



PLANNING COMMISSION

Tuesday, August 13, 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 June 11, 2024
- B. Joint City Council & Planning Commission Minutes Dated June 12, 2024

PUBLIC HEARING AGENDA (times are earliest start time)

- C. 6.05 p.m. St. Helens Development Code and Comprehensive Plan amendments (file CPZA.1.24) in response to Measure 109 (2020) regarding psilocybin land uses, House Bill 3109 (2021) regarding child care land uses and other "housekeeping" amendments, validity periods for land use decisions in particular. - City of St. Helens

DISCUSSION ITEMS

- D. Update on FloodPlain Policy and Endangered Species Act
- E. Architectural Review of Signs at 291 S 1st Street - Lightning Treats & Sweets

PLANNING DEPARTMENT ACTIVITY REPORT

- F. Planning Department Report - June
- G. Planning Department Report - July

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

- H. Temporary Use Permit at 2295 Gable Road - Sabater
- I. Site Design Review (Minor) at 144 S River Street - Lopez
- J. Temporary Sign Permit at 2100 Block of Columbia Blvd - Columbia County Fairgrounds
- K. Site Design Review (Minor) at 134 N River Street - Hubbard
- L. Lot Line Adjustments at North Side of 154 S 6th Street & across S 6th Street from 135 S 6th Street - Scholl
- M. Site Design Review at 2180 Gable Road - JLJ Earthmovers, LLC

PROACTIVE ITEMS

- N. Architectural Standards
- O. Vacant Storefronts
- P. The Plaza Square

FOR YOUR INFORMATION ITEMS

ADJOURNMENT

NEXT REGULAR MEETING: September 10, 2024

VIRTUAL MEETING DETAILS

Join:

<https://us06web.zoom.us/j/84970813333?pwd=Vubgr20BedlsxCQ1iVNVssmnOHFRaO.1>

Meeting ID: 849 7081 3333

Passcode: 510477

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, June 11, 2024, at 6:00 PM

DRAFT MINUTES

- Members Present:** Chair Dan Cary
 Vice Chair Jennifer Shoemaker
 Commissioner David Rosengard
 Commissioner Scott Jacobson
 Commissioner Charles Castner
 Commissioner Ginny Carlson
- Members Absent:** Commissioner Brooke Sisco
- Staff Present:** City Planner Jacob Graichen
 Associate Planner Jenny Dimsho
 Community Development Admin Assistant Christina Sullivan
 City Councilor Mark Gunderson
- Others:** Brady Preheim
 Will Uebelacker
 Jerry & Joanne Eisenzimmer
 Pam Powell
 Paul Pulliam
 Melissa Moore
 Tammy Scamfer
 Steve Toschi

CALL TO ORDER & FLAG SALUTE

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

Toschi, Steve. Toschi was called to speak. He shared his concerns about the discussion to take place at the Joint City Council Planning Commission meeting over the Economic Opportunity Analysis. He said some of the recommendations made by the company who started the study seemed to be more in favor of low-income housing and changing industrial lands.

CONSENT AGENDA

A. **Planning Commission Minutes Dated May 14, 2024**

Vice Chair Jennifer Shoemaker made a correction to page seven of the minutes.

Motion: Upon Vice Chair Shoemaker's motion and Commissioner Rosengard's second, the Planning Commission unanimously approved the Draft Minutes, with the edits, dated May 14, 2024, as written. Commissioner Carlson abstained. [AYES: Vice Chair Shoemaker, Commissioner Jacobson, Commissioner Rosengard, Commissioner Castner; NAYS: None]

PUBLIC HEARING AGENDA (times are earliest start time)

B. **6:00 p.m. Variance at 325 Strand Street - Uebelacker**

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

Associate Planner Jenny Dimsho presented the staff report dated June 4, 2024. She shared where the property was located and that it was two separate lots. She said one of those lots was vacant, and the other had a building on it. She mentioned the variance was to allow a reduction in the off-street parking required for a future development proposal. She said this would not be a review of the proposed building for the property, as that would come before them at another time. She said the reason why they were not looking at the building today is because if the variance was not granted, the applicant would need to prepare a completely different proposal.

Dimsho said in 2019, a demolition permit was issued for the building, mostly to remove siding and expose any dry rot to be replaced. The applicant hoped that by doing this they would be able to determine if the building could be repaired and they would be able to salvage what was there. She mentioned the permit was issued, the work was started, and then ultimately the permit expired. She said the building remained in the half-demolished form and it was noted that the deterioration was likely sped up due to being left open to the elements. In 2020, the City hired contractors to start infrastructure work on the south end near the proposed property. The City's contractor expressed concern about the building and concern that, due to the deterioration, it might collapse. So, the property owner pulled another permit in 2023 to shore up the south end of the building to keep it from falling when the construction around it was being done. She said the temporary shoring was only approved for one year.

She said the proposed concept of the project was for a four-story building, with two commercial spaces on the lower level and 16 residential units above. She said of those, eight were considered one bedroom and eight were considered loft units. She said there was also a proposed rooftop recreational area.

She discussed the that studios require one parking space per unit and one-bedroom units require one and a half parking spaces per unit. She mentioned the Commission would need to determine if lofts could be defined as studios, particularly since the square footage of these were larger than the one bedroom units. She said that would be a total of 20 parking spaces using the studio calculation or 24 spaces using the one-bedroom calculation.

She mentioned the commercial units were proposed to be eating and drinking establishments. With this concept, the required parking would be one parking space for 50 square feet of dining area, plus one space for every two employees on the largest shift. She said the total for the commercial spaces would be 32 parking spaces. Combined with the residential units this would be between 52 and 56 parking spaces required for this concept.

She discussed what the applicant had proposed for parking in the concept provided. She mentioned there were two provisions in this district for parking. The first allowed on-street parking to count towards their off-street parking requirements. She said there were six on-street parking and seven proposed off-street parking spaces in the concept shown by the applicant.

She said the second provision allowed in this district is a parking exemption if the existing building footprint takes up a certain amount of the lot. The applicant used this provision in the code for their concept.

Dimsho pointed out a few flaws in this portion of the proposal from the applicant. She said this code says there must be an existing, lawful, building footprint. She mentioned the back portion of the building is no longer there and would not count as an existing lawful, building footprint. She said in addition there is a definition that says a building has a roof that is supported by columns or walls and if the roof was removed there would no longer be a building.

She mentioned the City Engineering Manager said there was a lack of parking and there was a daily occurrence of parking congestion in this area. She also mentioned that there is no transit system and so most of the tenants would have their own vehicle they would need to park. The City Engineer said she recommended that the applicant provide at least fifty to sixty percent of the parking spaces needed or the Planning Commission should deny the application.

Dimsho also shared a comments received from two neighboring properties. One expressed concern about parking in that area and what it would create for his tenants. The other was in support of the application..

Uebelacker, Will. Applicant. Uebelacker is the applicant and representative for the owner. He shared a presentation where he addressed his application and the concerns the staff mentioned. He said he understands that parking is a challenge for the downtown area and felt their proposal met the needs of what is required. He said he saw the potential in the upcoming economic growth happening in St. Helens and hoped the Development Code would not be used to stall or halt future development in their community. He said the code they proposed to help them with the parking requirements should not be overlooked for their building as there is a building there that covers [at least] fifty percent of the property in question, which is what he said the code requires. He also gave a more detailed description of what the building units would have inside of them. He said the city should provide a parking structure or some sort of massive transit solution to help encourage development in their downtown area, instead of discouraging it through parking codes.

In Favor

No one spoke in favor of the application.

In Neutral

No one spoke as neutral of the application.

In Opposition

Eisenzimmer, Jerry. Eisenzimmer was called to speak. He said he lives in a property near the proposed application. He said that there is already a parking crisis in the downtown area. He said there are three restaurants, apartments, and other businesses and not enough parking to accommodate all those businesses now. He did not think the Planning Commission should grant such a large parking variance. He also mentioned that when he worked for the Fire Department, there was a three-floor rule for buildings as they could not access any building levels that were higher. He said he did not believe the department had the equipment still to this day to be able to access taller buildings.

Toschi, Steve. Toschi was called to speak. He is a resident of St. Helens. He said when he first met with the Planning Department, he was neutral, but changed his opinion, as he felt the applicant did not meet any of the legal criteria needed for the variance application. He said he did agree with the applicant that the City should implement a parking structure to encourage more developers to come and have an easier time with the Development Code rules on parking.

Elliot, Michael. Elliot was called to speak. He is the owner of a neighboring property. He said he would love to see that piece of property developed, but not in the way that was being proposed by the applicant. He mentioned there is a large parking issue in this area. He said he receives complaints from his tenants as well about the parking issue. He said allowing a project to develop with an immediate need for parking is not feasible for this area. He also had a concern about the height proposed as well.

Rebuttal

Uebelacker, Will. Uebelacker was called to speak. He said he did not agree with the neighboring properties who protested his proposal, as they used the same code provisions to renovate their historic

building. He said they could just renovate or remodel their building, but he felt it was better to just build a brand-new building to create a much better space for the downtown area. He also said if they allowed a parking variance, this would allow them time to determine what exactly they would like to build that would meet a smaller scale.

End of Oral Testimony

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

Close of Public Hearing & Record

Deliberations

Dimsho clarified that they were only looking at a parking variance and not discussing the proposed concept complies with the architectural guidelines.

Chair Cary asked if the variance were approved, could it apply to another proposal? Dimsho mentioned this would not be the case. She said if the Commission approves the variance, there is a recommended condition of approval that it would only apply to this specific development of both properties. She also mentioned an approval would not apply if they decided to renovate the current building. She also said, if approved, there would be a validity period.

There was a small discussion on the future road and parking situation for the Riverfront Development.

There was a discussion about the proposed residential units and whether they were studios or one bedroom. The Planning Commission determined this did not make a difference in their decision to grant or not grant the application.

There was a discussion about allowing this amount of parking spaces to be removed from this project and how it would affect the other properties and neighbors to this new build. Dimsho did mention include a parking study for the downtown area would be included as a project to be completed in the new Transportation Systems Plan. A new parking study would determine what the parking needs are and would create opportunities to leverage grant money towards adding more parking.

The Planning Commission agreed the number of parking spaces being eliminated with this variance was too great and agreed they should deny the variance.

Motion: Upon Vice Chair Shoemaker's motion and Commissioner Rosengard's second, the Planning Commission unanimously recommended denial of the Variance. [AYES: Vice Chair Shoemaker, Commissioner Rosengard, Commissioner Carlson, Commissioner Jacobson, Commissioner Castner; NAYS: None]

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

C. 6:15 p.m. Historic Resource Review at 120 S 1st Street - Kenoyer

Chair Dan Cary opened the Public Hearing at 7:40 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter.

City Planner Jacob Graichen presented the staff report dated June 3, 2024. He mentioned this home was a designated landmark. He shared several early to current photographs of the home and shared some of the history behind the home and how it became added to the Designated Landmarks Registry.

He said the applicant proposed several exterior modifications and renovations. He discussed the siding and how originally it had three different types of siding on the different levels of the home. He shared

some photos of how the siding had changed over the years and mentioned currently the home is sided in all vinyl. He said the applicant plans to remove the vinyl, if they purchase the property. He said they are unsure of what is underneath and what shape it is in. He said that he recommended a condition of approval that the siding, if needed to be replaced, matches the color, material, and style of what the home had for siding in the past.

He mentioned that due to the fact some repairs may not require a building permit, he thought it pertinent that one of the conditions of approval be that any modifications or repairs come before the Planning [Historic Landmarks] Commission to be sure it is meeting the architectural and historical guidelines of the home and zoning district.

He also mentioned the roof. He said the roof was necessary to keep the integrity of the building and mentioned the applicant planned to replace it with the grey, traditional, type of roofing. There was a discussion on the color of the roof. Graichen mentioned they could mention colors if it has to do with keeping the home as close to the historic look of the home.

He also shared the applicant planned to replace the door with another wood door and a key difference would be six ornamental windows instead of four.

He also talked about the repair of the stairs and attaching new safety rails to the stairs on the front porch. He shared a few ways to add these to keep with the historical look of the home. He also talked about the safety railing for the stairs down to the back of the home to access the lower half of the home from the exterior. He said he recommended just not attaching them to the home.

He also discussed foundation work that needed to be done to the home to make the home safe and keep it from sinking. He shared that the repairs would likely not be viewable from the exterior, but the portions that were able to be seen would be a metal repair recommended by the foundation repair.

Kenoyer, Melissa. Kenoyer is a potential buyer of the home. She said she felt the home was a stunning piece of history and wanted to stay true to the integrity of the home as she repaired it. Before purchasing the home, they wanted to see if Planning Commission would approve the desired repairs they wanted to make. She said the foundation was a huge repair that needed to be done.. She discussed some of the water damage and how some of the repairs would possibly affect the look of the home. She said she could not show them what this would look like, because it would require a structural engineer, which they did not want to move forward with before they had the Planning Commission agree to the repairs that needed to be made.

There was a small discussion about the color palette the applicant planned to use.

In Favor

No one spoke in favor of the application.

In Neutral

Pulliam, Paul. Pulliam was called to speak. He is a neighbor to the property. He said they were excited to see the home renovated and restored to its original historic look. He also wanted to be sure they would use the retaining wall and garage area to be the same style as the home. He said there was a concern about the drop off between his property and the property being discussed and wanted to be sure there were going to be guidelines in place to make sure that area stayed safe.

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

There was a small discussion about the handrails and the Planning Commission agreed the handrails should be attached to the porch, but the side rails were not attached to the house. They said it should be put into place for safety.

Vice Chair Shoemaker said she would like to encourage the new owner to restore the door or at least look in to restoring it to stick with the integrity of the home. She mentioned if restored rather than replaced, it might be more affordable. If the door could not be restored, she would hope they would keep the glass and try to build something with the original glass and replace it with something like for like.

There was a discussion about the siding and restoring it back to the original look. The Commission agreed before siding was placed back on, that the application would come back before the Historic Landmarks Commission for final approval.

They discussed the siding and said they would like to see them restore what they find under the vinyl siding that is being removed. They would like to see them repaired with materials that meet historic standards.

They agreed that the foundation should be fixed, and that the applicant should follow the guidelines of the structural engineer to do what is necessary to save this historic building. They would like to see the visible fixes minimized as possible..

Motion: Upon Commissioner Rosengard's motion and Vice Chair Shoemaker's second, the Historic Landmark's Commission unanimously recommended approval of the Historic Resource Review as recommended by staff with the discussed changes. [AYES: Vice Chair Shoemaker, Commissioner Rosengard, Commissioner Carlson, Commissioner Jacobson, Commissioner Castner; NAYS: None]

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

DISCUSSION ITEMS

D. Architectural Review at 325 Strand Street - Uebelacker

Dimsho suggested that due to the outcome of the Variance hearing, this application would need to be submitted for a different layout. She said the Commission could hold off discussing the details until a new application was received.

The Commission agreed to hold the discussion for this item until a new application was resubmitted.

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

- E. Site Design Review at 71 Cowlitz Street – The Klondike Tavern
- F. Temporary Sign Permit at 2100 Block of Columbia Blvd – Heather Epperly Agency, Inc.
- G. Temporary Use Permit at 735 S Columbia River Hwy – Bethel Fellowship

There was no discussion on the Planning Director Decisions.

PLANNING DEPARTMENT ACTIVITY REPORT

H. Planning Department Activity Report – May

There was no discussion on the Planning Department Activity Report.

PROACTIVE ITEMS

- I. Architectural Standards
- J. Vacant Storefronts
- K. The Plaza Square

Vice Chair Shoemaker said she would like to move forward with getting other Commissioners set in place to be the chair of the subcommittees for the other items on the list. She said some of the Commissioners had expressed interest in getting involved.

There was a small discussion about the different items on the list.

FOR YOUR INFORMATION ITEMS

Graichen discussed the agenda for the Joint Planning Commission and City Council meeting.

There was a small discussion about the Plaza and how to move forward with redesign.

