



PLANNING COMMISSION

Tuesday, January 09, 2024 at 6:00 PM
HYBRID: Council Chambers & Zoom (details below)

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

CONSENT AGENDA

- [A.](#) Planning Commission Minutes Dated December 12, 2023
- [B.](#) Joint Planning Commission / City Council Minutes Dated December 13, 2023

DISCUSSION ITEMS

- [C.](#) 2023 Year End Summary
- [D.](#) 2024 Development Code Amendments
- E. Chair and Vice Chair Selection

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

- F. Partition at 535 S Columbia River Hwy - Nikhel Chand
- G. Sign Permit at 58551 Kavanagh Ave - Deer Meadow RV Park
- H. Site Design Review (Minor) at 230/240 Strand Street - SOLARC Architecture
- I. Home Occupation at 335 S 19th Street - Amy Nevitt

PLANNING DEPARTMENT ACTIVITY REPORT

- [J.](#) Planning Department Activity Report - December

PROACTIVE ITEMS

- K. Architectural Standards
- L. Vacant Storefront

FOR YOUR INFORMATION ITEMS

ADJOURNMENT

NEXT REGULAR MEETING: February 13, 2024

VIRTUAL MEETING DETAILS

Join:

<https://us06web.zoom.us/j/82077874928?pwd=4XaamaDizMdXSKESfkkdR6tWjlrmTv.1>

Meeting ID: 820 7787 4928

Passcode: 011300

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

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

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



PLANNING COMMISSION

Tuesday, December 12, 2023, at 6:00 PM

DRAFT MINUTES

Members Present: Chair Dan Cary
Vice Chair Jennifer Shoemaker
Commissioner Ginny Carlson
Commissioner David Rosengard
Commissioner Charles Castner

Members Absent: Commissioner Russ Low

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

Others: Steve Toschi
Nate Carter
Brett Sonflieth
Casey Garrett
Scott Gettcher

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. Toschi spoke on about a lot next to 325 Strand Street that he said the City Council might sell. He said the Council did not seem to have any plans for this lot. He said he spoke with the Planning Department about the lot and what could be built on the lot. He said it was a prime location right on the river. He said there was no development code to help regulate these in-fill lots that were around the city. He thought the Planning Commission should take on this opportunity as a proactive item to work on code for these in-fill lots in the downtown to avoid having any random developer build blight in the space. He said this should be in place before the City Council begins to sell these lots.

CONSENT AGENDA

A. **Planning Commission Minutes Dated November 14, 2023**

Motion: Upon Vice Chair Shoemaker's motion and Commissioner Carlson's second, the Planning Commission unanimously approved the Draft Minutes dated November 14, 2023. [AYES: Vice Chair Shoemaker, Commissioner Rosengard, Commissioner Carlson, Commissioner Castner; NAYS: None]

PUBLIC HEARING AGENDA (times are earliest start time)

B. **6:05 p.m. Historic Resource Review at 240 Strand Street – SOLARC Architecture**

Chair Dan Cary opened the Public Hearing at 6:07 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter.

Vice Chair Shoemaker declared she was part of the Columbia County Museum Board and that she had been approached by the County on ideas for the restoration of this clock tower. She said she did not discuss specifics, but that they would like to see it as close to the original design as possible.

All the Commission felt Vice Chair Shoemaker was able to make a fair decision.

Associate Planner Jenny Dimsho shared the staff report dated December 4, 2023. She said this building was considered a locally designated landmark, so any alterations would go through a public hearing process.

She said the applicant's proposal included upgrades to the seismic improvements on the clocktower. They would like to strengthen the bell tower with structural elements that are all contained within the building envelope and would not be seen.

She also said they plan to restore the railing. She said currently there is a non-historic metal railing that would be replaced with a mixture of wood and composite material railing. She said the applicant would use wood for the rail and the composite material for the balusters. She said the look would resemble more what was historically there.

She said the applicant also plans to replace the ceiling and soffits with more modern materials. She said the applicant mentioned in their plan they would most likely use cement fiber panels. She also said they would be painted white to match.

She said the applicant discussed removing some non-historic sheet metal that is wrapped around the columns and replacing that with more modern materials and restoring the detail which was missing and/or covered up with sheet metal.

She mentioned the applicant was going to do some minor repairs to the fascia panels and would remove the steel angled edge.

Dimsho said the fire escape is attached to the windowsills of the courthouse and is rendered unusable because of the failed connections. She said the applicant plans to utilize the existing fire escape but mount into the basalt stone. There has been an egress study done that shows this fire escape is needed for the function of the courthouse, as it is not original. Dimsho did say there is a requirement that if the fire escape was ever removed, the original historic features (like the basalt stone) must be unharmed. She said it was much easier to repair mortar (as opposed to basalt stones) and the Planning Commission should consider if this is a better option.

Carter, Nate. Applicant. Carter is the architect for the project. He shared that the project was mostly a seismic upgrade to the belltower. He said the main reason they proposed modern materials is because they handle the weather elements of the area better and would last longer. He also said they are easily manipulated to bring back the profile of the original belltower look.

He mentioned the plan for the ceiling was to replace the soffits around the main ceiling. He said the main ceiling itself was a tongue and groove wood that was in good condition and could be repaired. He said the soffits would need to be replaced because over time they have worn down and are sagging with major gaps in them. He said they would be replaced with more modern materials and would not be seen. It would be painted to match the other elements of the ceiling. He said the sheet metal around the columns would be removed, and if there was original material, they could investigate restoring that before replacing it. He mentioned they had looked inside the columns and what they could see, needed replacement.

He did say the balusters would be thick to would what the historic look is for this type of railing in appearance.

There was a discussion about the rail not meeting the Building Code and how safety would be met for workers with the height of the rail not a code appropriate level. Carter mentioned they would be placing a stanchion anchor into the middle of the floor, that would be small enough you would not see it from the ground level. It would be used for workers to tie-off, so they were safe when working on the tower.

Carter also spoke about the fire escape. He said they plan to use through bolts. He did say they could use a horizontal bracket that could allow them to bolt into the mortar instead of the stone if that was the recommendation. He said this would make the brackets larger. Carter mentioned it is a possibility that the fire escape may be removed altogether, and if that were the case, they would replace the windowsills as planned. They want proceed with a plan to keep the fire escape as currently, for occupancy, it was needed.

In Favor

No one spoke in favor of the application.

In Neutral

No one spoke in Neutral of the application.

In Opposition

No one spoke in opposition to the application.

Rebuttal

End of Oral Testimony

There were no requests to continue the hearing or leave the record open.

Close of Public Hearing & Record

Deliberations

Dimsho shared some conditions that should be considered as the Commission made its decision.

She said one of the conditions should be that all new materials proposed to be used should resemble the original design. She did say the applicant said the ceiling would be repaired and not replaced, and she felt this should be added as a condition of approval.

Vice Chair Shoemaker said she was not comfortable with the modern material being used. She said there were several applicants who had come before them in the past with historical reviews and the modern material was not accepted and she did not think they should in this instance either. She wanted to see more specific materials listed. She also questioned how different the price would be if using wood verses composite material.

Commissioner David Rosengard said he would like to see more information on how close the composite gets to the wood. He said when it is visible, the whole goal is to preserve the historic character.

There were a few too many questions that were unanswered, so the Planning Commission requested to re-open the hearing.

Chair Cary re-opened the hearing at 6:42 p.m.

