



# PLANNING COMMISSION

Tuesday, April 13, 2021 at 7:00 PM

## AGENDA

1. **7:00 P.M. CALL TO ORDER & FLAG SALUTE**
2. **CONSENT AGENDA**
  - A. Planning Commission Minutes dated March 9, 2021
3. **TOPICS FROM THE FLOOR** (Not on Public Hearing Agenda): Limited to five minutes per topic
4. **PUBLIC HEARING AGENDA** (times are earliest start time)
  - B. 7:00 p.m. Continued Deliberations for PT.1.21 - Schlumpberger (Public Hearing Closed)
  - C. 7:30 p.m. Annexation at SW Intersection of Kavanagh Ave & Firway Lane - Comfort
  - D. 7:45 p.m. Variance at 164 S 1st Street - Steve Pegram & Paula Sheeley
5. **PLANNING DIRECTOR DECISIONS** (previously e-mailed to the Commission)
  1. Temporary Use Permit at 175 Bowling Alley Lane – CCPOD, LLC
  2. Temporary Use Permit at 555 S Columbia River Hwy – Juana Delgado
  3. Temporary Use Permit at 2225 Gable Road – Brent Paintner
6. **PLANNING DEPARTMENT ACTIVITY REPORT**
  - E. March Planning Department Report
7. **FOR YOUR INFORMATION ITEMS**
8. **ADJOURNMENT**

**NEXT REGULAR MEETING: May 11, 2021**

### VIRTUAL MEETING DETAILS

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

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**Meeting:** <https://zoom.us/j/91064850587pwd=R1I0eERNWmp1K1RIR0F5QU0rcWtjUT09>

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# PLANNING COMMISSION

Tuesday, March 09, 2021 at 7:00 PM

## DRAFT MINUTES

**Members Present:** Chair Cary  
Vice Chair Hubbard  
Commissioner Webster  
Commissioner Semling  
Commissioner Lawrence  
Commissioner Pugsley  
Commissioner Cavanaugh

**Members Absent:** None

**Staff Present:** City Planner Graichen  
Associate Planner Dimsho  
Community Development Admin Assistant Sullivan  
Councilor Birkle

**Others:** Damian Hall  
Andrew Schlumpberger  
Lindsay Schlumpberger  
Ron Schlumpberger  
Tracey Hill  
Jerry Belcher  
Daniel Kearns  
Tim Ramis  
Al Petersen  
Robin Nunn  
Steve Toschi

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

### 2. CONSENT AGENDA

A. Planning Commission Minutes dated February 9, 2021

**Motion:** Upon Commissioner Semling's motion to approve the minutes as written with a typographical error correction and Commissioner Webster's second, the Planning Commission unanimously approved the Draft Minutes Dated February 9, 2021. [AYES: Commissioner Pugsley, Commissioner Webster, Commissioner Semling, Commissioner Lawrence, Commissioner Cavanaugh, Vice Chair Hubbard  
NAYS: None]

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

There were no topics from the floor.

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

**B. 7:00 p.m. Partition at 160 Belton Road – Andrew & Lindsay Schlumpberger**



City Planner Graichen presented the staff report dated March 1, 2021. He said this was a reboot of a two-parcel land division. It started at the administrative level in the year 2020 and worked its way up to the Oregon Land Use Board of Appeals (LUBA). He said they have adequate utilities available to the property through a water line and a septic STEP system. He showed where there are buffers between the property and the wetlands and said there was still adequate space to build and keep the wetland buffer in place. He mentioned the road is a dead-end public street and is less than 20-feet in width with a significant amount of parcels that access it. He talked about the blind corner and that it was an important area to be able to see if anyone is coming. He talked about the benefits of having a turnout at the blind corner. He said to require a turnout, they would have to consider the Private Road Standard not the Public Road Standard. Because the access situation is different, it allows for them to potentially apply private road standards instead of public road standards. He said for the original application, there was a drainfield easement and that the easement obstructed access to this parcel. That was the key basis behind the Commission's denial of the original application. He said that easement no longer exists and so the application to LUBA was withdrawn and then this new application was applied for.

Commissioner Webster asked if the driveway was a shared access to both parcels in the partition. Graichen said it could end up being that way when it is finished. He said there is a minimum ten-foot-wide driveway for the new building.

### **In Favor**

**Hall, Damien. Applicant.** Hall was called to speak. He is the attorney for the applicant. He mentioned that the applicant would like to separate their two-acre lot into two different one-acre lots with one single-family dwelling on each parcel. He said that the applicant proposed a few conditions of approval on their own, including limiting development to one single-family dwelling and executing a reasonable future street improvement. He mentioned the prior application and that there were several points of mutual agreement between all those who testified and the staff. Most importantly, the septic drain field easement no longer exists. He mentioned that the current application meets the criteria of base zone R10 standards. He said there are adequate public facilities available handle dividing the property. He said as far as the road and the improvements required, he mentioned the applicant was willing to make street improvements according to what the Planning Commission decided. He said the applicant is open to a 90-degree turnout based on the staff recommendation.

**Schumpberger, Andrew. Applicant.** Schlumpberger was called to speak. He said he worked for the Fire Department for fifteen years and since the safety of Belton Road was brought up, he wanted to share some of his research. He had checked the Fire Department records and St. Helens Police records and he said there had been no documented accidents in the last 20 years on Belton Road. He said the Fire Department has no issues accessing any of the properties located on Belton Road. He also said they had two fire marshals come and check out the access for the proposed partition, and they did not mention any access issues. He said there would be three additional turnouts with an approval of the proposed Partition, as this was a requirement for approval. He said that would be a significant increase in safety measures for the road. He mentioned there are other streets in St. Helens that are much smaller with more accessing properties.

**Schlumpberger, Lindsay. Applicant.** Schlumpberger was called to speak. She said that she had multiple neighbors who support the proposed Partition. She said they did not want to create any divide between them and their neighbors. She said they just want to be able to use their property to build a home for more privacy. She said with the new guidelines coming out in July for duplexes, they could build a second dwelling without the partition. She said, however, that they do not wish to overdevelop the private land. She said their intent was to have one single home and live as a family to maintain the



privacy of the neighborhood. She said they are willing to take on the extra expense of the road and street improvements to help improve the safety of their neighborhood.

**Schlumpberger, Ron.** Schlumpberger was called to speak. He lives at 1400 Second Street in Columbia City. He talked about Belton Road. He said the reason it was underdeveloped because of basalt rock. He said the streets are narrow, but that does not mean they are unsafe. He said the applicants have done everything they have been asked to do and are trying to do the right thing.

**Belcher, Jerry.** Belcher was called to speak. He lives at 105 Belton Road. He supports the application. He said he has served on several Commissions in the City. He said they have lived here for over 29 years. He said after partitioned, both parcels would be over one acre in size. He said he had concern about the safety of the road. He said the City has resurfaced the road and that the City does maintain it. He said the 90-degreeturn in the road is the major issue. He said there is a turnout at the end of the road and many large vehicles use it to get in and out, including ambulances, delivery drivers, trash trucks, etc. He has never heard of a vehicle-pedestrian accident on the road. He said in the last month he has only met two vehicles on the road. He also said that traffic studies have shown that narrow streets reduce traffic incidents. He said those looking to leave the area, it is somewhat difficult if they meet a vehicle coming into the area. He said if there was a turnout there it would make that much easier. He also said he saw there was a hammerhead that was proposed, and he said that was a great way to give access to the Fire Department to access all the homes in the lower area of the street. He felt if both the hammerhead and the turnout were included, he recommended approval of the application.

### **Neutral**

No one spoke as neutral testimony.

### **In Opposition**

**Kearns, Daniel.** Kearns was called to speak. He said he was a Land Use Attorney, and he represents a neighbor, Tracey Hill, who lives at 250 Belton Road. He said he submitted a new record and asked for the previous records from the first Partition to be included in these proceedings. He also asked that the record be left open for at least seven days to respond to any new evidence that might come in. He said when you create a lot it gives an entitlement to build a house. He said Belton Road is smaller than the skinny street standard. He said there is no evidence that there have been any issues with safety, but the standards are set to keep the streets safe. He mentioned the Commission was being asked to create a new lot with development rights, when there are already several underdeveloped lots in this area. He asked at what point would there be too many dwellings being served by this roadway. He said there is no way the Commission can condition this application to bring Belton Road up to the street standard.

**Hill, Tracey.** Hill was called to speak. She lives at 250 Belton Road. She mentioned that the applicant brought in heavy equipment to remove trees and vegetation without the City's permission. She said they continue to ignore the rules and seem to feel entitled to do whatever they want. She said the applicant has intimidated people into agreeing with them. She said the applicant sued her about the drainfield easement and appealed the previous decision by the Planning Commission to the Land Use Board of Appeals. She said they offered her money to support the partition application.

### **Rebuttal**

**Hall, Damien. Applicant.** Hall said the property is over two acres. He said it is in a zoned residential area. He said there are several limitations to what the City can do to stop development on residential-zoned property. He went over the criteria of approval that apply to partitions. He realizes Belton Road does not meet the street standard of the City Code, but that does not mean the partition should be



denied. He said this property does have adequate access to public utilities. He said the applicant has offered different solutions for road safety improvements. He said this application can be conditioned to meet standards.

Graichen mentioned that the condition where the City would restrict the use to one dwelling could be an issue. Hall said if the Applicant is self-imposing this as a solution; it is a condition that can be used by the City if they choose.

Tim Ramis, Land Use Attorney for the City, asked if the memorandum for a future improvements guarantee, a part of the applicant's voluntary conditions, was what they were imposing for approval. If so, what would be the content of this guarantee? Hall said the future improvement guarantee was mentioned in the City code as something that could be accepted instead of street improvements if one or more of the following conditions existed. Hall said they believe the conditions that are mentioned here do exist. He said this means the Schlumpbergers would pay their fair share for any improvements that were made by the City. Graichen said the proposed turnout would meet the conditions for approval the way the application is written. He said that is if the Planning Commission did not impose any other conditions for approval for access.

### **End of Oral Testimony**

There was a request to leave the record open for written testimony and for final written argument. As such, the public hearing will continue in written form. Graichen said the first period will be held open for seven days to receive written testimony. If there is written testimony received, there will be an additional seven days to respond to that testimony. At this point, the record would close.

Then, the applicant may provide a final argument. The first period for response will end at 5 p.m. March 16, 2021 and the second period of response will end at 5 p.m. March 23, 2021. The deadline for final written comment is 5 p.m. March 30, 2021. The applicant agreed. Deliberations were set for Tuesday, April 13, 2021 at 7:00 p.m.

### **C. 8:00 p.m. CPZA.1.21, 2021 Development Code Amendments – City of St.**

#### **Helens**

City Planner Graichen presented the report dated March 1, 2021. He said the development code is how a municipality regulates development. It includes zoning, what you can do where, landscaping, etc. He said when adopting development code, there are processes you must go through. He said there is a process where you notify the Oregon Department of Land Conservation and Development 35 days in advance of the first hearing to make sure we are following Oregon guidelines, etc. He said the development code amendments are to comply with House Bill 2001 and some miscellaneous housekeeping text amendments.

House Bill 2001 is about advancing the missing middle. He said it is the area between a single-family dwellings and a large multi-family complex. He said being a "medium city" per House Bill 2001, they are mostly looking at duplexes.

Graichen said they sent notice to all the properties this new House Bill would affect, about 4,000 notices. He mentioned some of the areas for zoning where duplexes were not allowed or in areas where a Conditional Use Permit was required. Those restrictions would end with this new House Bill.

Graichen said City Council also wanted to allow two detached units anywhere duplexes will be allowed. Given this desire, he added distance standards between structures on the same lot. The Commission discussed the tiered system for these standards based on zoning. He said the maximum lot coverage is proposed to change from 35 percent to 40 percent for all residential zones except Apartment Residential, which is already more. He said they were changing the minimum lot size and dimensions



for the Apartment Residential zone to be the mid-point between what is required for duplexes now and what is required for detached single-family dwellings.

He said when looking at two detached dwellings, they must consider corner lots too. He said they relooked at the rules that allows projections into required yards. He talked about the allowance of covered porches. He also mentioned chimneys, eaves and how they were allowed on all sides and said those were not changing. He said they are changing the flanking street side where currently an uncovered porch was allowed. They are going to make it a requirement for a covered porch. He also mentioned stairs and landings.

He brought up the issue of parking. He said currently the standards require two spaces per dwelling unit, which is four spaces for a duplex. He said with the new code change, they are restricted to requiring a maximum of two parking spots for duplexes. He said currently they do not allow tandem parking, but they are considering if tandem parking should be allowed.

He talked about the new lot sizes and how they relate to on-street parking. He said with a 40-foot wide lot, the standard 18-foot driveway still provides room for a car to park on the street. With narrower lots, this becomes a problem. He asked the Commission to consider tandem parking which would require a minimum of 10-foot driveway width which would provide more room for on-street parking and less driveway interruption for those using the sidewalks.

He spoke about street hierarchy. He said there are different street classifications and different standards. One of the standards that differentiates street types is the right-of-way width. He said the reason they have those widths are to accommodate certain street cross sections. He showed some standards between two differing Skinny Street standards. One standard is for a 26-foot pavement standard to accommodate a 20-foot street for two-way traffic and a six-foot wide on-street parking. There is also a 20-foot paved width without on-street parking. The proposal is to get rid of the 20-foot standard all together and change the 26-foot to 28-foot width to accommodate a better on street parking area.

He spoke about driveways and the current standards. He said they do not currently allow two driveways, but with the new duplex rule, are considering two driveways as an option. He said the idea is to allow for more off-street parking. He said for a corner lot you can currently have two driveways if there is a duplex being built, but the new code will allow for more opportunities for two driveways.

He mentioned there were a few other small updates to the Development Code. He said the Building Code changed some of their rules for signs which triggered the need to alter the sign code slightly. He said in RV parks there is a limit of 30 days for a maximum stay, but because of State law they cannot impose a maximum stay. He said in subdivisions, they used to reserve strips of land to control, but this has been replaced with language on the plat. He also said there was some clarification about sensitive lands and land partitions in subdivisions as well. He talked about how the Houlton Business District and Riverfront District zones have a fee in lieu of off-street parking requirements, but it has never been used and is not likely to be used in the future. He also said there is a Scenic Resource Review provision and they are proposing to add a minor area to that: River Way.