Commissioner Scott Jacobson brought up that he would like to see the City work on a way to conditionalize property for archeological purposes. The Commission discussed this item might be more of a Proactive Item that could be added later but could be a subject of discussion in the For Your Information Items section until there is a more formal proactive item formed.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

*Christina Sullivan
Community Development Administrative Assistant*



PLANNING COMMISSION & CITY COUNCIL JOINT MEETING DRAFT MINUTES

Wednesday, June 12, 2024, at 4:00 PM

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

Chair Dan Cary
Vice Chair Jennifer Shoemaker
Commissioner Ginny Carlson
Commissioner Charles Castner
Commissioner Scott Jacobson
Commissioner David Rosengard

Members Absent: Commissioner Brooke Sisco

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

This meeting was held in the Council Chambers.

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

ST. HELENS ECONOMIC OPPORTUNITY ANALYSIS PRESENTATION

City Planner Jacob Graichen did a small recap on previous discussions on the Economic Opportunity Analysis (EOA) and explained this presentation was to help both groups understand better what it is.

Beth Goodman is a consultant from ECONorthwest. She said they would be sharing where they were in the process and how they planned to move forward. She said they were in the early stages, so they would be asking a lot of questions to gather information and then later in the process is when the policy would be discussed.

She said there are many reasons cities do an EOA. The first is for legal requirements. It also gives them an opportunity to plan for long-term growth and forecast future conditions by helping them understand existing conditions. She mentioned at the end of the study, they would give recommendations for the Comprehensive Plan policy changes and any changes or actions that need to be implemented.

There was a small discussion on how the determined buildable land inventory was calculated and if there are zone changes that may make sense.

Goodman discussed some of the national and state economic trends. There was a small discussion around the power needs for St. Helens and across the state for certain industrial users.

There was a discussion about commuting trends and how common it is for St. Helens.

There was a discussion on the unique economic advantages and disadvantages of St. Helens..

Mayor Scholl shared that he believes that St. Helens has a generational workforce and if the jobs are available, they would work here instead of commuting. He also said there needed to be a focus on bringing more power to this area to be able to service lighter industrial and heavier industrial businesses so that there are not more missed opportunities.

Commissioner Ginny Carlson said there are a lot of vocational programs here for students to learn trades and further their education while in high school. She said trades jobs can be hard to outsource, so she thought it was great that we had a school system that recognizes the need for trades and offers these opportunities to our students.

Councilor President Jessica Chilton said they have a solid Mainstreet Program and that there is not a lot of commercial property along Highway 30, but there is a lot of commercial property along our main street and nurturing that and figuring out how to connect this to our downtown area is part of the Mainstreet Alliance focus.

Councilor Russ Hubbard said we have a lot of smaller industry and St. Helens would need to focus on the capacity they are able to sustain. He said he would like to see St. Helens focus on building these lighter industrial type businesses, instead of trying to bring in larger corporations and giant commercial industry. He mentioned the items that large business needs to be able to set up and run is too large for St. Helens to handle.

Commissioner Jennifer Shoemaker said she would like to see the City of St. Helens work to incentivize the small business. She said currently they work hard to bring in larger business and she feels there is a need to support both types to have a thriving community.

Commissioner David Rosengard said there were advantages that the City had become a destination location and can help with development and economic growth.

There was a small discussion on how to break down these barriers to achieve more of these goals.

DISCUSS PLANNING COMMISSION PROACTIVE ITEMS

Commissioner Shoemaker shared the proactive items currently on the list. She talked about the Courthouse Plaza and the need for improvements to help keep it from looking thrashed after large tourist events. She also shared the vacant storefronts was still on the horizon working with the Mainstreet Alliance to try and get this going. She also mentioned architectural standards and that the Commission agreed this should be narrowed to one district at a time to help keep the focus. She mentioned there were several commissioners interested in taking over some of these items and heading them up.

She said she would like to head up the plaza project. She shared some of the ideas she had to start discussing how to renovate the area.

There was a discussion about preservation of the trees in the Plaza and the bricks that are already laid out in the area. The Planning Commission and the City Council agreed they needed to get the approval of Columbia County in agreement with improvements to be made, as the property belongs to them.

There was a discussion with the group about being sure to keep the proactive items more manageable so that a subcommittee can handle the research and work.

OTHER BUSINESS

Graichen mentioned there could be a discussion at the next meeting about the code amendments and he said that Columbia County Mental Health (CCMH) had reached out about expanding their campus. He said for what they want to do there is not really a category available in the amendments that allows

for this type of use. He mentioned CCMH had some professional consultant staff that were willing to work with the City on finding a correct definition for this type of commercial use.

Vice Chair Shoemaker brought up a concern about future parking structures or availability of parking for future developments in the new waterfront district. She said they had to deny a recent proposal for a parking variance, and she thinks this will be a trend as more development comes up. She wanted to find a solution on how to meet these parking standards in the Development Code, but also allowing development to come in.

There was a discussion about parking standards and doing a parking study in the future. There was also a discussion about building a public structure or parking lot space.

There was no other business discussed. The meeting was adjourned.

*There being no further business the meeting was adjourned at 6:01 p.m.
Respectfully submitted,
Christina Sullivan
Community Development Administrative Assistant*

/s/
Rick Scholl, Mayor

/s/
Dan Cary, Chair

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

Development (Zoning) and Comprehensive Plan Code Amendments CPZA.1.24

DATE: August 6, 2024
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: City of St. Helens

PROPOSAL: Amend the following Chapters of the St. Helens Municipal Code: **17.16** general and land use definitions, **17.24** procedures for decision-making – quasi-judicial, **17.32** zones and uses, **17.36** historic sites and overlay district, **17.40** protective measures for significant wetlands, riparian corridors, and protection zones, **17.44** sensitive lands, **17.80** off-street parking and loading requirements, **17.88** signs, **17.96** site development review, **17.100** conditional use, **17.108** variances, **17.120** home occupations, **17.124** accessory structures, **17.132** tree removal, **17.136** land division – subdivision, **17.140** land division – land partitioning – lot line adjustment, **17.148** planned development, and **19.20** maps.

BACKGROUND

The primary catalyst of these amendments is state legislation. This includes **Measure 109 (2020)**, legalizing psilocybin for mental health purposes in the State of Oregon and **House Bill 3109 (2021)** updating childcare facility law.

Staff has included other amendments for general housekeeping updates, taking advantage of the effort for efficiency. This includes validity periods for land use decisions, in particular.

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: August 13, 2024. Public hearing before the City Council: September 18, 2024.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on June 13, 2024 through their PAPA Online Submittal website.

Notice of this proposal was sent to property owners of land where Planned Development overlay zones have been adopted, but development utilizing the overlay zone has not occurred for the entire overlay zone area or a portion thereof. This notice was sent on July 22, 2024 given ORS 227.186, because the city proposes to change the overlay zone from never expiring to expiring after a 10-year period, if unused.

Notice was sent to agencies by mail or e-mail on July 22, 2024.

Notice was published on July 24, 2024 in The Chronicle newspaper.

AGENCY REFERRALS & COMMENTS

None received.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.20.120(1) – Standards for Legislative Decision

The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:

- (a) The statewide planning goals and guidelines adopted under ORS Chapter 197;
- (b) Any federal or state statutes or guidelines found applicable;
- (c) The applicable comprehensive plan policies, procedures, appendices and maps; and
- (d) The applicable provisions of the implementing ordinances.
- (e) A proposed change to the St. Helens zoning district map that constitutes a spot zoning is prohibited. A proposed change to the St. Helens comprehensive plan map that facilitates a spot zoning is prohibited.

(a) Findings: This criterion requires analysis of the applicable statewide planning goals. The applicable goals in this case are: Goal 1 and Goal 10.

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 required too. The city has met these requirements and notified DLCD of the proposal as required by State law.

Several public meetings have taken place discussing 2024 Development Code Amedments. These public meetings include:

- Planning Commission meeting—January 9, 2024
- Planning Commission meeting—February 23, 2024
- City Council/Planning Commission joint meeting—March 13, 2024
- Planning Commission meeting—April 9, 2024
- Planning Commission meeting—May 14, 2024

- City Council work session—June 5, 2024

Staff began preparing for this in November 2023, which resulted in meetings to discuss the various issues for every month of 2024 through June, when the City Council authorized the legislative matter to proceed on June 5, 2024.

Note that there are amendments discussed at these meetings not included in this report/effort, that will be addressed separately. These other amendments focus more on residential uses.

Statewide Planning Goal 10: Housing.

Goal 10 requires buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Housing is an associated component of this proposal. This effort does not address residential uses directly, but aligns the city code with the state's in regards to child care in homes and elsewhere, which is intended to lessen the burden of child care in communities.

This Goal has a couple components: 1) **inventorying** of land for housing need, and 2) **demographic broad spectrum housing availability in both quantity and variety of type.**

Inventorying

St. Helens completed and adopted a Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) in 2019 (Ordinance No. 3244). The results of the housing needs analysis indicates that the current St. Helens Urban Growth Boundary is sufficient to accommodate future housing needs, with a small deficiency (8 acres needed) of high-density land for multi-family development. Commercial/Mixed Use land can make up for the high-density land deficiency. Even though there are no guarantees Commercial/Mixed Use lands will be used for residential purposes, the following residential developments on commercial/mixed use lands since the inventorying effort of the HNA are noteworthy:

- St. Helens Place Apartments at 700 Matzen Street. Originally approved by Conditional Use Permit CUP.2.18 in 2018, this 204-unit multidwelling project was completed in 2020.

Zone: General Commercial.

Total acres used: 7.72 out of 7.72 ac.

- Broadleaf Arbor developed by the Northwest Oregon Housing Authority (NOHA) and Community Development Partners at 2250 Gable Road. Originally approved

by Conditional Use Permit CUP.3.19, this 239-unit multidwelling project was completed was completed earlier this year. The site has wetlands that are preserved so only a portion of the property is developed.

Zone: General Commercial, GC.

Total acres used: approx. 13.7 ac. out of 16.7 ac.

This proposal does not change any zoning of specific properties, and the city’s adopted land-wise need for housing is met.

Demographic broad spectrum housing availability in both quantity and variety of type

This proposal supports this aspect of Goal 10 by increasing childcare options; childcare of a service that supports housing options. The more widespread childcare is, the broader housing options are for those who need childcare within a reasonable distance from their home.

| | |
|---|------------|
| Land Need (net acres) | |
| Low Density* | 240 |
| Medium Density** | 40 |
| High Density | 24 |
| Manufactured Home Parks | 5 |
| Total | 309 |
| Buildable Land Inventory (net acres) | |
| Low Density | 532 |
| Medium Density | 93 |
| High Density | 16 |
| Manufactured Home Parks | 45 |
| Commercial/Mixed Use*** | 19 |
| Total | 705 |
| UGB Land Surplus/Deficit (net acres) | |
| Low Density* | 293 |
| Medium Density** | 53 |
| High Density | (8) |
| Manufactured Home Parks | 40 |
| Commercial/Mixed Use | 19 |
| Total | 397 |
| Adequacy of UGB to meet housing need | adequate |

* Includes detached units and mobile homes. ** Includes townhomes, plexes and group quarters.

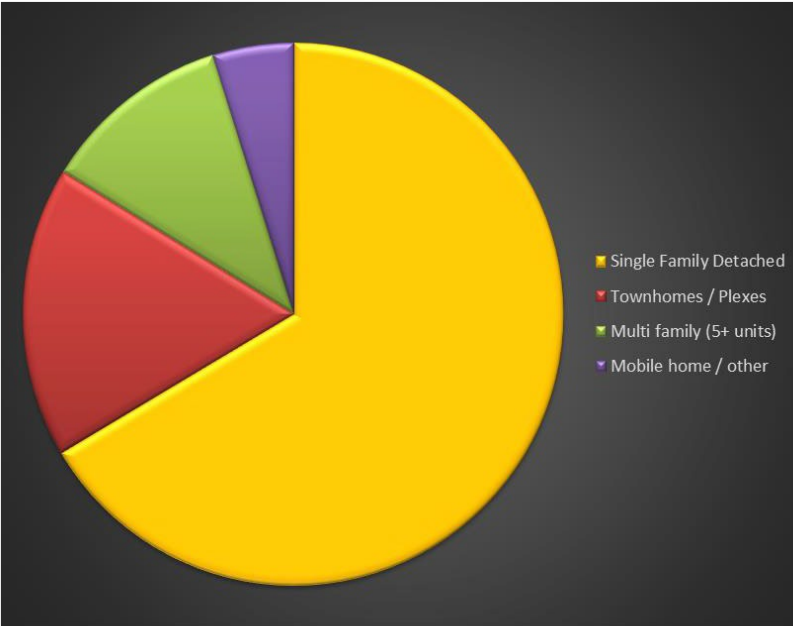
Upper Left: Table showing the city’s 2019 HNA findings. St. Helens has adequate land across most categories. The high-density deficit of 8 acres can be addressed in the commercial/mixed use land surplus and there are development projects since the HNA adoption that have done so, exceeding 8 acres.

This proposal complies with the **inventorying** component of Goal 10.

Lower Left: This is Exhibit 5 from the city’s HNA showing housing mix and tenancy for St. Helens between 2013 and 2017.

The proposal supports housing options by increasing childcare potential in multiple locations making childcare more accessible to more households.

This proposal complies with the **broad spectrum housing availability** component of Goal 10.



Source: U.S. Census, American Community Survey, 2013-2017.

(b) Findings: This criterion requires analysis of any applicable federal or state statutes or guidelines.

Much of the proposal is in response to state legislation. This includes:

- **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.

- **House Bill 3109 (2021)** updates the state’s childcare facility law. For many years, there has been restrictions on local governments on how certain childcare is allowed in homes in residential areas 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).

(c) Findings: This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices and maps.

For these findings, the comprehensive plan addendums will be examined followed by policies.

Comprehensive Plan Addendums:

The addendums to the Comprehensive Plan include the **Economic Opportunities Analysis** (Ord. No. 3101), **Waterfront Prioritization Plan** (Ord. No. 3148), **Transportation Systems Plan** (Ord. No. 3150), **Corridor Master Plan** (Ord. No. 3181), **Parks & Trails Master Plan** (Ord. No. 3191), **Riverfront Connector Plan** (Ord. No. 3241), and **Housing Needs Analysis** (Ord. No. 3244).

No direct applicability.

Comprehensive Plan Policies

There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC or the specific policies of Chapter 19.12 SHMC.

(d) Findings: This criterion requires analysis of the applicable provisions of the implementing ordinances. This proposal updates the city’s implementation ordinances as embodied in the Development Code.

It is worth discussing the Planned Development overlay zone changes. The city has a planned development overlay zone as an option to allow certain code flexibility for development. This includes adopting an overlay zone and approving development using that overlay zone. Though a development proposal, such as a subdivision, can expire, the overlay zone currently does not. The city proposes to change SHMC 17.148.030 such that a new overlay zone expires after 10 years from the date it becomes effective if not used. For existing overlay zones that have not been used, they are proposed to expire 10 years after January 1, 2025. There are five existing overlay zones that would be affected:

- Columbia Heights, adopted by Ordinance 2950 in 2005. This property was never developed, and contiguous ownership currently includes area outside of the original planned development boundary. The ownership and planned development boundaries do not align.
- Dalton Lake, adopted by Ordinance 2995 in 2006. Some of this property was developed., but a portion of Lot 6 of Dalton View Estates has not.
- Seal Meadows, adopted by Ordinance 3042 in 2007. This property was never developed as a planned development.
- Boulder Ridge, adopted by Ordinance 3282 in 2022. A more recent approved development, actual development has not taken place to date.
- Comstock, adopted by Ordinance 3286 in 2022. A more recent approved development, actual development has not taken place to date.

(e) Findings: This criterion is intended to prevent spot zoning, which does not apply in this case.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of these text amendments.

