



PLANNING COMMISSION

Tuesday, May 14, 2024 at 6:00 PM
HYBRID: Council Chambers & Zoom (details below)

AGENDA

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

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

CONSENT AGENDA

- [A.](#) Planning Commission Minutes Dated April 9, 2024

PUBLIC HEARING AGENDA (times are earliest start time)

- [B.](#) 6:00 p.m. Annexation at Property west, south, and east of 58212 Old Portland Road - The Port of Columbia County
- [C.](#) 6:15 p.m. Annexation at 2180 Gable Road - JLJ Earthmovers, LLC
- [D.](#) 6:30 p.m. Annexation at 35456 E Division Road - Christine Dahlgren
- [E.](#) 6:45 p.m. Historic Resource Review at 260 S 2nd Street - John Doctor, Inc.

DISCUSSION ITEMS

- [F.](#) Planning Department Semi-Annual Report to City Council
- [G.](#) Planning Commission Annual Report to City Council: June 5, 2024
- [H.](#) 2024 Development Code Amendments (Continued)

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

- I. Sign Permit (Temporary) at 2100 Block of Columbia Blvd - Kiwanis Club
- J. Extension of Time (AP.1.22 (Appeal of SUB.2.22)) at Pittsburg Road & Meadowview Drive - Comstock Subdivision
- K. Site Design Review & Sign Permit at 526 Milton Way - First Student, Inc.
- L. Sign Permit (x2) at 115 N 18th Street & 1804 Columbia Blvd Suite A - Clark Signs
- M. Sign Permit at 373 S Columbia River Hwy - Garrett Sign
- N. Accessory Structure at 114 N 16th Street - Walker
- O. Site Design Review (Minor) at 155 N Columbia River Hwy - Pronto Signs, LLC
- P. Extension of Time (TUP.2.23) at 343 S 1st Street - Crooked Creek Brewery

PLANNING DEPARTMENT ACTIVITY REPORT

- [Q.](#) Planning Department Activity Report - April

PROACTIVE ITEMS

- R. Architectural Standards

S. Vacant Storefronts

T. The Plaza Square

FOR YOUR INFORMATION ITEMS

ADJOURNMENT

NEXT REGULAR MEETING: June 11, 2024

VIRTUAL MEETING DETAILS

Join:

<https://us06web.zoom.us/j/83682091689?pwd=oFn0QbBiLGxwrNMu03QDxwab05dDoM.1>

Meeting ID: 836 8209 1689

Passcode: 204587

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

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

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



PLANNING COMMISSION

Tuesday, April 09, 2024, at 6:00 PM

DRAFT MINUTES

- Members Present:** Chair Dan Cary
 Vice Chair Jennifer Shoemaker
 Commissioner David Rosengard
 Commissioner Brooke Sisco
 Commissioner Scott Jacobson
- Members Absent:** Commissioner Charles Castner
 Commissioner Ginny Carlson
- Staff Present:** City Planner Jacob Graichen
 Associate Planner Jenny Dimsho
 Community Development Admin Assistant Christina Sullivan
 City Councilor Mark Gunderson
- Others:** Julie Wheeler
 Roy Wheeler
 Brady Preheim
 Tina Curry

CALL TO ORDER & FLAG SALUTE

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

Preheim, Brady. Preheim was called to speak. He said he wanted to protest Commissioners Charles Castner and David Rosengard being on the Planning Commission. He said he would like to see the Planning Commission add the Plaza Square and a 50-year water and sewer plan to their Proactive Item list. He said he would like to see the sewer and water systems merged with Scappoose to help both locations with their infrastructure issues.

Curry, Tina. Curry called to speak. She shared some information on the Masonic Building. She said they would like to replace the old second story aluminum windows on the building. She said she would like to get an idea of what the Planning Commission would require for this exterior change. She said there could be other modifications made to the interior of the building instead but would prefer to put more energy efficient windows into the building.

CONSENT AGENDA

A. **Planning Commission Minutes Dated March 12, 2024**

Motion: Upon Vice Chair Shoemaker's motion and Commissioner Jacobsen's second, the Planning Commission unanimously approved the Draft Minutes dated March 12, 2024, as written. [AYES: Vice Chair Shoemaker, Commissioner Sisco, Commissioner Jacobson, Commissioner Rosengard; NAYS: None]

B. **Joint Planning Commission / City Council Minutes Dated March 13, 2024**

Motion: Upon Vice Chair Shoemaker's motion and Commissioner Jacobsen's second, the Planning Commission unanimously approved the Draft Minutes dated March 13, 2024, as written. [AYES: Vice Chair Shoemaker, Commissioner Sisco, Commissioner Jacobson, Commissioner Rosengard; NAYS: None]

PUBLIC HEARING AGENDA (times are earliest start time)

C. **6:05 p.m. Variance at 240 N Vernonia Rd - Wheeler**

Chair Dan Cary opened the Public Hearing at 6:13 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter.

Associate Planner Jenny Dimsho presented the staff report dated April 2, 2024. She mentioned it was an L-shaped lot and was a very large lot at over 14,000 square feet. She said this is a corner lot that fronts Mayfair Drive and Vernonia Road. She said the main drive is off Vernonia Road. She said the proposal is part of a remodel of their house.

She said when looking at the plan submitted with the building permit, there were some setback requirements not met. She said they will build a new addition off the back of the house and extend the existing roofline. She said they would like to maintain the existing setback line of the house. Since Mayfair Drive setback is considered an exterior side yard, it has a larger setback requirement of 14 feet. Their house currently sits at eight feet.

She noted that corner lots are more rare than interior lots, helping with the unique circumstance criteria.. She shared a reduction that could be used without a variance which makes the setback request only three and a half feet needed to meet the standard. She said all other setbacks were met and they were meeting their maximum coverage requirements.

Wheeler, Julie. Applicant. Wheeler is the owner of the property. She said the house was built in the year 1930 and Mayfair Drive was built several years after that. She mentioned aesthetically it will look better for the addition to just keep in line with the existing setback line. She also said they planned to keep all their trees and current screening.

In Favor

No one spoke in favor of the application.

In Neutral

No one spoke as neutral of the application.

In Opposition

No one spoke in opposition to the application.

Rebuttal

There was no rebuttal.

End of Oral Testimony

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

Close of Public Hearing & Record

Deliberations

Chair Dan Cary said this is a corner lot, but the house is back away from the street, and they are not decreasing what is there already and would just be extending the current setback line. He said it would be a nice addition to the lot.

There was a discussion about the screening. The Commission agreed there was no need for additional, or replacement of screening that may be needed to be removed.

Motion: Upon Commissioner Rosengard's motion and Commissioner Sisco's second, the Planning Commission unanimously approved the Variance as recommended by staff. [AYES: Vice Chair Shoemaker, Commissioner Rosengard, Commissioner Sisco, Commissioner Jacobson; NAYS: None]

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

DISCUSSION ITEMS

D. **Planning Commission Representation on Economic Opportunities Analysis Technical Advisory Committee**

Dimsho shared that the update of the Economic Opportunities Analysis had just started. She said there will be a Technical Advisory Committee for it. She said they would like to have someone from the Planning Commission on the committee. She said there would only be three meetings. She said there would also be discussion of this at two of the Joint Planning Commission and City Council meetings as well. Vice Chair Shoemaker said she would like to be the representative for the Planning Commission. The Commission agreed this was a good choice.

E. **2024 Development Code Amendments Draft Review**

City Planner Jacob Graichen shared that they drafted the text amendments proposal for the Commission to review in detail. He said the Commission would go through each item and then it would go before the City Council to move it forward for legislative approval.

He started with the question of single room occupancy development where there is a building that has multiple sleeping areas but the common areas, such as the kitchen and bathrooms, are shared. He said at the Joint Planning Commission Council meeting, the Mayor had discussed having an option of detached dwellings that may not have a lavatory or kitchen, but those facilities would be in another building. He mentioned that he spoke with the Building Official about this option and Building Code could make this not a feasible option. Graichen asked the Commission to provide feedback on this idea and whether it was an idea to include. Commissioner David Rosengard asked if the goal of this idea was just to increase the housing options available to the citizens? He said he did not think anyone would use this type of detached housing. Graichen said he did think this was the thought behind the idea. It would be different than cottage clusters, as they would have a building where some/all the facilities were located for sharing.

The Commission agreed they did not like the idea of single room occupancy in detached dwellings being allowed.

Graichen moved to the topic of definitions. He talked about some of the wording in the code and updating how they were spelled and adding, changing, or updating the definitions to clarify and make it easier to understand. The Commission agreed with the definition changes proposed.

There was a discussion on the manufactured dwelling definition. Graichen shared the different types and kinds of homes that are included in the definition of manufactured dwelling. Chair Cary asked about where manufactured homes and travel trailers could be located. Graichen said there was a specific code that said where these types of homes could be placed.

There was a small discussion on the types of new technology being created to build houses and how the code will acknowledge them.

He also discussed the definition of single room occupancies (SROs). For each zoning district, he described the density allowed for SROs, as required by the state.

He mentioned they updated the validity periods and added in clarification on the notice areas that should be notified for time extensions.

He talked about the zoning districts and how it states that anywhere there is a single-family dwelling, they will now need to allow single room occupancy with a maximum of six units. He also said the provisions for childcare will not allow them to impose a conditional use permit in a residential area.

He discussed the conditional use permits and specifically the multi-dwelling units and how it could be attached housing and/or detached housing. If there are three or more units, you can mix and match. He discussed the standards for zoning district R5 and that the number of units allowed must be capped.

There was a discussion on using "travel trailer park" versus "recreational vehicle park" as the use listed in the zoning districts. The Commission agreed "recreational vehicle park" was preferred over the code's current "travel trailer park."

He moved the discussion to the Highway Commercial zone and discussed some of the language used to make it easier to understand. He mentioned there was no residential allowed on the ground levels in Highway Commercial. He also said there were no density standards mentioned in the code for this zone. So, he said they updated it to say no more than two units on the property.

Vice Chair Shoemaker asked why congregate care is included in the Riverfront District, Plaza subdistrict. Vice Chair Shoemaker said she would like to strike that from the code if able to. Graichen said he would bring this question to next month's meeting.

He also discussed having to allow prefabricated structures and other types of units in manufactured home parks. He said they had a standard of a 10-foot separation between buildings. To stay consistent with the new rules they put into place in previous years about duplexes and single-family dwellings, they changed the language to match those interior yard standards for buildings within a manufactured home park. Chair Cary said he thought they should keep a larger separation to provide livability for neighbors. There was a small discussion about keeping ten feet between principal living units and allowing six feet between accessory structures. The Commission agreed with this change.

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

- F. Sign Permit (x2) at 465 N Columbia River Hwy – Than Tussing
- G. Site Design Review (Minor) at 134 N River Street – Steve Toschi
- H. Temporary Use Permit at 555 S Columbia River Hwy – Hacienda Las Juanitas, LLC
- I. Temporary Use Permit at 2225 Gable Road – Paintner
- J. Partition (x2) at 475 N 12th Street – Weigandt

There was a small discussion on the Weigandt partitions and the proposed development.

PLANNING DEPARTMENT ACTIVITY REPORT

- K. Planning Department Activity Report – March

There was no discussion on the Planning Department Activity Report.

PROACTIVE ITEMS

- L. Architectural Standards

There was no discussion on Architectural Standards.

- M. Vacant Storefronts

Vice Chair Shoemaker discussed the creation of a sub-committee to discuss and start working on vacant storefronts. She said she met with the Mainstreet group to discuss how to format the committee. She mentioned that Councilor Sundeen agreed to be on the committee, the President of Mainstreet, Erin Salisbury, wanted to be on the committee, and Vice Chair Shoemaker said two or three Planning Commissioners should be a part of the committee as well. She also said they should include two or three citizens. Commissioner Scott Jacobsen and Commissioner Brooke Sisco agreed to be a part of this sub-committee for the Vacant Storefronts.

She also said that the other commissioners should take on the different proactive items, as it doesn't make sense to have one person in charge of all of them.

There was a discussion about removing Architectural Standards. The Commission agreed they should keep it on the agenda but narrow down the district to start with these standards. No one volunteered to take the lead on the item.

There was a discussion on adding the Plaza as a proactive item. They discussed preparing a proposal to present to the County Commissioners on what the plan would be to restore it. The Commission agreed this should be added to the agenda with a possible sub-committee that includes the Parks and Trails Commission.

FOR YOUR INFORMATION ITEMS

There were no For Your Information Items.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 8:51 p.m.

Respectfully submitted,

*Christina Sullivan
Community Development Administrative Assistant*

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Annexation A.3.23**

DATE: April 23, 2024
TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner
APPLICANT: Port of Columbia County, c/o Sean Clark
OWNERS: Same
ZONING: Columbia County's Heavy Industrial (M-1)
LOCATION: Property west, south, and east of 58212 Old Portland Road
 Map No. 4N1W-8D-1000
PROPOSAL: The property owner filed consent to annex because they desire to connect to City utilities

SITE INFORMATION / BACKGROUND

The subject property is an irregular shaped lot at 11.84 acres. The site is accessed off Old Portland Road, which is a developed minor arterial classified street without frontage improvements (sidewalks and curb) abutting the property. The site has land use approval with County File DR 23-06 for a 10,320 sq. ft. maintenance building for the Port of Columbia County. A large portion of the property is encumbered by the 100-year flood plain with the site sloping heavily along the southeastern property line. The Port's project intends to keep the proposed building out of the 100-year flood plain. The City's Local Wetland Inventory also identifies wetland MC-25a which is a locally significant wetland with a 75' upland protection zone. The Port's project avoids the wetland areas.



Subject property taken from Old Portland Road looking at access which is shared between property with existing buildings in the background and proposed new maintenance building (proposed on grassy field to the right of the existing buildings).

Abutting Zoning

North – City Heavy Industrial (HI) & County Heavy Industrial (M-1)
 East – City Heavy Industrial (HI)
 South – City Heavy Industrial (HI)
 West – County Heavy Industrial (M-1)

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: May 14, 2024. Public hearing before the City Council: June 19, 2024.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on April 3, 2024, through their PAPA Online Submittal website.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property on April 17, 2024, via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on May 1, 2024, in The Chronicle newspaper.

AGENCY REFERRALS & COMMENTS

Columbia County Land Development Services: No concerns about this proposal as present.

Columbia County Public Works: No comments or concerns for this annexation. It looks like there are no County roads involved. Old Portland Road is the City's jurisdiction in this location.

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 Heavy Industrial (UHI). Zoning and Comprehensive Plan designations are addressed under SHMC 17.28.030 (1).

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. Sewer and water capacity to serve this property is addressed in more detail under SHMC 17.28.030 (1) below. By this review process, the proposal complies with this aspect of the

Comprehensive Plan. There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC.

There is no known conflict with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC. Zoning and Comprehensive Plan designations are addressed under SHMC 17.28.030 (1)

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 inconsistency 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 Heavy Industrial (M-1) and the City’s zoning option given annexation is Heavy Industrial.**

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 – City water is available in the Old Portland Road right-of-way. With regards to capacity, the City’s current water capacity is 6 million gallons/day and the peak flow, usually in the summer, is 3 to 4 million gallons/day. Additionally, the City has the capacity of approximately 10 million gallons to meet future demands. Any additional uses that occur on the subject property can be accommodated by the City’s municipal water system as infrastructure has substantial capacity available.

Sewer – While not currently connected to City sewer, it is available along the Old Portland Road right-of-way.

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. Sanitary sewer *capacity* is adequate.

With regards to *conveyance*, the County’s approval of County file DR 23-06 included referral comments from the City which addressed the City’s sanitary sewer conveyance issues identified in the City’s 2021 Wastewater Master Plan. The city recommended specific conditions that were partially reflected in the County’s final decision per condition 8.aa (there are two condition “8.a’s”), requiring a will serve letter from the city verifying the new maintenance facility can utilize its water and sewer. However, specific language pertaining to the “fair share” fee was not included. To help ensure this provision is an aspect of this will serve letter, the following condition shall be incorporated into this annexation:

For the project triggering this annexation, as approved by Columbia County File DR 23-06, an additional “fair share” fee shall be paid per equivalent dwelling unit (EDU) based on the portions of the city wastewater collection system between the subject property and the wastewater treatment plant, that this development depends on, that are at or above capacity as identified in the city’s 2021 Wastewater Master Plan. Estimated per EDU cost is \$3,200 based on October 2022 dollars. Inflation adjustment to value at time of building permit issuance shall be included.

Below are the sanitary sewer findings of the City per its referral for County file DR 23-06 to be incorporated with this annexation:

City sanitary sewer is available along the Old Portland Road right-of-way. Like with water, connection will require a consent to annex to be filed with the city (and recorded on the deed records of the County Clerk). In addition, System Development Charges and connection fees will apply.

Pumping may be necessary for the sanitary sewer.

Moreover, there are system deficiencies in the city's sanitary sewer system. The city adopted a new **Wastewater Master Plan (WWMP)** in November 2021 that identifies undersized trunk lines already operating at or above capacity that this development would depend on. The WWMP can be found here:

<https://www.sthelensoregon.gov/engineering/page/public-infrastructure-master-plans>

Sewer pipes are considered "at capacity" when peak flows exceed 85% of the full depth of the pipe in accordance with industry standards. This depth is based on the maximum depth of flow ratio (d/D), where "d" is the depth of flow and "D" is the pipe diameter. The WWMP includes an exhibit—Figure 18—that shows that a portion of the sanitary sewer main along the north side of the waste water treatment pond is currently operating between 0.85 and 0.99. This is greater than the industry and city standard 85% "at capacity" flows and is a portion of the conveyance system between the subject property and the wastewater treatment plant.

Pipeline surcharging occurs as flows exceed the capacity of a full pipe, causing wastewater to back up into manholes and services. In addition to potentially backing up into homes and health risks associated with sanitary sewer overflows, Oregon DEQ prohibits all sanitary sewer overflows and can fine cities for allowing such and has done so to other jurisdictions. Examples of DEQ fines can be found here:

https://www.oregon.gov/deq/Pages/enforcement-actions.aspx?wp2643=p:2#g_c4e47a01_bc88_4a9f_aa38_c1bcac799ce5

This deficiency could be a basis to disallow connection to the sanitary sewer system. However, the city can accept a fee to help offset costs of sanitary sewer upgrades to avoid delays to this project.

A condition of approval to require a fee per equivalent dwelling unit will be included. This is not a System Development Charge pursuant to ORS 223.299(4)(b); it is a temporary charge by order for development and land divisions proposed under these circumstances until the infrastructure is in order per the WWMP. The nexus is clear as it relates to the sewer conveyance deficiency and an amount has been determined based on calculations to determine fair proportionality—see attached **St. Helens Wastewater Collection System New Sewer Connection Surcharge memo**.

For this project, the fee per equivalent dwelling unit is \$3,200, and this estimated amount is determined to be a fair share quantity for this proposal. It is based on October 2022 dollars, and inflation must be considered.

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) This property is currently vacant. The County-approved development proposal for a maintenance building would be considered a public facility, major in the City's HI zone. This is a conditional use per the city's zoning. 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 three sides 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."

City water and sewer capacities are addressed under SHMC 17.28.030 (1) above. There is no evidence that adequate infrastructure will not be available to serve the annexed area if developed in the future.

- **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 Old Portland Road. Old Portland Road is classified as a minor arterial with a minimum right-of-way width of 60', which is met.

There are no frontage improvements (sidewalks and curb) abutting the subject property. City standards require such improvements. Such was not required by Columbia County's approval of DR 23-06, which is the development prompting this annexation. Because no such requirement was associated with the development permitting and that an annexation, by itself, does not provide the necessary legal nexus and proportionality to require such improvements, no conditions for this annexation pertaining to street improvements are warranted.

(e) The subject property is not zoned residential. A needs analysis is not necessary.

Finding: The annexation approval criteria are met for this proposal.

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 Heavy Industrial (UHI) The City option for zoning is Heavy Industrial (HI). The Comprehensive Plan designation would be Heavy Industrial (Incorporated).

Finding: Upon annexation, the subject property’s Comprehensive Plan designation shall be Heavy Industrial (Incorporated) and zoned Heavy Industrial (HI).

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.

Discussion: 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 is not applicable.

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 Heavy Industrial (Incorporated) and be zoned Heavy Industrial (HI), with the condition that:

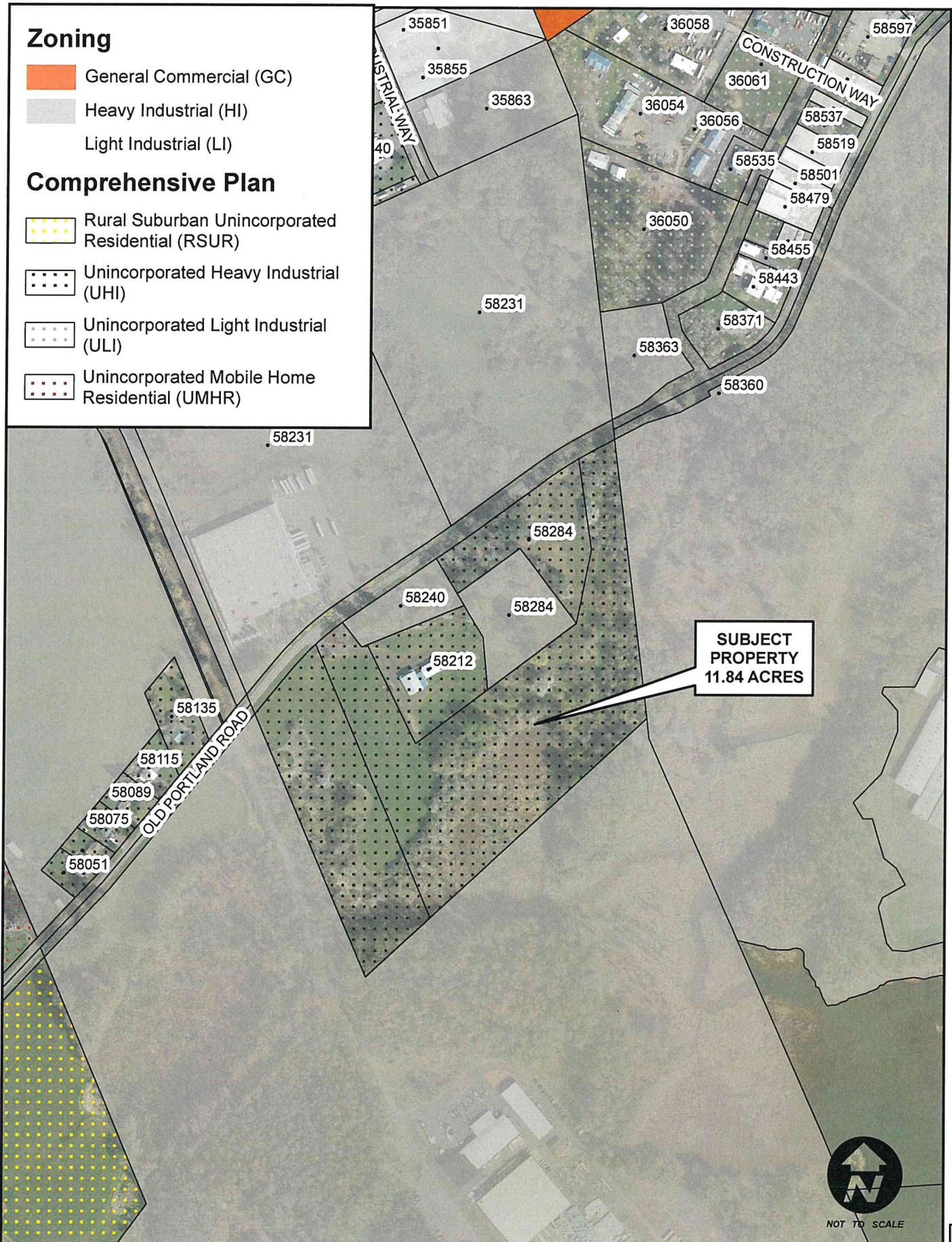
For the project triggering this annexation, as approved by Columbia County File DR 23-06, an additional “fair share” fee shall be paid per equivalent dwelling unit (EDU) based on the portions of the city wastewater collection system between the subject property and the wastewater treatment plant, that this development depends on, that are at or above capacity as identified in the city’s 2021 Wastewater Master Plan. Estimated per EDU cost is \$3,200 based on October 2022 dollars. Inflation adjustment to value at time of building permit issuance shall be included.

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

Attachments: Aerial Map

Annexation A.3.23 Aerial Map

Item B.



**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Annexation A.1.24**

DATE: April 23, 2024
To: DLCD
FROM: Jennifer Dimsho, AICP, Associate Planner
APPLICANT: JLJ Earthmovers, LLC
OWNERS: IVES J & L & SCHLUMPBERGER R & T
ZONING: Columbia County's Light Manufacturing, M-2
LOCATION: 2180 Gable Road; 4N1W-9BB-100
PROPOSAL: The property owner filed consent to annex because they desire to use the City's development rules

SITE INFORMATION / BACKGROUND

The subject property is 3.91 acres abutting Gable Road. It is accessed by Gable Road with one semi-paved asphalt driveway. Gable Road is a developed minor arterial-classified street without frontage improvements (sidewalks, curb, and landscape strip) abutting the subject property. The site is partially developed with a 6' high fence with barbed wire surrounding a portion of the lot. There is an identified wetland on the property by DSL WD# 2017-0028, which is identified as Wetland MC-23 on the St. Helens Local Wetland Inventory. It is not considered a "significant" wetland per the SHMC, though state and federal requirements still apply. It encompasses the northwest corner of the lot, which is also where most of the vegetation on the lot is located. A rail spur runs along the back side of the property.

Years ago, the property was developed with what is assumed to be a single-family dwelling. Per County Assessor information in 2013 the home structure had been vacant for many years and was in poor condition. The remaining structure was demolished in 2015. There is no known lawful use of land since this dwelling was functional (sometime prior to 2013) and used, to today.

In 2017, applicants and property owners Ron Schlumpberger and Jim Ives applied for a Site Design Review with the County for RV and boat storage with an enclosed storage building (County file DR 17-04). A holding tank was proposed for sanitary sewer. This application was received by the County on April 12, 2017, with a hearing date scheduled for June 5, 2017. The application was withdrawn by the applicant on May 24, 2017, via email. City staff was aware of this at least by June 6, 2017, when the email chain was received by the City.



Based on the photo herein dated April 24, 2017, fence improvements had started to be installed before and land use approval for the property and before application withdrawal. The fencing improvements were completed. At least, the applicant worked with the City, so the fencing was installed to have an access point that could be potentially be approved. However, no right-of-way permit has been obtained and no paving has occurred. Gable Road, at this location, is a city jurisdiction road. For several years after the 2017 efforts, the land sat idle but with the

fence installed.

In 2023, JLJ Earthmovers, LLC applied for a Land Use Compatibility Statement (LUCS) Planning Compliance Review for a contractor's yard. Oregon DEQ typically requires a LUCS for certain activities, most commonly a 1200-C permit. It was authorized by Columbia County planning staff who noted on the LUCS that the proposal will require Site Design Review.

Towards the end of 2023/beginning of 2024 staff noticed storage activity taking place. Staff had conversations with John Jersey of JLJ Earthmovers before the Christmas and New Year's holidays given the lack of land use approval for any use of the site. After no actions, City staff filed a complaint with the County via their online system on February 12, 2024. Further conversations with JLJ Earthmovers followed. The city reviewed the consent to annex on February 28, 2024.

The reason for the annexation in this case is to use the City's land use rules. To use the site as a storage yard, the City's normal process is administrative, whereas the County processes includes a public hearing before its Planning Commission given the size of the site. The County's process is not desired by the applicant. So, the intent is to annex and use the city's land use rules to grant the use and remedy this enforcement issue.



Photo taken March 29, 2024 looking northeast at the subject property from Gable Road.

The applicant filed a Site Development Review (SDR.2.24) with the city on April 10, 2024, for a storage site with no buildings and to relocate the proposed access point, that in conjunction with this annexation, is an effort to achieve compliance upon annexation.

Abutting Zoning

North - City Heavy Industrial (HI)

East – City Light Industrial (LI)

South – City General Commercial (GC) and County Light Manufacturing (M-2)

West – City Light Industrial (LI)

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: May 14, 2024. Public hearing before the City Council: June 19, 2024.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on April 4, 2024, through their PAPA Online Submittal website.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property on April 17, 2024, via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on May 1, 2024, in The Chronicle newspaper.

AGENCY REFERRALS & COMMENTS

Columbia County Land Development Services: No concerns with the approval of this annexation as proposed.

Columbia County Public Works: No comments or concerns with this annexation. It looks like there are no County Roads involved. Gable Road is the City’s jurisdiction at this property.

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 Light Industrial (ULI). 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), and 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 inconsistency 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 Light Manufacturing, M-2 and the City zoning option given annexation is Light Industrial.**

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 property is not currently connected to City water. The nearest City water line is approximately 205 feet away. The City's current water capacity is 6 million gallons/day and the peak flow, usually in the summer, is 3 to 4 million gallons/day. Additionally, the City has the capacity of approximately 10 million gallons to meet future demands. Any additional uses that occur on the subject property can be accommodated by the City's municipal water system as infrastructure has substantial capacity available.

Sewer – City sewer is not in the immediate vicinity of the subject property. There are possible land uses for the site which would not require a connection to city sewer (e.g., the adjacent property at 2130 Gable Road has an approved holding tank for equipment storage, a truck maintenance building, and administrative office uses).

However, should the property owner wish to connect the property to City sewer in the future, the City's sewer system has notable system-wide conveyance issues as identified in the 2021 Wastewater Master Plan (WWMP). City Public Works and Engineering are in the process of designing and upgrading the system to address the conveyance deficiencies. If the property is developed with a proposal which requires a land use permit and requires connection to the City's sewer system while the conveyance issue still exists, the City may implement a proportional fee as a condition of approval to contribute to the conveyance projects in the WWMP to help offset the deficiency.

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

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

(b) The site is currently vacant. 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 four sides 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."

There is no evidence that adequate infrastructure cannot be made available to serve the annexed area if developed in the future.

- **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 Gable Road, which is a City road at this location.

The City's Transportation Systems Plan designates Gable Road as a Minor Arterial and subject to Minor Arterial standards. The existing right-of-way width for Gable Road is sufficient for this classification. Therefore, right-of-way dedication is not necessary.

Along the subject property, Gable Road is improved with asphalt, but lacks frontage improvements such as sidewalk and curb along the subject property's frontage. City standards require such improvements.

However, this property is not the subject of a current development land use review, which provides the legal nexus and proportionality to require such improvements. As such, no improvements are warranted with this proposal. At the time of future development, this would be considered. However, there is an access point that is not approved by the City and is being used. All approvals for access and right-of-way improvements shall be obtained as a condition of this annexation. There are no such approvals currently.

(e) The subject property is not designated residential. A needs analysis is not necessary.

Finding: The annexation approval criteria are met for this proposal.

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 Light Industrial (ULI). Upon annexation, the Comprehensive Plan designation would thus be Light Industrial (Incorporated).

Finding: The subject property shall be designated Light Industrial (Incorporated), LI and zoned Light Industrial (LI) upon annexation.

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 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 is not applicable.

