



PLANNING COMMISSION

Tuesday, October 13, 2020 at 7:00 PM

AGENDA

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

2. CONSENT AGENDA

A. Planning Commission Minutes dated September 8, 2020

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

4. DISCUSSION ITEM:

B. Oregon House Bill 2001

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

a. Subdivision (Final Plat) permit at N. 15th St - LaGrand Townhomes

b. Accessory Structure permit at 515 S 12th - Greg & Sue Fogle

c. Sign permit at 105 S 12th - Columbia River Fire & Rescue

d. Temporary Use Permit at 364 N 1st – Jana Brecht

e. Temporary Use Permit at 305 S. Columbia River Hwy – Cheryl Breslin

7. PLANNING DEPARTMENT ACTIVITY REPORT

C. September Activity Report

8. ADJOURNMENT

NEXT REGULAR MEETING: November 10, 2020

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), and the meeting Policies of the City Council (August 19, 2020) this meeting will only be held virtually via a phone-and-internet based application.

Join Meeting: <https://zoom.us/j/94005605730?pwd=TFNQbVMzS1FLUDAwMmwrRkRTMDJxUT09>

Meeting ID: 940 0560 5730 **Passcode:** 347519

Call in: +1 253 215 8782 US (Tacoma)

The St. Helens City Council Chambers are handicapped accessible. If you wish to participate or attend the meeting and need special accommodation, please contact City Hall at 503-397-6272 in advance of the meeting.

Be a part of the vision...Get involved with your City...Volunteer for a City of St. Helens Board or Commission!

For more information or for an application, stop by City Hall or call 503-366-8217.



PLANNING COMMISSION

DRAFT MINUTES Tuesday, September 08, 2020 at 7:00 PM

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

Members Absent: None

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

Others: None

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

2. CONSENT AGENDA

A. Planning Commission Minutes dated August 11, 2020

Motion: Upon Commissioner Semling's motion and Commissioner Pugsley's second, the Planning Commission unanimously approved the Draft Minutes Dated August 11, 2020. [AYES: Vice Chair Cary, Commissioner Pugsley, Commissioner Cohen, Commissioner Lawrence, Commissioner Webster, Commissioner Semling; 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. NEW COUNCIL ADOPTED ZOOM MEETING POLICIES & GUIDELINES. COMMISSION OPERATIONS, EXCUSED ABSENCES, ETC.

B. Zoom Meeting Policies & Guidelines

City Planner Graichen said there is an attendance provision in the Planning Commission code that a Commissioner cannot have more than three unexcused absences because it results in non-conformance of duty which is grounds for removal. He mentioned some may have been uncomfortable with the ZOOM format and was not sure if this would be considered an unexcused absence. He did mention that there were several laptops in the City building that were available for use, and two of the Commissioners were already using them. He mentioned that there may be more if a Commissioner felt the need to use one, instead of their personal device.

Chair Hubbard mentioned he had emailed the Commission asking about their comfort level of being ZOOM only and said a few mentioned they would prefer to meet in person. He understood this is not an option now.

Associate Planner Dimsho asked if there were enough laptops available to accommodate the public if there was a hearing and someone needed to testify that did not have access to ZOOM. Graichen said he believed they would have to.

There was a small discussion about the number of laptops available for use.

5. PLANNING COMMISSION TERM EXPIRATIONS

Graichen mentioned that every year there is at least one person who has an expiration, but that this year there were two expirations. He mentioned that Vice Chair Cary and Commissioner Cohen had terms expiring at the end of the year. He asked them both if they wanted to continue on the Commission. They both agreed they wanted to continue. Graichen said the Code says after two terms, we automatically advertise the position. He also asked the Commission if there was any objection to the two continuing in their position. No commissioners objected. Graichen also asked who would volunteer to be on the interview committee. Chair Hubbard and Commissioner Semling volunteered to be on the interview committee.

6. URBAN RENEWAL PLAN AMENDMENT

Associate Planner Dimsho said the original Urban Renewal Plan was adopted in 2017. Since then, they have found that the revenue projections are not meeting expectations, mostly due to Armstrong World Industries leaving. They were expecting to have \$250,000 in revenue this year, but ended up with only \$150,000. She said that Urban Renewal is a funding tool that cities use to fund projects that are important economic drivers to the region. She presented a list of the projects on the original plan, which are not changing with the proposed Urban Renewal Amendment. She mentioned that Urban Renewal funds would help with the City leverage grants.

Dimsho said that whenever cities amend Urban Renewal areas over one percent, cities must go through a re-adoption process. She said they are going through those steps to amend the boundary and improve revenue projections. She said they are looking to add properties that will contribute revenues and remove properties that are not likely to contribute. She went through the different properties with the Commission and why they were being suggested to be removed or added. She mentioned that there would be a net loss of seven acres, but the properties added would benefit the revenue projections.

Chair Hubbard asked if the Armstrong property was being removed because of the closure. Dimsho said they are not proposing to remove that property because there may be a new industrial user on the property. Vice Chair Cary said he was aware that consultants had been hired to do environmental assessments and clean up on the site. He said once the word gets out these have been done, he thinks a buyer will come in.

Commissioner Cohen asked if the City was communicating with other taxing districts. Dimsho said letters had gone out to all the different taxing districts and that she did call downs to ask if they had any questions about the Urban Renewal Amendment. She said there was no push back so far from other districts. The taxing districts seem to be interested in seeing the riverfront redevelop.

Commissioner Cohen asked if the people had to go for a vote. Dimsho said that the only way this Urban Renewal Amendment would go to the voters if enough residents signed a referral petition.

There was a small discussion about the non-profit/low income apartments on Gable Road and their tax-exempt status.

Motion: Upon Commissioner Pugsley's motion and Commissioner Webster's second, the Planning Commission unanimously recommended that the St. Helens Planning Commission finds, based upon the information provided in the staff report that no projects are being changed and no prior conformance to Comprehensive Plan findings are being changed, that the St. Helens Urban Renewal Plan Amendment 2 conforms with the St. Helens Comprehensive Plan and further recommend that the St. Helens City Council adopt the proposed St. Helens Urban Renewal Plan Amendment 2. [AYES: Vice Chair Cary, Commissioner Pugsley, Commissioner Cohen, Commissioner Lawrence, Commissioner Webster, Commissioner Semling; Nays: None]

7. PLANNING DEPARTMENT ACTIVITY REPORT

Graichen mentioned they received their first parklet application. Dimsho said the applicant is still working on finalizing the design based on staff feedback on the original submittal. Graichen said it has a few phases. It starts with the concept and then they move forward with a construction design and build it.