Attachment(s): Memo to Planning Commission and City Council dated January 19, 2024 regarding land use decision validity periods

Map of Planned Development Overlay zones, noting those affected by this proposal

Draft code amendments dated June 6, 2024



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 year | 1 year | 2 years | SHMC 17.44.030 |
| <i>Sign Permit</i> | 1 year | | 1 year | SHMC 17.88.130 (6) |
| <i>Site Development Review</i> | 1 year | 1 year | 2 years | SHMC 17.96.040 |
| <i>Site Development Review (Phased)²</i> | Each phase: 1 year | 1 year | 3 years | SHMC 17.96.050 |
| <i>Conditional Use</i> | 1 year | 1 year | 2 years | SHMC 17.100.030 |
| <i>Variance</i> | 1 year | 1 year | 2 years | SHMC 17.108.040 |
| <i>Accessory Structure</i> | 1 year | 1 year | 2 years | SHMC 17.124.050 |
| <i>Tree Removal</i> | 1 year | 1 year | 2 years | SHMC 17.132.050 |
| <i>Subdivision</i> | 2 years | 2 extensions at 1 year each | 4 years | SHMC 17.136.040 |
| <i>Subdivision (Phased)³</i> | Each phase: 2 years | 2 extensions at 1 year each | 6 years | SHMC 17.136.050 |
| <i>Partition</i> | 1 year | 1 year | 2 years | SHMC 17.140.035 |
| <i>Planned Development</i> | 2 years | 2 extensions at 1 year each | 4 years | SHMC 17.148.030 |
| <i>Planned Development (Phased)⁴</i> | 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

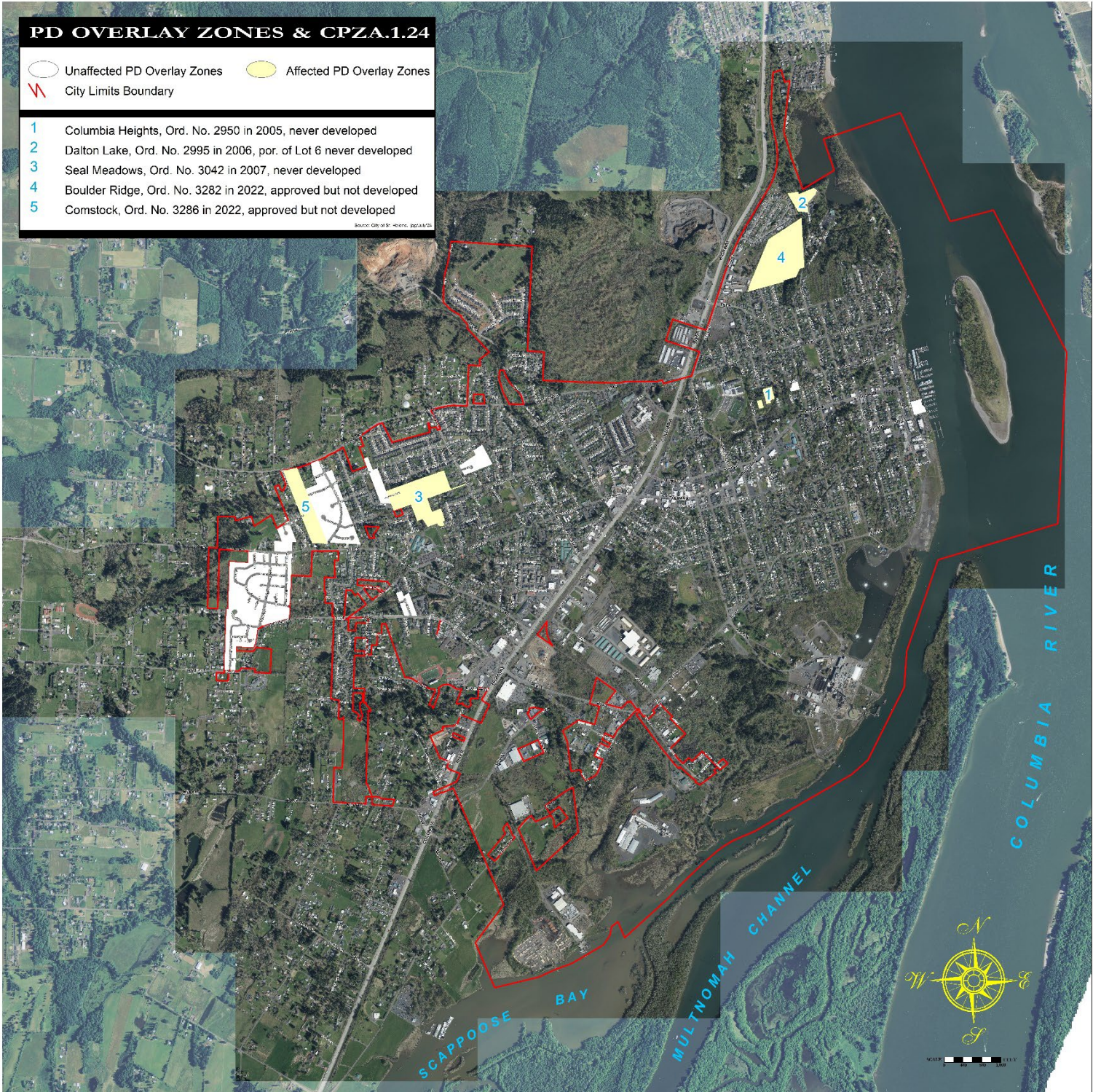
| Land Use Decision | Default Validity Period | Time Extension | Total Validity Period |
|---|--------------------------------|-----------------------|------------------------------|
| <i>Sensitive Lands</i> | 1 year | 6 months | 1.5 years |
| <i>Site Development Review</i> | 1 year | 1 year | 2 years |
| <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 |



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.

[...]

~~“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”).~~

[...]

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

[...]

**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.

[...]

(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.

[...]

(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.

[...]

(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.

[...]

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.

[...]

(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.

[...]

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.

[...]

(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.

[...]

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.

~~(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.~~

[editor's note – re-lettering to continue through list of permitted uses]

[...]

(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.
~~(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.
~~(q)~~ (p) Nurseries and greenhouses.
~~(r)~~ (q) Parking lots.
~~(s)~~ (r) Parks, public and private.
~~(t)~~ (s) Pawn shops.
(t) Psilocybin service center.

[...]

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

[...]

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:

[...]

(g) Parks.

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

[...]

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.
- ~~(c)~~ (d) Cultural and library services.
- ~~(d)~~ (e) Dwellings above permitted uses (use AR standards).
- ~~(e)~~ (f) Eating and drinking establishments.
- ~~(f)~~ (g) Equipment (small) sales, rental and repairs.
- (h) Family child care home in lawfully existing dwelling.
- ~~(g)~~ (i) Financial institutions.
- ~~(h)~~ (j) Hardware store, without outdoor storage.
- ~~(i)~~ (k) Historic structures (as listed in the comprehensive plan).
- ~~(j)~~ (l) Home occupation (per Chapter 17.120 SHMC).
- ~~(k)~~ (m) Hotels and motels.
- ~~(l)~~ (n) Offices – all.
- ~~(m)~~ (o) Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.
- ~~(n)~~ (p) Plumbing, HVAC, electrical and paint sales and service, without outdoor storage.
- ~~(o)~~ (q) Produce stands.
- ~~(p)~~ (r) Public facility, minor.
- ~~(q)~~ (s) Repair and maintenance of permitted retail products.
- ~~(r)~~ (t) Retail sales establishments, ~~not specifically catering to motorists.~~
- ~~(s)~~ (u) Studios.
- ~~(t)~~ (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.~~

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

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

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

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

~~(u) Psilocybin service center.~~

[...]

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.~~

~~(h) (g) Commercial gasoline stations.~~

[editor's note – re-lettering to continue through list of permitted uses]

[...]

(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.~~
- ~~(e)~~ (b) Concrete mixing (concrete batching plant).

[editor's note – re-lettering to continue through list of conditional uses]

[...]

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)~~ (d) Child care center.
- ~~(e)~~ (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).
- ~~(f)~~ (f) Eating and drinking establishments including carry-out.
- ~~(g)~~ (g) Family child care home in lawfully existing dwelling
- ~~(h)~~ (h) Home occupation (per Chapter 17.120 SHMC).
- ~~(i)~~ (i) Hotels and motels.

[editor's note – re-lettering to continue through list of permitted uses]

[...]

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:

[...]

- (oo) Watercraft sales, rental, charters, without outdoor storage.
- ~~(pp)~~ (pp) Child care center.

(qq) 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.~~

~~(g)~~ (f) Hospitals, clinics, nursing homes, and convalescent homes.

[editor's note – re-lettering to continue through list of conditional uses]

[...]

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.

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

(b) Residential above Nonresidential Permitted Uses.

(i) Dwelling, single-family.

(ii) Congregate ~~care facility~~ housing.

(iii) Single dwelling units, attached.

(iv) Multidwelling units.

(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.~~

~~(g)~~ (f) Hospitals, nursing homes, and convalescent homes.

~~(h)~~ (g) Postal services.

~~(i)~~ (h) Communication services.

~~(j)~~ (i) Laundromats and dry cleaners.

~~(k)~~ (j) Religious assembly.

~~(l)~~ (k) Boat building.

[...]

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.

[...]

(rr) Residential home

(ss) Child care center.

(tt) 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.

~~(i)~~ (h) Funeral homes.

~~(j)~~ (i) Hospitals, clinics, nursing homes, and convalescent homes.

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

- ~~(k)~~ (k) Marijuana retailer and/or medical marijuana dispensary.
- ~~(l)~~ (l) Multidwelling units.
- (m) Psilocybin service center.

[...]

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

[...]

17.80.030 Minimum off-street parking requirements.

[...]

(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:

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

[...]

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:

[...]

**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 17.108
VARIANCES**

[...]

17.108.050 Criteria for granting a variance.

[...]

(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;

[...]

**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

Oregon NFIP-ESA History



2009: Suit filed against FEMA for “failure to consult” under ESA Section 7



2018: Three-year extension from Disaster Recovery Reform Act



2019-2021: FEMA, DLCDC, and partners develop 2021 Oregon NFIP-ESA Implementation Plan



2016: Oregon BiOp issued with Reasonable and Prudent Alternatives



2019: FEMA begins renewed effort to develop Implementation Plan

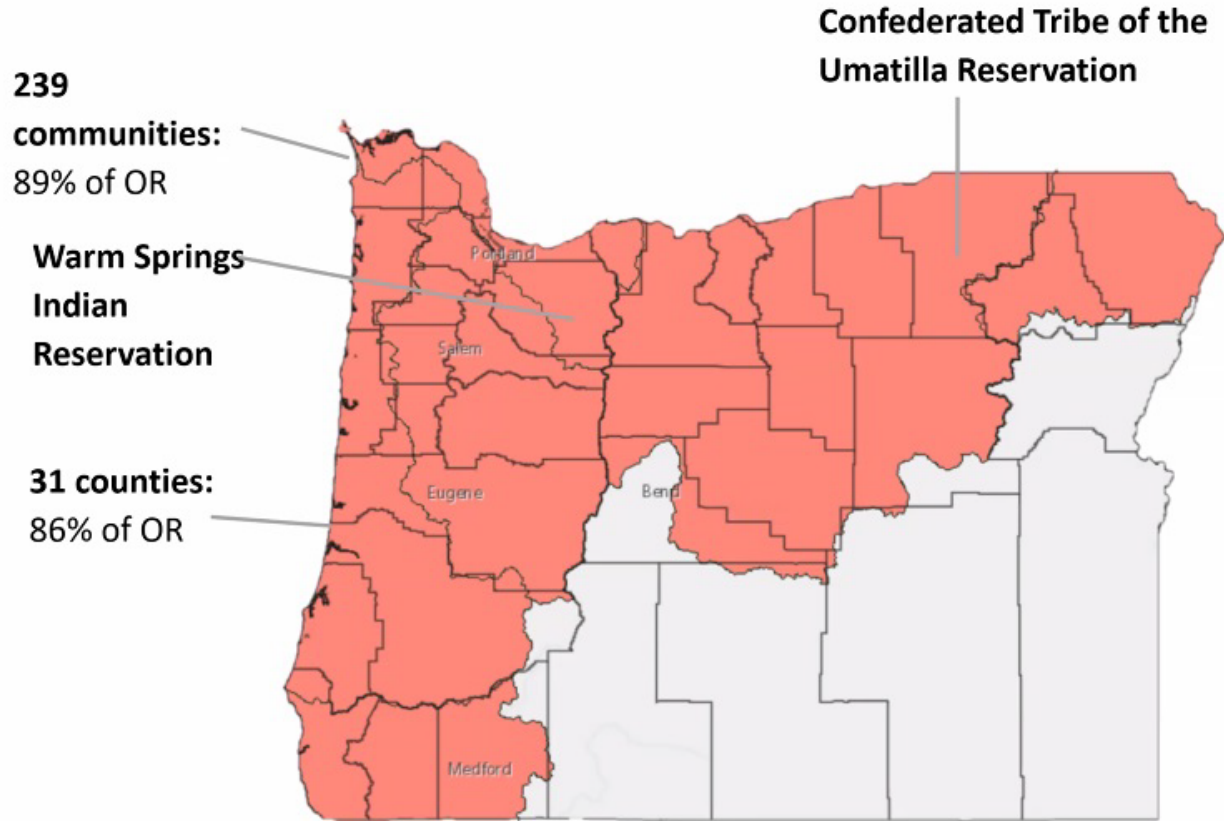


2023: Notice of Intent for Environmental Impact Statement (EIS) published..



FEMA

Oregon Communities Affected



90% NFIP policies impacted of **24,098** total policies in OR



Annual payment of **~\$24 million** and coverage of over **\$6.65 billion**

Action Area

(defined by NOAA salmon recovery domains)



FEMA

Current Status

- **Environmental Impact Statement (EIS) development:** FEMA is evaluating proposed changes to the Oregon outlined in the Implementation plan, in compliance with the National Environmental Policy Act. Public scoping meetings were held in Spring 2023.
- **Interim measures:** Communities need to take action, called Pre-Implementation Compliance Measures, to protect habitat and achieve “no net loss.”



No net loss is any development action resulting in negative impacts to one or more key floodplain functions that are then mitigated or avoided to offset said impacts.



Near-term Options for Communities

FEMA developed PICMs for participating NFIP communities to comply with ESA requirements in the interim period while the full implementation is being reviewed under NEPA.

PICM options

Prohibit all new development

Prohibit all new development in the floodplain.

Model Ordinance

Incorporate the ESA into local floodplain ordinances.

Permit-by-Permit

Require permit applicants to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area will achieve “no net loss.”



FEMA

7/31/2024

Reporting and Enforcement

← Ongoing PICM implementation →

Dec. 1, 2024: Communities select a PICM option.



If none selected, default to Permit-by-Permit.

Jan. 31, 2025: Data collection begins

Required information includes:

- ✓ Amount of fill, compensatory storage, and new impervious surfaces
- ✓ Area of clearing and grading
- ✓ Trees removed greater than six inches diameter
- ✓ Track acres disconnected or reconnected from the floodplain
- ✓ Mitigation provided



January 31, 2026: Data Reporting begins using FEMA reporting tool



If report is not provided it will result in a community visit.

2027: FEMA achieves full implementation.



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Commission acting as Historic Landmarks Commission
FROM: Jennifer Dimsho, Associate Planner
RE: New Wall Signs for 291 S. 1st Street (Lightning Treats & Sweets)
DATE: August 6, 2024

In July, staff noticed new signage installed at 291 S. 1st Street for Lightning Treats & Sweets. No business license or sign permits had been submitted for a business at this location. Staff contacted the business owner and discussed the process for business licensing and for permitting the signage. The business owner has been cooperative and submitted application materials for both the signage and the business license.

Being in the Riverfront District (RD) zone, signage is subject to review by the Historic Landmarks Commission (HLC) pursuant to SHMC 17.32.172(7). I have included excerpts from the [Architectural Design Guidelines](#) relevant to new signage. The HLC's recommendation will be incorporated into the sign permit decision which will be issued by staff after the meeting.

There are two components to the application: the signs located on the lower storefront paneled bulkhead and the signage located on the upper transom windows.