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 Light Industrial (incorporated), LI, and be zoned Light Industrial, LI, with the condition that:

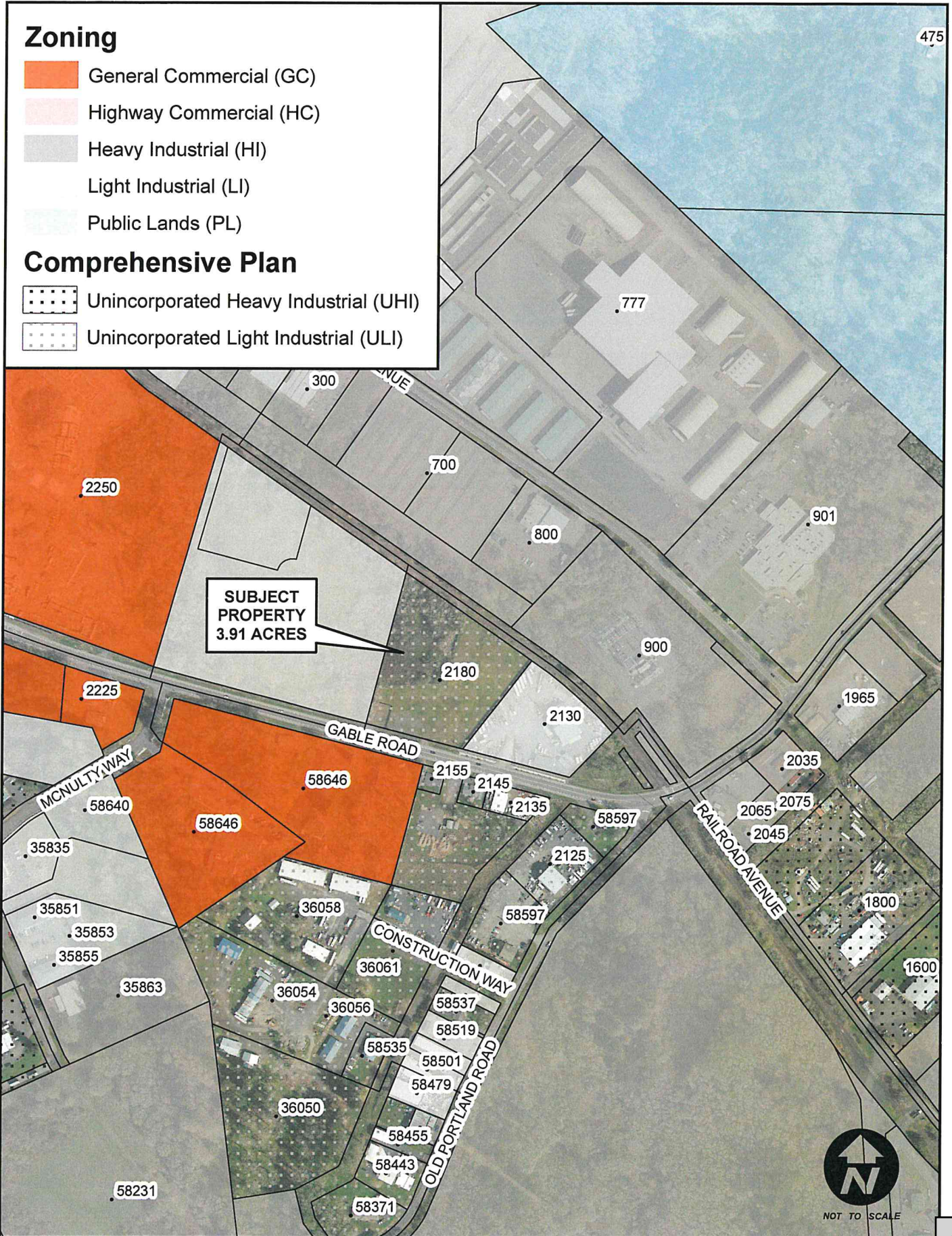
Any Gable Road access point, including one in use at the SW corner of the subject property, requires approval by the City and associated improvements including but not limited to paving prior to use. Use without such approval is contrary to this condition and applicable City law.

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

Attachments

- *Aerial Map*
- *Email chain between Ron Schlumpberger (owner/applicant) and Ginger Davidson (County Planner) regarding County file DR 17-04, withdrawal and related land use matters between May 24, 2017 and May 31, 2017*
- *Approved access concept for subject property initialed by Ron Schlumpberger on May 2, 2017*

Annexation A.1.24 Aerial Map



Jacob Graichen

From: Davidson, Ginger <ginger.davidson@co.columbia.or.us>
Sent: Tuesday, June 06, 2017 12:52 PM
To: Jacob Graichen
Subject: Fwd: Gable Rd Property

----- Forwarded message -----

From: Davidson, Ginger <ginger.davidson@co.columbia.or.us>
Date: Wed, May 31, 2017 at 12:05 PM
Subject: Re: Gable Rd Property
To: "Schlumpberger, Ron" <ron.schlumpberger@nfp.com>

Hi Ron-

The property needs to be used for a commercial/industrial use (anything listed as allowed or permitted in the M-2 zoning category). Residential storage for personal use is not listed as an allowed use. You will need to get approval for a storage business in order to store stuff on the property.

Regards,
Ginger

On Fri, May 26, 2017 at 12:23 PM, Davidson, Ginger <ginger.davidson@co.columbia.or.us> wrote:

Hi Ron-

In regards to your first question, I need to talk to Glen about it and he has been sick. Regarding the second question, you will need to do a partition and hire a surveyor. The City will most likely have both properties share access onto Gable Road (It is the City's decision because Gable is under the jurisdiction of the City and the property is in the UGB). I will call or email next week.

Ginger

On Wed, May 24, 2017 at 12:37 PM, Schlumpberger, Ron <ron.schlumpberger@nfp.com> wrote:

Ginger,

A couple of questions came to mind if you could answer these maybe I would know better on what direction, as being we are kind of in limbo because of our partnership it is tough to know what exactly we are going to do.

- 1) If we just use this personally ourselves for our own storage of our own vehicles, trailers, etc and not as a commercial storage do we need to do anything, until such time we sell the property, or settle on dividing it.
- 2) If we were to divide it down the middle, would we be able to do a lot line adjustment? And be able to have its own access utilizing the two existing approaches that access the property now?

Thank you!

Ron

From: Davidson, Ginger [mailto:ginger.davidson@co.columbia.or.us]
Sent: Wednesday, May 24, 2017 12:02 PM
To: Schlumpberger, Ron <ron.schlumpberger@nfp.com>
Subject: Re: Gable Rd Property

External Email

Hi Ron,

For the Type I Site Design Review, I will need a new application filled out and the paperwork (narrative and plot plan) updated with your intentions. In addition, update the plot plan to include the following:

- (1) Location and dimensions of the curb cut providing access to Gable Road.
- (2) Individual RV/boat storage spaces, locations and dimensions.
- (3) Interior traffic circulation patterns with dimensions.
- (4) Fencing, gate and screening locations in regards to property lines.

I am still working on getting the discounted pricing due to the partial refund for your withdrawn Type II. Will get back to you on the cost.

Regards,

Ginger

On Wed, May 24, 2017 at 9:42 AM, Davidson, Ginger <ginger.davidson@co.columbia.or.us> wrote:

Ron-

Ok. Per your request your Type II Design Review application has been withdrawn and is now off the June 5 Planning Commission meeting schedule. I will be in contact with you about how to proceed.

Regards,

Ginger

On Wed, May 24, 2017 at 8:44 AM, Schlumpberger, Ron <ron.schlumpberger@nfp.com> wrote:

Ginger,

I really don't want to go through the planning commission if our request doesn't require it, which I believe from what we've talked about just storage of boats and rv's does not require it.

Please go ahead and drop our planning II and proceed with Planning I applying partial credit, and if you can let me know what areas you would want more detail on.

Thank you!

Ron

Ron Schlumpberger

Vice President, CPCU

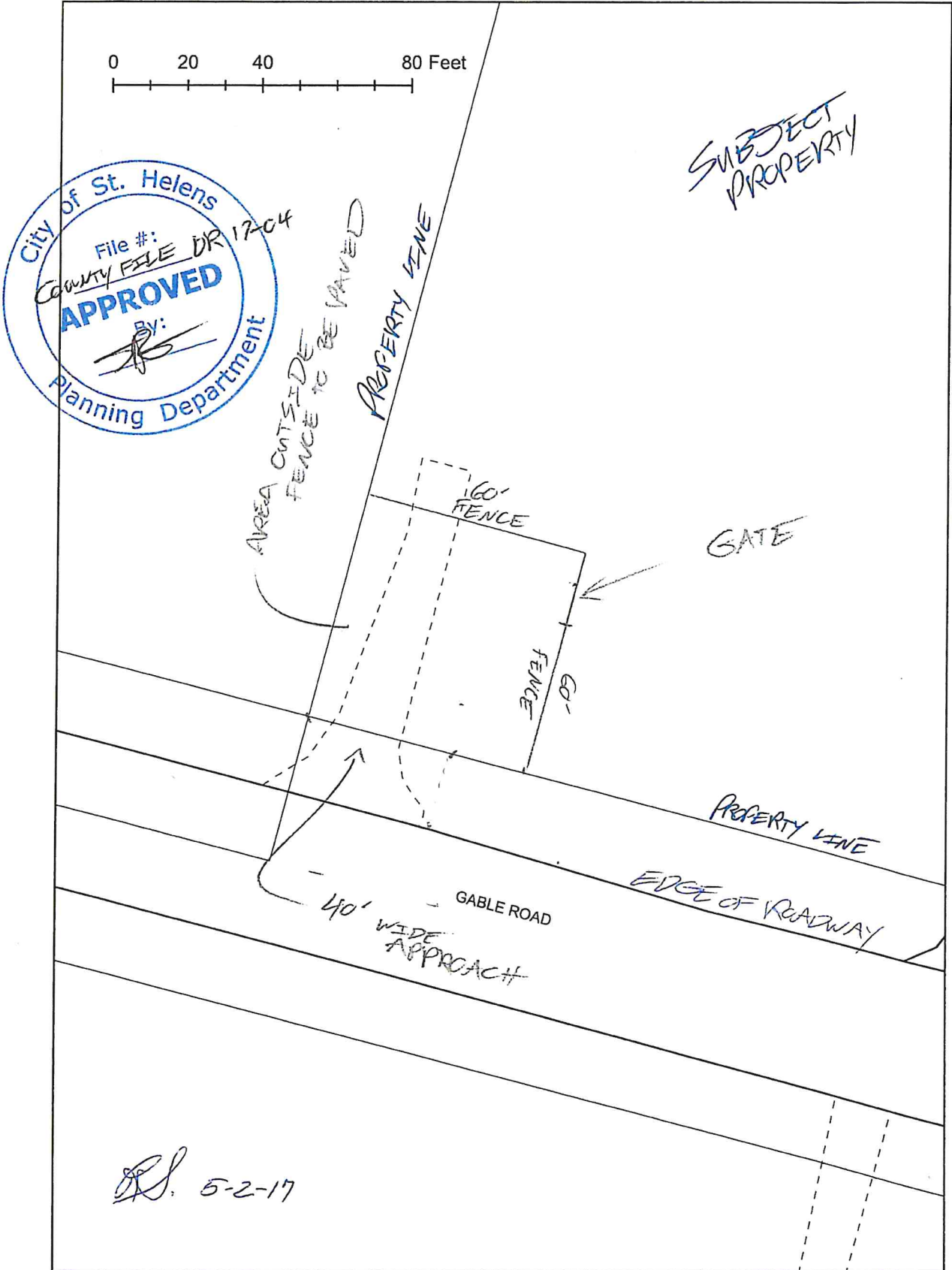
Property & Casualty Insurance

61 Plaza Square | St. Helens, OR 97051

P: [503.397.0714](tel:503.397.0714) | F: [503.397.0674](tel:503.397.0674) | ron.schlumpberger@nfp.com | nfp.com



This e-mail may contain information that is privileged, confidential or protected under state or federal law. If you are not an intended recipient of this email, please delete it, notify the sender immediately, and do not copy, use or disseminate any information in the e-mail. Any tax advice in this email may not be used to avoid any penalties imposed under U.S. tax laws. E-mail sent to or from this e-mail address may be monitored, reviewed and archived.



**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Annexation A.2.23**

DATE: April 23, 2024
TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner
APPLICANT: Christine Dahlgren
OWNERS: Same as applicant
ZONING: Columbia County's Commercial-General (C-3)
LOCATION: 35456 E. Division Road
 4N1W-8CA-1900
PROPOSAL: The property owner filed consent to annex because they wanted to connect to City sewer.

SITE INFORMATION / BACKGROUND

The subject property is 1 acre in size. It is developed with a detached single-family dwelling and a small detached accessory structure (shed). There are two developed accesses from East Division Road which are paved and include concrete aprons and asphalt drives. The 2nd access appears to lead to a building pad where there may have been another structure at one time but there is no longer. The lot also includes developed curb/gutter along the frontage, but no sidewalk improvements. There is a public sanitary sewer line which runs along the southern property line.



*Left: Existing detached single-family dwelling accessed from E. Division Road.
 Right: Second driveway to a former building pad.*

Abutting Zoning

North – County's Commercial-General (C-3)
 East – County's Commercial-General (C-3)

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

West - County's Commercial-General (C-3)

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: May 14, 2024. Public hearing before the City Council: June 19, 2024.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on April 9, 2024, through their PAPA Online Submittal website.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property on April 17, 2024, via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on May 1, 2024, in The Chronicle newspaper.

AGENCY REFERRALS & COMMENTS

Columbia County Land Development Services: No concerns related to the annexation as proposed provided all annexation criteria have been met.

Columbia County Public Works: No comments or concerns for the annexation. In the future, if this property goes through any development that requires a building permit, then they will need to obtain an access permit through the County Public Works Department.

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

This property is separated by only a public right-of-way to City limits. 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 inconsistency 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 is currently connected to McNulty Water.

Sewer – Access to the City sewer is available in E. Division Road. Since the applicant filed a consent to annex, they have connected the property to City sewer (via Building Permit No. 15110) because of a failing septic system.

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. Sanitary sewer *capacity* is adequate.

With regards to *conveyance*, the city adopted a new **Wastewater Master Plan (WWMP)** in November 2021 that identifies undersized trunk lines already operating at or above capacity that further development of the subject property (e.g., land division creating new parcels) would depend on. The WWMP can be found here:
<https://www.sthelensoregon.gov/engineering/page/public-infrastructure-master-plans>

If the subject property was redeveloped in the future with a proposal that required a land use permit (e.g., Site Development Review or Partition) while the conveyance issue still exists, the city may implement a proportional fee as a condition of approval to contribute to the conveyance projects in the WWMP to help offset the deficiency. Because single-family dwellings and duplexes are not subject to Site Development Review per SHMC 17.96.020, the fee would not apply to that type of development. As a property that has an existing detached single-family dwelling, this fee would not apply to this annexation.

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 land use of the subject property is a detached single-family dwelling. This is not an allowed use in the City’s Highway Commercial (HC) zoning district. It is also not allowed as a sole principal use in the County’s C-3 zone. It is a non-conforming use of the property and will continue to be upon annexation into the City.

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 is separated only by public right-of-way along E. Division Road to the southeast.

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 water. City sewer capacities are 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 has access off East Division Road which is within the County's jurisdiction. The roadway is classified as a local street in our TSP which has a minimum right-of-way of 50', which is not met. The roadway is also not developed with frontage improvements (sidewalks) abutting the subject property.

However, this property is not the subject of a current development land use review, which provides the legal nexus and proportionality to require such improvements or right-of-way dedications. As such, no improvements or requirements are warranted with this proposal. At the time of future development, this would be considered.

(e) The subject property is not zoned residential. This does not apply.

Finding: The annexation approval criteria are met for this proposal.

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.

Finding: The subject property is not zoned residential. This provision does not apply.

CONCLUSION & RECOMMENDATION

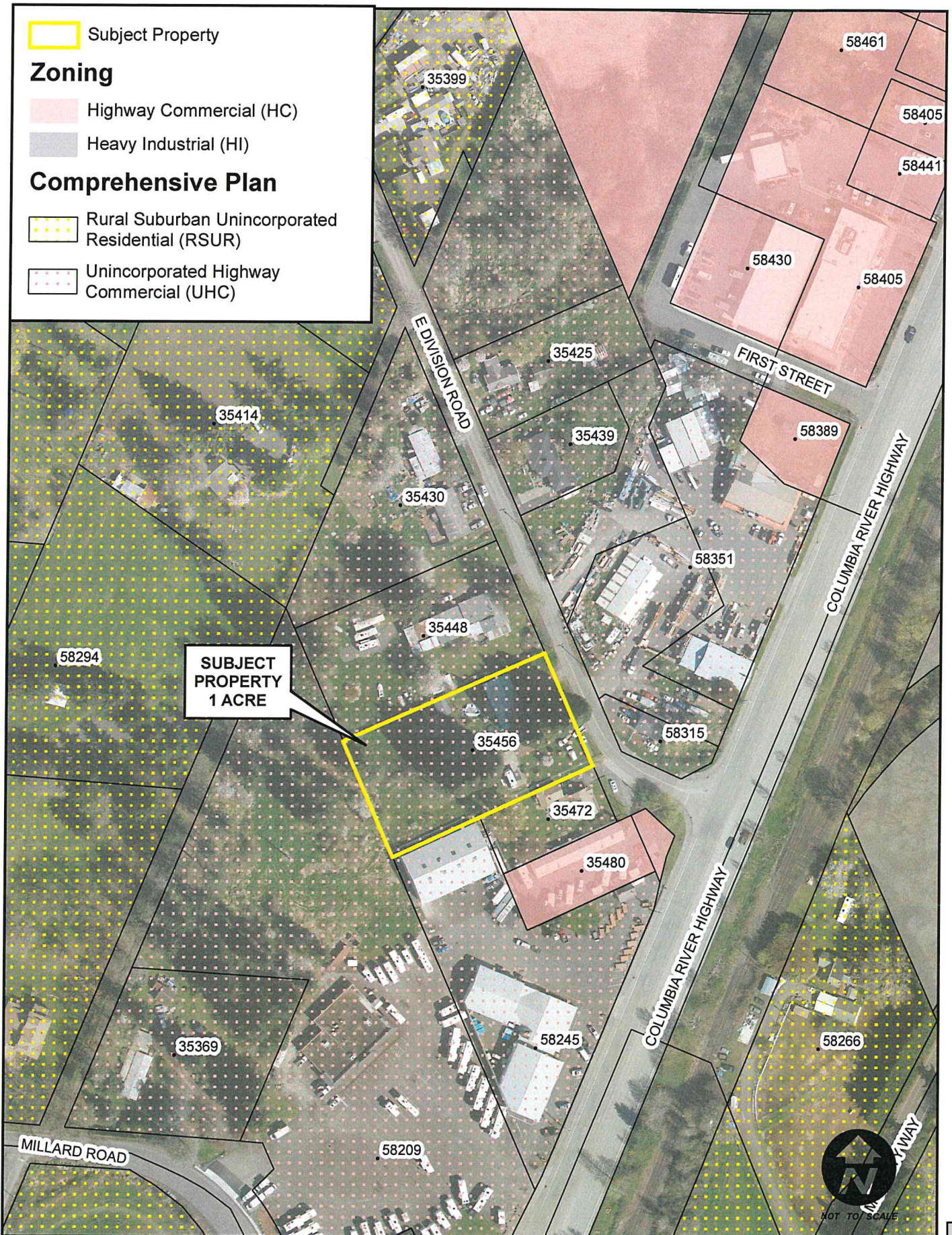
Based upon the facts and findings herein, staff recommends approval of this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Highway Commercial (Incorporated) HC and be zoned Highway Commercial (HC).

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

Attachment: Aerial Map

Annexation A.2.23 Aerial Map

Item D.



**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
HHR.1.24**

DATE: May 6, 2024
TO: Planning Commission acting as the **Historic Landmarks Commission**
FROM: Jennifer Dimsho, AICP, Associate Planner

APPLICANT: John Doctor, Inc.
OWNER: Soto Michaelo G Revocable Trust

ZONING: Riverfront District (RD), Plaza Subdistrict
LOCATION: 260 S. 2nd Street; 4N1W-3BA-4800
PROPOSAL: Alteration of a designated landmark including windows, siding, front porch, and rear porch/deck

SITE INFORMATION

Site Description: The 1984 St. Helens Downtown Historic District nomination classifies this as a “Primary Significant” structure which means that the house was built prior to the fire of 1904. Although the nomination states the structure was built in 1885, the Columbia County Museum Association’s research from 2019 did not find any evidence that references a structure on the property prior to 1906. Historic photos of the building are included in the historic photo attachment.

The nomination from 1984 states that the style of the construction is an “Italianate Cottage” that had undergone moderate alterations as described:

The main body of the house has a truncated hip roof with a hipped roof rear addition. The eaves are boxed. The house has been covered over with fire retardant shingles, but the window and door trim are intact. The windows are one over one double-hung wood sash. A one story attached porch extends across the front of the house and has a hipped roof. It is supported by four posts across the front and pilasters at the wall edge which are ornamented with cut work brackets. In addition to the siding, only the porch rail, handrail and stairs appear to have been altered.

Background: The City’s Riverfront District zoning does not allow detached single-family dwellings unless listed as a locally designated landmark. Some years ago, the sanitary sewer lateral failed and water was shut off to the property. This persisted for years, and the property lost its legal non-conforming status, no longer able to be used as a dwelling. In 2019, a previous owner initiated the listing as a designated landmark to repair the sewer and re-establish its use as a dwelling. It was officially added to the locally designated landmarks list in 2020 with Ordinance No. 3250. A permit to repair the sewer has still not been submitted. It has also not been reestablished as a dwelling, but as a designated landmark, this is an option once the building is occupiable with a functional sewer.

In February 2024, unpermitted exterior and interior work was observed by the City’s Building Official, and a Stop Work Order was posted on site. The Planning Department mailed the owner a letter that a Historic Resource Review application was needed. The contractor responded quickly in March 2024 with an application, though the application was missing information. In April 2024, additional information was provided. A description of the work that has been *completed, partially completed, and is proposed* is described below.

On the east elevation (front):

- Front decking has been replaced with 1” thick pressure treated decking and painted gray.
- Decorative front deck railing has been replaced.

On the north elevation (side):

- “Inoperable aluminum slider” has been replaced with a vinyl slider with a grid pattern.
- Trim around window was removed and siding work has not been completed.
- A Mechanical unit was replaced (heat pump).
- False shutters were partially reinstalled.

On the west elevation (rear):

- 40” x 40” vinyl window with grid pattern has been installed where a hole had been cut previously for an air conditioning unit.
- 8” T1-11 4x8 panel siding has been installed where siding had been previously removed.
- A hole where there was a window but had been patched with plywood was sided.
- Decking was replaced with similar decking as the front.
- Four rotted posts were replaced using 4x4 pressure treated posts and the sagging roof was re-leveled. Applicant included a drawing of the proposed wrapping for posts.

On the south elevation (side):

- Applicant proposes replacement of an “inoperable existing single-hung window which “does not match the design of any other windows in the house” with a new 18”x36” single-hung vinyl window.
- Applicant proposes to install new vinyl 30”x10” shower slider window where there is no window currently.

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

May 14, 2024, before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property on April 19, 2024, via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on May 1, 2024.

AGENCY REFERRALS & COMMENTS

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

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.36.040(3) Criteria for Alteration

In order to approve an application for the alteration of a designated landmark or historic resource of statewide significance, the commission must find that the proposal meets the following standards:

- (a) The purpose of the historic overlay district as set forth in [SHMC 17.36.005](#).
- (b) The provisions of the comprehensive plan.
- (c) A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- (d) The historic character of a property shall be retained and preserved. The removal or relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
- (e) A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.
- (f) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
- (g) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- (h) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible (including environmental considerations), materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
- (i) Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- (j) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- (k) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible in appearance with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- (l) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Discussion: **(a)** The purpose of this Chapter is noted under Section 17.36.005. As it relates to this proposal, the purpose of this chapter is to accomplish the *protection, enhancement, and perpetuation of improvements that represent or reflect elements of the city's cultural, social, economic, political, and architectural history.*

Finding: The Commission can find that this review complies with the purpose of the historic district overlay as described in SHMC 17.36.005.

(b) The Comprehensive Plan includes a policy to “subject proposed remodeling of the City’s historic resources to design review to encourage preservation of the structure’s historical assets.” This is the review of an alteration to a City historic resource.

Finding: The Commission can find that this review process accomplishes the Comprehensive plan policy.

(c) This application does not change the use of the property.

Finding: The Commission can find that the historic use of the property is not changing.

(d) This criterion requires that the historic character of the property be preserved. No distinctive alterations to materials that characterize the property are to be removed or altered. Two existing aluminum windows have been replaced with vinyl windows. **If the Commission feels the alteration from aluminum to vinyl is inappropriate, a finding about how the window material characterizes the property is needed. If the Commission feels this alteration is appropriate, a condition about how the window material does not characterize the property in this case is needed.**

One new vinyl was added to an existing hole where an A/C unit was, and the applicant is proposing one new vinyl window in the shower. **The Commission could find that the alteration of the property with new windows does not characterize the property in this case because they are proposed in areas with less visibility and are smaller in size. Alternatively, if the Commission feels these alterations are inappropriate, the Commission must make a finding about how these new window openings change the historic character of the property and that the openings should be returned or remain as siding.**

Finding: Depending on the discussion above, **the Commission can find that the historic character of the property is preserved, provided that the alterations related to the windows do not characterize the property. Or the Commission can find that the historic character of the property is preserved, provided conditions that vinyl is not an appropriate replacement and any new openings be returned or remain as siding.**

(e) There are false shutters on the north elevation, some of which have been removed for the windows that were replaced. **The Commission could view these shutters as creating a false sense of historical appearance and not appropriate.**

On the rear deck, the applicant is proposing a wrapping which includes column accents previously removed before purchase. **Does the Commission have any concerns with re-installation of the column accents, or any other concerns related to the proposed column wrapping?**

Finding: **The Commission could find that the applicant is not proposing any changes that would create a false sense of historical development, with optional conditions that the false shutters on the north elevation be removed and a condition related to the rear deck column wrapping if needed.**

(f) This criterion requires that changes to a property that have acquired their own shall be retained and preserved. Staff does not feel there are any such features related to this proposal.

Finding: The Commission can find that there are no features which have acquired their own shall be retained and preserved.

(g) This criterion requires that any distinctive materials, finishes, and construction techniques which characterize a property are preserved. Staff feels the only particularly distinctive construction technique which characterizes the property is the decorative deck railing on the east (front) façade. It is also one of the most visible and distinctive features from S. 1st Street and from the alley walking up from downtown on S. 1st Street. There are photos which indicate the need for replacement due to rot, and likely unable to be preserved. The applicant describes their method for replacement using like-for-like materials. **Does the Commission agree this was done effectively?**

Finding: Depending on the discussion, the Commission can find that there are no changes to any distinctive materials, finishes, and construction techniques that characterize the property that were removed.

(h) This criterion requires that deteriorated historic features shall be repaired rather than replaced. The applicant indicates that the aluminum slider on the north elevation and the single hung window on the south elevation are inoperable. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible (including environmental considerations), materials.

The applicant is proposing vinyl window replacements and vinyl windows for the new openings. Depending on how the Commission views criterion (d) above regarding the window material change, this will impact the findings in this criterion as well.

Regarding the specific design of the windows, on the north side, there was an aluminum slider which was replaced with a vinyl slider with grids. A similar gridded vinyl window was selected for the north (rear) façade. All other elevations appear to have single-hung aluminum windows, although the 1984 nomination states these windows were originally double hung wood windows. Staff feels matching the rest of the single-hung windows on both façades would be the most consistent, **but the Commission should discuss this.** Note that for the existing single-hung aluminum window on the south elevation, the applicant is proposing a vinyl single-hung. **Staff is asking why single-hung windows were not selected for the other two vinyl windows installed?**

Findings: First, the Commission must find that the severity of the deterioration requires replacement in all cases. Second, if the Commission agrees with the material replacement to vinyl, the Commission must find that this material is an appropriate substitute given longevity and environmental considerations. If the Commission does not agree with the material substitute, the Commission should make a finding to determine what is the appropriate substitute material and why.

Lastly, the Commission can find either: 1) The change in design to gridded windows is appropriate because it is not a distinctive feature of the home OR 2) The applicant shall replace the two vinyl windows which were already installed with single-hung to maintain consistency with the remaining windows on the home.

(i) Finding: Although none are proposed, this is a recommended condition of approval.

(j) Finding: As there is no excavation proposed as part of this project, this is not relevant to this proposal.

(k) Finding: This criterion requires that the new work shall be compatible in appearance with the historic materials, features, size, scale, and proportion. **Staff is recommending two conditions to help satisfy this condition. The Commission can consider a condition that trim on all windows that have been replaced, added, or are proposed to be added shall match the unaltered trim on the other elevations. The Commission can consider a condition that where the siding has been removed on the north elevation, it must be replaced with like-for-like siding to match the surrounding siding. Does the Commission agree that the siding on the west (rear) elevation is compatible in appearance with the rest of the siding, or should it also be covered or replaced with siding which matches the existing?**

Finding: The Commission can find that modifications will be compatible in appearance with historic materials, features, size, scale, and proportion, given compliance with conditions regarding window trim and siding.

(l) There are no new additions or related new construction proposed with this project.

Finding: The Commission can find that this criterion is met because there are no new additions or new construction proposed with this project.

SHMC 17.36.040(4)

(4) Prior to alteration, current photographs and/or drawings of all elevations shall be provided to the city for its public records. Photographs and drawings shall be archival quality; proof of such shall be provided with the photographs and/or drawings.

Finding: Current digital photos (and hardcopies of the application package) have been included in the record for this HRR.

CONCLUSION & RECOMMENDATION

Please note that the requirements of other City of St. Helens departments (e.g., Building, Engineering, and Administration) and other agencies (local, state and/or federal) may apply to this proposal. This **local land use approval** decision does not exempt and is not a substitute for those requirements.

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

1. No damaging physical or chemical treatments are to be used as part of this project.
2. Siding that has been removed on the north elevation shall be replaced with like-for-like siding to match the surrounding siding.

3. All trim on windows that have been replaced, added, or are proposed to be added shall match the unaltered trim on the east (front) elevation.
4. << Does the Commission want to include a condition about the shutters or the column wrapping on the rear deck? >>
5. << Does the Commission want to include a condition related to the siding on the west (rear) elevation? >>
6. << Does the Commission want to include a condition about the window design or material? For example, the Commission could require that the two vinyl windows which were already installed be replaced with single-hung design to maintain consistency with the remaining windows on the home. The Commission could also require that the two replaced windows and all proposed windows be a different material than vinyl. >>

Attachments: *2019 (File CP.2.19) Historic Photos Attachment (4 pages)*
Applicant's materials (31 pages)

CP.2.19 - Historic Photos Attachment



1851 - This is the original location of the Henry Knighton House seen on the left. The fence is shown is built along what is today S. 1st Street. The large barn shown on the right appears to be the location of the subject dwelling today. Photo courtesy CCMA.



1912-1915 - The 2nd location of the Henry Knighton House shown in the foreground. The subject dwelling can be seen in red. CCMA believes the location of the barn being deconstructed may be in circled in blue. Photo courtesy CCMA.

