realtors** - Participated in a City-led class for continuing education for realtors in the County on June 15. The class was attended by about 35 realtors and was focused on infrastructure for the Waterfront Redevelopment Project, which included the Streets/Utilities Project, Columbia View Park improvements, and the Riverwalk.

### Jenny Dimsho, AICP | Associate Planner

City of St. Helens | Planning Department  
 265 Strand Street, St. Helens, OR 97051 | [www.sthelensoregon.gov](http://www.sthelensoregon.gov)  
 P: (503) 366-8207 | [jdimsho@sthelensoregon.gov](mailto:jdimsho@sthelensoregon.gov)





## CITY OF ST. HELENS PLANNING DEPARTMENT

## M E M O R A N D U M

TO: Planning Commission  
 FROM: Jacob A. Graichen, AICP, City Planner  
 RE: Guidance for Architectural Standards  
 DATE: February 8, 2023

## Current St. Helens Standards

### Riverfront District Architectural Standards

The Riverfront District's Plaza and Mill Sub-Districts have specific architectural guidelines that can be found here:

<https://www.sthelensoregon.gov/planning/page/riverfront-district-architectural-design-guidelines>

Adopted in 2012, these guidelines apply to permanent exterior architectural changes to buildings (including new construction and signs) and freestanding signs.

They do not apply to:

- designated landmarks or historic resources of statewide significance\* as defined and otherwise governed by Chapter 17.36 SHMC (\*as of 2017, the State of Oregon updated term "historic resources of statewide significance" to "national register resource")
- ordinary maintenance not requiring a building permit
- painting of buildings except when painting previously unpainted masonry or stone

These guidelines were created based on the Riverfront District (now the Plaza Sub-District) zoning, which does not allow detached single-family dwellings or duplexes, unless they are historic landmarks. So, the guidelines were not created with detached single-family dwellings or duplexes in mind.

### Designated landmarks

We have a number of "designated landmarks" in the city. These are historic resources official recognized by the City of St. Helens via inclusion in the Comprehensive Plan. Though these can be things other than buildings, most are buildings.

Districts can also be designated landmarks but we have no official designated landmark districts. The St. Helens Downtown Historic District is on the National Register of Historic Places but not acknowledged by the city as a landmark.

However, OAR 660-023-0200(8)(a) requires local governments to protect listings in the National Register of Historic Places by review of demolition or relocation with a public hearing as part of the process. This minimum mandate does not apply to exterior modifications, accessory structures, or non-contributing resources.

When the St. Helens Downtown Historic District was added to the National Register of Historic Places in 1984, it included significant and non-contributing categories for individual properties. This captures the district in a specific point in time. But things change over time. In 2014, the Oregon State Historic Preservation Office (SHPO) launched an initiative to encourage the update of existing records of historic

districts in Oregon that were listed in the National Register of Historic Places during the 1980s and earlier. In coordination with city staff, SHPO staff conducted a field survey of the St. Helens Downtown Historic District in 2014, providing its report and findings to the city in 2017. SHPO notes that over the 30-year period, several factors have emerged that dilute the cohesiveness of the district. For example, 8 properties lost integrity such that they no longer contribute to the district, and an additional 8 properties have been built, and as such are not contributing. SHPO also noted, as had been common across the state over the last 30 years, St. Helens has seen a large amount of historic materials replaced with modern materials, particularly vinyl and that vinyl windows and siding have become widespread throughout the district, reducing the integrity of individual properties and diluting the integrity of the district as a whole.

Alterations of designated landmarks are governed by Chapter 17.36 SHMC. These are not architectural standards per se, but preservation standards to help preserve important architecture. Generally, any new architectural standards should not apply to designated landmarks.

### **Multidwelling Standards**

SHMC 17.96.180 has several standards specific to multi-family (apartment) type developments:

(3) Exterior Elevations. Along the vertical face of single-dwelling units – attached and multidwelling unit structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

- (a) Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of eight feet;
- (b) Extensions (decks, patios, entrances, floor area, etc.) of a minimum depth of eight feet, and maximum length of an overhang shall be 25 feet; and
- (c) Offsets or breaks in roof elevations of three or more feet in height;

(11) Distance between Multiple-Family Residential Structure and Other.

(a) To provide privacy, light, air, and access to the multiple and attached residential dwellings within a development, the following separations shall apply:

- (i) Buildings with windowed walls facing buildings with windowed walls shall have a 25-foot separation;
- (ii) Buildings with windowed walls facing buildings with a blank wall shall have a 15-foot separation;
- (iii) Buildings with opposing blank walls shall have a 10-foot separation;
- (iv) Building separation shall also apply to buildings having projections such as balconies, bay windows, and room projections; and
- (v) Buildings with courtyards shall maintain separation of opposing walls as listed in subsections (11)(a)(i), (ii) and (iii) of this section for walls in separate buildings;
- (b) Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be one foot for each 15 feet of building length over 50 feet and two feet for each 10 feet of building height over 30 feet;

Note that though this section references “single-dwelling units – attached”, Chapter 17.96 SHMC is the Site Development Review (SDR) Chapter and Section 17.96.020 exempts single-dwelling units from SDR.