Lower Storefront Bulkhead: The definition of "sign" requires us to define each panel located on the bulkhead below the window as a separate sign requiring a permit and subject to dimensional/size limitations. Because of our maximum wall signage limitations, the applicant had the "bulkhead" signage redesigned to remove the text, which removes it from the definition of a "sign." The new bulkhead panel designs are included as the last page of the Applicant's materials.

SHMC 17.32.172 (7) requires that **all permanent exterior architectural features** be reviewed for compliance with the Guidelines (except regular maintenance not requiring a building permit or painting of buildings, except previously unpainted masonry). The corrugated plastic panels that the applicant installed on the lower storefront bulkhead could be considered a permanent exterior architectural feature, although no building permits are required. They could also be considered temporary, given their easy removal. **Does the Commission feel these corrugated plastic panels are permanent exterior architectural features which are subject to review?** I am concerned about how these panels will look after being weathered in the rain and sun. Arguably, the applicant is using what should be a temporary material for long-term use. The corrugated plastic panels are also being used to conceal a traditional storefront building element, the "paneled bulkhead." **If the Commission feels they should be reviewed for compliance with the Guidelines, perhaps the Commission could consider an appropriate duration of time for approval to allow the applicant use of the corrugated plastic panels until the materials become damaged or weather worn. If the Commission does limit the duration of time, does the Commission think future replacement of the lower panels should be allowed?**

Upper Transom Windows: There are two proposed signs located on the transom windows. The Guidelines state that signs should not obscure important architectural details. The Guidelines also state that wall signs should be well positioned and appropriately sized within architectural features, such as the panels above storefronts or on the transom. **Does the Commission want to require the applicant to relocate the signage so that the transom windows are not obscured?** The applicant has indicated to staff

that it would be difficult to relocate the signage to the masonry above the windows since the corrugated plastic signage and velcro system has been designed to adhere to the wood and windows, not the masonry above the windows.

The Guidelines discuss drawing attention to the shop entrance or emphasizing a display window. Staff feels that the applicant does a great job doing this with the consistent colors and the bright pink themes used in the display window.

The Guidelines state that signage materials should be durable. Corrugated plastic is not a durable material, especially with rain and sun. Corrugated plastic is not listed in the acceptable signage materials list in the Guidelines. *Some options staff has considered that the Commission could consider are below. 1 and 2 could be combined, or 1 and 3 could be combined.*

- 1. The Commission could consider a condition which limits the signage to an acceptable duration of time given the limited durability.*
- 2. The Commission could require mandatory replacement if the signage becomes damaged/weathered.*
- 3. The Commission could consider disallowing reinstallation once the signage is removed after a limited duration given the durability concerns.*
- 4. The Commission could disallow the use of corrugated plastic immediately as an inappropriate signage material due to its low durability. This recommendation would result in the sign permit being denied on the basis that the signage proposed does not comply with the Guidelines.*

Attached: *Applicant's Materials (4 pages)*
Architectural Design Guidelines Excerpts (2 pages)

Photos Provided by Applicant



Item E.







8:50

◀ Gmail

5G 50

◀ Back New Prints for Lower Signage ▾



🔍 Search



Shared by Scott Elliott

Options



Below-Left-
Front-...5-in-H
7/18/24

Added by
Scott Elliott



Below-Left-
Inner-...5-in-H
7/18/24

Added by
Scott Elliott



Below-Right-
Front-...2-in-H
7/18/24

Added by
Scott Elliott



Below-Right-
Inner-...2-in-H
7/18/24

Added by
Scott Elliott

4. SIGNAGE

Signage that creates visual delight is preferred.

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

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



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

4.2 GENERAL GUIDANCE

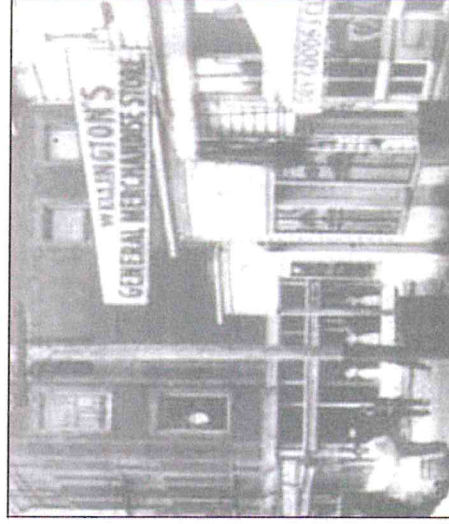
Signs should complement the historic and cultural significance of the area and be sensitive to existing architectural patterns and features found in Olde Towne.

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

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

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

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



The Strand looking south c. 1913

4.3 EXISTING BUILDINGS

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

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

4.4 NEW CONSTRUCTION

Sign materials should be durable and easy to maintain.

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

- The light source should be shielded from pedestrian view.
- Neon is acceptable, though can be restricted in size, if it does not obscure architectural detail or overly illuminate display windows. Neon lights should have an authentic, period or hand crafted look, and should not flash or otherwise vary in display.
- Lettering styles should be proportioned, simple, and easy to read. In most instances, a simple typeface is preferred over a faddish or overly ornate type style.
- As a general rule, the letterforms should occupy no more than 75% of the total sign panel.

4.5 FREESTANDING SIGNS

The standards herein shall apply to freestanding signs as applicable.

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



Historic photos continued



ABOVE & LEFT: Two perspectives looking south along S. 1st Street at the intersection of S. 1st Street and St. Helens Street (c. 1930).

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: June 26, 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

Had a preliminary Q&A meeting and provided information to the developer the Council selected for the Millard Road property.

Had a preliminary Q&A meeting for potential redevelopment/remodel of the icehouse property along S. 1st Street.

Had a preliminary Q&A meeting for remodel of the “Gracie’s annex” building along Strand Street. This follows the Planning Commission denial of a parking variance that included a new building replacing the existing.

Had a preliminary Q&A meeting to discuss options for Elk Ridge Estates Phase 7. Currently up to phase 6, Elk Ridge is the development up Hankey Road. Due to historic landslide activity and geotechnical challenges, the additional lots possible may be significantly reduced.

PLANNING ADMINISTRATION—MISC.

Gave permission to remove hazardous trees near/in the creek for property along DuBois Lane close to Milton Way.

As mentioned in the March and April reports, the city and county have taken effort to get a RARE AmeriCorps person to assist with DEQ mandated TMDL efforts. Since the last time this was reported the City of St. Helens and Columbia County as a joint applicant was selected as a potential RARE person host. Five interviews conducted this month. Fingers crossed for the best person! If we get a person, start for 11-month period would be in the Fall. My role will be as an assistant supervisor.

Responded to a county referral for an action with the county, but within the St. Helens Urban Growth Boundary for a two-parcel partition at the Old Portland Road / Millard Road intersection. **See attached.**

Joint meeting with the City Council and Planning Commission this month.

DEVELOPMENT CODE ENFORCEMENT

Via unrelated complaints (as received by Code Enforcement) we discover a business along Eilertson Street in operation about a year or so without a business license. Issue was quickly resolved.

Discussed parking and other complaints with a neighbor on the 300 block of N 10th Street. Helped facilitate communication with Public Works with their requested for additional yellow curbing.

We received a tree house complaint for a public street (in the right-of-way) along the 400 block of S. 2nd Street. Appears to violate public tree provisions. Code enforcement notified.

PLANNING COMMISSION (& *acting* HISTORIC LANDMARKS COMMISSION)

June 11, 2024 meeting (outcome): The Commission denied a off-street parking requirement variance to allow a significant reduction of parking for a potential project at 325 Strand Street (the old “Gracie’s annex” building). *As the Historic Landmarks Commission*, they approved a Historic Resource Review for proposed alterations to the building at 120 S. 1st Street, which is currently for sale. The applicant, a possible buyer, is not going to purchase the property after all, but did attend the hearing and provided some important input, nevertheless.

July 9, 2024 meeting (upcoming): This meeting has been cancelled! Happy summer!!!

COUNCIL ACTIONS RELATED TO LAND USE

Council approved a resolution to increase planning fees. Geneally, this is to keep the fees aligned with inflation, with some other updates.

Council approved the concept of the 2024 Development Code Amendments discussed with the Planning Commission since December. Council also posed no objection to continuing efforts to potentially address SB 8 (2021) and HB 2916 (2019). Though, this new effort will likely cause staff to divide the amendments into two parts to ensure the psilocybin land use rules are adopted before January 1, 2025.

From: [Jennifer Dimsho](#)
To: [Jacob Graichen](#)
Subject: June Planning Department Report
Date: Monday, June 24, 2024 2:01:28 PM
Attachments: [image001.png](#)

Here are my additions to the June 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. Waiting until new FY to submit for reimbursement.
2. **Riverwalk Project (OPRD Grants x2)** – Notice to proceed issued 5/16. Contractor has mobilized & set up erosion control. Coordinated with Communications on E-newsletter content. Reviewing/tracking submittals and RFIs. Attending bi-weekly check-ins with contractor and design team. Received OPRD LGGP time extension. Working with OPRD LWCF to increase grant award and extend timeline to match LGGP.
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. Preparing for first quarterly report/disbursement in July for services through June 30.
4. **CLG Historic Preservation Grant Program** – SHPO Certified Local Government Program. Received our contract for 17k. State approved work plan. Executed contract with grant recipients. Project to be completed by July 31, 2024. Grant recipient received windows which do not match the plans. Working to remove windows from the scope of approved work.
5. **DLCD Technical Assistance Program** – 60k will fund a new Economic Opportunities Analysis (EOA). Reviewed BLI data and employment forecasting, provided feedback. Reviewed materials for TAC meeting #1 on July 10. 1-hour discussion of EOA update at the joint PC/CC meeting on June 10.
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 ODOT grant contract executed at 6/5 Council meeting. IGAs with County/Scappoose executed at 6/5 Council meeting. SoW as approved by County and Scappoose sent to DOJ for review by ODOT.
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 1-2 months before there is movement on the contract which allows us to move forward with

consultant selection.

9. **CDBG – Columbia Pacific Food Bank** – Request from Executive Director to act on the City’s 2-year public contract warranty for leaks in their roof during this past winter. Coordinated with the contractor JH Kelly on repairs. Repairs were completed and restarted warranty for an additional year to allow the Food Bank to monitor roof this winter during the rainy season.

PROJECTS & MISC

10. **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 is nearly completed.
11. **Urban Renewal Agency** – Prepared for FY 24-25 budget adoption with Gloria/John. URA Budget Committee meeting held on 5/16. URA meeting and budget adoption PH to be held on 6/5. Prepared a Resolution/IGA to set up to recapture funds utilized by the City to create and implement the URA. Will be put on Council agenda and URA agenda on 6/5.
12. **Library Solar Array Project** – Assisting library with grant-funded solar planning project. Planning grant is complete. Working on completing final reporting to receive reimbursement from ODOE.
13. **VFW Post 1440 Veterans Memorial** – Organized a discussion with our local VFW and Lower Columbia Engineering about how to use VFW’s remaining funds on improvements to the memorial in McCormick Park.
14. **Citizens Day in the Park** – Planned City’s booth, attended Citizens Day in McCormick Park to share construction updates on City infrastructure projects.

Jenny Dimsho, AICP | Community Development Project Manager

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



REFERRAL AND ACKNOWLEDGMENT

Date: June 12, 2024
File # MP 24-06 & V 24-04
Owner: Mary Ann Pinon and Homero Cortez
Applicant: Wayne Weigandt
Map/Taxlot: 5226-C0-00300
Site Address: N/A
Zone: Single Family Residential R-10
Size: 1.96 Acres

NOTICE IS HEREBY GIVEN that Wayne Weigandt, on behalf of property owners Mary Ann Pinon and Homero Cortez, have applied for a Minor Partition Application (MP 24-06) and Variance Application (V 24-04). The applicant proposes to partition one existing parcel into two parcels, with a variance to the minimum lot size requirement from 1.00 acre to 0.92 acres for each parcel. The subject property associated with Map/Taxlot 4117-A0-00700 is approximately 1.96 acres and is zoned Single-Family Residential (R-10).

Hearing Date: July 15, 2024 Please Return By: July 24, 2024 Planner: Jack Niedermeyer

SAID PUBLIC HEARING will be held before the Columbia County Planning Commission on **July 15, 2024**, starting at **6:30 p.m. at 1054 Oregon Street St Helens, OR 97051**.
Please join my meeting from your computer, tablet or smartphone.
<https://meet.goto.com/880602597> **You can also dial in using your phone.**
Access Code: **880-602-597** United States (Toll Free): [1 866 899 4679](tel:18668994679)

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. We have reviewed the enclosed application and have no objection to its approval as submitted.
2. Please see attached letter or notes below for our comments.
3. We are considering the proposal further and will have comments to you by _____.
4. Our board must meet to consider this; we will return their comments to you by _____.
5. Please contact our office so we may discuss this.
6. We recommend denial of the application, for the reasons below:

COMMENTS: See attached memo dated June 20, 2024. Please note we submitted this to LDS before the July 24th deadline, which is oddly subsequent to the identified hearing date.

Signed: JAG Printed Name: Jacob Graichen
Title: City Planner Date: June 20, 2024



CITY OF ST. HELENS PLANNING DEPARTMENT M E M O R A N D U M

TO: Jack Niedermeyer, Planner, Columbia County
FROM: Jacob A. Graichen, AICP, City Planner
RE: Columbia County file MP 24-06 & V 24-04
DATE: June 20, 2024

Please include the following conditions:

1. Redevelopment/shadow plan required prior to the County’s approval of the final plat. This shall be subject to city review and approval. This includes both the plat itself and accompanying legal documentation.
2. Approved redevelopment/shadow plan shall be recorded with the final plat and referenced on the final plat with a line to write the instrument number of the redevelopment/shadow plan.
3. Right-of-way dedication of Millard Road to achieve 30’ from right-of-way centerline shall be required on the final plat.
4. Only one access for both parcels (and the redevelopment/shadow plat) shall be allowed. This access point subject to city approval (in addition to Columbia County Public Works).
5. The final plat shall include a reciprocal access easement for the approved single point of access for both parcels.
6. LDS shall be in receipt of a will serve letter from the city required before water connections. City requirements including but not limited to consent to annex and payment of Systems Development Charges will be require before the city produces this will serve letter.

-----basis for conditions and other comments/considerations below-----

Zoning/Comprehensive Plan Designation:

The subject property has a City of St. Helens Comprehensive Plan designation of Rural Suburban Unincorporated Residential, RSUR. If annexed in the future, based on today’s assumptions, the most likely zoning would be the City’s R7 (7,000 s.f. lot size) or R10 zones (10,000 s.f. lot size).

A shadow plat or redevelopment plan is necessary to help ensure these densities are possible once utilities, sanitary sewer in particular, are available in the to-be-determined future. Generally, the conceptual lots should be between 10,000 – 13,999 s.f. (the min. size for R10 and just under twice the size for R7) and lot dimensions to meet city specifications. New buildings shall be required to fit within the future development plan's conceptual property lines. Document(s) to be recorded on the deeds of the lots/parcels at the same time as the final plat and be binding on all current and future owners

Incorporation of the shared access (see comments below) into the shadow plat / redevelopment plan is necessary.

City Utilities:

City water is within both the Old Portland Road and Millard Road rights-of-way. The subject property appears to be outside of the McNulty Water District area boundary.

Connection to city water will require the owner to record a consent to annex on the deed records, and payment of a connection fee and System Development Charges to the city. Actual annexation cannot happen until the property is abutting city limits, which is probably many years away. But the consent to annex enables the city to annex when this time comes.

Streets/Access:

The City's Transportation Systems Plan classifies both Old Portland Road and Millard Road as minor arterial streets. This classification calls for a 60' wide public right-of-way.

Old Portland Road already has a 60' wide right-of-way (ROW). Millard Road is only 40 feet. Right-of-way dedication to achieve a width of 30 from the ROW centerline (10 feet) will be necessary as part of the partition. This right-of-way shall be deeded via the partition plat.