Garrett, Casey. Garrett was called to speak. Garrett is a Columbia County Commissioner and was able to clarify some of the questions being asked. He said he had given some instructions to the architect

on what products to use. He said there are many projects he has done with historic restoration that have used composite materials. He said the composite material proposed was almost a solid wood material, it might be hollow inside, but would look, especially from the ground level, the same as wood. He mentioned they were using grant funds to pay for this restoration, along with another project and so they were looking for ways to stay within budget, but also meet the historic guidelines required. He said for longevity purposes they looked at more than just the materials, but also that there may not be a solid crew in the future who would maintain or upkeep these original materials the way they would need to be if using wood. He also mentioned they were looking into a powder coated metal that would last a longer amount of time and still meet the look of the period. He said he hoped they could offer some flexibility when it came to the materials for those reasons. He said the cost was similar for the products being used, because of the custom details needed to meet the historic criteria. He said even with modern materials it would look very close to the original historic design.

There was a discussion on portions of the building that could be repaired verses replaced.

In Favor

No one spoke in favor of the application.

In Neutral

No one spoke in Neutral of the application.

In Opposition

No one spoke in opposition to the application.

Rebuttal**End of Oral Testimony**

There were no requests to continue the hearing or leave the record open.

(Second) Close of Public Hearing & Record**Deliberations**

Vice Chair Shoemaker said she could appreciate all the work that has gone into the design, but she wanted to reiterate that when they were doing their deconstruction and they find that there are details that can be preserved, that they would take all the steps necessary to maintain the authenticity of the building.

There was a discussion about the condition of maintaining the integrity of the building and making sure all the repairs maintain the historic look to the building.

There was also a discussion about making sure the hardware for the fire escape was screwed into the mortar and not the basalt stone. The Commission agreed this is how they should move forward if the fire escape is to be kept.

Motion: Upon Commissioner Carlson's motion and Vice Chair Shoemaker's second, the Planning Commission unanimously approved the Historic Resource Review as recommended by staff with the new additional conditions as discussed [AYES: Vice Chair Shoemaker, Commissioner Carlson, Commissioner Castner, Commissioner Rosengard; NAYS: None]

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

DISCUSSION ITEMS**C. Architectural Review at 230/240 Strand Street – SOLARC Architecture**

Dimsho said that Columbia County submitted a building permit and Site Design Review for a new elevator to be installed on the courthouse annex building.

The shaft of the elevator would be placed in the alley between the Columbia County annex and the Historic Courthouse. She said the elevator will service both buildings, but there were no exterior modifications to the historic courthouse.

The alley would be converted to pedestrian access to walk to the elevator. It will be ADA accessible with a new sidewalk and appropriate railings. They proposed to convert the driveway into an ADA parallel parking space..

She said the new entrance is an aluminum door and window system. The guidelines support historic entries and windows, but the courthouse annex building is not a traditional historic building. She said they just recently approved the same type of door on the back side of courthouse annex, so it this entry system is consistent with this building.

She mentioned there were no visible mechanical structures that are shown on the plan, and it would be a requirement that they would need to be screened if there were any visible.

Motion: Upon Commissioner Carlson's motion and Vice Chair Shoemaker's second, the Planning Commission unanimously agreed the proposed plan complies with the Architectural Standards. [AYES: Vice Chair Shoemaker, Commissioner Carlson, Commissioner Castner, Commissioner Rosengard; NAYS: None]

D. Planning Department Semi-Annual Report

Graichen and Dimsho discussed the Semi-Annual Report which was given to the City Council at their November 15 meeting.

E. Planning Commission Stipends

City Planner Jacob Graichen mentioned the City was in a budget crisis. He explained that in the past, when there had been a financial crisis, they decided to cut back in all areas they could. So, they took the stipend for the Planning Commission and reduced it to help offset some expense.

Graichen asked the Commission if it was to come up if the Planning Commission was receptive to a reduction in payment if needed.

The Commission discussed that when there is a budget crisis it should be all departments and Commissions that share in this. The Commission agreed to postpone or reduce their stipend if needed. They also discussed the Council's compensation and how it was reduced in the Great Recession related budget crisis.

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

- F. Temporary Use Permit at 305 S Columbia River Hwy – Breslin Properties, LLC
- G. Site Design Review (Minor) at Sand Island – City of St. Helens
- H. Extension of Time at northern termini of N 8th, 9th, & 10th Street – North 8th Street, LLC

There was no discussion on the Planning Director Decisions.

PLANNING DEPARTMENT ACTIVITY REPORT**I. Planning Department Activity Report – November**

There was no discussion on the Planning Department Activity Report.

PROACTIVE ITEMS

J. Architectural Standards

There was no discussion on the Proactive Items

FOR YOUR INFORMATION ITEMS

Commissioner Carlson asked about the parks and why no one was maintaining them anymore. She hoped to see them taken care of this next Summer. Dimsho explained that the sprinkler system in Columbia View Park was on hold because it was scheduled to be in construction. Commissioner Carlson said she hoped to see things not get as crispy as they did this past year and that we should be better stewards of our parks.

There was a small discussion about the Joint Planning Commission and City Council meeting and the agenda items.

Vice Chair Shoemaker mentioned there was a lot of discussion on social media about the different entities in the City and how they were being silenced. She mentioned there were some who implied that the Planning Commission and their opinions and voice had been squelched. She said it was implied that they were not allowed to speak their opinion openly and that was not true. She said they were not being silenced and wanted to publicly state that.

Commissioner Carlson asked about trees. She said it was concerning to her that so many developments take down mature trees and then replace them with smaller versions of street trees. She said it did not make sense to cut down all the mature trees and replace them with smaller street trees. Graichen said there could be more aggressive rules about trees, but currently there are limited rules about it.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Christina Sullivan

Community Development Administrative Assistant



PLANNING COMMISSION & CITY COUNCIL JOINT MEETING DRAFT MINUTES

Wednesday, December 13, 2023, at 4:00 PM

Members Present: Mayor Rick Scholl
Council President Jessica Chilton
Councilor Russ Hubbard
Councilor Brandon Sundeen
Councilor Mark Gundersen

Chair Dan Cary
Vice Chair Jennifer Shoemaker
Commissioner Ginny Carlson
Commissioner Charles Castner
Commissioner David Rosengard (Zoom)

Members Absent: Commissioner Russ Low

Staff Present: City Administrator John Walsh
City Planner Jacob Graichen
Associate Planner Jenny Dimsho
Deputy City Recorder Lisa Scholl
Community Development Admin Assistant Christina Sullivan

This meeting was held in the Council Chambers.

At 4:00 p.m., Mayor Rick Scholl opened the Joint Planning Commission and City Council Meeting. The purpose, rules, and goals of this meeting were explained. The mayor is the presiding officer, the group must have respect for others' time, and no decisions are to be made at these meetings.

DISCUSSION OF PSILOCYBIN PROHIBITION

City Planner Jacob Graichen explained there was a two-year moratorium on the facilitation of psilocybin. He said that moratorium ends at the end of 2024. He mentioned this is the time of year the Planning Department is more able to work on code amendments, and they wanted to use this meeting to discuss the level of concern and their ideas on how to manage this. He said they had done some research in to what other cities have done to implement these guidelines.

Associate Planner Jenny Dimsho shared a presentation on psilocybin facilities in Oregon. She explained Oregon passed a ballot measure that directs the Oregon Health Authority to license and regulate the manufacturing, transportation, delivery, sale, and purchase of psilocybin products and the provision of psilocybin services.

She explained the different licenses including manufacturers, service centers, and facilitators.