CP.2.19 - Historic Photos Attachment

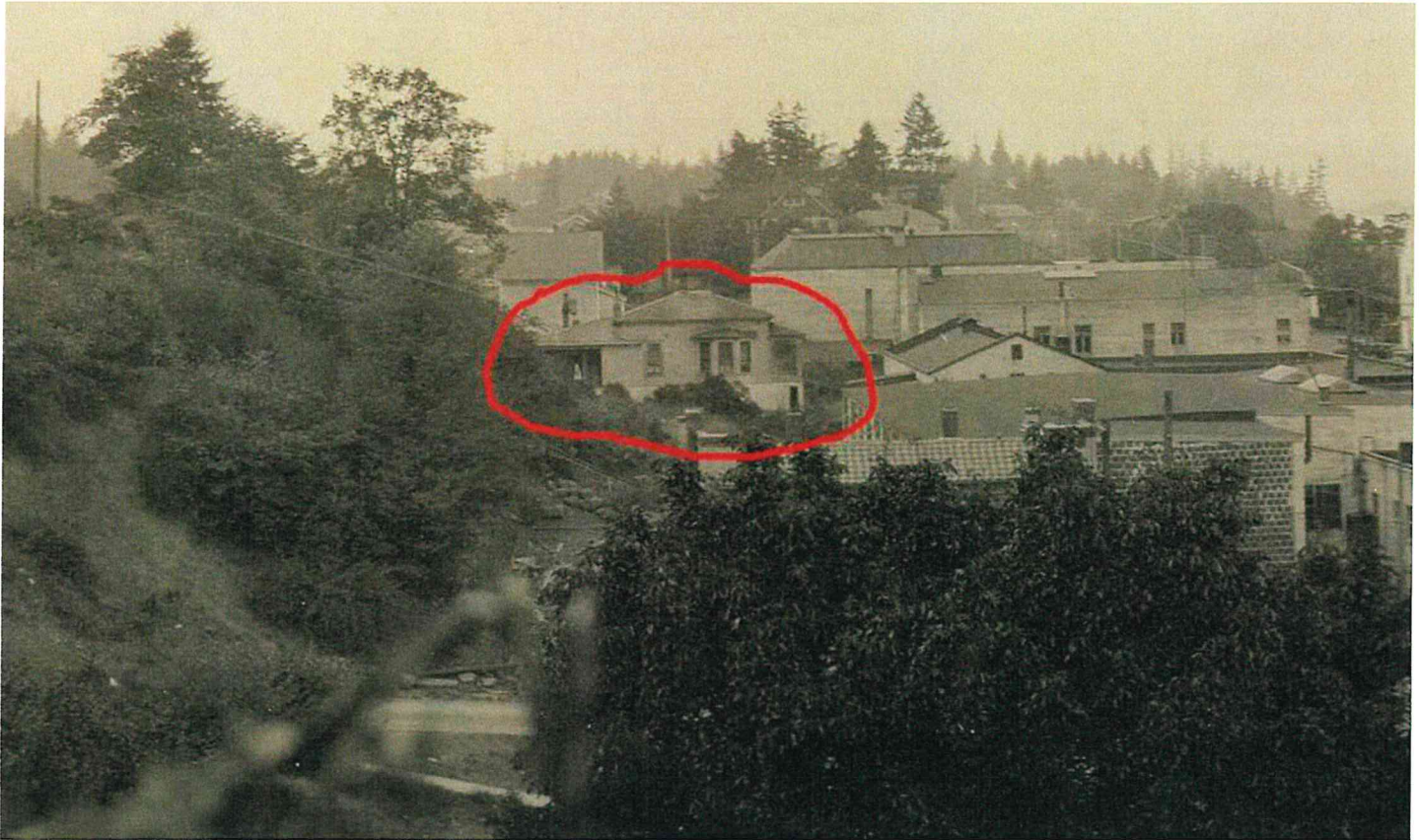


1909 - This appears to be the oldest photo of the structure. Photo courtesy CCMA.

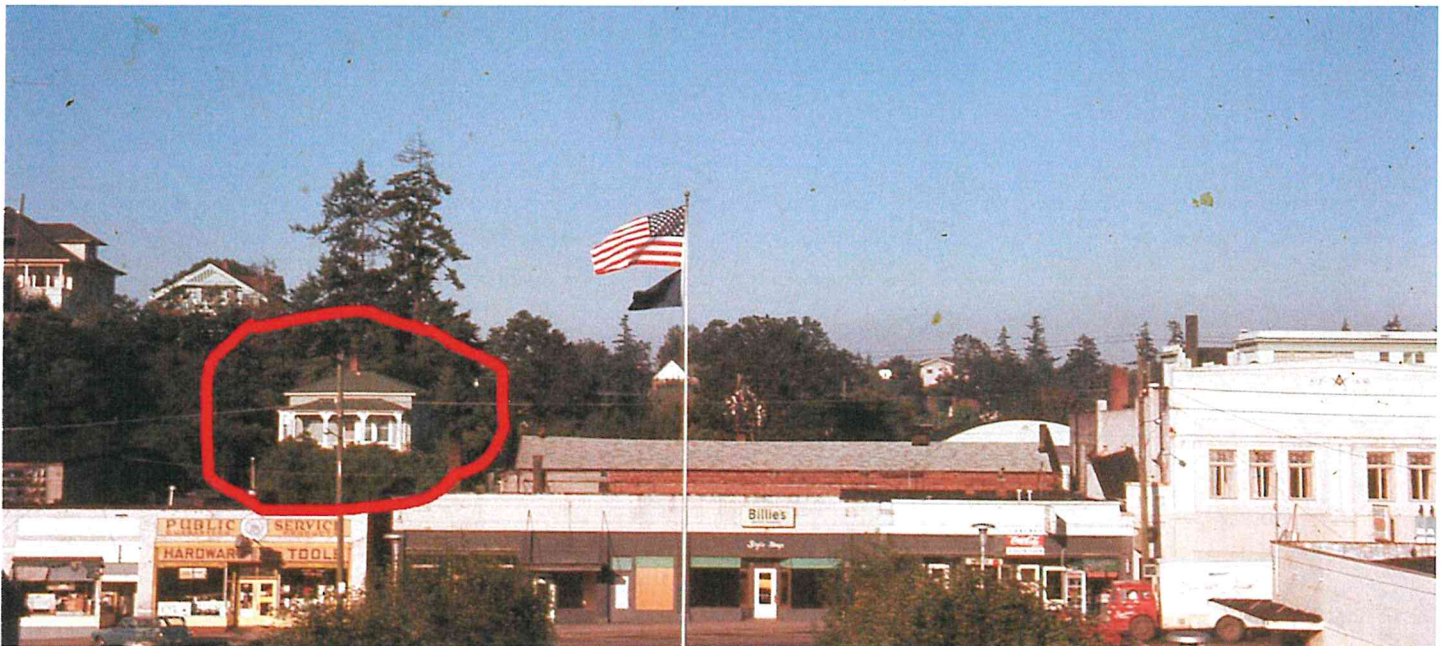


1920 - Columbia County Courthouse Plaza in the foreground. Photo courtesy CCMA.

CP.2.19 - Historic Photos Attachment

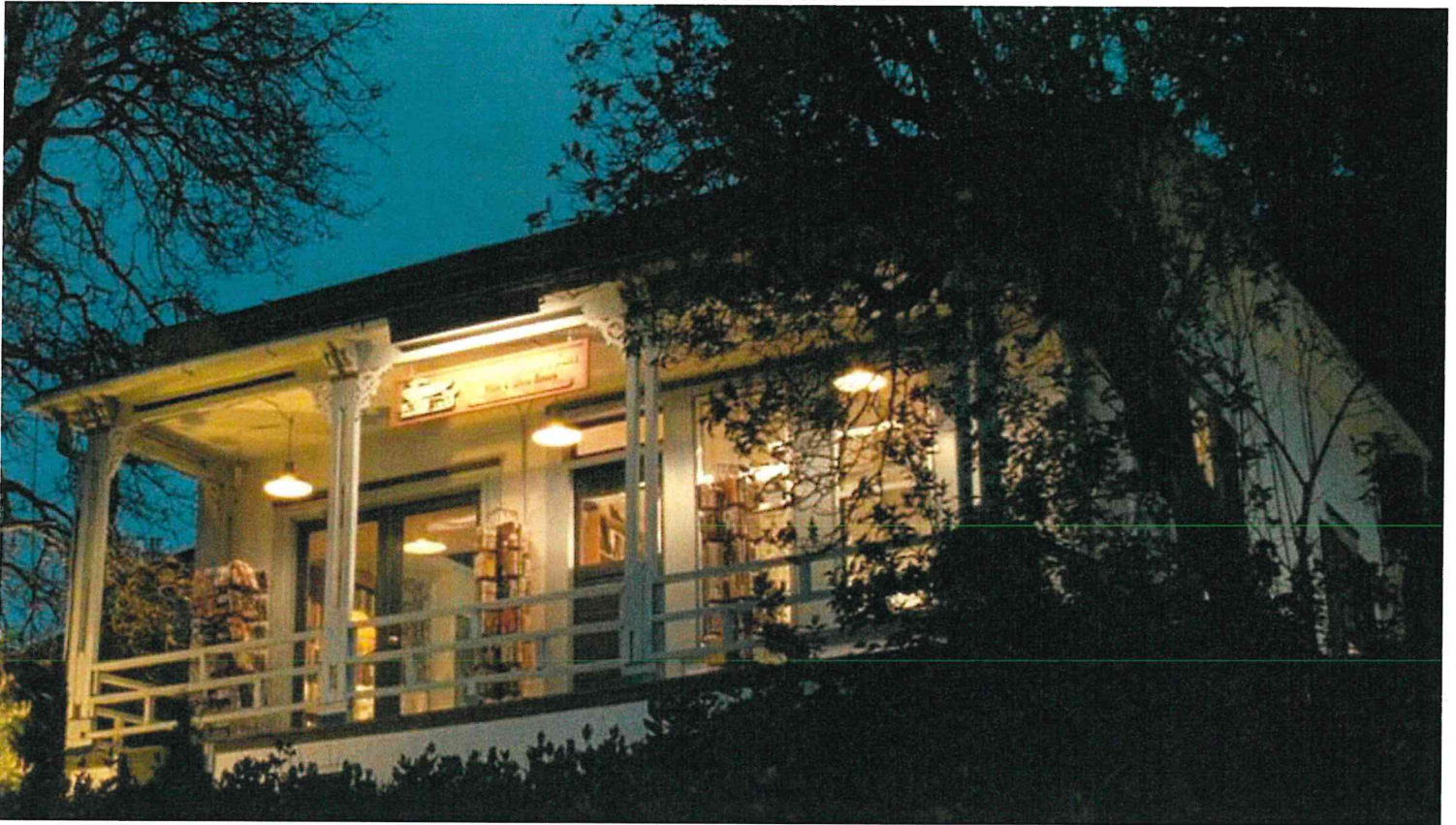


1929 - This photo was part of a cropped section of a large panorama of the St. Helens skyline. Photo courtesy of CCMA.



1967 - Photo courtesy CCMA.

CP.2.19 - Historic Photos Attachment



2008 - The home was used as the filming location for the first Twilight movie of the series. The interior and exterior of the building was used as the location of the Thunderbird and Whale Bookstore where the main character, Bella buys a book about Quileute legends.

GCL CONSTRUCTION

CCB# 113563

7530 SW Iowa Hill Road Cornelius, OR 97113

John@GCLConstruction.com
Cell (503) 706-8873

4/11/2024

Jennifer Dimsho
Assoc. Planner
City of St Helens

I am writing to submit, as requested in your March 5th email, the additional information to complete the application. Answering in order of 1-4

1. I have read SHMC 17.36.040. With exception of doing some repairs without approval, which in all honesty, neither the home owner nor I had any idea this house was Historically protected. That being said I will be, moving forward following the criteria spelled out to the letter.

2. Attached you will find pictures and drawings numbered 1-17. I will write descriptions using these numbers following.

1 Shows front elevation from the listing just prior to Mr Soto's purchase. You can see the rotted and failing railing. Also in the listing there was a warning of the dangerous front and rear porches and advised not to go on the front porch.

2-6 shows the damaged railings being replaced. We custom milled kiln dried material to be the exact length and dimension of the original railings and rebuilt the railing EXACTLY matching the original in design as well. We replaced the decking with T and G 1" thick pressure treated material to be painted gray like that which was removed.

7-14 shows the rear porch. When Mr Soto purchased the property this West wall was covered with black plastic. Upon removing the plastic it was found that the siding on this wall had been previously removed, a window in the upper right had been removed and the hole patched with plywood, To the left of the door a air conditioner had been cut through and installed in this wall and just below and to the left of the AC a door sized hole had been patched in. To the left of the door we installed a 4040 XO vinyl window with 1/2" flat grids in a 4x4 pattern. The siding removed appeared to be 2 layers, the first being shiplap the second being the shingled siding still present on the remainder of the house. The framing of this back wall is not typical as it has no framing studs in it. You can see in the pictures the wall looked like board and batten but that is actually the framing of the wall. It appeared to me this framing provides little sheer so I installed 8" T1-11 4x8 panels over this. We can still install a different siding over the top of the T1-11 if needed. There was no railing present at the time of purchase. The decking was replaced same as the front using matching T and G pressure treated 1" materials to be painted gray to match the previous decking. We replaced the rotted posts and leveled the sagging roof cover using 4x4 pressure treated posts with the intention of wrapping them like the attached drawing number 17.

Both front and rear porches, railings, posts were replaced right away and they posed a serious hazard in their previous condition.

14-16 are the before and after replacing the kitchen window which was an inoperable Aluminum XO slider with a vinyl XO slider with 1/2" grids in a 4x4 pattern.

17 is a drawing of the proposed rear porch columns wrap.

18 is a picture of the South elevation where we are proposing to add 1 3010 XL vinyl window above the shower and removing the SH window, which is inoperable and does not match in design any other windows in the house and replacing it with a 1826 SH vinyl window as shown in drawing number 19

3. There are shutters on the 3 windows of the North elevation. The shutters removed when replacing the window on the North elevation have been retained onsite.

4. Upon notice that my application is deemed complete I will hand deliver, to the City, 7 complete copies of my application within 2 business days.

We propose on the exterior of the newly install windows to build a trim detail to match that of the original SH windows in the original portion, front portion, of the house to provide some continuity.

The windows in the front portion of the house we completely rebuild including replacing the sash cords and using the original sash weights.

Thank you,

John Doctor
GCL Construction
503-706-8873

< Back



Local Realty Service Provided By: Coldwell Banker Bain

①



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OK

(2)



3

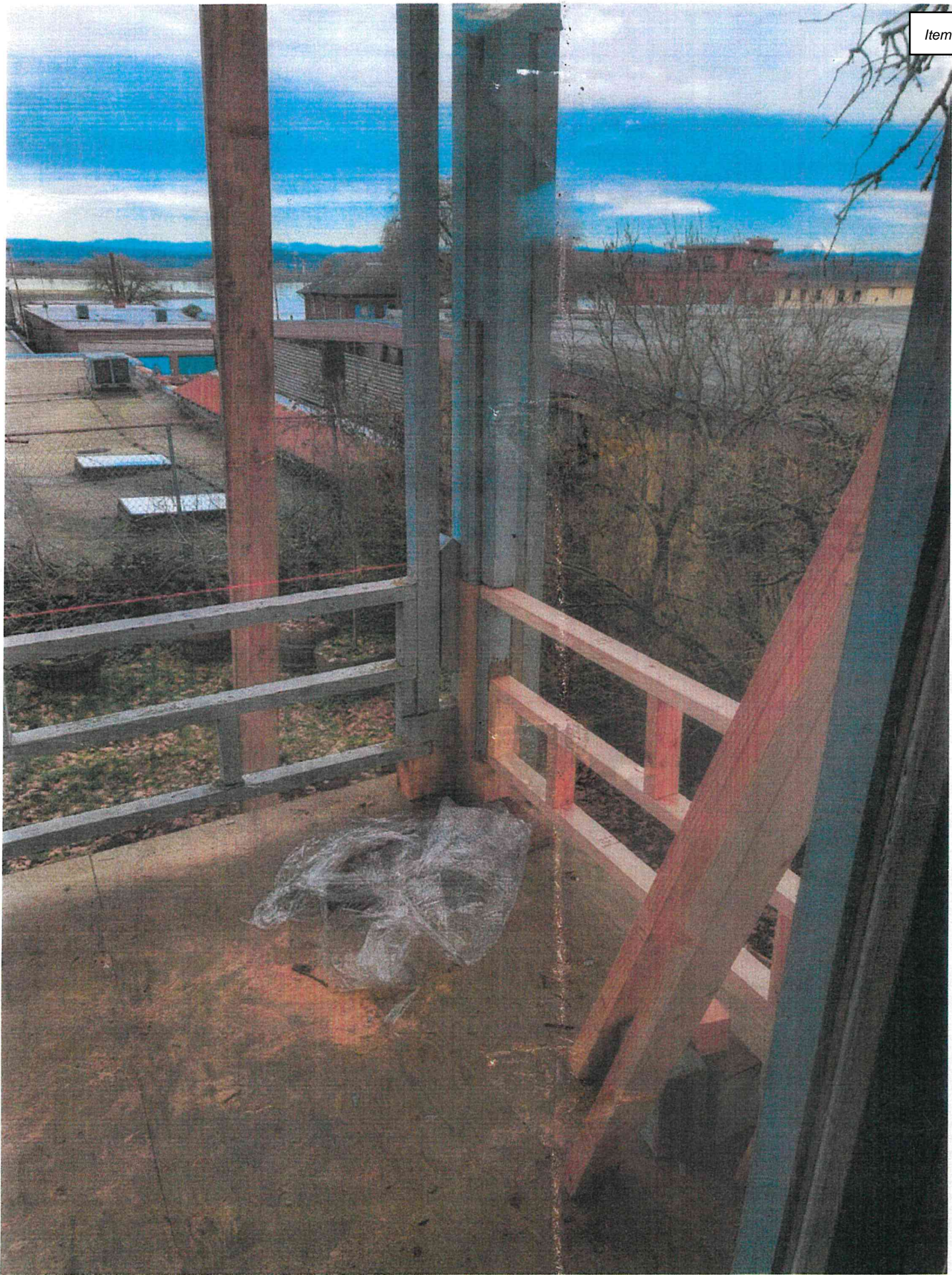




4

Item E.

5

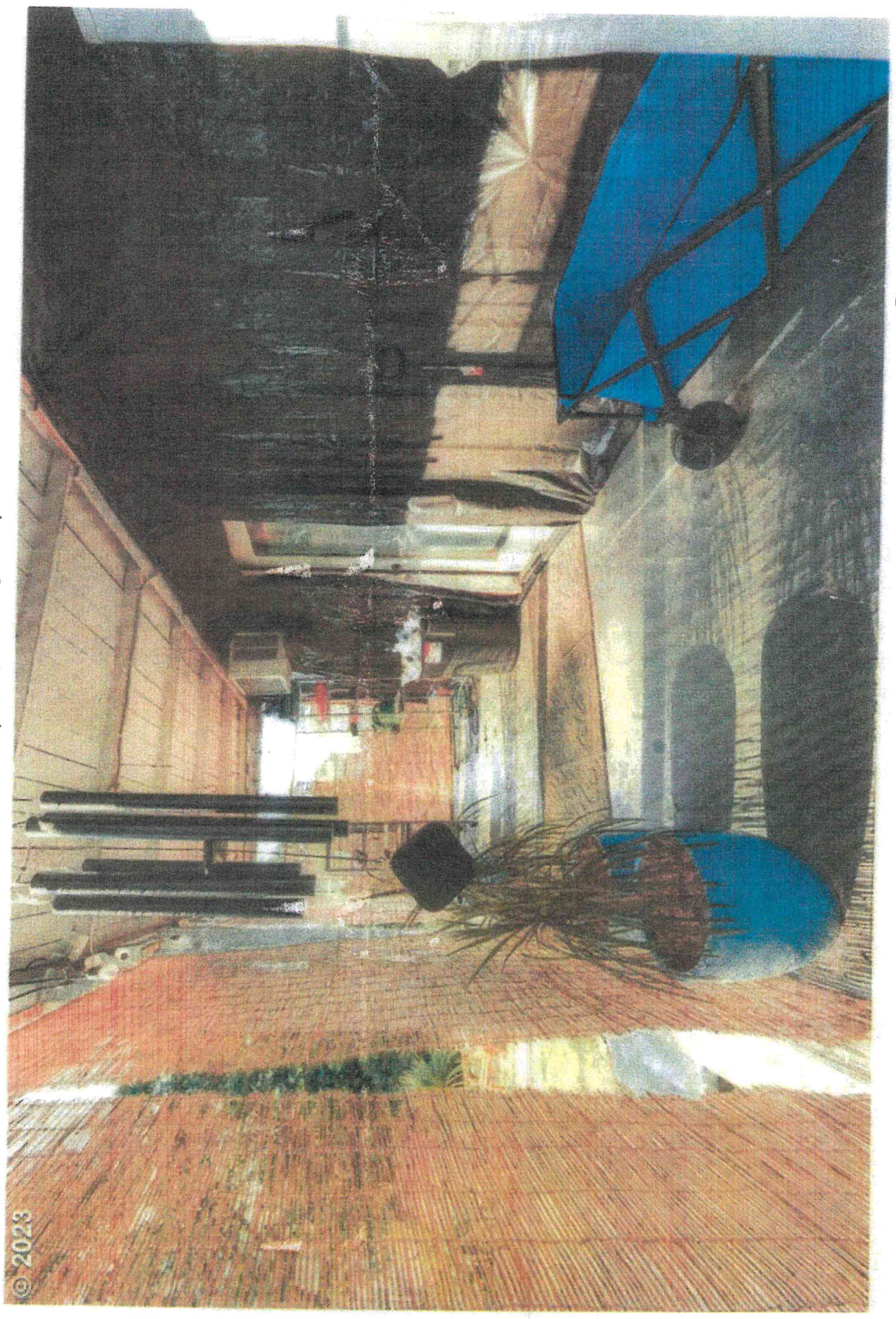


6



Reno or West Elvaston

7



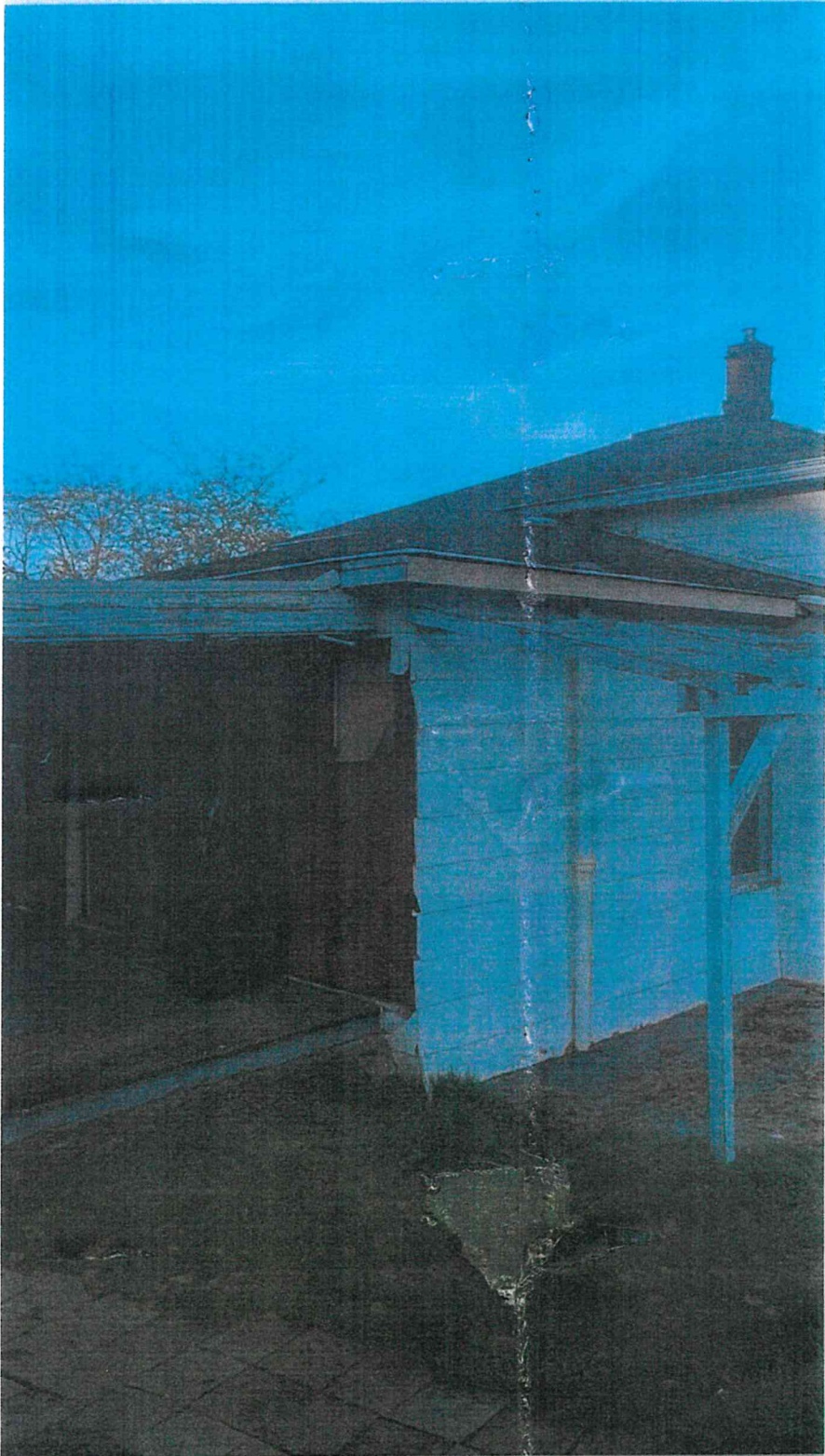
9:28

◀ Photos

📶 34

Photo ▾

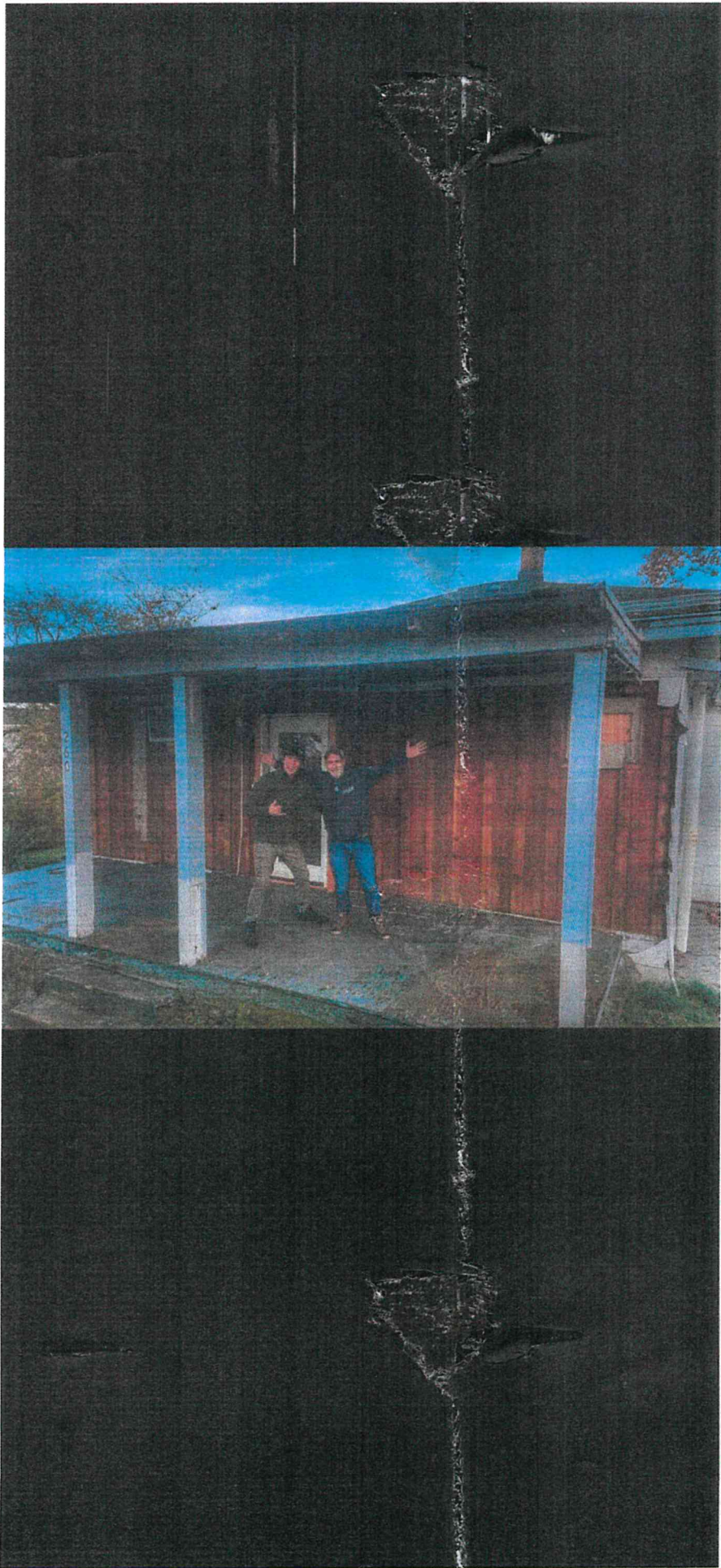
Done



Item E.



9



9:25

35

Item E.

Photo

Done



10





Item E.

11



12



13



14

9:29

Signal strength, Wi-Fi, and battery (34%) icons.

Item E.

Photo

Done



15

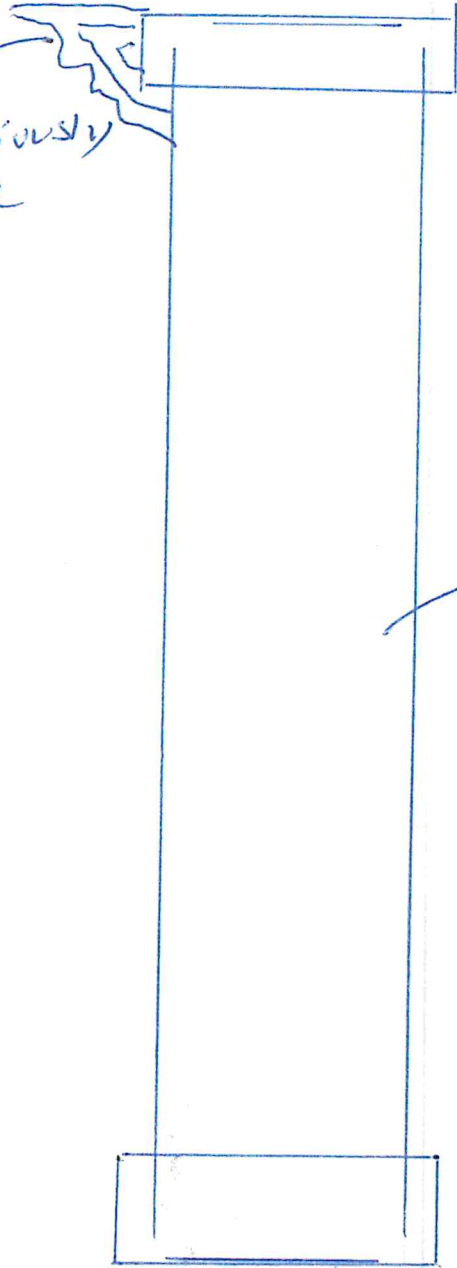


16

Proposed Rear Porch Post Wraps
West Elevation

Item E.