Commissioner Lawrence asked if this would be something different than what they already have with the outdoor seating. Graichen said a separate permit allows use of the public sidewalk, which is what they have now. The parklet allows use of the right-of-way (parking spaces).

Commissioner Cohen wanted to confirm that this was a temporary parklet installation. Graichen mentioned that approval is for six-month intervals. Commissioner Cohen asked if they could re-apply after six months and Graichen said yes.

There was a discussion on events and Halloweentown.

Vice Chair Cary asked if a parklet would eliminate the tables on the sidewalk. Graichen said if they maintain adequate public passageway, they can have tables in both areas. Vice Chair Cary asked about adequate passageway. Graichen mentioned it was four to five feet. Graichen also mentioned the code says the platform must be at the same level as the sidewalk to accommodate those in mobility devices. Graichen said because the curb in front of the proposed area is different heights, the applicant proposed a ramp up onto the parklet.

Commissioner Pugsley asked if the adjacent property owners or neighboring businesses were notified of the intent. Graichen said there is a requirement to notify abutting property owners and/or business owners. He said the first trial may bring up neighbors or residents who are unhappy or will complain about it. Graichen said if there are people that are upset about the parking limitations, it will be less likely to be renewed.

8. FOR YOUR INFORMATION ITEMS

Commissioner Cohen asked about the Land Use Board of Appeals (LUBA) appeal. Graichen said he put the record together, and he had been talking with the legal counsel about other items they may need. Commissioner Cohen asked who was representing the City. Graichen mentioned it was Attorney Jordan Ramis PC, who has experience with the City. Commissioner Cohen said he hopes that LUBA upholds the Planning Commission decision.

Commissioner Cohen asked about the Public Works Director position. Graichen said when the previous Public Works Director left, they placed an interim person into the position. He mentioned Council was looking to fill the position with a permanent person. The Council interviewed three candidates, and the person they selected did not accept the position. Councilor Carlson said the Council was not happy with the other candidates, so they decided they would re-advertise. She mentioned that they want hire the right candidate; they did not want to rush it.

Graichen mentioned the middle school was done. He mentioned they had passed all their final inspections with a few corrections.

Dimsho reminded the Commission of a previous meeting where she had mentioned the Emerald Meadows subdivision would likely need some more setback variances. She told the Commission that she and the developer were able to work out their site plans with no variances needed.

Councilor Carlson said the City will be putting in sidewalks along North Vernonia Road. She said it would go out to bid hopefully by the first of the year.

Commissioner Pugsley asked about Auxiliary Dwelling Units (ADUs) and whether the City charges System Development Charges (SDCs). Councilor Carlson said they must make the account whole, so the City does not waive any fees for SDCs without the Council agreeing to pay for them with a different fund. Graichen said the way to save on the SDCs is to not put in a second water meter, but rather share a meter. This is because storm and sewer SDCs are charged based on the number and size of water meters.

There was a small discussion about the number of permits coming in and a few of the different projects that were active currently.

Commissioner Pugsley asked how the boundaries of the Houlton Business District zoning were determined. Graichen said it was a concept created before he started to work for the City. He said the previous City Planner had said it was arbitrary. Commissioner Cohen said the historic boundary of the City of Houlton helped provide the basis for the new zoning district.

There was a small discussion on streetscape and what is required for single-family and multi-family dwellings.

9. NEXT REGULAR MEETING: October 13, 2020

There being no further business before the Planning Commission, the meeting was adjourned 8:36 p.m.

Respectfully submitted,

*Christina Sullivan
Community Development Administrative Assistant*



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
RE: Oregon House Bill 2001 - DUPLEXES
DATE: Oct. 6, 2020

Oregon HB 2001 requires cities of a certain size, including St. Helens, to allow duplexes wherever detached-single family dwellings are allowed.

St. Helens needs to change its development code to be effective by the end of June 2021 or we can do nothing and let the “Model Code for Medium Cities” take over. In either case, we have no choice but to allow duplexes as described.

I have gone through the Oregon Administrative Rules (OAR 660-46), the “Model Code,” notes and such from meetings with the State and other parties earlier in the year, and our own code, and prepared a presentation to cover the things we need to look at changing.

I will present the issues at the October 13, 2020 Planning Commission meeting (and probably the November 4, 2020 City Council meeting) to determine our path forward for this.

There is much to cover. I will explain the issues as part of the presentation but have attached the OARs and “Model Code” if you would like to review ahead of time. This is not mandatory homework; I just wanted to provide the opportunity for you to review the background of this in advance.

Our code has embodied single-family zoning for decades, so this will be an interesting and historic change for St. Helens. Single-family zoning ends for St. Helens next year whether we like it or not, but we still have some decisions to make.

Please have your thinking caps ready for our October meeting!

Attached: OAR-046-0000 to OAR-046-0130
Model Code for Medium Cities

Land Conservation and Development Department

Chapter 660

Division 46

Middle Housing in Medium and Large Cities

660-046-0000

Purpose

The purpose of this division is to prescribe standards guiding the development of Middle Housing types as provided in Oregon Laws 2019, chapter 639. OAR 660-046-0010 to OAR 660-046-0130 establish standards related to the siting and design of Middle Housing types in urban growth boundaries.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020

660-046-0010

Applicability

- (1) A local government that is a Medium City must comply with this division.
- (2) Notwithstanding section (1), a local government need not comply with this division for:
 - (a) Lands that are not zoned for residential use, including but not limited to lands zoned primarily for commercial, industrial, agricultural, or public uses;
 - (b) Residentially zoned lands that do not allow for the development of a detached single-family home; or
 - (c) Lands that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.
- (3) Local governments may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where local governments have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by OAR 660-046-0010.
 - (a) Goal 5: Natural Resources, Scenic, and Historic Areas - Pursuant to OAR 660-023, local governments must adopt land use regulations to protect identified resources under Goal 5, including regulations to comply with protective measures (including plans, policies, and regulations) applicable to Middle Housing.
 - (A) Goal 5 Riparian Areas, Wetlands, and Wildlife Habitat – Pursuant to OAR 660-023-0050 through 660-023-0115, local governments must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to

Middle Housing to comply with protective measures adopted pursuant to Goal 5. Local governments may apply regulations to Duplexes that apply to detached single-family dwellings in the same zone.