He talked about other methods for affordability for the missing middle. He said they could recommend different options such as waiving system development charges, a variety of property tax exemptions, or even assessing a construction tax. He said currently they do offer system development fee payment plans. He also said system development charges are based on meter size, so if two units share a meter, this could reduce fees.

Commissioner Puglsey asked about how would no on-street parking on Skinny Streets would be enforced or implemented. Graichen mentioned that they were doing away with the 20-foot standard



altogether because of the difficulty of enforcement. Typically there is "No Parking" signage or a yellow painted curb. He said as far as enforcement, if it is posted, the police can enforce it. He said that because the police are so busy with other things, it would likely only be enforced on a complaint basis.

Commissioner Pugsley also asked about the encroachments and asked if decks and steps were considered the same. Graichen said they were not considered the same. He mentioned that on the perimeter the covered or open porch was allowed, with restrictions on the flanking side. He said between buildings, it was proposed to be strictly stairs and landings.

Commissioner Pugsley also shared concern about destruction of historic homes for new duplexes. She asked if old Covenant, Conditions, and Restrictions (CC&Rs) restrict duplexes, could the nationally registered Historic District also restrict duplexes? Graichen said the Historic District is a designation by the Federal Government. It is not a regulatory overlay. Commissioner Pugsley asked if someone proposed to add something to a lot that was considered historic, would the Historic Landmarks Committee have the opportunity to review that proposal? Graichen said no they would not. He said only if it was a locally designated landmark, they could.

Commissioner Semling asked about driveways on corner lots and if the distance to the corner would change or stay the same. Graichen said they would stay the same. Commissioner Semling mentioned that most garages are not used for parking, they are used for storage. She asked how this would impact the proposed tandem parking changes. She was curious how they would be able to enforce that. Graichen said this was a good argument for not allowing tandem parking, but requiring the status quo side-by-side parking.

Chair Cary asked about the standards for sheds that do not meet the size requirements for permit. Graichen said that if the shed is too small to require a permit, then the standard yard requirements along the perimeter would not apply, but there is a rule that says no portion of the shed is supposed to be closer than three feet to a property line. He said that same principle would apply to the building separation rule.

### **In Favor**

No one spoke in favor.

### **Neutral**

**Toschi, Steve.** Toschi was called to speak. He lives at 215 River Street. He said that wider streets result in less congested development. He said there tends to be a free flow of neighborhoods. He said tandem parking is a way to develop narrower buildings and it does work. He felt the Scenic Resource Review is a good ordinance to keep around but has presented some challenges for those who have wanted to develop on streets with those restrictions.

### **In Opposition**

**Petersen, Al.** Peterson was called to speak. He has an office at 101 St. Helens Street. He expressed concern about the definition of duplexes and how it was being defined in the Development Code. He said the definition was not changing with the amendments. He said he sent the Commission a couple definition changes for consideration. He also did not agree with adding an additional street to the Scenic Resource Review. He feels the entire chapter in the code for Scenic Resource Review should be eliminated. He does not think the density of development should be changed on Skinny Streets.

**Nunn, Robin.** Nunn was called to speak. She lives at 100 Belton Road. She mentioned the single car garage is used more for storage or extra living space. She also said the tandem parking was not a good



idea, because every time you must move a vehicle, it creates more problems. She said she was concerned about the on-street parking and the hazard it creates for those who are driving. She felt the tandem parking made for less available parking. She was concerned about the extra housing and how it might create problems in the future for parking. She was especially concerned about adding more houses and development on roads that are considered skinny streets.

**End of Oral Testimony**

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

**Close of Public Hearing & Record**

The applicant waived the opportunity to submit final written argument after the close of the record.

**Deliberations**

Graichen mentioned that he agreed that the Planning Department should look at the multi-family dwelling development code. He said his approach to reviewing development code is thorough and detailed. He expressed that the Planning Department was not lazy in their review of this code, wanted to put out a quality product and stay on schedule. He also clarified that in legislative actions, there were a few things that had already happened that prevent them from adding things that are somewhat alien to the amendments. He said one is the City Council must approve the concept before moving forward with the adoption process. The staff is also required to send their amendments to the State of Oregon 35 days before the first hearing. He said if they start adding significant changes this late in the game, it causes issues.

There was a small discussion about each item to add to the recommendation. There was also a small discussion about affordable housing.

**Motion:** Upon Commissioner Pugsley's motion and Commissioner Webster's second, the Planning Commission unanimously recommended approval of the Development Code amendments to the City Council with slight modifications as discussed. Vice Chair Hubbard did not vote due to his absence from this portion of the meeting. [Ayes: Commissioner Semling, Commissioner Webster, Commissioner Lawrence, Commissioner Pugsley, Commissioner Cavanaugh; Nays: None]

**5. PLANNING DEPARTMENT ACTIVITY REPORT**

F. February Planning Department Report

**6. FOR YOUR INFORMATION ITEMS**

Dimsho mentioned the upcoming deadline for the ethics forms that needed to be submitted.

**NEXT REGULAR MEETING: April 13, 2021**

*There being no further business before the Planning Commission, the meeting was adjourned 11:41 p.m.*

*Respectfully submitted,*

*Christina Sullivan  
Community Development Administrative Assistant*





CITY OF ST. HELENS PLANNING DEPARTMENT

# MEMORANDUM

Item B.

TO: Planning Commission  
FROM: Jacob A. Graichen, AICP, City Planner  
RE: Partition PT.1.21 at 160 Belton Road  
DATE: April 6, 2021

This packet constitutes the items submitted to the record after the “live” public hearing on March 9, 2021.

The “record” consists of the following:

1. The staff report dated March 1, 2021 with attachments.

The commission received this previously as part of your hearing packets for the March 9<sup>th</sup> meeting.

2. Items submitted after March 1<sup>st</sup> staff report and before the March 9<sup>th</sup> public hearing.

The Commission received items separate from the hearing packets for the March 9<sup>th</sup> meeting, but still before the meeting itself.

3. Items submitted into the record the two weeks after the June 9<sup>th</sup> public hearing.

**This packet has these items.** Note that all items were submitted on March 16<sup>th</sup>. The week between March 17<sup>th</sup> and 23<sup>rd</sup> was for response to anything new in the record up to the 16<sup>th</sup>. Thus, no responses; only the initial submittal within the first week.

4. Applicant’s final written argument.

**This packet has these items.** This is not supposed to be new information; rather the final argument based on what is in the record.

These were due by March 30<sup>th</sup> and we received final arguments from both the applicant and their legal counsel on this date.

You will deliberate on this matter at your April 13, 2021 meeting. Please consider all items in the record you have already received, oral testimony at the March 9, 2021 public hearing, and the *new items for the record attached to this memo* as you contemplate your decision.



**Jacob Graichen**

**From:** Laurie Brownlow <lauriebrownlow@yahoo.com>  
**Sent:** Tuesday, March 16, 2021 3:12 PM  
**To:** Jacob Graichen  
**Subject:** [External] Schlumpberger Belton Road Property Development

To whom it may concern;

We have waited to write this letter until we talked to Kathleen Ward due to the fact she was warned not to submit or talk to anyone at the planning committee by the proposer or they would make her life miserable. We honored her our Aunt's request. No one should feel threatened to speak out against someone, especially at 88 years old.

The people who spoke in favor of the proposed property are all people who live on the upper side of Belton Road and will in no way be affected by the houses being built on the beach or the division of the property. They could be by the road upgrade, but they agreed to this.

We are in not in favor of dividing the property to build a development. When Mr. Schlumpberger spoke he referred to one house and so did his attorney. They said they wanted to build their dream house on the property below, then referred to the new law in June they would just build duplexes if they had to if the partition didn't go through. We understand this is their property and they should be able to build on their property, but also as it stands it does not meet their needs. Mrs. Schlumpberger mentioned one house as well and also said if the partition doesn't go through then they will just wait until June. Then they can build duplexes and do what, won't need any permission to do so. This is the same thing she told Mrs. Ward when she came to her house the few days before the meeting asking her to not speak in the meeting and not go against the proposed partition. With this plan they could possibly build up to 6 houses. This is crazy. The small narrow road could not handle the traffic flow. I know road improvements were included in the proposal.. I would like to know how this will be done? This is a rock wall and the wall will have to be blasted to widen the road. This road will not handle this much excess traffic to these additional homes if they choose to build these. Is the fire marshall who inspected this road someone who was in charge of Mr. Schlumperber? Is this is a conflict of interest? There is always talk about accidents on this road, not once I have I heard anything about medical calls. This is more of a concern to me, due to the fact that most people on this road are retired and possibly this is the kind of calls that would be, not accidents. Still my concern is the road and traffic, width and sewer to all of these newer houses.

We are home owners on the other side of their property and we are concerned about our access to our property. The threats have already been made to both property owners on both side of them already when they didn't get their way and this is a concern of ours.

Please consider a NO on this proposed partition for Schlumpbergers

Thank you,

Charles and Laurie Brownlow  
 34064 Bachelor Flat Road  
 St. Helens, Oregon 97051

RECEIVED  
 MAR 16 2021  
 CITY OF ST. HELENS



# Reeve Kearns PC

Attorneys at Law

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RECEIVED

MAR 16 2021

CITY OF ST. HELENS

March 16, 2021

Daniel H. Kearns  
Direct Dial: 503-997-6032

St. Helens Planning Commission  
c/o Russell Hubbard, Chair  
St. Helens City Hall  
265 Strand Street  
St. Helens, OR 97051

VIA E-MAIL TO  
[jacobg@ci.st-helens.or.us](mailto:jacobg@ci.st-helens.or.us)

## Re: Partition PT.1.20 (Schlumpberger)

Dear Chair Hubbard and Commissioners:

This is submitted as the first post-hearing submission on behalf of Tracey Hill in opposition to the proposed Schlumpberger partition.

The critical deficiency in this proposal is the substandard width of virtually the entire length of Belton Road, which currently serves 10 homes. The City's standard for the width of a local public street is 34 feet, but the City has adopted a 20-foot reduced "skinny street" standard for local public streets in an effort to reduce impervious surface area, calm local traffic and maintain relatively safe, slow vehicle speeds to accommodate bicycles, pets and pedestrians. It is relatively clear that everyone involved in this proceeding, including the applicants, would prefer a 20-foot pavement width as a safer option for all vehicle types and passage along Belton Road, given its current and anticipated future traffic volumes.

The applicants urge you to approve this partition that would add at least one more dwelling and associated traffic (~10 vehicle trips per day) to Belton Road and defer to the indefinite future any improvements other than a relatively short widening at the 90° bend in the road. According to the applicant, the City cannot force them to correct a preexisting width deficiency that pre-dates and is not caused by their application. Ms. Hill agrees that the City's authority to require this applicant to bring Belton Road up to even the lesser skinny streets standard is limited by state and federal law.

Despite that point of agreement, the City is not obligated to approve this partition, which would make a pre-existing, severe deficiency even worse. What these applicants ask of the Planning Commission is "just one more house," but there is no guarantee there will be just one more house on Belton Road, in fact more houses are certain. The current state of development along Belton Road and Gray Cliffs Drive would allow as many as 4 more homes on existing undeveloped lots without any land use approval. The City's Planning Director correctly



Reeve Kearns P.C.

March 16, 2021

Page 2

characterized a legal lot as being entitled by right to a single-family dwelling that requires only a building permit. There currently are as many as 4 such lots that would contribute additional traffic to Belton Road (~10 vehicle trips per day per dwelling). These lots are currently buildable without land use approval and would be in addition to any new lots you might approve as partitions. Additionally, the lotting map of the area shows that several more lots along Belton Road are over-sized and could be partitioned exactly as the Schlumpbergers request.

In this light, it makes no sense to make a bad situation worse when there is no need to do so and when the situation will almost certainly get worse over time without any action by the City. Approving the Schlumpbergers' partition and creating a home site that doesn't currently exist only hastens the deterioration of the situation. Some day in the distant future, the neighborhood and property owners along Belton Road may form a Local Improvement District (LID) to bring Belton Road up to City street standards. Alternatively, the City may undertake Belton Road's improvement as a public works project. But there is no guarantee and no telling when or if either might happen. For now, and given today's circumstances, Belton Road is severely deficient relative to even the City's skinny streets standard. There are 10 homes that currently use it (~100 vehicle trips per day); approximately 4 new homes could be built by right without land use approval (~40 more vehicle trips per day), and several more lots could be partitioned. On top of that, the City is undertaking implementation of HB 2001 (2019) as we speak, which would allow duplexes or two dwellings by right on every buildable lot in the City's single-family residential zones. That legislative change will have an uncertain but potentially huge impact on trip generation for Belton Road, again without City land use review. In situations such as this, where the deficiency is severe, the Planning Commission has few opportunities to say "enough is enough."

Given the circumstances that stand to increase the vehicle trips on Belton Road without any City intervention, the Planning Commission's only ability to limit the rate of Belton Road's deterioration is to not do anything to make the situation worse, especially when you do not have to. Given the number of new dwellings that could be built by right now or soon, it makes no sense to approve any partitions on Belton Road. Do not accept the applicants' promise of some future LID or City project to widen Belton Road. Just say "no" today to their request to create a new buildable lot that does not exist and does not have to be created, at least not now. The Schlumpbergers will have the chance to build their second dream home later, and possibly somewhere else, just not here and not today. Thank you.

Sincerely,



Daniel Kearns

cc: Client



To: Jacob Graichen and St. Helens Planning Commission

The staff report dated March 1, 2021 on page 4 it states "No property owner is entitled to divide property when streets or access are inadequate." Belton Road has been the subject of the latest debate. The fact is Belton Road was built and intended for use as a single driveway to a single house only. This is why it doesn't come anywhere close to meeting the city code for a "standard" street. It is sufficiently safe as it is – given the current traffic load. In fact, the physical limitations help ensure that cars must drive slowly and creep around the blind corner.