"Ginger Bread"
Column Accents
which were previously
removed before
purchase



- 1x4 Cypress Painted
Column Cap

17

$\frac{3}{8}$ " x 4"
Hardi Board Post Wrap
Painted

- 1x6 Cypress Painted
Base Wrap

9:28

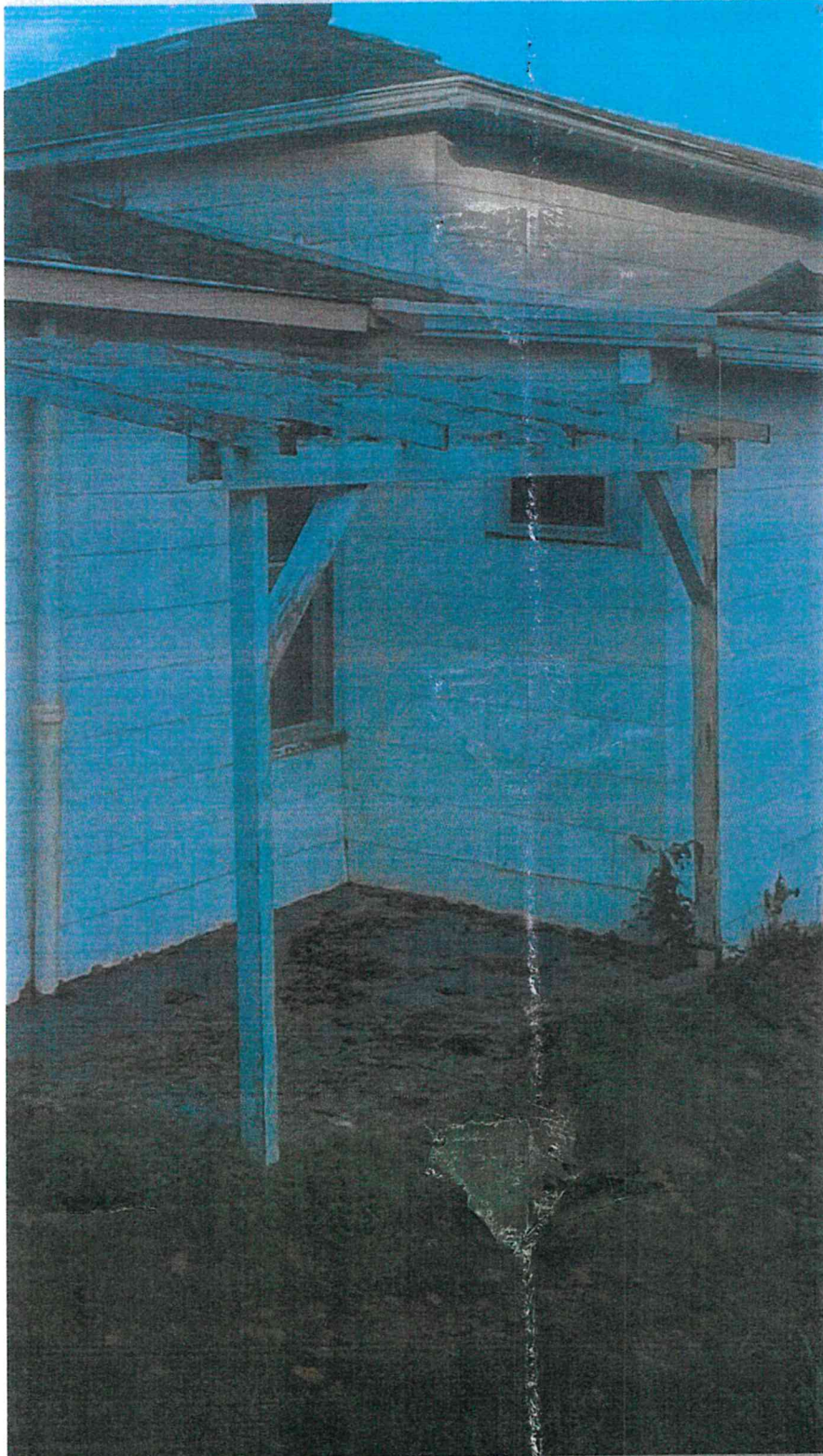
◀ Photos

📶 34

Item E.

Photo ▼

Done



18



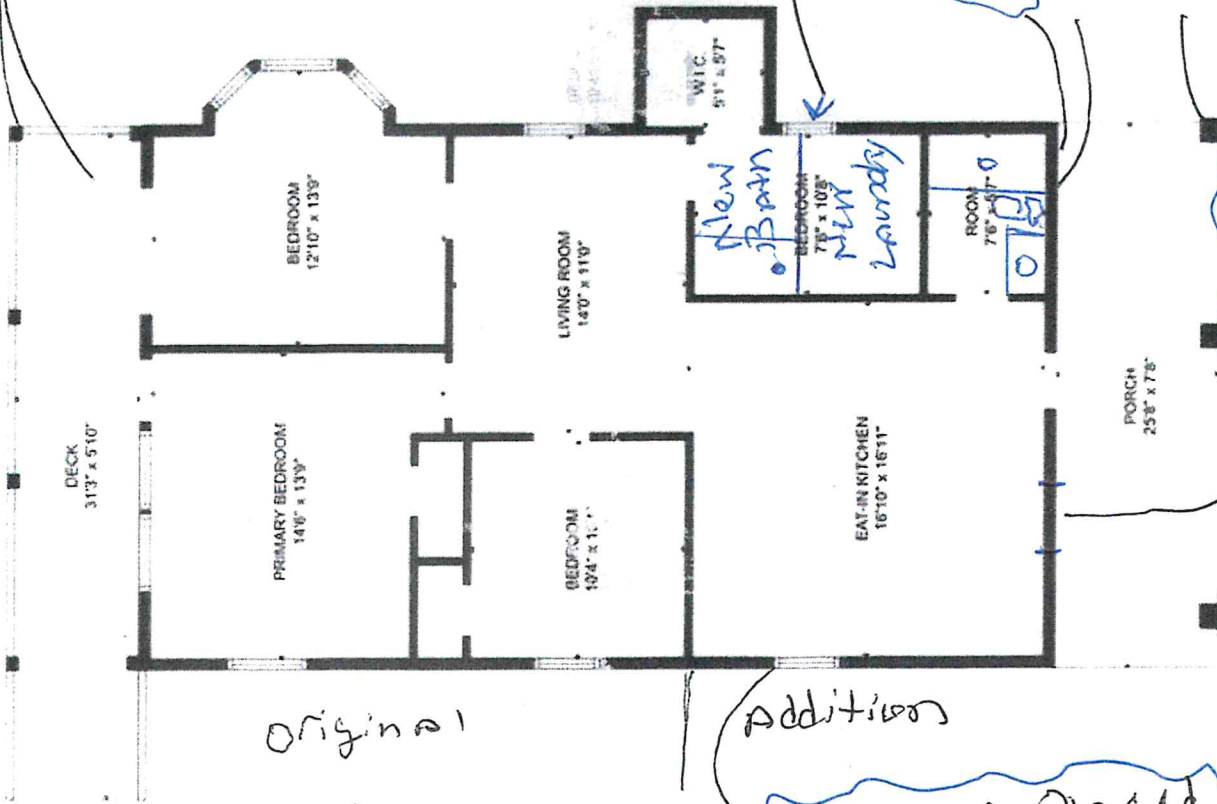
REPLACE RAILINGS (Decking)

179

2700 S 2nd St. St Helens Original



Window Replaced 4040 x 0 w/ grids Addition



HOPE SIDING REPLACEMENT
HOPE SIDING REPLACEMENT
HOPE SIDING REPLACEMENT
NEW SIDING

POSTS & DECKING REPLACED

New Window 4040 x 0 w/ grids

GROSS INTERNAL AREA FLOOR 1: 1085 sq. ft.
EXCLUDED AREAS: DECK: 183 sq. ft., PORCH: 197 sq. ft.
TOTAL: 1085 sq. ft.

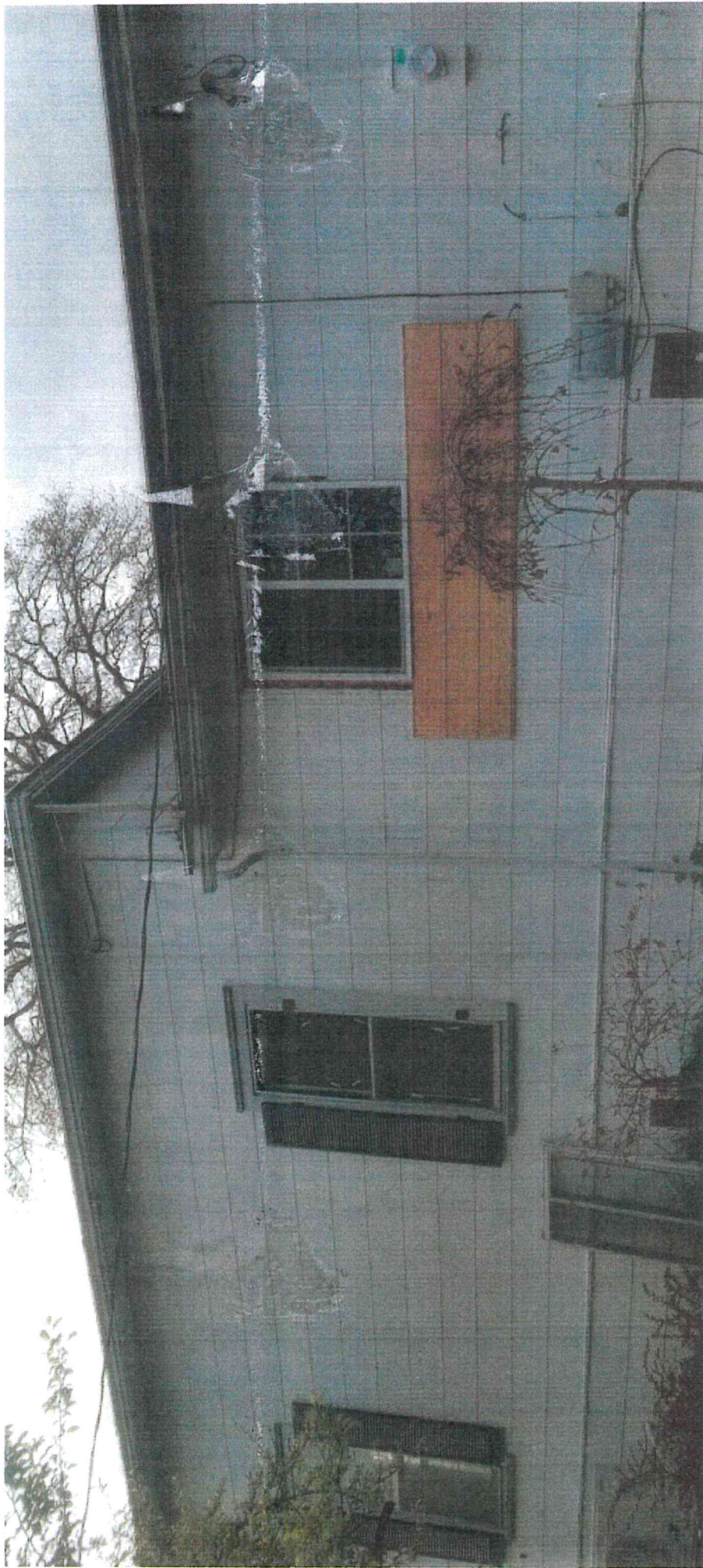
South Elevation
Propose New Vinyl Windows
3010 X 0 (Bath)
1826 SH (New Bath)



3010 X 0

H/S 07281

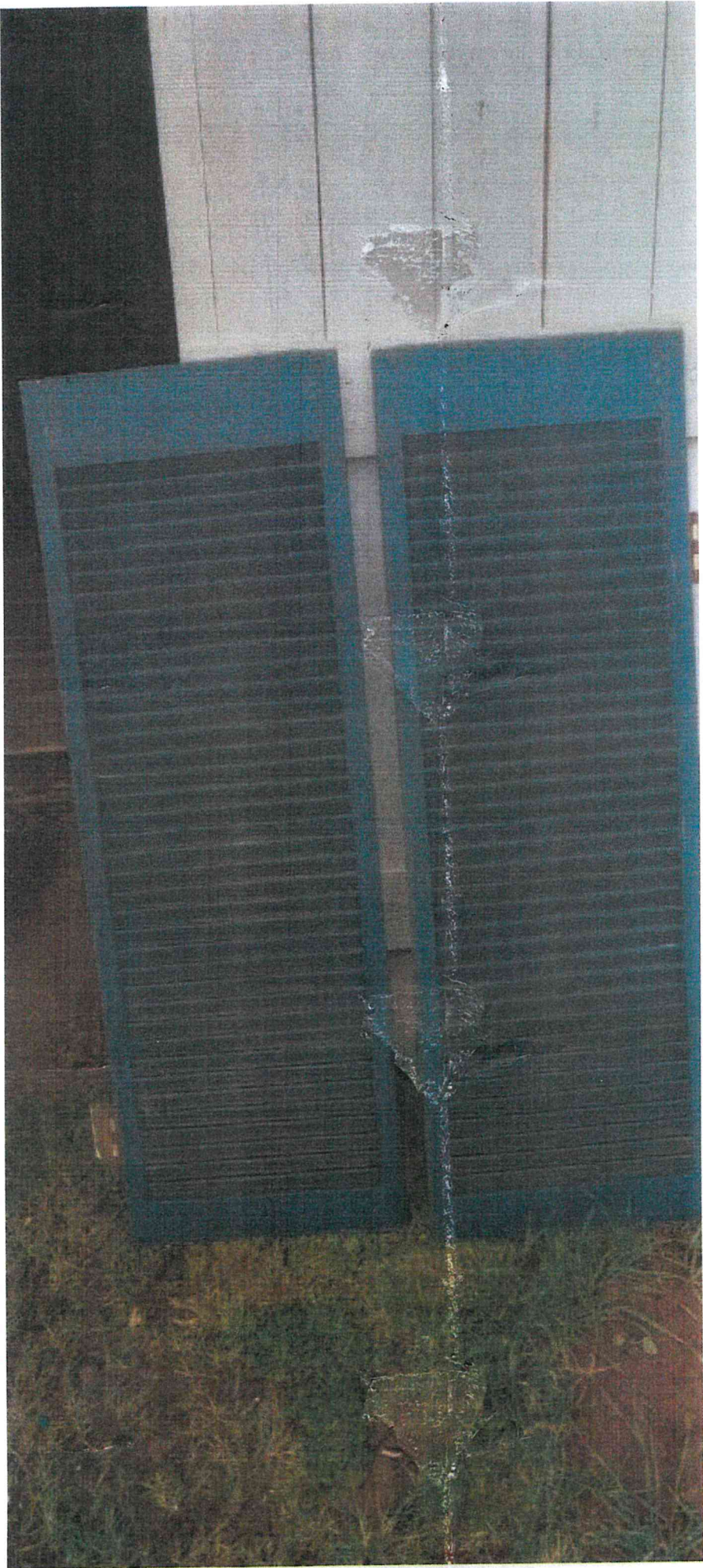
North Elevation
Current Picture



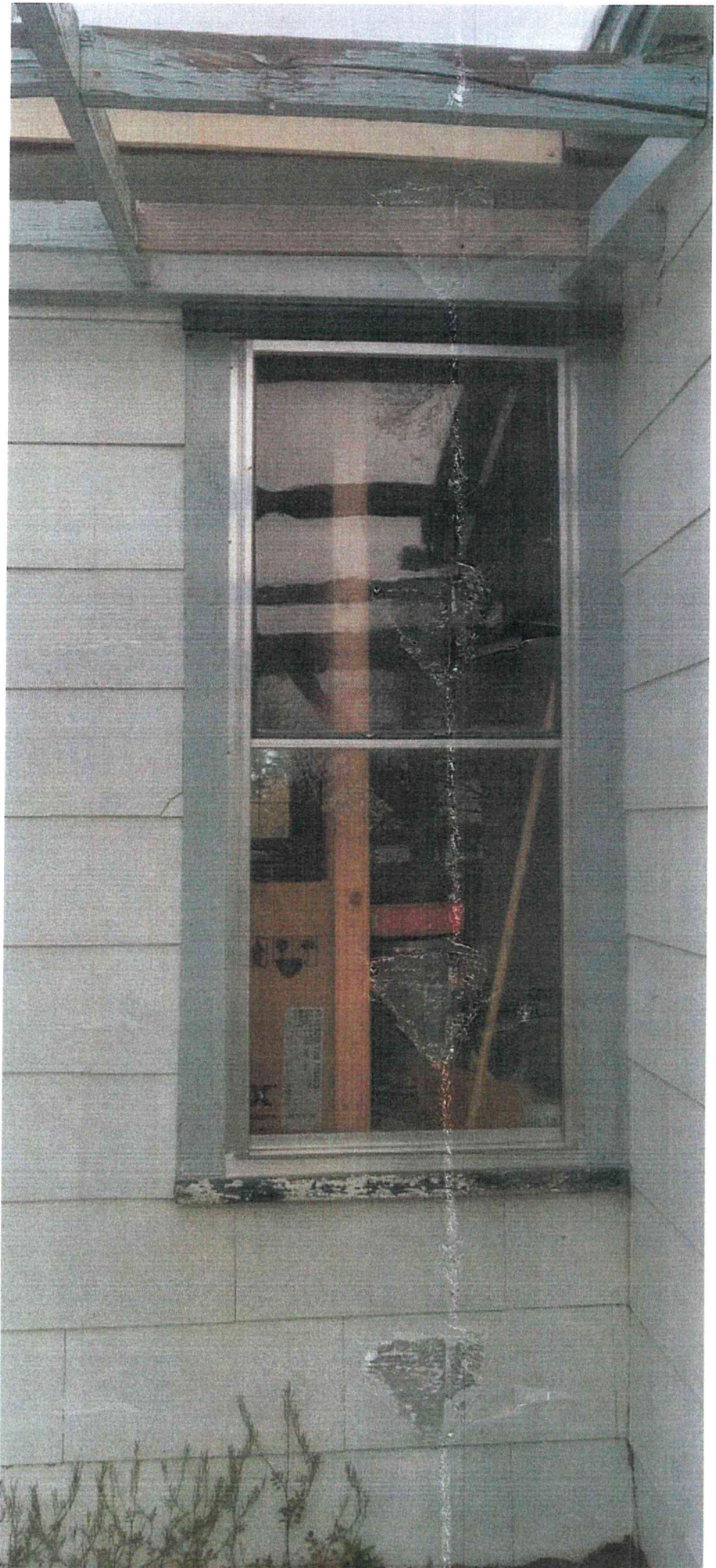
Item E.




Aluminum Window Removed
From North Elevation



Removed Shutters
From North Elevation



South Elevation Window
Revesting To be Replaced
With A 1826 sht Vinyl 

GCL CONSTRUCTION

CCB#113563

7530 SW Iowa Hill Road Cornelius, OR 97113

John@GCLConstruction.com
Cell (503) 706-8873

2/28/2024

Owner Mike Soto**Address** 260 S 2nd St
St Helens, OR 97501

According to title report the original portion of the house, the East portion, was built in 1885. At some point someone did an addition off the West side date unknown. Within, at my best guess, a deck and patio cover was built on the West side of the West Addition. At some point, probably part of the original construction, an entryway with porch was there. It was enclosed in the Addition previously spoken of. Under the siding which was used up until the early 1980's there are two different types of siding. The original portion having typical "clap board" siding and the addition having "board and batten".

When Mr Soto purchased the house at the end of 2023 the rear elevation was covered with Black 6 mil plastic. When the plastic was removed it was found the siding had already been removed. This wall also had a cut in AC unit installed in it, and area just under the AC there was/is a filled in area where it appears an exterior had once been and also there was a hole where it appears a window had once been.

The work that has been done on the exterior is, replace the newer but rotted rear porch post, replaced rear decking, replaced/rebuilt front railing using custom milled materials as to match the existing, 2-3/4" x 2-3/4", replaced front decking, replaced inoperable broken aluminum kitchen window and added a window to rear elevation approximately where filled in door hole was located, and put new siding on rear elevation where plastic had been. Trim is not completed.

What we would like to do beyond above mentioned is to replace window on South elevation with a smaller one. The existing is a one off not matching any windows presently in the house. We would also like to add a window in the bathroom where there was a hole in the wall and looked like a window had previously been there. We would also like to replace the gutters. To do this correctly, whats left of the existing crown, needs to be removed and replaced using square stock trim prior to installing new gutters.

Neither the realtor, the current owner or myself knew this was a historically protected home. I only found out 2/27/24 when I was in speaking with a building inspector and a City planner joined in. She let me know in a rather accusatory way. I personally pulled a Trio/title report on 12/4/23 and there is zero mention of this, only that it is a LEGAL SFR. There was also a report pulled at the time of purchase and another pulled going back as far as we could all being pulled in 2023 and in all of this... no mention.

FIRST AMERICAN TITLE Property Research Report

SUBJECT PROPERTY

260 S 2Nd St
Saint Helens, OR 97051
9417

OWNER

Michaelo G Soto Revocable Trust / Soto Michaelo G

DATE PREPARED

12/4/2023



First American Title™

Customer Service Department 503.219.8746

cs.oregon@firstam.com

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Property Detail Report

260 S 2nd St, Saint Helens, OR 97051-2008

APN: 9417

Columbia County Data as of: 11/22/2023

Owner Information

Owner Name:	Michaelo G Soto Revocable Trust / Soto Michaelo G	Recent Sale:	\$203,000
Vesting:	Revocable Trust	Occupancy:	Absentee Owner
Mailing Address:	360 NE 5th Ave, Hillsboro, OR 97124-3106		

Location Information

Legal Description:	St Helens Block - 18 Lot - 5	County:	Columbia, OR
APN:	9417	Alternate APN:	4N1W03BA04800
Munic / Twnshp:		Twnshp-Rng-Sec:	04N-01W-03
Subdivision:	St Helens	Tract #:	
Neighborhood:		School District:	St Helens School District 502
Elementary School:	Lewis & Clark Elem...	Middle School:	St Helens Middle S...
Latitude:	45.86269	Longitude:	-122.79867
		Census Tract / Block:	970700 / 3002
		Legal Lot / Block:	5 / 18
		Legal Book / Page:	
		High School:	St Helens High Sch...

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	11/03/2023 / 11/07/2023	Price:	\$203,000	Transfer Doc #:	2023.6159
Buyer Name:	Michaelo G Soto Revocable Trus / Soto Michaelo G	Seller Name:	Feather Ruby	Deed Type:	General Warranty Deed

Last Market Sale

Sale / Rec Date:	11/03/2023 / 11/07/2023	Sale Price / Type:	\$203,000 / Confirmed	Deed Type:	General Warranty Deed
Multi / Split Sale:		Price / Sq. Ft.:	\$170	New Construction:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		1st Mtg Doc #:	N/A
2nd Mtg Amt / Type:		2nd Mtg Rate / Type:		Sale Doc #:	2023.6159
Seller Name:	Feather Ruby			Title Company:	Ticor Title
Lender:					

Prior Sale Information

Sale / Rec Date:	07/08/2019 / 07/19/2019	Sale Price / Type:	\$113,000 /	Prior Deed Type:	Deed
1st Mtg Amt / Type:		1st Mtg Rate / Type:		Prior Sale Doc #:	2019.5701
Prior Lender:					

Property Characteristics

Gross Living Area:	1,196 Sq. Ft.	Total Rooms:	7	Year Built / Eff:	1885
Living Area:	1,196 Sq. Ft.	Bedrooms:	3	Stories:	1
Total Adj. Area:		Baths (F / H):	1 /	Parking Type:	Garage
Above Grade:	1,196 Sq. Ft.	Pool:		Garage #:	1
Basement Area:		Fireplace:		Garage Area:	200 Sq. Ft.
Style:		Cooling:		Porch Type:	
Foundation:		Heating:	Forced Air	Patio Type:	
Quality:		Exterior Wall:		Roof Type:	
Condition:		Construction Type:		Roof Material:	

Site Information

Land Use:	SFR	Lot Area:	5,500 Sq. Ft.	Zoning:	SH:C-2
State Use:	101 - Improved...	Lot Width / Depth:		# of Buildings:	1
County Use:	131 - One Story	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	0.126	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	53015C0981G	Flood Map Date:	12/16/2015
Community Name:	City Of St. Helens	Flood Panel #:	0981G	Inside SFHA:	False

Tax Information

Assessed Year:	2023	Assessed Value:	\$82,720	Market Total Value:	\$238,580
Tax Year:	2023	Land Value:	\$46,090	Market Land Value:	\$123,560
Tax Area:	02-91	Improvement Value:	\$36,630	Market Imprv Value:	\$115,020
Property Tax:	\$1,344.12	Improved %:	44.28%	Market Imprv %:	48.21%
Exemption:		Delinquent Year:			

Transaction History Basic

260 S 2nd St, Saint Helens, OR 97051-2008

APN: 9417

Columbia County Data as of: 11/22/2023

Current Owner: Michaelo G Soto Revocable Trus / Soto Michaelo G

Vesting: Revocable Trust

2023 - Present

Date	Type	Amount	Borrower(s)	Lender	Buyer	Seller
11/07/2023	Deed Transfer	\$203,000			Michaelo G Soto Revocable Trus / Soto Michaelo G	Feather Ruby
	Sale Date: 11/03/2023 Title: Ticor Title		Doc Type: Deed Transfer		Doc #: 2023.6159	
07/19/2019	Deed Transfer	\$113,000			Feather Ruby	Pizzo Timothy
	Sale Date: 07/08/2019 Title: None Available		Doc Type: Deed Transfer		Doc #: 2019.5701	
08/08/2005	Trust Deed/Mortgage	\$100,000	Pizzo Timothy M	Pizzo, Anthony		
	Loan Type: Conventional Rate Type: Fix		Doc Type: Trust Deed/Mortgage Rate: 546		Doc #: 2005.10521 Term:	

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RECORDING REQUESTED BY:



2534 Sykes Road, Ste C
St Helens, OR 97051

TICOR 360423003577

GRANTOR'S NAME:
Ruby Feather

GRANTEE'S NAME:
Michaelo G Soto Revocable Trust, dated April 30, 2021

AFTER RECORDING RETURN TO:
Order No.: 360423003577-SH
Michaelo G Soto, Trustee of the Michaelo G Soto Revocable
Trust, Dated April 30, 2021
360 NE 5th Ave
Hillsboro, OR 97124

SEND TAX STATEMENTS TO:
Michaelo G Soto Revocable Trust, dated April 30, 2021
360 NE 5th Ave
Hillsboro, OR 97124

APN/Parcel ID(s): 9417
Tax/Map ID(s): 4N1W03-BA-04800

260 S 2nd Street, Saint Helens, OR 97051-2008

COLUMBIA COUNTY, OREGON	2023-06159
DEED-D	
Cnt=1 Pgs=1 GOLSONK	11/07/2023 01:04:01 PM
\$5.00 \$11.00 \$10.00 \$60.00 \$5.00	\$91.00
I, Debbie Klug, County Clerk for Columbia County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Debbie Klug - County Clerk	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Ruby Feather, Grantor, conveys and warrants to Michaelo G Soto, Trustee of the Michaelo G Soto Revocable Trust, Dated April 30, 2021, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Columbia, State of Oregon:

Lot 5, Block 18, CITY OF ST. HELENS, in the City of Saint Helens, County of Columbia and State of Oregon. EXCEPTING THEREFROM the Northerly rectangular 2 feet.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO HUNDRED THREE THOUSAND AND NO/100 DOLLARS (\$203,000.00). (See ORS 93.030).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

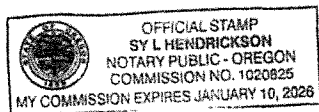
Dated: 11/03/23

Ruby Feather

State of OR Columbia
County of _____

This instrument was acknowledged before me on 11/03/2023 by Ruby Feather.

Notary Public - State of Oregon
My Commission Expires: 01/10/24



*Normally Sept. to Mar.

Item F.

Semi-Annual Planning Department Report

Report Date: April 17, 2024

Report Period: *Dec. '23 – Mar. '24

City of St. Helens

FOUNDED 1850



Project Management, Etc.

What has happened the last six four months?

City of St. Helens

FOUNDED 1850

Riverwalk Project Phase I



COWLITZ ST.

S 1st & Strand Extension Project

Stormwater Facility
Concrete Seatwall
Planting Area

Flexible Lawn Area

Existing Playground

Existing Splashpad

Berm

Berm

Flexible Lawn Area

Sidewalk

Existing Stage

Existing Amphitheater

Existing Restroom

Relocated Bench
Wayfinding Sign

Courthouse Parking

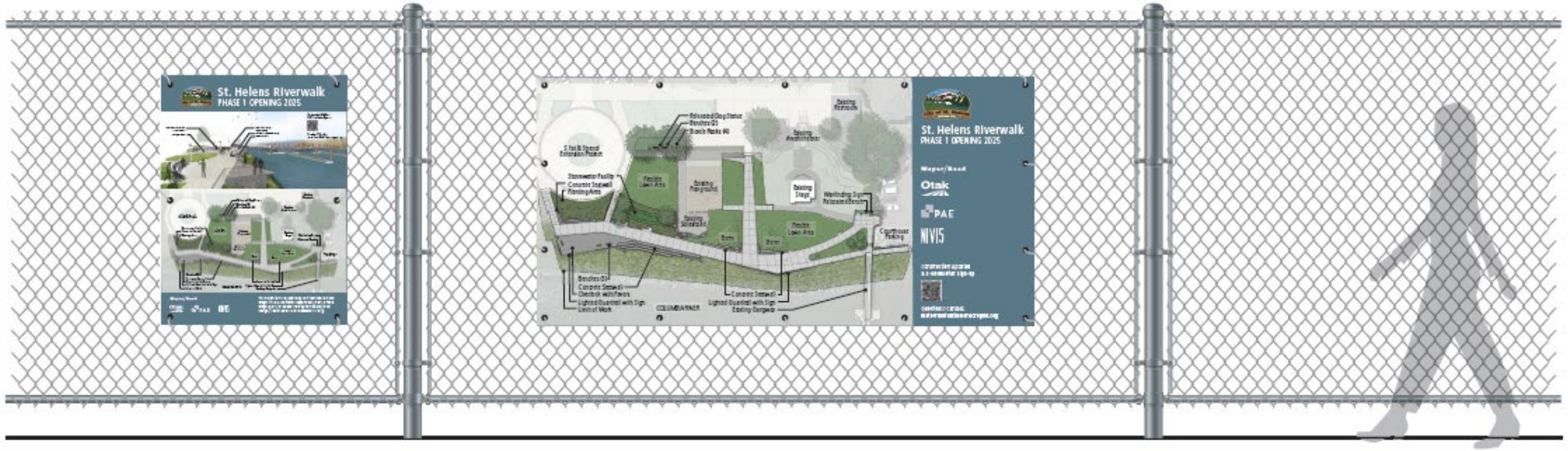
Limit of Work

COLUMBIA RIVER

Benches (5)
Concrete Seatwall
Overlook with Pavers
Lighted Guardrail with Sign

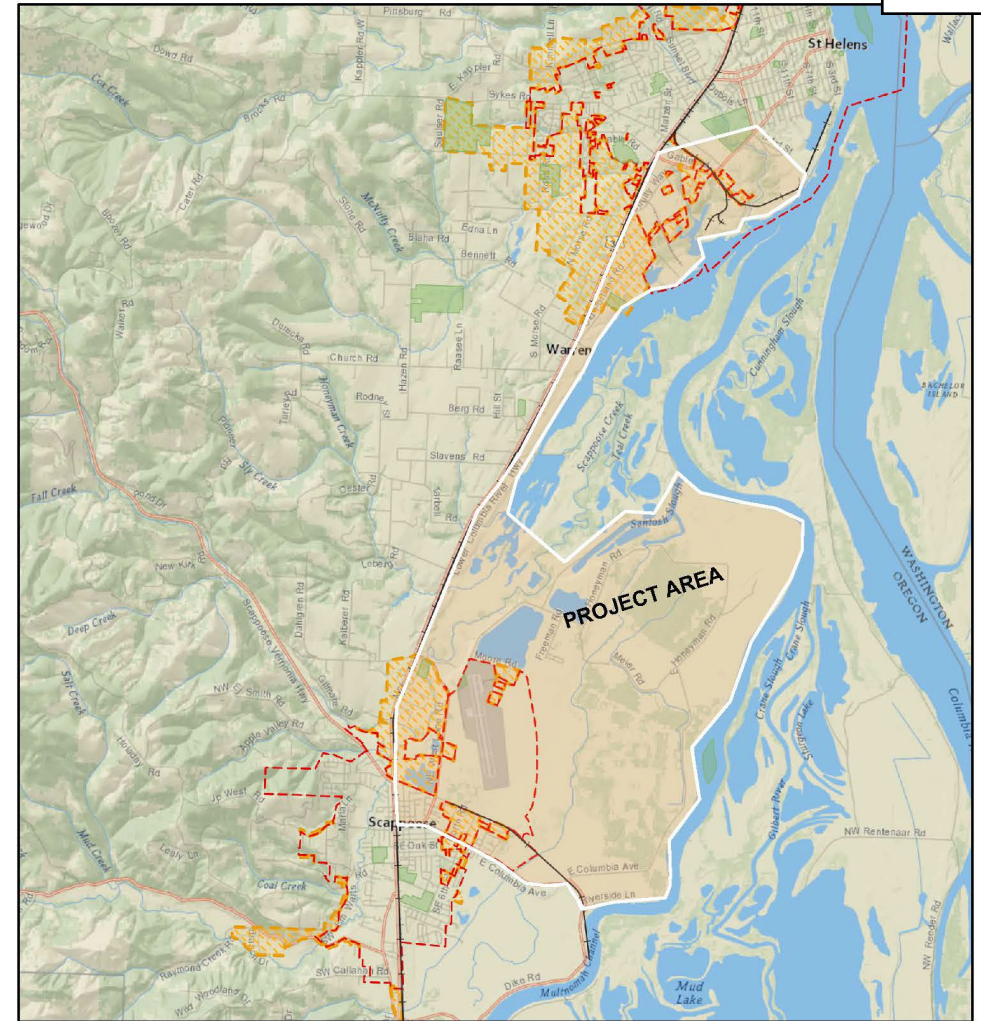
Concrete Seatwalls
Lighted Guardrail with Sign
Existing Gangway