(B) Goal 5: Historic Resources – Pursuant to OAR 660-023-0200(7), local governments must adopt land use regulations to protect locally significant historic resources . This includes regulations of Middle Housing to comply with protective measures as it relates to the integrity of a historic resource or district. Protective measures shall be adopted and applied as provided in OAR 660-023-0200. Local governments may not apply the following types of regulations specific to Middle Housing:

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

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

(b) Goal 7: Areas Subject to Natural Hazards – Pursuant to OAR 660-015-0000(7), local governments must adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including but not limited to restrictions on use, density, and occupancy in the following areas:

(A) Special Flood Hazard Areas as identified on the applicable FEMA Flood Insurance Rate Map (FIRM) ; or

(B) Other hazard areas identified in an adopted comprehensive plan or development code; provided the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings. Greater risk includes but is not limited to actions or effects such as:

(i) Increasing the number of people exposed to a hazard;

(ii) Increasing risk of damage to property, built, or natural infrastructure;

(iii) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.

(c) Goal 15: Willamette Greenway – Pursuant to OAR 660-015-0005, cities and counties must review intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Local governments may regulate Middle Housing to comply with Goal 15 protective measures that apply to detached single-family dwellings in the same zone.

(d) Goal 16: Estuarine Resources – Pursuant to OAR 660-015-0010(1) and OAR 660-017, local governments must apply land use regulations that protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features and water quality. Local governments may prohibit Middle Housing in areas regulated to protect estuarine resources under Goal 16.

(e) Goal 17: Coastal Shorelands – Pursuant to OAR 660-015-0010(2) and OAR 660-037-0080, local governments must apply land use regulations that protect shorelands for water-dependent recreational, commercial, and industrial uses. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 17. Local governments may apply regulations to Duplexes that apply to detached single-family dwellings in the same zone.

(f) Goal 18: Beaches and Dunes – Pursuant to OAR 660-015-0010(3), local governments must apply land use regulations to residential developments to mitigate hazards to life, public and private property, and the natural environment in areas identified as Beaches and Dunes. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 18 including but not limited to restrictions on use, density, and occupancy; provided the development of Middle Housing presents a greater risk to life or property than development of detached single-family dwellings. Greater risk includes but is not limited to actions or effects such as:

- (A) Increasing the number of people exposed to a hazard;
 - (B) Increasing risk of damage to property, built or natural infrastructure; and
 - (C) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.
- (4) This division does not prohibit local governments from allowing:
- (a) Single-family dwellings in areas zoned to allow for single-family dwellings; or
 - (b) Middle Housing in areas not required under this division.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

[LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020](#)

660-046-0020

Definitions

As used in this division, the definitions in ORS 197.015 and 197.758 et seq apply, unless the context requires otherwise. In addition:

- (1) "A local government that has not acted" means a local government that has not adopted acknowledged land use regulations that are in compliance with ORS 197.758 and this division.
- (2) "Department" means the Department of Land Conservation and Development.
- (3) "Detached single-family dwelling" means a detached structure on a Lot or Parcel that is comprised of a single dwelling unit, either site built or a manufactured dwelling.
- (4) "Duplex" means two attached dwelling units on one Lot or Parcel. A Medium City may define a Duplex to include two detached dwelling units on one Lot or Parcel.
- (5) "Lot or Parcel" means any legally created unit of land.
- (6) "Medium City" means each city with a certified Portland State University Population Research Center estimated population more than 10,000 and less than 25,000 and not within a metropolitan service district.

(7) "Middle Housing" means a Duplex as defined in section (4).

(8) "Model Code" means the model code developed by the Department contained OAR 660-046-0110(5).

(9) "Zoned for residential use" means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020

660-046-0030

Implementation of Middle Housing Ordinances

(1) Before a local government amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the local government must submit the proposed amendment to the Department for review and comment pursuant to OAR chapter 660, division 18.

(2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and

(c) Assessing a construction tax under ORS 320.192 and ORS 320.195.

(3) When a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020

660-046-0040

Compliance

(1) A local government may adopt land use regulations or amend its comprehensive plan to comply with ORS 197.758 et seq and the provisions of this division.

(2) A local government may request from the Department an extension of the time allowed to complete the action in section (1) pursuant to ORS 197.758.

(3) A Medium City that has not acted by June 30, 2021 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0130(5) in its entirety to all proposed Middle Housing development applications until such time as the Medium City has adopted provisions under section (1).

(4) If a Medium City has adopted land use regulations or amended its comprehensive plan by the date provided under section (3) and the city's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court solely on procedural grounds, the Medium City is deemed to have acted. Accordingly, the Medium City may continue to apply its own land use regulations and comprehensive plan as they existed prior to the adoption of land use regulations or comprehensive plan amendments that were the subject of procedural remand until the first of the two options:

(a) The Medium City has adopted land use regulations or amended its comprehensive plan in response to the remand; or

(b) 120 days after the date of the remand. If the Medium City has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the Medium City is deemed not to have acted under section (3).

(5) If a Medium City has adopted land use regulations or amended its comprehensive plan by the date provided under section (3) and the Medium City's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court on any substantive grounds, the city is deemed to have not acted under section (3).

(6) If a Medium City acknowledged to be in compliance with this division subsequently amends its land use regulations or comprehensive plan, and those amendments are remanded by the Land Use Board of Appeals or an appellate court, the city shall continue to apply its land use regulations and comprehensive plan as they existed prior to the amendments until the amendments are acknowledged.

(7) In the event that a Medium City directly applies the Model Code in accordance with sections (3) and (5), the Model Code completely replaces and pre-empts any provisions of that Medium City's development code that conflict with the Model Code.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020

660-046-0050

Eligible Local Governments

If a local government was not previously a Medium City and a certified Portland State University Population Research Center population estimate qualifies a city as a Medium City, the city must comply with this division within one year of its qualification as a Medium City.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020

660-046-0100

Purpose of Middle Housing in Medium Cities

OAR 660-046-0105 through OAR 660-046-0130 are intended to measure compliance with ORS 197.758 et seq and Goal 10 Housing for Medium Cities.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020

660-046-0105

Applicability of Middle Housing in Medium Cities

(1) A Medium City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.

(2) OAR 660-046-0105 through OAR 660-046-0130 do not require a Medium City to allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020

660-046-0110

Provisions Applicable to Duplexes in Medium Cities

(1) Medium Cities may regulate Duplexes to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).

(2) Medium Cities may regulate siting and design of Duplexes, provided that the regulations;

(a) Are clear and objective standards, conditions, or procedures; and

(b) Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.

(3) Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone.

(4) Siting and design standards that do not, individually or cumulatively, discourage the development of Duplexes through unreasonable cost and delay include only the following:

- (a) Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);
- (b) Permitted uses and approval process provided in OAR 660-046-0115;
- (c) Siting standards provided in OAR 660-046-0120;
- (d) Design standards in Medium Cities provided in OAR 660-046-0125;
- (e) Duplex Conversions provided in OAR 660-046-0130; and
- (f) Any siting and design standards contained in the Model Code referenced in section (5).