She shared some of the experiences other communities have had who have already implemented psilocybin service centers. She said some of the centers were in Portland and only about five were open currently. The others were still in the process of getting approval.

She mentioned that most of the customers who utilize these facilities have been reported as out of state customers. She said the cost of the sessions can range from \$1,000 to \$3,000 and that they are not

covered by healthcare. She also said there is a long waitlist for being able to utilize these services and that the service centers she researched offer a long list of tourism activities and places to stay while you wait. She said it seemed to be advertised as medical tourism. She also said they look like medical offices and sometimes share space with other medical facilities.

There was a small discussion on how these service centers were regulated.

There was a small discussion on the education required to be a psilocybin facilitator.

She discussed some of the next steps that would need to take place to help implement development code around these service centers. She said there could be rules that are adopted, or they could use existing rules.

There was a discussion on what zoning districts they see these centers allowed in or where they do not want to see them.

Vice Chair Jennifer Shoemaker said she considered this alternative medicine but was concerned about the number of them opening in our community.

Council President Jessica Chilton said she wanted to be sure we listen to the people in our community and create guidelines that fit those needs.

Commissioner Ginny Carlson said this is a new form of medicine for those who are beyond the reach of pharmaceuticals, and she felt that even though we may not understand it if it can help someone, she is glad it is available to them.

There was a small discussion about how psilocybin is administered.

Councilor Mark Gunderson expressed concern that there were not more qualifications needed to be a facilitator.

Dimsho shared different options to use the zoning to help keep the locations in specific areas.

Mayor Rick Scholl said he had not heard many individuals discussing the psilocybin service or the measure so he did not see the service centers as being something that would be in high demand to move to this community.

There was a discussion on where service centers and manufacturers of the psilocybin could be located and what an appropriate number of restrictions for them would be.

DISCUSSION OF VACANT STOREFRONTS

Vice Chair Shoemaker opened the discussion by sharing that the Planning Commission has a Proactive Items list and they felt like they had been choosing items to work on that were more on their personal agenda versus what the Community would like to see.

She said there was a consistent group of citizens coming and asking the Planning Commission to address the vacant storefronts. She shared some research done on other communities and how they handle vacant buildings.

There was a small discussion about the different storefronts in St. Helens that were vacant.

There was a discussion on ways to incentivize business owners to keep their storefronts from being vacant.

Councilor Russ Hubbard said the financial burden maintaining a business in specific districts can be overwhelming for some. It can also be a discouragement to new developers coming in who do not receive the grandfathered in rules for the building they might be looking at.

Commissioner David Rosengard said maybe it would be beneficial to investigate other cities, like Astoria, who have a lot of older buildings with storefronts in them and what they have implemented to keep those storefronts open.

There was a discussion about restoration grants or how the City could control the taxation to incentivize the business to stay open. They also discussed the affordability of maintaining occupancy through the code.

Councilor Chilton suggested starting a registry to track the vacant storefronts and then there would be exact documentation on where they are located, who owns them, and what they are being used for.

There was a discussion about involving the Mainstreet program for information to help shape an idea for how to move forward.

There was a small discussion on how to demolish old buildings and the rules that are already in place.

There was a discussion on the current locally designated landmarks list and how there were so many buildings missing that should be on the list. There was a discussion about updating the list to get some of these buildings on it.

Mayor Scholl said the Planning Commission and City Council could get together and educate the community on the significance of historic preservation and why adding their historic building to the list would be valuable.

OTHER BUSINESS

Vice Chair Shoemaker mentioned in the meeting the night before that the Planning Commission was asked about pausing their stipends because of the City's budget crisis. She said everyone in the group was on board with saving the City any money they can if it saves an employee from having to furlough or having to be paid off. She said they wanted to encourage other Commissions to do the same.

Commissioner Carlson said in the spirit of teamwork everyone should feel the pinch if one group must.

Mayor Scholl said the Budget Committee had not been formed yet, and once they were, they would look at all the items in the budget and determine the best route to move forward.

There was a small discussion about ideas that could be discussed at the next joint meeting. There was consensus that vacant storefronts should be on the agenda to continue the discussion from this meeting.

Councilor Hubbard said he would like to see the City Council move forward in asking the Planning Commission more questions before decisions are made and to utilize the Planning Commission ahead of time more often, instead of decisions being made by the Planning Commission and then coming to the City Council. Chair Cary said this was the point of the City Council Liaison coming to the meetings.

Mayor Scholl discussed a little more about the ex parte contact with liaisons and that we need to do some more education on it across the board in all meetings and commissions.

There being no further business the meeting was adjourned at 5:42 p.m.

Respectfully submitted,

Christina Sullivan

Community Development Administrative Assistant

/s/

Rick Scholl, Mayor

/s/

Dan Cary, Chair

2023 Year End Summary
Planning Commission & Planning Administrator Land Use Actions
Planning Commission Work Sessions, Discussions & Interpretations

Accessory Structure		Annexation	
1. Soares (Tualatin St)		1. Loveland (Firlok Park St) 2. Dahlgren (E Division) 3. Port of CC (Old PDX Rd)	
Appeal		Comprehensive Plan/Zone Map Amendment	
1. Infinity Investments-Puget Sound, LLC (N. 15th) 2. City of St. Helens (Old PDX Rd & Kaster)		1. CCMH (McNulty Way) 2. Fotheringham, LLP (N. 12th)	
Conditional Use Permit		Conditional Use Permits (Minor Modifications)	
1. City of St. Helens (Old PDX Road) 2. McGuirl (6th & Col. Blvd) 3. Seaford LLP (Old PDX Road) 4. City of St. Helens (Old PDX Rd & Kaster) 5. LCE/Matt Alexander (Industrial Way)		1.	
Extension of Time		Home Occupation	
1. 3J Consulting, Inc. (Valley View/Krestrel Drive) 2. N 8th Street, LLC (N 8th Street) 3. CCPOD, LLC (Bowling Alley Ln)		1. 1791 Armory, LLC (Noble Ct) 2. Amy Nevitt (S 19th)	
Scenic Resource Review		Tree Removal Permit	
1.		1.	
Lot Line Adjustment		Partition	
1. Jason Mills (S. 6th) 2. Ryan Holmes (Col. Blvd & S 8th)		1. Hatfield (N. 12th & Pine) 2. City of SH (Kaster Road) 3. Nikhel Chand (S. Col. Riv. Hwy)	
Sign Permit		Sensitive Lands Permit	
1. Renaissance Holdings, LLC (Col. Blvd) 2. Burger King/SignCraft (N. Col. Riv. Hwy) 3. Burger King/SignCraft (N. Col. Riv. Hwy) 4. Burger King/SignCraft (N. Col. Riv. Hwy) 5. Burger King/SignCraft (N. Col. Riv. Hwy) 6. Burger King/SignCraft (N. Col. Riv. Hwy) 7. Burger King/SignCraft (N. Col. Riv. Hwy) 8. ES&A Sign & Awning (N Col. River Hwy) 9. Skinny's (S. Col Riv. Hwy) 10. St. Helens Liquor (Columbia Blvd) 11. Pacific One Bank (S. Col. Riv. Hwy) 12. Pacific One Bank (S. Col. Riv. Hwy) 13. Blakely (S 1st Street) 14. City of SH (Old PDX Rd & Kaster) 15. Clark Signs (N. Col. Riv. Hwy) 16. HM Rentals (N Col. Riv. Hwy) 17. Deer Meadow RV park (Kavanagh Ave)		1. City of St. Helens (Old PDX Rd) 2. A&E Builders (N. 15th) 3. Columbia County (Gable Rd) 4. City of SH (Old PDX Rd & Kaster) 5. City of SH (Old PDX Rd & Kaster) 6. Danielson (Valley View Drive)	