Riverwalk Project Phase I



ODOT Community Paths Program St. Helens Scappoose Trail Refinement Plan

- Project will convene stakeholders at County and Scappoose to develop 3 route alternatives, narrow to preferred route, and develop 30% design
- **FINALLY** received grant contract
- Working on IGAs with Scappoose/Columbia County so they can be approved at a CC RS as a package
- Expect documents for approval in May



2/12/2024, 1:09:59 PM

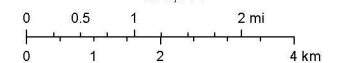
1:75,000

■ Park Boundaries

—+— Railroads

- - - City Limits

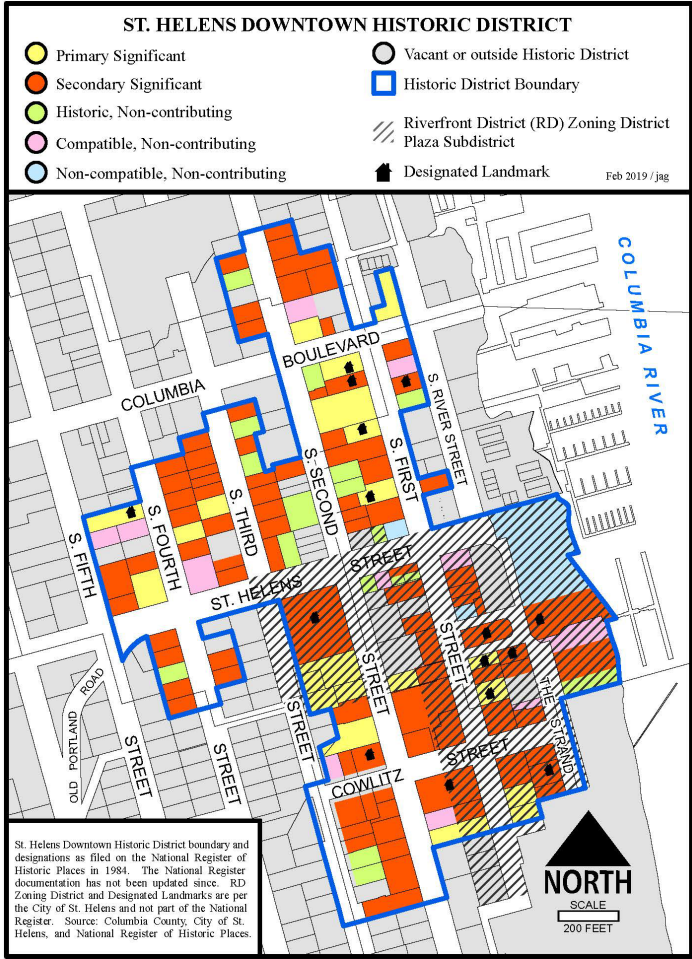
▨ Urban Growth Boundary (UGB)



National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

Certified Local Government Grant (6th Cycle)

- Received \$17k instead usual \$12-\$15k
- City's competitive pass-through program for eligible property owners in the nationally registered St. Helens Downtown Historic District
- HLC selected 135 S. 3rd Street for exterior restoration work on the front and side facades
- Project to be completed by June-July 2024



State Historic Preservation Office (SHPO) Veterans Memorial Grant

- 7 branches of service flag/monument expansion at McCormick Park
- Public Works contributed in-kind labor with concrete work on walkway and pedestals
- VFW donated flagpoles/hardware
- LCE contributed design/engineering in-kind
- **Project is complete!**
- **Grant reimbursement received & project successfully closed out**

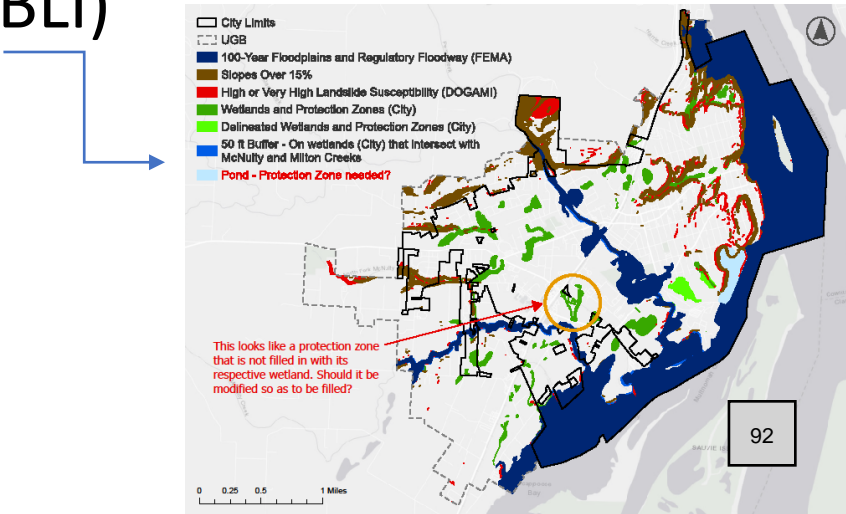




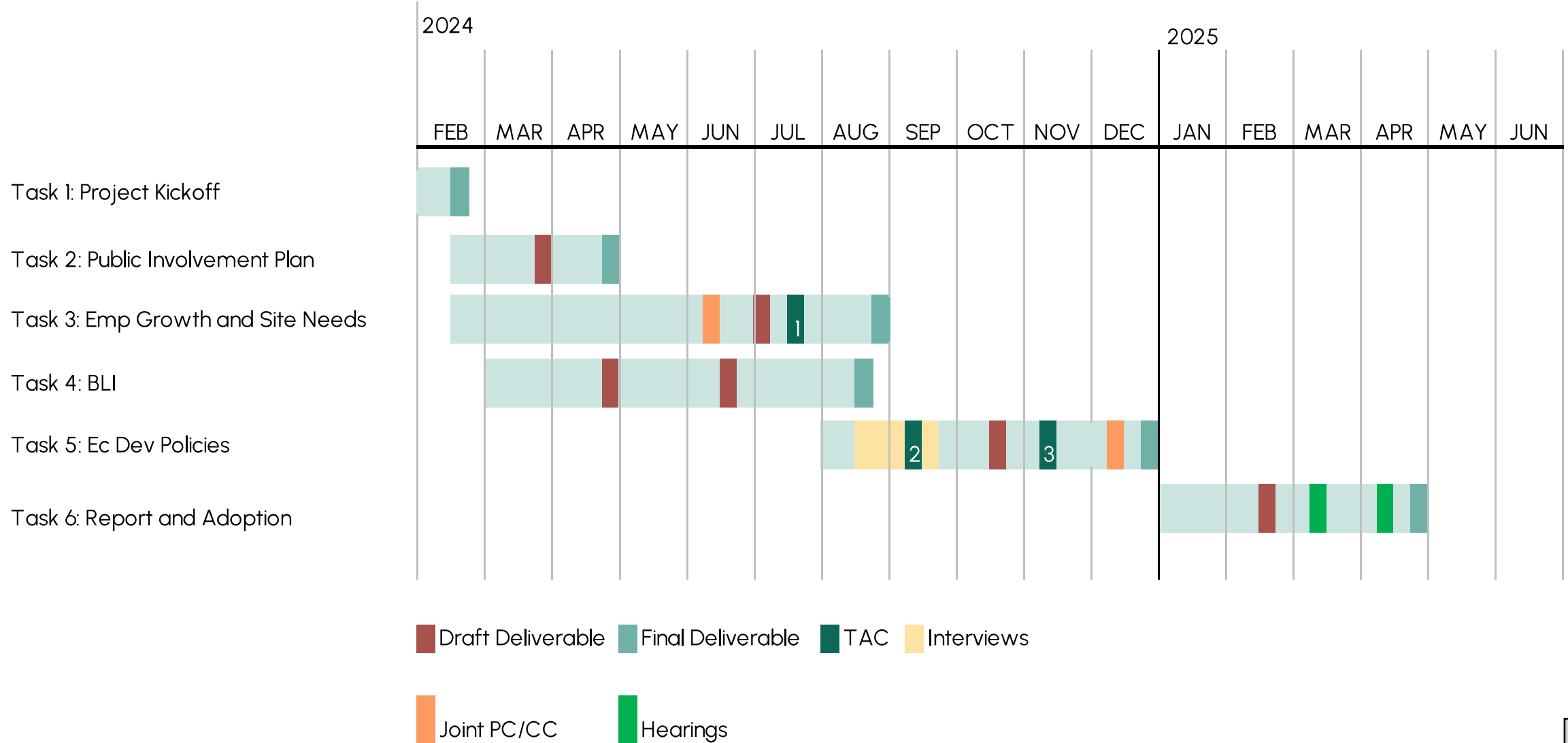
Photo courtesy Gene Hes

Economic Opportunities Analysis (EOA)

- Department of Land Conservation & Development (DLCD) grant funded update to the 2009 EOA
- **Project kicked off with consulting firm EcoNorthwest!**
- Public Engagement Plan finalized (Meetings schedule on next slide)
- Technical Advisory Committee (TAC) membership finalized
- Began reviewing the Buildable Lands Inventory (BLI)
- First of three TAC meetings expected in July



Economic Opportunities Analysis Project Schedule



Other Project Management Support



Special Public Works Fund (SPWF) Loan Program

- Riverfront District Streets & Utilities Project under construction
- Undergrounding Utilities Project under contractor & pre-con meeting held
- Follow the City’s Waterfront E-newsletter for construction updates

Community Development Block Grant (CDBG)

- \$2.5 million grant award for Sanitary Sewer Capacity Improvements design/engineering
- Consor contract approved
- Contract amendment on RS agenda to move funding from “permitting” to “environmental review”

Other Project Management Support

Oregon Safe Routes to School (SRTS) Grant

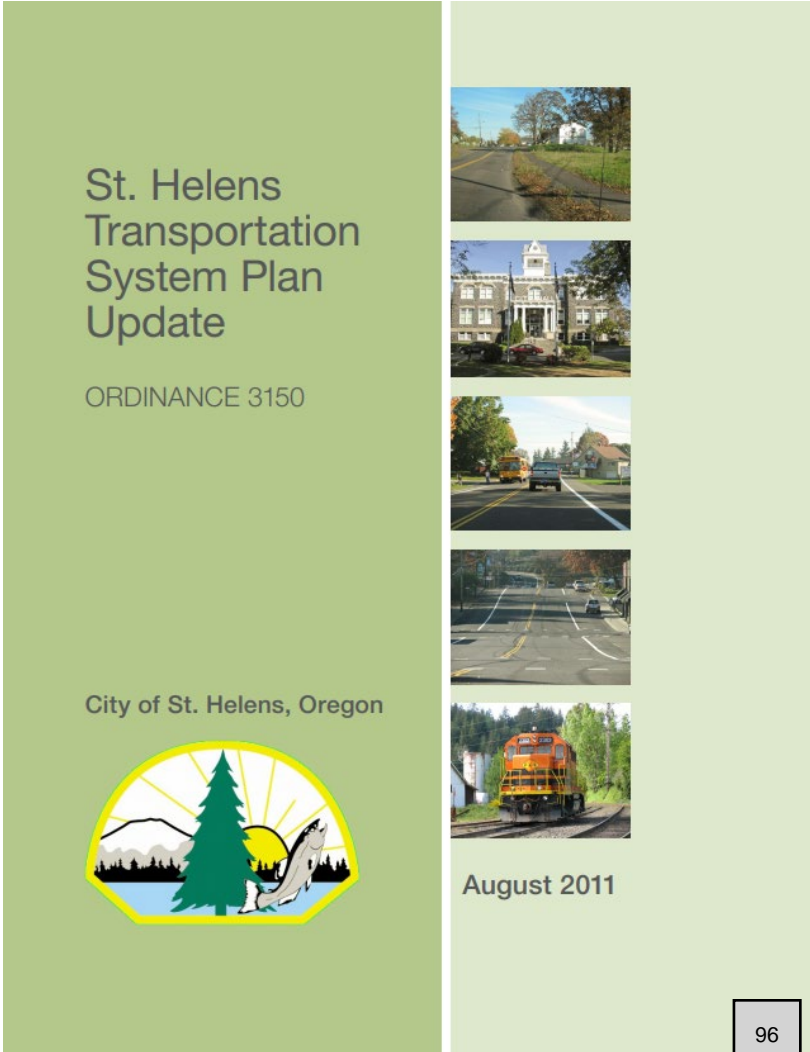
- Columbia Blvd. Sidewalks from Gable Road to Sykes Road
- Construction of sidewalks complete!
Roadway reopened!
- Prepared final closeout report & reimbursement request
- Conducted final walkthrough with ODOT
- **Final grant reimbursement received & project closed out!**



Other Project Management Support

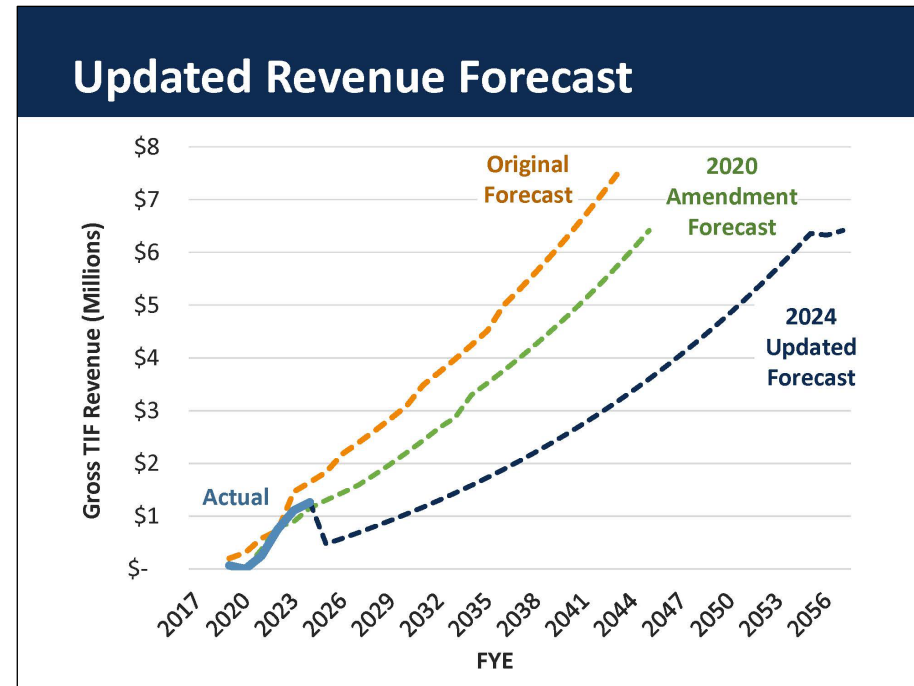
ODOT Transportation Management Grant (TGM) Program

- Engineering to lead a TGM grant-funded update to the Transportation Systems Management Plan with Planning to support
- Project scope of work has been under review for the past ~4 months by ODOT and DOJ
- Likely to be another 2-4 more months before the project can be kicked off with consultant selection



Urban Renewal Agency (URA) Support

- Intergovernmental Agreement (IGA) between Council and URA in April 2022 to cover SPWF loan obligations
- URA meeting in February 2024 to provide financial update & URA overview
- Preparing for May URA Budget Committee meeting and June URA meeting to adopt a FY 25-25 budget
- June URA meeting will include IGA to recapture expenses made by the City that were in support of URA Plan implementation



- PC recruitment: 2 positions filled
 - No interviews planned in next 6 mo.
- PC proactive items:
 - Vacant storefronts
 - Architectural standards



City of St. Helens

Planning Commission Membership Handbook



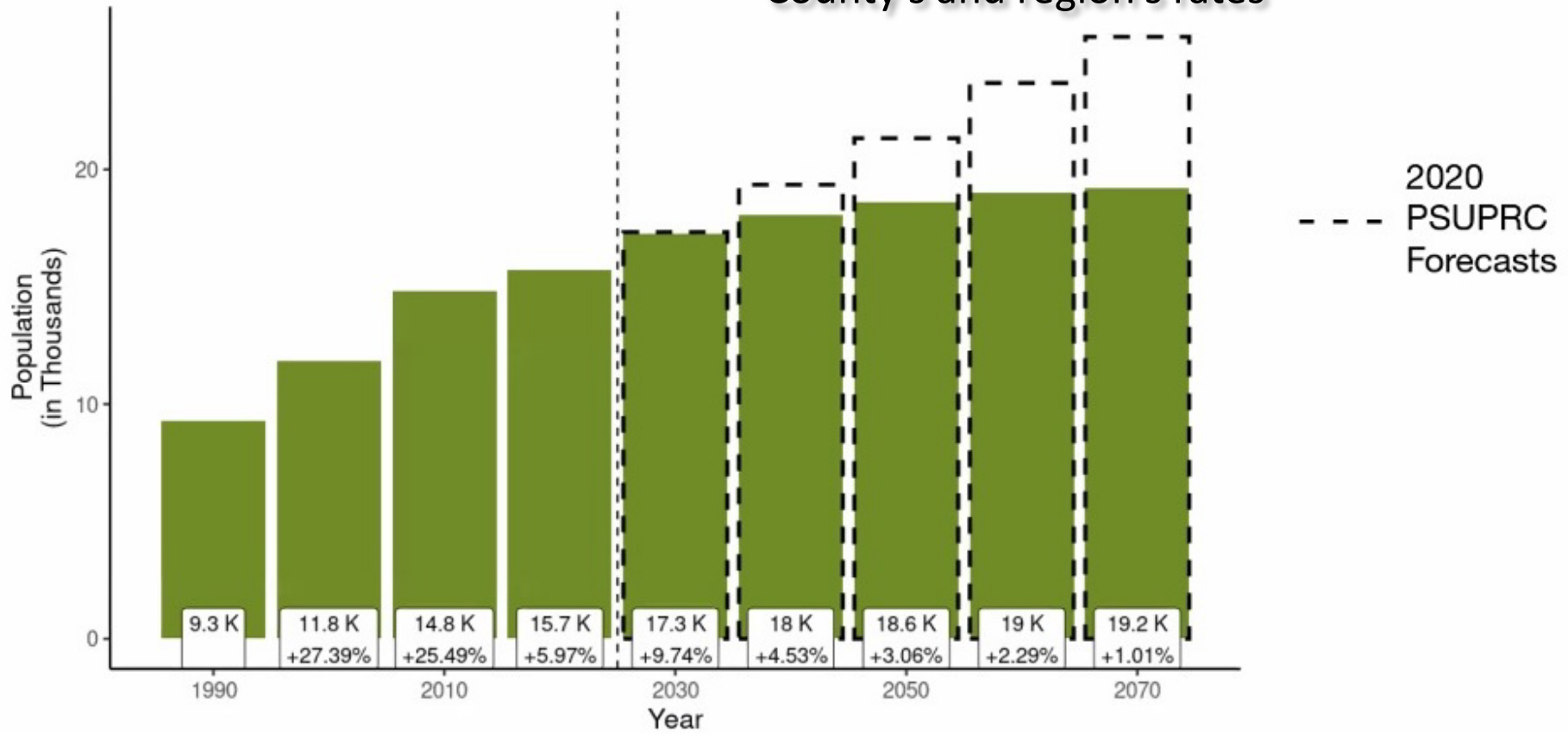
GIS efforts – administrator fixes
River Street addresses fixes with Co. Assessor



Population Forecasts

- St. Helens finally > 15,000 population
- 3.5% growth between July '22 to July '23
- Slower long-term growth
- Lesser projection compared to 2020 forecast
- Scappoose growth expected to exceed the County's and region's rates

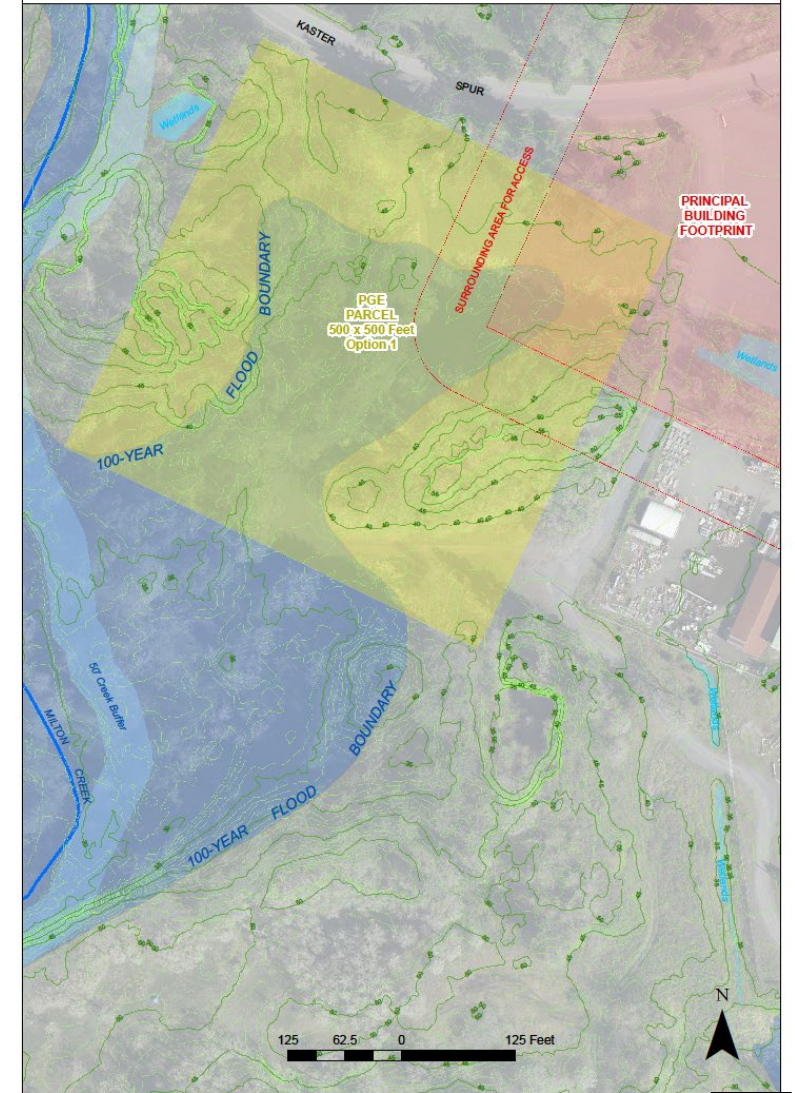
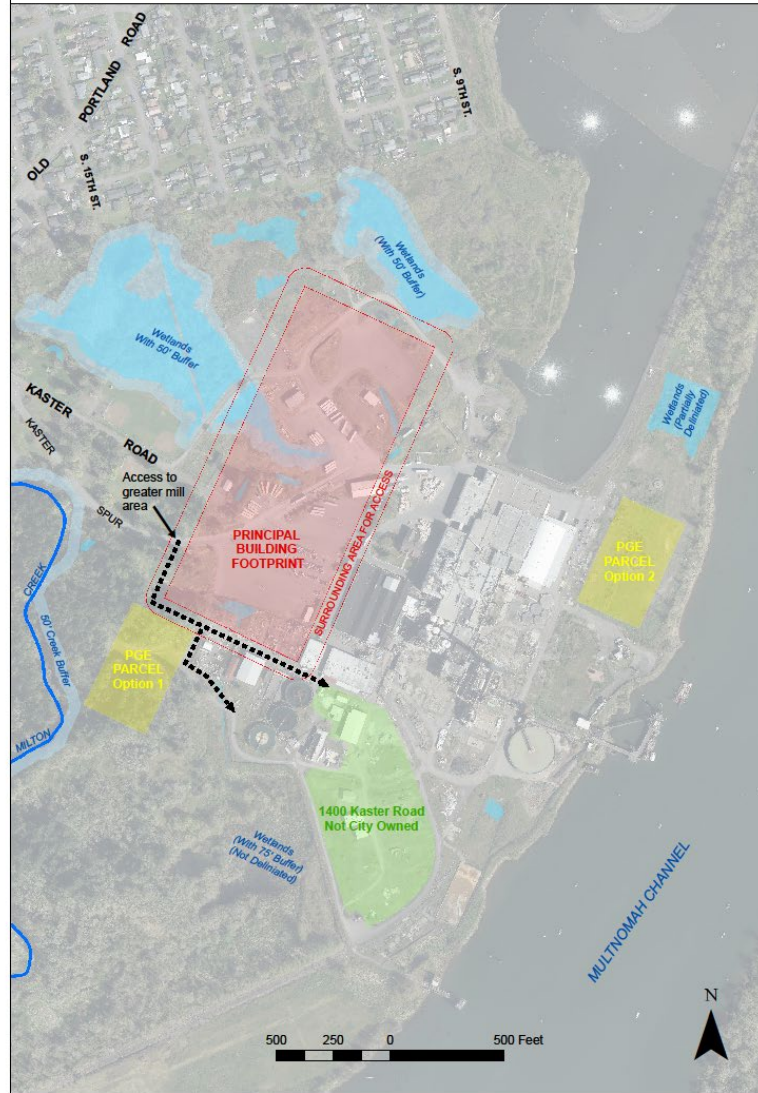
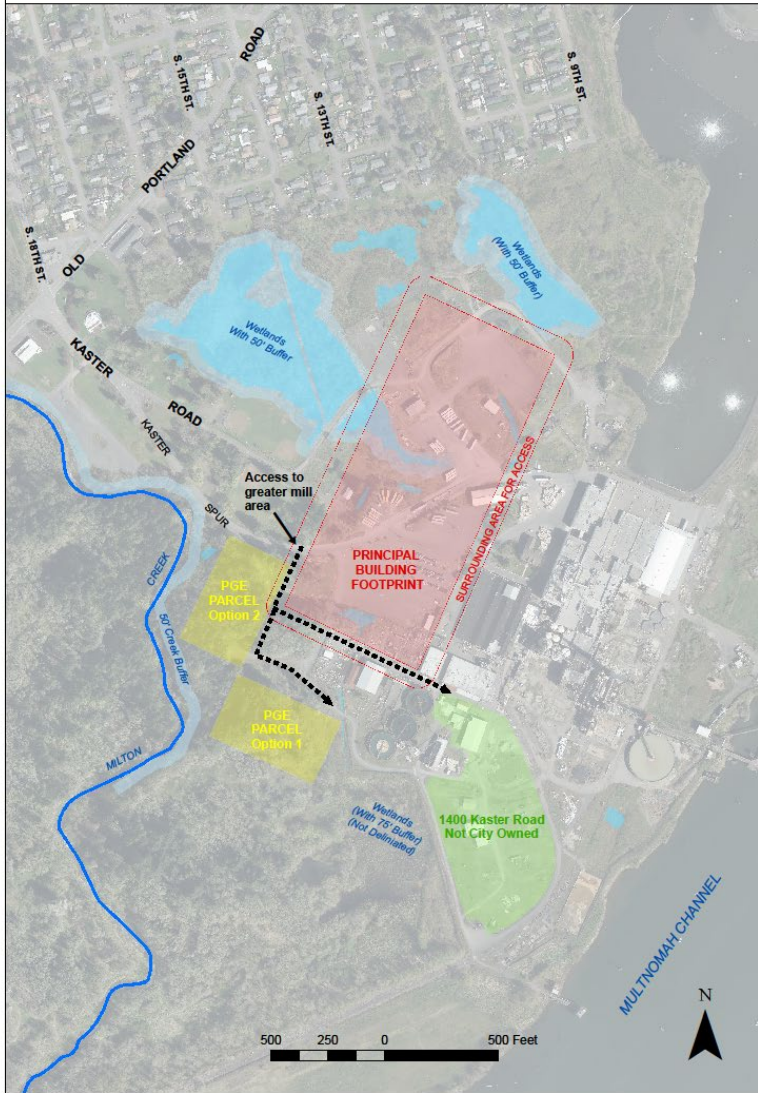
Population Change: St Helens UGB
Columbia County



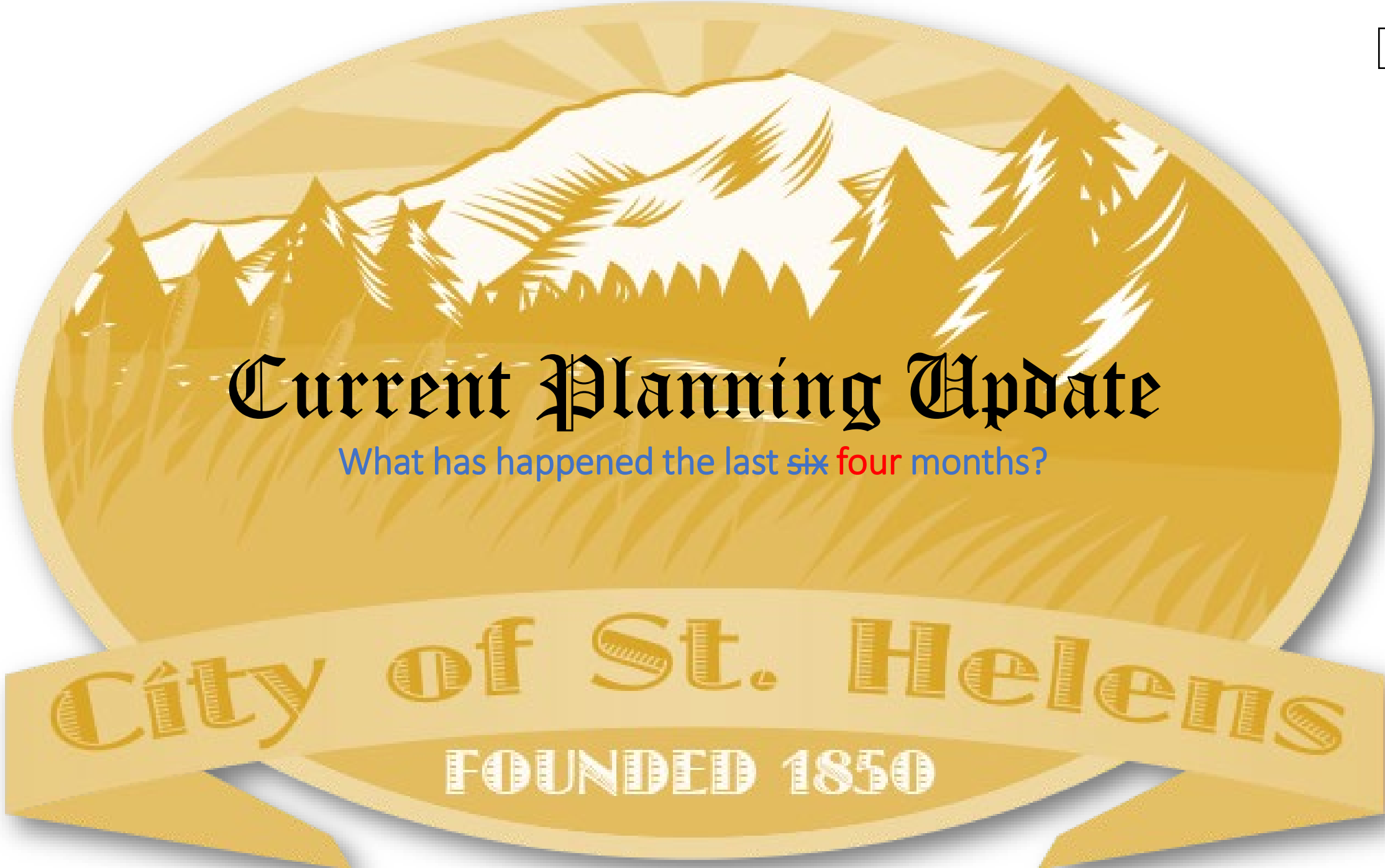
2024 Development Code Amendments

- St. Helens Housing Needs Analysis (2019) – residential code amendments part 2
- Measure 109 (2020) – psilocybin
- House Bill 4064 (2022) – manufactured and prefabricated structures
- House Bill 3109 (2021) – childcare facilities
- House Bill 4064 (2023) – single room occupancies
- Validity periods of land use permits
- Housekeeping





Item F.