(5) For the purposes of assisting Medium Cities in adopting reasonable siting and design standards for Duplexes, the Commission adopts the following model Middle Housing code for Medium Cities. The Model Code provided in Exhibit A of this section will be applied to Medium Cities who have not acted to comply with the provisions of ORS 197.758 and this division and completely replaces and pre-empts any provisions of that Medium City's development code that conflict with the Model Code.

[ED. NOTE: To view attachments referenced in rule text, [click here to view rule.](#)]

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020

660-046-0115

Permitted Uses and Approval Process

Medium Cities must apply the same approval process to Duplexes as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Medium Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Duplexes. Nothing in this rule prohibits a Medium City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-008-0015(2) and ORS 197.307(6).

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020

660-046-0120

Duplex Siting Standards in Medium Cities

The following standards apply to all Duplexes:

- (1) Minimum Lot or Parcel Size: A Medium City may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-family dwelling in the same zone. Additionally, Medium Cities shall allow the development of a Duplex on any property zoned to allow detached single-family dwellings, which was legally created prior to the Medium City's current lot size minimum for detached single-family dwellings in the same zone.
- (2) Density: If a Medium City applies density maximums in a zone, it may not apply those maximums to the development of Duplexes.
- (3) Setbacks: A Medium City may not require setbacks to be greater than those applicable to detached single-family dwellings in the same zone.
- (4) Height: A Medium City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone.
- (5) Parking:
 - (a) A Medium City may not require more than a total of two off-street parking spaces for a Duplex.
 - (b) Nothing in this section precludes a Medium City from allowing on-street parking credits to satisfy off-street parking requirements.
- (6) Lot Coverage and Floor Area Ratio: Medium Cities are not required to apply lot coverage or floor area ratio standards to new Duplexes. However, if the Medium City chooses to apply lot coverage or floor area ratio standards, it may not establish a cumulative lot coverage or floor area ratio for a Duplex that is less than established for detached single-family dwelling in the same zone.
- (7) A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the same exceptions to Duplexes.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020

660-046-0125

Duplex Design Standards in Medium Cities

- (1) Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.
- (2) A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020

660-046-0130

Duplex Conversions

Conversion of an existing detached single-family dwelling to a Duplex is allowed, pursuant to OAR 660-046-0105(2), provided that the conversion does not increase nonconformance with applicable clear and objective standards in the Medium City's development code, unless increasing nonconformance is otherwise allowed by the Medium City.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.758

History:

LCDD 12-2020, adopt filed 07/31/2020, effective 08/03/2020

OAR 660-046-0300 to 0370 deal with the "Infrastructure-Based Time Extension Request Process," which allows time extensions due to infrastructure deficiency. We do not have any deficiency, so I do not think these additional OARs are relevant for the City of St. Helens.



MEMORANDUM

Model Code for Medium Cities (LCDC DRAFT REVISED)
DLCD Middle Housing Model Code

DATE July 7, 2020
TO Oregon Land Conservation and Development Commission
FROM Matt Hastie, Cathy Corliss, and Kate Rogers, Angelo Planning Group
CC Ethan Stuckmayer and Robert Mansolillo, DLCD Project Team

Middle Housing Model Code for Medium Cities

User's Guide:

Oregon House Bill 2001 (2019) (HB 2001) requires that "Medium Cities" (defined as cities with a population of more than 10,000 and less than 25,000 that are not within Metro's jurisdiction) allow a duplex on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings. Duplexes provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with detached single-family dwellings.

The bill allows local governments to regulate siting and design of duplexes, provided that the regulations do not, individually or cumulatively, discourage duplex development through unreasonable costs or delay. When regulating siting and design of duplexes, Medium Cities should balance concerns about neighborhood compatibility and other factors against the need to address Oregon's housing shortage by removing barriers to development and should ensure that any siting and design regulations do not, individually or cumulatively, discourage the development of duplexes through unreasonable costs or delay.

Medium Cities may develop their own standards in compliance with the requirements of HB 2001. This model code may provide guidance toward that end. However, if Medium Cities do not wish to prepare their own standards or if Medium Cities do not adopt the required code amendments by June 30, 2021, they must directly apply this model code prepared by the Department of Land and Conservation Development (DCLD) to development in their jurisdictions. The model code is intended to be straightforward and implementable by Medium Cities

throughout the state. The model rules are consistent with the requirements and intent of HB 2001 and are intended to ensure that a duplex is no more difficult to develop than a detached single family home. The model code will be adopted by reference into Oregon Administrative Rules.

To the extent they are applicable, the Administrative Rules contained in Chapter 660, Division 46 apply to and may be used to interpret this model code.

Sections:

- A. Purpose
- B. Definitions
- C. Applicability
- D. Relationship to Other Regulations
- E. Permitted Uses and Approval Process
- F. Development Standards
- G. Design Standards
- H. Duplex Conversions
- I. Figures

A. Purpose

The purpose of this model middle housing code ("code") is to implement HB 2001, codified in ORS 197.758 et seq, by providing siting and design standards for duplexes developed on lots or parcels that allow for the development of detached single family dwellings.

B. Definitions

The following definitions shall apply for the purposes of this code, notwithstanding other definitions in the development code:

1. "Detached single family dwelling" means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single family dwellings may be constructed off-site, e.g., manufactured dwellings or modular homes.
2. "Duplex" means two dwelling units on a lot or parcel in any configuration. Figures 1–6 in Section I illustrate examples of possible duplex configurations. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.
3. "Lot or Parcel" means any legally created unit of land.

4. “Zoned for residential use” means a zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation.

C. Applicability

1. Except as specified in subsection (2) of this section (C), the standards in this code allow for the development of duplexes, including those created through conversion of existing detached single family dwellings, on lots or parcels zoned for residential use that allow for the development of detached single family dwellings.
2. The standards in this code do not allow the following, unless otherwise permitted by the development code:
 - Creation of duplexes on lots or parcels on lands that are not zoned for residential use. This includes lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single family dwellings.
 - Creation of more than two dwelling units on a single lot or parcel.

D. Relationship to Other Regulations

1. Conflicts. In the event of a conflict between this code and other standards applicable to a duplex, the standards of this code control.
2. Public Works Standards. Clear and objective exceptions to public works standards granted to single family dwellings shall also be granted to duplexes.
3. Protective Measures. Duplexes shall comply with protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).

E. Permitted Uses and Approval Process

Duplexes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single family dwellings. Duplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures. Alternatively, an applicant may choose to submit an application for a duplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307, if such a process is available.

F. Development Standards

Except as specified below, duplexes shall meet all clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, minimum and maximum lot size, minimum and maximum setbacks, and building height), unless those standards conflict with this code.