Access requirements for arterial streets are stringent. Measured from center of road or driveway the spacing standard between driveways and driveways/roads is 200 feet. This is impossible to meet along Millard, but is possible along Old Portland Road. Regardless of where the access is located, it is imperative that both parcels utilized the same access with a reciprocal access easement. This easement shall be included on the final plat.

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
(503) 397-1501

192-24-000064
\$ 2553.3

Item F.

PARTITION
General Information

File No. MP 24-06

APPLICANT: Name: Wayne W. Weigandt

Mailing address: 310 Riverside Dr. St. Helens OR 97051
City State Zip Code

Phone No.: Office (503) 396-0065 Home _____

Email: Weigandt@opusnet.com

Are you the _____ property owner? owner's agent?

PROPERTY OWNER: _____ same as above, OR:

Name: Mary Ann Pinon

Mailing Address: 5796 N. Rose Springs Ave. Meridian Idaho 83646
City State Zip Code

Phone No: Office 503-406-1134 Home: _____

PROPERTY ADDRESS (if assigned): _____

TAX MAP NO.: 4117-A0-00700 Acres: 1.846 Zoning: R-10

PROPOSED PARCEL SIZES (acres): .92 acres

WATER SUPPLY: _____ Private well. Is the well installed? _____ Yes _____ No
 Community system. Name City of St. Helens

METHOD OF SEWAGE DISPOSAL: _____ Community Sewer. Name _____
_____ Not applicable.
 Septic System.

If Septic, does the subject property already have a system? _____ Yes No

If no, is the property approved for a Septic System? Yes _____ No

CERTIFICATION:

I hereby certify that all of the above statements and all other documents submitted are accurate and true to the best of my belief and knowledge.

Signature: Wayne Weigandt Date: 3/20/24

Planning Department Use Only

Date Rec'd. 3/20/2024 Hearing Date: _____ or Admin.

Receipt No. _____ Staff Member: Jack Niedermeyer

Previous Land Use Actions: _____ Stormwater & Erosion Control Fees: _____

Columbia County Land Development Services
STATEMENT OF WATER RIGHTS

Item F.

1. the subject parcel(s) DO NOT have a water right.

Water is supplied to this property by _____

Name (please print): _____

Address: _____

Signed: _____ Dated: _____

Sign this form and file it with your Preliminary Plat. Thank you.

2. _____ The subject parcel(s) DO have a water right, as follows:

Permit # _____ Certificate # _____ for _____ use

Permit # _____ Certificate # _____ for _____ use

| Tax Map Number | Acres | Tax Map Number | Acres |
|----------------|-------|----------------|-------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

3. The water right has been put to beneficial use within the past 5 years: _____ Yes _____ No _____ Don't know

4. The water right has been continuously used without a 5 year interruption since it was established and documented: _____ Yes _____ No _____ Don't know

5. _____ The water right WILL NOT be modified for this plat.

_____ The water right WILL be modified and the property owner has filed for: _____ a change of use.

- _____ a change in the point of diversion.
- _____ a change in the place of use.
- _____ an additional point of diversion.
- _____ cancellation of the water right.

6. The above information is true and complete to the best of my knowledge and belief:

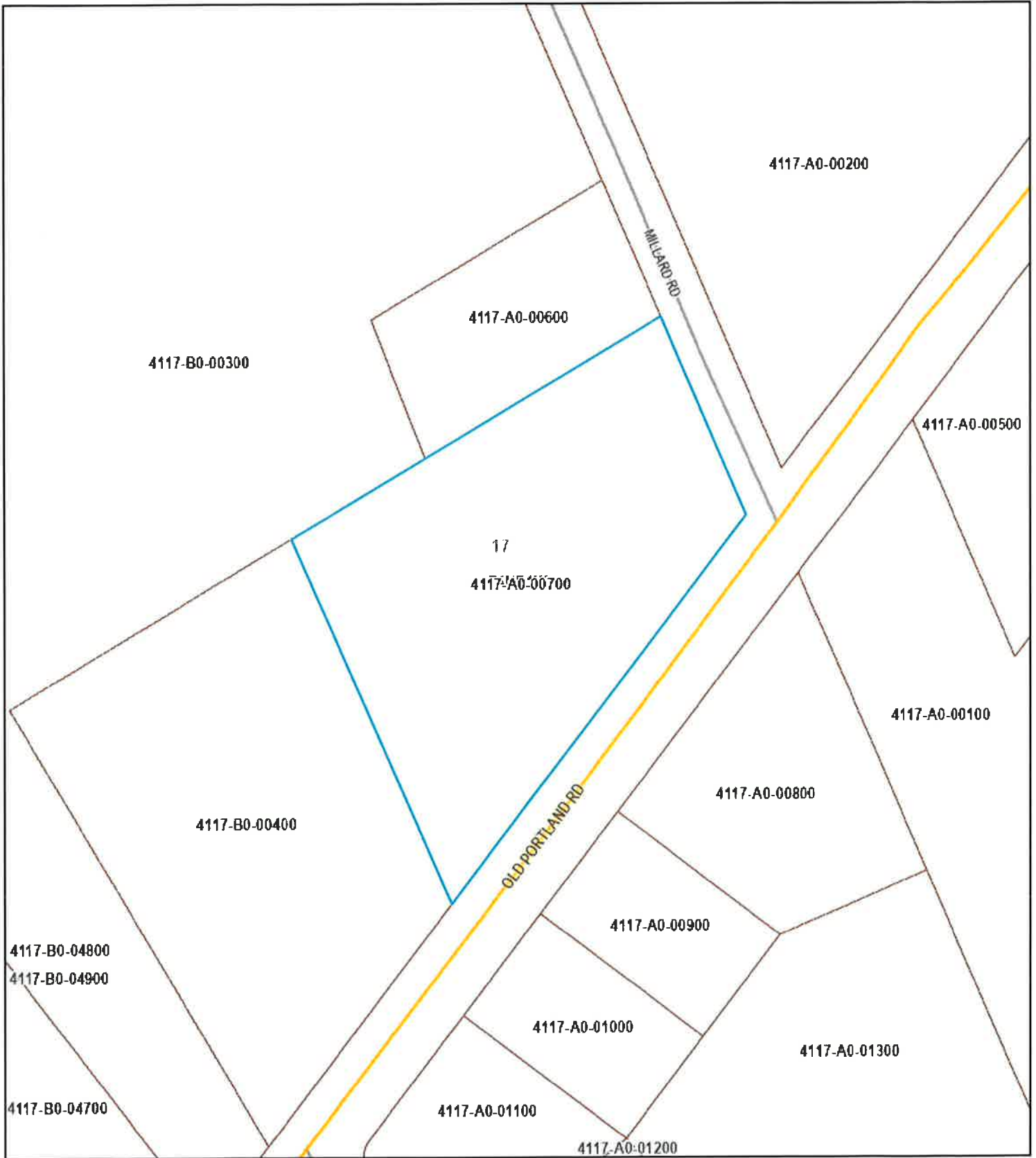
Name (please print): _____

Address: _____

Signed: _____ Dated: _____

Please do not write below this line. Thank you.

Columbia County Web Map



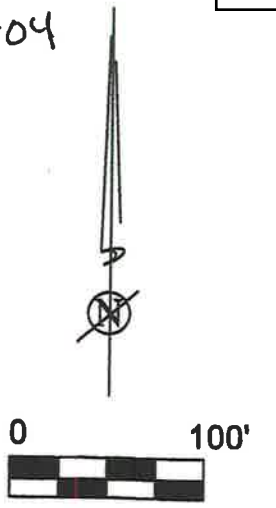
6/11/2024 3:35 PM

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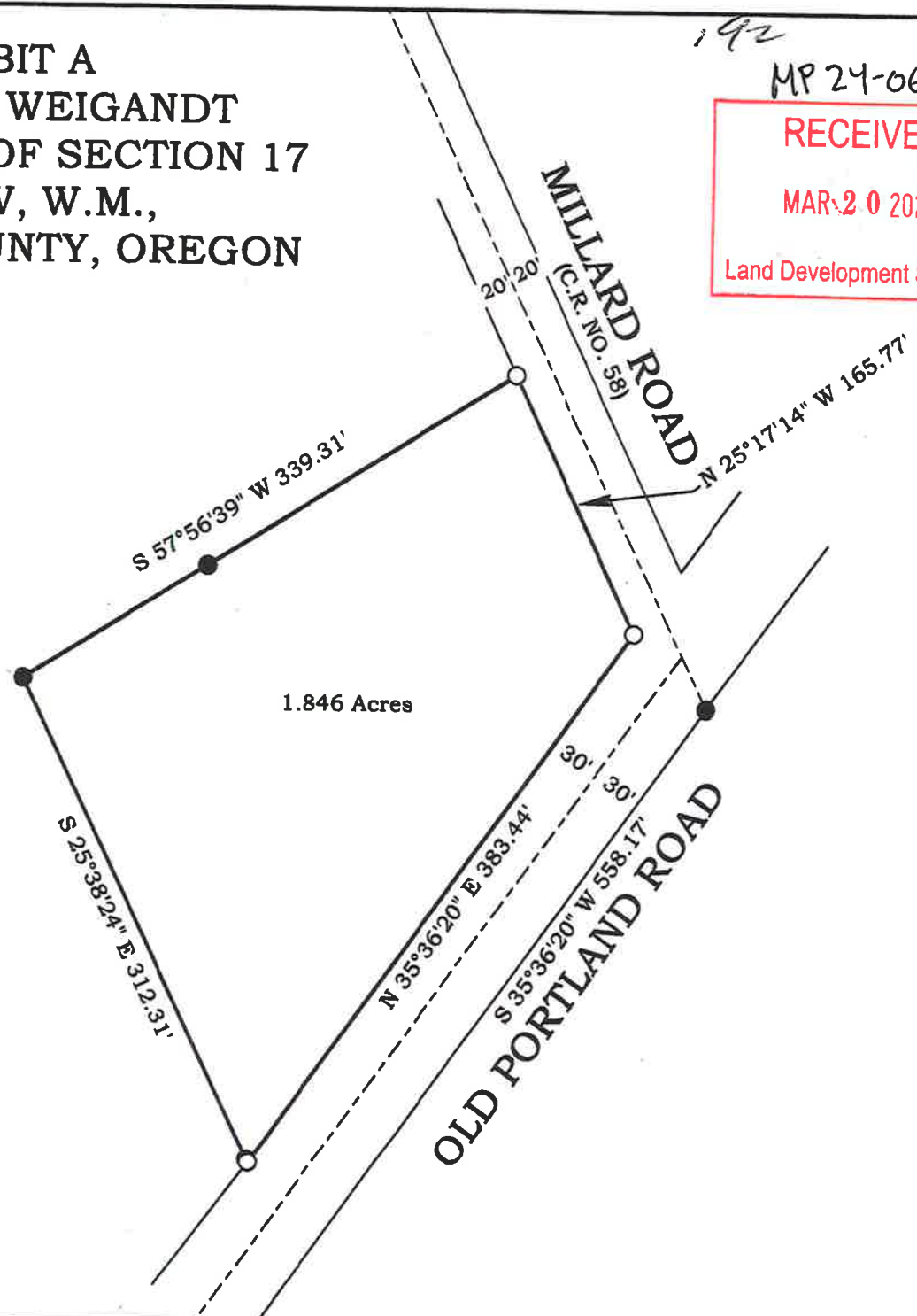
Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map

EXHIBIT A
FOR WAYNE WEIGANDT
IN THE NE 1/4 OF SECTION 17
T4N, R1W, W.M.,
COLUMBIA COUNTY, OREGON

192
MP 24-06, U24-04
RECEIVED
MAR 20 2024
Land Development Services



100 Ft/In
DWG NO. 23-214 EXHIBIT
JOB NO. CRW-ST. HELENS
10-13-2023



1.846 Acres



K.L.S. SURVEYING INC.
1224 ALDER STREET
VERNONIA, OREGON 97064
(503) 429-6115

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 19, 1993
DONALD D WALLACE, JR
2601

RENEWS 6/30/24

PROPOSED MINOR PARTITION PLAT
MARY ANN PINON &
HOMERO CORTEZ
IN THE NE 1/4 OF SECTION 17,
T4N, R1W, W.M.,
COLUMBIA COUNTY, OREGON

OWNERS:
MARY ANN PINON
1612 N BARKER RD 100
GREENACRES WA 99016

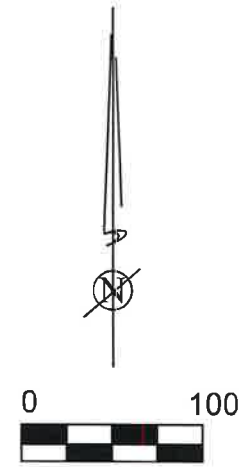
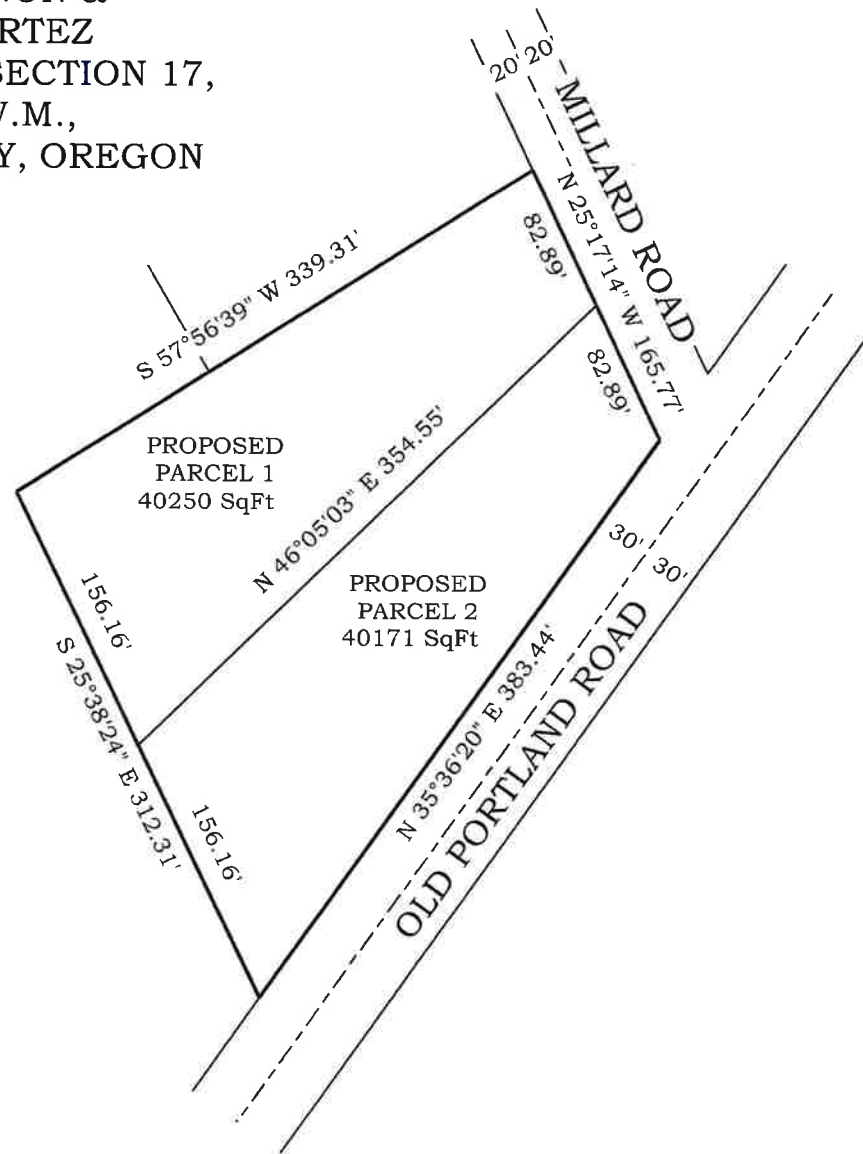
HOMERO CORTEZ
35510 MILLARD ROAD,
WARREN OR 97053