Current Planning Update

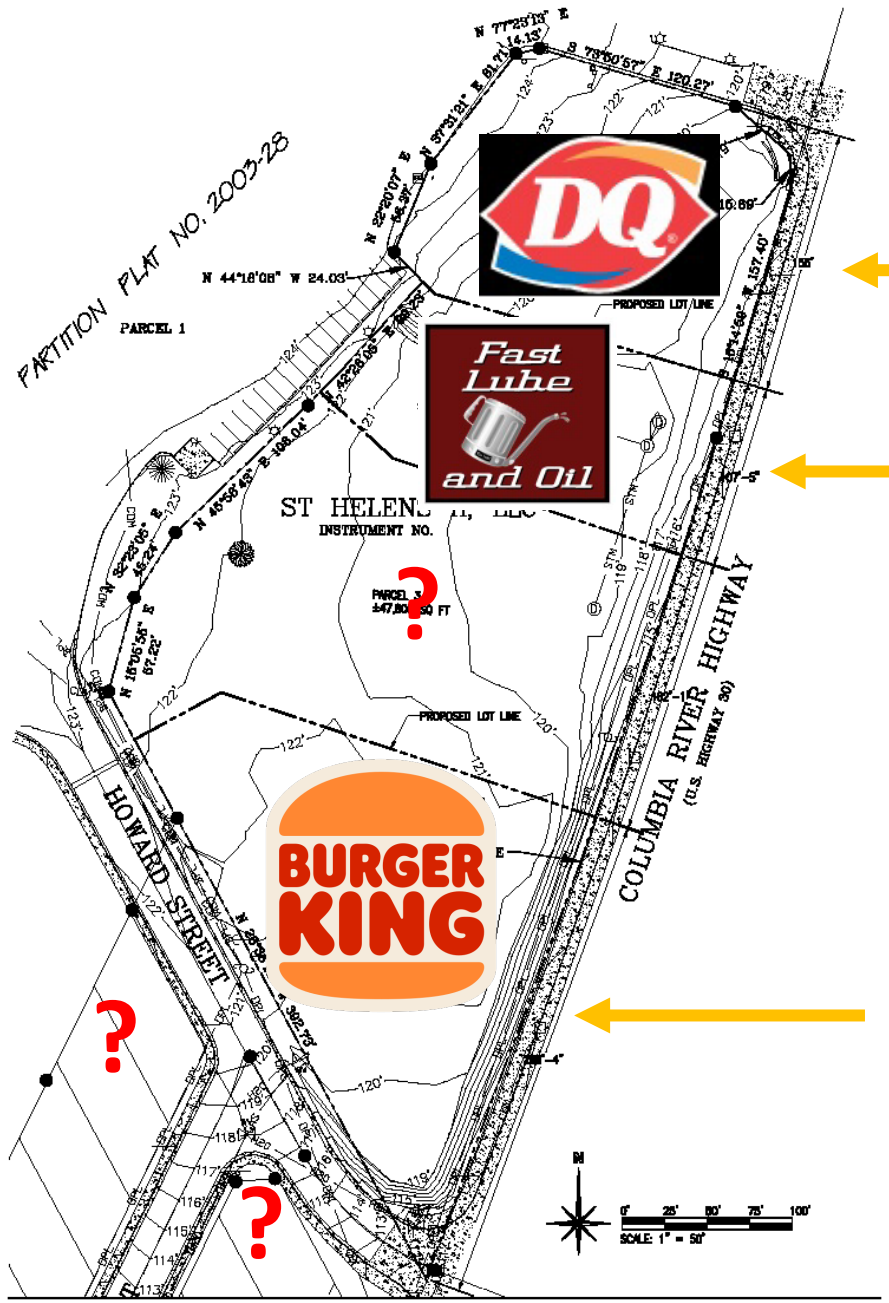
What has happened the last six **four** months?





Item F.





Building Permit submitted, finally!!!

Done (mostly)

Done!

04.05.2021 10:3



Item F.



Item F.

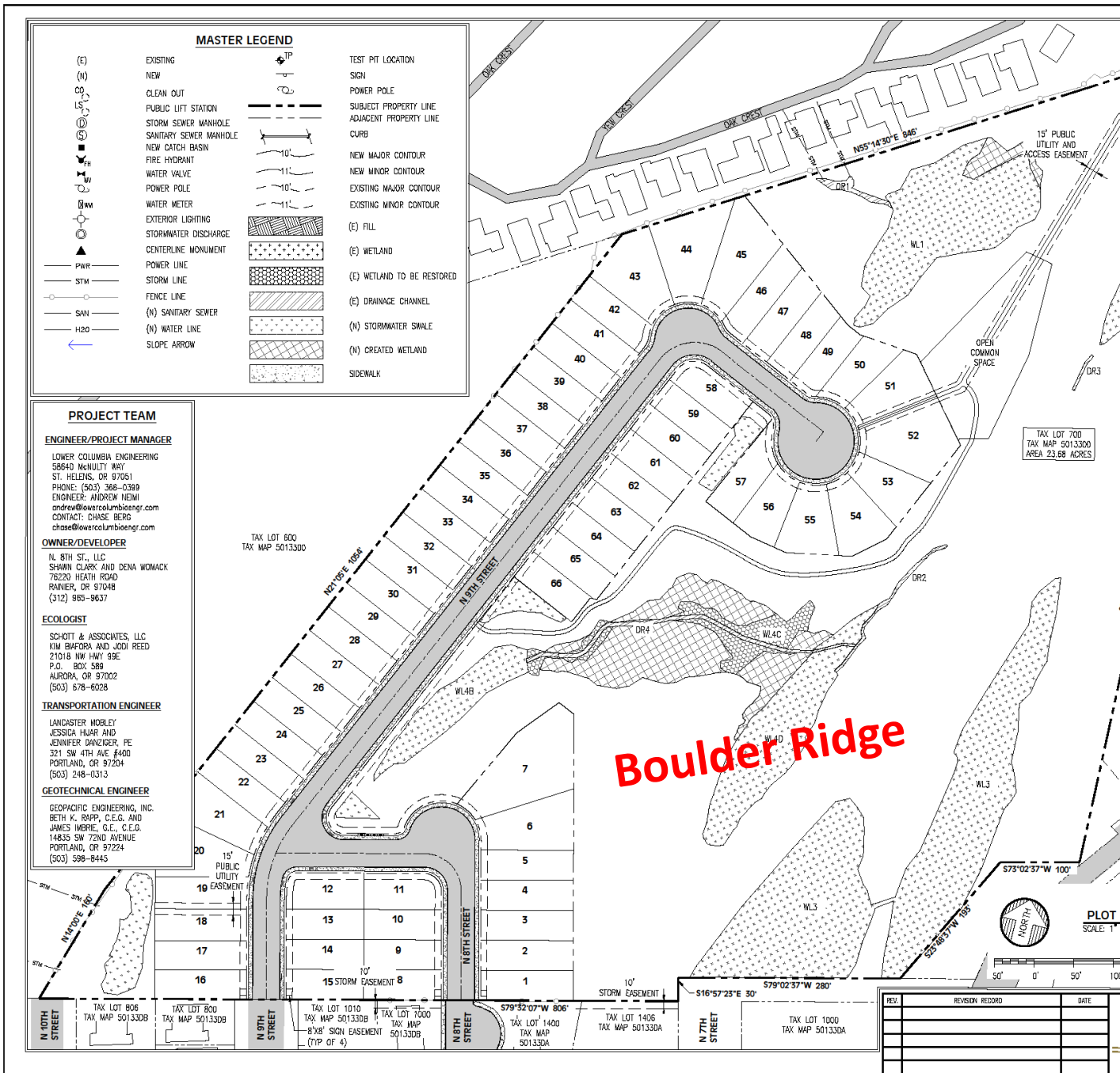


Item F.

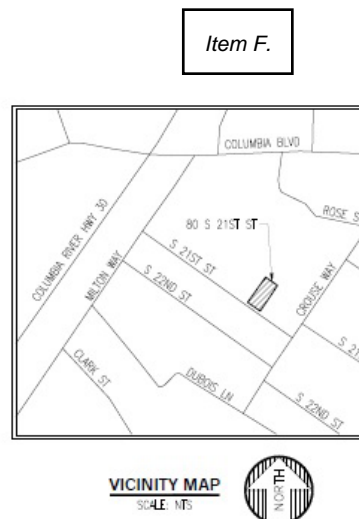
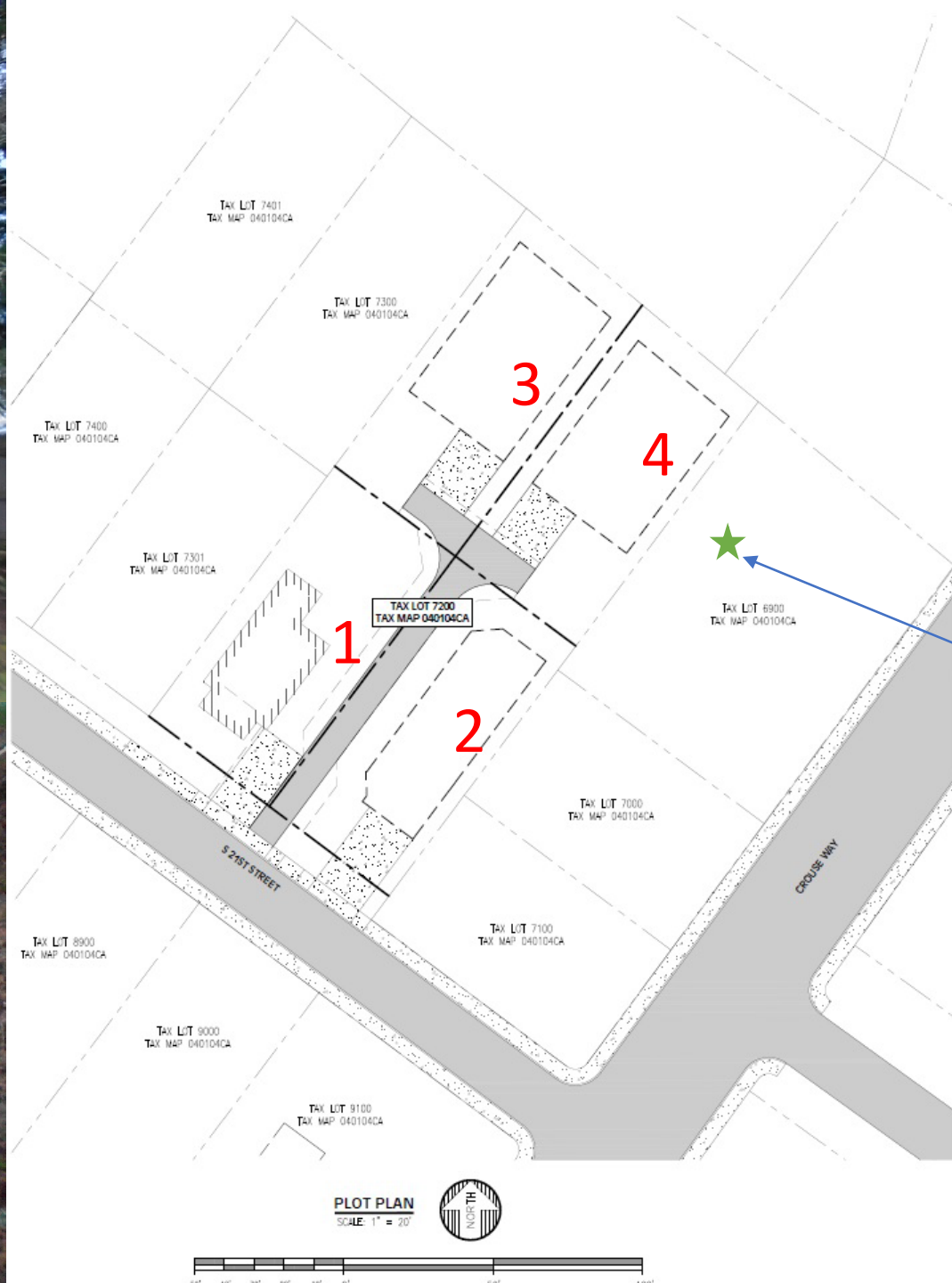




Item F.







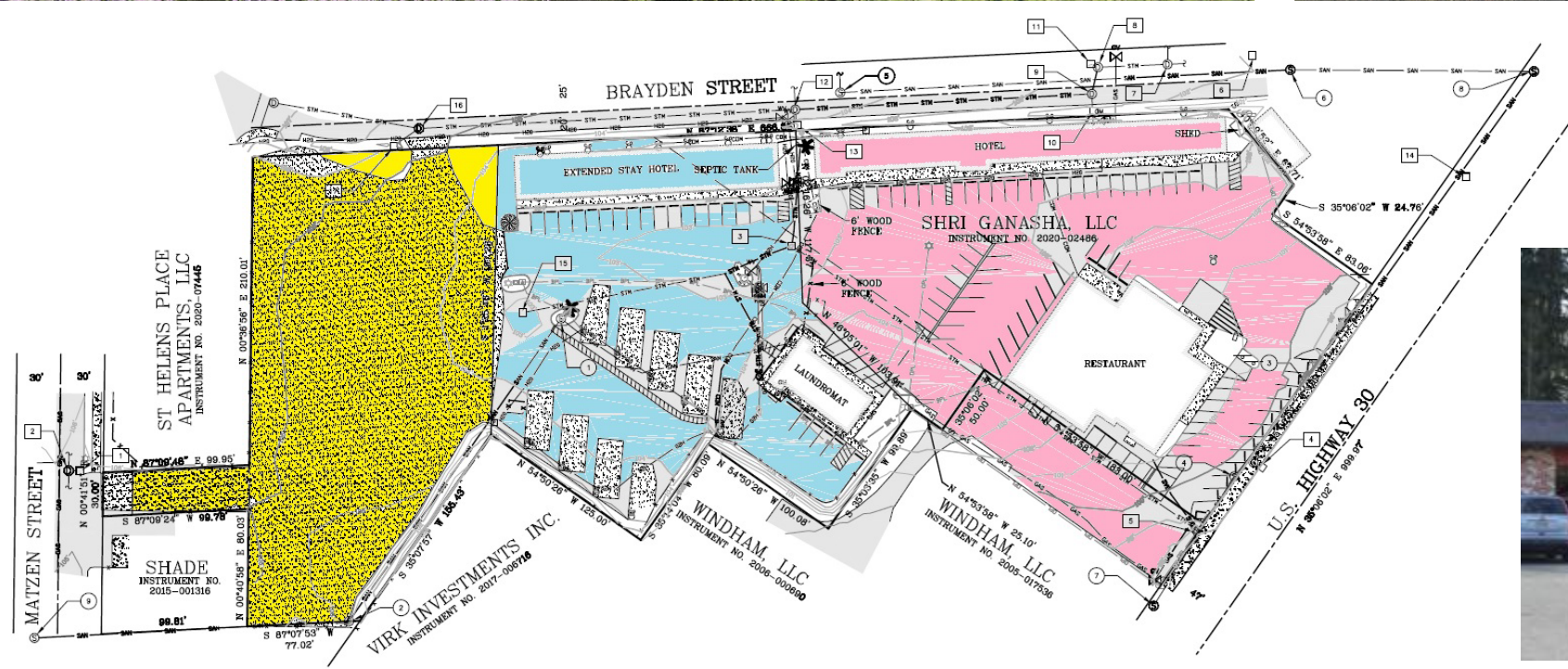
Big D. Fir



Item F.

N. 13th Street

N. 12th Street



3 Annexations
coming up — *bridge to
Bing's w/ 2009 consent*





07.31.2013



c. 2013



12.12.2019



c. 2019 and today



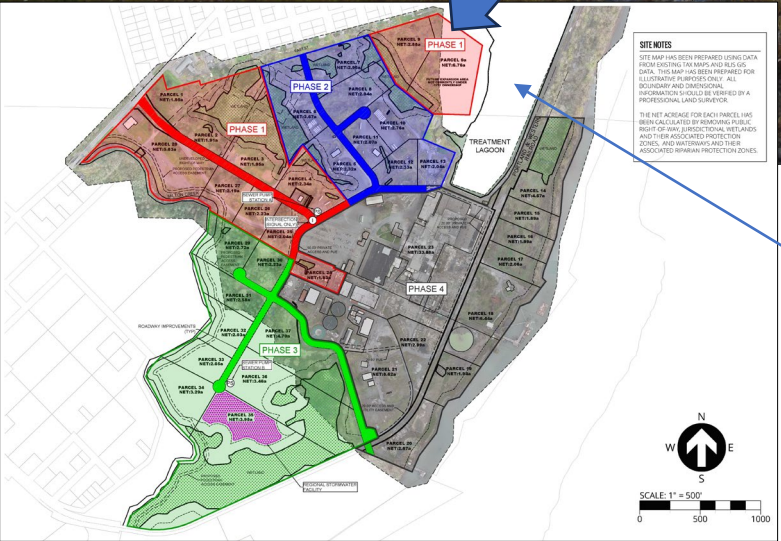


**DEER MEADOW RV
PARK**
58551 KAVANAUGH ST
ST HELENS, OR 97051



Item F.





Sanitary sewer lagoon





SSHS

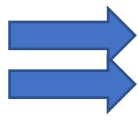


Next 6 months?

City of St. Helens

FOUNDED 1850

Essential



PROJECT TITLE	In '22-'24 Strategic Plan?
CURRENT PLANNING!!!	No
CUSTOMER SERVICE	No
Mercury TMDL Code Efforts	No
Development Code Amendments related to Sanitary, Storm and Water Master Plans	Yes - Long Term
★ HB 4064 (2022) Code Amendments (Manf. Homes) (In '24 Code Amends)	No
★ Measure 109-Psilocybin Code Amendments (In '24 Code Amends)	No
★ Development Code residential amendments, part 2 (In '24 Code Amends)	Yes
★ 2023 Legislation Code Amendments (In '24 Code Amends) -- 1 st time on this table	No
★ CLG Grant	No
★ ODOT Community Paths Grant	No
★ Riverwalk Project Phase I	Yes
★ St. Helens Industrial Business Park Planning -- PGE parcel assumed next step	Yes
Riverfront Redevelopment Request for Qualifications/Development Solicitation	Yes
Riverfront Streets & Utilities Project	Yes
★ Economic Opportunities Analysis (EOA) Update	Yes
Managers Attend Professional Development Opportunities	Yes
New Transportation Systems Plan	Yes - Long Term
Grey Cliffs In-water Facility Planning	Yes
★ Urban Rewewal Management	Yes
Planning related FAQ phamplets/videos	Yes - Long Term
Residential design standards	Yes - Long Term
Right-of-way street vacation policy	Yes - Long Term
Food cart/truck/trailers rules	Yes- Long Term
S. River Street to N 2nd Street "micro" transportation systems plan	Yes
Revisit UGMA with County	No
Parks & Recreation Master Planning	Yes
Update city Charter for no-vote annexations	Yes - Long Term
Addressing policy update	Yes - Long Term
Housing Production Strategy (related to HNA but not a land use action)	Yes - Long Term
Locally significant wetland updates (buffer zones, etc.)	Yes - Long Term
Flood code amendments related to BIOP (Endangered Species Act)	Yes - Long Term
Develop incentives for designation as a local historic landmark	Yes - Long Term
Housing Needs Analysis Update per 2019 HB 2003	Yes - Long Term
Historic resources inventorying	Yes - Long Term
Millard Road Entry Sign	Yes - Long Term

Item F.

6 Mo. Grab Bag!!!





CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: City Council
 FROM: Jacob A. Graichen, AICP, City Planner
 RE: Planning Commission Annual Report
 DATE: May 14, 2024

DRAFT FOR PC REVIEW

This report covers Planning Commission activities from **June 2023** through **May 2024**. The Planning Commission discussed this report at their May 14, 2024, meeting.

- **Number of meetings: 14 (last year 15)**

16 meetings are usual (12 regular PC meetings + 4 Joint City Council Meetings). In this last year, the Commission cancelled 2 Joint City Council Meetings (June 2023 and September 2023), and 1 regular PC Meeting (October 2023). However, they met outside of regular meetings in April 2024 for a Special Session with City Council regarding the Police Station.

- **Number of Public Hearings (a continued hearing is counted separately): 18 (last year 18)**

- **Planning Director Decisions: 44 (last year 56)**

For administrative land use actions (e.g., Site Development Review, Home Occupations, Sign Permits, Temporary Use Permits, and others), the items from the last month are included on the agenda to facilitate discussion and query usually for clarification purposes or to address concerns.

- **Discussion Items: 25 (last year 35)**

Regular meeting items included (in the order they were reviewed): CLG Historic Preservation Grant Selection, Discussion of properties at the corner of Pittsburg Road & US 30, Planning Commission Vacancy/Term Expirations, December Joint Meeting with City Council, Planning Department Semi-Annual Report to Council, Planning Commission Stipends, 2023 Year End Summary, 2024 Development Code Amendments, Chair & Vice Chair Selection, Planning Commission Interview Committee Recommendation, Historic Resource Review HRR.1.22 Plan Revisions, 2024 Development Code Amendments (Continued), Joint Meeting Discussion Items, Planning Commission Representation on EOA Technical Advisory Committee, 2024 Development Code Amendments Draft Review, 2024 Development Code Amendments Draft Review (Continued).

Joint and special meeting items included (in the order they were reviewed): Psilocybin Prohibition, Vacant Storefronts, Vacant Storefronts, Police Station Location, 2024 Development Code Amendments Overview, Architectural Standards, Discuss Proposed Public Safety Facility with Council.

- **Architectural Review: 4 (last year 6)**

Certain proposals within the Riverfront District require architectural review. We had an average number of these reviews.

- **Proactive Items:**

As part of the proactive resolve, in June 2022, the Planning Commission adopted the Planning Commission Proactive Procedures which dictate how “Proactive Items” are included on agendas. All PC agendas now include Proactive Items as a permanent agenda heading.

Proactive items sometimes include a non-quorum subcommittee, which can meet outside of normal meeting hours to discuss the item. The Proactive Items which were voted by a quorum to be taken on by the Commission during the last reporting period include:

1. **Architectural Standards** – This item was included on all the regular PC meetings and one Joint meeting.
2. **Vacant Storefronts** – This item was included on 5 regular PC meeting and one Joint meeting.
3. **Courthouse Plaza** – This item was included on 1 regular PC meeting, being added only recently beginning with the May 2024 meeting.

- **Future Projects/Plans:**

Continuing efforts on the Vacant Storefronts Proactive item in a Subcommittee that includes members of the City Council, Mainstreet, and others.

Time will tell how much traction Architectural Standards and the Courthouse Plaza get, but its possible in a year timeframe.

Aiding in city-led projects including the Economic Opportunity Analysis, the Transportation Systems Plan update efforts, and the Oregon Community Paths Scappoose St. Helens Trail project.

Does the Commission wish to add anything else related to the other Proactive items or any other future projects/plans?

- **What can the Council do to support the Commission?**

In the 2023 Report, the Commission discussed the following ways Council can continue to support the Commission, which may still be relevant to you:

1. The Commission recommends an **Associate Planner** for the upcoming fiscal year.
2. The Commission desires to continue their involvement in city-led projects. And, generally, they desire more inclusion.

Does Commission want to change this message, add to this message, or keep it the same?



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
RE: 2024 Development Code Amendments Workshop for February 2024 meeting
DATE: May 6, 2024

This is a continuation of the discussion from last month's meeting and builds off the packet from last month.

Last month we got through pages 1 – 24 of the draft text amendments. We stopped at Chapter 17.80 towards the bottom of page 24. Please use code amendment materials from last month, which is included in the e-packet of this meeting (no new hard copy will be sent).

There was **one question from last month** that I want to address here for the Commissions input.

In the Riverfront District, Plaza sub-district zone “congregate care facility” is a listed use for the types of residential uses possible above nonresidential use. Remember, this zoning district does not allow ground level residential use, except for officially recognized historic structures. This use is basically elderly housing for those who can maintain a semi-independent lifestyle. This was added to the Plaza sub-district because “congregate care facility” is allowed as a use above non-residential permitted uses in the Riverfront District, Mill Sub-District zone. This is an adjacent and similar zone (like a cousin) to the Plaza sub-district.

Recommend removing it from the Plaza sub-district or changing the language to “congregate housing” to better match other zonings such as GC and MU. I intend on updating the language used in the Mill subdistrict too.

* * *

Staff has **one additional consideration** for the upcoming code amendments that we have not discussed yet. Pursuant to 17.108.050(4):

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

(a) The reduction of the yard or increase in lot coverage established by the applicable zoning district shall be necessary to allow for the enlargement or remodeling of an existing principal building, accessory structure, or auxiliary dwelling unit as defined per SHMC 17.16.010, provided the existing building or structure has been lawfully established in a completed state at its current location for at least 5 years;

(b) The increase in lot coverage established by the applicable zoning district may also allow for new accessory structures or auxiliary dwelling units, provided the existing principal building that the accessory structure or auxiliary dwelling unit are accessory to has been lawfully established in a completed state at its current location for at least 5 years;

(c) The garage or carport setback to the front property line satisfies the requirements of the applicable zoning district;

(d) Reductions to setback requirement do not apply to interior yards. Interior yards shall not be reduced per this subsection (4);

(e) The standards of Chapter 17.76 SHMC, Visual Clearance Areas, shall be satisfied;

(f) The proposed building, accessory structure, addition, or auxiliary dwelling unit shall not encroach upon any existing easements or any public utility or other infrastructure;

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

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

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

The intent of the provision is to allow an enlargement or modification sometime in a property's life span. A home can last decades. The intent of this is to allow the wiggle room within that life span. Recently, this has been used as a loophole for initial construction. For example, recently a new home was built and the real-estate listing noted that a deck would be built after occupancy, so immediately after attaining occupancy, a new building permit is submitted for a deck using the 20% reduction.

Having a delay of 5-years, or maybe a different time if the Commission feels otherwise, will help prevent this immediate remodel exploitation of this code provision, so it is not used to contemplate initial construction.



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
RE: 2024 Development Code Amendments
DATE: April 1, 2024

Before presenting the 2024 Development Code amendments before the Council to initiate the formal legislative proceedings, hopefully by mid-year, staff wants the Planning Commission to dive into the draft text first.

This memo provides some background and an overview of what it proposed, with an **attached** table of zoning with key aspects of the proposed changes, and the draft amendments themselves.

Please note that it will be best to review the draft code with the Development Code since the draft amendment document does not include much text that is not proposed to be changes. You can use your hard copy version or the online version <https://www.codepublishing.com/OR/StHelens/>.

Basis for code amendments

1. **St. Helens Housing Needs Analysis (2019)** included a recommendation to allow cottage clusters, which is essentially multiple detached homes on a single property. Ordinance 3264 (2021) eliminated single family zoning allows two detached units where duplexes are allowed and established building separation requirements, neither of which was significantly controversial. This proposal takes this a step further by allowing multifamily development (3 or more units) in some cases to be detached, which would allow cottage cluster type development.

This also includes related changes to dwelling units in mixed use buildings, such as units above non-residential uses, on the same level as non-residential uses and those on ground level, depending on the zoning district.

This adds/amends many definitions in Chapter 17.16 SHMC, amends any zoning district that allows multifamily development (i.e., allows 3 or more dwelling units on a lot), and amends Site Development Review Chapter 17.96 SHMC, where the distinction between multifamily development (3 or more units on a lot) and multifamily structure (3 or more units in a building) become important.

Note that at the March 13, 2024 City Council / Planning Commission joint meeting, the Mayor suggested having policy that allowed detached single-room occupancy in addition to detached multi-family development. This would mean you could have detached sleeping rooms with a shared kitchen and or lavatory in its own building. Speaking with the Building Official about this concept, each building would need to comply with the energy code and accessibility would be required between buildings.

Because this seems inefficient, may not be practical, and would entail significant code rewrite, I thought it best to talk to the Commission about it more first.

2. **Measure 109 (2020)**, legalizing psilocybin for mental health purposes in the State of Oregon. As allowed by the measure, the city imposed a two-year moratorium, which is implemented by SHMC 5.08.010:

The establishment of psilocybin product manufacturers licensed under ORS 475A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the city of St. Helens.

This ordinance is repealed on December 31, 2024 and at the December 13, 2023 joint City Council / Planning Commission meeting, there was enough concern from those in attendance for staff to establish at least making psilocybin service centers—the place where people can obtain and consume psilocybin products—a conditional use in most commercial or mixed use zones, except for the Riverfront District.

This adds a definition to Chapter 17.16 and amends mixed use and commercial zones. Note that a psilocybin service center would not be allowed in the Riverfront District. This also adds the use to Chapter 17.100 regarding Conditional Uses and prohibits psilocybin manufacturing in conjunction with a service center.

3. **House Bill 4064 (2022)** changes how cities can regulate manufactured homes and prefabricates structures. For example, the long-time prohibition of single-wide manufactured homes can no longer be enforced and premanufactured structures are a new thing. Code updates to comply with current law.

We can prohibit old residential trailers (constructed before January 1, 1962) or mobile homes (constructed between January 1, 1962 and June 15, 1976) outside of manufactured homes parks, but have to allow them within. On a related note, ORS 197.493 requires that RVs be allowed in manufactured homes parks, just like they would be allowed in RV parks.

This adds definitions to Chapter 17.16 SHMC, tweaks SHMC 17.32.090—the only zone that allows manufactured/mobile home parks—and amends Chapter 17.60, where there are provisions to help protect historic resources. Manufactured homes are not allowed within a historic district or abutting a property with a designated landmark (locally significant historic property). Noteworthy change to SHMC 17.96.020.

4. **House Bill 3109 (2021)** updates the states childcare facility law. For many years, there has been restrictions on local governments on how certain childcare is allowed in homes in residential area and this bill creates additional restrictions outside of residential areas, impacting other zonings.

Oregon law requires child-caring agencies to be licensed. Children’s Care Licensing sets the licensing requirements for agencies that operate in Oregon and makes sure that agencies meet the requirements before receiving a license. There are two types: family child care home, which must be allowed and treated similarly to any single dwelling, and child care center which must be allowed in commercial and light industrial areas, generally.

This adds/amends definitions to Chapter 17.16 SHMC, and amends most zoning districts. Permit exemption clarified in SHMC 17.96.020 (Site Development Review) and added to SHMC 17.120.020 (Home Occupations).

5. Reexamination of **validity periods** for land use permits resulted in changes to be more consistent across the spectrum of land use permit types. See separate memo on this [attached](#) hereto.

In addition, the proposal includes a 10-year time period to utilize a planned development overlay before it expires. Any existing overlay would expire 10 years after January 1, 2025.

6. **House Bill 4064 (2023)** adds single room occupancies (SROs) to the list of “needed housing” in the ORS and requires local governments to allow them. SROs are attached living units that are not complete dwelling units given shared kitchen or lavatory facilities.

This adds a definition to Chapter 17.16 SHMC, and amends most zoning districts that allow typical residential uses, establishes one off-street parking space requirement per unit (same standard that applies

to a studio apartment) and note the applicability of Chapter 17.96 SHMC, the reference thereto being in the zoning district sections.

7. Housekeeping/scrivener's errors. Notable things are:
 - a. Improved definition of boathouse.
 - b. Clarification of Time Extension application notification requirements. Code is silent on this matter currently.
 - c. Removal of "catering to motorists" language in the MU, HC and GC zones due to its lack a clarity and impracticality of implementation.
 - d. Prior to alteration of official historic resources in Chapter 17.36, photographs or drawings of the pre-altered state are required. With the museum going digital, it makes sense to add the digital option.
 - e. Parking for public safety facility is being updated to include the area for pubic use.

* * * * *

Changes by zoning district.

Suburban Residential – R-10

- Home child care redefined in permitted uses.
- Single room occupancy (4-6 units) added to permitted uses.
- Child day care center redefined in conditional uses.