The following development standards are invalid and do not apply to duplexes being developed on lots or parcels zoned for residential use that allow the development of a detached single family dwelling:

1. Maximum Density. The jurisdiction's pre-existing density maximums and minimum lot sizes for duplexes do not apply.
2. Setbacks. A minimum front setback of greater than 20 feet or a minimum rear setback of greater than 15 feet except for those minimum setbacks applicable to garages and carports.
3. Off-Street Parking. Any off-street parking requirement.

G. Design Standards

New duplexes shall meet all clear and objective design standards (e.g., entry orientation, window coverage, articulation, etc.) that apply to detached single family dwellings in the same zone, unless those standards conflict with this code. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

Any design standards that apply only to duplexes are invalid.

H. Duplex Conversions

Conversion of an existing detached single family dwelling to a duplex is allowed, pursuant to Section C, provided that the conversion does not increase nonconformance with applicable clear and objective standards.

I. Figures

The following figures illustrate examples of possible duplex configurations. Other configurations may also be acceptable, provided the development meets the definition of duplex, pursuant to Section B.

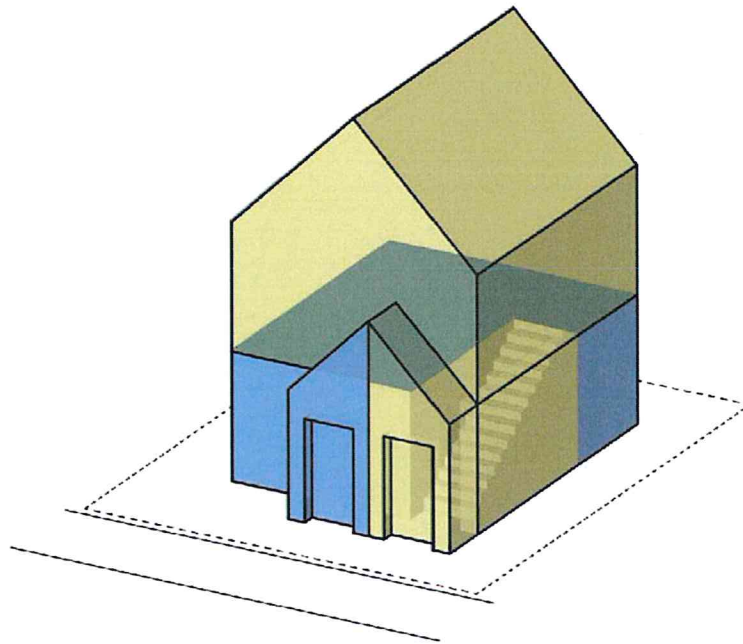
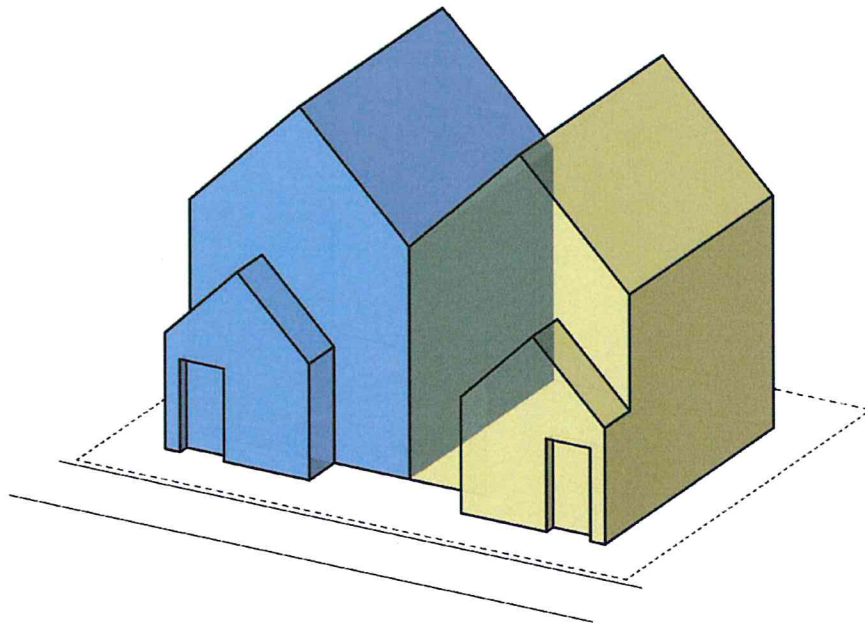
Figure 1. Stacked Duplex*Figure 2. Side-by-Side Duplex*

