



PLANNING COMMISSION

Thursday, February 16, 2023 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 January 10, 2023

DISCUSSION ITEMS

- [B.](#) Architectural Review at 343 S 1st Street - Dave Lauridsen (Crooked Creek Brewery)
- C. Practical Councilor Liaison Attendance
- D. Vision Sharing for Future Meeting

REVIEW AND RECOMMENDATIONS REGARDING THE CITY'S 10/11/12TH STREET BLUFF PROPERTY

- [E.](#) Street Vacation, et al. Staff Report - VAC.1.23

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

- F. Sign Permit at 270 Strand Strand Street (Columbia View Park) - City of St. Helens
- G. Extension of Time for Lot Line Adjustment at Tract F of the Elk Ridge Estates - 3J Consulting, Inc.

PLANNING DEPARTMENT ACTIVITY REPORT

- [H.](#) Planning Department Activity Report - January

PROACTIVE ITEMS

- [I.](#) HB 3115
- [J.](#) Architectural Standards
- [K.](#) New Proactive Item Proposals

FOR YOUR INFORMATION ITEMS

ADJOURNMENT

NEXT REGULAR MEETING: March 14, 2023

VIRTUAL MEETING DETAILS

Join: <https://us06web.zoom.us/j/82292744647?pwd=anFncjFFZkFrVG5EZnJFY3hzUDRFZz09>

Meeting ID: 822 9274 4647

Passcode: 180995

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, January 10, 2023, at 7:00 PM

DRAFT MINUTES

- Members Present:** Chair Dan Cary
 Vice Chair Russ Hubbard
 Commissioner Steve Toschi
 Commissioner Jennifer Pugsley
 Commissioner Charles Castner
 Commissioner Ginny Carlson (8:15p.m. Arrival)
 Commissioner Russ Low
- Members Absent:** None
- Staff Present:** City Planner Jacob Graichen
 Associate Planner Jenny Dimsho
 Community Development Admin Assistant Christina Sullivan
 Councilor Mark Gundersen
- Others:** Councilor Patrick Birkle (as visitor)
 Shannon Simms (Mayer/Reed)
 Brady Preheim
 Tammy Maygra

CALL TO ORDER & FLAG SALUTE

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

Preheim, Brady. Preheim was called to speak. He discussed the City Code of Ethics and shared his opinion on the commissioners who may have violated the ethics code. He experienced some questionable behavior with Commissioner Steve Toschi and Commissioner Charles Castner. He said the behavior was inappropriate for the Commission and both should resign.

Maygra, Tammy. Maygra was called to speak. She shared her experience with Commissioner Charles Castner and questioned if he could make sound decisions for all citizens. She asked the Commission to think about the decision made to keep a person on that may have questionable integrity.

Birkle, Patrick. City Councilor. Birkle was called to speak. He shared information about the Milton Creek bridge and the grant money applied for to repair that bridge. He said the application for that funding was withdrawn, so the City Council did not make any official motions on the bridge repair. He stated he was thankful for this time when he was the official liaison from the Council to the Planning Commission. He said he learned a lot and enjoyed watching the Commission grow and become more proactive. He said as a City Councilor he looked forward to hearing more from them at City Council meetings.

CONSENT AGENDA

A. Planning Commission Minutes Dated December 13th, 2022

Motion: Upon Commissioner Pugsley's motion and Vice Chair Hubbard's second, the Planning Commission unanimously approved the Draft Minutes dated December 13, 2022. [AYES: Vice Chair Hubbard, Commissioner Toschi, Commissioner Pugsley, Commissioner Castner, Commissioner Low; NAYS: None]

B. Joint Planning Commission/City Council Minutes Dated December 14th, 2022

Motion: Upon Commissioner Pugsley's motion and Commissioner Low's second, the Planning Commission unanimously approved the Draft Minutes dated December 14, 2022. [AYES: Vice Chair Hubbard, Commissioner Toschi, Commissioner Castner, Commissioner Pugsley, Commissioner Low; NAYS: None]

DISCUSSION ITEMS**C. Architectural Review at Columbia View Park – City of St. Helens**

Associate Planner Jennifer Dimsho presented the architectural review report. She explained the Commission would need to decide if the new proposed design for the Columbia View Park stage and pavilion complies with the Architectural Guidelines.

She shared the design for the new stage structure. She shared the size and some of its characteristics. She also mentioned there was a storage structure attached to the stage as well. She said it would store equipment for events. She also mentioned the storage room would house the irrigation and lighting controls.

She also discussed the dance floor area and grassy space in front of the stage. She said there were panels on the backside of the stage to serve as a backdrop for the stage, but also to help block wind and amplify sound during events. She said the panels can be rolled away when the stage is not in use, and to retain views of the River.

She discussed about built-in projector screens for future movie in the park events. She shared some of the recommended color pallets for the materials. She said the stage itself would have a basalt veneer front and then some darker painted steel to match the basalt color. She said the roof itself would be made out of Doug Fir and a curved glulam beam. She said the columns would be wood wrapped tapered steel beams. She said the side profile of the stage roof was tapered to give a water feel to the design. She said there were two proposed skylights in the roof, but may be cut from the design because of budget.

She shared the pavilion design and size. She said there was similar shape to the roof and the columns had the same tapered effect.

She discussed a sign for the stage that would be placed on the backside of the structure. She shared the size and font information. She mentioned the sign was part of honoring a sponsorship given to the City. Commissioner Pugsley said she agreed with honoring the sponsorship, but wanted to be sure the sign was complimentary to the structure and would not deter from the beauty of it. She recommended bronze-colored lettering instead of stainless steel.

There was a discussion on the color choice of the membrane roof. Commissioner Pugsley expressed some concern that the proposed white might be too bright to fit the scene of the park and river. She suggested a muted darker, grayscale color. There was concern that it would stand out to the public from the river. Commissioner Pugsley also asked why they chose a membrane roof.. Dimsho said it was due to cost and the shape of the roof.

There was a small discussion about the lighting inside the stage and pavilion. The Commission was satisfied with the amount of day-to-day lighting and the design for the event lighting.

There was a discussion about the panels and their designs. Dimsho suggested styling down the storage building siding to something more muted and grey so that the paneling for the event staging did not become busy. It was also shown that both sides of the panels would have the same design. Chair Cary said he liked the neutral color of the panels, but said the design was a little busy. Commissioner Pugsley said she did not think the design was too busy and she wanted to be sure the attached storage building matched the panels.

There was a discussion about the access to the stage. Dimsho mentioned all the walkways around the staging were large enough for a vehicle. It was to allow for emergency access or large vehicles loading in.

There was a discussion about the grassy area in front of the stage. It was mentioned that it was a gradual grade up from the stage. Dimsho explained there was some ledge seating near the dance floor area. They discussed the access to the dance floor. Shannon Simms, with Mayer/Reed said there was three areas you could access the dance floor. There is a proposed pathway that slopes down from the south, you could step off the grassy wall, or stairs down to it. She said that the larger grassy area with different seating options allows for the event to be large or sized down to a more intimate space.

Commissioner Castner asked why this specific design was chosen for the panels and the siding. Simms explained the panels sit inside a metal framing and the pattern blurs that heaviness of the metal. She also said that it would help with making the stage the focus of the space when there is an event happening.

There was a small discussion about the windows on the storage building and if there would be anti-glare on them since they are south-facing. Simms said that was a good suggestion and they would investigate it.

Motion: Upon Commissioner Low's motion and Commissioner Toschi's second, the Planning Commission unanimously recommended the proposal meets the architectural guidelines with the additional recommendations for bronze colored lettering on the signage and a darker membrane roof color. [AYES: Vice Chair Cary, Commissioner Pugsley, Commissioner Toschi, Commissioner Low, Commissioner Castner; NAYS: None]

D. 2023 – 2024 Certified Local Government Historic Preservation Grant Program

Dimsho said they had implemented this grant since the City became a Certified Local Government. She said they have gone through six total grant cycles and four of the cycles were used for a pass-through grant program to give property owners for restoration on their eligible buildings. She said in 2017-2018 they used it on the City Hall building basalt mortar and in 2021-2022 they used it on the Bennett Building (Court/Utility Billing) to upgrade the storefront and transom windows.

Commissioner Pugsley asked about the timeframe for solicitation of property owners. She said this was a very short amount of time to get three contractors out to give bids on projects, which is one of the requirements to be considered for the grant. Dimsho said the timeframe for solicitation begins as soon as they get the contract from the state. There is not a lot of flexibility when solicitation begins, although the duration for solicitation could be expanded.

Dimsho said the amount this year would be from \$13,500 to \$15,000 and it is a one-to-one match so the property owner would spend between \$27,000 and \$30,000 on their project.

There was a small discussion on which properties or businesses would qualify or be eligible for the grant money. There was also a discussion on the scoring system and how they decide who is selected. Dimsho also mentioned they would discuss the applicants and decide on who is selected in July.

E. Chair/Vice Chair Selection

Vice Chair Hubbard nominated Commissioner Toschi as Chair and Chair Cary to be Vice Chair. Commissioner Pugsley asked Vice Chair Hubbard if he had interest in being the Chair or Vice Chair again and he said no.

City Planner Graichen mentioned there was only one year experience for Commissioner Toschi and wanted to be sure the Commission was ok with that.

Vice Chair Hubbard said he would like to see the Commission going in more of a proactive direction and more planning aspects of what should be done by the Commission and he thought Commissioner Toschi could lead the Commission in that direction.

Commissioner Pugsley said she struggled with Commissioner Toschi being the Chair as she wanted to be sure that his strong personality did not overpower all the voices looking to be heard. She also mentioned she wanted to be sure to keep the meeting moving in an appropriate way and the Chair needs to be able to do that. She also said that he was leading the charge as a proactive Planning Commission and him stepping into this role would mean they lose a vote.

Dimsho mentioned that a good Chair will put the goal of running a legal and fair proceeding above all other items. She said there may be times that there are lawyers or angry citizens in the room, but that running a fair meeting had to be done above everything else. She said she felt experience was important for a Chair and experience is acquired from spending time on the Planning Commission itself. She also said not letting emotions override your ability to conduct a fair hearing is another very important quality for a Chair. She has already witnessed a public apology made by Commissioner Toschi for behavior during a public meeting.

Commissioner Castner said the little amount he knew Commissioner Toschi, he did not think he would allow his emotions to override a fair meeting.

Chair Cary voiced that since his appointment in 2009, he along with all other Chairs had been on the committee for multiple years before stepping into the role of Chair. He mentioned many of them were Vice Chair first. He said he thought experience was the most important factor when choosing a Chair.

Commissioner Carlson said it was unprecedented for a person to start on the Planning Commission and then go right into the Chair position without first serving as Vice Chair. She expressed a concern about not enough experience. She said it takes time and experience with hearings and proper procedures. She also said being able to work with staff and letting them do their job was also important. She also expressed concern that there are three new members on the Commission and she thought having an experienced individual in the Chair position was vital.

Commissioner Toschi said if he was voted into Chair, he would consider all the comments made into his leadership. He said Chair Cary had been a great leader to learn from so far and he would resolve to follow his example. He said the Vice Chair would have the power and duty to speak up if the Chair was out of line and he felt if Chair Cary was the Vice Chair, he would have the courage to do just that. He spoke about his desire to create a Proactive Planning Commission and that just because something was done in the past, does not mean it is the right way to continue doing it in the future.

Motion: Upon Vice Chair Hubbard's motion and Commissioner Low's second, the Planning Commission voted to nominate Commissioner Toschi to Chair and Chair Cary to Vice Chair. [AYES: Vice Chair

Hubbard, Commissioner Castner, Commissioner Low, Commissioner Toschi; NAYS: Commissioner Pugsley, Commissioner Carlson]

F. 2022 Year End Summary Report

There was a discussion on numbers and how they are calculated. Commissioner Low brought up that this report did not accurately showcase how much time was being performed by the Planning Department to complete these permits. Graichen mentioned that they had done away with some senseless permits over the years, and combined some permit types which can be a factor in the decrease. Chair Cary said he would like to know what the Planning Department does for other departments as well. He said this report did not reflect what reviews and permits they do for Building and other areas.

Commissioner Low said he wanted to clarify and showcase all the work being done in the department to help advocate for additional staffing with the Budget Committee and City Council.

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

- G. Site Design Review at 35531 Firway Lane – Jixiang Zhen
- H. Site Development Review at 1465 Columbia Blvd – Riverside Community Outreach

There was no discussion of the Planning Director Decisions.

PLANNING DEPARTMENT ACTIVITY REPORT

I. Planning Department Activity Report – December

There was no discussion of the Department Report

PROACTIVE ITEMS

J. Updates on HB 3115 Effort

Chair Cary spoke about taking on tasks that were too large for a small committee to tackle. He said it was important in the future to consider efforts that the Planning Commission, as a body, could see come to fruition and present a whole package. He said, as mentioned before, that this issue was too large of a question for just this body of people to be able to tackle and too attorney heavy which resulted in one person having to take on all the work, which is not really a sub-committee. He said he wanted to see any future proactive items the Commission took on be things that an actual sub-committee could work on together, not just one person. This will help our community and can become helpful in avoiding burnout.

Commissioner Toschi presented an update on the HB 3115 effort. He said the City had agreed to start a task force to take on the HB 3115 measure and working together with other community partners to create policy to protect the City from these new measures. He said he had met with Community Action Team, and they had discussed places that would be appropriate for the public to camp for free. He shared some of the concerns and questions that were asked and would need to be addressed through the City task force. He mentioned discussions about protecting public property and other areas that the City may not want camping allowed.

Commissioner Toschi said the City had obtained an attorney through the insurance company and Commissioner Toschi, Commissioner Castner, City Planner Graichen and City Administrator John Walsh had a meeting scheduled to meet to discuss the efficacy of developing laws to provide a complete defense.

Commissioner Toschi said in the months ahead they planned to work closely with homeless advocacy groups through the task force to implement these policies, but at the very least provide a framework.

There was discussion on who would continue to be on the HB3115 sub-committee. Chair Cary said he did not find it essential that the sub-committee move forward with this discussion as they had created, with the City's help, a task force that would involve the Planning Commission and other Homeless Advocacy groups. Commissioner Toschi said he felt it was the power and duty of the Commission to continue with the sub-committee until the policies were in place. He did not want to have this removed from the agenda. The Commission was divided on whether to keep this as a commission-specific proactive item.

There was a discussion of which commissioners would be involved in the HB3115 task force. They all agreed that Commissioner Toschi, Commissioner Castner, and Commissioner Carlson would be the best fit for this task force.

K. New Proactive Item Proposals

City Planner Graichen said there was a list of proactive items presented by Commissioner Toschi. Before discussing the items, he said these he had a couple questions about the rules for Proactive items that the Commission created and adopted. He mentioned how proactive ideas were supposed to be presented to staff first or comment and then also to determine jurisdiction over specific items. He said he wanted the Commission to consider these rules before moving forward on any items. He wanted to be sure they followed their own rules, before digging deeper into any items.

Commissioner Toschi said the Planning Commission was a judicial body and could determine jurisdiction based on different grounds. He mentioned the powers and the duties of the Planning Commission were extremely broad and powerful and the reason he included so many proposed items was because the Planning Commission has the jurisdiction to plan and resolve to propose codes around each item. Graichen mentioned Commissioner Toschi listed all the powers and duties of the Comprehensive Plan for each proposed item, instead of just those that were specific to the idea. Graichen said instead of listing them all, it was better to specify specific ones to help his fellow Commissioners comprehend what the goal of the discussion would be. Commissioner Toschi did not agree. He said they have powers to look into things and once they determine if there is jurisdiction the Commission has the duty to follow through.

The Commission decided to discuss each item on the list. They felt they would discuss one of the items and continue the discussion to another meeting.