The real problem will become evident with any additional development (due to a partition) at which point this road will truly become inadequate. It would not be an easy fix due to the lay of the land. It's more involved than a simple turnout or two. It would involve blasting a mountain of rock, potentially damaging nearby homes.

As to the issue of the partition, despite Damien Hall's memo RE: Improvements to Belton Road, repeatedly stating over seven times that no development is being proposed and therefore resulting in a "nonexistent impact" - the intent of a partition is clearly to accommodate development. This partition, if granted, would allow for more development than a single parcel which would result in a huge impact on this neighborhood.

Therefore all this debate over the impact of one additional house on Belton Road must be viewed with the new HB2001 in mind. When even one partition is allowed, the potential for additional houses increases considerably. Denying this partition will not prevent the proposed house to be built but it certainly will alleviate potential woes involving the inability of Belton Road to accommodate any additional traffic.

I therefore urge the Planning Commission to join with the Staff recommendation to deny the partition. Our neighborhood is just not physically conducive to becoming a future housing development.

Respectively yours,

Robin Nunn  
100 Belton Road  
St. Helens, OR

RECEIVED  
MAR 16 2021  
CITY OF ST. HELENS



**Jacob Graichen**

---

**From:** Geoffrey Parker <gparker@parklanddesign.com>  
**Sent:** Tuesday, March 16, 2021 5:10 PM  
**To:** Jacob Graichen  
**Subject:** [External] Jacob - Belton Road Partition

Hi Jacob,

My wife and I own the property at 585 Grey Cliffs Dr in St Helens. We would like to voice our concern for allowing the partition and subsequent development at 160 Belton Road. We do not live full time in the home today but intend to retire there in approximately 8 years when our youngest child graduates from high school. Once we move there we will further add to the daily traffic on Belton Road. Without widening and improving Belton Road a partition that allows more development does not seem a wise choice.

Please feel free to contact me by phone or email. Physical mail should be sent to:

Geoff and Phuong Parker  
PO Box 103  
St Helens, OR 97051

All the best,  
Geoff Parker  
585 Grey Cliffs Dr  
St Helens, OR 97051  
503-260-3687

RECEIVED  
MAR 16 2021  
CITY OF ST. HELENS



RECEIVED  
MAR 16 2021  
CITY OF ST. HELENS

Jacob Graichen, City Planner and  
St. Helens City Planning Commission

March 16, 2021

Because the meeting of March 9<sup>th</sup>, 2021 was so lengthy I have reserved my comments re the partition of Schlumpbergers' property to only this short request that the property partition be denied.

I own property on three sides abutting their land---on the east where my house is, on the north along the Columbia River and also on the northwest in the wooded acreage near Dalton Lake.

As requested by Schlumpbergers, some of our neighbors signed letters of support, but those neighbors are not directly adjacent to the proposed partition and are probably mainly affected only by increased road traffic. Since my issues against further development remain as presented on June 11<sup>th</sup>, I did not write a letter of support.

Please, will you take time to revisit my objections as presented at the June 11<sup>th</sup> meeting last year? My complete letter is included in the LUBA files pages 144,145,146 and 147. (Pages 144 and 145 are especially important to me.) Or perhaps you would prefer to reconsider page 153 which is the LUBA summary of my appeal against partition?

One thing I did not mention against partitioning is the effect it could have on my property value. Also to consider, as of July 1, 2021 there will be fewer restrictions against development stipulations and road requirements. The prospect is concerning!

Thank you for your consideration,

Kathleen Ward





101 SW Main Street, Suite 1100  
Portland, Oregon 97204

balljanik.com

t 503.228.2525  
f 503.295.1058

Item B.

## MEMORANDUM

**TO:** St. Helens Planning Commission

**FROM:** Damien R. Hall

**DATE:** March 30, 2021

**RE:** Applicant's Final Argument  
Two Acre Residential Partition in R-10 Zone (PT.1.20)

### I. Background

At the hearing and in written testimony, all parties have agreed that the single issue in contention is the adequacy of access via Belton Rd. There is no dispute about the facts, the applicant is proposing a partition to turn a single lot (approximately one acre) into two lots (each approximately one acre). This proposal is consistent with the development standards in the R-10 zone, and the only approval standard that has been called into question is whether Belton Rd. is an adequate public facility to serve the proposed creation of single new lot that will be developed with a single-family home. SHMC 17.140.040(3) ("Adequate public facilities are available to serve the proposal..."). To ensure that Belton Rd. meets the adequacy standard, the applicant proposes the following:

- Improvement of Belton Rd. including at turn-out at the 90-degree turn adjacent to applicant's property;
- A condition of approval limiting site development to one single-family home per lot; and
- A condition of approval requiring applicant to sign a future street improvement per SHMP 17.152.030(1)(d)(iii).

The balance of this memorandum addresses SHMC 17.140.040(3) in additional detail and responds to arguments in the record that do not correspond to approval criteria.

### II. Approval Criteria

The record contains substantial evidence in the record that access via Belton Rd. is adequate to serve the proposed residential subdivision, consistent with 17.140.040(3). Project opponents attempt to reframe the issues and argue that because Belton Rd. does not meet the pavement width standards, it cannot be adequate. That line of argument is misleading because: (1) the street standards do not determine adequacy, and (2) the zoning code provides multiple options for



St. Helens Planning Commission  
March 30, 2021  
Page 2

approving development with access that does not meet all of the street standards.

First, the adequacy of a street to serve a public development is not the same thing as whether a street meets all standards. By way of context, street standards include width of right-of-way, pavement width, sidewalk and bicycle improvements, street lighting, and street tree standards. To adopt the rule being proposed by project opponents that all street standards must be met in order for development to occur, would preclude development on any number of streets that are technically not compliant but function adequately to provide safe ingress and egress.

Adequacy is determined by the functionality of a street, as noted in 17.140.040(3) ("to address transportation facilities in this regard, a traffic impact analysis shall be prepared, as applicable, pursuant to Chapter 17.156"), not strict compliance with street improvement standards. Here, no TIA is required because the proposed partition will not create 250 daily trips (it will create approximately 10). SHMC 17.156.030(3)(a). However, the record contains substantial evidence that Belton Rd. provides functions adequately and safely, including

- Testimony from four longtime residents of the neighborhood that they cannot recall any accidents on Belton Rd., and testimony from one resident that remembered a single fender bender in the last 30 years.
- Testimony from the applicant that local law enforcement records contain no reported accidents on Belton Rd.
- Testimony from a longtime resident of the neighborhood that he rarely passes cars on Belton Rd. when coming and going from his home (2-3 times per month).
- Testimony from typical vehicle speed on Belton Rd. is low because it is narrow.
- Testimony and evidence that narrow does not equal dangerous, and that narrow streets are safer because it is obvious to drivers that they should not speed.

In contrast, project opponents have simply argued that Belton Rd. is too narrow. There is substantial evidence supporting the adequacy of Belton Rd. to serve the single additional lot and home proposed here.

Second, the code provides multiple standards by which development can proceed despite the access not meeting the street improvement standards. As discussed at the hearing, and detailed below, the SHMC allows:



St. Helens Planning Commission  
March 30, 2021  
Page 3

- The City to "accept a future improvement guarantee in lieu of street improvements if ... it is unlikely that street improvements would be extended in the foreseeable future and that improvements associate with the project under review does not, by itself, provide significant improvement to street safety or capacity." SHMC 17.152.030(1)(d)(iii). Here, a half street improvement along the full frontage of the site on Belton would not connect to any other improvements, and cause confusion among motorists and pedestrians, without any safety or capacity benefits. The applicant has proposed a future improvement guarantee.
- Exceptions to roadway width standard allowed when "potential adverse impacts exceed the public benefits of the standards" based on consideration of public benefit, including "anticipated traffic generation... on-street parking needs... drainage and slope impacts." SHMC 17.152.030(5)(a, b). Here, the proposal will cause de minimis increased traffic, full street improvements are impractical due to topography, sloping grade, established trees, and wetlands, and there are not on-street parking needs. The applicant has proposed that an exception be made to the roadway standards to allow the proposed improvement.
- Partial Street Improvements. Partial street improvements resulting in a pavement width of less than 20 feet, while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property is developed. SHMC 17.15.030(10). The applicant has proposed a partial street improvement including the turn-out.

Project opponents have not addressed any of these standards by which the code allows for development to be approved on streets that do not meet all street improvement standards. All parties do agree that requiring the applicant to improve the entire length of Belton Rd. is not proportional (roughly or otherwise) to the proposed residential partition. The applicant has demonstrated that the proposed street improvement improves the safety and function of Belton Rd. and is willing to make a future improvement guarantee.

### **III. Non-Approval Criteria**

Multiple arguments have been raised that attempt to include hypothetical future development as part of this review. Project opponents request the PC to consider future development of vacant lots that could take access from Belton Rd. This clearly is not within the scope of this partition review, and no attempt has been



St. Helens Planning Commission  
March 30, 2021  
Page 4

made to link these arguments to approval criteria. Further, project opponents assert that this partition could give rise to many additional dwellings, not just on single-family dwelling. This argument misconstrues the proposed development currently being considered by the PC, which is a two-lot partition to allow an additional single-family home. Nothing else is proposed, applicant has repeatedly expressed the intent to limit development to a single-family home, and willingness to accept a condition of approval consistent with that intent. Finally, project opponents have leveled ad hominem arguments to disparage the applicant. Some of these arguments are responded to in the attached letter from the applicant. All of these arguments are false and unrelated to any approval criteria.

#### **IV. Conclusion**

The applicant respectfully requests that the PC approve the proposed partition. The adequacy of Belton Rd. is demonstrated by substantial evidence in the record, and the proposed street improvements and improvement guarantee will ensure additional safety and capacity now and in the future. No evidence to the contrary has been provided.



## CITY OF ST. HELENS

The record was left open as requested over the last four weeks for a chance to respond after the March 9<sup>th</sup> meeting. Despite this time the facts remain the same, there is **no legal** reason to deny this partition. Our application to partition our property more than satisfies the legal requirements.

The main topic of discussion is Belton road. Belton road is a public road that as stated throughout the meeting and in the weeks that followed is a narrow road. This is obvious to those who know it due to the "mountain of rock" and topographical constraints that exists on both sides of the roadway. However "narrow does not necessarily mean unsafe" this is reiterated several times by both people who support and oppose our partition. In fact it was even stated by one who opposes our partition that Belton roads "physical limitations help ensure that cars drive slowly". It's clear that things could be done in order to improve the safety of Belton road and that is why we have voluntarily accepted the financial responsibility of several turnouts including one on the "blind 90 degree turn". We are asking that these improvements be accepted as conditions when approving this partition as they will in turn benefit our community as a whole. To ask our partition be denied unless we widen the entirety of Belton road is not only unrealistic it's also not legally acceptable for the addition of one single home.

***New evidence redacted.***

***April 5, 2021***

Our partition proposes the addition of **one single family home**, not a "housing development" that several others have eluded to in order to draw negative attention to our intentions. We have no intention on over developing this land and have volunteered to sign away our right to do so. The comments made that this partition will in turn create the development of 4-6 homes is simply not true. **There is not the space nor the desire to do so.**

***New evidence redacted.***

***April 5, 2021***

Lastly I want to address the extremely hurtful and flat out falsehoods that have been said about Andrew and I. Comments were made that we threatened or harassed others in order to get our way. These comments were made by third parties who have manipulated conversations to spin Andrew and I in an ugly light and are far from true. In the short time that Andrew and I have lived in this community we have had many conversations with our neighbors and have formed several friendly relationships. We have not and would never threatened anyone or wish "to make their lives miserable". We realize this partition has personally impacted others including ourselves. It has forced all of us to make tough decisions and as I said before at the meeting and in conversations with others, I respect the decisions we have all had to make whether they support our partition or not. This partition has been an eye opening experience as some have stooped pretty low to hurt others. Despite it all Andrew and I have stayed true to ourselves and will continue to take the high road as we see this through.



**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Annexation A.1.20**

**DATE:** April 5, 2021  
**TO:** Planning Commission  
**FROM:** Jennifer Dimsho, AICP, Associate Planner  
**APPLICANT:** Mark Comfort  
**OWNERS:** Same  
**ZONING:** Columbia County's Commercial-General (C-3)  
**LOCATION:** SW of Firway Lane & Kavanagh Ave; 4N1W-8BD-1800 & 4N1W-8CA-2900  
**PROPOSAL:** The property owner filed consent to annex to connect to City water and sewer for development of a travel trailer park which was approved under County file Site Design Review DR 20-03

**SITE INFORMATION / BACKGROUND**

The subject property is located southwest of the intersection of Firway Lane and Kavanagh Avenue, just off US Highway 30. It is a 3.58-acre vacant site which slopes towards the highway. The property is accessed by Kavanagh Avenue which is a County undeveloped gravel right-of-way without frontage improvements. McNulty water and City sewer are available within the Kavanagh Avenue right-of-way. The site has been approved with County Site Design Review file DR 20-03 for the development of a travel trailer park, which requires connection to City sewer.

**Abutting Zoning**

North: County's Commercial General (C-3)

East: City's Highway Commercial (HC) & County's Commercial General (C-3)

South: County's Commercial-General (C-3)

West: County's Single-Family Residential (R-10)



*Subject property from Kavanaugh Avenue & Firway Lane  
looking southwest*



## PUBLIC HEARING & NOTICE

**Public hearing** before the Planning Commission for *recommendation to the City Council*: **April 13, 2021**. Public hearing before the City Council: **May 19, 2021**.

**Notice** of this proposal was sent to the Oregon Department of Land Conservation and Development on **March 9, 2021** through their PAPA Online Submittal website.

**Notice** of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on **March 25, 2021** via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

**Notice** was published on March 31, 2021 in The Chronicle newspaper.

## AGENCY REFERRALS & COMMENTS

The Columbia County Planning Manager has no objection to this request and supports approval.

## APPLICABLE CRITERIA, ANALYSIS & FINDINGS

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

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

**Discussion:** **(a)(i)** The Comprehensive Plan designation for the subject property is Unincorporated Highway Commercial. Applicable designation and zoning district for annexation are discussed later.