Site Design Review (Major)	Nonconforming Use Determination
1. 1771ColumbiaBlvd, LLC (N. 12th) 2. Odom/Dairy Queen (N Col. Riv. Hwy) 3. First Student (Milton Way)	1.
Site Design Review (Minor)	Temporary Use Permit
1. Lauridsen (S. 1st) 2. Sagalowicz (Cowlitz) 3. Weigandt (S. Col. River Hwy) 4. Safeway (S Col. River Hwy) 5. City of SH (Sand Island)	1. Delgado (S. Col. Riv. Hwy) 2. Morris (S. 1st) 3. Kniffin (Gable Rd) 4. Bethel Fellowship (S. Col. Riv. Hwy) 5. Paintner (Gable Rd) 6. Klondike (Cowlitz St) 7. Breslin Properties (S Col. Riv. Hwy)
Variance	Historic Resource Review
1. McGuirl (6th & Col. Blvd) 2. McGuirl (6th & Col. Blvd) 3. McGuirl (6th & Col. Blvd) 4. Weigandt (S. Col. River Hwy) 5. Jason Mills (S. 6th) 6.	1. SOLARC (Strand Street)
	Street Vacation
	1. City of St. Helens (N.11th & Wyeth)
Planned Development/Development Agreement	Columbia County Referral
1.	1.
Subdivision (Final Plat)	Subdivision
1.	1.
Auxiliary Dwelling Units	Temporary Sign Permit
1.	1. St. Helens Kiwanis Club (Col. Blvd) 2. Columbia County Fairground (Col. Blvd) 3. Heather Epperly Agency (Col. Blvd) 4. The Big Halloween Parade (Col. Blvd) 5. Amani Center (Col. Blvd) 6. CRF&R Toy N Joy (Col. Blvd)
Zone Amendment	
1.	
Architectural Character Review	
1. Columbia View Park - Stage (City of St. Helens) 2. S 1st Street (Crooked Creek Brewery) 3. 71 Cowlitz St. (The Klondike Tavern) 4. S 1st Street Revision (Crooked Creek Brewery) 5. Gateway at intersection of S 1st (City of St. Helens) 6. 71 Cowlitz St. (The Klondike Tavern) 7. 230/240 Strand Street - SOLARC Architecture	

Comparison of Land Use Actions by Year

Planning Commission Public Hearings & Planning Administrator Decisions

Land Use Action	2015	2016	2017	2018	2019	2020	2021	2022	2023
Accessory Structure	3	6	8	7	8	3	4	2	1
Annexation (Processed)	0	1	2	2	2	0	11	0	3
Annexation (Submitted, Not Processed)	0	1	0	1	3	3	1	2	2
Appeals	1	1	1	1	0	10	1	1	2
Architectural Character Review	0	0	0	1	1	1	0	4	7
Map/Text Amendment	4	4	2	2	5	1	1	0	2
Auxiliary Dwelling Unit ₁	0	0	0	0	1	3	0	-	-
Conditional Use Permit	6	7	6	5	3	5	2	2	5
Conditional Use Permits (Minor Modification)	0	0	1	0	0	1	1	1	0
Development Agreement	0	0	0	1	0	0	0	0	0
Expedited Land Division	0	0	0	0	0	0	0	0	0
Extension of Time	2	1	1	4	5	5	0	4	3
Historic Resource Review	0	1	0	0	1	2	0	1	1
Home Occupations ₂	1	4	1	3	4	3	2	2	2
Lot Line Adjustment	0	3	3	3	11	2	3	3	2
Non-Conforming Use Determination	0	0	0	0	0	0	0	1	0
Partition	2	2	2	6	2	5	2	4	3
Planned Development	0	0	0	1	0	0	0	2	0
Revocation	0	0	0	0	0	0	0	0	0
Sensitive Lands Permit	0	4	3	5	0	1	1	9	6
Sign Permit ₃	35	24	22	13	15	5	13	10	17
Sign Permit (Temporary)	-	-	12	10	10	4	3	5	6
Sign Exception/Variance	0	0	0	1	0	0	0	1	0
Site Design Review	6	4	7	6	7	7	6	11	3
Site Design Review (Minor)	5	6	8	10	7	4	6	8	5
Site Design Review (Scenic Resource)	1	4	0	1	0	2	0	5	0
Street Vacations	1	0	2	0	1	2	0	3	1
Subdivisions	0	1	3	2	0	1	1	2	0
Subdivision Final Plat Approval	0	0	0	3	1	2	0	1	0
Variances	4	9	7	6	16	18	4	7	5
Temporary Use Permits	4	2	5	13	12	9	8	4	7
Tree Removal Permit	0	1	1	0	0	1	0	0	0
Other Public Hearing Subjects (i.e. Periodic Review)	0	0	0	0	0	1	0	0	0
Columbia County Referrals	0	0	9	6	2	1	3	4	0
Total Land Use Actions	75	86	106	113	117	102	73	99	83

1 - Permitted by CUP prior to 2019. No longer required separate land use application in 2021

2 - This includes Home Occupation (Type II) prior to 2019

Additional Note - Home Occupation (Type I) removed in 18/19 - See previous summaries for counts

3 - Temporary Sign Permits were included in Sign permits prior to 2017



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: 2024 Development Code Amendments Workshop for January 2024 meeting
 DATE: January 2, 2024

Staff took advantage of December 2023 and started working on code amendments, some long awaited, that we hope to adopt with a formal process sometime in '24. We want to start working with the Commission on some of these matters in January and meetings thereafter as appropriate and time allows.

For this first work session we want to discuss and attain feedback on the following items:

1. **Validity periods** for land use permits. This is addressed on a separate memo. Basic question is should time be increased and/or cleaned up across all categories? We've done some updates to these in the past but have not looked at all validity periods together in recent history.
2. **Dwelling units.** Ordinance No. 3264 adopted in 2021 changed the city's regulations such that single-family zoning no longer exists. This was a reaction to Oregon House Bill 2001, which required this of St. Helens because the population exceeds 10,000. It required duplexes to be allowed anywhere detached single-family dwellings were allowed.

Before the 2021 change, the city adopted its Housing Needs Analysis in 2019. One of the recommendations from that effort was to develop a cottage cluster code. A cottage cluster consists of multiple detached dwellings on the same lot. When we adopted the duplex rules in 2021, it included allowances for the two units to be attached as a conventional duplex, or detached, with two detached units on the same lot. Multifamily development, 3 or more units on a lot, currently must be in buildings with 3 or more units. One staff goal for the 2024 amendments is for multifamily to mean 3 or more units on a lot, regardless of the detached and/or attached configuration. This will allow more options, including cottage cluster type development.

In an effort promote clarity and objectivity, other categories should be examined. This includes standalone multifamily development, when development is above non-residential use, and when units (even one) is on the same level as a non-residential use. Basically, want all zoning districts to be cohesive to promote clarity and objectivity.

See the table attached to this memo. This includes all residential uses; the ones between the horizontal black lines are those for consideration. Note that multifamily standards in Chapter 17.96 SHMC apply when there are three or more units, thus the distinction between 1-2 and 3+ units.