Moderate Residential – R-7

- Home child care redefined in permitted uses.
- Single room occupancy (4-6 units) added to permitted uses.
- Child day care center redefined in conditional uses.

General Residential – R5

- Home child care redefined in permitted uses.
- Single room occupancy (4-6 units) added to permitted uses.
- Child day care center redefined in conditional uses.
- Multidwelling development (3 or more dwelling units) clarified as being attached or detached housing in conditional uses. Detached housing for 3+ units will be allowed for first time in St. Helens since inception of zoning in 1953.
- Single room occupancy (>6 units) added to conditional uses and same standards that apply to multifamily development (3 or more dwelling units) applies to this.

Apartment Residential – AR

- Home child care redefined in permitted uses.
- Multidwelling development (3 or more dwelling units) clarified as being attached or detached housing in permitted uses. Detached housing for 3+ units will be allowed for first time in St. Helens since inception of zoning in 1953.
- Single room occupancy (4-6 units) added to permitted uses.
- Child day care center redefined in conditional uses.
- Single room occupancy (>6 units) added to conditional uses and same standards that apply to multifamily development (3 or more dwelling units) applies to this.

Mobile Home Residential – MHR

- Home child care redefined in permitted uses.
- Mobile home park redefined in permitted uses.
- Single room occupancy (4-6 units) added to permitted uses.
- Child day care center redefined in conditional uses.
- Multidwelling development (3 or more dwelling units) clarified as being attached or detached housing in conditional uses. Detached housing for 3+ units will be allowed for first time in St. Helens since inception of zoning in 1953.
- Single room occupancy (>6 units) added to conditional uses and same standards that apply to multifamily development (3 or more dwelling units) applies to this.

Mixed Use – MU

- Child care center added to permitted uses (child day care center redefined and moved from conditional uses).
- Clarification that units above permitted uses (1-2 dwelling units) is attached housing and to distinguish from multifamily (3 or more dwelling units) in permitted uses.
- Home child care redefined in permitted uses.
- Removal of “catering to motorists” language for retail establishments in permitted uses.
- Single room occupancy (4-6 units) added to permitted uses. May be stand alone or units above permitted uses, but not on same level as non-residential use.
- Clarification that dwelling on same level as non-residential use applies to attached and detached housing in conditional uses.
- Clarification that multidwelling development (3 or more dwelling units) may attached or detached, except must be attached when above permitted uses in conditional uses. Detached housing for 3+ units will be allowed for first time in St. Helens since inception of zoning in 1953.
- Psilocybin service center added to conditional uses.
- Single room occupancy (>6 units) added to conditional uses. May be stand alone or units above permitted uses, but not on same level as non-residential use. Referencing the AR standards, the same standards that apply to multifamily development (3 or more dwelling units) applies to this.

Highway Commercial – HC

- Child care center added to permitted uses.
- Family child care home added to permitted uses.
- Removal of “catering to motorists” language for offices and retail establishments in permitted uses. This also results in removal of retail not catering to motorists in from the conditional uses.
- Further defining the limitations of dwelling units above permitted uses, that the maximum amount is 2 units and that such must be attached housing with no dwelling on the same level as a non-residential use. This is a conditional use.
- Psilocybin service center added to conditional uses.

General Commercial – GC

- Child care center added to permitted uses (child day care center redefined and moved from conditional uses).
- Clarification that units above permitted uses (1-2 dwelling units) is attached housing and to distinguish from multifamily (3 or more dwelling units) in permitted uses.
- Family child care home added to permitted uses.
- Removal of “catering to motorists” language for retail establishments in permitted uses.
- Further defining multidwelling development as a conditional use. Can only be attached housing (no cottage cluster type development) but may be on same level as nonresidential use.

- Psilocybin service center added to conditional uses.
- Single room occupancy (4 or more units) added to conditional uses. May be stand alone or units above permitted uses, but not on same level as non-residential use. Referencing the AR standards, the same standards that apply to multifamily development (3 or more dwelling units) applies to this.

Light Industrial – LI

- Child care center added to permitted uses (child day care center redefined and moved from conditional uses).

Riverfront District – RD, Marina Subdistrict

- Child care center added to permitted uses.
- Clarification that units above permitted uses (1-2 dwelling units) is attached housing and to distinguish from multifamily (3 or more dwelling units) in conditional uses.
- Family child care home added to permitted uses.
- Further defining multidwelling development as a conditional use. Can only be attached housing (no cottage cluster type development) and shall not be on same level as nonresidential use.
- Single room occupancy (4 or more units) added to conditional uses. May be stand alone or units above permitted uses, but not on same level as non-residential use. Referencing the AR standards, the same standards that apply to multifamily development (3 or more dwelling units) applies to this.

Riverfront District – RD, Plaza Subdistrict

- No change to prohibition of residential use on ground floor, except for official historic buildings.
- Clarification that units above permitted uses is attached housing and, a dwelling unit on the same level as nonresidential use is a conditional use.
- Single room occupancy (4 or more units) added to permitted uses. Shall be units above permitted uses and not on same level as non-residential use. Uses the same standard specific to this zoning district for density as dwelling units (i.e., per 500 s.f. of non-residential use area) and the same standards that apply to multifamily development (3 or more dwelling units) applies to this.
- Family child care home and child care center added to permitted uses. Child care removed from conditional uses.

Riverfront District – RD, Mill Subdistrict

- Clarification that multidwelling development (3 or more dwelling units) must be attached housing (no cottage clusters) in permitted uses.
- Single room occupancy (4 or more units) added to permitted uses, including residences above nonresidential uses. Not allowed on same level as non-residential use and the same standards that apply to multidwelling development (3 or more dwelling units) applies.
- Family child care home added to permitted uses.
- Child care center added to permitted uses (child day care center redefined and moved from conditional uses).
- Dwelling (attached housing only) on same level as non-residential use added to conditional uses.

Houlton Business District – HBD

- Clarification that units above permitted uses (1-2 dwelling units) is attached housing and to distinguish from multifamily (3 or more dwelling units) in permitted uses.
- Single room occupancy (4-6 units) added to permitted uses.

- Child care center added to permitted uses (child day care center redefined and moved from conditional uses.
- Family child care home added to permitted uses.
- Clarification that dwellings on the same level as non-residential use applies to both detached or attached housing in conditional uses.
- Clarification that multidwelling development (3 or more dwelling units on a lot) may be attached or detached housing, except is attached housing when above non-residential use in conditional uses. Detached housing for 3+ units will be allowed for first time in St. Helens since inception of zoning in 1953. Also, when above non-residential use, the density is based on the AR zone standards, a change from per 500 square feet of non-residential area.
- Psilocybin service center added to conditional uses.
- Single room occupancy (>6 units) added to conditional uses. May be stand alone or units above permitted uses, but not on same level as non-residential use. Referencing the AR standards, the same standards that apply to multifamily development (3 or more dwelling units) applies to this.

Attached: Land Use Decision Validity Periods Memo dated January 19, 2024
Zoning and Residential Uses 2024 Code Amendment Proposal table dates March 1, 2024
Draft Code Amendments (March 1, 2024 update)



MEMORANDUM

TO: Planning Commission & City Council
FROM: Jennifer Dimsho, AICP, Associate Planner
RE: Land Use Decision Validity Periods – Proposed
DATE: January 19, 2024

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

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

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

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

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

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

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

S A N D Y , O R

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

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

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

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

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

¹ Except for historic residential structures ³ Except not allowed on first floor

² Attached housing all zones

P - Permitted
N - Not Allowed

C - Conditional Use
S - Silent

DU - Dwelling Unit
SRO - Single Room Occupancy

Zoning Districts

R-10: Suburban residential

R7: Moderate residential

R5: General residential

AR: Apartment residential

MHR: Mobile home residential

MU: Mixed use

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

HBD: Houlton business district

GC: General commercial

HC: Highway commercial

LI: Light industrial

HI: Heavy industrial

PL: Public lands

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

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

underlined words are added
~~words-stricken~~ are deleted

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

CHAPTER 17.16 GENERAL AND LAND USE DEFINITIONS

[...]

17.16.010 General and land use definitions.

Words used in this Development Code have their normal dictionary meaning unless they are listed below. Words listed below have the specific meaning stated, unless the context clearly indicates another meaning.

The definition of words with specific meaning in the Development Code are as follows:

[...]

“Boathouse” means any structure supported wholly or partially by flotation, used wholly or partially to ~~houseboat(s)~~ house or shelter a boat or boats, or other waterborne vessel(s). See floating structures ordinance Chapter 15.16 SHMC.

[...]

“Child care center” means a child care facility, other than a family child care home, that is certified under ORS 329A.280.

“~~Child care facility~~” means ~~a commercial establishment enrolling children under the age of 13 years and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a child care center (also “day care,” “children’s center,” “day nursery”)~~ any facility that provides child care to children, including day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name, and as further defined by ORS 329A.440.

[...]

“Dwelling: multidwelling units, apartment (multifamily)” means three or more dwelling units on a single lot or development site. It is considered attached housing when a structure containing contains at least three dwelling units in any vertical or horizontal arrangement located on a single lot (e.g., town house, triplex, apartments and condominiums). It is considered detached housing when dwelling units are in structures detached from one another. If there are other uses or occupancies on the same lot or development site, such as a mixed use building, it is still considered a multidwelling unit development or use in addition to the others.

[...]

“Family Day Care Facility. See “home child care.” home” means a child care facility in a dwelling that is caring for not more than sixteen children and is certified under ORS 329A.280 or is registered under ORS 329A.330.

[...]

~~“Home child care” means any care provider who provides care to children under the age of 13 years in the home of the provider to fewer than 13 children, including children of the provider, regardless of full-time or part-time status (also “family day care”).~~

[...]

“Manufactured dwelling” means a residential trailer, mobile home, or manufactured home, but not including any building or structure ~~subject~~ constructed to conform to the State of Oregon structural specialty code adopted pursuant to ORS 455.100 through 455.450 or the low-rise residential dwelling code or any unit identified as a recreational vehicle by the manufacturer.

[...]

“Multidwelling structure” or “multidwelling unit structure” means a structure containing at least three dwelling units in any vertical or horizontal arrangement. If there are other uses or occupancies within the same structure, it is still considered a multidwelling structure in addition to the others.

[...]

“Prefabricated structure” means a structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling. It is a building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site. It does not mean a **manufactured dwelling** or small home as defined in Section 2, Chapter 401, Oregon Laws 2019.

[...]

“Psilocybin service center” has the meaning described in ORS 475A.220.

[...]

“Residential trailer” means a structure constructed for movement on public streets that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

[...]

“Single room occupancy” means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary and/or food preparation facilities with other units in the occupancy.

[...]

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

[...]

17.24.120 Notice of decision by the director.

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

[...]

(4) For decisions of time extensions, notice requirements are the same as the corresponding application type.

~~(4)~~ (5) If not listed in subsection (1) or (4) of this section, no notice of a director’s decision is required (e.g., final plat partitions, building permits).

[...]

17.24.130 Notice of planning commission, historic landmark commission and city council proceedings.

[...]

(3) Time extensions of decisions by the planning commission, historic landmark commission, and/or city council, shall be administered by the director per SHMC 17.24.120. Those entitled to notice shall still be per this Section.

~~(3)~~ (4) Where applicable, other notices required by law shall be accomplished.

[...]

**CHAPTER 17.32
ZONES AND USES**

[...]

17.32.050 Suburban residential zone – R-10.

[...]

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

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

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

- (a) ~~Children's day care or day nursery~~ Child care center.

[...]

17.32.060 Moderate residential zone – R7.

[...]

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

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

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

- (a) Bed and breakfast, homestay, boarding house.
- (b) ~~Children's day care/day nursery~~ Child care center.

[...]

17.32.070 General residential zone – R-5.

[...]

- (2) Uses Permitted Outright. In an R-5 zone, the following uses are permitted outright:
- (a) Duplex.
 - (b) ~~Home child care~~ Family child care home in lawfully existing dwelling.
 - (c) Home occupation (per Chapter 17.120 SHMC).
 - (d) Public facility, minor.
 - (e) Public park.
 - (f) Residential home.
 - (g) Single-dwelling units, attached (five units maximum together).
 - (h) Single-dwelling unit, detached. Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.
 - (i) Single room occupancy, maximum of six units.

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

- (a) Bed and breakfast, homestay, and boarding house.
- (b) ~~Children's day care/day nursery~~ Child care center.
- (c) Commercial recreation facility.
- (d) Cultural exhibits and library services.
- (e) Neighborhood store/plaza.
- (f) Multidwelling units, which may be attached housing and/or detached housing.
- (g) Elderly/convalescent home.
- (h) Private park.
- (i) Public facilities, major.
- (j) Public safety facilities.
- (k) Religious assembly.
- (l) Residential facility.
- (k) Single room occupancy with more than six units.

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

(a) For dwellings, the minimum lot size shall be 5,000 square feet for the single-dwelling unit, detached, and duplex and 2,500 square feet for each single-dwelling unit, attached (maximum of five units together). For multidwelling units, use 5,000 square feet as base plus 2,500 square feet for each multidwelling unit thereafter. For single room occupancy, the minimum lot size for up to six units is 5,000 square feet, and based on the same minimum lot size for multidwelling units, as determined by the number of units, for more than six single room occupancy units.

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

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

[...]

(g) No side yard shall be less than five feet wide for single-dwelling, detached, duplexes,

~~and~~ single-dwelling, attached structures, and single room occupancy structures with no more than six units and 10 feet for multidwelling structures and single room occupancy structures with more than six units. Corner lots shall have a minimum exterior side yard of 10 feet.

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

(i) The minimum interior yard shall be six feet. Multidwelling units and single room occupancy structures with more than six units shall also comply with SHMC 17.96.180(11).

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

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

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

(m) The minimum landscaping for dwellings other than multidwelling ~~s~~ units and single room occupancy with more than six units shall be 25 percent of the lot area.

(5) All chapters of the Development Code apply.

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

(b) SHMC 17.96.180 includes many site development standards specific to multidwelling units. The same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply to single room occupancy development with more than six units.

[...]

17.32.080 Apartment residential zone – AR.

[...]

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

(a) Duplex.

(b) ~~Home child care~~ Family child care home in lawfully existing dwelling.

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

(d) Multidwelling units, which may be attached housing and/or detached housing.

(e) Public facility, minor.

(f) Public park.

(g) Residential facility.

(h) Residential home.

(i) Single-dwelling unit, attached residential units (five units maximum together).

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

(k) Single room occupancy, maximum of six units.

(l) Single room occupancy with more than six units.

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

- (a) Bed and breakfast, homestay, and boarding house.
- (b) ~~Children’s day care/day nursery~~ Child care center.

[...]

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

- (a) For dwellings the minimum lot size shall be 4,000 square feet for single-dwelling, detached units and duplexes; 1,600 square feet minimum lot size for single-dwelling, attached units each (maximum of five units together); and 1,500 square feet minimum lot size for each multidwelling unit over the base of 4,000 square feet for the first two units (with no maximum). For single room occupancy, the minimum lot size for up to six units is 4,000 square feet and based on the same minimum lot size for multidwelling units, as determined by the number of units, for more than six single room occupancy units
- (b) The minimum front yard shall be 20 feet.
- (c) For single-dwelling, detached units, ~~and~~ duplexes, and single room occupancy the minimum lot width at the street and building line shall be 40 feet and no minimum for multidwelling unit lots; for flag lots and single attached dwelling units the minimum lot width at the street is 20 feet.
- (d) The minimum lot depth shall be 85 feet, except single-dwelling units, attached shall be 80 feet.
- (e) No side yard shall be less than five feet wide for single-dwelling, detached, duplexes, ~~and~~ single-dwelling, attached structures, and single room occupancy structures with no more than six units and 10 feet for multidwelling structures and single room occupancy structures with more than six units. Corner lots shall have a minimum exterior side yard of 10 feet.
- (f) The minimum rear yard depth shall be 10 feet.
- (g) The minimum interior yard shall be six feet. Multidwelling units and single room occupancy structures with more than six units shall also comply with SHMC 17.96.180(11).

[...]

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

(l) The minimum landscaping shall be 25 percent of the lot area except for multidwelling ~~units structures~~ and single room occupancy with more than six units.

(5) All chapters of the Development Code apply.

- (a) See Chapter 17.64 SHMC for additional yard requirements and exceptions.
- (b) SHMC 17.96.180 includes many site development standards specific to multidwelling units. The same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply to single room occupancy development with more than six units.

[...]

17.32.090 Mobile home residential zone – MHR.

[...]

- (2) Uses Permitted Outright. In the MHR zone, the following uses are permitted outright:
- (a) Duplex.
 - (b) ~~Home child care~~ Family child care home in lawfully existing dwelling.
 - (c) Home occupation (per Chapter 17.120 SHMC).
 - (d) Manufactured dwelling (Mmobile home) parks.
 - (e) Public parks.
 - (f) Public facility, minor.
 - (g) Residential home.
 - (h) Single-dwelling unit, detached. Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.
 - (i) Single room occupancy, maximum of six units.
- (3) Conditional Uses (See Chapter 17.100 SHMC). In the MHR zone, the following conditional uses may be permitted upon application:
- (a) Bed and breakfast, homestay, and boarding house.
 - (b) ~~Children's day care or day nursery~~ Child care center.
 - (c) Community recreation including structures.
 - (d) Neighborhood store/plaza.
 - (e) Multidwelling units, which may be attached housing and/or detached housing.
 - (f) Private park.
 - (g) Public facilities, major.
 - (h) Public or private school or college.
 - (i) Religious assembly.
 - (j) Residential facility.
 - (k) Sanitarium, rest home, senior or convalescent care facilities.
 - (l) Single room occupancy with more than six units.
 - (m) ~~(m)~~ Travel trailer parks.

[...]

17.32.095 Mixed use zone – MU.

[...]

- (2) Uses Permitted Outright. In an MU zone, the following uses are permitted outright subject to the provisions of this code and especially the chapter on site development review (Chapter 17.96 SHMC):
- (a) Animal sales and services: grooming, kennels, retail and veterinary (small animals).
 - (b) Car washes.
 - (c) Child care center.

- ~~(e)~~ (d) Congregate housing.
- ~~(d)~~ (e) Continuing care retirement community.
- ~~(e)~~ (f) Cultural and library services.
- ~~(f)~~ (g) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses if no more than two dwelling units and is attached housing. If more than two dwelling units above permitted uses, see SHMC 17.32.095(3) for multidwelling units.
- ~~(g)~~ (h) Eating and drinking establishments.
- ~~(h)~~ (i) Equipment (small) sales, rental and repairs.
- (j) Family child care home in lawfully existing dwelling.
- ~~(i)~~ (k) Financial institutions.
- ~~(j)~~ (l) Hardware store, without outdoor storage.
- ~~(k)~~ ~~Home child care.~~
- ~~(l)~~ (m) Home occupation (per Chapter 17.120 SHMC).
- ~~(m)~~ (n) Hotels and motels.
- ~~(n)~~ (o) Offices – all.
- ~~(o)~~ (p) Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.
- ~~(p)~~ (q) Plumbing, HVAC, electrical and paint sales and service, without outdoor storage.
- ~~(q)~~ (r) Produce stands.
- ~~(r)~~ (s) Public facility, minor.
- ~~(s)~~ (t) Repair and maintenance of permitted retail products.
- ~~(t)~~ (u) Residential home.
- ~~(u)~~ (v) Retail sales establishments, ~~not specifically catering to motorists.~~
- (w) Single room occupancy, maximum of six units. May be stand alone or units above permitted uses but shall not be on the same level as nonresidential use.
- ~~(v)~~ (x) Studios.
- ~~(w)~~ (y) Theaters, except drive-ins.

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

[...]

(f) Businesses with outdoor storage (those businesses permitted in subsection (2) of this section).

- ~~(g)~~ ~~Child care facility/day nursery.~~
- ~~(h)~~ (g) Drive-up businesses and services.
- ~~(i)~~ (h) Dwellings on same level as nonresidential use. This applies to both attached housing and detached housing.
- ~~(j)~~ (i) Funeral homes.
- ~~(k)~~ (j) Hospitals and senior or convalescent care facilities.
- ~~(l)~~ (k) Laundromats and dry cleaners.
- ~~(m)~~ (l) Lodge, fraternal and civic assembly.
- ~~(n)~~ (m) Lodging facilities or rooming house.
- ~~(o)~~ (n) Marijuana retailer and/or medical marijuana dispensary.

~~(p)~~ (o) Multidwelling units, which may be attached housing and/or detached housing, except dwelling units above permitted uses shall be attached housing.

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

~~(r)~~ (q) Parking lots.

~~(s)~~ (r) Parks, public and private.

~~(t)~~ (s) Pawn shops.

(t) Psilocybin service center.

(u) Public and private schools.

(v) Public facilities, major.

(w) Public safety facilities.

(x) Recreation facilities (public or private).

(y) Religious assembly, including cemeteries.

(z) Residential facility.

(aa) Shopping centers.

(bb) Single room occupancy with more than six units. May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.

~~(cc)~~ (cc) Travel trailer parks.

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

[...]

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

[...]

(e) Multidwelling units, and dwelling units and single room occupancy units above permitted uses, and single room occupancy with more than six units must shall comply with AR standards and other applicable sections of this code. Except, for structures with units above permitted uses, the yard (setback) that applies is based on the use of the first (ground level) floor.

(f) Single-dwelling units, attached or detached, and duplexes, and single room occupancy, maximum of six units shall comply with R-5 standards.

[...]

17.32.100 Highway Commercial – HC.

(1) Purpose. The HC zone is intended to ~~recognize the existing focus on~~ commercial development along ~~Highway 30~~ Columbia River Highway (US30) ~~and to limit future commercial activity to retail concerns, activities that cater to motorists, and firms that deal in large goods and require unusual amounts of space.~~

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

[...]

- (e) Car washes.
- (f) Child care center.
- ~~(g)~~ (g) Drive-up facilities (see specific requirements in Chapter 17.100 SHMC).
- ~~(h)~~ (h) Eating and drinking establishments, including drive-up and carry-out.
- (i) Family child care home in lawfully existing dwelling.
- ~~(j)~~ (j) Financial institutions, including drive-through (see specific requirements in Chapter 17.100 SHMC).
- ~~(k)~~ (k) Gasoline stations.
- ~~(l)~~ (l) Home occupation (per Chapter 17.120 SHMC).
- ~~(m)~~ (m) Motels and hotels.
- ~~(n)~~ (n) Motor vehicle sales, service and repair.
- ~~(o)~~ (o) Nurseries and greenhouses.
- ~~(p)~~ (p) Offices ~~catering to motorists (e.g., insurance claims)~~ all.
- ~~(q)~~ (q) Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.
- ~~(r)~~ (r) Parking lot.
- ~~(s)~~ (s) Plumbing, HVAC, electrical and paint sales and service.
- ~~(t)~~ (t) Produce stands.
- ~~(u)~~ (u) Public facility, minor.
- ~~(v)~~ (v) Retail sales establishments, ~~specifically catering to motorists, including drive-in.~~
- ~~(w)~~ (w) Retail sales of large equipment items and repair and maintenance concerns that conduct business completely within an enclosed building except for outdoor storage.
- ~~(x)~~ (x) Shopping plaza (permitted businesses only).
- ~~(y)~~ (y) Small equipment rentals, sales and repair.
- ~~(z)~~ (z) Theaters, except drive-ins.
- ~~(aa)~~ (aa) Tire shops within an enclosed building.

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

[...]

- (b) Dry cleaners and laundromats.
- (c) Dwelling units above ~~outright~~ permitted uses provided the number of dwelling units does not exceed two on a single lot or development site, is attached housing, and no dwelling unit is on same level as nonresidential use.

[...]

- (g) Parks.
- (h) Psilocybin service center.
- ~~(i)~~ (i) Public facilities, major.
- ~~(j)~~ (j) Recreation facilities.
- ~~(k)~~ (k) Religious assembly.
- ~~(l)~~ (l) ~~Retail establishments not directly catering to motorists.~~

(l) Schools.

[...]

17.32.110 General Commercial – GC.

(1) Purpose. The GC zone is intended to provide for a broad range of commercial operations and services required for the proper and convenient functioning of commercial activities serving the general public locally and regionally ~~but not specifically the traveling motorists.~~

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

[...]

(a) Animal sales and services: grooming, kennels, retail, veterinary (small animals), and veterinary (large animals).

(b) Car washes.

(c) Child care center.

~~(d)~~ (d) Cultural and library services.

~~(e)~~ (e) Dwellings above permitted uses ~~(use AR standards)~~ provided the number of dwelling units does not exceed two on a single lot or development site, is attached housing, and no dwelling unit is on same level as nonresidential use. If more than two dwelling units above permitted uses, see SHMC 17.32.110(3) for multidwelling units.

~~(f)~~ (f) Eating and drinking establishments.

~~(g)~~ (g) Equipment (small) sales, rental and repairs.

(h) Family child care home in lawfully existing dwelling.

~~(i)~~ (i) Financial institutions.

~~(j)~~ (j) Hardware store, without outdoor storage.

~~(k)~~ (k) Historic structures (as listed in the comprehensive plan).

~~(l)~~ (l) Home occupation (per Chapter 17.120 SHMC).

~~(m)~~ (m) Hotels and motels.

~~(n)~~ (n) Offices – all.

~~(o)~~ (o) Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.

~~(p)~~ (p) Plumbing, HVAC, electrical and paint sales and service, without outdoor storage.

~~(q)~~ (q) Produce stands.

~~(r)~~ (r) Public facility, minor.

~~(s)~~ (s) Repair and maintenance of permitted retail products.

~~(t)~~ (t) Retail sales establishments, ~~not specifically catering to motorists.~~

~~(u)~~ (u) Studios.

~~(v)~~ (v) Theaters, except drive-ins.

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

[...]

(f) Businesses with outdoor storage (those businesses permitted in subsection (2) of this section).

~~(g) Child care facility/day nursery.~~

~~(h) (g) Congregate housing.~~

~~(i) (h) Drive-up businesses and services (including those associated with food/restaurants).~~

~~(j) (i) Funeral homes.~~

~~(k) (j) Hospitals and senior or convalescent care facilities.~~

~~(l) (k) Laundromats and dry cleaners.~~

~~(m) (l) Lodge, fraternal and civic assembly.~~

~~(n) (m) Lodging facilities or rooming house.~~

~~(o) (n) Marijuana retailer and/or medical marijuana dispensary.~~

~~(p) (o) Multidwelling units including dwelling units above permitted uses. Only attached housing is allowed and dwelling units may be on same level as nonresidential use.~~

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

~~(r) (q) Parking lots.~~

~~(s) (r) Parks, public and private.~~

~~(t) (s) Pawn shops.~~

~~(u) Psilocybin service center.~~

(u) Public and private schools.

(v) Public facilities, major.

(w) Recreation facilities.

(x) Religious assembly, including cemeteries.

(y) Residential facility.

(z) Shopping centers and plazas.

~~(aa) Single room occupancy (four or more units). May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.~~

~~(bb) (aa) Travel trailer parks.~~

~~(cc) (bb) Vehicle repair, service, and sales.~~

[...]

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

[...]

(c) The maximum lot coverage including all impervious surfaces shall be 90 percent.

(d) Multidwelling units, dwelling units and single room occupancy units above permitted uses, and single room occupancy (four or more units) must shall comply with AR standards and other applicable sections of this code. Except, for structures with units above permitted uses, the yard (setback) that applies is based on the use of the first (ground level) floor and and the same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply to single room occupancy development with four or more units (instead of

six or more units per the AR zone).

[...]

17.32.130 Light Industrial – LI.

[...]

(2) Uses Permitted Outright. In the LI zone the following buildings and uses are permitted after compliance with the provisions of this section and others of this code:

- (a) Agricultural supplies/sales, machinery sales and repairs but not slaughterhouses or tanneries.
- (b) Animal sales and services: kennels, veterinary (small animals), and veterinary (large animals).
- (c) Auction sales, services and repairs.
- (d) Boat repairs.
- (e) Building maintenance services.
- (f) Building material sales including outdoor storage.
- (g) Child care center.
- ~~(g)~~ (h) Commercial gasoline stations.
- ~~(h)~~ (i) Equipment (light and heavy) sales, storage, repair and rentals.
- ~~(i)~~ (j) Laboratories and research services.
- ~~(j)~~ (k) Manufacturing, repairing, compounding, research, assembly, fabricating, or processing activities of previously prepared materials and without off-site impacts.
- ~~(k)~~ (l) Mini storage and storage site.
- ~~(l)~~ (m) Motor vehicle sales, service, repair, and painting.
- ~~(m)~~ (n) Nurseries, greenhouse operations and sales.
- ~~(n)~~ (o) Parking lots, private or public.
- ~~(o)~~ (p) Public facility, minor.
- ~~(p)~~ (q) Transmitting and/or receiving towers with or without broadcast facilities.
- ~~(q)~~ (r) Utility distribution plants and service yards.
- ~~(r)~~ (s) Vehicle wash operations.
- ~~(s)~~ (t) Warehousing, enclosed.
- ~~(t)~~ (u) Wholesale trade.

(3) Conditional Uses. In the LI zone, in addition to the buildings and uses permitted outright, a conditional use permit can be granted for the following buildings and uses:

- (a) Bar.
- ~~(b)~~ ~~Child care facilities.~~
- ~~(c)~~ (b) Concrete mixing (concrete batching plant).
- ~~(d)~~ (c) Drive-in theater.
- ~~(e)~~ (d) Dwelling for caretaker or superintendent which is located on the same site with the permitted industrial use and is occupied exclusively by a caretaker or superintendent of the industrial use and family (same applies to a kennel).
- ~~(f)~~ (e) Eating and drinking establishments.
- ~~(g)~~ (f) Entertainment, adult.

~~(h)~~ (g) Industrial park to combine light manufacturing, office and complementary related commercial uses to include such activities as postal services, veterinary services, communication services, construction sales, business support services, financial services, insurance services, real estate services, laundry services, medical/dental services, sports and health services, professional and administrative offices, convenience sales, personal services, eating and drinking establishments and such.

~~(h)~~ (h) Manufacturing, repairing, compounding, research, assembly, fabricating, processing or packing of resource materials with some off-site impacts.

~~(h)~~ (i) Public and private recreational and amusement facilities.

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

~~(h)~~ (k) Public parks.

~~(m)~~ (l) Public safety and support facilities.

~~(n)~~ (m) Temporary asphalt batching (six-month maximum).

~~(o)~~ (n) Travel trailer parks.

~~(p)~~ (o) Wrecking and junkyards.

[...]

17.32.171 Riverfront district – RD, marina.

[...]

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

(a) Boathouses.

(b) Boat launching or moorage facilities and marine boat charter services

(c) Boat or marine equipment sales, service, storage, rental, or repair (including gas for marine vehicle use).

(d) Child care center.

~~(d) (e) Dwellings located above permitted uses (use AR standards, except yard requirements, which are based on the use at ground level below the dwelling or dwellings).~~
Dwellings above permitted uses provided the number of dwelling units does not exceed two on a single lot or development site, is attached housing, and no dwelling unit is on same level as nonresidential use. If more than two dwelling units above permitted uses, see SHMC 17.32.171(3) for multidwelling units.

~~(e)~~ (f) Eating and drinking establishments including carry-out.

(g) Family child care home in lawfully existing dwelling

~~(h)~~ (h) Home occupation (per Chapter 17.120 SHMC).

~~(g)~~ (i) Hotels and motels.

~~(h)~~ (j) Houseboats.

~~(h)~~ (k) Parking lots.

~~(h)~~ (l) Public facility, minor.

~~(h)~~ (m) Public parks and public recreational facilities.

~~(h)~~ (n) Retail sale of sporting goods, groceries, and similar commodities required by

marine recreationists.

- ~~(m)~~ (o) Retail sale of handicraft and tourist goods.
- ~~(n)~~ (p) Marine-related club facility.

[...]