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



There is no known conflict with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC.

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

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

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

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

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

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

Other provisions applicable to this proposal are discussed elsewhere herein.

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

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

#### **SHMC 17.08.060 – Transportation planning rule compliance**

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

"Significant" means the proposal would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or



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

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

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

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

#### **SHMC 17.28.030 (1) – Annexation criteria**

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



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

**Discussion: (a)**

**Water** – The site has access to McNulty PUD water. City water is also available in the vicinity but along the south side between the wetlands and the area proposed to be developed.

**Sewer** – Although not currently connected, there is a City sewer mainline located along Kavanagh Ave and Firway Lane. The applicant intends to connect as part of the development of the property. With regards to capacity, the City's wastewater treatment plant currently has a daily limit (physically and as permitted by DEQ) to handle over 50,000 pounds of Biochemical Oxygen Demand (BOD) and a monthly average limit of 26,862 pounds. This is the "loading" or potency of the wastewater received by the plant. The average daily BOD is well below this at only 1,500 pounds. Thus, any potential uses that occur on the subject property can be accommodated by the City's sanitary sewer system as infrastructure is in place or can be upgraded to meet the capacity demand.

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

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

**(b)** The subject property is currently vacant but has been approved by the County for use as a travel trailer park. Travel trailer parks are a conditionally permitted use in the City's Highway Commercial zoning district.

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

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

Pursuant to ORS 222.111(1), a City may only annex territory that is not within another City, and the territory must either be contiguous to the annexing City or be separated from the City only by a body of water or public right-of-way. The subject property is not within another City's jurisdiction and City of St. Helens corporate limits lies on the east side of the subject property. Although undertaking an annexation is authorized by state law, the manner in which a city proceeds with annexation is also dictated in the city charter. ORS 222.111(1) references a city's charter as well as other ORS. St. Helens' Charter requirements pertaining to annexations are noted above.



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

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

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

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

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

- ***Statewide Planning Goal 2: Land Use Planning.***  
*This goal requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.*

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

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



The subject property is served by McNulty PUD water. City sewer capacities are adequate to serve the subject property. This is explained above. The existing development is adequately served.

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

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

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

**(d)** The subject property abuts Firway Lane and Kavanaugh Street. Both are classified as local streets without sidewalks on either side. City standards require such improvements.

This annexation is related to a development proposal as noted in this report. Improvements to portions of Kavanaugh Avenue are required as part of the County’s decision. Since the final decision of County file DR 20-03 the City, County, and developer have agreed on the extent of street improvements via approval of the civil plans in March 2021. Improvements will also be a requirement of this annexation.

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

**Finding:** The annexation approval criteria are met for this proposal with conditions for completion of street improvements.

#### **SHMC 17.28.030 (2) – Annexation criteria**

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

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

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

#### **SHMC 17.112.020 – Established & Developed Area Classification criteria**

(1) Established Area.



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

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

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

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

OAR 660-008-0005 generally defines “Buildable Land” as vacant residential property not constrained by natural hazards or resources, and typically not publicly owned. The subject property is not zoned residential. This provision does not apply.

**Finding:** This provision does not apply.

## CONCLUSION & RECOMMENDATION

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

Improvements to Kavanagh Avenue as approved through Columbia County’s Site Design Review DR 20-03 process be completed to City of St. Helens and Columbia County specifications.

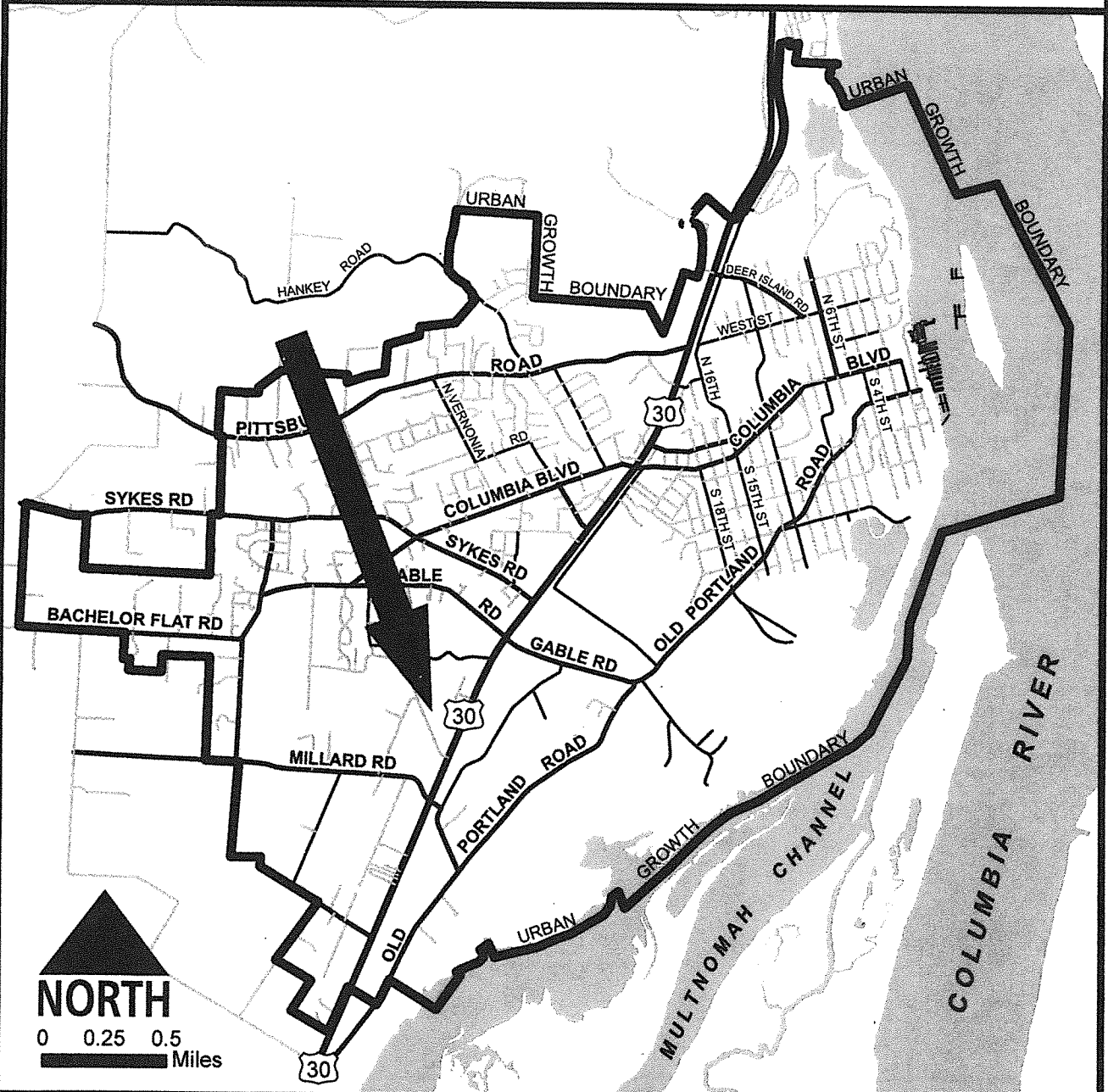
\*This annexation will **not** be subject to voter approval subsequent to this land use process. \*

**Attachments:** General Map  
County Survey #6222  
Aerial Map  
Sheet C-10 of Kavanagh Street Improvement Plans for the Deer Meadow RV Park



# SUBJECT PROPERTY

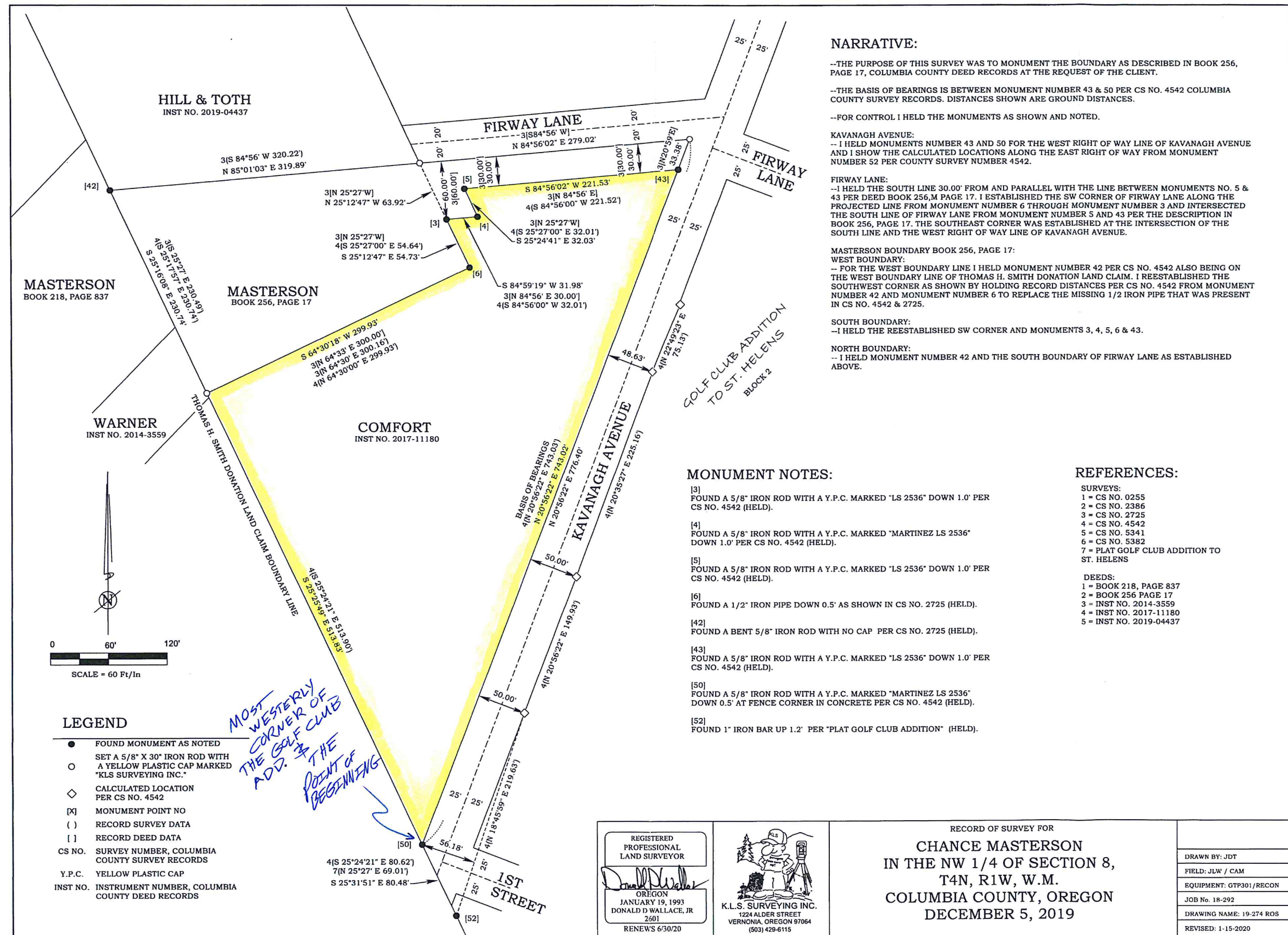
~ Approximate Location ~



City of St. Helens Urban Growth Boundary Area Vicinity

jag/Dec. 2013







*Item C.*

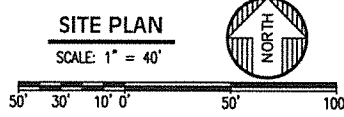
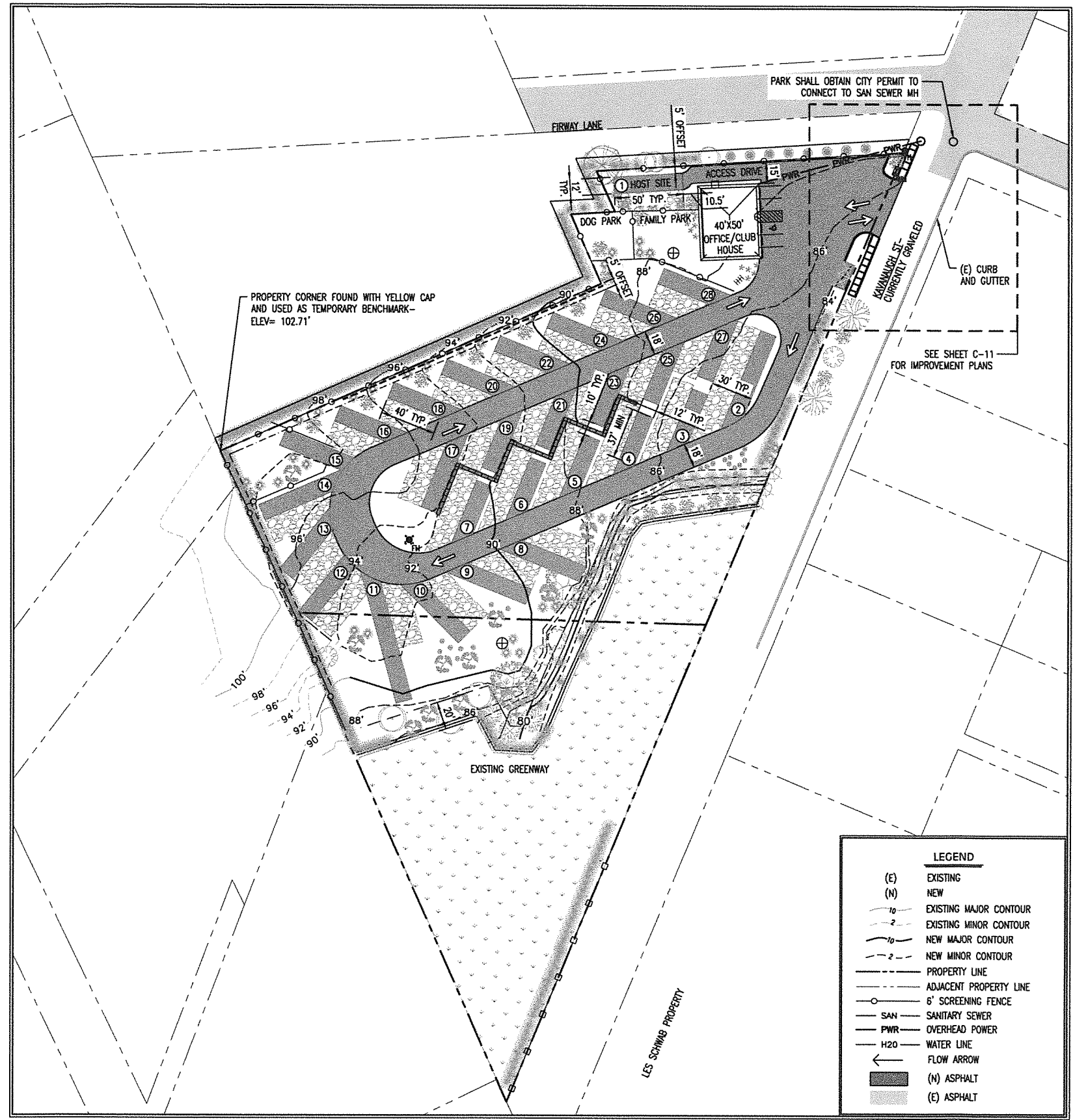