Some questions/comments for the commission:

- The attached table dated January 2, 2024 for the proposed are based on staff's assumptions. Do you agree?
- Should we worry about having dwelling units on the same level as non-residential use at all? Or should this be more focused on ground floor units on the same level as non-residential. Note that having on the same level, at least ground level, promotes work/live spaces.
- Multifamily as a standalone use should be the same as multifamily above nonresidential uses.
- In buildings with non-residential use, we could potentially restrict the number of units to 1. It's the case when a single-detached unit is allowed, that duplexes must be allowed too.

3. **Single room occupancies (SROs).** 2023 HB 3395 adds single room occupancies to the list of “needed housing” and requires local governments to allow them.

Amended ORS language from the HB:

(1) As used in this section “single room occupancy” means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but re-quire that the occupant share sanitary or food preparation facilities with other units in the occupancy.

(2) Within an urban growth boundary, each local government shall allow the development of a single room occupancy:

(a) With up to six units on each lot or parcel zoned to allow for the development of a detached single-family dwelling; and

(b) With the number of units consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five or more units.

For zoning, initial proposal to allow SRO up to six units, in any zoning that allows detached single-family dwellings. SRO development would be between 4-6 units. This pertains to the R10 and R7 zones.

We could change our local dentition to be three units, consistent with how we define multi-family development (i.e., 3 or more dwelling units), if so desired.

If the zoning allows detached single-family and multifamily development, units above 6 will be based on the multifamily density allowed by zoning. In these zoning districts, more than 6 units would be a conditional use, consistent with the permitted/conditional use distinction between detached single-family dwellings and multi-family. This pertains to the R5, AR, MHR, MU and HBD zones.

If the zoning district does not allow detached single-family dwellings but allows multifamily development, the minimum SRO units is four (based on the ORS definition) and the number of units allowed would be the same as for multifamily development. This could be more restrictive then the six units possible where a single-family dwelling is allowed. SRO development would be a permitted or conditional use, consistent with how multifamily development is treated in the specific zoning district. This pertains to the RD Marina, PD Plaza (upper floors only), RD Mill and GC zones.

With the proposal to clarify a density limit of 2 units for Highway Commercial and detached single-family dwellings are not allowed in the HC zone, SRO development would not be possible.

Important to note that the statute does not require SRO’s to be treated the same as detached single family dwellings. Because we do not need to treat SRO development like detached-single family dwellings, we can consider certain standards. First, it seems logical to require 1 off-street parking space per unit, consistent with the requirement for a normal studio apartment. Second, the multifamily standards of SHMC 17.96.180 could apply.

Some questions/comments for the commission (some from above):

- The attached table dated January 2, 2024 for the proposed are based on staff’s assumptions for SRO residential development as described above. Do you agree?
- Should we have our local dentition for SRO residential development to be three units, consistent with how we define multi-family development (i.e., 3 or more dwelling units)? This would be instead of the four as defined by the ORS, and promotes some consistency.
- In the case where a zoning district does not allow a detached single-family dwelling, but allows multi-family development, should the initial number of units allowed start at 6 and then 7 or more based on the multifamily dwelling unit density calculation of the zone? Or just require the number of units to match the multifamily dwelling unit? The latter would be more restrictive.
- Should the city require 1 parking space per SRO unit and require SRO development to comply with the same standards a multi-family per SHMC 17.96.180?

4. **2023 House Bill 2984** amending ORS 197.308. ORS 197.308 includes a couple of provisions that preempt local zoning law. HB 2984 resulted in the following (caution, this is an overview of the statute, intended to be better organized for the reader, and not a substitute for reviewing the actual language):

A local government with a population of at least 10,000, shall allow conversions of a building or a portion of one from commercial to residential.

- No zone change or Conditional Use Permit can be imposed
- Economic considerations (e.g., Economic Opportunities Analyses) cannot be considered
- Does not apply to lands zone to allow industrial uses
- Off-street parking requirements are limited
- Includes System Development Charge restriction (see City of St. Helen Resolution No. 1999)
- There appears to be density and height exceptions that vary based on existing density standards, that allow higher than normal densities and height, with some potential to reduce with the right findings.
- This does not apply to properties with inadequate utilities, with slopes 25% or greater, floodplains or other natural hazards.

When Resolution No. 1999 was discussed with the Council at their December 20, 2023 work session, they expressed concern about this preemption of our land use laws. There was talk of having the Planning Commission consider it.

One idea was to allow some sort of industrial use in potentially affected zones, because the statue does not call out industrial zoning, rather stating “may not occur on lands zoned to allow industrial uses.” Including limited industrial uses in those zoning districts is a potential strategy, but I’m not sure if the potential backfire of this approach related to the probable lesser impact to the city overall of this new law is worth the risk.

Another provision under ORS 197.308 is that government is to allow affordable housing (as defined by the ORS), including commercial building conversions, if it is on property that is:



- Owned by a public body or non-profit corporation organized as a religious corporation; or
- Is zoned for commercial uses, public lands, or to allow religious assembly

And:

- No zone change or Conditional Use Permit can be imposed
- Economic considerations (e.g., Economic Opportunities Analyses) cannot be considered
- This does not apply to properties with inadequate utilities, with slopes 25% or greater, floodplains or other natural hazards
- May be possible on lands zoned to allow industrial uses if it is publicly owned, adjacent to land zoned for residential uses or schools, and not specifically designated for heavy industrial uses
- There appears to be density and height exceptions that vary based on existing density standards with some potential to reduce with the right findings, but in this case does not apply in areas not zoned for residential uses.

Attached: Zoning Table dated January 2, 2024
HB 2984
City of St. Helens Resolutions No. 1999

Long Term Residential Uses by Zoning District – 2024 Code Amendment Proposal

Zone  Use 	R10	R7	R5	AR	MHR	MU	RD, Marina	RD, Plaza	RD, Mill	HBD	GC	HC	LI	HI	PL
1-2 Units Attached/ Detached	P/P	P/P	P/P	P/P	P/P	P/P	N/N	N/N ¹	N/N	P/P	N/N	N/N	N/N	N/N	N/N
3+ Units Attached/ Detached (Proposed)	N/N	N/N	C/N (C/C)	P/N (P/P)	C/N (C/C)	C/N (C/C)	C/N	N/N	P/N	C/N (C/C)	C/N	N/N	N/N	N/N	N/N
1-2 Units Upper Floors (Proposed)	N	N	N	N	N	S (P)	S (P)	P	P	S (P)	S (P)	S (C)	N	N	N
3+ Units Upper Floors (Proposed)	N	N	N	N	N	S (C)	S (C)	P	P	S (C)	S (C)	S (N)	N	N	N
Unit, Same Level as Non- Residential (Proposed)	N	N	N	N	N	C	S (N)	S ² (C)	S (C)	C	S (C)	S (N)	N	N	N
Single Room Occupancy (Proposed)	S (P-6)	S (P-6)	S (P-6) (C-6+)	S (P-6) (P-6+)	S (P-6) (C-6+)	S (P-6) (C-6+)	S (C-4+)	S (P-4+ Upper Only)	S (P-4+)	S (P-6) (C-6+)	S (C-4+)	S (N)	N	N	N
Attached SFD	N	N	P	P	N	P	N	N	P	P	N	N	N	N	N
M Home Park	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N
RV Park	N	N	N	N	C	C	C	N	N	N	C	C	C	C	C
Houseboat	N	N	N	N	N	N	P	N	P	N	N	N	N	N	N
Caretaker	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N

¹ Except for historic residential structures

² Except not allowed on first floor

P - Permitted
N - Not Allowed

C - Conditional Use
S - Silent

Zoning Districts

R-10: Suburban residential

R7: Moderate residential

R5: General residential

AR: Apartment residential

MHR: Mobile home residential

MU: Mixed use

RD: Riverfront district (Marina, Plaza, and Mill subdistrict)

HBD: Houlton business district

GC: General commercial

HC: Highway commercial

LI: Light industrial

HI: Heavy industrial

PL: Public lands

The official zoning map can be found here: <https://www.sthelensoregon.gov/planning/page/zoning-maps-gis>

Zoning information can also be found here: <http://webgis.metroplanning.com/sainthelensgis/sainthelensgis.html>

Enrolled

House Bill 2984

Sponsored by Representative MARSH; Representatives ANDERSEN, DEXTER, FAHEY, HELM, MCLAIN, Senators ANDERSON, DEMBROW, GOLDEN, JAMA, PATTERSON (Presession filed.)