Commissioner Pugsley presented one of the items on the list to the Commission. She said architectural standards and historical standards should coincide. She also said the architectural standards should apply to the whole district and currently they do not. She shared some examples of areas where some houses on the same street had different standards than those further down the street. She would like to extend or amend the Riverfront Zoning District Plaza Subdistrict boundaries to include more. She also wanted to add more properties to the Designated Landmarks Register. She also felt it important to advise City Council regarding ideas for incentivizing property owners to restore, rehabilitate and preserve properties within this new proposed district. She also said it would be important to educate the public and there were already places who had programs to help people understand it so that it was not so scary to consider restoration.

The Planning Commission agreed to add residential architectural standards as a Proactive Item.

The Commission did not discuss the other proposed proactive items at this meeting due to time constraints.

Motion: Upon Commissioner Carlson's motion and Commissioner Pugsley's second, the Planning Commission unanimously approved to take on residential architectural design standards as a proactive

item. [AYES: Vice Chair Hubbard, Commissioner Castner, Commissioner Low, Commissioner Toschi, Commissioner Pugsley, Commissioner Carlson; NAYS: None]

FOR YOUR INFORMATION ITEMS

Dimsho reminded the Commission about filling out and signing the Code of Ethics forms.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned 10:36 p.m.

Respectfully submitted,

Christina Sullivan

Community Development Administrative Assistant



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Commission acting as the Historic Landmarks Commission
FROM: Jennifer Dimsho, AICP, Associate Planner
RE: 343 S. 1st Street
DATE: February 16, 2023

Dave Lauridsen (Crooked Creek Brewery) submitted a Site Development Review (Minor) and a building permit (Permit No. 749-23-000063-STR) to do several interior and exterior modifications to 343 S. 1st Street, the current location of Dockside restaurant.

Background & Permitting History

In 1985, a Site Design Review (SDR) was approved to add 830 sq. ft. to the existing 1,260 sq. ft. building, bringing the total sq. ft. of the first floor up to 2,090 sq. ft. At that time, there was also an existing dwelling on the 2nd floor. The subject property is made up of two 5,800 sq. ft. lots. The structure is built on top of the shared property line between the two lots. The SDRm approval will require a restrictive covenant to bind the two lots so that they cannot be sold separately. **Note** this property is *outside* of the nationally registered St. Helens Downtown Historic District established in 1984 but *inside* the Riverfront District.

Application Description

The SDRm includes a new rear detached 192 sq. ft. building for cooler and kitchen storage and exterior modifications including removal of an existing awning, and installation of new windows, a new entry door and awning replacement, a new overhead door, new siding, new exterior lighting, relocation of an exterior furnace, and a new staircase and entry door to the existing 2nd story dwelling unit.

Per SHMC 17.132.172 (7), permanent exterior architectural changes to buildings (including new construction) must comply with the **Riverfront District Architectural Guidelines**. The Historic Landmarks Commission shall make a recommendation to the approval authority as to whether the Commission believes the proposal complies. Please review your copy of the Guidelines when looking at this proposal and be prepared to discuss. The Guidelines can also be found on the City website:

<https://www.sthelensoregon.gov/planning/page/riverfront-district-architectural-design-guidelines>

The following is a description of the exterior modifications in order that they appear in the Guidelines. Anything in **red** requires an answer from the Commission or a confirmation that the Commission agrees with staff.

Awnings/Canopies

The applicant is proposing removal of a 46-foot-long awning which spans most of the front façade. They are also proposing replacement of the main entry awning because it is in poor condition. Lastly, they are proposing a new awning over the new entry to the existing 2nd floor dwelling. The Guidelines encourage the use of awnings because they promote a more friendly pedestrian environment in the elements (sun and rain). The applicant believes the large awning was installed during the 1985 expansion. The

applicant states the reason for removal is to bring more light into the dining area by installing larger windows. They also propose outdoor sidewalk dining. **Does the Commission feel that the awning changes are consistent with the Guidelines?**



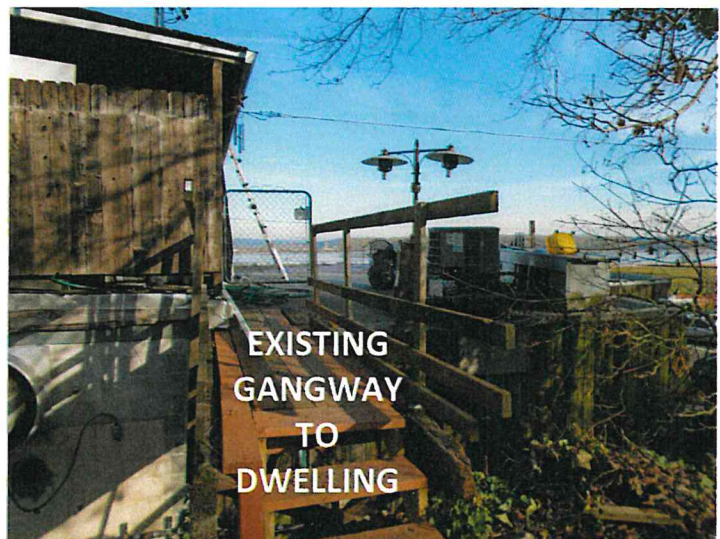
Building Façade/Entry

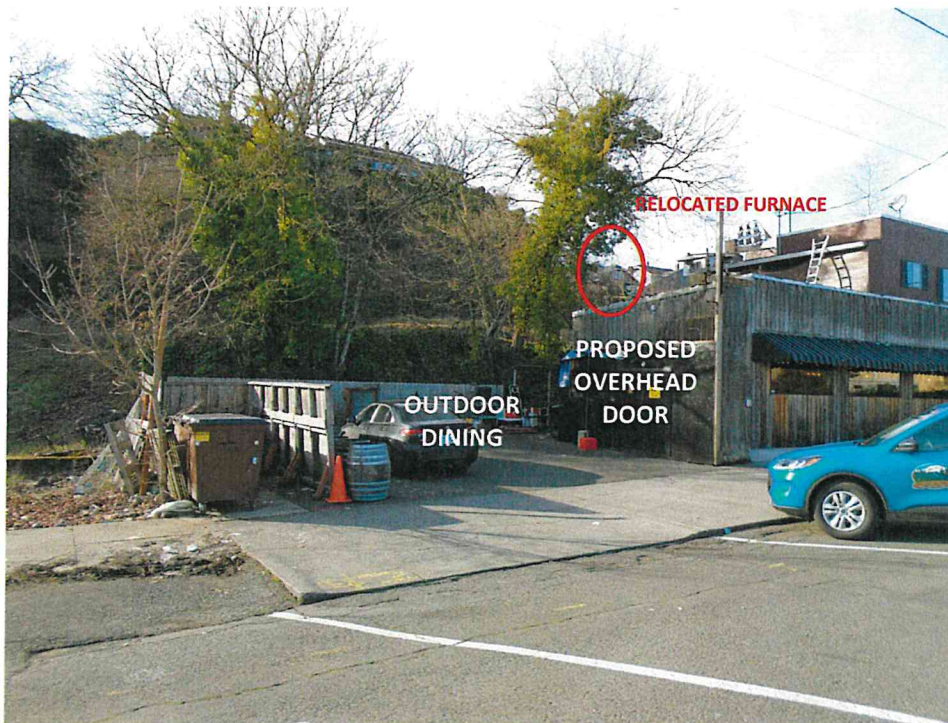
The Guidelines promote the preservation or restoration of the original building façade. The applicant is proposing to replace the existing wood siding with a similar wood, vertical shiplap siding material which will be painted a dark neutral color instead of stained. Based on the 1985 SDR, it appears the existing siding was installed as part of the 1985 remodel. The applicant states that the lack of maintenance and flashing has caused areas to rot so badly that it is beyond repair. **Staff feels that replacement of a similar siding is consistent because restoration of the existing siding is not possible.**

The Guidelines state that new entry doors should incorporate a large window and a solid kickplate. The applicant states the door will be replaced with a single lite wood and glass door with a kick-plate that is consistent with other entry doors. **This new door does not show a kickplate. Staff recommends a condition to ensure the new door includes one.**

There is a new north-facing entry proposed to the 2nd floor dwelling which will require a new staircase along the north façade. The applicant is proposing a 6' high privacy fence with a gate at this entry. The existing entry to the dwelling crosses a gangway and onto the roof (pictured right) which can be removed with the new side entry and staircase proposed.

The applicant is also proposing a new overhead door on the south-facing wall out into an outdoor dining area. This overhead door is non-traditional design for a new door/entry. The applicant states this is in effort to bring in more natural light into the dining area and better enhance the connection between the indoor/outdoor dining areas. A photo of this area is included below. **Does the Commission feel comfortable with a new non-traditional entry at the south facade?**





Building Lighting

The applicant is proposing compliant gooseneck lighting on the front, east, and west facades of the building. **Staff feels this complies with the Guidelines.**

Signage

Existing signage is to remain in place. Any new sign will require a sign permit and architectural review. Replacement of the content in the existing sign cabinet can be done without a permit and architectural review.

Maintenance

The applicant states an assessment of the structure prior to purchase resulted in a large list of deferred maintenance and needed repairs. This includes a complete rebuilding of the rear exterior wall with a new foundation and stem wall below because of water damage and poor storm drainage. Storm drainage will be installed to prevent future issues. It also includes roof replacement of the 2nd dwelling from shingles to a flat roof system and patching and silver coating of the 1st floor roof. Both roof systems are not visible from the street below. **Staff feels these repairs will prevent further deterioration of the building and comply with the Guidelines.**

Material & Building Colors

The Guidelines state that when wood siding is used, it should be painted using a palette of earth tones or muted colors. The Guidelines further state that paint color is the owner's decision, but painting a structure to be a good neighbor is encouraged. **Staff feels the applicant's proposal for a dark neutral color complies with the Guidelines.**

Roof

The applicant is relocating an existing furnace to the southwest corner roof. Even though it is located in a location that is as far from S. 1st Street as possible, it will still be visible from the street below (pictured on previous page). **Staff is recommending screening for this mechanical unit.**

Setback, Orientation, & Bulk

The new 192 sq. ft. structure in the rear of the building has no impact on the orientation of the building and building entrance towards the street. Due to its single-story height, it has no visual impact from S. 1st Street. However, there are residential units located on the top of the bluff who will be able to view the new structure from above. Photo below is taken looking down to the proposed location of the new structure. It appears there are walls to enclose the dry storage structure, but it is unclear if there is siding proposed. **Staff feels the Commission should ask for clarification on how dry storage area will be sided, if at all. A condition regarding siding may be warranted.**



Windows

The applicant is proposing to replace all the existing 4' high windows along the front façade so that they are a maximum of 6' in height. The window width will remain at 8' wide. The Guidelines encourage maximizing the window-to-wall ratio of the ground-floor by increasing the visual connection between the sidewalk and the interior of the restaurant. Staff feels replacement with taller windows does this.

The Guidelines state to maintain original window-to-building ratio found historically and to retain original windows. As the applicant notes, the existing windows at 8' wide x 4' tall, are not consistent with other storefront and ground-floor windows in the district. The Guidelines also state that the use of opaque windows is inappropriate. The existing windows are semi-opaque which means only *some* light is let through. The proposed new windows are non-opaque, picture-style windows, which complies.

The window frames will be a commercial-style aluminum or a fiberglass style frame. **Although the applicant is changing the size of the windows and replacing original windows (which the Guidelines**

discourages), the Commission must decide if the proposed 1st floor window replacements comply with the Guidelines for other reasons described above.

The applicant is also replacing the 2nd floor residential windows with a similar look and style of the ground floor windows, although the dimensions will be the same as what is existing. The Guidelines encourage upper-story windows to have a vertical emphasis, or to be twice as tall vertically as they are wide to represent a more traditional design. They should also be placed symmetrically. There are also existing shutters on the 2nd floor windows, which the applicant does not address whether these are to be removed or to stay. Does the Commission want to make any recommendations regarding the upper story windows to better comply with the Guidelines?

Attachments

- Applicant Narrative (3 pages)
- Building Plans (10 pages)

Responses to Olde Town Design Guidelines Related to Remodel / Rehab of 343 S 1st St

Item B.

Applicant Name: Dave Lauridsen
Property Owners: Dave & Cristine Lauridsen
Mailing Address: 34252 Bennett Rd, Warren 97053
Phone: 503.369.7388 Email: davejlauridsen@gmail.com
Assessors Map: 9724 Tax lot: 4N1W 3BD 600
Site Address: 343 S 1st St

Project Overview:

We are planning to rehab the War Era 'Dockside' building at 343 S 1st that suffers from many years of deferred maintenance. Our goal is to stop deterioration that is currently happening while maintaining the integrity of the building's current design and giving it a fresh, inviting look guided by the architectural design standards for the Riverfront District.

The building appears to have been originally built in 1947 as a multi-use concrete masonry unit structure with a restaurant / bar on the ground floor and an apartment on the second floor. Records show a stick built addition was added in the 1980's. While the building itself is not architecturally significant as other buildings in the area may be considered, we recognize its legacy in our community as a long-standing establishment that everyone seems to be familiar with and most have patronized at one time or another. We'd like to carry it's legacy into the next growth stage of downtown St Helens.

It's worth noting that the building is also uniquely situated as the southernmost building on 1st St. and will serve as a gateway between the 'historic' and 'new' downtown areas as the Riverfront District is redeveloped over the next several years. We feel this further warrants a refresh to the building that will help encourage a vibrant downtown in both the historic and new corridors.

1. Awnings & Canopies

We will maintain a partial awning along the street side of the building. The building currently has two awnings on the façade, one over the entry area that appears to be original, and an aluminum canopy over the windows that was likely added during an addition to the building in the 80's.

We intend to remove the aluminum awning over the windows to help brighten the interior space and create a cleaner look to the facade. We will install architecturally appropriate lighting in place of this awning which will invite more pedestrian interaction. See additional notes related to lighting.

An entry awning of the same width as the existing awning will replace the current awning that shows signs of sagging and decay. This awning will span the width of the entry area.

The building has an apartment on the 2nd floor with awkward access that requires the tenant to walk across part of the roof. We plan to relocate the apartment entry to the north side of the building, not street facing, and incorporate a small awning over the entry door to protect from the elements.

2. Building Façade / Entry

The building façade is in need of being refreshed due to lack of maintenance that has resulted in severe deterioration of siding materials and leaks around multiple windows.

The wood siding will be replaced with a like, wood, vertical shiplap siding material that will be painted a dark neutral instead of stained.

The ground floor windows currently installed are narrow, tinted, commercial style aluminum windows that leak and are inconsistent with other buildings in the Riverfront District. We would like to replace and alter the height of the windows to create more consistency with other buildings in the area, which will also enhance the sense of place, and will create a more inviting environment that encourages commercial and social activities as outlined in the design guidelines. The current window height of 4' will be increased to a maximum of 6', maintaining the current topline of the windows. New windows will be more energy efficient, constructed from either a like aluminum frame or fiberglass / wood material.

Aluminum windows at the upstairs apartment will be replaced with same size windows as currently installed and will match the window style installed at the ground floor.

The current entry door will be replaced with a single lite wood and glass door with a kick-plate that is consistent with other older entry doors in the area.

As mentioned in section 1, we plan to relocate the apartment access to the north side of the building, making use of a currently unused walkway at the North side of the property. Relocating the entry will have minimal effect to the façade, with a privacy gate built flush to the northeast corner of the building.

3. Lighting

Exterior lighting on the building will be enhanced to create a more inviting storefront. We will use downward emitting, gooseneck style lighting that complements lighting on other buildings in the district. Exterior lighting will be added to the façade as well as to the east side of the building and at the apartment entry on the west side of the building.