Figure 3. Duplex Attached by Garage Wall

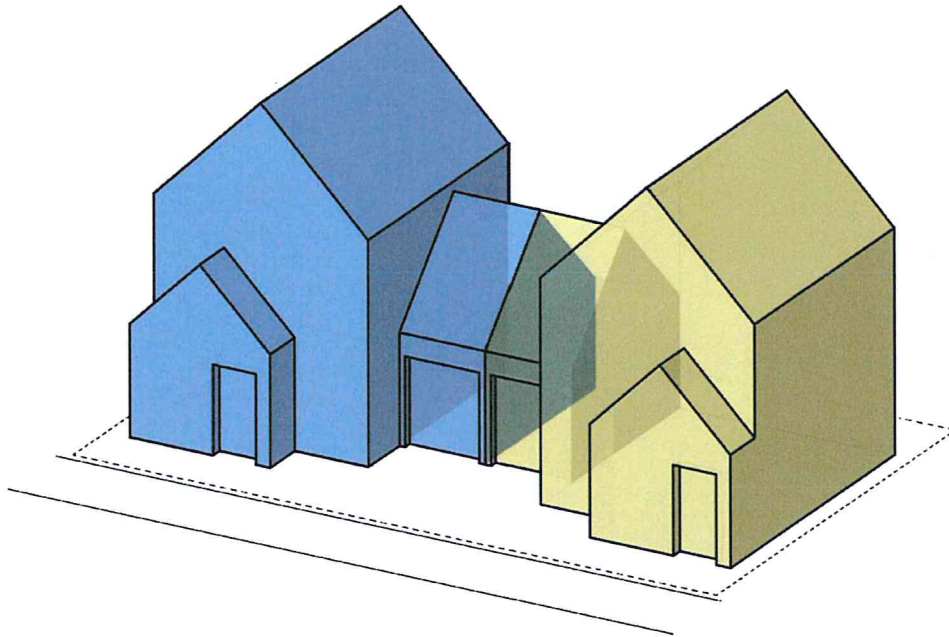


Figure 4. Duplex Attached by Breezeway

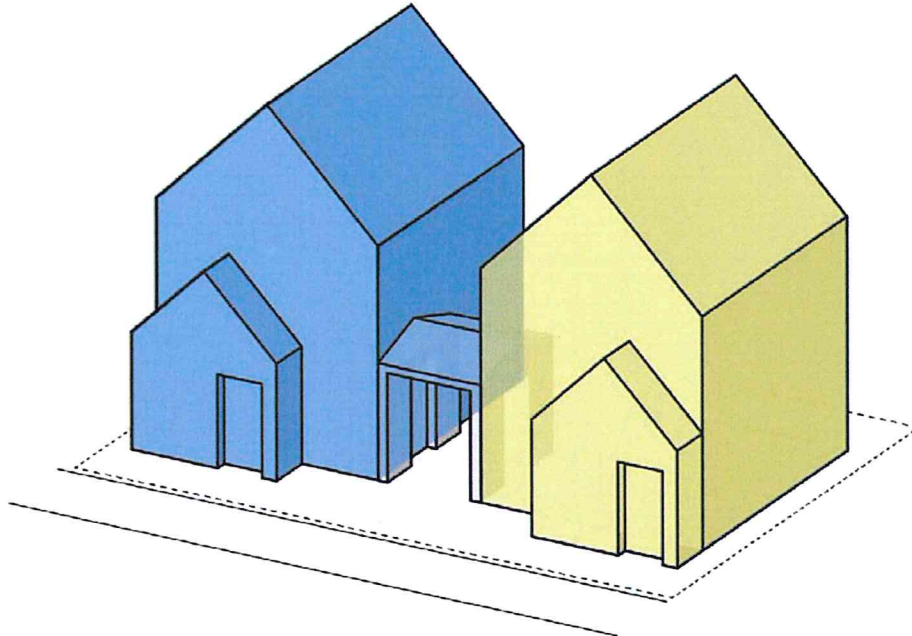


Figure 5. Detached Duplex Units Side-by-Side

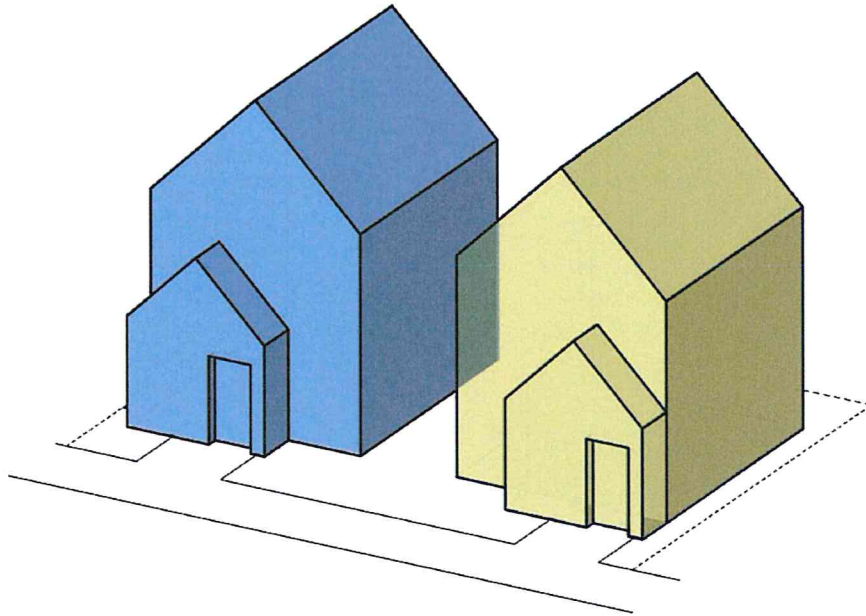
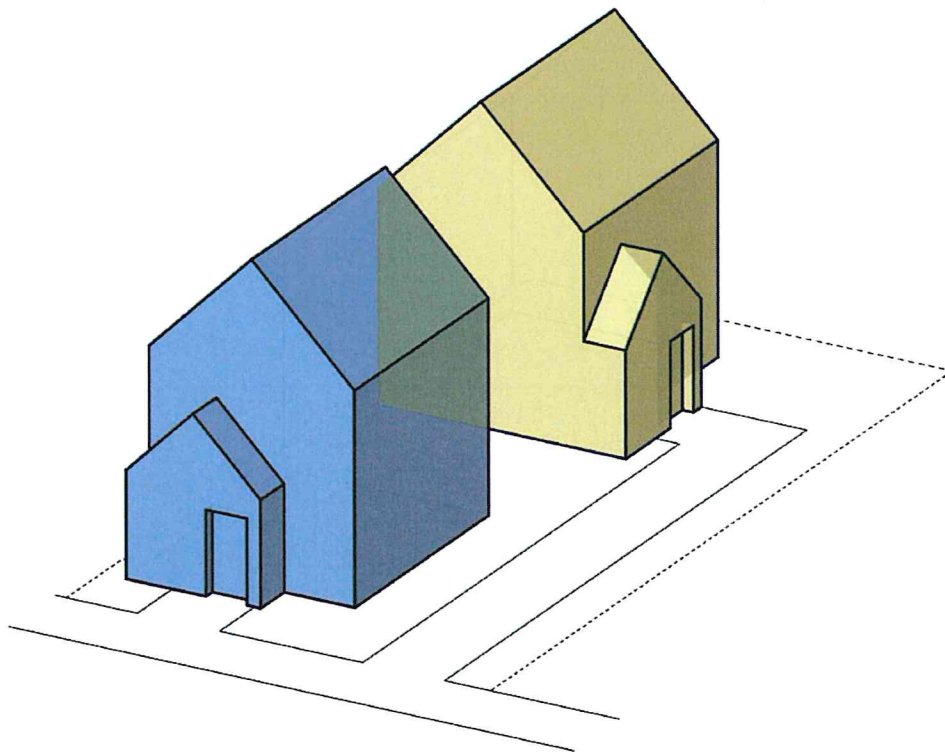


Figure 6. Detached Duplex Units Front and Back



CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: 9.28.2020

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—NOTEWORTHY ADMINISTRATIVE DECISIONS

Final plat decision issued for the Hannah Place Subdivision. This is the 10 attached single-family lot subdivision on N. 15th Street, just south of the Middle School.

PLANNING ADMINISTRATION—PREAPPLICATIONS MEETINGS

Conducted an on-site pre-application meeting for a potential partition to split the detached single family dwelling (former parsonage) from the Methodist church at Columbia Boulevard and N. 6th Street. This is a discussion that started in January of this year!

Had a preliminary Q&A meeting for potential Columbia Health Services facility on the church property along Sunset Boulevard. One of the primary services CHS provides is the WIC nutritional program.

PLANNING ADMINISTRATION—MISC.