SURVEYOR:
DON WALLACE
KLS SURVEYING INC.
1224 ALDER ST.
VERNONIA, OREGON 97064

ZONNING:
R-10



K.L.S. SURVEYING INC.
1224 ALDER STREET
VERNONIA, OREGON 97064
(503) 429-6115



100 Ft/In
DWG NO. 23-214 EXHIBIT
JOB NO. CRW-ST. HELENS
4-29-2024

RECEIVED
MAY 31 2024
Land Development Services

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

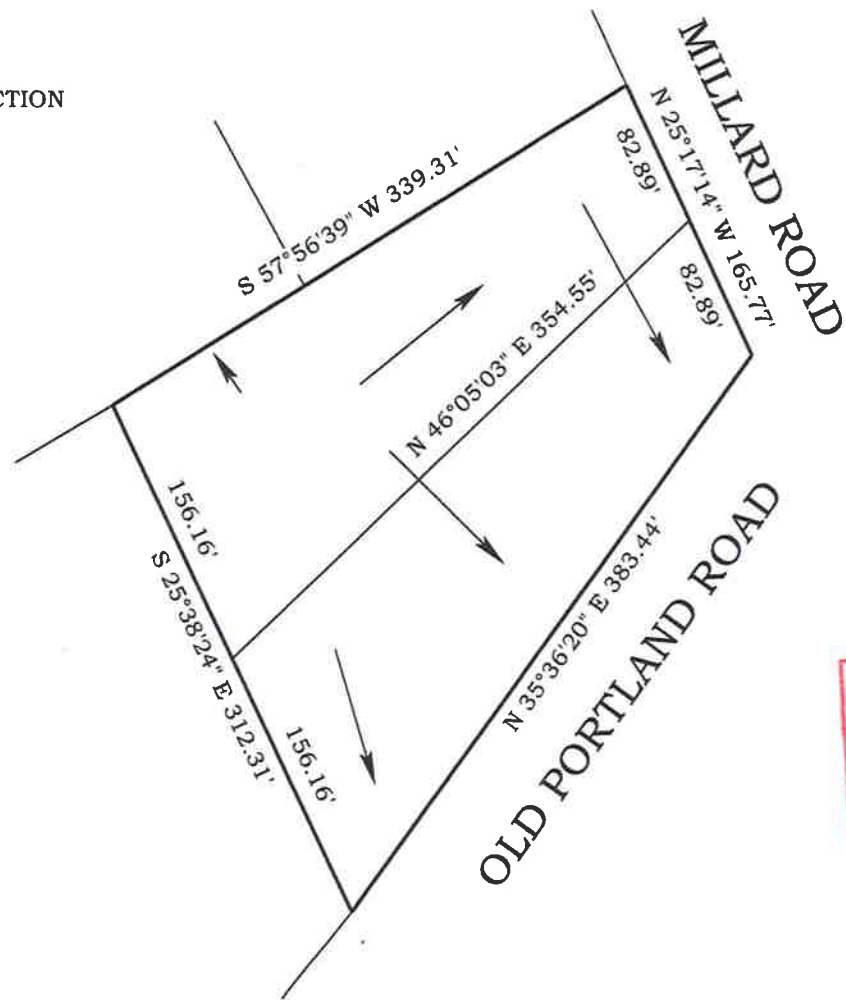
OREGON
JANUARY 19, 1993
DONALD D WALLACE, JR
2601

RENEWS 6/30/24

STORMWATER PLAN
MARY ANN PINON &
HOMERO CORTEZ
IN THE NE 1/4 OF SECTION 17,
T4N, R1W, W.M.,
COLUMBIA COUNTY, OREGON

NOTES:

1.) ARROWS INDICATE DIRECTION
OF DRAINAGE



100 Ft/In
 DWG NO. 23-214 STORM WATER
 JOB NO. CRW-ST. HELENS
 4-29-2024



K.L.S. SURVEYING INC.
 1224 ALDER STREET
 VERNONIA, OREGON 97064
 (503) 429-6115

RECEIVED
 MAY 02 2024
 Land Development Services



KLS Surveying Inc.

1224 Alder Street
Vernonia, OR 97064

Phone: (503) 429-6115
Fax: (866) 297-1402
Email: don@klssurveying.com

CONCEPTUAL STORM WATER NARRATIVE

Storm water will infiltrate into ground and/or run down hill. There will be no changes in the way that storm water will be treated due to this proposed partition.

Existing Conditions Plan

Arrows on the accompanying map show the direction of storm water flow off the site.

Soil types are defined on enclosed soil report.

Preliminary Development Plan

There is no proposed development at this time that will influence storm water run-off.

3/20/24

Conceptual Storm Water
Plan:

Down spouts will
drain into splash blocks.
when home is constructed

Wayne
Weyandt

RECEIVED
MAR 20 2024
Land Development Services

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: July 30, 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 potential land partition at 34669 Bachelor Flat Road.

Will conduct a pre-application meeting for the city owned Millard Road property, tomorrow.

We had a meeting with a potential developer of existing infill lots regarding sewer service. Issue is need to extent the sewer main up S. 5th or S. 6th Streets from Columbia Boulevard. This is related to a recent Lot Line Adjustment file.

PLANNING ADMINISTRATION—MISC.

Continue to receive inquiries from the County Assessor to help them improve their data. Eary in July came a question about addressing along Port Avenue, followed by another one along Old Portland Road (Stan’s Appliances).

I’m not sure what we are on the mailing list, but we received notice of land use actions for a couple matters pertaining to Port Westward in north Columbia County (*see attached*). City of Scappoose is on mailing list too. We later received notice of intent to appeal the matter to LUBA (this was sent to all on the notice list). That continues to be an ordeal for the county.

We conducted our first technical advisory committee for the Economic Opportunities Analysis update effort. Happy to see we have a good team of volunteers on this one.

With Engineering and Public Works, inspected the public improvements related to the developed on the corner of Columbia Boulevard and N. 12th Street. Natural gas infrastructure is a complication for the S. 12th Street frontage improvements. Some refinement needed.

I think the County erred in a decision for a change of use at 2155 Gable Road (Building Permit No. 192-24-000690-STR). Per County staff instruction previously (about five years ago or so), the owner spoke to city staff about a change from a single-family dwelling to an office. I anticipated a land use permit for this since this originally came up, which is important because the property is small at 0.14 acres, has a comprehensive plan designation of industrial and is access via Gable Road, an arterial classified street. Columbia Count Zoning Ordinance CCZO

1506.3 says a non-conforming use may be changed to an allowable use under the zoning district. It says it is possible. It does not identify an exception to permitting. CCZO 1551.B.2 notes a change of category of use required Site Design Review. The County allowed the change of use without Site Design Review based on the provisions of 1506.3 and the fact that is not expanding. Note that 1551.B.2 does not mention expansion at all, only the change of use. So that is not a relevant argument. The owner did do some things for access control as we discussed years ago, but without the land use decision, it can be undone and public safety, health and welfare cannot be properly advanced. Here is CCZO 1551.B

B. Type 2: Projects, developments and building expansions which meet any of the following criteria:

- 1. have an area of 5,000 sq.ft. or more, or are 10% or more of the square footage of an existing structure.
- 2. Change the category of use (e.g., commercial to industrial, etc.).
- 3. New off-site advertising signs or billboards.
- 4. Any project meeting any of the Type 2 criteria shall be deemed a Type 2 Design Review application.

CCZO 1506.3

A Non-Conforming Use may be changed to a use allowable under the underlying district. After a Non-Conforming Use changes to a conforming use, it shall not thereafter be changed back to a Non-Conforming Use.

CCZO 1506.3 is about non-conforming use status, not permitting direction. Finally note B.4, any project meeting the criteria. A home being converted to an office unquestionably meets this criteria because, at the very least a change of occupancy classification per the building code would be necessary.

For future reference, if I talk about this at the next semi-annual report, I should talk about a current junk yard/towing business along Old Portland Road and how county actions (or lack thereof) can have significant impact on the city. For years, we have received comments about the unsightliness of Old Portland Road.

For years FEMA has been exploring the National Flood Insurance Policy in Oregon as it relates to the Endangered Species Act. The latest on this is that NFIP participating communities in Oregon such as St. Helens in Oregon must select a Pre-Implementation Compliance Measures (PICM) option by Dec. 1, 2024. These options include, adopting a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard, choosing to require a habitat assessment and mitigation plan for floodplain development on a permit-by-permit basis, or prohibiting floodplain development in the Special Flood Hazard Area. See attached letter from FEMA dated July 15, 2024.

Also, County sent notice of a land use matter for file CU 24-05 at 34315 Slavens Road, which is well outside of the St. Helens Urban Growth Boundary. I think transition of staff may be cause for some issues there.

Police station effort continues. For me this month, this meant providing information for the consultants in discussing the 1771 Columbia Boulevard site and a, yet to be discussed much, site along Gable Road recently purchased by the School District.

DEVELOPMENT CODE ENFORCEMENT

With summer comes shed and building addition complaints. Many warranted. We got about three or so this month.

The O'reily Auto sign is finally removed, except for the pole. The photo below on the left is from this month. The other is the sign soon after it was damaged.



PLANNING COMMISSION (& *acting* HISTORIC LANDMARKS COMMISSION)

July 9, 2024 meeting (outcome): This meeting was cancelled.

August 13, 2024 meeting (upcoming): We have a public hearing for part 1 of the 2024 Development Code Amendments, which focuses on child care and psilocybin matters.

There may be other matters.

ST. HELENS INDUSTRIAL BUSINESS PARK

Staff is working on concepts to parcel the paper mill off for project arcadia and a parcel for a PGE substation. We've been talking about the PGE substation for years now and it continues to be a moving target, as every new potential proposal for the SHIBP, potentially changes its location and/or geometry. Hoping project arcadia solidifies things.

From: [Jennifer Dimsho](#)
To: [Jacob Graichen](#)
Subject: July Planning Department Report
Date: Thursday, July 25, 2024 2:33:32 PM
Attachments: [image001.png](#)

Here are my additions to the July 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. Working on a loan amendment to the Project Description to correspond with changes based on MEI's construction contract. Preparing Disbursement Request #3 and Work Plan update to submit in August.
2. **Riverwalk Project (OPRD Grants x2)** – Contractor has completed a majority of 2 of the 4 walls (the two gabion walls) and will begin excavation of the remaining two walls (the concrete walls) by the first week of August. Concrete work will likely begin in August. Coordinated with Communications on E-newsletter content. Reviewing/tracking submittals and RFIs. Attending bi-weekly check-ins with contractor and design team. Received OPRD LGGP time extension. Working with OPRD LWCF to increase grant award and extend timeline to match LGGP. **Received notice that OPRD/NPS has approved the grant award from 500k to 1.2 million!** Expecting a contract amendment before Council on Aug 7.
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. Attended a design workshop in July. Preparing a budget amendment to be able to utilize more state funding on grant admin, and legal fees, newspaper publications, etc. Preparing Disbursement Request #1 for services through July 31.
4. **CLG Historic Preservation Grant Program** – SHPO Certified Local Government Program. Received our contract for 17k. State approved work plan. Executed contract with grant recipients. Project to be completed by July 31, 2024. Grant recipient received windows which do not match the plans. NPS and SHPO stated windows could be removed, but that the preservation agreement requires historically accurate windows. Applicant has said they will re-order windows outside of the grant period.
5. **DLCD Technical Assistance Program** – 60k will fund a new Economic Opportunities Analysis (EOA). Prepared for and attended TAC meeting #1. Preparing for interviews and responded to infrastructure questions.
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. IGAs with County/Scappoose executed at 6/5 Council meeting. SoW as approved by County and Scappoose sent to DOJ for review by ODOT. Will invoice project partners when I hear back from ODOT about when the match will be owed to the state.

7. **Travel Oregon Grant Program: Riverwalk Project** - 100k grant for Riverwalk Project. Submitted required mid-project report. Anticipated to receive remaining 50k when project is complete.
8. **ODOT TGM Program: Transportation Systems Plan** – ODOT says it could be 1-2 months before there is movement on the contract which allows us to move forward with consultant selection.

PROJECTS & MISC

9. **Riverfront Streets/Utilities Project** – Attending weekly check-ins. Pump station generator installed. Tualatin staircase/bluff trailhead and Wapama Way intersection under construction. Bluff trail has been paved. Traffic circle and elevated picnic platform under construction. North and south water quality swales underway. Joint utility trenching and undergrounding aerial services nearly complete. Joint utility trenching for undergrounding aerial utilities for 1st & St. Helens intersection work is complete.
10. **Library Solar Array Project** – Assisting library with grant-funded solar planning project. Planning grant is complete. Completed final reporting documents to receive reimbursement from ODOE.
11. **Civic Plus – Drupal Migration** – The City’s website is being required to be migrated to a new system. I assist in managing various City webpages, so I’ve attended a webinar and watched a training video to prepare. More training is likely coming.
12. **PSU 2024 Annual Housing Unit & Population Survey (AHUPS)** – Responded to this data collection questionnaire about added housing units, transitional housing, and group housing. City must complete this survey annually to help PSU calculate accurate certified population counts. Deadline was August 16.

Jenny Dimsho, AICP | Community Development Project Manager

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



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

| | | |
|---|---|--------------------------|
| In the Matter of the Application by NEXT |) | |
| Renewable Fuels Oregon, LLC for a |) | NOTICE OF FINAL DECISION |
| Conditional Use Permit for a Rail Branchline in |) | FINAL ORDER NO. 24-2024 |
| the Primary Agriculture (PA-80) Zone Near |) | |
| Port Westward (CU 23-11) |) | |

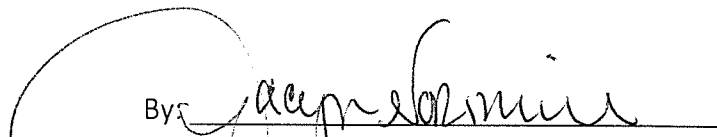
NOTICE IS HEREBY GIVEN that the Board of County Commissioners for Columbia County (hereinafter, the "Board") has issued its final decision on the application of NEXT Renewable Fuels Oregon, LLC ("Applicant") for a Conditional Use Permit for a Rail Branchline in the Primary Agriculture (PA-80) Zone Near Port Westward (CU 23-11) on property near Clatskanie, Oregon, identified as Tax Map ID Numbers 8423-B0-00700 and 8423-B0-00800.

On January 10, 2024, the Board held a public hearing on CU23-11. The Board closed the hearing, left the record open for additional written evidence and testimony, and continued the hearing to March 6, 2024, for Board deliberations. On March 6, 2024, the Board received all written evidence and testimony submitted into the record. The Board voted to tentatively approve the application, subject to conditions as presented in the staff report, and two additional conditions requested by the Applicant. On June 26, 2024, the Board approved Final Order No. 24-2024 In the Matter of the Application by NEXT Renewable Fuels Oregon, LLC for a Conditional Use Permit for a Rail Branchline in the Primary Agriculture (PA-80) Zone Near Port Westward (CU 23-11).

Persons who participated in the proceedings leading to the adoption of Final Order No. 24-2024, either orally or in writing, may appeal the decision to the Land Use Board of Appeals pursuant to ORS 197.830 to 197.845. A Notice of Intent to Appeal the decision must be filed with the Land Use Board of Appeals not later than 21 days after the date the decision becomes final. The date that this Notice was mailed was July 1, 2024.

A copy of Final Order No. 24-2024 is available on the County's website at: <https://www.columbiacountyor.gov/departments/BoardofCommissionersOffice/Hearings> and may also be obtained by contacting the Board of Commissioners' Office, 230 Strand Street, St. Helens, Oregon 97051, 503-397-4322, or by emailing Jacyn.normine@columbiacountyor.gov.