4. Signage

We intend to replace the current signage as a future project. A design for replacement signage has not been completed at this time and will be addressed in a future application. Existing signage will remain in place for now.

5. Maintenance

As part of a recent transfer of ownership, a comprehensive building inspection was completed which compiled a list of needed repairs. Much of the proposed work is needed to address these repairs and other deferred maintenance that will correct issues to prevent further deterioration of the building. Once repairs to the

Responses to Olde Town Design Guidelines

Related to Remodel / Rehab of 343 S 1st St

building's current condition have been completed we will implement an ongoing maintenance program to help preserve the building and enhance the visual appearance of the Riverfront District on our block.

6. Material & Building Colors

A building inspection has determined that most of the siding is in poor condition and needs to be replaced. Lack of maintenance and lack of flashing at many needed areas has led to rot and damage that is beyond repair. As mentioned above in section 2, siding will be replaced with a like, wood, vertical shiplap siding material. The current siding is stained; we will paint the new siding a yet to be determined color in a darker shade in the neutral to velvet blue color palette as defined in the design guidelines. Concrete masonry 'CMU' blocks on the north side of the building, west side of the building and second floor have previously been painted and will be repainted to match the wood siding.

No historical or architectural details are present on the building needing to be restored or maintained.

7. Roof

Mechanical equipment and utility connections are currently present on the building and have been installed towards the rear of the roof, in accordance with the design guidelines. Mechanical equipment is located away from the façade and is not visible from the street. Utility connections are on the side of the building and will not be altered.

A rooftop deck was previously installed but has deteriorated and been removed. There are no plans to replace the rooftop deck.

8. Setback, Orientation & Bulk

No changes to be made.

9. Windows

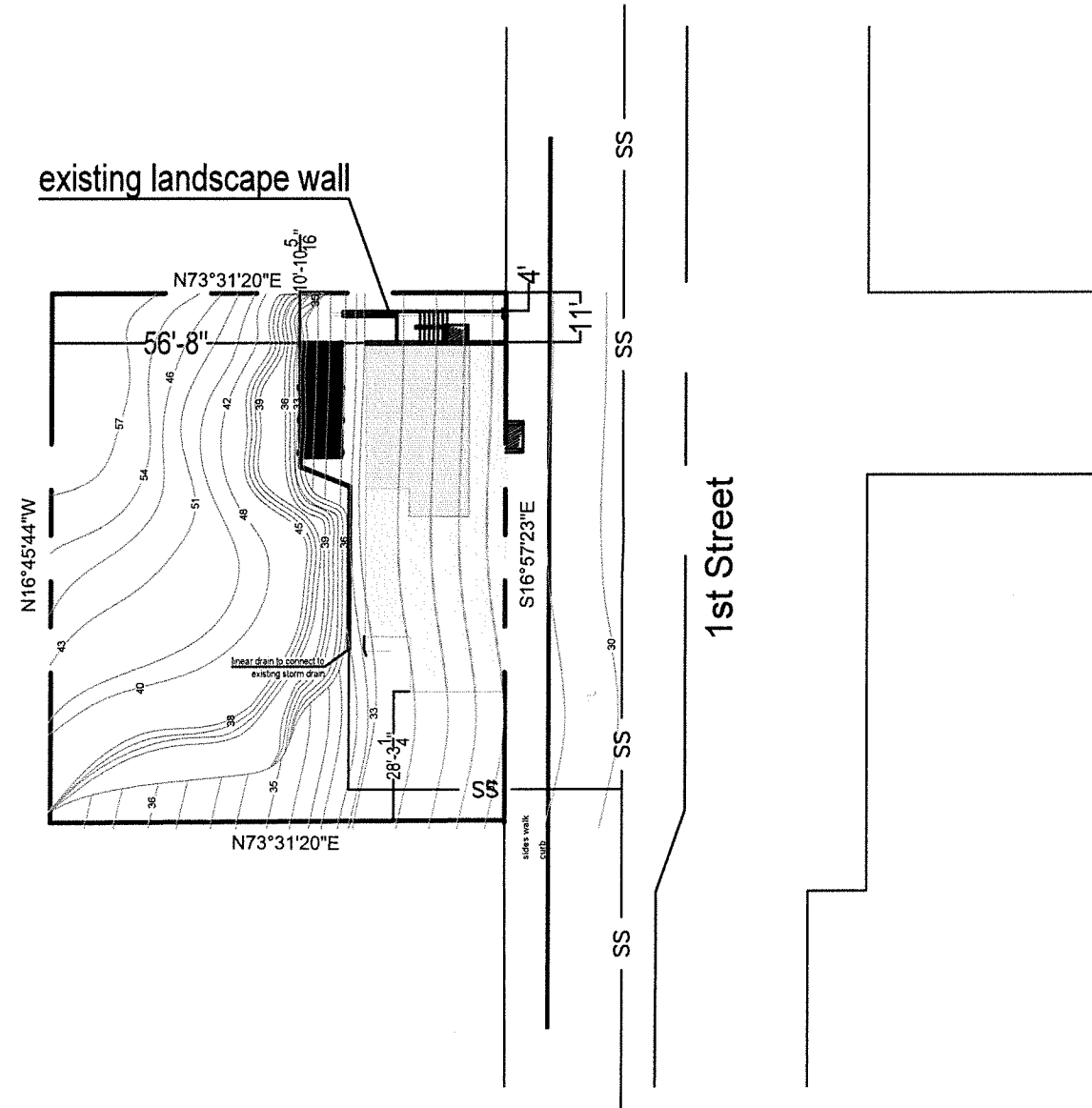
As mentioned in section 2, the current window design on the ground floor is out of sync with other buildings in the Riverfront District with tinted/ semi-opaque, narrow windows set high above the sidewalk that provide a poor visual connection between the sidewalk and commercial space and provide poor natural light to the space. We plan to replace the windows with taller, non-opaque windows that improves the interaction between sidewalk and building, maximizes the window-to-wall ratio, and complements the window style of other buildings in the Riverfront District. Currently installed windows are aluminum, tinted, commercial picture style windows at 8' wide by 4' tall. Replacement windows will still be 8' wide, but increased to a maximum of 6' tall, maintaining the topline and lowering the sill. Replacement windows will be a picture-style window with clear glass and a commercial style aluminum or fiberglass style frame.

Windows at the 2nd floor will also be replaced. No changes will be made to the dimensions of the windows and replacement windows will be the same look and style of the ground floor replacement windows.

We also plan to install a rollup / garage style door at the south end of the building to further bring in natural light and improve the connection between the indoors and outdoors.



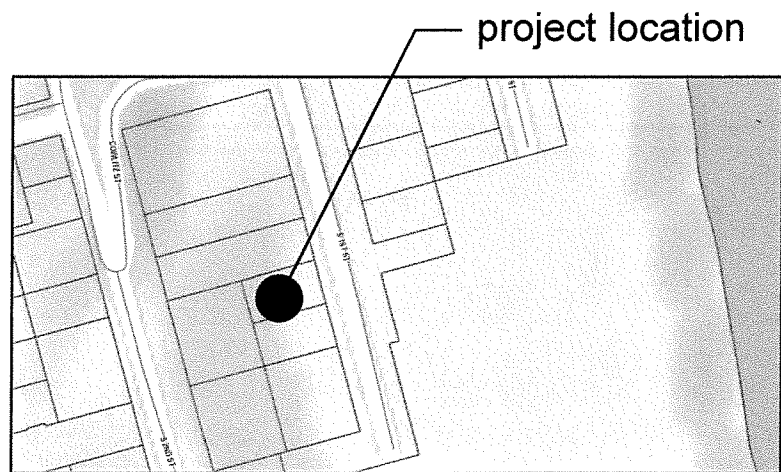
existing site plan



proposed site plan



scale: 1" = 40' 0"
lot size: 11,600 sf.



vicinity map

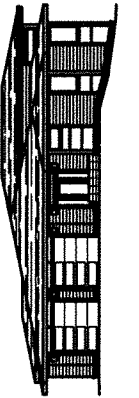
existing restaurant area: 2,130 sf.
existing apartment: 804 sf.
porch/patio: 475 sf.

total: 3,409 sf.

Restaurant roof line	12'-8"
Apartment roof line	22'-8"

Project #
CCRestaurant

Custom home Design
date:
01/25/2023



NS Designs

(541) 390-4211 saarinen.nic@gmail.com
33787 NE Kern Ct. Scappoose OR, 97056

Restaurant for
Dave Lauridsen
343 S 1st St.
St. Helens OR, 97051

SITE LOCATION

343 S 1st St.

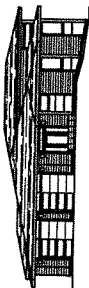
Columbia, county
St. Helens, Or

E.1
of
2

Project # CCRestaurant

Custom home Design

date: 01/25/2023



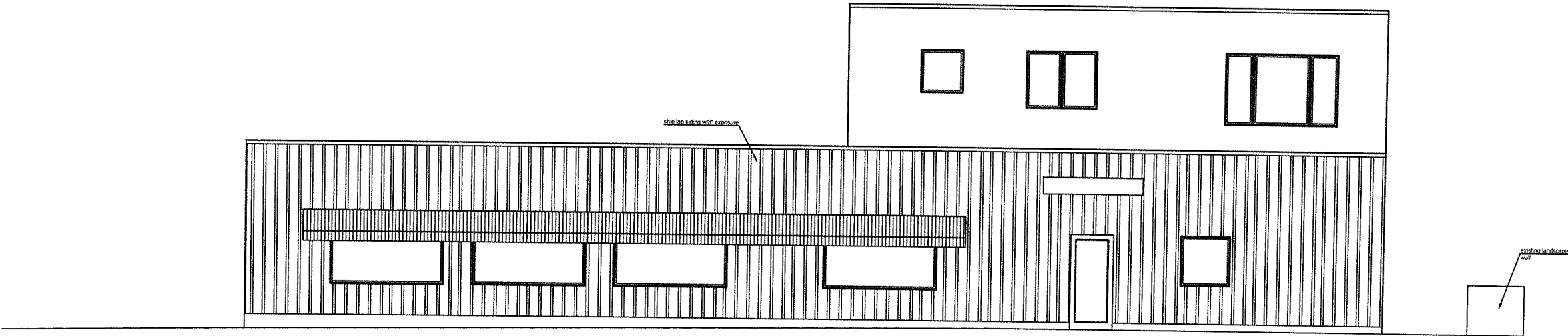
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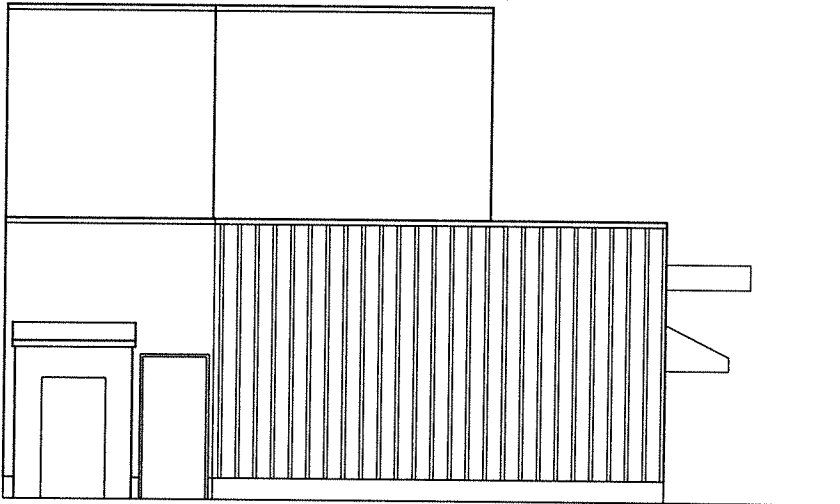
SITE LOCATION
343 S 1st St.

Columbia, county
St. Helens, Oregon



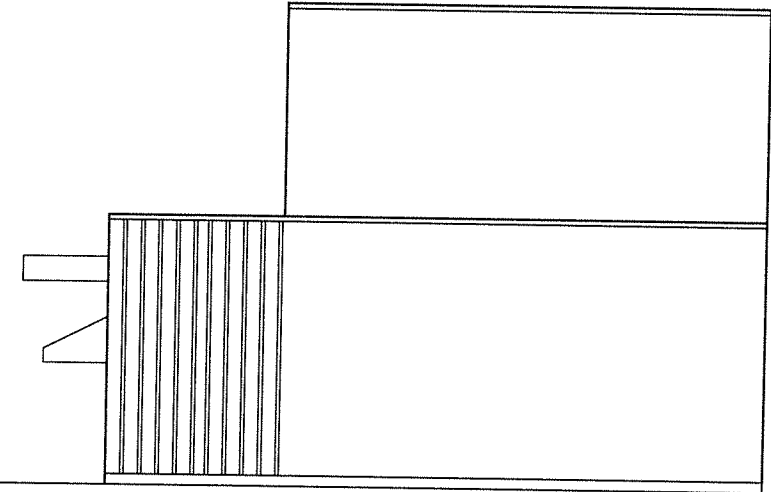
existing front (east) elevation

1/4"=1'0"



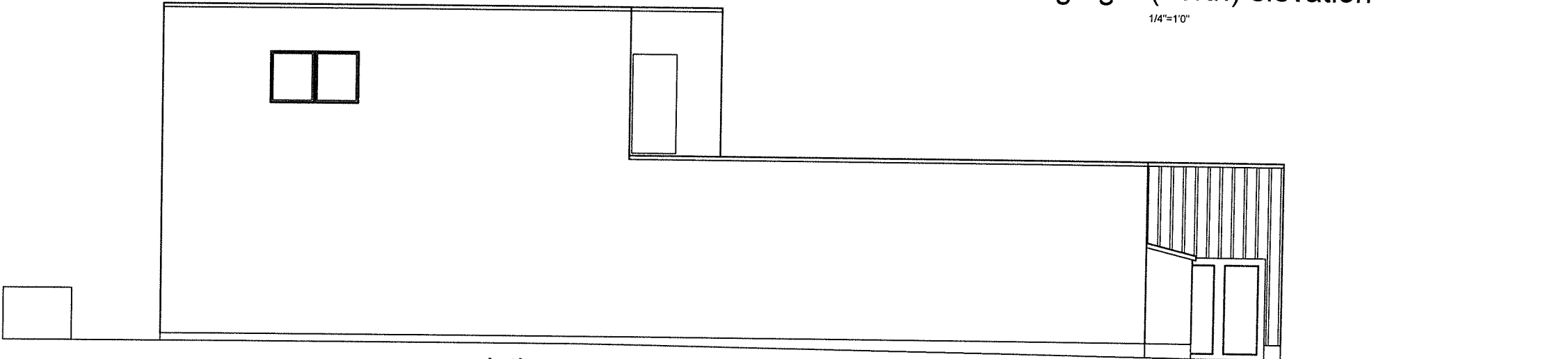
existing left (south) elevation

1/4"=1'0"



existing right (north) elevation

1/4"=1'0"



existing rear (west) elevation

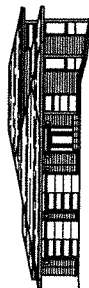
1/4"=1'0"