# KAVANAUGH ST IMPROVEMENTS

## DEER MEADOW RV PARK

### ST. HELENS, OR



LEGEND	
(E)	EXISTING
(N)	NEW
10	EXISTING MAJOR CONTOUR
2	EXISTING MINOR CONTOUR
10	NEW MAJOR CONTOUR
2	NEW MINOR CONTOUR
---	PROPERTY LINE
---	ADJACENT PROPERTY LINE
---	6' SCREENING FENCE
---	SANITARY SEWER
---	OVERHEAD POWER
---	WATER LINE
---	FLOW ARROW
---	(N) ASPHALT
---	(E) ASPHALT

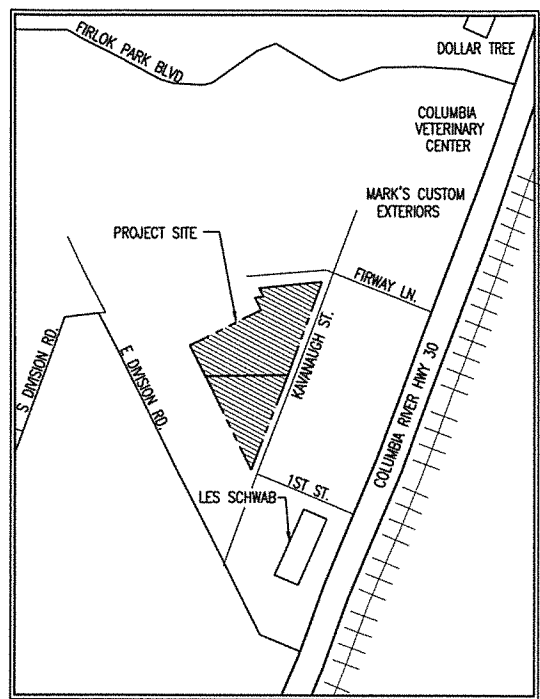
#### PROJECT TEAM

**CIVIL ENGINEER**  
LOWER COLUMBIA ENGINEERING, LLC  
58640 McNULTY WAY, ST. HELENS, OR 97051  
PHONE: (503) 366-0399  
CONTACTS: ANDREW NIEMI, P.E.  
andrew@lowercolumbiaengr.com

**OWNER**  
MARK COMFORT  
PO BOX 284  
ST. HELENS, OREGON 97051  
PHONE: (503) 396-0271  
m.comfortconstruction@gmail.com

#### GENERAL NOTES

- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ST. HELENS, OREGON STANDARD SPECIFICATIONS AND STANDARD DRAWINGS FOR CONSTRUCTION, STANDARD PLANS AND SPECIFICATIONS, AS APPLICABLE.
- PRIOR TO ANY CONSTRUCTION, LOCATIONS OF EXISTING UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR. WHEN ACTUAL CONDITIONS DIFFER FROM THOSE SHOWN ON THE PLANS, THE CONTRACTOR SHALL NOTIFY THE CITY PRIOR TO PROCEEDING WITH CONSTRUCTION.
- ORGANIC AND UNDESIRABLE MATERIAL SHALL BE REMOVED FROM THE CONSTRUCTION AREA AS DIRECTED BY THE CITY ENGINEER.
- CONTRACTOR TO LEAVE ALL AREAS OF PROJECT FREE OF DEBRIS AND UNUSED CONSTRUCTION MATERIAL.
- ALL FILL AREAS SHALL BE STRIPPED OF ORGANIC MATERIAL. FILL WILL BE PLACED IN 9-INCH LIFTS AND COMPACTED TO 95% RELATIVE MAXIMUM DENSITY ACCORDING TO AASHTO T-99 STANDARDS. BASE ROCK IN THE STREET WILL BE COMPACTED TO 95% AASHTO T-180. LANDSCAPED AREAS WILL BE COMPACTED TO 90%. THE CONTRACTOR WILL PROVIDE DENSITY TESTING A MAXIMUM OF ONE FOR EVERY 10,000 SQUARE FEET OF AREA AND 2 FEET OF FILL PLACED. ADDITIONAL COMPACTION TESTS MAY BE REQUIRED BY THE CITY IF POOR COMPACTION EFFORTS ARE OBSERVED DURING CONSTRUCTION. COMPACTION REPORTS FROM A REPUTABLE TESTING LAB WILL BE SUPPLIED TO THE CITY.
- ANY CHANGES FROM APPROVED PLANS SHALL BE APPROVED BY THE CITY AND THE APPROPRIATE AGENCIES. COMPLEXITY OF MODIFICATIONS WILL DETERMINE IF REVISED PLANS ARE REQUIRED.
- ALL DISTURBED AREAS NOT LANDSCAPED ARE TO BE HYDROSEEDING OR BEDDED IN STRAW TO PREVENT EROSION.
- ONE SET OF PLANS SHALL BE KEPT ON SITE DURING ALL CONSTRUCTION. ANY CHANGES OR MODIFICATIONS SHALL BE NOTED AND KEPT AS REDLINE DRAWINGS TO BE SUBMITTED TO THE CITY WHEN THE PROJECT IS COMPLETED.
- A PRE-CONSTRUCTION MEETING WITH THE CITY, COUNTY AND THE CONTRACTOR IS REQUIRED PRIOR TO THE START OF CONSTRUCTION.



**VICINITY MAP**  
SCALE: NTS



#### DRAWING INDEX

DRAWING NUMBER	DESCRIPTION
D-2783-C-10	KAVANAUGH ST IMPROVEMENTS- COVER SHEET
D-2783-C-11	KAVANAUGH ST IMPROVEMENTS- PLANS
D-2783-C-12	KAVANAUGH ST IMPROVEMENTS- DETAILS

#### UTILITY LOCATES

(48 HOUR NOTICE PRIOR TO EXCAVATION)  
OREGON LAW REQUIRES YOU TO FOLLOW THE RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 952-001-0090. (YOU MAY OBTAIN COPIES OF THE RULES FROM THE CENTER BY CALLING 503 232 1987.)

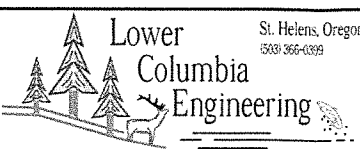
**ONE CALL SYSTEM.....1 800 332 2344**  
**ON LINE .... <http://www.callbeforeyoudig.org/>**

P-530  
R-700

REV.	REVISION RECORD	DATE
A	ADDRESS CITY'S COMMENTS	02/01/2021
C	ADDRESS CITY'S COMMENTS	02/24/2021

DATE: 02/25/2021  
REVISED PRINT  
VOID ALL PREVIOUS

DATE: 01/11/2021  
ISSUED  
FOR APPROVAL



PROJ. NO.	2783	KAVANAUGH ST IMPROVEMENTS- COVER SHEET
DWG. BY	RPB	DEER MEADOW RV PARK- KAVANAUGH ST
APPR. BY	RPB	MARK COMFORT
FILE	D-2783-C-10-B	DATE 12/28/2020

SHEET  
**C-10**



**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Variance V.1.21**

**DATE:** April 5, 2021  
**TO:** Planning Commission  
**FROM:** Jennifer Dimsho, AICP, Associate Planner

**APPLICANT:** Steve Pegram & Paula Sheeley  
**OWNER:** Same as applicant

**ZONING:** Apartment Residential AR  
**LOCATION:** 164 S. 1<sup>st</sup> Street  
**PROPOSAL:** Variance to allow a reduced front yard (setback)

The 120-day rule (ORS 227.178) for final action for this land use decision is **July 6, 2021**.

**SITE INFORMATION / BACKGROUND**

The site is developed with a detached single-family dwelling with paved access from S. 1<sup>st</sup> Street. River Street abuts the rear property line, making this property a “through lot” or a lot with frontage on two parallel streets. In 2020, the applicant received a 20-foot street vacation (VAC.1.20) of River Street, which increased the lot size from 5,800 sq. ft. to 6,960 sq. ft. There is an existing two-level deck/patio that runs along the rear of the property which was brought into compliance with setbacks with the granted street vacation. This rear deck/patio will not change in size with this request. The applicant’s variance request is part of a larger remodel of the home, which includes the following:

- Increase in the building footprint near the front entry
- Demolition of an existing two-car carport
- Demolition of a non-conforming detached accessory structure which encroaches into the S.1<sup>st</sup> Street right-of-way
- Construction of a new enclosed, attached two-car garage
- Construction of a new 2<sup>nd</sup> floor dwelling on top of the new garage

For the new garage and dwelling unit, the setback on the 1<sup>st</sup> floor is 16.5 feet, but the dwelling on the 2<sup>nd</sup> floor includes a 3-foot cantilevered structure which makes the front yard (setback) 13.5 feet. This is a variance request to reduce the 20-foot front setback to 13.5 feet.

Note that Development Code changes (CPZA.1.21) will allow duplexes on all lots that allow detached single-family dwellings. The specific code changes will go before City Council for approval on April 7, 2021 by City Council. If approved, the applicant will be utilizing these new code changes when they apply for their building permits. A duplex is possible on this lot now, however the standards that will apply based on CPZA.1.21 are different.

Photos of the structures on the property are included on the next page.





Top: Taken looking north on S. 1<sup>st</sup> Street.

White building is the detached non-conforming accessory structure to be removed with the remodel.

Carport next to white building will be removed and replaced with a 2-car garage and a dwelling on the 2<sup>nd</sup> floor. The location of the setback variance is in between the two structures.



Bottom: Taken looking at the front of the SFD from across S. 1<sup>st</sup> Street.



## PUBLIC HEARING & NOTICE

**Public hearing** before the Planning Commission: April 13, 2021

**Notice** of this proposal was sent to surrounding property owners within 100 feet of the subject property on March 24, 2021 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

**Notice** was published on March 31, 2021 in The Chronicle newspaper.

## AGENCY REFERRALS & COMMENTS

As of the date of this staff report, there have been no relevant agency comments.

## APPLICABLE CRITERIA, ANALYSIS & FINDINGS

### CRITERIA:

#### **SHMC 17.108.050 (1) – Criteria for granting a Variance**

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

The Commission needs to find all these criteria **(a) – (e)** are met in order to approve the variance.

In addition, **SHMC 17.64.050 (1) Projections into required yards** is relevant to this proposal.

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

The site plan shows a new eave along the northern property line about 2.5 feet from the property line. The applicant has stated that this eave is intended be at least 3 feet from the property line. If the new eave is less than 3 feet from the property line, a separate variance is required. The



Building Department would also have to approve it. If this Variance is approved, this is a recommended condition of approval.

#### **FINDINGS:**

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

- See applicant's narrative.
- Staff comments: The applicant will be removing an unsightly and non-conforming accessory structure that is currently entirely within the front setback. If granted, the negative visual impact of the new two-car garage and dwelling unit could be less significant since the new structure will be 13.5 feet from the property line, as opposed to a 1'7" encroachment into the right-of-way. The Commission can find that increasing setback conformance supports that this Variance will not be detrimental to neighboring properties.
- **Note:** The applicant was required to apply for a Site Design Review (Scenic Resource) since the new development is over 15 feet in height on S. 1<sup>st</sup> Street. Neighbors have until April 7, 2021 to comment on any potentially obstructed views of the Columbia River. As of the date of this staff report, no comments have been received. If no comments are received, the SDRsv decision will become final on April 19, 2021.

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

- See applicant's narrative.
- Staff comments: The existing detached single-family dwelling was built at least 60 years ago. It was developed with multiple setback requirements which do not meet current standards. The Commission can find that it is unique to have a lot with a structure that encroaches into the right-of-way. In pursuit of bringing the property into compliance with setback requirements, the applicant pursued a street vacation which is also unique to this property.

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

- See applicant's narrative.
- Staff comment: The applicant is not requesting a use variance.

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

- See applicant's narrative.
- Staff comment: Vision clearance is an important aspect to this criterion, given the proximity of the proposed setback variance to the driveway and S. 1<sup>st</sup> Street, which is classified as a collector street. The existing non-conforming structure absolutely creates a visual obstruction and safety hazard for vehicles pulling out onto S. 1<sup>st</sup> Street. The location of the proposed structure will be 16.5 feet from the property line with a 2<sup>nd</sup> floor



obstruction (no structure until 8 feet from the ground) 13.5 feet from the property line. Replacement of the existing structure with this proposed structure will improve vision clearance substantially.

- There is currently no landscaping or permeable surface within the front setback of this property. The applicant is proposing to remove a structure and convert a portion of the existing paved driveway into a permeable driveway, which will assist with stormwater management.

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

- See applicant's narrative. The applicant notes purchase of the property occurred in 2018.
- Staff comments: Regarding the minimum necessary, the applicant is proposing a 16.5 front setback on the first floor (as opposed to a 13.5 front setback on both floors), which helps reduce the visual impact of the variance request.
- **Given the improvements to setback compliance and vision clearance with the proposed remodel, does the Commission feel that this variance is the minimum necessary to alleviate the hardship?** The Commission can choose to grant a smaller front setback variance or the full request.