Dated this 1st day of July 2024

By: 
 Jacyn Normine, Administrator
 Board of County Commissioners Office

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

| | | |
|---|---|--------------------------|
| In the Matter of the Application by NEXT |) | |
| Renewable Fuels Oregon, LLC for a Site Design |) | NOTICE OF FINAL DECISION |
| Review Modification to an Approved Renewable |) | FINAL ORDER NO. 23-2024 |
| Diesel Production Facility at Port Westward (DR |) | |
| 21-03 MOD) |) | |

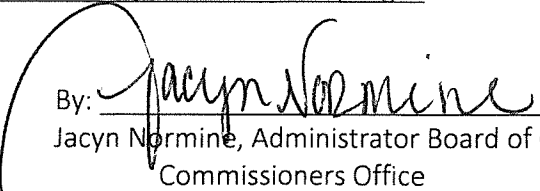
NOTICE IS HEREBY GIVEN that the Board of County Commissioners for Columbia County (hereinafter, the "Board") has issued its final decision on the application of NEXT Renewable Fuels Oregon, LLC ("Applicant") for a Modification to an Approved Renewable Diesel Production Facility at Port Westward (DR 21-03) via Final Order No. 12-2022 (DR 21-03) to relocate rail tracks, a tree buffer and storm facilities outside of the PA-80 zone and into the RIPD zone, for the development of a proposed renewable diesel production facility at Port Westward, near Clatskanie, Oregon, on property identified as Tax Map ID Numbers 8422-00-00100, 8422-00-00200, 8422-00-00300, 8422-00-01100, 8421-00-00700, 8416-00-0200, and 8416-00-00-00300.

On January 10, 2024, the Board held a public hearing on DR 21-03 MOD. The Board closed the hearing, left the record open for additional written evidence and testimony, and continued their deliberations to March 6, 2024. On March 6, 2024, the Board received all written evidence and testimony submitted into the record. The Board voted to tentatively approve the Application, subject to conditions as presented in the staff report, and two additional conditions requested by the Applicant. On June 26, 2024, the Board approved Final Order No. 23-2024, In the Matter of the Application by NEXT Renewable Fuels, Oregon, LLC for a Site Design Review Modification to an Approved Renewable Diesel Production Facility at Port Westward (DR 21-03 MOD).

Persons who participated in the proceedings leading to the adoption of Final Order No. 23-2024, either orally or in writing, may appeal the decision to the Land Use Board of Appeals pursuant to ORS 197.830 to 197.845. A Notice of Intent to Appeal the decision must be filed with the Land Use Board of Appeals not later than 21 days after the date the decision becomes final. The date that this Notice was mailed was July 1, 2024.

A copy of Final Order No. 23-2024 is available on the County's website at: <https://www.columbiacountyor.gov/departments/BoardofCommissionersOffice/Hearings> and may also be obtained by contacting the Board of Commissioners' Office, 230 Strand Street, St. Helens, Oregon 97051, 503-397-4322, or by emailing Jacyn.normine@columbiacountyor.gov.

Dated this 1st day of July 2024

By: 
 Jacyn Normine, Administrator Board of County
 Commissioners Office

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

COLUMBIA RIVERKEEPER,)
1000 FRIENDS OF OREGON, and)
MIKE SEELY,)
Petitioners,)
vs.)
COLUMBIA COUNTY,)
Respondent.)

LUBA No. _____

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that Columbia Riverkeeper, 1000 Friends of Oregon, and Mike Seely intend to appeal that land use decision or limited land use decision of Columbia County entitled Final Order No. 24-2024 “In the Matter of the Application by NEXT Renewable Fuels Oregon, LLC for a Conditional Use Permit for a Rail Branchline in the Primary Agriculture (PA-80) Zone Near Port Westward (CU 23-11)” (Order). A copy of the notice of the challenged decision is attached as Attachment A. The Board of Commissioners made the Order final on June 26, 2024.

II.

Petitioner, Columbia Riverkeeper, has a mailing address and telephone number of:
///

1 Columbia Riverkeeper
2 1125 SE Madison Street Suite 103A
3 Portland, OR 97214
4 (503) 432-8927

5 Petitioner, 1000 Friends of Oregon, has a mailing address and telephone number of:

6 1000 Friends of Oregon
7 340 SE 6th Ave
8 Portland, OR 97214
9 (503) 497-1000

10 Petitioner, Mike Seely, has a mailing address and telephone number of:

11 Mike Seely
12 18865 Hermo Rd.
13 Clatskanie, OR 97016
14 (503) 369-4350
15

16 Petitioners, Columbia Riverkeeper, 1000 Friends of Oregon, and Mike Seely, are

17 represented by:

| | | |
|----|------------------------|-----------------------------|
| 18 | Maura Fahey | Eric Wriston (lead counsel) |
| 19 | Crag Law Center | Crag Law Center |
| 20 | 3141 E Burnside Street | 3141 E Burnside Street |
| 21 | Portland, OR 97214 | Portland, OR 97214 |
| 22 | (503) 525-2722 | (360) 773-7265 |

23 III.

24 Respondent, Columbia County, has as its mailing address and telephone

25 number:

26 Columbia County Board of Commissioners
27 230 Strand Street
28 County Courthouse Room 338
29 St. Helens, OR 97051
30 (503) 397-4322

31 ///

1 and has as its legal counsel:

2 Sarah Hanson
3 Columbia County Counsel
4 230 Strand St.
5 Historic Courthouse, Room 20
6 St. Helens, OR 97051
7 (503) 397-3839

8 IV.

9 Applicant, NEXT Renewable Fuels Oregon, LLC, has as its mailing address

10 and telephone number:

11 Attn: Christopher Efrid
12 11767 Katy Freeway, Suite 705
13 Houston, TX 77079
14 (661) 201-2653

15 Applicant was represented in the proceeding below by:

16 Garrett H. Stephenson
17 Schwabe Williamson & Wyatt
18 Pac West Center
19 1211 SW 5th, Suite 1900
20 Portland, OR 97204
21 (503) 796-2893

22 Other persons mailed written notice of the land use decision or limited land use
23 decision by Columbia County, as indicated by its records in this matter, include those
24 within Attachment B.

25 **NOTICE:**

26 Anyone designated in paragraph IV of this Notice who desires to participate as
27 a party in this case before the Land Use Board of Appeals (the "Board") must file with

1 the Board a Motion to Intervene in this proceeding as required by OAR 661-010-
2 0050.

3 Dated July 17, 2024.

4 CRAG LAW CENTER

5 

6 Eric Wriston, OSB No. 226130

7 Maura Fahey, OSB No. 133549

8
9 Of Attorneys for Petitioners

10

11

12

13

14

15

16

17

18

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22

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2024, I served a true and correct copy of this NOTICE OF INTENT TO APPEAL on all persons listed in paragraphs III and IV of this Notice pursuant to OAR 661-010-0015(2) by first class mail or by electronic mail.

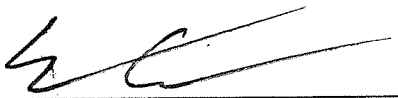
Dated July 17, 2024.


Eric Wriston, OSB No. 226130

CERTIFICATE OF FILING

I hereby certify that on July 17, 2024, I filed the original of this NOTICE OF INTENT TO APPEAL together with two copies, with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283, by Certified Mail.

Dated July 17, 2024.


Eric Wriston, OSB No. 226130

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

In the Matter of the Application by NEXT)
Renewable Fuels Oregon, LLC for a) NOTICE OF FINAL DECISION
Conditional Use Permit for a Rail Branchline in) FINAL ORDER NO. 24-2024
the Primary Agriculture (PA-80) Zone Near)
Port Westward (CU 23-11))

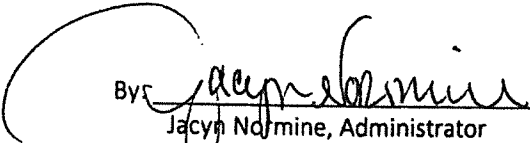
NOTICE IS HEREBY GIVEN that the Board of County Commissioners for Columbia County (hereinafter, the "Board") has issued its final decision on the application of NEXT Renewable Fuels Oregon, LLC ("Applicant") for a Conditional Use Permit for a Rail Branchline in the Primary Agriculture (PA-80) Zone Near Port Westward (CU 23-11) on property near Clatskanie, Oregon, identified as Tax Map ID Numbers 8423-B0-00700 and 8423-B0-00800.

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Persons who participated in the proceedings leading to the adoption of Final Order No. 24-2024, either orally or in writing, may appeal the decision to the Land Use Board of Appeals pursuant to ORS 197.830 to 197.845. A Notice of Intent to Appeal the decision must be filed with the Land Use Board of Appeals not later than 21 days after the date the decision becomes final. The date that this Notice was mailed was July 1, 2024.

A copy of Final Order No. 24-2024 is available on the County's website at: <https://www.columbiacountyor.gov/departments/BoardofCommissionersOffice/Hearings> and may also be obtained by contacting the Board of Commissioners' Office, 230 Strand Street, St. Helens, Oregon 97051, 503-397-4322, or by emailing Jacyn.normine@columbiacountyor.gov.

Dated this 1st day of July 2024

By: 
Jacyn Normine, Administrator
Board of County Commissioners Office

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

3 COLUMBIA RIVERKEEPER,)
 4 1000 FRIENDS OF OREGON, and)
 5 MIKE SEELY,)
 6)
 7 Petitioners,)
 8)
 9 vs.)
 10)
 11 COLUMBIA COUNTY,)
 12)
 13 Respondent.)

LUBA No. _____

NOTICE OF INTENT TO APPEAL

I.

16 Notice is hereby given that Columbia Riverkeeper, 1000 Friends of Oregon,
 17 and Mike Seely intend to appeal that land use decision or limited land use decision of
 18 Columbia County entitled Final Order No. 23-2024 “In the Matter of the Application
 19 by NEXT Renewable Fuels Oregon, LLC for a Site Design Review Modification to an
 20 Approved Renewable Diesel Production Facility at Port Westward (DR 21-03 MOD)”
 21 (Order). A copy of the notice of the challenged decision is attached as Attachment A.
 22 The Board of Commissioners made the Order final on June 26, 2024.

II.

24 Petitioner, Columbia Riverkeeper, has a mailing address and telephone number
 25 of:
 26 ///

1 Columbia Riverkeeper
2 1125 SE Madison Street Suite 103A
3 Portland, OR 97214
4 (503) 432-8927

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6 1000 Friends of Oregon
7 340 SE 6th Ave
8 Portland, OR 97214
9 (503) 497-1000

10 Petitioner, Mike Seely, has a mailing address and telephone number of:

11 Mike Seely
12 18865 Hermo Rd.
13 Clatskanie, OR 97016
14 (503) 369-4350

15 Petitioners, Columbia Riverkeeper, 1000 Friends of Oregon, and Mike Seely, are

16 represented by:

| | | |
|----|------------------------|-----------------------------|
| 17 | Maura Fahey | Eric Wriston (lead counsel) |
| 18 | Crag Law Center | Crag Law Center |
| 19 | 3141 E Burnside Street | 3141 E Burnside Street |
| 20 | Portland, OR 97214 | Portland, OR 97214 |
| 21 | (503) 525-2722 | (360) 773-7265 |

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23 Respondent, Columbia County, has as its mailing address and telephone

24 number:

25 Columbia County Board of Commissioners
26 230 Strand Street
27 County Courthouse Room 338
28 St. Helens, OR 97051
29 (503) 397-4322

30 ///

1 and has as its legal counsel:

2 Sarah Hanson
3 Columbia County Counsel
4 230 Strand St.
5 Historic Courthouse, Room 20
6 St. Helens, OR 97051
7 (503) 397-3839

8 IV.

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10 and telephone number:

11 Attn: Christopher Efrid
12 11767 Katy Freeway, Suite 705
13 Houston, TX 77079
14 (661) 201-2653

15 Applicant was represented in the proceeding below by:

16 Garrett H. Stephenson
17 Schwabe Williamson & Wyatt
18 Pac West Center
19 1211 SW 5th, Suite 1900
20 Portland, OR 97204
21 (503) 796-2893

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25 **NOTICE:**

26 Anyone designated in paragraph IV of this Notice who desires to participate as
27 a party in this case before the Land Use Board of Appeals (the "Board") must file with

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2 0050.

3 Dated July 17, 2024.

4 CRAG LAW CENTER



5
6 Eric Wriston, OSB No. 226130
7 Maura Fahey, OSB No. 133549


8
9 Of Attorneys for Petitioners

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CERTIFICATE OF SERVICE

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Dated July 17, 2024.


Eric Wriston, OSB No. 226130

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Dated July 17, 2024.


Eric Wriston, OSB No. 226130

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

| | | |
|---|---|--------------------------|
| In the Matter of the Application by NEXT |) | |
| Renewable Fuels Oregon, LLC for a Site Design |) | NOTICE OF FINAL DECISION |
| Review Modification to an Approved Renewable |) | FINAL ORDER NO. 23-2024 |
| Diesel Production Facility at Port Westward (DR |) | |
| 21-03 MOD) |) | |

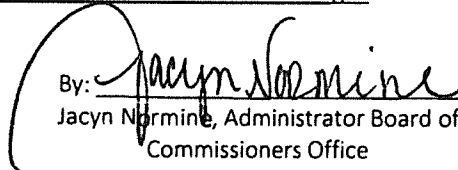
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Dated this 1st day of July 2024

By: 
 Jacyn Normine, Administrator Board of County
 Commissioners Office

Deborah Hazen
346 NE 5th ST.
Clatskanie, OR 97016

Amie Kopecky
PO Box 1422
Clatskanie, OR. 97016

Beaver Drainage Improvement Co.
PO Box 201
Clatskanie, OR. 97016

Brandon Schilling
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Clatskanie, OR. 97016

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Clatskanie, OR 97016

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PO Box 190
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Clatskanie School District, Board
815 S. Nehalem St.
Clatskanie, OR. 97016

Dan Lawler
Rural Lands Staff Attorney
1000 Friends of Oregon
133 SW 2nd Ave. Suite 201
Portland, OR. 97204

David Paraska
Great Vow Zen Monastery
79640 Quincy-Mayger Rd.
Clatskanie, OR. 97016

Dee Dee Lively-Andrews
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Clatskanie, OR. 97016

Diana Gordon
642 I Street
Washougal, WA. 98671

Gary Wallace
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Kalama WA. 98625

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City of Clatskanie
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Clatskanie, OR. 97016

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Clatskanie, OR. 97016

Janet Ault
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79640 Quincy Mayger Rd.
Clatskanie, OR. 97016

Jikai Zenshin
Great Cow Zen Monastery
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Clatskanie, OR. 97016

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Independence, OR 97351

John Lillich
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Clackamas, OR. 97015

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Milwaukie, OR. 97267

Kevin Andrews
80366 Quincy Mayger Rd
Clatskanie, OR. 97016

Diann Benson
77590 Erickson Dike Rd.
Clatskanie, OR. 97016

~~Gov. Kate Brown~~
Attn: Gordon Howard
635 Capital Street NW
Suite 150
Salem, OR. 97301-2540

Ian Capper
Great Cow Zen Monastery
79640 Quincy-Mayger Rd.
Clatskanie, OR. 97016

Jasmine Lillich
1160 NE Wood Ln,
Clatskanie, OR 97016

Jill Ciolli
5323 N. Borthwick Ave.
Portland, OR. 97217

Jim Lommasson
2405 NW Thurman ST.
Portland, OR, 97210

Josh Parks
Great Cow Zen Monastery
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Clatskanie, OR. 97016

Kathy Engel
PO Box 192
Clatskanie, OR. 97018

Kristin Edmark
7611 NE 296th Way
Battle Ground, WA 98604

Attachment B

Joe Neely
8927 Newygart St.
Portland, OR. 97220

Nick Mitchell
15145 SW 55th Ave.
Tigard OR. 97224

Todd Templeton
10506 NE 90th CT.
Vancouver WA. 98662

Andrew Osborn
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Scappoose OR. 97056

Sean O'Rourke
848 SW Hawthorn ST.
McMinnville, OR. 97128

Mike Bridges,
President LKBCTC
PO Box 2393
Longview, WA. 98632

Graham Trainor, President
3645 SE 32nd Ave.
Portland, OR 97202

Haley Vokel
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Clatskanie, OR. 97016

Annie Christensen
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St. Helens, OR. 97056

Hogan Bays
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Clatskanie, OR. 97016

Joe Backus
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Scappoose, OR. 97056