E.2
of
2

Project # CCRestaurant

Custom home Design

date: 01/25/2023



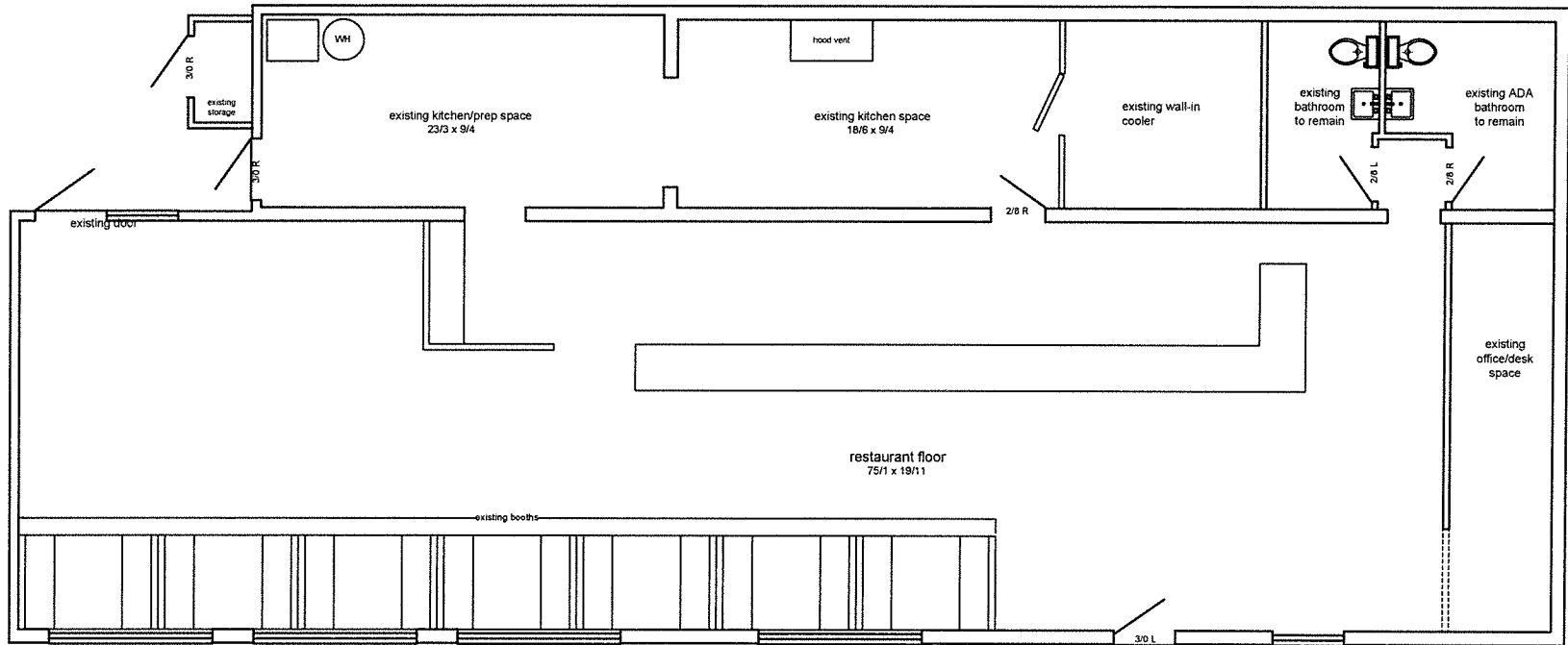
NS Designs

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Restaurant for
Dave Lauridsen
343 S 1st St.
St. Helens OR, 97051

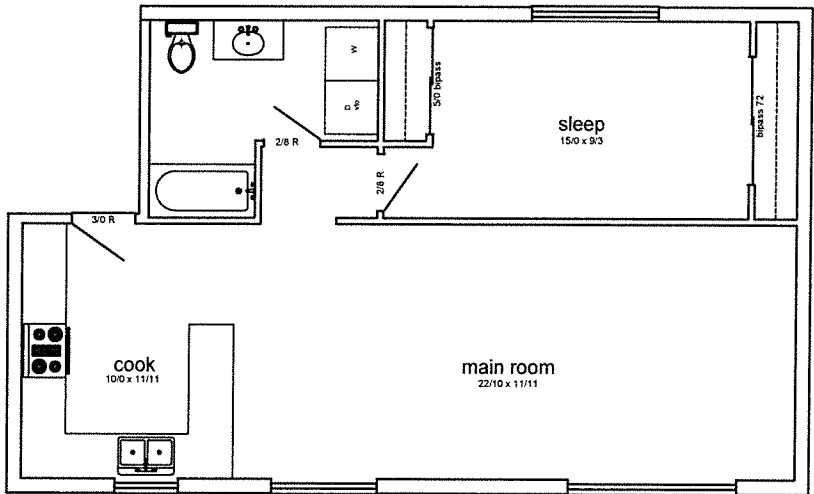
SITE LOCATION
343 S 1st St.

Columbia, county
St. Helens, Oregon



existing sidewalk

existing
floor/layout plan
1/4" = 1'0"



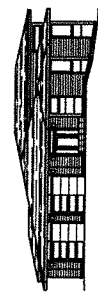
existing
floor/layout plan
1/4" = 1'0"

2 of 8

Project # CCRestaurant

Custom home Design

date: 01/25/2023



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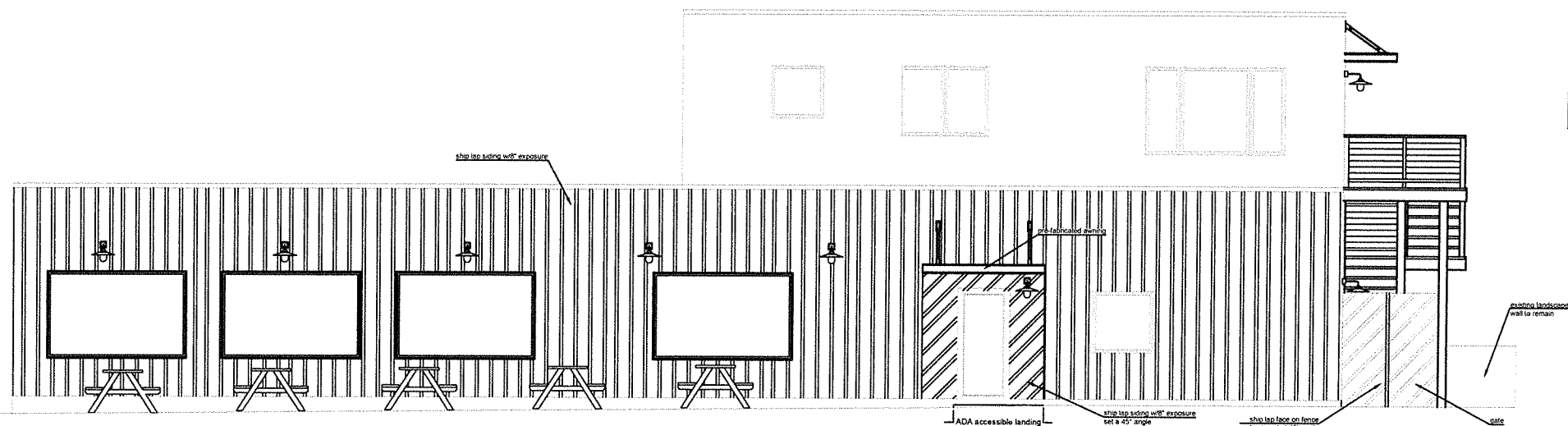
(541) 390-4211
email: saarnen.nic@gmail.com
33787 NE Kern Ct. Scappoose OR, 97056

Restaurant for
Dave Lauridsen
343 S 1st St.
St. Helens OR, 97051

SITE LOCATION

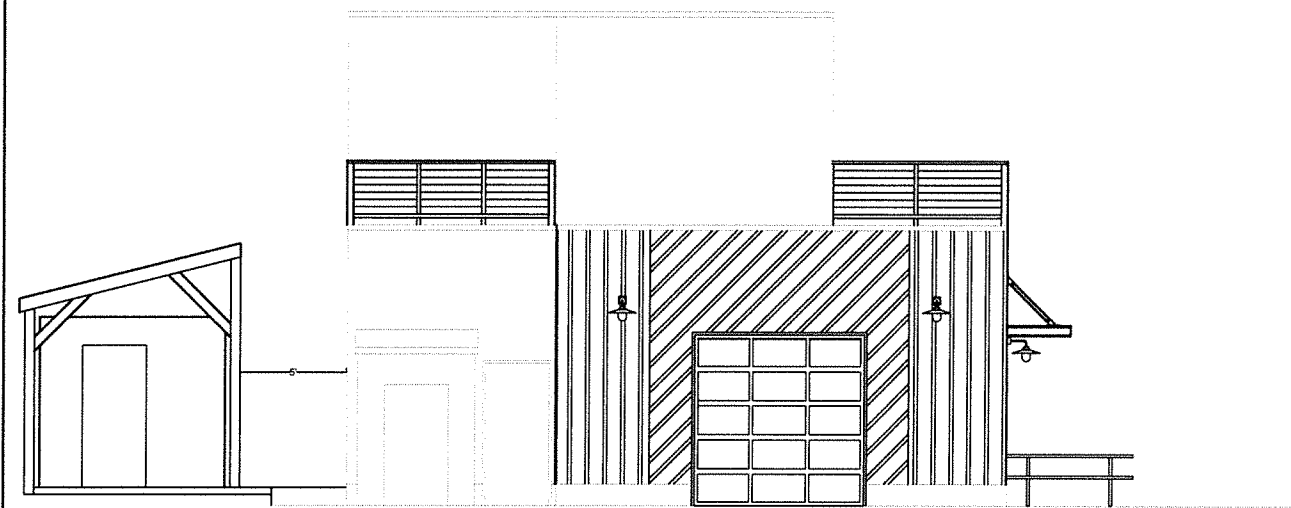
343 S 1st St.

Columbia, county
St. Helens, Oregon



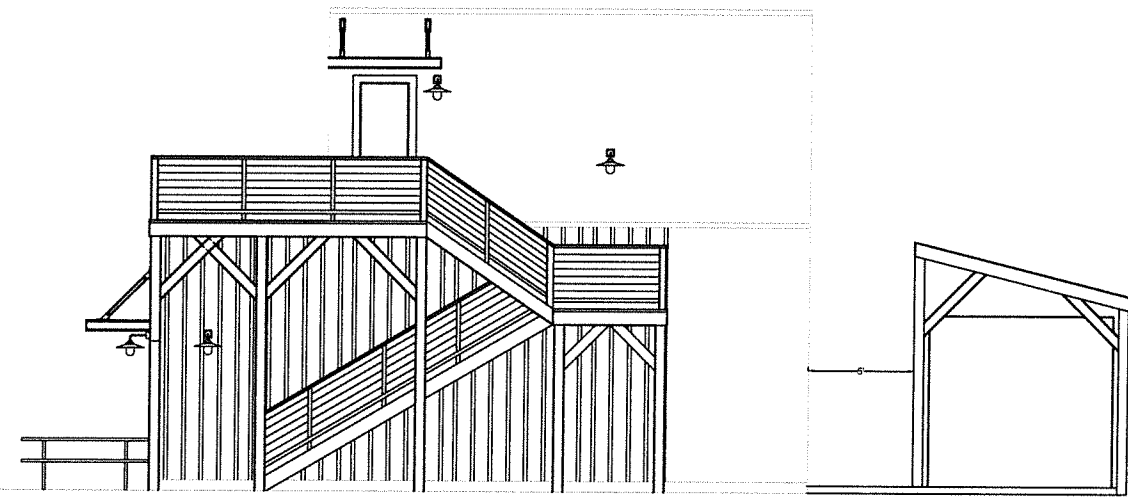
front (east) elevation

1/4"=1'0"



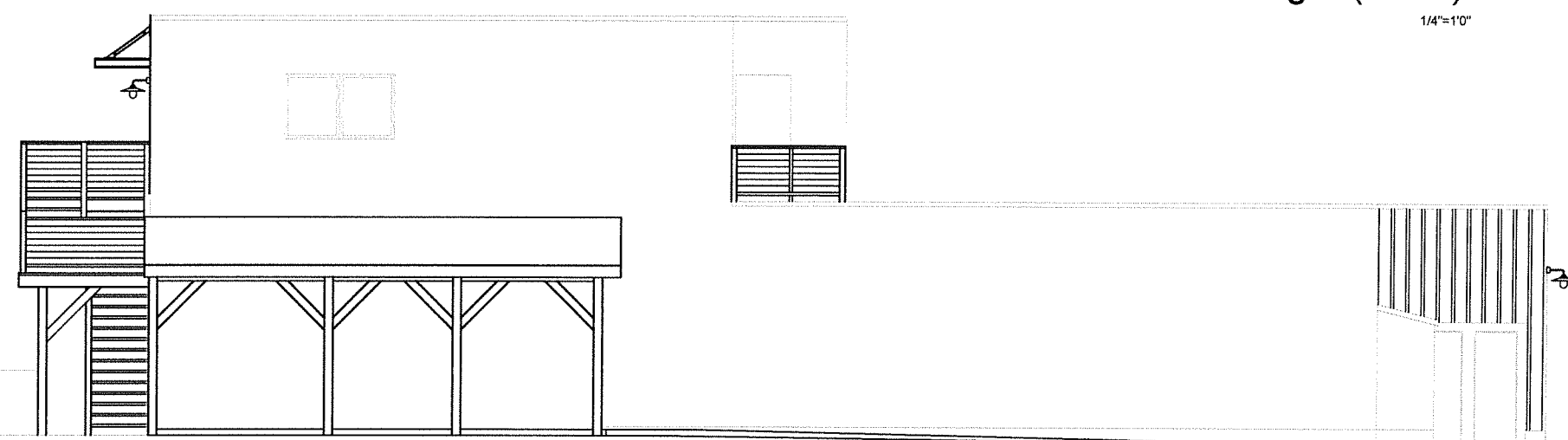
left (south) elevation

1/4"=1'0"



right (north) elevation

1/4"=1'0"



rear (west) elevation

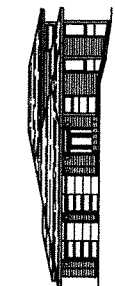
1/4"=1'0"

3 of 8

Project # CCRestaurant

Custom home Design

date: 01/25/2023



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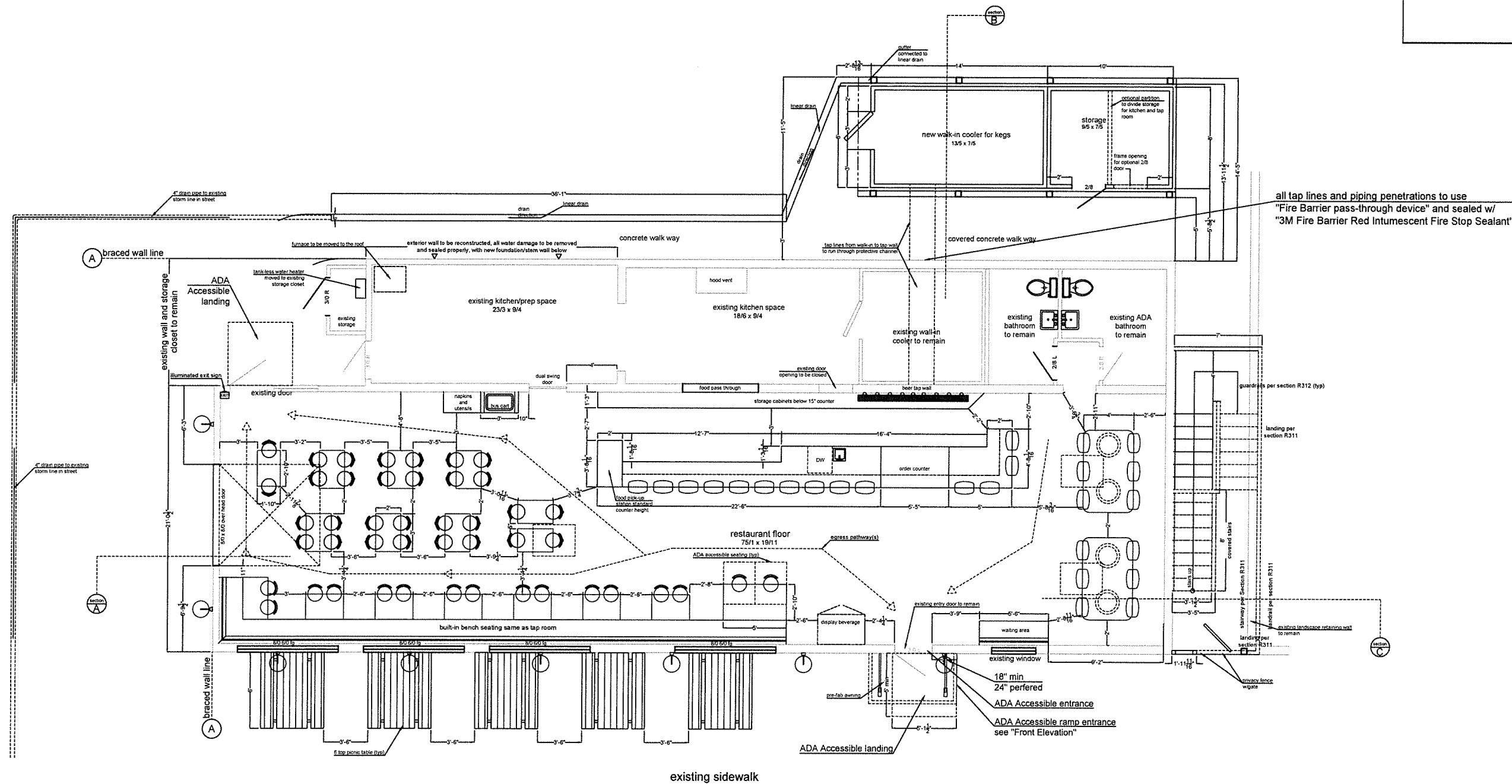
(541) 390-4211
email: saarinen.nic@gmail.com
33787 NE Kem Ct. Scappoose OR, 97056