(3) Conditional Uses. In the marina subdistrict the following uses may be permitted upon approval subject to the provisions of this code, especially those in Chapter 17.100 SHMC for conditional uses:

- (a) Commercial amusement and recreational facilities.
- (b) Multidwelling units ~~(must comply with AR standards and other applicable sections of this code)~~ including dwelling units above permitted uses. Only attached housing is allowed and no dwelling unit shall be on same level as nonresidential use.
- (c) Private parks.
- (d) Public facilities, major.
- (e) Single room occupancy (four or more units). May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.
- ~~(e)~~ (f) Travel trailer parks.

[...]

(4) Standards. In the marina subdistrict the following standards shall apply:

- (a) The maximum building height shall be determined on a case-by-case basis (also see SHMC 17.68.040), except when the AR zone standards apply that includes building height standards.
- (b) Outdoor storage abutting or facing a lot in a residential zone shall comply with Chapter 17.72 SHMC.
- (d) The minimum landscaping shall be 10 percent of gross land area associated with the use.
- (e) Multidwelling units, dwelling units and single room occupancy units above permitted uses, and single room occupancy (four or more units) shall comply with AR zone standards and other applicable sections of this code. Except, for structures with units above permitted uses, the yard (setback) that applies is based on the use of the first (ground level) floor and the same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply to single room occupancy development with four or more units (instead of six or more units per the AR zone).

[...]

17.32.172 Riverfront district – RD, plaza.

[...]

(2) Uses Permitted Outright. In the plaza subdistrict, the following uses are permitted

outright, subject to the modifications to development standards and conditions as specified herein and all other applicable provisions of this code as noted under additional requirements:

[...]

(a) Historic residential structures with or without any auxiliary dwelling unit. This is listed here separate from other residential uses given subsection (5)(a)(i) of this section. This does not mean historic residential structures are prohibited in other zones per SHMC 17.32.040(3)(a).

(b) Residential above Nonresidential Permitted Uses, provided it is attached housing, and no dwelling unit is on same level as nonresidential use.

(i) Dwelling, single-family, duplex or multidwelling units.

(ii) ~~Dwelling, duplex~~ Congregate care facility.

~~(iii) Dwelling, townhouse.~~

~~(iv) Dwelling, multifamily.~~

~~(v)~~ (iii) Other residential uses as per ORS Chapter 443.

[...]

(ii) Retail sales establishments.

(jj) Single room occupancy (four or more units). Shall be units above permitted uses and shall not be on same level as nonresidential use.

~~(jj)~~ (kk) Small equipment sales, rental and repairs facilities/shops, without outside storage.

~~(kk)~~ (ll) Theaters, indoors.

~~(ll)~~ (mm) Trade and skilled services without outdoor storage, such as plumbing, HVAC, electrical, and paint sales/services facilities/shops.

~~(mm) Type I and II home occupation in dwelling unit above nonresidential permitted uses.~~

~~(nn) Transient housing.~~

~~(oo)~~ (nn) Watercraft sales, rental, charters, without outdoor storage.

(oo) Child care center.

(pp) Family child care home in lawfully existing dwelling.

[...]

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

[...]

(e) Business with outdoor storage (those businesses permitted in permitted uses).

(f) ~~Child care facility/day nursery~~ Dwellings on same level as nonresidential use, provided it is attached housing and there is no conflict with SHMC 17.32.172(5)(a)(i) prohibiting residential use on the first floor of buildings.

[...]

(5) Special Conditions Permitted and Conditional Uses.

(a) Residential Uses.

(i) Except for historic residential structures (listed in city’s comprehensive plan and/or registered and recognized by the state or federal government), residential use is prohibited on the first floor of any building in the plaza subdistrict.

(ii) There is no minimum lot size requirement for residential use above permitted nonresidential uses.

(iii) Residential density above permitted uses shall be based on the standard of one dwelling unit or single room occupancy unit for each full 500 interior square feet of non-residential use provided. Outdoor dining areas and similar permitted outdoor uses may only be included in the calculation when such areas are not located within a right-of-way.

(iv) The same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply to single room occupancy development with four or more units.

[...]

17.32.173 Riverfront district – RD, mill.

[...]

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

(a) Residential.

(i) Single dwelling units, attached.

(ii) Multidwelling units provided it is attached housing.

(iii) Single room occupancy (four or more units). Shall not be on same level as nonresidential use and the same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply.

(iv) Family child care home in lawfully existing dwelling.

(b) Residential above Nonresidential Permitted Uses, provided it is attached housing, and no dwelling unit is on same level as nonresidential use.

(i) Dwelling, single-family, duplex or multidwelling units.

(ii) Congregate care facility.

(iii) ~~Single dwelling units, attached~~ Single room occupancy (four or more units). Shall not be on same level as nonresidential use and the same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply.

(iv) ~~Multidwelling units~~ Other residential uses as per ORS Chapter 443.

(v) ~~Residential care facility~~ Family child care home in lawfully existing dwelling.

[...]

(e) Commercial.

[...]

(xxii) Home occupation (per Chapter 17.120 SHMC).
 (xxiii) Child care center.

[...]

(3) The following conditional uses may be permitted upon application, subject to the provisions of Chapter 17.100 SHMC, Conditional Use, and other relevant sections of this code, except those modified by this chapter:

[...]

(e) Businesses with outdoor storage (for businesses that are permitted uses only).
 (f) ~~Child care facility/day nursery~~ Dwellings on same level as nonresidential use, provided it is attached housing.

[...]

17.32.180 Houlton business district – HBD.

[...]

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

(a) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses if no more than two dwelling units and is attached housing. If more than two dwelling units above permitted uses, see SHMC 17.32.180(3) for multidwelling units.

[...]

(rr) Residential home
 (ss) Single room occupancy, maximum of six units. May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.
 (tt) Child care center.
 (uu) Family child care home in lawfully existing dwelling.

[...]

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

[...]

- (e) Business with outdoor storage (those businesses permitted in permitted uses).
- ~~(f) Child care facility/day nursery.~~
- ~~(g) (f) Drive-up businesses and services (including those associated with food sales, pharmacies and such).~~
- ~~(h) (g) Dwellings on same level as nonresidential use. This applies to both attached housing and detached housing.~~
- ~~(i) (h) Funeral homes.~~
- ~~(j) (i) Hospitals, clinics, nursing homes, and convalescent homes.~~
- ~~(k) (j) Laundromats and dry cleaners.~~
- ~~(l) (k) Marijuana retailer and/or medical marijuana dispensary.~~
- ~~(m) (l) Multidwelling units, which may be attached housing and/or detached housing, except dwelling units above permitted uses shall be attached housing.~~
- ~~(n) (m) Psilocybin service center.~~
- (n) Religious assembly, excluding cemeteries.
- (o) Residential facility.
- ~~(p) Single room occupancy with more than six units. May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.~~
- ~~(q) (q) Parking lots/facilities, private.~~
- ~~(r) (r) Nurseries and greenhouses.~~
- ~~(s) (s) Vehicle repair, service, and sales.~~

[...]

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

[...]

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

- (i) Single-dwelling units, attached or detached, ~~and~~ duplexes, and single room occupancy, maximum of six units shall comply with the R-5 standards; and
- (ii) Multidwelling units, dwelling units and single room occupancy units above permitted uses, and single room occupancy with more than six units shall comply with AR standards and other applicable sections of this code. Except, for structures with dwelling units above permitted uses, the yard (setback) that applies is based on the use of the first (ground level) floor.

(5) Special Conditions Permitted and Conditional Uses.

~~(a) Residential density above permitted uses shall be based on the standard of one dwelling unit for each full 500 interior square feet of nonresidential use provided. Outdoor dining areas and similar permitted outdoor uses may only be included in the calculation when such areas are not located within a right-of-way.~~

- ~~(b) (a) Outdoor storage of goods and materials must be screened.~~
- ~~(c) (b) Outdoor display of goods and materials for retail establishments is permitted on~~

private property in front of the retail establishment, provided such displays do not block safe ingress and egress from all entrances, including fire doors. In addition, outdoor display goods and materials shall be properly and safely stored inside during nonbusiness hours. No outdoor display may block safe pedestrian or vehicular traffic. Outdoor displays shall not encroach in public rights-of-way, including streets, alleys or sidewalks, without express written permission of the city council.

~~(d)~~ (c) Kiosks may be allowed on public property, subject to the approval of a concession agreement with the city.

(6) Additional Requirements.

~~(a) Residential Density Transition. The residential density calculation and transition provisions of Chapter 17.56 SHMC shall not apply to the HBD zone for residential uses above permitted uses. Densities are determined for residential uses by the formula in subsection (5)(a) of this section.~~

~~(b)~~ (a) The visual clearance area requirements of Chapter 17.76 SHMC do not apply to the Houlton business district.

~~(e)~~ (b) Overlay district Chapter 17.148 SHMC, Planned Development, shall not apply to the HBD zone.

~~(d)~~ (c) All chapters of the Development Code apply except as modified herein.

[...]

**CHAPTER 17.36
HISTORIC SITES AND OVERLAY DISTRICT**

[...]

17.36.040 Criteria for alteration.

[...]

(4) Prior to alteration, current photographs and/or drawings of all elevations shall be provided to the city for its public records. Photographs and drawings shall be archival quality and may be digital; proof of such shall be provided with the photographs and/or drawings.

[...]

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

[...]

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

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

(a) The following significant wetlands are hereby established as Type I:

D-6	J-3	MC-1
D-10	M I -7	MC-9
D-11	M I -8	MC-25
D-16	M I -10	UA-2
D-17	M I -11	UB-5A
D-18	M I -12	UB-5B

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

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

[...]

**CHAPTER 17.44
SENSITIVE LANDS**

[...]

17.44.030 Expiration of approval – Standards for extension of time.

(1) Approval of a sensitive lands permit shall be void if:

(a) Substantial construction of the approved plan has not begun within a one-~~and one-~~~~half~~-year period; or

(b) ~~Construction~~ Development on the site is a departure from the approved plan.

[...]

**CHAPTER 17.60
MANUFACTURED/MOBILE HOME AND PREFABRICATED STRUCTURE
REGULATIONS**

[...]

17.60.020 Manufactured/mobile home park standards.

[...]

(6) Each unit shall be provided with a water, sewer, and electrical connection. The electrical connection shall provide for 110- and 220-volt service.

(7) ~~No manufactured/mobile home~~ There shall be a minimum of 6 foot separation between all manufactured dwellings or other alternatives per SHMC 17.60.040(2), accessory buildings, or other structures shall be closer than 10 feet from another mobile home, accessory building, or other garage/carport structure.

(8) On any individual space no building shall be any closer than 20 feet from a street and no less than 10 feet from the rear of each space.

[...]

17.60.030 Manufactured homes and prefabricated structures on individual building lots.

The establishment, location, and use of manufactured homes and prefabricated structures as scattered site residences shall be permitted in any zone permitting ~~installation of a dwelling unit site-built~~ detached single-family dwellings subject to requirements and limitations applying generally to such residential uses in the district, and provided such homes shall meet the following requirements and limitations:

~~(1) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet;~~

~~(2) The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the finished first floor of the manufactured home is located not more than 12 inches above grade (except on sloped lots);~~

~~(3) The manufactured home shall be securely anchored to the foundation system in accordance with the requirements of the State Building Codes Agency for Manufactured Structures;~~

~~(4) The manufactured home shall have a pitched roof with a slope of at least three feet in height for each 12 feet in width;~~

~~(5) The manufactured home shall have exterior siding and roofing which in material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the city as determined by the Building Division. This requirement shall not be interpreted to mean that the city is responsible for enforcing codes, covenants, and restrictions of any homeowners or other association;~~

~~(6) The manufactured home shall have an exterior thermal envelope in substantial compliance with performance standards equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010, as determined by the Building Division; and~~

~~(7) Have minimum of two on-site parking spaces.~~

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

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

(3) No manufactured home or prefabricated structure shall be allowed within a historic district or abutting a property with a designated landmark as listed in the Comprehensive Plan and per Chapter 17.36 SHMC; and

(4) This does not apply to residential trailers (constructed before January 1, 1962) or mobile homes (constructed between January 1, 1962 and June 15, 1976), which shall be prohibited on individual lots, but may be allowed within manufactured/mobile home parks per SHMC 17.60.040.

[...]

17.60.040 ~~Nonconforming mobile homes~~ Additional provisions for manufactured/mobile home parks.

(1) ~~Manufactured/m~~Mobile home parks existing at the adoption of the ordinance codified in this code not meeting the standards set forth in this code shall be considered nonconforming and are subject to the standards set forth in SHMC 17.104.040(2), except for replacement of an occupied manufactured/mobile home space per (2) of this section may be allowed, provided the occupied manufactured/mobile home space is lawfully existing.

(2) ~~Replacement of nonconforming mobile homes in such parks when they are moved or destroyed must conform with the standards of SHMC 17.60.030.~~ A manufactured/mobile home park space may be occupied by a manufactured dwelling (residential trailer, mobile home, or manufactured home), prefabricated structure, or travel trailer (recreational vehicle). All shall be treated as structures for the purpose of the requirements of SHMC 17.60.020.

[...]

**CHAPTER 17.80
OFF-STREET PARKING AND LOADING REQUIREMENTS**

[...]

17.80.020 General provisions.

[...]

(7) Visitor Parking in Multidwelling Unit Residential Districts.

(a) Multidwelling units and single room occupancy units with more than 10 required parking spaces shall provide parking for the use of guests of residents (visitors) of the complex; and

(b) Visitor parking shall consist of 15 percent of the total required parking spaces and shall be centrally located within or evenly distributed throughout the development. Required

bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

[...]

(15) Bicycle Parking.

- (a) One lockable bicycle parking space shall be provided within a rack for the following:
- (i) Four or more dwelling units or single room occupancy units in one building: one space per dwelling unit or single room occupancy unit;

[...]

17.80.030 Minimum off-street parking requirements.

Note: some use classifications listed below indicate additional bicycle parking requirements beyond the requirements of SHMC 17.80.020(15).

(1) Residential.

[...]

(f) Manufactured dwelling/mMobile home park – Two off-street spaces for each dwelling unit/park space.

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

- (i) Studio – One space for each unit.
- (ii) One bedroom – One and one-half spaces for each unit.
- (iii) More than one bedroom per unit – Two spaces for each.
- (h) Single-dwelling units, attached – Two off-street spaces for each dwelling unit.
- (i) Single-dwelling units, detached – Two off-street spaces for each dwelling unit or pair of dwelling units as allowed by the zoning district. No more than two spaces are required for one detached single-family dwelling on a single lot, or two detached single-family dwellings on a single lot.

(j) Single room occupancy – One off-street space for each unit.

[...]

(2) Civic.

[...]

(c) Child~~ren's-day~~ care center – five spaces plus one space per classroom.

[...]

(h) Public safety services – one space for every employee of the largest shift plus one space per 350 square feet of gross floor area accessible to the public or other nonemployee use.

[...]

CHAPTER 17.88 SIGNS

[...]

17.88.130 Sign permit application.

[...]

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

[...]

CHAPTER 17.96 SITE DEVELOPMENT REVIEW

[...]

17.96.020 Applicability of provisions.

Site development review shall be applicable to all new developments and major modification of existing developments, as provided in SHMC 17.96.070, except it shall not apply to:

(1) Single-dwelling units, duplexes, manufactured homes and prefabricated structures on an individual building lot, parcel or, or otherwise lawfully established unit of land per ORS Chapter 92;

(2) ~~Manufactured homes on individual lots~~ Occupancy of lawfully existing manufactured/mobile home park space by manufactured dwelling or other alternative per SHMC 17.60.040(2);

~~(3) A duplex, which is not being reviewed as part of any other development;~~

~~(4)~~ (3) Minor modifications as provided in SHMC 17.96.080;

~~(5)~~ (4) Any proposed development which has a valid conditional use approved through the conditional use permit application process;

~~(6)~~ (5) Home child care Family child care home in lawfully existing dwelling;

~~(7)~~ (6) Home occupations;

~~(8)~~ (7) Temporary use;

~~(9)~~ (8) Fuel tank; or

~~(10)~~ (9) Accessory structures.

[...]

17.96.040 Expiration of approval – Standards for extension of time.

[...]

(3) The director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed ~~six months~~ one year; provided, that:

[...]

17.96.070 Major modifications to approved plans or existing development.

[...]

(2) The director shall determine that a major modification(s) will result if one or more of the following changes are proposed. There will be:

(a) An increase in dwelling unit or single room occupancy unit density, or lot coverage for residential development;

(b) A change in the ratio or number of different types of dwelling units or single room occupancy units;

[...]

17.96.180 Approval standards.

[...]

(7) Shared Outdoor Recreation Areas – Residential Use.

(a) In addition to the requirements of subsections (5) and (6) of this section, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:

(i) Studio (including single room occupancy units) up to and including two-bedroom units, 200 square feet per unit; and

(ii) Three- or more bedroom units, 300 square feet per unit;

[...]

(11) Distance between ~~Multiple-Family Residential Structure and Other~~ principal buildings and structures of multidwelling unit development.

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

(i) ~~Buildings~~ “Multidwelling structures” with windowed walls facing buildings with windowed walls shall have a 25-foot separation;

(ii) ~~Buildings~~ “Multidwelling structures” with windowed walls facing buildings with a blank wall shall have a 15-foot separation;

(iii) ~~Buildings~~ “Multidwelling structures” with opposing blank walls shall have a 10-

foot separation;

(iv) **Building** “Multidwelling structure” separation shall also apply to **buildings** those having projections such as balconies, bay windows, and room projections (measurement is from said projections); and

(v) **Buildings** “Multidwelling structures” with courtyards shall maintain separation of opposing walls as listed in subsections (11)(a)(i), (ii) and (iii) of this section for walls in separate buildings;

(b) In addition to (a), as applicable, Wwhere any principal buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum ~~wall-separation~~ interior yard shall be one foot for each 15 feet of building length over 50 feet and two feet for each 10 feet of building height over 30 feet, or the minimum interior yard of the zoning district, whichever is larger;

(c) Driveways, parking lots, and common or public walkways shall maintain the following separation for any dwelling units within eight feet of the ground level:

(i) Driveways and parking lots shall be separated from windowed walls by at least eight feet; walkways running parallel to the face of the structures shall be separated by at least five feet; and

(ii) Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways running parallel to the face of the structure shall be separated by at least seven feet;

[...]

**CHAPTER 17.100
CONDITIONAL USE**

[...]

17.100.030 Expiration of approval – Standards for extension of time.

(1) Approval of a conditional use by the planning commission shall be void if:

(a) Substantial construction of the approved plan has not begun within a ~~one-and-one-half~~-year period; or

[...]

17.100.150 Additional requirements for conditional use types.

[...]

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

[...]

(o) Psilocybin service center.

(i) “Manufacture” as defined under ORS 475A.220 in conjunction with or on the same property as a psilocybin service center shall be prohibited; and

(ii) Shall comply with state and local laws. Additionally, more restrictive time, place and manner conditions may be imposed pursuant to ORS 475A.530, except any provision preempted by ORS 475A.524.

[...]

**CHAPTER 17.120
HOME OCCUPATIONS**

[...]

17.120.020 Applicability and exemptions.

(1) No person shall carry on a home occupation, or permit such use to occur, on property which that person owns or is in lawful control of, contrary to the provisions of this chapter.

(2) Exemptions from the provisions of this chapter are:

(a) Garage sales;

[...]

(e) Proven nonconforming home occupations as per SHMC 17.104.040(4)(e).

(f) Family child care home in lawfully existing dwelling.

[...]

17.120.040 Approval criteria and standards.

All home occupations except those that have proven nonconforming status shall comply with the following:

[...]

(4) The home occupation shall be operated entirely within the dwelling unit and any ~~conforming~~ lawfully existing accessory structure. The total area which may be used in the accessory building for either material product storage and/or the business activity shall not exceed 600 square feet. Otherwise, the home occupation and associated storage of materials and products shall not occupy more than 25 percent of the combined residence and accessory structure gross floor area. The indoor storage of materials or products shall not exceed the limitations imposed by the provisions of the building, fire, health, and housing codes;

(5) A home occupation shall not make necessary a change in the applicable building code (as administered by the building official) use classification of a dwelling unit. Any accessory building that is used must meet the applicable building code requirements and be ~~in conformance with Chapter 17.124 SHMC~~ a lawfully existing structure;

[...]

**CHAPTER 17.124
ACCESSORY STRUCTURES**

[...]

17.124.050 Expiration of approval – Standards for extension of time.

(1) Accessory structure approval by the director shall be effective for a one-~~and one-half~~ year period from the date of approval.

(2) The accessory structure approval by the director shall lapse if:

(a) Substantial construction or installation of the approved accessory structure plan has not begun within a one-~~and one-half~~-year period; or

(b) Construction on the site is a departure from the approved plan.

[...]

**CHAPTER 17.132
TREE REMOVAL**

[...]

17.132.050 Expiration of approval – Extension of time.

(1) A tree removal permit shall be effective for one ~~and one-half~~ years from the date of approval.

[...]

**CHAPTER 17.136
LAND DIVISION - SUBDIVISION**

[...]

17.136.040 Expiration of approval – Standards for extension of time.

(1) The preliminary plat approval by the planning commission or final approving authority shall lapse if:

(a) A final plat (first phase in an approved phased development) has not been submitted within a ~~one~~ two-year period; or

(b) The final plat does not conform to the preliminary plat as approved or approved with conditions.

[...]

**CHAPTER 17.140
LAND DIVISION – LAND PARTITIONING – LOT LINE ADJUSTMENT**

[...]

17.140.035 Expiration of approval – Standards for extension of time.

[...]

(3) The director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed ~~six months~~ one year; provided, that:

- (a) No changes are made on the original plan as approved by the director;
- (b) The applicant can show intent of recording the approved partition or lot line adjustment within the extension period; and
- (c) There have been no changes in the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

[...]

**CHAPTER 17.148
PLANNED DEVELOPMENT**

[...]

17.148.030 Expiration of approval – Standards for extension of time.

(1) The approval of the planned development overlay zone shall not expire provided a related planned development plan is lawfully completed per city approved plans within the timeframe per this subsection. Any planned development overlay zone, or portion thereof, existing before January 1, 2025, without a lawfully completed development plan as approved by the city, shall expire 10 years after January 1, 2025. Any new existing planned development overlay, or portion thereof, shall expire after 10 years from the date it becomes effective if there is no related development plan lawfully completed per city approved plans. An overlay zone that becomes void due to expiration shall be removed from the zoning district map.

(2) The preliminary development plan approval by the commission shall lapse if a detailed development plan proposal has not been submitted for approval within ~~the one and one-half~~ a two-year period or unless an extension of time is granted.

(3) The director shall, upon written request by the applicant and payment of the required fee, grant ~~an two~~ extensions of the approval period not to exceed one year each provided, that:

- (a) No changes have been made on the original preliminary development plan as approved by the commission;
- (b) The applicant can show intent of applying for detailed development plan review within the one-year extension period; and
- (c) There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

[...]

**CHAPTER 19.20
MAPS**

[...]

19.20.060 Map and list of significant wetlands.

[...]

(2) List of Significant Wetlands.

[...]

Milton Creek

M₃

M₅

M₇

M₈

M₁₀

M₁₁

M₁₂

M₁₅

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: April 23, 2024

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

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

PLANNING ADMINISTRATION—PREAPPLICATIONS MEETINGS

Conducted a pre-application meeting for improvements/expansion of the CCMH campus along Gable Road.

Had a preliminary Q&A meeting for a solar array structure associated with the library building.

PLANNING ADMINISTRATION—MISC.

Provided some assistance for an application for a RARE AmeriCorps person for the City and County. This was mentioned in last month's report. If we get a person, start for 11-month period would be in the Fall. My role will be as an assistant supervisor as noted on the **attached** application cover letter.

Prepared legal description and map for Oregon Dept. of Revenue review, which is our typical first step after receiving an Annexation application. This is the final legal description/map prepared for the three annexations to process this year (thus far). This task was delayed for this particular annexation awaiting probate and ownership updates.

Provided information to the city's contract realtor to sell the Millard Road and Bluff properties. Updated some previous used exhibits for the bluff property.

SHHS temporary occupancy inspections, focused on staff parking and student drop-off/pick-up area started this month for Planning.

Prepared and presented (to Council) the department's semi-annual report.

Annual performance evaluation conducted for Associate Planner/Community Development Project Manager

DEVELOPMENT CODE ENFORCEMENT

Potential fence dispute for properties along Gray Cliffs Drive resolved so as not to become a dispute. The same property line and neighbors were involved in a dispute c. 2012 that resulted in a unique Lot Line Adjustment, so above average care taken now to keep it copesetic.

Last month I noted kids crossing a creek with a dirt bike. They did this, in part, by having foreign objects (a wheel and various boards) in/over the creek. With neighbor concern unabated, Public Works helped remove the stuff in the creek that shouldn't be there as a protected waterway. Thanks PWs!

O'Reilly Auto Parts has acknowledged the sign issue (see February report) and states they are working on getting it repaired. It is a shared sign with another property, which complicates matters.

PLANNING COMMISSION (& *acting* HISTORIC LANDMARKS COMMISSION)

April 9, 2024 meeting (outcome): The Commission approved a yard (setback) Variance for a property along N. Vernonia Road. They also reviewed and commented on the majority of the proposed 2024 Development Code Amendments. A Commissioner was determined as a representative on the Economic Opportunities Analysis Technical Advisory Committee.

The Commission discussed their proactive items, in particular noting a freelance committee is being formed for Vacant Storefronts. The Commission also added The Plaza as a listed proactive item. The main subject for the Plaza is its ground surface and its resilience or lack thereof given the multitude of Spirit of Halloweentown visitors. The Plaza is a designated landmark too, so changes would need to be reviewed by the Commission acting *as the Historic Landmarks Commission*.

May 14, 2024 meeting (upcoming): Four public hearings are scheduled. Three for annexations and a fourth for a Historic Resource Review for 260 S. 2nd Street with the Commission acting *as the Historic Landmarks Commission*.

We will, hopefully, finish review of the proposed 2024 Development Code Amendments and go over the department's semi-annual report as already presented to the City Council. We'll also discuss the annual Commission report to the Council, which is coming up soon.

From: [Jennifer Dimsho](#)
To: [Jacob Graichen](#)
Subject: April Planning Department Report
Date: Friday, April 19, 2024 12:58:35 PM
Attachments: [image001.png](#)

Here are my additions to the April Planning Department Report.

GRANTS

1. **Business Oregon – Infrastructure Finance Authority** – Low-interest loan for Streets & Utilities Project and Riverwalk improvements. Provided updates to loan officer.
2. **Riverwalk Project (OPRD Grants x2)** – Erosion & Sediment Control inspections by Lower Columbia Engineering agreement approved on 4/3 Council meeting. Council awarded bid on 3/20. Prepared contract for approval at Council meeting on 4/17. Scheduled pre-construction meeting for 4/24 with anticipated notice to proceed in May. Working with state grant coordinators on project timeline, budget, and forthcoming amendment. Coordinated with County on Hold Harmless agreement to use County’s parking lot as the construction access into Columbia View Park.
3. **Community Development Block Grant (CDBG): Sanitary Sewer Improvement Project** – \$2.5 million grant award to fund design/engineering/permitting for 3 sanitary sewer basins identified as deficient in the adopted Wastewater Master Plan. Processed amendment of CDBG contract to move \$ from “permitting” into “environmental review” activities. Project kicked off in March.
4. **CLG Historic Preservation Grant Program** – SHPO Certified Local Government Program. Received our contract for 17k. State approved work plan. Executed contract with property owners. Project to be completed by July 31, 2024. Applicant stated that they did a walkthrough with contractor and received a new construction scheduled which states work to be completed by mid-May.
5. **DLCD Technical Assistance Program** – 60k will fund a new Economic Opportunities Analysis (EOA). Reviewed BLI data, provided feedback. Finalized TAC membership. Scheduling first meeting in July. Preparing for Joint PC/CC meeting in June.
6. **ODOT Community Paths Program: St. Helens Scappoose Trail Refinement Project** – 405k to study a trail route refinement project (30% design) from St. Helens to Scappoose. Award is \$363,407, with a match of around 42k split between Scappoose, the County, and us. Final grant contract provided to the City by ODOT. Met with Scappoose & Columbia County to work through draft Statement of Work (SoW). SoW can now be sent to DOJ for review. Working on IGAs for County & Scappoose to cover our required match. IGAs and ODOT grant contract to go before Council for approval in May.
7. **Travel Oregon Grant Program: Riverwalk Project** - 100k grant for Riverwalk Project. Received 50% of the grant as contract terms require. Will receive remainder when project is complete.

8. **ODOT TGM Program: Transportation Systems Plan** – ODOT says it could be ~4 months before we see movement on this project.

PROJECTS & MISC

9. **Riverfront Streets/Utilities Project** – Attending weekly check-ins. Pump station generator to be installed soon. Tualatin staircase/bluff trailhead and Wapama Way intersection under construction. Traffic circle and elevated picnic platform under construction. North and south water quality swales underway. Joint utility trenching nearly complete. Undergrounding contract for 1st & St. Helens intersection work has begun.
10. **Urban Renewal Agency** – Prepared for upcoming FY 24-25 budget process with Gloria/John. Prepared a Resolution/IGA to recapture funds utilized by the City in creation/implementation of the URA Plan since 2017.
11. **Library Scanning** – Assisted Reference Librarian with scanning of large documents using the large plotter which is shared by Engineering & Planning.
12. **Library Solar Array Project** – Assisting library with grant-funded solar planning project. Planning grant is nearly complete, while an additional Oregon Dept of Energy construction grant is in process by contractor.

Jenny Dimsho, AICP | Community Development Project Manager

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Columbia County
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March 25, 2024

Dear RARE AmeriCorps,

The City of St. Helens and Columbia County are pleased to submit a joint application for a RARE AmeriCorps Member for assistance in implementing our Willamette Mercury Total Maximum Daily Load (TMDL) programs in compliance with DEQ. A TMDL is a regulatory mechanism under the Clean Water Act that serves as a plan for restoring impaired or polluted waters.


The RARE AmeriCorps Member will receive vital training which will serve them for years to come when they are placed with the City of St. Helens and Columbia County. This includes learning practical principles and methods of program management, data gathering, analysis, research, and implementation. They will learn interpersonal and communication skills needed to tactfully and effectively work with the general public, and they will gain an opportunity for hands-on work experience while working side-by-side with mentors who are scientists, engineers, and planners for both organizations.

The City and the County are no strangers to collaboration. Our most recent collaboration was on the Safe Routes to School Grant sidewalk project, which constructed new sidewalk on the east side of Columbia Blvd between Gable Rd and Sykes Rd, added a rapid flashing beacon at the McBride Elementary School, constructed new storm drains and culvert, planted over 22 trees and 25 shrubs in the project corridor, and a new bike lane. These improvements were made with a particular focus on creating safe pedestrian and bicycle travel for school-aged children.

The City and the County plans to share in the responsibility of training and supervising the assigned RARE AmeriCorps Member. The intern will work on a weekly rotating schedule with one week with the County, and the following week with the City. The County's supervisor will be Suzie Dahl, Director of Land Development Services, with assisting supervisor Erin O'Connell, Environmental Services Specialist. The City's supervisor and overall program manager will be Sharon Darroux, Engineering Manager. Assisting with the onboarding and supervising of the intern will be City Planner, Jacob Graichen, who has mentored over three RARE AmeriCorps Members and three AmeriCorps Vista interns at the City of St. Helens for the MainStreet program.

We know that setting the next generation up for success is one of the missions of our organizations and we hope you can see how the RARE AmeriCorps program fits into that goal. This financial support will allow us to effectively address construction runoff and stormwater pollution in our communities while educating the public about the far-reaching consequences of keeping pollutants out of our waterbodies.

Thank you for taking the time to read our joint application and we ask that you consider us for this program. We look forward to speaking with you more about how the RARE AmeriCorps program can partner with us and help educate and empower the community on the importance of keeping our waters clean. If you have any immediate questions or need further information, feel free to reach out to us 503-366-8243.

Sincerely,

Sharon Darroux, Engineering Manager
City of St. Helens

Sincerely,

Suzie Dahl, Director
Columbia County Land Development Services