Ryan Bonifer
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Scappoose, OR. 97056

Scott Anderson
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Gladstone, OR. 97027

Ryan Connor
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La Center, WA. 98629

Adam Davis
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Longview, WA. 98632

Douglas Bean, SIOR, CPM
PO Box 2519
Portland, OR. 97208

International Brotherhood of
Electric Workers
Garth Bachman
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Portland, OR. 97230

Ashley Hayson
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Cornelius, OR. 97113

Stewart Hass
80104 Stewart Creek Rd.
Clatskanie, OR. 97016

Jerry Cole, City Mayor
PO Box 100
Rainier, OR. 97048

Anne Parrott
56972 Klazen Rd.
Warren OR. 97053

John Kimberling
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Vancouver, WA. 98661

Peter Awoshcinsky
20361 Hermo Rd.
Clatskanie, OR. 97016

Audrey Leonard
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Portland, OR. 97206

Dr. Paul Jensen
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Clatskanie, OR. 97016

Ndhale33@gmail.com

Columbia Pacific Building
Construction Trades Council
1001 Molalla Ave.
Suite 207
Oregon City, OR. 97045

Rainer Chamber of Commerce
PO Box 1085
Rainier, OR. 97048

Oregon Physicians for
Social Responsibility
Samath Hernandez
4110 SE Hawthorne Blvd.. # 758
Portland, OR. 97214

Attachment B

Joegustafson123@gmail.com

Local 29-IABSORI
Jason Fussell
11620 NE Ainsworth Circle
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jeradgrossaint@gmail.com

Jim & Kristine Patterson
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St. Helens, OR. 97051

John Freeman
22529 Columbia River Hwy
Clatskanie, OR. 97016

Juliannahoffwatson@gmail.com

Jessica.lawson0822@gmail.com

Linda Leonard
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Kalama, WA. 98625

Oregon Costal Caucus
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Salem, OR. 97301

ba@insulators36.org

ttsongas@gmail.com

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Great Vow Zen Monastery
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Clatskanie, OR. 97016

Andrew Park
13745 Webb District Rd.
Clatskanie, OR. 97016

Bob Short
1210 S. W. 61st Court
Portland, OR. 97221

Brian Fawcett, Treasurer
PO Box 190
Columbia City, OR. 97018

Cass Martinez
255 N. 18th #11
St. Helens, OR. 97051

Cathy Silvia
Great Vow Zen Monastery
79640 Quincy -Mayger Rd.
Clatskanie, OR. 97016

City of Clatskanie
PO Box 9
Clatskanie, OR 97016

Columbia Economic Team
PO Box 1653
St. Helens, OR. 97051

Dan Markian Wichar
711 West 25th St.
Vancouver, WA. 98660

David Snyder
100 NE Bryant ST.
Portland, OR. 97211

Alta Lynch
PO Box 369
Scappoose, OR. 97056

Barbara Green
17078 Hall Rd.
Clatskanie, OR 97016

Brady Preheim
PO Box 761
St. Helens, OR. 97051

Cambria Keely
3102 Green Mountain Rd.
Kalama, WA. 98625

Cathryn Chudy, Board of Directors
The Oregon Conservancy Foundation
PO Box 982
Clackamas, OR. 97015

Chip Bubl, 2nd Vice President
PO Box 190
Columbia City, OR. 97018

Clatskanie Chamber of Commerce
PO Box 635
Clatskanie, OR. 97016

Columbia Riverkeepers
133 SW 2nd Ave. Suite 201
Portland OR. 97204

Dan Serres
Columbia Riverkeeper
1125 SE Madison, Suite 103 A
Portland, OR. 97124

Attachment B

Garrett Stephenson
Schwabe Williamson & Wyatt
Pacewest Center
Portland, OR. 97204

Gray Schnelle
Great Vow-Zen Monastery
79640 Quincy-Mayger Rd.
Clatskanie, OR. 97016

Hannah Rivenburgh
1219 SE Lafayette St
Ste. 100
Portland, OR. 97202

Jan Bays
PO Box 3698
Clatskanie, OR. 97016

Jean M. Avery
13314 SE 19th St. Apt. T4
Vancouver, WA. 98683

Jim Hanson
7530 San Fernando Rd.
Sun Valley, CA. 97016

John Deal
285 Nehalem Street
Clatskanie, OR. 97016

Judy Stamp
6106 SE Sherman Street
Portland, OR 97215

Kayla Reopelle
Great Vos-Zen Monastery
79640 Quincy-Mayger Rd.
Clatskanie, OR. 97016

Kyle Murai
1521 Westbranch Dr. Ste 100
McLean, VA 22102

Laura Jomon Martin
Great Vow-Zen Monastery
79640 Quincy-Mayger Rd.
Clatskanie, OR. 97016

Liberty Smith
750 NE 7th Street
Clatskanie, OR. 97016

M.K. Herdrich
65017 Meissner Rd.
Deer Island, OR. 97054

Mark Keely
3102 Green Mountain Rd.
Kalama WA. 98625

Mary Wolfe
Great Vow Zen Monastery
79640 Quincy-Mayger Rd.
Clatskanie, OR. 97016

Melinda Fleming
9940 N. Syracuse St.
Portland, OR. 97203

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FEMA

July 15, 2024

John Walsh
265 Strand St
St. Helens, Oregon 97051

Dear John Walsh:

The purpose of this letter is to announce the start of the United States Department of Homeland Security's Federal Emergency Management Agency's (FEMA) Pre-Implementation Compliance Measures (PICM) for National Flood Insurance Program (NFIP) participating communities in Oregon. The intent of PICM is to ensure the continued existence of threatened or endangered species in compliance with the Endangered Species Act (ESA). These measures include coordination with communities to provide appropriate technical assistance, help identify available resources, deliver trainings, and facilitate workshops to ensure on-going community participation in the NFIP. These pre-implementation compliance measures will assist communities in preparing for the Final NFIP-ESA Implementation Plan by helping them develop short and long-term solutions to ensure their on-going participation in the NFIP.

FEMA is currently conducting a National Environmental Policy Act (NEPA) evaluation of impacts associated with the Oregon NFIP-ESA Implementation Plan. FEMA developed this plan, in part, due to a Biological Opinion in 2016 from National Marine Fisheries Services. The Biological Opinion recommended specific measures for FEMA to take to avoid jeopardizing endangered species, including interim compliance measures. The release of the Final Implementation Plan (Plan) is anticipated by 2026, following the Record of Decision in the Environmental Impact Statement (EIS) process, then FEMA will fully implement the Plan in 2027.

FEMA has heard concerns from several communities regarding challenges they are facing to meet the expectations of this Plan. To provide communities with the support needed to incorporate ESA considerations to their permitting of development in the floodplain, FEMA will inform, educate, and support our Oregon NFIP participating communities through the PICM before the Final Implementation Plan is released.

NFIP participating communities in Oregon must select one of the PICM pathways which include the following: (1) adopt a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard; (2) choose to require a habitat assessment and mitigation plan for development on a permit-by-permit basis; or (3) putting in place a prohibition on floodplain development in the Special Flood Hazard Area (SFHA). Communities must pick a PICM pathway by December 1, 2024. If a community fails to inform FEMA of its selection, they will default to the permit-by-permit PICM pathway. Communities will be required to report their floodplain development activities to FEMA beginning in January of 2025. Failure to report may result in a compliance visit.

As a part of the PICM, FEMA will implement a delay in the processing of two types of Letters of Map Changes in the Oregon NFIP-ESA Implementation Plan area, specifically Letters of Map Changes associated with the placement of fill in the floodplain: Conditional Letter of Map Revision Based on Fill (CLOMR-F) and Letter of Map Revision Based on Fill (LOMR-F) requests. This action was specifically requested by NMFS in their 2016 Biological Opinion and serves to remove any perceived programmatic incentive of using fill in the floodplain. This delay in processing will begin on August 1, 2024, and will be in place until the Final Implementation Plan is released.

Your community's ongoing participation in the NFIP is critical, as it provides access to flood insurance for property owners, renters, and businesses. In City Of St. Helens there are currently 71 of NFIP policies in force representing \$21581000 in coverage for your community.

FEMA will be conducting informational virtual webinars this summer to provide an overview and status update for the Oregon NFIP-ESA integration, introduce the Pre-Implementation Compliance Measures, and provide an opportunity for Oregon NFIP floodplain managers to ask questions of FEMA staff. In the fall, FEMA will hold workshops to provide in-depth opportunities for local technical staff to work with FEMA technical staff, to understand and discuss issues relating to the PICM.

The webinars will be held virtually over Zoom. The information at each webinar is the same so your jurisdiction only needs to attend one. You can register for a webinar using the links below.

- Wednesday, July 31 at 3-5pm PT: <https://kearnswest.zoom.us/meeting/register/tZEkc-murjstGdPJiFioethjRk-id8N-k0hj>
- Tuesday, August 13 at 9:30-11:30am PT: <https://kearnswest.zoom.us/meeting/register/tZAod-istrTsqGN0KqckRLPPeaZuu4rv96lcR>
- Thursday, August 15 at 2-4pm PT: https://kearnswest.zoom.us/meeting/register/tZlqcOGpqDojHtTXaa946aI9dMpCTcJIH_zt
- Wednesday, August 21 at 12:30-2:30pm PT: <https://kearnswest.zoom.us/meeting/register/tZYqcuGsrD8rH9DZO22vG0v9KrNzVeUZA9gy>

FEMA will also develop a questionnaire to allow communities to identify how they currently incorporate or plan to incorporate ESA considerations, both in the short-term and long-term. To assist communities in making this determination, FEMA will be offering guidance on the potential pathways that help ensure current compliance. Communities will also be asked to help identify what technical assistance and training would be most beneficial. Feedback from this questionnaire will drive FEMA's engagement and outreach.

Upon completion of the Environmental Impact Statement review and determination, the Final Implementation Plan will be distributed along with several guidance documents and a series of Frequently Asked Questions. FEMA will also be starting NFIP Compliance Audits, in which we will be reviewing permits issued by communities for development in the floodplain and will expect the community to be able to demonstrate what actions are being taken to address ESA considerations.

If you have any questions, please contact us through our project email address fema-r10-mit-PICM@fema.dhs.gov. Thank you for your community's on-going efforts to reduce flood risk in your

community and for your support as we worked toward these milestones.

Sincerely,

A handwritten signature in blue ink, appearing to read "Willie G. Nunn", with a horizontal line extending to the right.

Willie G. Nunn
Regional Administrator
FEMA Region 10

cc: JacobGraichen, City Of St. Helens
John Graves, Floodplain Management and Insurance Branch Chief
Deanna Wright, Oregon State National Flood Insurance Program Coordinator

Enclosure: Pre-Implementation Compliance Measures Fact Sheet

Oregon National Flood Insurance Program Endangered Species Act Integration

Pre-Implementation Compliance Measures Overview

Beginning this summer, FEMA will assist communities with coming changes to the National Flood Insurance Program (NFIP) in Oregon.

Why are the changes needed?

As the result of a Biological Opinion issued by the National Marine Fisheries Service, communities are required to demonstrate how floodplain development is compliant with the Endangered Species Act in Special Flood Hazard Areas. Changes are needed to protect the habitat of several species of fish and the Southern Resident killer whales to comply with the Endangered Species Act (ESA). FEMA outlined these changes in the [draft Oregon NFIP-ESA Implementation Plan](#).

Current status

FEMA is evaluating proposed changes to the NFIP outlined in the Implementation Plan through an environmental impact statement (EIS), in compliance with the National Environmental Policy Act (NEPA).



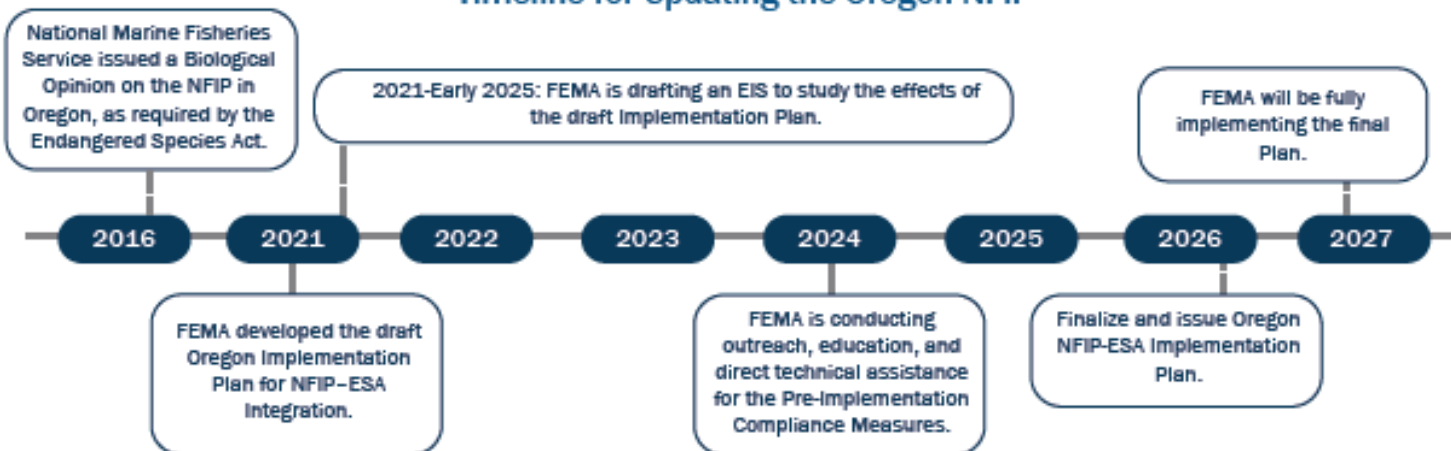
The National Flood Insurance Program serves to protect lives and property, while reducing costs to taxpayers due to flooding loss.

What is “no net loss”?

Any development action resulting in negative impacts to one or more key floodplain functions that are then mitigated or avoided to offset said impacts.

The Final Implementation Plan is anticipated by 2026 following the Record of Decision in the EIS process, then FEMA will fully implement the plan in 2027. Until then, communities need to begin taking action to protect habitat and achieve “no net loss.” FEMA is offering several resources for communities to learn more and implement interim measures, called Pre-Implementation Compliance Measures (PICMs).

Timeline for Updating the Oregon NFIP



What can communities do to comply with these changes?

Oregon communities participating in the NFIP can take short-term measures to comply with ESA requirements, known as PICMs. FEMA developed these measures in response to concerns from communities about the time and resources needed to meet requirements and ensure their future good standing in the NFIP. By implementing these measures now, communities will be better prepared for compliance audits, which will begin when the Final Implementation Plan is in place.

Communities can select one of the following three PICMs:

- Prohibit all new development in the floodplain.
- Incorporate the ESA into local floodplain ordinances.
- Require permit applicants to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area will achieve “no net loss.”

Communities must report to FEMA on their implementation of interim measures.

In addition to the above measures, as of August 1, 2024, FEMA is temporarily suspending processing applications for Letters of Map Revision based on Fill (LOMR-Fs) and Conditional Letters of Map Revision based on Fill (CLOMR-Fs) in NFIP communities to avoid potentially negative effects on ESA-listed species.

FEMA is here to support your community.

FEMA is offering several resources to assist communities in preparing for the Oregon NFIP-ESA Implementation Plan.

- **Informational Webinars (Summer 2024):** Learn about what FEMA is doing to revise the Implementation Plan and receive an introduction to the PICMs.
- **Questionnaire (Summer 2024):** Share what floodplain management measures your community is currently implementing to comply with the ESA, which PICMs you’re most interested in, and what support you need. Your feedback will help us plan the fall workshops and identify needs for technical assistance.
- **Workshops (Fall 2024):** Get an in-depth look at PICMs and talk through questions and concerns with FEMA staff.
- **Technical Assistance (Begins in Fall 2024):** Get support from FEMA to begin implementing PICMs.

Learn more and participate

Visit www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration to read the latest information about NFIP-ESA Integration in Oregon.

You can also contact us at FEMA-R10-MIT-PICM@fema.dhs.gov