CHAPTER

AN ACT

Relating to housing; amending ORS 197.308.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 197.308, as amended by section 4, chapter 47, Oregon Laws 2022, is amended to read:

197.308. (1) As used in this section[.];

(a) "Affordable housing" means residential property:

[(a)] (A) In which:

[(A)] (i) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income [*as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development*]; or

[(B)] (ii) The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and

[(b)] (B) Whose affordability [*is enforceable*], including **affordability under a covenant** as described in ORS 456.270 to 456.295, **is enforceable** for a duration of no less than 30 years.

(b) "**Area median income**" means the median income for the metropolitan statistical area in which housing is located as determined by the Housing and Community Services Department and adjusted for household size based on information from the United States Department of Housing and Urban Development.

(2) A local government shall allow affordable housing[, and may not require a zone change or conditional use permit for affordable housing,] if the proposed affordable housing is on property that is:

(a) Owned by:

(A) A public body, as defined in ORS 174.109; or

(B) A nonprofit corporation that is organized as a religious corporation; or

(b) Zoned:

(A) For commercial uses;

(B) To allow religious assembly; or

(C) As public lands.

(3) A local government shall allow the conversion of a building or a portion of a building from a commercial use to a residential use.

[(3)] (4) [Subsection (2)] **Subsections (2) and (3)** of this section:

[(a) Does not apply to the development of housing not within an urban growth boundary.]

(a) Prohibit the local government from requiring a zone change or conditional use permit before allowing the use.

(b) *[Does]* **Do** not trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.

[(c) Applies on property zoned to allow for industrial uses only if the property is:]

[(A) Publicly owned;]

[(B) Adjacent to lands zoned for residential uses or schools; and]

[(C) Not specifically designated for heavy industrial uses.]

[(d)] (c) [Does] **Do** not apply on lands where the local government determines that:

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:

(i) Natural disasters and hazards; or

(ii) Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.

(5) The development of housing under subsection (2) of this section may occur only:

(a) Within an urban growth boundary; and

(b) On lands zoned to allow for industrial uses only if the property is:

(A) Publicly owned;

(B) Adjacent to lands zoned for residential uses or schools; and

(C) Not specifically designated for heavy industrial uses.

(6) The development of housing under subsection (3) of this section:

(a) Applies only within an urban growth boundary of a city with a population of 10,000 or greater;

(b) May not occur on lands zoned to allow industrial uses;

(c) May require the payment of a system development charge as defined in ORS 223.299 only if:

(A) The charge is calculated pursuant to a specific adopted policy for commercial to residential conversions adopted on or before December 31, 2023; or

(B) The charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater system development charges paid when the building was originally constructed; and

(d) May not be subject to enforcement of any land use regulation that establishes a minimum number of parking spaces that is greater than the lesser of:

(A) The amount that may be required for the existing commercial use; or

(B) The amount that may be required in lands zoned for residential uses that would allow the converted development.

[(4)] (7) A local government shall approve an application at an authorized density level and authorized height level, as defined in ORS 227.175 (4), for the development of affordable housing, at the greater of:

(a) Any local density bonus for affordable housing; or

(b) Without consideration of any local density bonus for affordable housing:

(A) For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet;

(B) For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet; or

(C) For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet.

[(5)(a)] **(8)(a)** Subsection [(4)] **(7)** of this section does not apply to housing allowed under subsection (2) of this section in areas that are not zoned for residential uses.

(b) A local government may reduce the density or height of the density bonus allowed under subsection [(4)] **(7)** of this section as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the local government must adopt findings supported by substantial evidence demonstrating the necessity of this reduction.

SECTION 1a. If House Bill 3442 becomes law, section 1 of this 2023 Act (amending ORS 197.308) is repealed and ORS 197.308, as amended by section 4, chapter 47, Oregon Laws 2022, and section 1, chapter __, Oregon Laws 2023 (Enrolled House Bill 3442), is amended to read:

197.308. (1) As used in this section[.];

(a) “Affordable housing” means residential property:

[(a)] **(A)** In which:

[(A)] **(i)** Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income [*as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development*]; or

[(B)] **(ii)** The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and

[(b)] **(B)** Whose affordability [*is enforceable*], including **affordability under a covenant** as described in ORS 456.270 to 456.295, **is enforceable** for a duration of no less than 30 years.

(b) “Area median income” means the median income for the metropolitan statistical area in which housing is located as determined by the Housing and Community Services Department and adjusted for household size based on information from the United States Department of Housing and Urban Development.

(2) A local government shall allow affordable housing[, *and may not require a zone change or conditional use permit for affordable housing,*] if the proposed affordable housing is on property that is:

(a) Owned by:

(A) A public body, as defined in ORS 174.109; or

(B) A nonprofit corporation that is organized as a religious corporation; or

(b) Zoned:

(A) For commercial uses;

(B) To allow religious assembly; or

(C) As public lands.

(3) A local government shall allow the conversion of a building or a portion of a building from a commercial use to a residential use.

[(3)] **(4)** [Subsection (2)] **Subsections (2) and (3)** of this section:

[(a) *Does not apply to the development of housing not within an urban growth boundary.*]

(a) Prohibit the local government from requiring a zone change or conditional use permit before allowing the use.

(b) [Does] **Do** not trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.

[(c) *Applies on property zoned to allow for industrial uses only if the property is:*]

[(A) *Publicly owned;*]

[(B) *Adjacent to lands zoned for residential uses or schools; and*]

[(C) *Not specifically designated for heavy industrial uses.*]

[(d)] **(c)** Except as provided in paragraph [(e)] **(d)** of this subsection, [*does*] **do** not apply on lands where the local government determines that:

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:

(i) Natural disasters and hazards; or

(ii) Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.

~~[(e)]~~ **(d)** ~~[Does]~~ **Do** apply to property described in paragraph ~~[(d)(C)]~~ **(c)(C)** and (D)(i) of this subsection if more than 60 percent of the lands within the urban growth boundary that the property is within are located within a tsunami inundation zone or if more than 30 percent of the lands within the urban growth boundary that the property is within are located within a 100-year floodplain.

(5) The development of housing under subsection (2) of this section may occur only:

(a) Within an urban growth boundary; and

(b) On lands zoned to allow for industrial uses only if the property is:

(A) Publicly owned;

(B) Adjacent to lands zoned for residential uses or schools; and

(C) Not specifically designated for heavy industrial uses.