Restaurant for
Dave Lauridsen
343 S 1st St.
St. Helens OR, 97051

SITE LOCATION

343 S 1st St.

Columbia, county
St. Helens, Oregon



floor/layout plan

1/4" = 1'0"

1,620 sf. restaurant
510 sf. kitchen space
475 sf. porches/patios
2,605 st. total

continuous sheathing method
entire house sheathed in 7/16" o.s.b.

exterior sheathing/lateral shear wall fastening	
all exterior wall line continuously sheathed with 7/16" O.S.B. w/ 6d 6" o.c. boundary, 12" o.c. field unless otherwise noted on plan	7/16" O.S.B. w/ 6d 6" o.c. boundary, 12" o.c. field unless otherwise noted on plan
sheath all walls with 7/16" O.S.B. w/ 6d at 6" o.c. boundary & 12" o.c. field unless otherwise noted on plan	7/16" O.S.B. w/ 6d at 6" o.c. boundary & 12" o.c. field unless otherwise noted on plan
use 1/2" dia. anchor bolts at 6'0" o.c. unless noted otherwise on plan	1/2" dia. anchor bolts at 6'0" o.c. unless noted otherwise on plan

drywall at interior shear wall shall be applied vertical or all joints shall be blocked

Current layout:
88 seats inside
30 seats outside

Note: 5% of seating to be ADA accessible seating

4 of 8

Project # CCRestaurant

Custom home Design
date: 01/25/2023

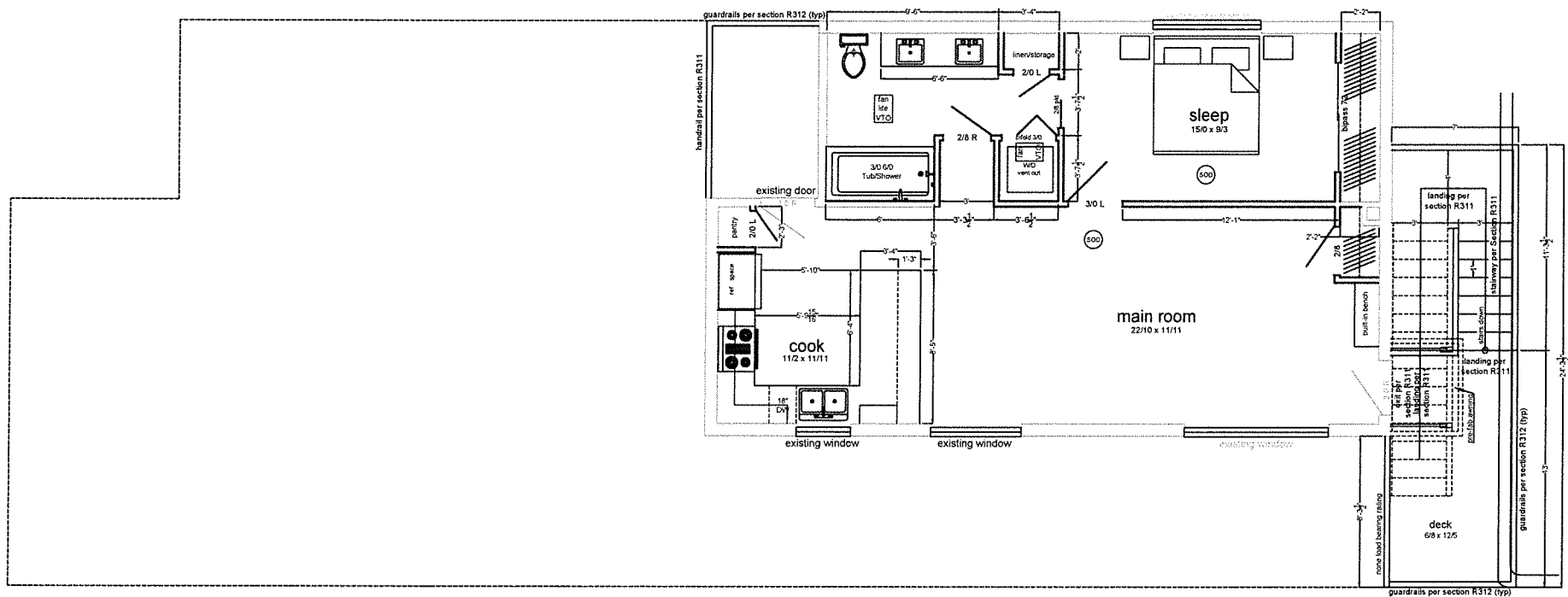


NS Designs
(541) 390-4211
email: saarnen.nic@gmail.com
33787 NE Kern Ct. Scappoose OR, 97056

Restaurant for
Dave Lauridsen
343 S 1st St.
St. Helens OR, 97051

SITE LOCATION
343 S 1st St.

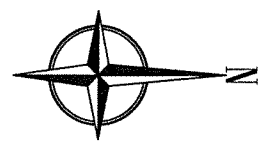
Columbia, county
St. Helens, Oregon



804 sf. living
91 sf. porches/patios
895 st. total

apartment floor plan

1/4" = 1'0"

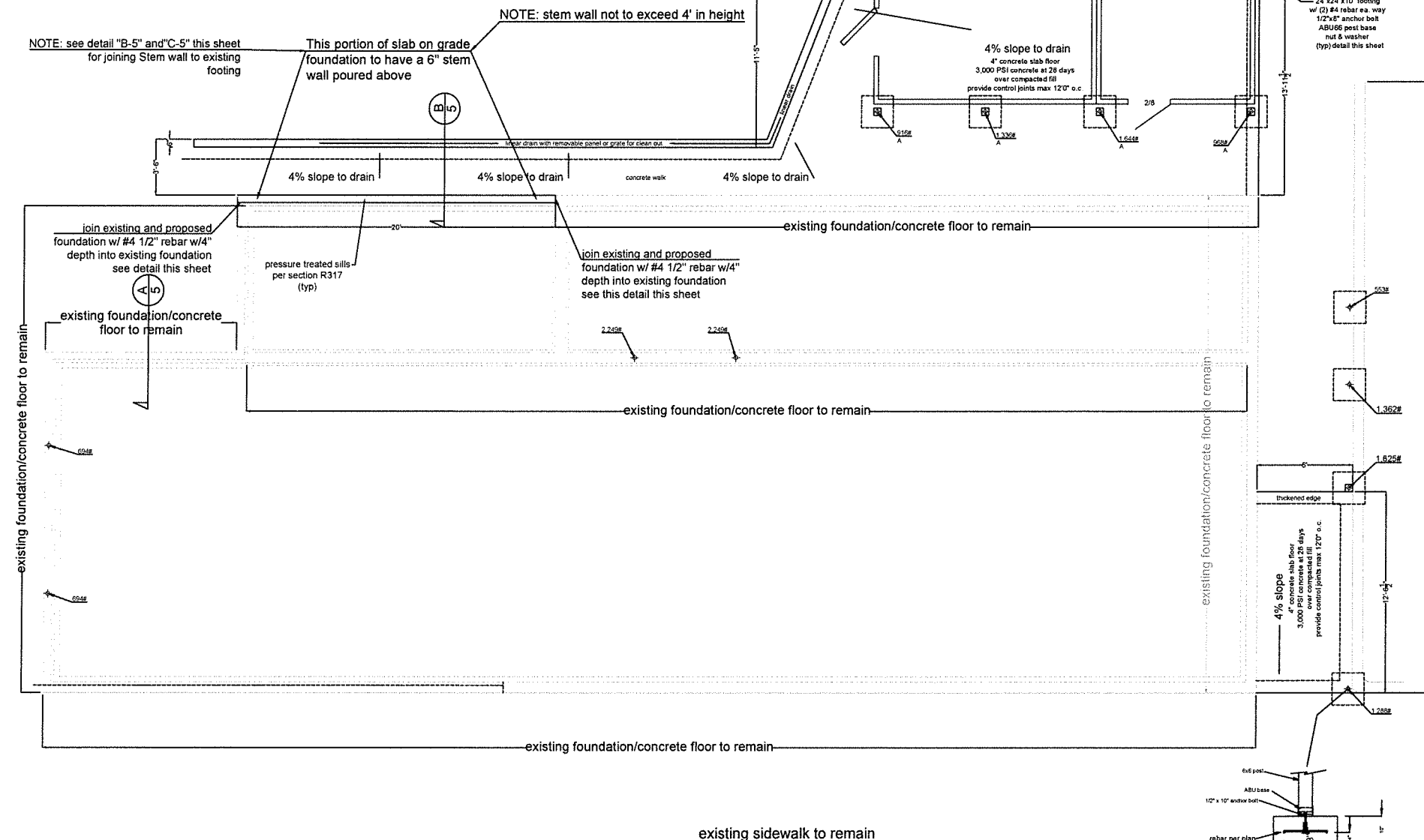
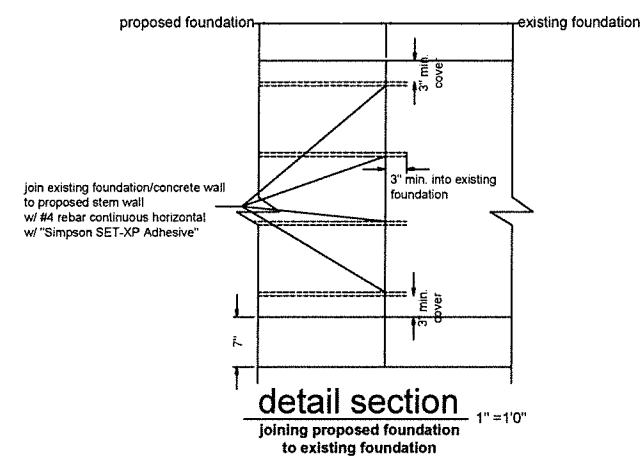
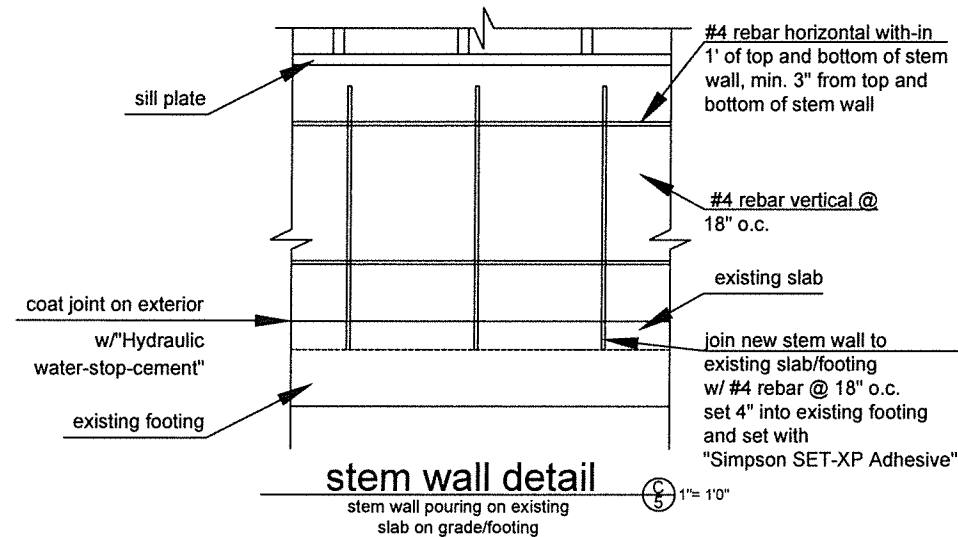
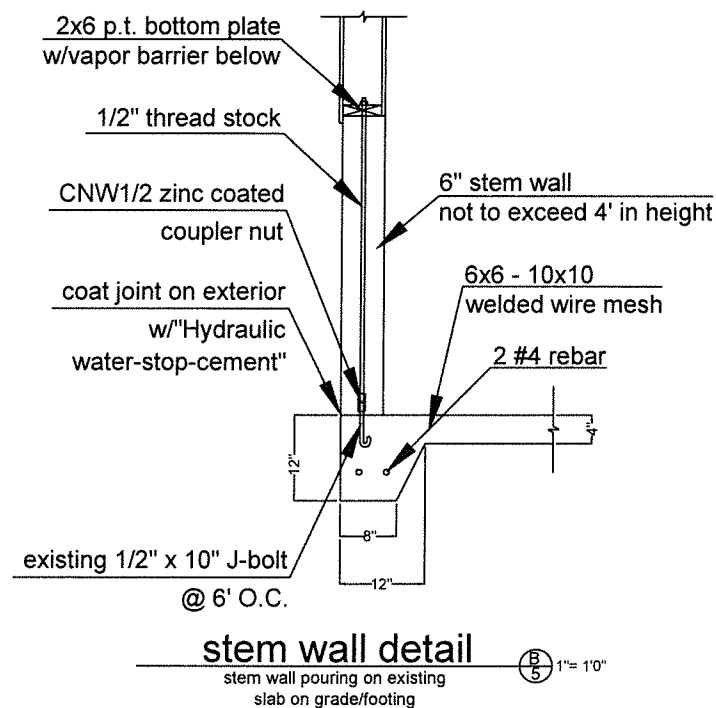
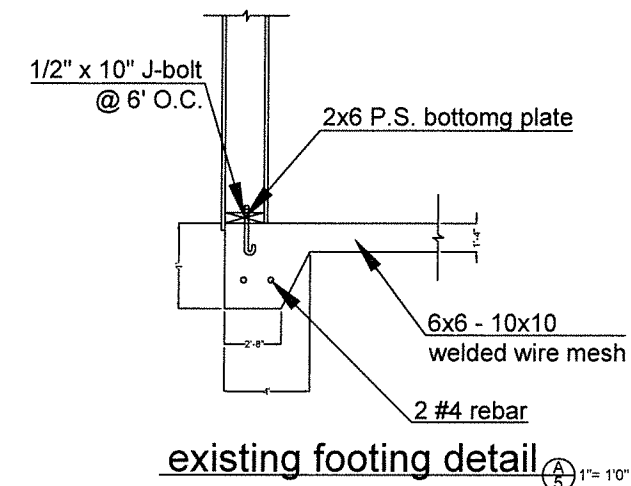


footing schedule footing reinforcements shall have min. 3" cover in all directions. IE. min depth 6" min. width 12" reinforcement steel shall be #4 rebar unless noted.