\* \* \* \* \*

### **State law**

**660-008-0015**

This OAR specifies clear and objective provisions for residential development:

- (1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of **needed**

**housing** on buildable land. **The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.**

(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, **a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:**

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.

(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

It references "needed housing" which is defined by ORS 197.303 as follows:

"needed housing" means all housing on land **zoned for residential use or mixed residential and commercial use** that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 (Policy) to 197.490 (Restriction on establishment of park);

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

Needed housing is broad as far as residential type, though by definition, limited to residential and mixed use zoning districts.

#### **OAR 660-046-0010(3)(B)**

Duplexes must be treated the same as detached single family dwellings. Standards must be the same.

St. Helens (as a "medium city" with a population >10,000) may not apply the following types of regulations specific to Middle Housing:

(i) Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; and

(ii) Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.

Per OAR 660-046-0020 and ORS 197.758 "middle housing" means duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

#### **OAR 660-046-0110(2)**

St. Helens (as a “medium city” with a population >10,000) may regulate the siting and design of duplexes, provided that regulations:

- (a) Are clear and objective standards, conditions, or procedures consistent with ORS 197.307; and
- (b) Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.

#### **OAR 660-046-0125**

This OAR says we can apply design standards to duplexes, with some limitations, but those standards cannot apply to conversions of existing detached single-family dwellings to duplexes (the OAR 660-046-0130 reference at the end).

(1) Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.

(2) A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.

“Design standards” are defined per OAR 660-046-0020(4):

“Design standard” means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

#### **ORS 197.307(4) – (7)**

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government’s prerogative to:

- (a) Set approval standards under which a particular housing type is permitted outright;
- (b) Impose special conditions upon approval of a specific development proposal; or
- (c) Establish approval procedures.

Section 4 (blue color) above was amended by SB 1051 in 2017. As amended, this tightens the requirement to apply only clear and objective standards, conditions and procedures to all residential development applications, not just those pertaining to “needed housing,” which was the case before SB 1051.

There is a designated historic area exception and an alternative process option.

**ORS 197.314(1)-(4) (as amended by HB 4064 effective March 23, 2022)**

(1) Notwithstanding any other provision in ORS 197.286 to 197.314, within an urban growth boundary, a local government shall allow the siting of manufactured homes and prefabricated structures on all land zoned to allow the development of single-family dwellings.

(2) This section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.

(3) Manufactured homes and prefabricated structures allowed under this section are in addition to manufactured dwellings or prefabricated structures allowed within designated manufactured dwelling subdivisions.

(4) A local government may not subject manufactured homes or prefabricated structures within an urban growth boundary, or the land upon which the homes or structures are sited, to any applicable standard that would not apply to a detached, site-built single-family dwelling on the same land, except:

(a) As necessary to comply with a protective measure adopted pursuant to a statewide land use planning goal; or

(b) To require that the manufacturer certify that the manufactured home or prefabricated structure has an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010.

These are provisions specific to manufactured and modular dwellings, where they need to be treated the same as other detached single-family dwellings (e.g., stick built).

The same historic area exception as per ORS 197.307, described above, is here, but also an adjacency to historic landmark exception.

\* \* \* \* \*

## Summary

The city has some standards already:

- Adopted architectural standards specific to the Riverfront District’s Plaza and Mill Sub-Districts, which are not zoning districts that allow new detached-single family dwellings
- Some standards for multi-dwelling development (3 or more units) wherever they may be allowed by zoning
- Preservation standards for designated landmarks, which helps to preserve historic architectural.
- Not per city law *pe se*, but a mandate by OAR 660-023-0200(8)(a) as a local process for review of demolition or relocation of specifically individually listed resources on the National Register or contributing resources within a listed district (e.g., the St. Helens Downtown Historic District). This does not help with exterior modifications, but is a limited method of helping to preserve historic buildings, which are assumed to retain enough historical features to be considered contributing.

## State law

- Per OAR, we can only apply clear and objective standards, conditions and procedures to needed housing (residential use types in residential or mixed use zone), with an *additional alternative option*.
- Per OAR, the standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay
- Per OAR, duplexes must be treated the same as detached single-family dwellings because St. Helens is a “medium city” over 10,000 population. Design standards may be applied to duplexes as long as they also apply to detached single-family dwellings, though the standards cannot apply to the conversions of existing detached single-family dwellings to duplexes.
- Per OAR, St. Helens (as a “medium city” over 10,000 population) cannot apply regulation to middle housing (duplexes, triplexes, quadplexes, cottage clusters, and townhouses) that would create use, density or occupancy restrictions that would otherwise permit detached single-family dwellings. City also cannot create standards that prohibit the development of middle housing that otherwise permit detached single-family dwellings. These are specific to historic properties/districts.
- Per ORS, only clear and objective standards, conditions and procedures may be applied to all residential development, with an *exception* for residential development within designated historic areas and an *additional alternative option*.
- Per ORS, we must allow manufactured homes and modular homes on lands that allow single-family dwellings, with the exception of designated historic areas or immediately adjacent to a historic landmark.