#### CONCLUSION & RECOMMENDATION

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

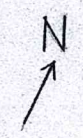
1. This Variance approval is valid for a limited time pursuant to SHMC 17.108.040.
2. The new eave along the north property line is to be at least 3 feet from the property line, not 2.5 feet as shown on the site plan. **An eave less than 3 feet from the property line will require a separate Variance and approval from the Building Department.**
3. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variance(s) granted herein.

**Attachments:** *Site Plan, Building Elevations (2), Floor Plans (3), Applicant's Narrative (2)*

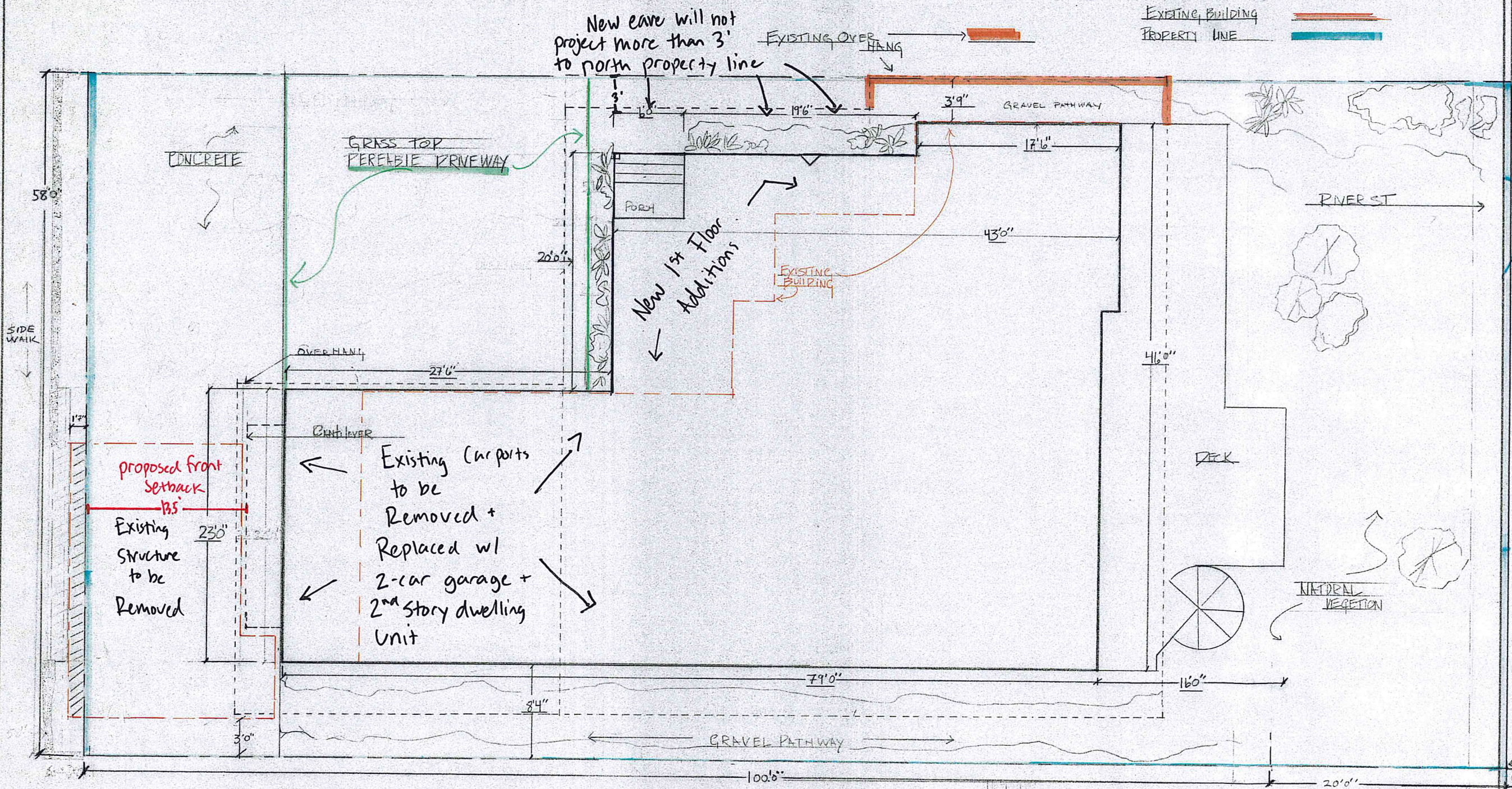


# SDRsv.1.21 + V.1.21 Site Plan

REVISIONS	BY
2-21	



ENCROACHMENT  
EXISTING BUILDING  
PROPERTY LINE



PERMANENT REMODEL  
164 SOUTH 1ST  
ST. HELENS, OR 97051

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Scale	1/4" = 1'
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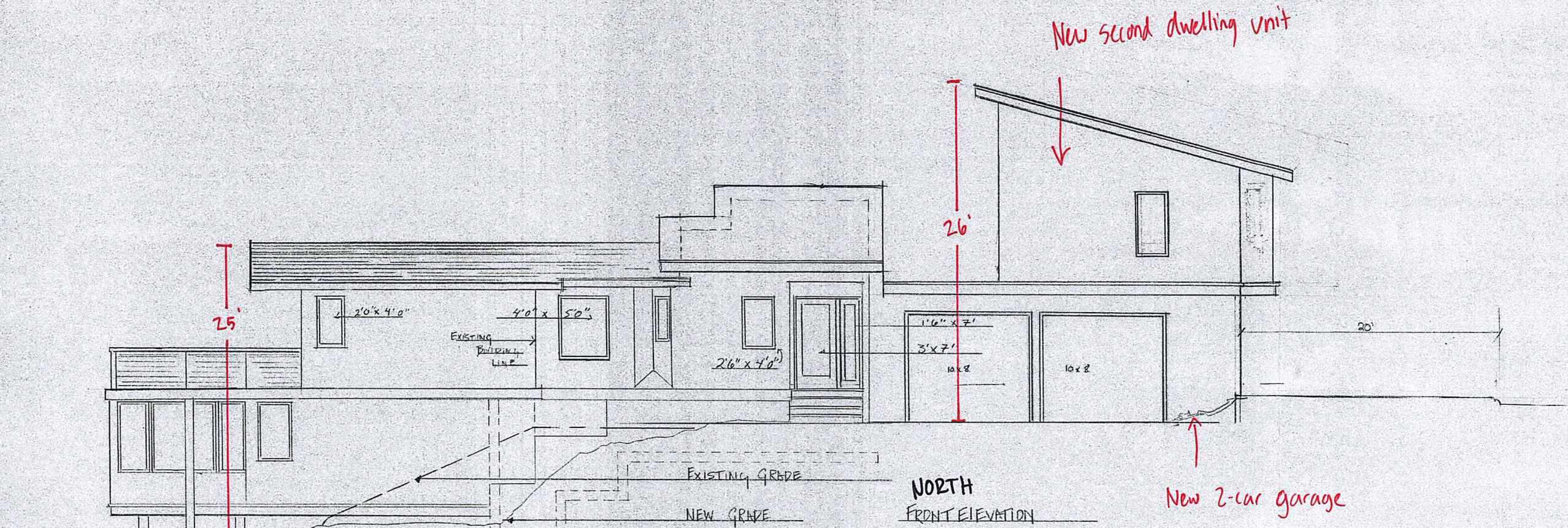


# SDRsv.1.21 + V.1.21 Elevations (1)

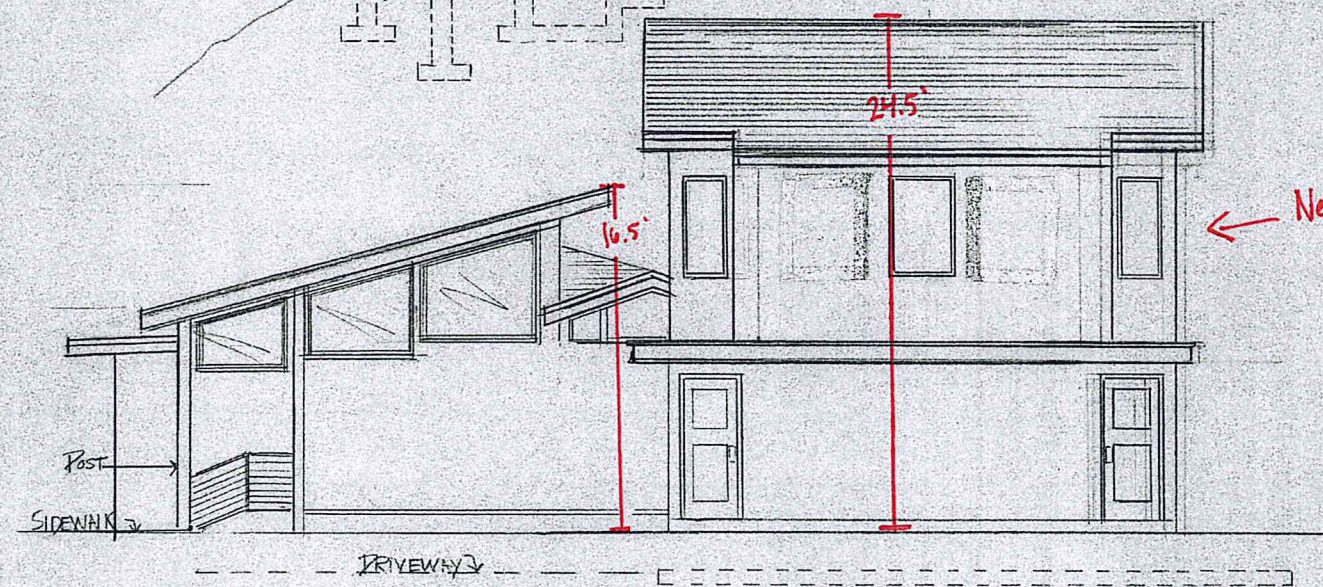
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2-21



NORTH  
FRONT ELEVATION



WEST  
LEFTSIDE ELEVATION

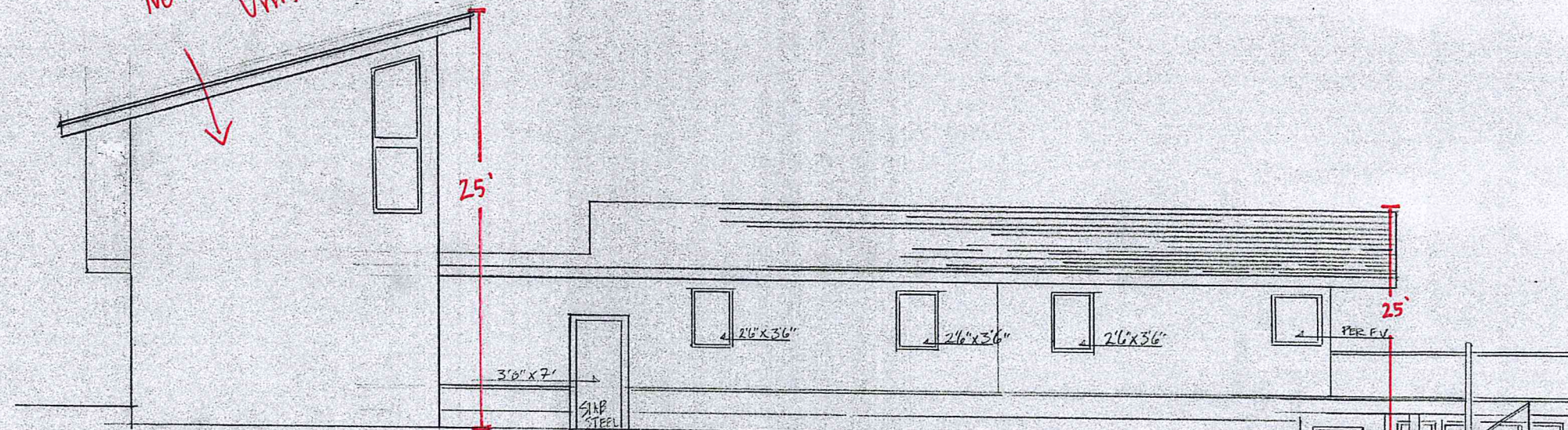
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ST. HELENS, OR 97057

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SDP sv.1.21 + V.1.21 Elevations (2)