footing#	size	reinforcing	max load
A	18"x18"x10"	w/ (2) #4 ea. way	2,750#
B	24"x24"x10"	w/ (3) #4 ea. way	5,000#
C	27"x27"x10"	w/ (3) #4 ea. way	6,250#
D	30"x30"x10"	w/ (3) #4 ea. way	7,750#
E	33"x33"x10"	w/ (3) #4 ea. way	9,500#
F	36"x36"x10"	w/ (4) #4 ea. way	11,250#
G	39"x39"x10"	w/ (4) #4 ea. way	13,250#
H	42"x42"x10"	w/ (4) #4 ea. way	15,250#
I	45"x45"x10"	w/ (5) #4 ea. way	17,750#
J	48"x48"x10"	w/ (5) #4 ea. way	20,000#
K	51"x51"x10"	w/ (6) #4 ea. way	22,500#
M	57"x57"x10"	w/ (6) #4 ea. way	26,500#
N	60"x60"x12"	w/ (8) #4 ea. way	30,750#
O	63"x63"x12"	w/ (8) #4 ea. way	37,250#
P	66"x66"x12"	w/ (8) #4 ea. way	40,500#
Q	69"x69"x13"	w/ (8) #4 ea. way	44,250#
R	72"x72"x13"	w/ (8) #4 ea. way	48,250#
S	75"x75"x14"	w/ (8) #4 ea. way	51,750#
T	78"x78"x14"	w/ (8) #4 ea. way	56,000#
U	81"x81"x14"	w/ (8) #4 ea. way	60,000#

foundation notes:

foundations shall be built per chapter 8 2022 ORSC
concrete strength shall meet or exceed values in table R402.2
footings shall meet or exceed standards in table R403.1
foundation wall shall meet or exceed dimensions specified in tables in chapter 8 2022 ORSC



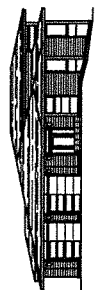
porch/deck roof pier pad/column 1/2" = 1'0"

5 of 8

Project # CCRestaurant

Custom home Design

date: 01/25/2023



NS Designs

(541) 390-4211
email: saarinen.nic@gmail.com
33787 NE Kern Ct. Scappoose OR, 97056

Restaurant for
Dave Lauridsen
343 S 1st St.
St. Helens OR, 97051

SITE LOCATION

343 S 1st St.

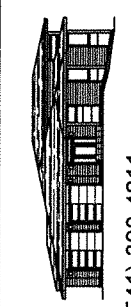
Columbia, county
St. Helens, Oregon

6 of 8

Project # CCRestaurant

Custom home Design

date: 01/25/2023



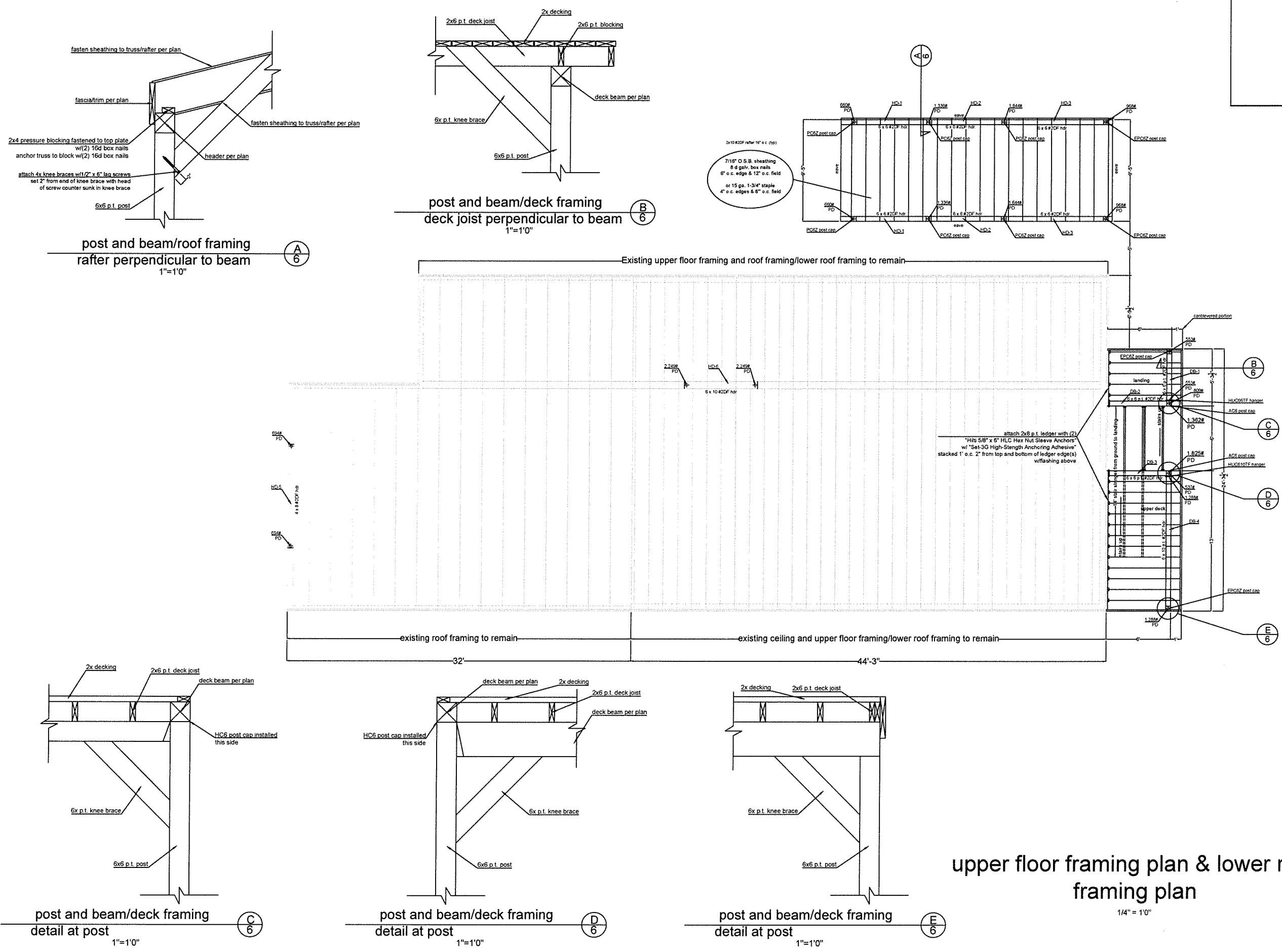
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Restaurant for
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343 S 1st St.
St. Helens OR, 97051

SITE LOCATION
343 S 1st St.

Columbia, county
St. Helens, Oregon



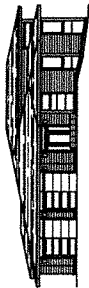
upper floor framing plan & lower roof framing plan
1/4" = 1'0"

7
of
8

Project # CCRestaurant

Custom home Design

date: 01/25/2023



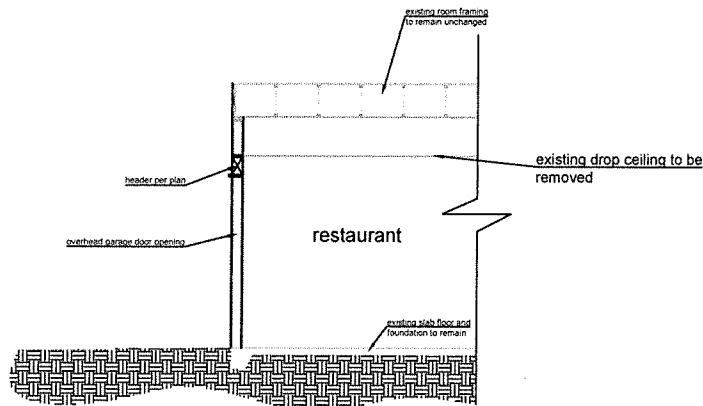
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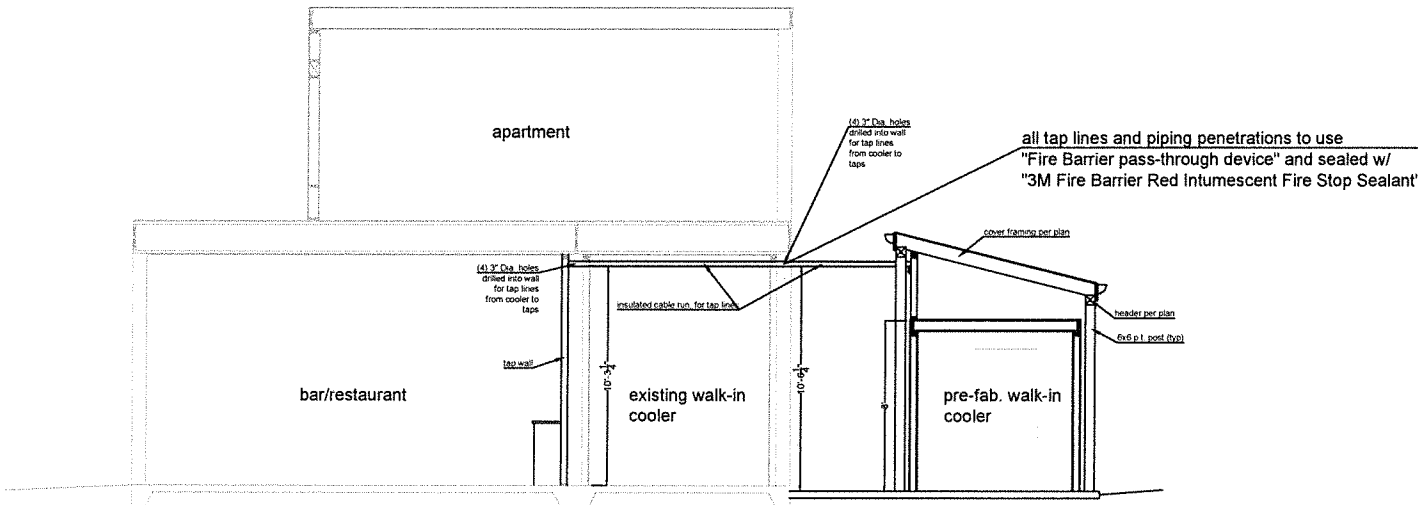
Restaurant for
Dave Lauridsen
343 S 1st St.
St. Helens OR, 97051

SITE LOCATION
343 S 1st St.

Columbia, county
St. Helens, Oregon

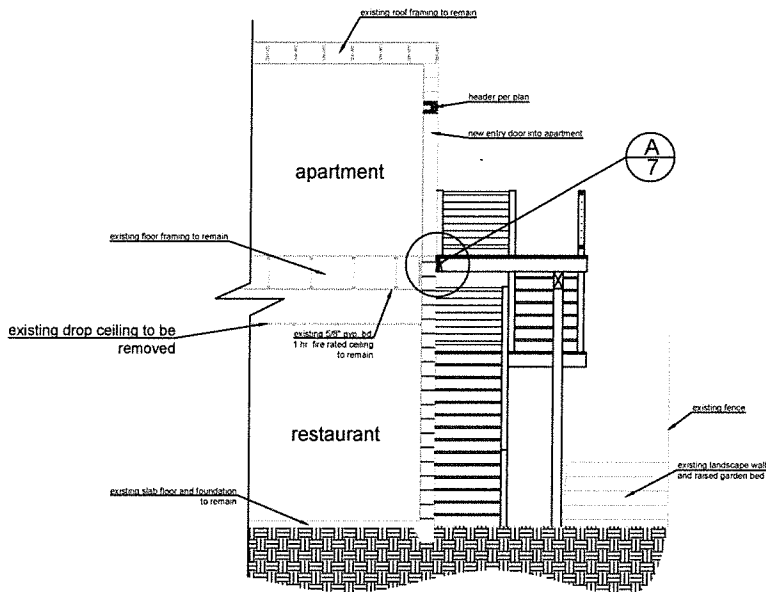


section "A"
1/4" x 1'0"

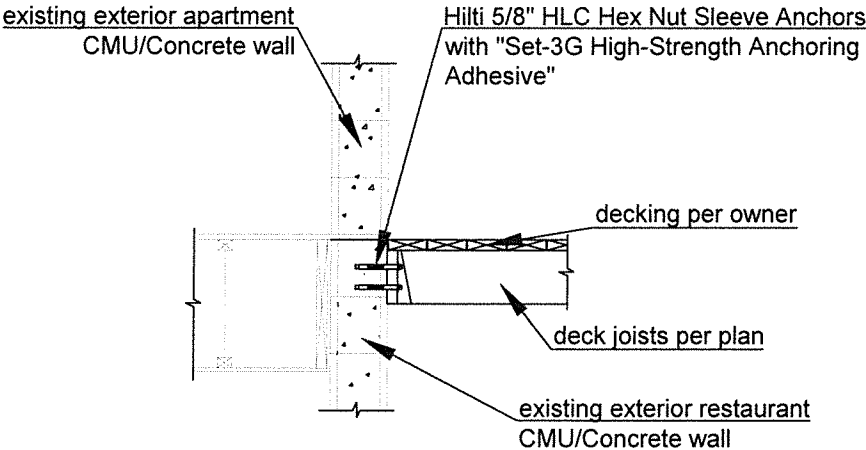


section "B"
1/4" x 1'0"

contractor to verify wall heights on site



section "C"
1/4" x 1'0"




post and beam/deck framing
detail at post
1"=1'0"

8 of 8

Project # CCRestaurant

Custom home Design
date: 01/25/2023

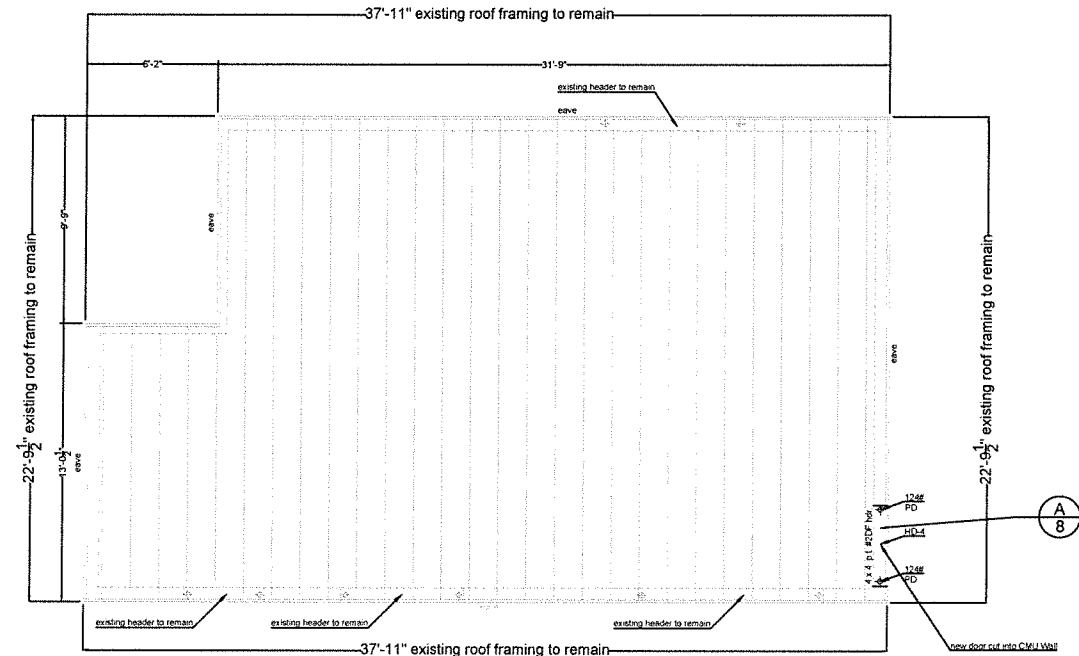
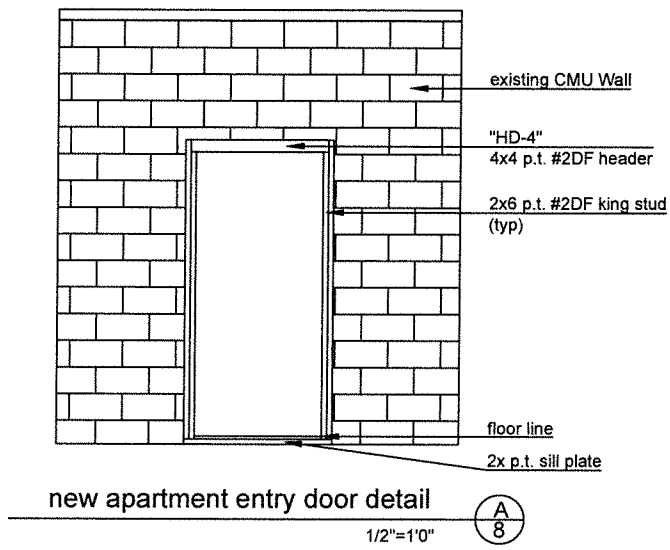


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SITE LOCATION
343 S 1st St.