(6) The development of housing under subsection (3) of this section:

(a) Applies only within an urban growth boundary of a city with a population of 10,000 or greater;

(b) May not occur on lands zoned to allow industrial uses;

(c) May require the payment of a system development charge as defined in ORS 223.299 only if:

(A) The charge is calculated pursuant to a specific adopted policy for commercial to residential conversions adopted on or before December 31, 2023; or

(B) The charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater system development charges paid when the building was originally constructed; and

(d) May not be subject to enforcement of any land use regulation that establishes a minimum number of parking spaces that is greater than the lesser of:

(A) The amount that may be required for the existing commercial use; or

(B) The amount that may be required in lands zoned for residential uses that would allow the converted development.

~~[(4)]~~ **(7)** The development of housing allowed under subsection ~~[(3)(e)]~~ **(4)(d)** of this section may only occur:

(a) Within an urban growth boundary located no more than 10 miles from the Pacific Ocean;

(b) In areas that require compliance with minimum federal regulations under the National Flood Insurance Program or with local floodplain development regulations adopted by the applicable local government, provided that the local regulations are equal to or more stringent than the minimum federal regulations;

(c) In locations that do not include floodways or other areas with higher risks of greater water velocity and debris flow;

(d) In communities with emergency response, evacuation and post-disaster plans that have been updated for the housing development; and

(e) In areas that are not public parks.

~~[(5)]~~ **(8)** A local government may prohibit affordable housing or require a zone change or conditional use permit to develop affordable housing in areas described in subsection ~~[(3)(e)]~~ **(4)(d)** of this section.

[(6)] (9) A local government shall approve an application at an authorized density level and authorized height level, as defined in ORS 227.175 (4), for the development of affordable housing, at the greater of:

(a) Any local density bonus for affordable housing; or

(b) Without consideration of any local density bonus for affordable housing:

(A) For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet;

(B) For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet; or

(C) For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet.

[(7)(a)] (10)(a) Subsection [(6)] (9) of this section does not apply to housing allowed under subsection (2) of this section in areas that are not zoned for residential uses.

(b) A local government may reduce the density or height of the density bonus allowed under subsection [(6)] (9) of this section as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the local government must adopt findings supported by substantial evidence demonstrating the necessity of this reduction.

Passed by House March 28, 2023

Received by Governor:

Repassed by House June 23, 2023

.....M.,....., 2023

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2023

.....
Dan Rayfield, Speaker of House

.....
Tina Kotek, Governor

Passed by Senate June 21, 2023

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Rob Wagner, President of Senate

.....
Secretary of State

City of St. Helens
RESOLUTION NO. 1999

A RESOLUTION ADOPTING A POLICY REGARDING SYSTEM
DEVELOPMENT CHARGES FOR CONVERSION OF BUILDINGS FROM
COMMERCIAL TO RESIDENTIAL USE IN NON-INDUSTRIAL ZONES

WHEREAS, the Oregon Legislature adopted House Bill (HB) 2984 in the 2023 legislative session amending ORS 197.308 to allow the conversion of buildings from commercial to residential use within Urban Growth Boundaries of cities with a population of 10,000 or greater, under certain conditions; and

WHEREAS, HB 2984, Section 1(6)(c) [ORS 197.308(6)(c)] permits cities to assess System Development Charges (SDCs) for such building conversions if (A) "the charge is calculated pursuant to a specific adopted policy for commercial to residential conversions adopted on or before December 31, 2023," or (B) "the charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater SDCs paid when the building was originally constructed;" and

WHEREAS, the City of St. Helens' population exceeds 10,000; and

WHEREAS, the City does not have "a specific adopted policy for *commercial* to *residential* conversions." When a building or portion thereof is converted from *any* use to *any other* use, the City's current Systems Development Charge (SDC) regulations require payment of SDCs, but a credit for the existing use is applicable to reduce or eliminate the SDC charges pursuant to St. Helens Municipal Code 13.24.130; and

WHEREAS, the City Council desires to preserve the City's full local authority to assess SDCs for the conversion of commercial buildings and finds that Chapter 13.24 of the St. Helens Municipal Code, as now drafted and hereafter amended, will sufficiently address all SDC methodology, rates, and other applicable terms and conditions needed to calculate SDC charges for commercial to residential building conversions pursuant to HB 2984.

NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:

Section 1. The City Council hereby adopts Chapter 13.24 of the St. Helens Municipal Code, as currently in effect and as may be amended from time to time, as the City's specific policy for SDC calculations in connection with all residential development, including commercial to residential conversions pursuant to HB 2984.

Section 2. This Resolution shall become effective immediately upon its passage by the City Council.

Approved and adopted by the City Council on December 20, 2023, by the following vote:

Ayes: Chilton, Sundeen, Gundersen, Hubbard, Scholl

Nays: None


Rick Scholl, Mayor

ATTEST:


Kathy Payne, City Recorder



MEMORANDUM

TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner
RE: Land Use Decision Validity Periods – review to determine if changes are warranted
DATE: January 9, 2023

<i>Land Use Decision</i>	Default Validity Period	Time Extension Period	Total Validity with Extension(s)	Code Section
<i>Sensitive Lands</i>	1.5 years	1 year	2.5 years	SHMC 17.44.030
<i>Sign Permit</i>	6 months	“Reasonable” ¹	Unknown	SHMC 17.88.130 (6)
<i>Site Development Review</i>	1 year	6 months	1.5 years	SHMC 17.96.040
<i>Site Development Review (Phased)</i> ²	Each phase: 1 year	6 months	3 years	SHMC 17.96.050
<i>Conditional Use</i>	1.5 years	1 year	2.5 years	SHMC 17.100.030
<i>Variance</i>	1 year	1 year	2 years	SHMC 17.108.040
<i>Accessory Structure</i>	1.5 years	1 year	2.5 years	SHMC 17.124.050
<i>Tree Removal</i>	1.5 years	1 year	2.5 years	SHMC 17.132.050
<i>Subdivision</i>	1 year	2 extensions at 1 year each	4 years	SHMC 17.136.040
<i>Subdivision (Phased)</i> ³	Each phase: 2 years	2 extensions at 1 year each	6 years	SHMC 17.136.050
<i>Partition</i>	1 year	6 months	1.5 years	SHMC 17.140.035
<i>Planned Development</i>	1.5 years	1 years	2.5 years	SHMC 17.148.030
<i>Planned Development (Phased)</i> ⁴	Each phase: 2 years	2 extensions at 1 year each	7 years	SHMC 17.148.100

¹An approved sign shall be constructed and installed within six months of the final approval of the permit, including resolution of any appeal. The sign permit shall be void if installation is not completed within this period or if the sign does not conform to the approved permit. Sign permits mistakenly issued in violation of this chapter or other provisions of this code are void. The planning director may grant a **reasonable extension of time** for the installation deadline upon a showing of reasonable grounds for delay.

²The director may approve a time schedule for developing a site in phases over a period of time of one year, but in no case shall the total time period for all phases be greater than **three years** without reapplying for site development review.

³The planning commission may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than **two years** (unless an extension is granted) without reapplying for a preliminary plat, nor the cumulative time exceed **six years** (regardless of extensions) without applying for a new preliminary plat.

⁴The commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than **seven years** without reapplying for preliminary development plan review.