New second dwelling unit



SOUTH  
EAST RIGHT SIDE ELEVATION

New second dwelling unit



EAST  
RIVERSIDE ELEVATION

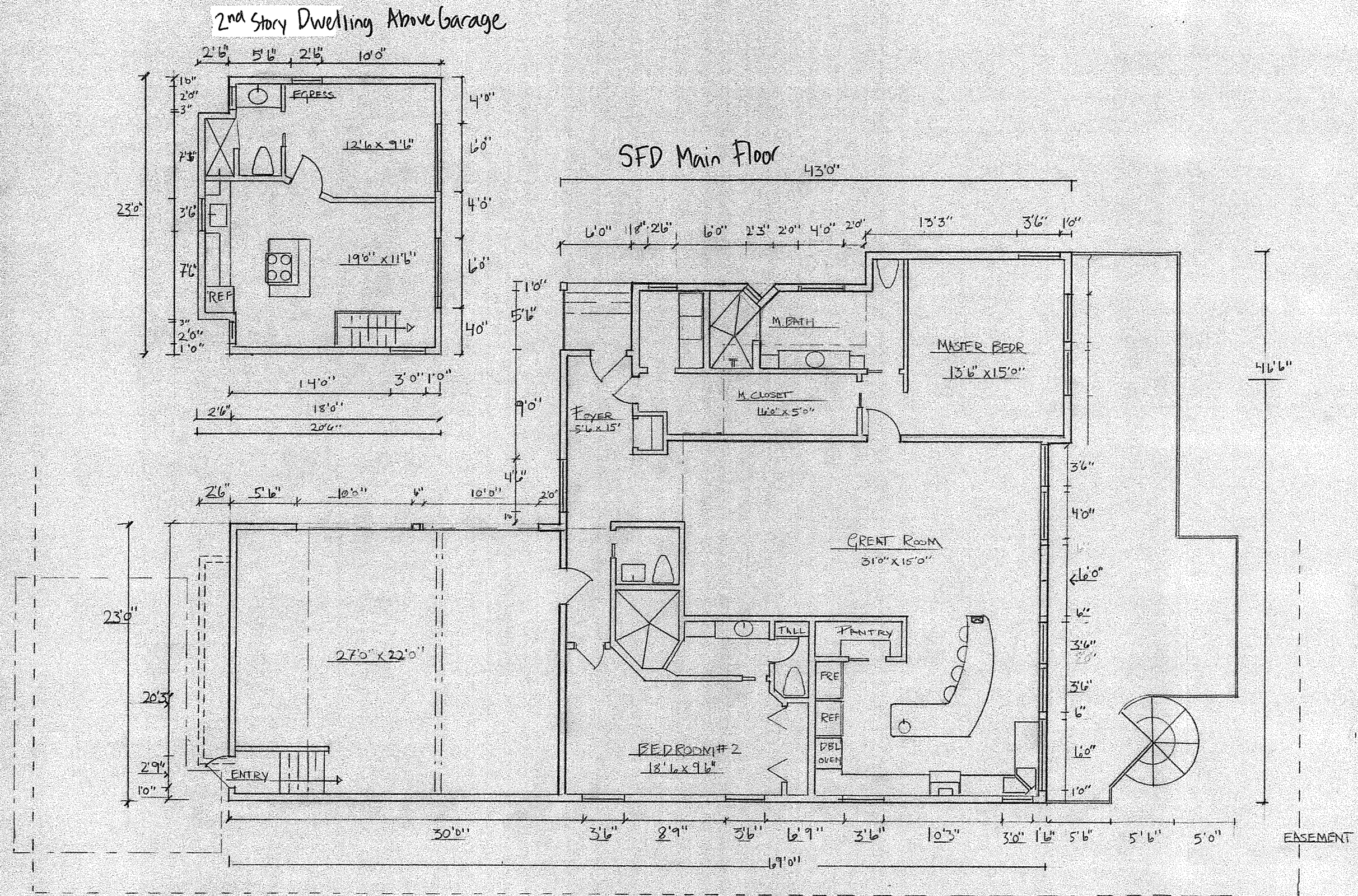
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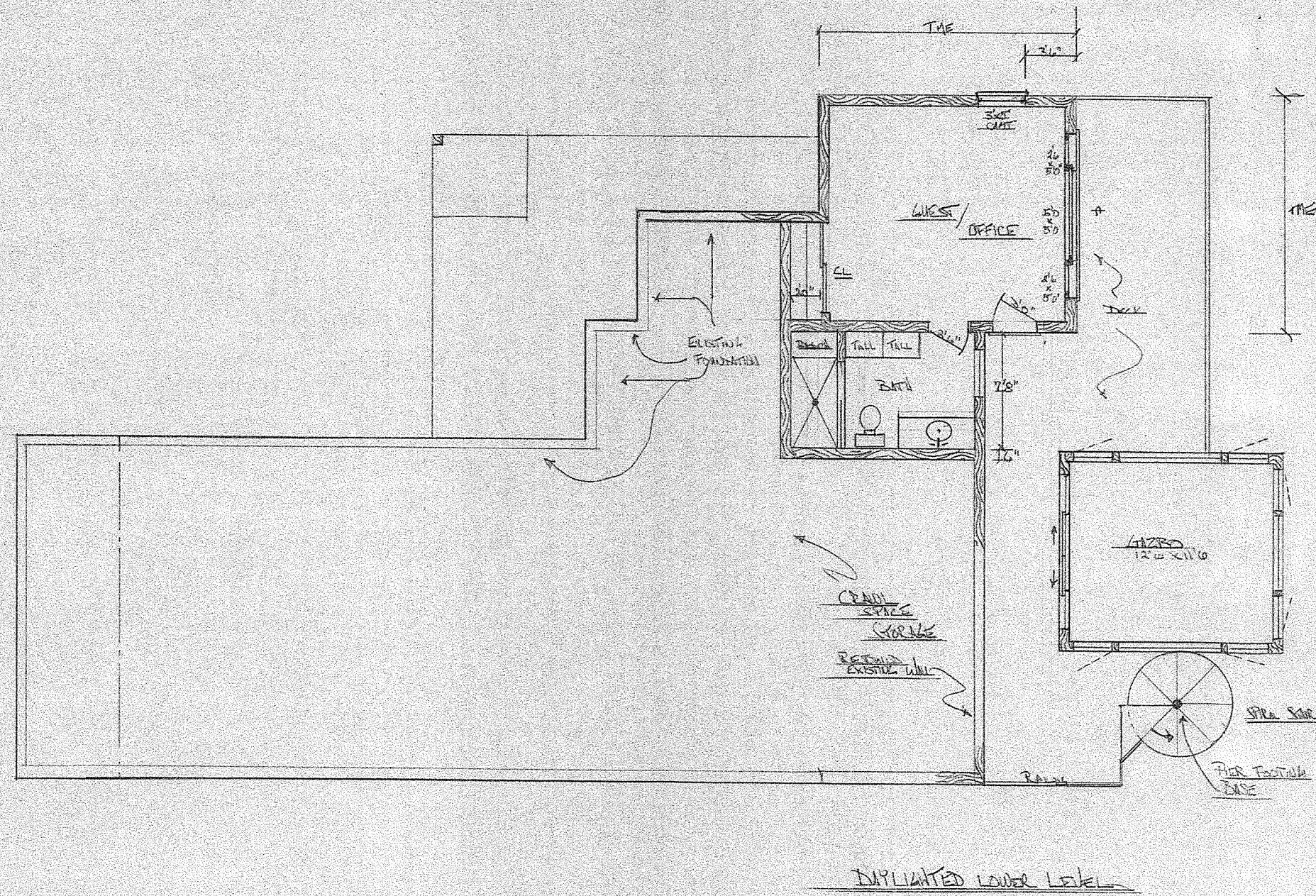
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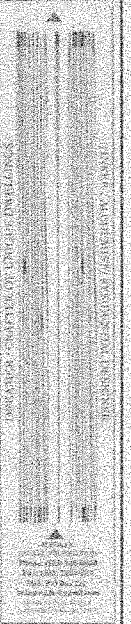


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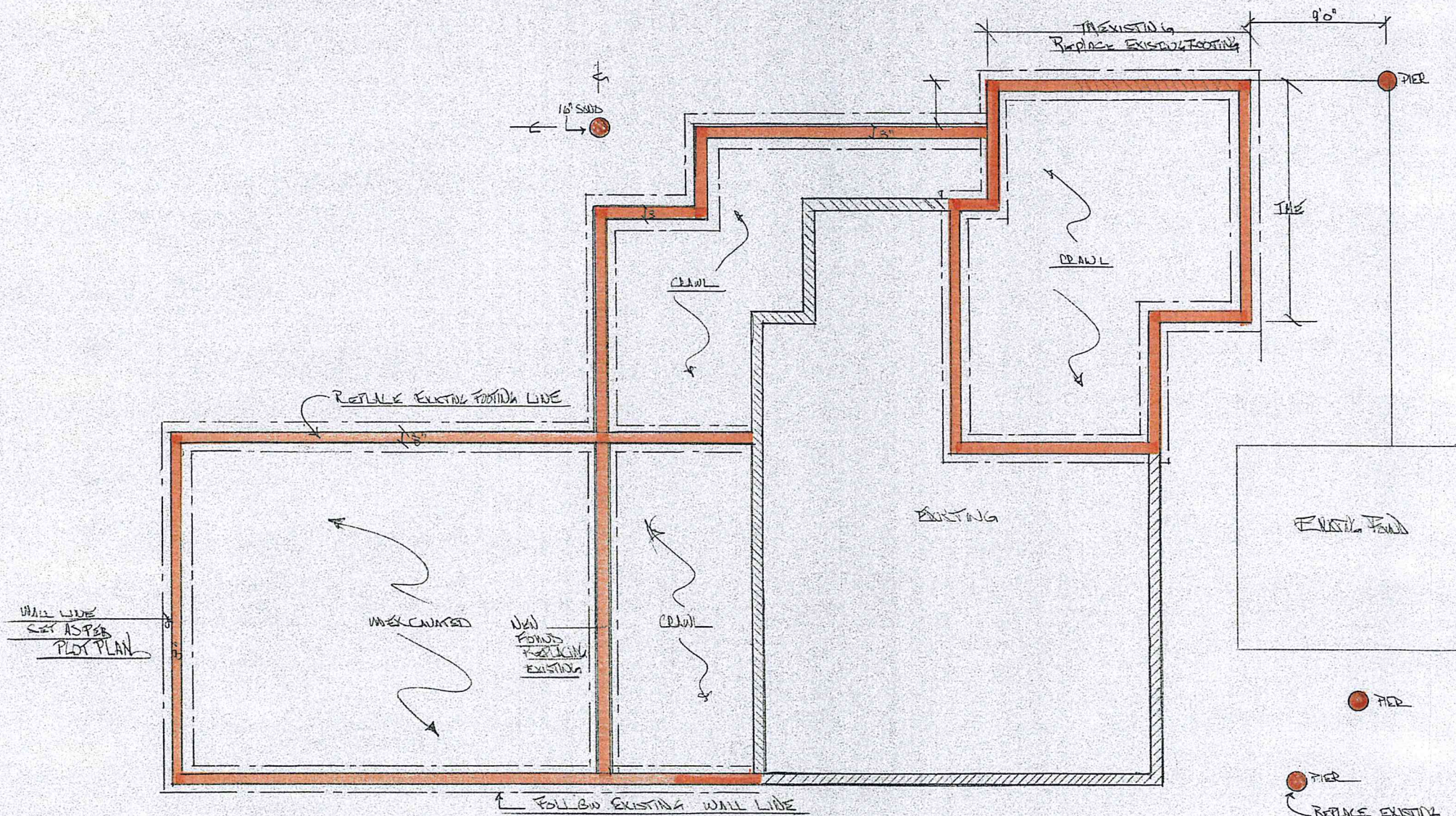
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PROGRAM RECONSTRUCTION  
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EXISTING FOUNDATION LINE =

NEW FOUNDATION =

NOTE: VERIFY ALL FOUNDATION DETAILS REFER TO ENGINEERING REPORT

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Date: 03 December 2020

To: City Planner

From: Steve Pegram

Subj: 160 S 1<sup>st</sup> St Variance Request (V.1.21 Narrative)

We are requesting a variance to the setback requirements at the above captioned property. I have addressed the five variance criteria below.

- A. The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and not be significantly detrimental in its consequence to other properties in the same zoning district or vicinity.

**The existing buildings are non-conforming since originally constructed in 1960. There is currently a building that abuts the sidewalk (property line) and is actually 1' 7" over the line. In addition to being nonconforming, this is unsightly and poses a significant hazard for ingress and egress to the property.**

**As part of the remodel, we propose to demolish this building. We will also be demolishing the existing carports and replacing them with a two-car garage. The new building will be 13.5' setback from the property line. However, this does not meet the full setback (front) requirement of 20' feet. We are requesting a 6.5' variance for this distance.**

- B. There are special circumstances that exist which are peculiar to the lot size or shape, topography, or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district.

**The buildings that have been in place since 1960 do not meet current setback requirements. In order to help mitigate these discrepancies, we requested and were granted a vacation from the City of Saint Helens of 20' on the rear of the property (the existing house was actually about 5' over the rear property line). Removing the existing building that encroaches the sidewalk will improve neighborhood esthetics and greatly improve safety of ingress and egress to the street.**

- C. The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land.

**The house is currently zoned residential, and it will remain in residential use. No zoning change requested.**

(River Street)



- D. Existing physical and natural systems such as, but not limited to, traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code.

**Ingress and egress to the property is currently unsafe due to the existing building blocking the view of the driver, particularly when exiting the property. The proposed variance will eliminate this hazard.**

**We are proposing a permeable driveway system (addressed separately) that will replace the existing asphalt. Currently, 100% of the property between the house and the sidewalk is paved or covered by a structure. The permeable system will replace a substantial portion of this pavement allowing much better drainage and storm water management. There will be a paved transition from the sidewalk to the permeable driveway system of approximately 20 feet due to the sloping nature of the property and to mitigate any possible carrying of debris onto the public sidewalk or street.**

- E. The hardship is not self-imposed, and the variance requested is the minimum variance which would alleviate the hardship.

**The requested variance is due to the way this property was laid out and the buildings constructed and sited in 1960. The current owners acquired the property in 2018. The hardship is historical and not self-imposed.**



# CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

**Date:** 3.30.2021

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

## PLANNING ADMINISTRATION—PREAPPLICATIONS MEETINGS

Conducted a pre-application meeting for a potential drive through restaurant for the remaining commercial lot of the Matzen Subdivision (where the old mobile home park used to be) by Legacy and Grocery Outlet (under construction). This is a known fast-food chain, but one not currently (or previously) in St. Helens or Scappoose. Hint, it is a chicken place.

Attended a Columbia County pre-application meeting for a proposal to divide property with several existing dwellings within St. Helens' Urban Growth Area. The property is along Bachelor Flat Road, a bit west of Ross Road and about half is within the Urban Growth Boundary and the other half out.

## PLANNING ADMINISTRATION—MISC.

Continue to work on the code amendments, largely related to HB2001. Following the Planning Commission hearing this month, various documents were updated based on the Commission's hearing and technicalities of law as discussed with DLCD and the Fair Housing Council of Oregon in preparation for the public hearing with the Council on April 7, 2021. The proposes text amendment and summary by chapter documents have been updated on the 2021 Development Code Amendments web page:

<https://www.sthelensoregon.gov/planning/page/2021-development-code-amendments>

Assisted our Engineering Department with their Sewer master planning efforts. Latest involvement has been growth assumptions. Like most plans, these have a 20-year outlook.

Prepared legal descriptions and maps for Oregon Department of Revenue preliminary review for the first two annexations of 2021. Public hearings to be scheduled later this year.