Columbia, county
St. Helens, Oregon



**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
VAC.1.23**

DATE: February 8, 2023
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
PETITIONER: City of St. Helens by City Council Motion
PROPOSAL: Vacation of public right-of-way described as follows:

See attached legal description of vacation area.

The purpose of this vacation is to eliminate of swath of right-of-way more-or-less centered within a bluff topographic feature to unify the developable area of the bluff.

PUBLIC HEARING & NOTICE

Hearing date: March 15, 2023 before the City Council

Notice of this proposed street vacation was Published in the Chronicle on March 1, 2023 and March 8, 2023. Staff posted a copy of the notice at or near each end of the proposed street vacation areas on March 1, 2023.

****this is a draft report – the above dates are preliminary****

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 2.08.080—Planning Commission Powers and Duties

Discussion: There are several listed duties and powers that include recommendations to the City Council with regards to property acquisition/disposition, public facility proposals, right-of-way plans, plats or deeds dedicating land to public use, and street design for example. Street vacation proposals can be construed as falling within one or more of these.

As such, at their February 16, 2023 meeting, the Commission considered this request and, based on <<majority or unanimous>> vote, recommends the following to the City Council:

The Planning Commission recommends that the City Council...

SHMC 17.32.030(5): Whenever any street is lawfully vacated, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, the lands formerly within the vacated street shall automatically be subject to the same zoning district designation that is applicable to lands to which the street attaches.

SHMC 17.136.220—Vacation of Streets: All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271 and applicable local regulations.

Discussion: The above two excerpts are the only places where vacations are specifically mentioned in the St. Helens Municipal Code. The Municipal Code does not set forth any additional approval criteria other than those per State law below.

Oregon Revised Statutes, ORS 271.120 – Street Vacation Approval Criteria

... the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

When a vacation is based on a council's own motion pursuant to ORS 271.130 instead of a citizen petition, as in this case, some of the approval criteria differ from above.

Oregon Revised Statutes, ORS 271.130(1)

The city governing body may initiate vacation proceedings authorized by ORS 281.080 (Vacation in incorporated cities) and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110 (Notice of hearing), but such vacation shall not be made before the date set for the hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080 (Vacation in incorporated cities), object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provisions for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

Findings:

- **Have there been any objections or other comments submitted regarding this request?**

...draft report, no comments yet...

- **Did the city council approve a motion to initiate this request (instead of the petition and consent method)?**

The City Council approved a motion to initiate vacation of right-of-way as described herein at their January 18, 2023 Regular Session.

- **Have the owners of a majority of the area affected, computed on the basis provided in ORS 271.080 (Vacation in incorporated cities), object in writing?**

Pursuant to ORS 271.080(2), the affected area is an area 200 feet parallel to and on both sides of the portion of street r.o.w. to be vacated and 400 feet along its course beyond each terminus of the portion of street r.o.w. to be vacated.

...draft report, no comments yet...

- **Is there any evidence that the vacation will substantially affect the market value of abutting property, and if so, has consent from abutting property owners been obtained unless the city provides for paying damages?**

No portion of the proposed right-of-way to be vacated abuts, touches or is adjacent to property not owned by the City of St. Helens.

- **Has notice been duly given?**

Notice requirements are set forth by ORS 271.110. This requires published notice to occur once each week for two consecutive weeks prior to the hearing and posted notice within five days after the first date of published notice. The posting and first day of publication notice is required to be at least 14 days before the hearing. The notice requirements have been met (see PUBLIC HEARING & NOTICE above).

****this is a draft report – the above notice dates are preliminary****

- **Will the public interest be prejudiced by the proposed street vacation?**

As of the date of this report, there is no evidence the public interest will be prejudiced.

This vacation will help unify the property that makes up the bluff, thus promoting its use as a bluff as opposed to removal of the bluff. This is consistent with the city's zoning rules pertaining to the following use, which is only allowed in the Heavy Industrial, HI zoning district:

Natural mineral resources development including necessary building, apparatus and appurtenances for rock, sand, gravel and mineral extraction and dredging, processing and stockpiling and all types of mineral recovery or mining, excluding smelters and ore reduction.

The subject property is zoned both General Residential, R5 and Apartment Residential, AR and not Heavy Industrial, HI, and thus "Natural mineral resources development et. al." is a prohibited use. The state of Oregon upheld the city's findings that entire removal of the bluff constituted this unlawful use for this area upon hearing the appeal of Sensitive Lands Permit SL.2.13. Both the Oregon Land Use Board of Appeals (see S. St. Helens, LLC v. City of St.

Helens, LUBA No. 2014-067) and the Court of Appeals (CA No. A1587420) affirmed the Planning Commission's 2014 findings. In 2016, the City Council amended its Development Code to clarify definitions and use in the HI zone as it applies to excavation, mining and natural mineral resources development, based on lessons learned from this case (Ord. No 3203). In a city largely sitting atop basalt, the 2014 decision of the planning commission as upheld by two higher courts and the City Council's 2016 code amendment actions, demonstrates the importance of this matter to the community.

There are no public improvements existing or proposed within the area to be vacated.

Below: the bluff as viewed from N 11th Street looking south. Approximate right-of-way location shown. This is the north side of the bluff.





Top: This photo taken from the south side of the bluff more-or-less within the right-of-way proposed to be vacated looking west. N. 12th Street is visible in the background.

Middle: This photo taken from the south side of the bluff more-or-less within the right-of-way proposed to be vacated looking east.

Bottom: This photo taken from the south side of the bluff standing within the right-of-way proposed to be vacated looking north within said right-of-way.

Note the absence of any improvements and solid rock (i.e., no underground utilities here).

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends the Planning Commission recommend approval to the City Council of this proposed the street vacation.

Other things for Planning Commission discussion:

1. Proposed right-of-way dedication (as depicted on the attached)
2. PD overlay. Leave it alone, expand it, or eliminate it?
3. Zoning. Rezone so bluff has one zone? AR or R5?

Attached: Legal Descriptions
Maps (x5)

ROW dedication

A parcel of land located in the NW ¼ of the NE ¼ of Section 4, Township 4 N., Range 1 W., Willamette Meridian, Columbia County, Oregon, more specifically described as follows:

Beginning at a point, which is the Southwest corner of Lot 7, Block 95 of the St. Helens Subdivision, St. Helens, Columbia County, Oregon, also the **True Point of Beginning**;

Thence, Northwesterly to a point on the North line of said Lot 7 that is 12 feet from the Northwest corner of said Lot 7;

Thence, Northeasterly to a point on the North line of Lot 8, Block 95 of said St. Helens Subdivision that is 31 feet from the Northwest corner of said Lot 8;

Thence, Northeasterly to a point on the North line of Lot 9, Block 95 of said St. Helens Subdivision that is 58 feet from the Northwest corner of said Lot 9;

Thence, Northeasterly to a point on the South line of Lot 12, Block 95 of said St. Helens Subdivision that is 13 feet from the Southwest corner of said Lot 12;

Thence, Northeasterly to a point on the North line of said Lot 12 that is 17 feet from the Northeast corner of said Lot 12;

Thence, Southwesterly to a point on the North line of Lot 11, Block 95 of said St. Helens Subdivision that is 76.39 feet from the Northwest corner of said Lot 11;

Thence, Southwesterly to a point on the West line of said Lot 11 that is 56.66 feet from the Northwest corner of said Lot 11;

Thence, Southeasterly along the West line of said Lot 11 and continuing along the West line of Lots 10, 9, 8 and 7, Block 95 of said St. Helens Subdivision to the **True Point of Beginning**.

* * * * *

Vacation area

A parcel of land located in the N ½ of the NE ¼ of Section 4, Township 4 N., Range 1 W., Willamette Meridian, Columbia County, Oregon, more specifically described as follows:

Beginning at a point, which is the Southeast corner of Lot 19, Block 95 of the St. Helens Subdivision, St. Helens, Columbia County, Oregon;

Thence, Northwesterly along the East line of said Lot 19 to a point that is 1 foot from the Southeast corner of said Lot 19 and the **True Point of Beginning**;

Thence, Northwesterly along the East line of said Lot 19 and continuing along the East line of Lots 18, 17, 16, 15, 14, 13, and 12, Block 95 of said St. Helens Subdivision to the Northeast corner of said Lot 12;

Thence, Southwesterly along the North line of said Lot 12 to a point that is 17 feet from the Northeast corner of said Lot 12;

Thence, Northeasterly to a point along the right-of-way centerline of N. 11th Street (Franklin Street) that is 1 foot Southeast from where the original right-of-way centerlines of Wyeth Street and N. 11th Street (Franklin Street) intersect;

Thence, Northeasterly and parallel to the original right-of-way centerline of Wyeth Street to a point on the East line of the N. 11th Street (Franklin Street) right-of-way, said East right-of-way line resulting from the vacation of a portion of Wyeth Street by City of St. Helens Ordinance No. 2839, as recorded June 8, 2001 under Columbia County Clerk Fee No. 01-06033, Records of Columbia County, Oregon;

Thence, Southeasterly along the West line of the vacated portion of the Wyeth Street right-of-way vacated by City of St. Helens Ordinance No. 2839, as recorded June 8, 2001 under Columbia County Clerk Fee No. 01-06033, Records of Columbia County, Oregon, and continuing along the West line of Lots 11, 10, 9, 8, 7, 6, 5, and 4, Block 92 of said St. Helens Subdivision to a point that is 25 feet Southeast from the Northwest corner of said Lot 4;

Thence, Southwesterly to the **True Point of Beginning**.



N. 11th/12th Street Bluff Property

General Location



Source: City of St. Helens. Aerial photo April 2022. jag/Jan. '22



NOT TO SCALE



N. 11th/12th Street Bluff Property

City Ownership



Source: City of St. Helens, Aerial photo April 2022, jag/Jan. '22

NOT TO SCALE



N. 11th/12th Street Bluff Property

Zoning

R5

N. 11TH STREET

AR

PD Overlay

PD Overlay

R5

R5

AR

AR

N. 12TH STREET

MU

St. Helens
Middle School

PL



NOT TO SCALE

Source: City of St. Helens. Aerial photo April 2022. jag/Jan. '22



N. 11th/12th Street Bluff Property

ROW Dedication
ROW Vacation
& City Utilities

Blue: Water
Green: Sanitary
Orange: Storm

Red: Proposed ROW Dedication

Purple: Proposed ROW Vacation

St. Helens
Middle School

N. 11TH STREET

N. 12TH STREET



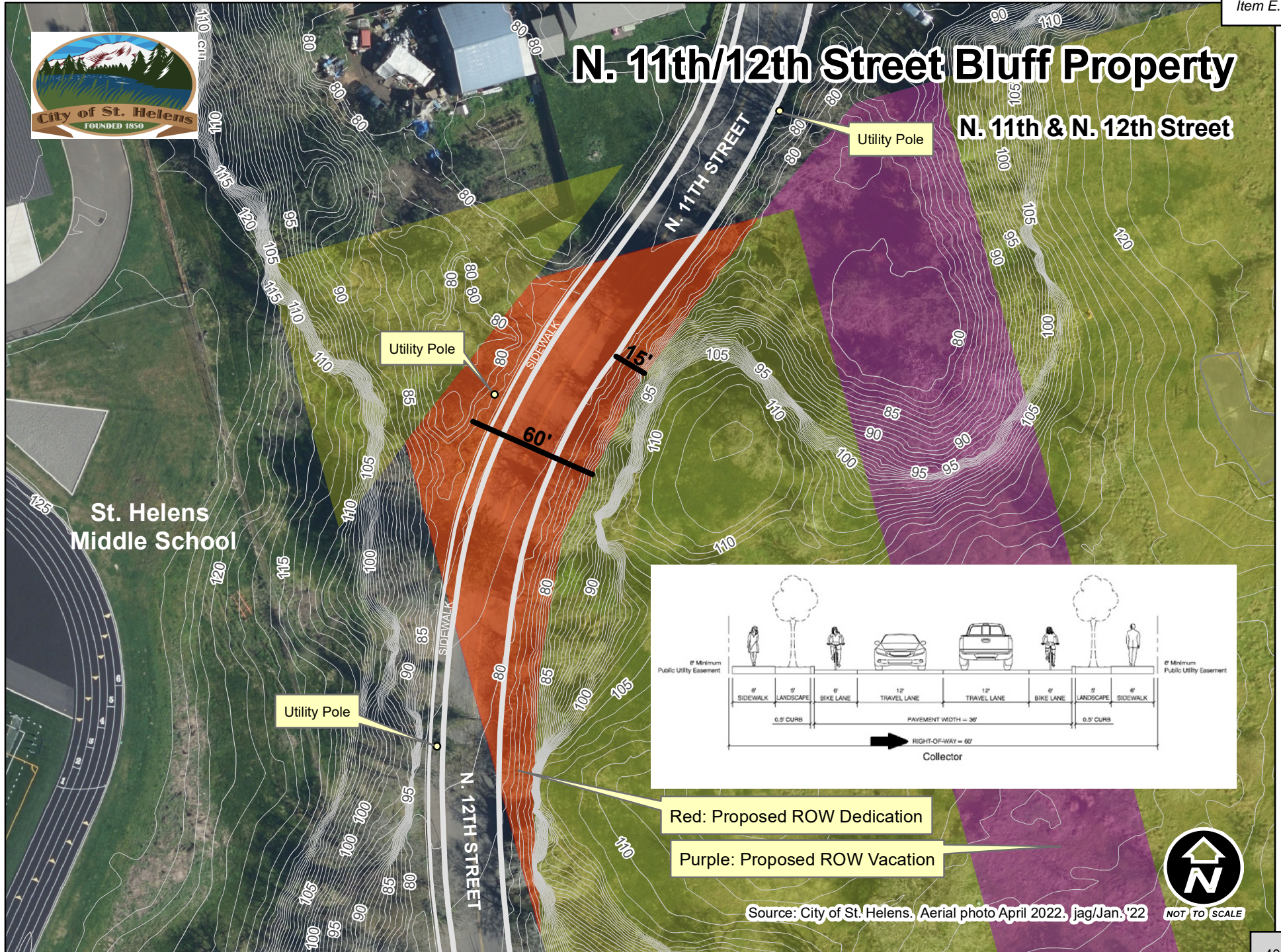
Source: City of St. Helens, Aerial photo April 2022, jag/Jan. '22

NOT TO SCALE



N. 11th/12th Street Bluff Property

N. 11th & N. 12th Street



Red: Proposed ROW Dedication

Purple: Proposed ROW Vacation

Source: City of St. Helens. Aerial photo April 2022. jag/Jan. '22



NOT TO SCALE

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: 01.24.2023

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 for potential improvements to the old (original) courthouse. County will likely receive money from the state (judicial funds) for state court related improvements. We'll probably know more around May. Could be \$2 – 4 million.