Working with new landowner of property along N. 18th Street, which lies north and east of the Center Court Condominiums. The condo project was supposed to be bigger, but they had bankruptcy issues in the late 1990s. It is a real mess, which takes more time than usual to piece together. Even the County surveys from the era do not match! The immediate objective is to help the applicant with building permit for a home and to reserve an easement for a water main.

Inspections at the St. Helens Place apartments continue. This is the complex along Matzen. McBride and Brayden Streets. I have ok'd 14 of the 18 buildings now. They are still behind on their bike parking due to supplier issues. They will begin on the public improvements (like sidewalks) around the storage facility south of Brayden Street soon. They anticipate completion by Thanksgiving.

Prepared the legal record for the Andrew Schlumpberger and Lindsay Schlumpberger v. City of St. Helens Land Use Board of Appeals (LUBA) case.

Completed the presentation and determining the issues that need to be addressed given Oregon House Bill 2001's duplex mandate, which will end single-family zoning for St. Helens. Amendments need to be in place by June 31, 2021, so the window of the time to work on these code amendments is short. Presentation to the Planning Commission and City Council are on the horizon.

DEVELOPMENT CODE ENFORCEMENT

Received a complaint about potential Development Code violation for “tent structures” on a Tamarack Drive property in early August. Started looking into this this month. Last month, the Building Official determined no Building Code violation. Warning correspondence sent; anticipate cooperation.

PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)

September 8, 2020 meeting (outcome): The Commission discussed the new City Council adopted Zoom Meeting Policies and Guidelines. Staff was able to provide two laptops at City Hall for Commissioner’s who are not comfortable using Zoom on their own device, which resolved the major concern. Staff anticipates that City Hall laptop access by some Commissioners will be ongoing.

The Commission discussed two term expirations. Both Commissioners whose terms expire in December desire another term. The other Commissioners did not object. Per the City Council adopted guidelines (Resolution No. 1648), we must advertise the positions. Two of the other Commissioners will be a part of the interview committee for potential applicants if any.

The Commission reviewed and approved the latest changes to the City’s Urban Renewal boundary.

October 13, 2020 meeting (upcoming): The Commission will discuss HB 2001’s duplex mandate and related code amendments. This is historic as it will end single-family zoning for St. Helens and other City’s in Oregon larger than 10,000 in population!

COUNCIL ACTIONS RELATED TO LAND USE

The City Council the Zoning and Comprehensive Plan Map change for the City’s Millard Road property. Their approval includes a provision that will be embodied in the adoption ordinance that development or use of the subject property (the Millard Road Property) is required to comply with the City’s Parks and Trails Master Plan adopted by Ordinance No. 3191, as amended, for the City’s community park needs as described in said plan, *but that the Ross Road Property is an alternative to the Millard Road Property for this purpose*. See attached exhibit of the Ross Road property will be a part of that Ordinance.

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Data updates.

ST. HELENS INDUSTRIAL BUSINESS PARK PROPERTY

Analysis for placement of the future police station, etc. on the property continues. Staff and the Mayor met with the consultants. A final concept plan was decided, despite unresolved floodplain challenges (and yours truly really having no chance to review the options before the meeting). The floodplain is still a wild card issue. Interesting, the Oregon model flood code approved by FEMA last year includes description language about critical facilities (like police stations) as follows:

“Critical facilities like schools, hospitals, and fire stations often act as shelters and are required to provide aid during flood events, and should not be placed in special flood hazard area.”

This summarizes the importance of solving this riddle, which I truly hope can be solved. It is probably a matter of elevating the facility and making sure there is an access outside of the flood areas (which itself may pose surprises) or attempting to amend the flood map, which may or may not be time and money well spent. It is also possible to just move the building location on the site.

Staff reviewed draft #1 of the infrastructure funding plan component of the parcellation plan. Frankly, the consultants seem to have completely missed the mark. Associate Planner Dimsho is leading this and will try to get a usable product for the City. I believe she made good progress with the consultants.

MILLARD ROAD PROPERTY

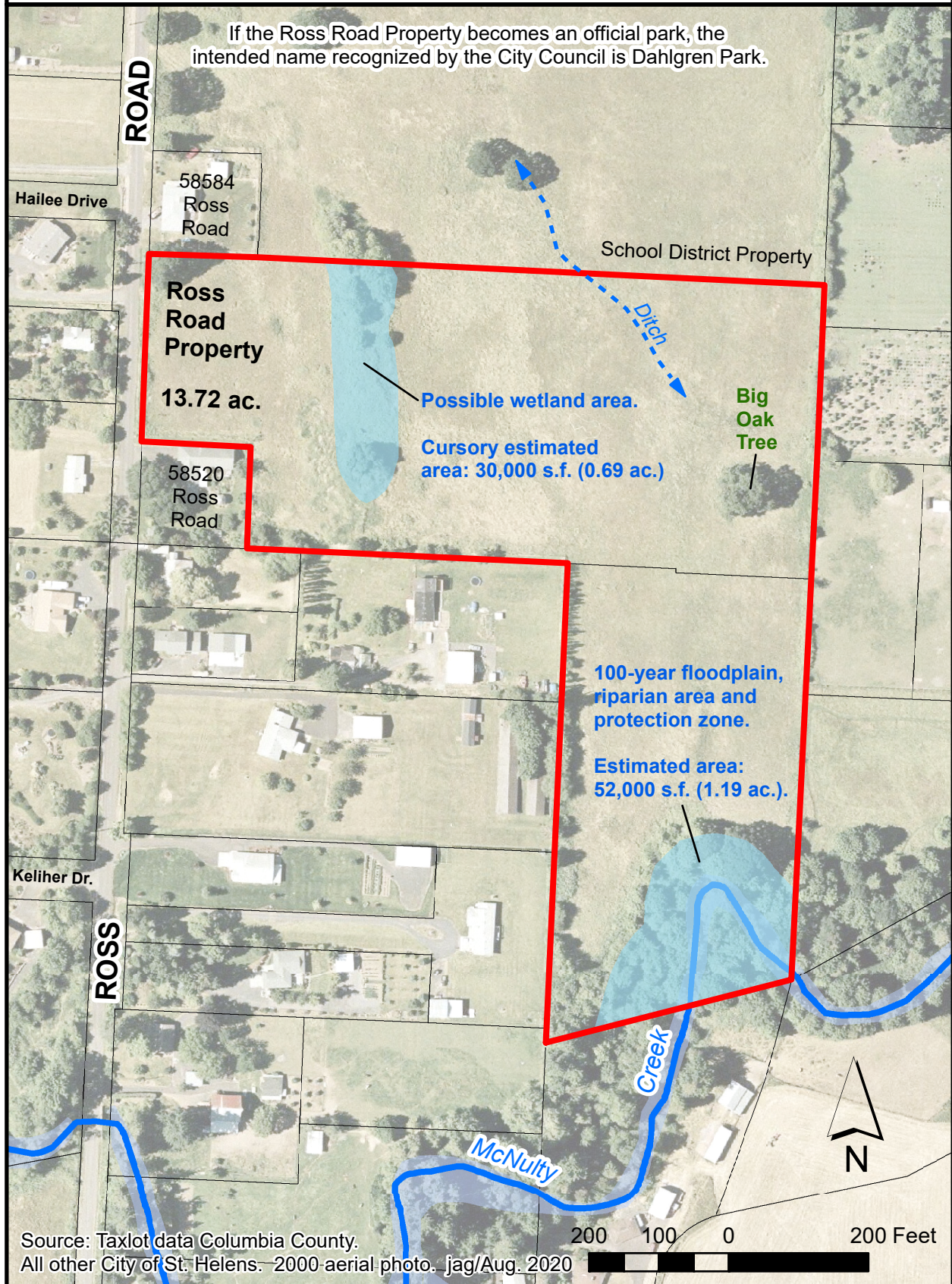
As discussed under **COUNCIL ACTIONS RELATED TO LAND USE** above, the zone change is completed, except for formalities like adopting the ordinance and similar tasks to close the file.