S C A P P O O S E , O R

Land Use Decision	Default Validity Period	Time Extension	Total Validity Period
<i>Sensitive Lands</i>	1 year	6 months	1.5 years
<i>Site Development Review</i>	1 year	1 year	2 years
<i>Site Development Review (Phased)</i>	1 year	1 year	3 years
<i>Conditional Use</i>	1 year	1 years	2 years
<i>Conditional Use (Phased)</i>	1 year	1 year	3 years
<i>Variance</i>	1 year	1 year	2 years
<i>Subdivision</i>	1 year	1 year	2 years
<i>Subdivision (Phased)</i>	Each phase: 2 years	1 year	5 years
<i>Partition</i>	1 year	1 year	2 years
<i>Planned Development (Overlay Zone)</i>	1 year	6 months	1.5 years

S A N D Y , O R

Land Use Decision	Default Validity Period	Time Extension	Total Validity Period
<i>Site Development Review</i>	2 years	1 year	3 years
<i>Conditional Use</i>	2 years	1 year	3 years
<i>Variance</i>	2 years	1 year	3 years
<i>Subdivision</i>	2 years	1 year	3 years
<i>Partition</i>	1 year	N/A	1 year

C O R N E L I U S , O R

Land Use Decision	Default Validity Period	Time Extension	Total Validity Period
<i>Site Development Review</i>	2 years	N/A	2 years
<i>Conditional Use</i>	2 years	N/A	2 years
<i>Variance</i>	1 year or 2 years (if COA)	N/A	2 years
<i>Subdivision</i>	1 year	1 year	2 years
<i>Subdivision (Phased)</i>	Each phase: 1 year	1 year for each phase	5 years
<i>Partition</i>	1 year	1 year	2 years
<i>Planned Development (With Subdivision)</i>	1 year	1 years	2 years

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: 12.27.23

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—MISC.

Conducted final inspection for buildings J and K, B and C of the Broadleaf Arbor (Gable Road apartments) development. D (community building), B, C, E, F, G, H and I (multi-family buildings) inspected previously. J and J are the 9th and 10th of the eleven buildings. Only building A, the largest on site, remains. This effort, going back to 2018, is almost done.

The Police Station Conditional Use Permit, et. al., has been appealed to LUBA.

For Planning Department purposes, Burger King is 99% done. Some issue with the Building Department remains, but very little time needed (for Planning) to evaluate 100% completion.

Discovered some incorrect assessor address records for some of the marina properties along N and S River Street. Worked with Assessor to correct this.

Staff has started to work on Development Code amendments this month, much of which has been long awaited (measured in years!). Hoping to start vetting things with the Planning Commission, and maybe discuss at the March joint City Council/Planning Commission meeting.

DEVELOPMENT CODE ENFORCEMENT

Shed issue for a property along Whitetail Avenue, as noted in last month's report, is resolved.

PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)

December 12, 2023 meeting (outcome): *As the Historic Landmarks Commission*, they consider alterations to the County Courthouse. There was a public hearing for items related to the old courthouse and a recommendation for items related to the new (1970s) courthouse addition. Both is for the same project related to state funds related to upgrade of the courtroom in the old courthouse.

Planning staff presented the department's semi-annual report (the same as presented to the Council). The Commission also discussed its \$30 per month stipend and agreed that it could be reduced to zero, if needed, to help offset budget issues.

January 9, 2024 meeting (upcoming): Staff will start vetting some of the 2024 batch of Development Code amendments to the Commission.

End of year summary and chair/vice chair selection, typical of January meetings, will be on the agenda.

COUNCIL ACTIONS RELATED TO LAND USE

The Council conducted a public hearing for the Comprehensive Plan and Zoning change at 475 N. 12th Street and agreed with the Planning Commission recommendation of approval.

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Some time spent working with our engineering team for online GIS for field crew. This was largely the result of departure of one of the Engineering division's team members.

ST. HELENS INDUSTRIAL BUSINESS PARK PROPERTY

Continue with technical assistance efforts ramping up given potential occupants/PGE parcel for substation.

From: [Jennifer Dimsho](#)
To: [Jacob Graichen](#)
Subject: December Planning Department Report
Date: Wednesday, December 27, 2023 9:57:48 AM
Attachments: [image001.png](#)

Here are my additions to the December Planning Department Report.

GRANTS

1. **Safe Routes to School - Columbia Blvd. Sidewalk & County Culvert Project** – Site walkthrough held with ODOT and final walkthrough with TFT. Submitted final reimbursement request/project closeout form to ODOT.
2. **Business Oregon – Infrastructure Finance Authority** – Low-interest loan for Streets & Utilities Project and Riverwalk improvements. 1st Reimbursement request processed (which included over 30 invoices). Working with finance and URA revenue projection consultant to support additional funding for undergrounding work. Provided an update to loan officer.
3. **Riverwalk Project (OPRD Grants x2)** – Project bidding closed on 9/19. All bids came back around \$5 million, which is higher than we had budgeted and estimated. Working on value engineering efforts to reduce project costs rebid the project and to ensure full utilization of grant funding. Working on new scope to omit playground, picnic shelter, and stage, and reduce general project costs. Submitted progress reports for both grants on 12/1.
4. **Community Development Block Grant (CDBG)** – \$2.5 million grant award to fund design/engineering/permitting for the City's Sanitary Sewer Improvement Project which 3 sanitary sewer basins identified as deficient in the adopted Wastewater Master Plan. Engineering is working on contracting with Consor. Attended permitting meeting with all stakeholders.
5. **CLG Historic Preservation Grant Program** – SHPO Certified Local Government Program. Received our contract for 17k. State approved work plan. Executed contract with property owners.
6. **DLCD Technical Assistance Program – Request successful for 60k!** Will fund a new Economic Opportunities Analysis (EOA)! Worked with DLCD on finalizing our grant contract which Council authorized on 12/20. Working with ECONW on a contract, scope of work, and terms of compensation.
7. **SHPO Veterans Memorial Grant Program** - 33k award for an expansion at McCormick Park Veterans Memorial. Project includes 7 branch of service monuments and corresponding flags. Project is almost complete! VFW working to get the correct flag hardware. Mason waiting on a cap which was damaged to arrive for final installation. Submitted progress report to OPRD on 12/29. Compiling all invoices/final reimbursement request.
8. **ODOT Community Paths Program** - Received 300k to study a trail route refinement project (30% design) from St. Helens to Scappoose. Award is \$300k, with a match of around 42k split between Scappoose, the County, and us. Received draft Statement of Work from ODOT. Compiled 2nd round of comments on the statement of work. ODOT has said contracts would come in December, but still no contract. We will keep working on

statement of work with ODOT and eventually invite Scappoose and the County to provide comments.

9. **Travel Oregon Grant Program – Received 100k grant to fund ADA components of the Riverwalk Project!** Thanks to Columbia Economic Team and our Regional Destination Marketing Organization for providing support.
10. **ODOT TGM Program** – Assisting Engineering Dept with Transportation Systems Plan. Statement of Work submitted to ODOT for final review and consultant solicitation. ODOT says it could be ~6-9 months before we see movement on this project.

PROJECTS & MISC

11. **Riverfront Streets/Utilities Project** – Attending weekly check-ins. Pump station just missing generator. Bluff trail construction is moving along. Tualatin staircase/bluff trailhead under construction. Water line under construction. Landscaping and irrigation near south water quality swale underway. Undergrounding at 1st Street and St. Helens Street design nearly complete. Emergency procurement will begin soon.
12. **St. Helens Industrial Business Park (SHIBP) Planning** – 30% design for Phase I infrastructure & permitting/grading work for Phase II with Mackenzie. Project is on hold with potential user/sale of property.
13. **2023/2024 Code Amendments** – Working with Jacob on a large batch of code amendments, which has included research and compilation for other communities on various topics like various HBs, psilocybin, food trucks, and land use decision durations.

Jenny Dimsho, AICP | Community Development Project Manager

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