Completed the required biannual harassment training; online class this time due to COVID-19.

## DEVELOPMENT CODE ENFORCEMENT

Last month (maybe late January) some fill was placed next to a home close to downtown to expand parking for the home. However, the lot with the fill is separate from the home lot and not zoned residential, it is zoned Riverfront District. Have been in contact with the owner and how to resolve the issue. Finally, sent correspondence on the matter on March 25, 2021.



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

March 9, 2021 meeting (outcome): The public hearing was closed for the first public hearing of the night—a 2-parcel land partition on Belton Road—but the record was left open for additional written testimony. Deliberations on this matter scheduled for the April meeting.

The other public hearing was for the 2021 code amendments, which the Commission recommends approval to the Council with some minor changes and recommendations as to parking flexibility options.

April 13, 2021 meeting (upcoming): Deliberations will continue for the Belton Road partition public hearing that occurs at the March 9, 2021 meeting. There will be two additional public hearings: one for an annexation of property along Kavanagh Avenue proposed to be developed as an RV park and a second for a yard reduction Variance along the 100 block of S. 1<sup>st</sup> Street.

## **GEOGRAPHIC INFORMATION SYSTEMS (GIS)**

Annual software maintenance for the Planning and Engineering Departments.

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

Later this week, both Associate Planner Dimsho and I are scheduled to talk with PGE's planner about a potential new substation and the recently adopted parcelization plan for the site. We've kept PGE aware of the parcelization plan and even dedicated a parcel for the substation. Will know more about their concerns soon.

## **MILLARD ROAD PROPERTY**

Associate Planner Dimsho and I have been working with the City Administrator on a Request for Proposal for developers for the Millard Road property. Anticipate seeking Council approval at one of the April meetings.

## **DALTON LAKE**

The city continues to pursue purchase. We must use an ODOT approved appraiser as part of the process. The **attached** summary was requested by the appraiser as part of that effort. This is good information for you as we look ahead at acquisition and eventual annexation.

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





## CITY OF ST. HELENS PLANNING DEPARTMENT

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

**TO:** John Walsh, City Administrator  
**FROM:** Jacob A. Graichen, AICP, City Planner  
**RE:** ODOT Surplus - Dalton Lake Property - #: PM205A-001  
**DATE:** March 11, 2021

The property is outside of city limits, but with the St. Helens Urban Growth Boundary and adjacent to St. Helens' municipal boundary on three sides (west, south, and east). It is eligible for annexation to St. Helens.

According to the Columbia County Web Maps <http://65.122.151.216/geomoose2/> it is currently zoned Columbia County's Primary Forest PF-80. Upon annexation, the city's zoning would apply.

The St. Helens Comprehensive Plan designates the property as Urban Open Space, UOS. This is the only property within the St. Helens Urban Growth Area with this designation.

Per SHMC 19.12.120(2)(c):

Upon annexation to the city, zone Dalton Lake as open space. "Open space" is not a current zoning district and may need to be created in conjunction with annexation.

Chapter 17.44 SHMC identifies several categories of sensitive lands. Per SHMC 17.44.010(1)(h):

(1) Sensitive lands are lands potentially unsuitable for development because of their location within:

(h) Open space/open space design review areas shown on the comprehensive plan map.

Thus, the City has planned this property as a sensitive land open space. In addition to the open space designation, the site has other sensitive lands thereon, including:

- The site abuts the Columbia River with 75' upland protection zone\* required per Chapter 17.40 SHMC.
- Wetland D-16, otherwise known as Dalton Lake, makes up the majority of this site and includes a 75' upland protection zone\* required per Chapter 17.40 SHMC.
- The City's wetland inventory also identified Wetland D-17 between the Columbia River and Dalton Lake. Like Dalton Lake itself, D-17 includes a 75' upland protection zone\*.
- A majority of the site is included in an "area of special flood hazard" more commonly referred to as the 100 year floodplain as identified on FEMA FIRM Panel 41009C0345D.

\* In St. Helens, upland protection zones are protected like wetland or riparian areas.

Given substantial sensitive land constraints as described, the highest and best uses of this property are limited. Generally, nature park with limited development such as trails and low impact amenities (trails, benches, bird watching blinds), and/or nature conservancy are anticipated.

The site also provides a nonvehicular link between St. Helens and Columbia City to the north and an alternate route for emergency response as all of St. Helens' railroad crossings are at grade, whereas Columbia City has a crossing with a road overpass, which could be valuable if a train event blocks all St. Helens railroad crossings which would create a wall dividing the St. Helens in half.



# St. Helens Local Wetland Inventory Map

Information shown on this map is of a generalized nature. In all cases, actual field conditions determine wetland boundaries. There may be unmapped wetlands subject to regulation.

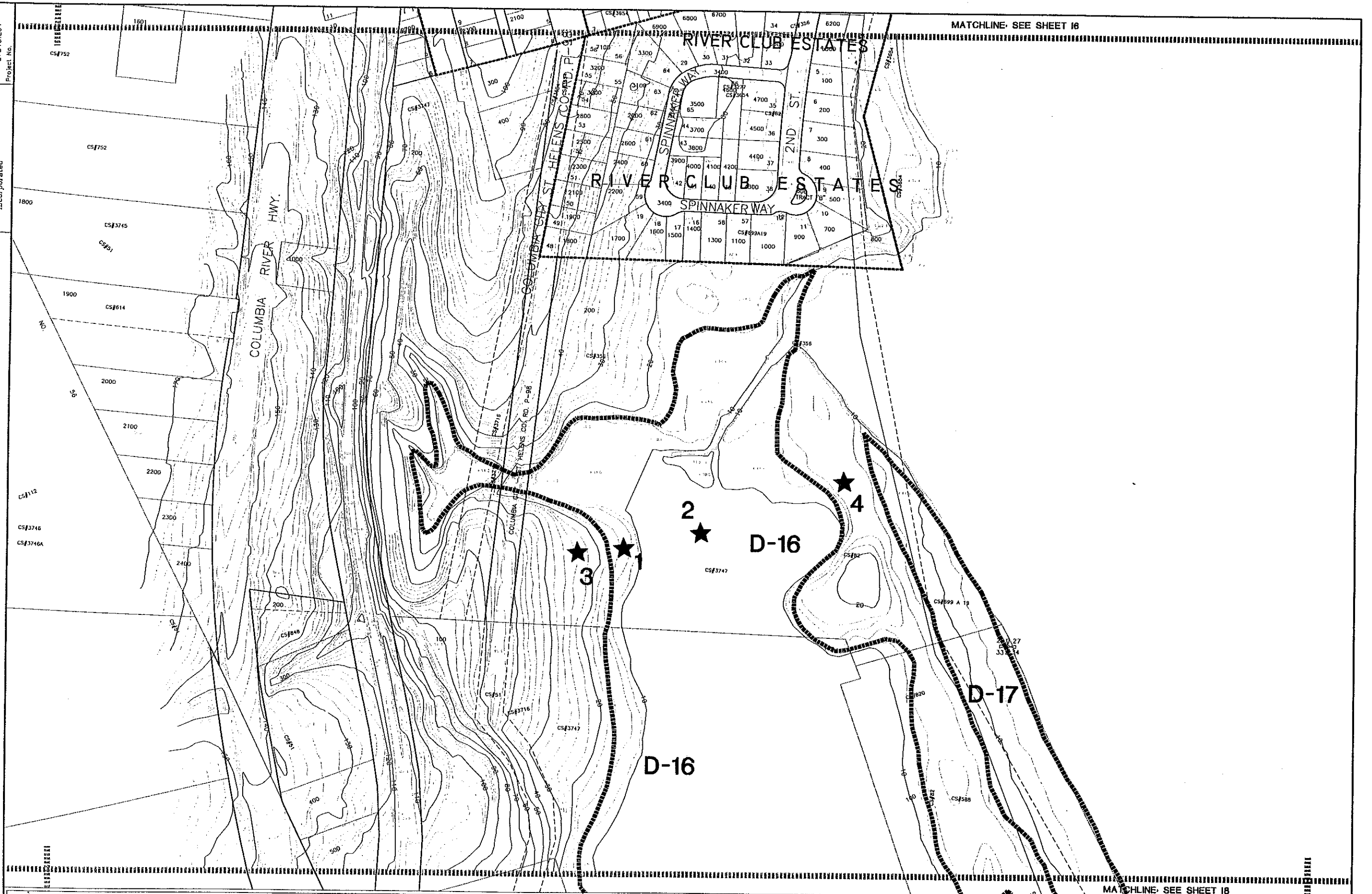
City of St. Helens  
City Hall  
265 Strand St.  
St. Helens, OR 97051

Current LWI Mapping  
Completed 11/11/97

Consultants:  
**otak**  
PALSA, L.L.C.  
Engineering  
Science & Policy  
Incorporated

17

Sheet No.  
L7813.L01  
Project No.



## LEGEND



Wetland Boundary

Data Point

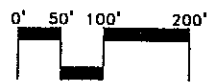
Wetland/Upland Mosaic

OD  
AW  
(4)





Off-Site Determination

Artificial Wetland

Wetland Code





<h1>St. Helens Local Wetland Inventory Map</h1> <p>Information shown on this map is of a generalized nature. In all cases, actual field conditions determine wetland boundaries. There may be unmapped wetlands subject to regulation.</p> <p>City of St. Helens  City Hall  263 Strand St.  St. Helens, OR 97051</p>	<p>Consultants:</p> <div data-bbox="195 780 223 1058">  <p>PALSA, L.L.C.  Environmental  Science &amp; Policy</p> </div> <p>Current LWI Mapping  Completed 11/11/97</p>	<div data-bbox="248 1300 261 1429">  </div> <div data-bbox="267 1485 279 1614">  </div> <div data-bbox="285 1671 298 1800">  </div> <div data-bbox="292 1745 304 1856"> <p>Sheet No. <b>18</b></p> <p>L7813.L01</p> </div>
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Current LWI Mapping  
Completed 11/11/97

otak  
Incorporated

Sheet No. 17813.L01  
Project No.





**From:** [Jennifer Dimsho](#)  
**To:** [Jacob Graichen](#)  
**Subject:** March Planning Department Report  
**Date:** Friday, March 26, 2021 10:59:14 AM

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Here are my additions to the March Planning Department Report.

## GRANTS

1. **OPRD - Local Government Grant – Campbell Park Improvements** (\$187k) includes replacement of four existing tennis courts and two basketball courts with two tennis flex courts and one flex sport court, adds a picnic viewing area, improves natural stormwater facilities, expands parking, and improves ADA access. Grant deadline is October 2021. Soil conditions are requiring a different approach to ensure that the concrete pad will not settle. Sue is working with a Geotech and a contractor to apply a concrete amendment to the stabilize the soil. Anticipated retention area will be planted in October after SBWC native plant sale on October 9.
2. **CDBG- Columbia Pacific Food Bank Project** – Selected contractor for \$1.6 million bid. Contract documents signed on 01/04/21. Construction to begin by JH Kelly to begin in March. Received 1-year time extension and budget modification to accommodate the overage of the estimated construction cost. Received mechanical/plumbing permits. Processed first contract payment to JH Kelly. Project to be completed by December 2021.
3. **Safe Routes to School - Columbia Blvd. Sidewalk Project** – Construction timeline provided by David Evans, who is working through design/engineering process. Worked through change to schedule to allow an additional year for bidding the project to allow the County to replace a culvert which collapsed in 2020 during a heavy rainstorm. New schedule has bidding of the project in January 2022, with construction occurring Summer 2022.
4. **Business Oregon – Infrastructure Finance Authority** – Application for a low-interest loan to fund the streets, utilities, and Riverwalk on the Riverfront property. Resolution to apply approved by Council on 3/17. Submitted a full application in early March for board approval in June 2021.
5. **Oregon Watershed Enhancement Board (OWEB)** – Awarded grant (approximately \$12k) to the Scappoose Bay Watershed Council in a partnership with the City for natural enhancements of the 5<sup>th</sup> Street trail and Nob Hill Nature Park. 2<sup>nd</sup> Meeting on 2/2 to discuss grant timeline and scope of work. Continued tracking all in-kind contributions from the City on this effort.
6. **OPRD – Local Government Grant Program** – 500k request submitted back in May 2020 for Riverwalk construction. Our project was recommended for approval for 338k! Less than 30% of the projects were successful and our project was right at the cut off line, which is why we were awarded less than our request. Grant agreements are being drafted by the state to be presented to Council for authorization as soon as they are complete.

## MISC

7. **Bennett Building** (Water Department/ UB) – Site visit/measurements on 01/08/21 for Phase I work which includes all new window replacement designed by Arciform and fabricated/installed by Versatile Wood Products. Selected black high gloss paint color for



- the wooden windows. Received building Permit. Windows anticipated to be delivered and installed late April/early May.
8. **Riverwalk Design/Engineering Consulting Services** - Contract negotiation authorized by Council on 1/20/21. Contract negotiation meetings with Mayer Reed to finalize scope and budget on 1/21, 2/5, 2/11, 2/18, and 2/24. Contract approved by City Council on 3/3. Reviewed press releases for Riverwalk and Streets projects which went out consecutively. Project work to be kicked off in April.
  9. **Millard Road City-Owned Property Request for Proposals** - Working with EcoNorthwest to prepare a scope of work for them to assist drafting an RFP and assist with solicitation of developers who want to submit a development proposal for the property. Kicked off project on 2/12. Council reviewed introductory presentation to the project, provided input regarding goals to EcoNW on 3/3. Review and compiled City comments to draft RFP on 3/26. Anticipated releasing RFP in April after Council approves final draft.
  10. **Waterfront Video Project** – Provided guidance/support to producer who will assist in creating a waterfront redevelopment video for the City of St. Helens to use to narrate the story for the public and to solicit interest from developers.
  11. **Urban Renewal Agency** – Prepared for URA Budget adoption meetings (4/27) and the 1<sup>st</sup> URA meeting in 2021 (5/5).
  12. **Job Description for New Title** – Preparing/reviewing new title and job description for Associate Planner – Community Development Project Manager

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