SAND ISLAND

Finished some preliminary details with the designer that St. Helens Marina has hired to do some parking improvements along N. River Street. This will be six new public street parking spaces between the St. Helens and Dillard Marinas. As long as sensitive lands are not impacted, which is proposed, no land use permitting required. But public improvements (civil) plans are required.

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

ORD No. 3256 - ATTACHMENT "B" - Ross Road Property



From: [Jennifer Dimsho](#)
To: [Jacob Graichen](#)
Subject: September Planning Department Report
Date: Monday, September 28, 2020 1:16:04 PM

Here are my additions to the September Planning Department Report

GRANTS

1. **DLCD 2019-2021 Technical Assistance Program** – Grant contract with DLCD authorized to prepare a *Boise White Paper Industrial Site Master Plan* which will include a parcelization framework and an infrastructure finance planning for the former mill site. Final Parcelization Plan completed. Reviewed draft Infrastructure Funding Plan with EcoNW and 3J Consulting. Provided feedback which should be addressed by early-to-mid October. Submitted a quarterly report to DLCD due on September 31, 2020. Due to budget shortfalls at the state level (because of COVID), the grant award was reduced from \$50k to ~\$41k. We will still complete the project in its entirety.
2. **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. Sport Court bid closed on 9/3. Public Works finished demolition of the old courts and the fence removal. Confirmed SBWC can supplying native plants for the retention area.
3. **EPA – CWA Grant Program** – Final Public Meeting scheduled for September 16 at 6 pm before City Council. Final project to be completed by September 2020, with final reporting due within 90 days of completion. Began preparing final report, budget, and cost reimbursement request.
4. **CDBG- Columbia Pacific Food Bank Project** – Construction documents completed. Planned bid period is very soon. Waiting on private sewer easement from abutting property owner. Legal counsel provided a template, Jacob assisted with a legal description/exhibit for the easement.
5. **Safe Routes to School - Columbia Blvd. Sidewalk Project** – Kicked off engineering with David Evans. Survey/topo complete. Construction timeline provided by David Evans. Submitted quarterly report on 9/2.
6. **Business Oregon – Infrastructure Finance Authority** – Worked with John Walsh, Sue Nelson, and Matt Brown to prepare an Project Intake Form and required attachments to apply for a low-interest loan to cover initial public investments (water, sewer, streets, public access) on the Riverfront District development site. We will be invited for a full application in October/November with final review/approval by the board expected in December 2020.
7. **ODOT Community Paths Program** – Researched eligibility of new ODOT program which awards funds for paths not within existing rights-of-way. Attended webinar on grant program and discussed project potential with staff. Pursued partnership with County and Scappoose on a regional trail planning/initial refinement effort for an off-street trail between St. Helens and Scappoose. Met with Kittelson & Associates to discuss grant

application assistance (budgeting, scope of work). Deadline for a letter of interest in October 31, with a final application due January 2021.

8. **EPA Brownfield Multipurpose Grant Program** – Researched eligibility and project competitiveness for a combined EPA grant program that will fund environment site assessments, cleanup and reuse plans, cleanup activities, and overall plans for revitalization. Grant awards are for \$800k and only 10 will be awarded nationally. Deadline is October 28, 2020.
9. **Oregon Watershed Enhance Board** – Awarded grant (approximately \$12k) to the Scappoose Bay Watershed Council in a partnership with the City for natural enhancements of the 5th Street trail and Nob Hill Nature Park. Will hire a crew in 2020-2021 to remove invasive species and re-plant native species in the oak woodland habitat.

MISC

10. Millard Road entry sign RoW application submitted to ODOT/ODOT rail to approve the location. ODOT Highway agreed to support location, working with P&W and ODOT rail now.
11. Urban Renewal Amendment – URA meeting on 9/2 to move the major boundary amendment to the PC, taxing districts, and the County, and ultimately to the CC public hearing. Attending PC meeting on 9/8. Attended County Commissioner briefing on 9/23. Reviewed all documentation, utility billing insert for 9/22, packet preparation, staff reports, etc. Prepared final adoption PH on 10/21 at 6 PM by preparing ordinance and final amendment attachments.
12. Prepared an agreement with Arciform for design services for the Bennet Building (Water/Court Department) which was approved at the 9/16 Council meeting. Scheduled kick-off site visit for 10/9 with the firm.
13. Working with the Wellness Committee on a City-wide volunteer program to repair surplus Police Department bicycles for a community bicycle and helmet giveaway.
14. Drafted RFQ for the Riverwalk Phase I with John/Sue. This includes 100% design for the Riverwalk Phase I and Amphitheater, and 30% design for Phase II which extends to Plymouth Street to the south. Planning on presentation and approval of Draft RFQ to Council on 10/21. Started working with Sue on the RFQ for the utilities/street design.
15. Reviewed the Planning Department's webpage for broken links, inaccurate references, and uploaded all new forms with the new City URL.
16. Selected to be a presenter at the Oregon Brownfields Conference on October 5/6. Worked on PowerPoint on St. Helens Riverfront Redevelopment and practiced for this. Also registered for the state American Planning Association Conference on October 14, 15, and 16.
17. Worked with Jacob to prepare for the Annual Planning Department Report to City Council, which is planned for October 21 at the CC Work Session.
18. New work laptop now serves as my new work computer. Installed all required software and worked through technical issues with new setup.

Jenny Dimsho, AICP
Associate Planner
City of St. Helens
(503) 366-8207

jdimsho@ci.st-helens.or.us