Conducted a pre-application meeting for a potential mixed-use development (apartments + some commercial space) on the corner of N. 6th Street/Columbia Boulevard. The Planning Commission approved a six-lot subdivision for the same property in 2020, but the owner/developer did not pursue that.

PLANNING ADMINISTRATION—MISC.

Prepared legal descriptions for the two annexation applications received in 2022. I started working on one of them in May 2022, but these are more involved (sometimes this is a quick and easy exercise, but not this time), and more time than usual was needed to prepare these. Thank you for the holiday season to get ahead on stuff like this. This is a necessary early step for annexations due to how we need to notify the State Department of Revenue and the County. Anticipating public hearings for these sometime in first half of this year.

Worked with the Assessor on an address issue on the 500 block of S. 8th Street that city utility billing staff discovered. Teamwork!

Some city staff met with our new DLCD representative-Laura Kelly-this month. Since I started in 2007, this would be our third DLCD rep.

DEVELOPMENT CODE ENFORCEMENT

Despite communication suggesting otherwise (see last entry in the November 2022 report), the ACSP / Orgrotech folks at 1400 Kaster did not move a shed placed within a public utility easement by the Jan 1st deadline. Though, it's probably too late (the marijuana production licenses are probably already sold), I asked OLCC to rescind all Land Use Compatibility Statements associated with the Site Design Review that approved the proposed sheds.

At the very end of December, staff sent an enforcement letter to a property owner along Old Portland Road and S. 11th Street for unpermitted buildings unquestionably visible from Old Portland Road. Both planning and building staff have had productive conversations with the owner, and I don't anticipate this being a case that drags on or results in great disappointment from the owner.

A recently approved grade/fill permit moved beyond its approved boundary and onto the city's Columbia Botanical Gardens Park property. Property owner remedied the situation, though some impact is still evident, but just on the perimeter of the park.



Above: SE corner of the Botanical Gardens property on Jan. 13, 2023.



Below: Same area on January 24, 2023. You can see how fill material has been pulled back off of the city park property.

PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)

January 11, 2023 meeting (outcome): *As the Historic Landmarks Commission*, the Commission reviewed and provided recommendations for the proposed buildings (stage and covered area) associated with the Columbia View Park expansion and improvements. They also discussed the upcoming Certified Local Government Historic Preservation Grant Program.

After extensive discussion and multiple motions, the Commission determined that Steve Toschi be Chair and Dan Cary be Vice Chair.

The Commission formerly acknowledge Steve Toschi, Charles Castner, and Ginny Carlson for Planning Commission representation on the HB3115 (et. al.) task force.

The Commission decided to add architectural standards to its list of proactive items. Some other proposed items were discussed briefly, with the discussion tabled to February given the length the meeting (6pm to 10:30pm).

February 16, 2023 meeting (upcoming): Several agenda items are in store for February, though no formal public hearings. Items include but may not be limited to: practical councilor liaison attendance discussion, discussion about future vision discussions, continuation of the proposed proactive discussions from last month, and recommendations for the city's "bluff property" just east of the Middle School grounds.

As the Historic Landmarks Commission, they will consider proposed changes to the Dockside restaurant that was recently purchased by Crooked Creek Brewery.

COUNCIL ACTIONS RELATED TO LAND USE

At their January 18, 2023 meeting, the Council approved a motion to initiate vacation of right-of-way that more-or-less in the middle of the bluff. Staff also presented proposed right-of-way dedication.

Note! This has been on the to-do list for years. When I started working on this in December it was the first time in several years where I was able to be proactive about the next task, rather than reacting to something.

Jacob Graichen

From: Jennifer Dimsho
Sent: Monday, January 23, 2023 9:48 AM
To: Jacob Graichen
Subject: January Planning Department Report

Here are my additions to the January Planning Department Report.

GRANTS

1. **Safe Routes to School - Columbia Blvd. Sidewalk Project** – Culvert project (County) will be a separate project than the sidewalks project. Construction in Spring/Summer 2023. Amendment approved to push completion deadline from November 2022 to February 2024. Project cost estimates came in x3 what we budgeted for the project. Bid openings were on 12/15 and there were TEN contractors who bid and the lowest bid was over 400k less than the project estimate, which means that with some additional County contributions, we can move forward with construction for this project! Amazing outcome for this project which we thought was going to be scrapped due to cost escalations. Received our 2nd reimbursement request which covers 100% design/engineering.
2. **Business Oregon – Infrastructure Finance Authority** – Loan Contract documents finalized for streets/utilities construction and Riverwalk project not covered by OPRD grants. Will submit first reimbursement once design work is complete for Riverwalk project.
3. **Riverwalk Project (OPRD Grants x2)** – 90% design received. 90% cost estimates received on 1/23. PC recommended approval of stage/pavilion with conditions on 1/10. 90% comment review TAC meeting is on 1/25. Working with Wauna Credit Union contact to confirm signage and then will issue sign permit. Coordinated meeting with Building Official to discuss all permits required and their review time frames. Coordinated internal meeting with the Engineering Dept. to discuss project and construction management roles & responsibilities between departments and contractors. Councilor Sundeen expressed interest in renovating the warrior rock lighthouse replica using in-house facilities staff. Assisting with him with this process of implementation/coordination with NOAA, County, City, Riverwalk, etc.
4. **Oregon Community Paths Program** – Prepared grant application narrative, timeline, and scope of work. Application was due Jan 31, 2023. Project will fund an off-street trail refinement project (30% design) from St. Helens to Scappoose. Grant ask is around 300k and a 10% cash match is required. Worked with Scappoose and the County to get letters of support and cash commitments to split the cash commitment between the 3 communities.
5. **Community Development Block Grants (CDBG)** – Began reviewing preliminary method of distribution for future Spring 2023 application which would fund engineering/design for our at-capacity sewer infrastructure. Worked on scheduling a required pre-app meeting with the CDBG coordinator.
6. **Certified Local Government Historic Preservation Grant Program** – Submitted our application for 15k to fund the pass-through grant program, as discussed during the Jan PC meeting. Awards will come in April.
7. **DLCD Technical Assistance Program** – Grant cycle will likely open in August and closes in October. Coordinated meet'n'greet with our new DLCD region rep and did a tour of St. Helens. Regional Rep thinks our 2008/2009 Economic Opportunities Analysis update will be a great candidate for funding. Scheduled a meeting with Scappoose Planning Director Laurie Oliver Feb to discuss the EOA update Scappoose just completed with economic consulting firm EcoNW. Working on refining our EOA update scope by learning about other communities' processes and updates.
8. **Veterans Memorial Grant Program** - VFW is working on a flag/monument expansion at the McCormick Park veterans memorial. SHPO offers veterans memorial grants and I spoke with the coordinator to determine that this would be eligible for funding. Grant is due March 31. Coordinated a meeting with LCE, the VFW, and Councilor Sundeen to determine scope/budget/timeline for a grant application to the program.

9. **Riverfront Streets/Utilities Project** – Construction contract granted to Moore Excavation. Attending weekly check-ins to stay in tune with project schedule and any construction delays/issues. Met with NW Natural to discuss gas line extension onto property.
10. **1st/Strand Undergrounding Utilities** – RFP closed on 11/1. Only 1 proposal received. Selection Committee recommended a new solicitation process for an electrical engineer to complete design work so that we can bid the design work out, instead of an RFP process. Engineering Dept working with electrical engineer directly to scope the project.
11. **St. Helens Industrial Business Park (SHIBP) Public Infrastructure Design** – 30% design for Phase I infrastructure & permitting/grading work for Phase II with Mackenzie. Pre-application meeting held on 10/13 to discuss applications needed for PGE parcellation and new sub-station. Mackenzie revised footprint to accommodate feedback from Cascades regarding use of the existing mill buildings. PGE said no further reduction in size is possible for the sub-station, so we are moving forward with design as presented.
12. **Utility Billing/Bennett Building cornice** – Pacific stainless prepared a mockup of the new cornice to be installed. Waiting for full fabrication. In-house installation will occur after fabricated.
13. **US Census Boundary & Annexation Survey** – Surveys went out to confirm 2021 submissions and to prepare us for 2022 submissions. Looks like we will have 3 annexations to report which were processed in 2022 (Due March 1).
14. **Safety Committee** – Serving as a member replacing Mike beginning in January. Conducted my first quarterly safety inspections of UB/Court & City Hall buildings.

Jenny Dimsho, AICP
 Associate Planner / Community Development Project Manager
 City of St. Helens
 (503) 366-8207
jdimsho@sthelensoregon.gov



CITY OF ST. HELENS PLANNING DEPARTMENT

M E M O R A N D U M

TO: City Council & Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
RE: HB3115, et. al. – starting discussion to provide direction for code amendments that need to be in place by July 1st:

- 1) Definition of “camping”
- 2) Managed v. passive sites – places ok to camp v. not ok
- 3) Location
- 4) Time, place and manner – focus on duration and “established” campsite
- 5) Violation
- 6) Private camping allowance?

DATE: February 8, 2023

The purpose and timing of this memo is to promote thought for productive upcoming discussions, such as the next joint Council/Planning Commission meeting on March 8th. The goal is determining how we will change our laws based on Oregon’s HB 3115 and associated matters, particularly decisions by the US Court of Appeals for the 9th Circuit.

There will likely be more examples of HB 3115 related codes in the months ahead as other cities face the HB 3115 July 1, 2023 implementation date, but there is no time to wait. And there is no model ordinance, so looking at other examples and attaining legal guidance is the best place to start. The content of this memo is based on recommendation of the League of Oregon Cities, legal counsel guidance, and ordinances from other jurisdictions that deal with more acute homelessness issues compared to St. Helens or Columbia County and, as such, have more “modern” codes.

Text in **red** represents the basic amendments suggested by the city’s legal counsel to have something in place by July 1st that would be considered compliant with the new HB3115 laws going into effect then. Other examples are provided too.

Actual current St. Helens law is **blue**.

* * * * *

Definition of “camping”

Definition of “camping” in Chapter 12.20 SHMC needs to be amended, per recommendation from legal counsel, to at least eliminate references to sleeping. See SHMC 12.20.010:

Current St. Helens definition is:

“Campsite” means any place where bedding, sleeping bag, or other sleeping matter or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or shelter, or any vehicle or part thereof.

“To camp” means to set up, or to remain in or at, a campsite.

St. Helens’ definition of campsite is similar to many other outdated definitions such as the City of Ashland and Eugene.

Our legal counsel suggests this definition of “campsite” (with no change to “to camp”), which removes sleeping references:

“Campsite” means any place where there is a tent, or any structure or assembly of materials consisting of a top or roof or any other upper covering and enclosed on one or more sides, that is of sufficient size for a person to fit underneath or inside.

Note that this definition of campsite omits any reference to vehicles, which would allow the city to treat vehicle and parking code violations independent of camping ordinances.

The City of Medford is an example that is similar to St. Helens’ current definition but refined so sleeping is not referenced, but vehicles still are:

“Campsite” means any place where any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, or where the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof is placed, established or maintained for the purpose of maintaining a temporary place to live.

Another example is from the Cities of Coos Bay, McMinnville, Newport and Seaside where “camp/camping” is defined paired with “camp paraphernalia” and in some cases “camp facilities.” There are subtle varieties between these communities, but generally those definitions are:

“Camp” or “camping” means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, vehicles, recreational vehicles, or trailers.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or cooking devices or utensils and similar equipment.

* * * * *

Managed v. passive sites Places ok to camp v. not ok

Another important matter to discuss which will substantially influence how we amend our ordinances is the managed v. non-managed camp areas question. Many cities specify where camping is not allowed. This includes the Cities of Astoria, Bend, Coos Bay, McMinnville, Medford, Newport, and Seaside. This is the recommended approach per legal counsel.

Based on input from the Parks Commission at their December 12, 2022 meeting, there is not support for allowing camping in city parks, except Sand Island as is being used as a business venture now, which we will need to address in new the ordinance(s) somehow.

We could also do the inverse and specify where they are allowed, but this begets sites that may need active management, which is not mandated by law. Remember, generally, this is an effort of how to enforce, not necessarily how to shelter. Legal counsel does not recommend just relying on designated spots. This also brings the question of who manages the site(s). In this scenario it would be best to have multiple areas to help prevent state created dangers and situations where people need to be separated due to restraining orders, for example.

Our legal counsel suggests adding places that are prohibited into SHMC 12.20.060(1) as follows:

(1) It is unlawful for any person to camp in or upon any public right-of-way or public property, unless otherwise specifically authorized by the city administrator.

The highlighted section would be replaced with specific locations where camping is never allowed for safety reasons such as public sidewalks, streets and alleys. See **Location** section below for more examples.

* * * * *

Location

The following are examples of areas that cities have decided where camping **should not** occur, which is the recommended approach discussed above. These come from the cities of Coos Bay, Eugene, Seaside, McMinnville, Medford and Newport.

These examples will help to start thinking about this as we determine what is appropriate for St. Helens based on the approach recommended by legal counsel.

- public parks
- all publicly owned and maintained parking lots
- all publicly owned and maintained restrooms
- residential areas (zoning districts)
- along specified street corridors
- publicly owned property not open to the public
- sidewalks
- public rights-of-way, street, alley, lane, medians, planter strips, parking spaces
- under bridges/viaducts
- public property within Urban Renewal District
- within 15 feet of railroad tracks
- cemeteries
- within visual sight from a constructed and signed recreational trail on public property
- public rights-of-way adjacent to or within 200' of a lot or parcel containing a school day care facility, childcare facility, or facility providing services to homeless persons
- public rights-of-way adjacent to a lot or parcel containing a dwelling

* * * * *

Time, place and manner – duration When does a camp become “established?”

St. Helens’ camping provisions need to be enhanced with time, place and manner provisions or add a definition of illegal camping. Per general recommendation from legal counsel, limited duration stay provisions are strongly recommended.

Our legal counsel suggests adding a new subsection in addition to modifying SHMC 12.20.060(1) as discussed in the **Managed v. passive sites** section above. The new provision could be:

(x) It is unlawful for any person to camp in or upon any public property not specified in 12.20.060(1) **[option 1: for more than 12 hours in any 24 hour period; option 2: for more than 24 hours in any one location]**, unless otherwise specifically authorized by the city administrator.

A 24-hour provision is used by many jurisdictions such as the Cities of Astoria, Bend, Medford, and Newport.

Allowing time less than 24 hours could pose heightened risk as far as being objectionably reasonable to persons experiencing homelessness (e.g., the 12-hour example). We could also have areas where it is 48 hours, for example, instead as an incentive for certain locations. In any case, the applicable time-period for St. Helens needs to be determined.

This is an important distinction as “to camp” and “campsite” are separate matters. Cities can potentially have prohibitions on campsites in certain areas (subject to immediate removal) as long as it passes the objectionably reasonable test per ORS 195.530, but “to camp” (in this example) is when the campsite becomes **established**. ORS 195.505(3) requires at least 72-hours notice before removing homeless individuals from an established campsite. However, “established” is not defined by the ORS, so we need to define it.

Note that there are exceptions to the 72-hour notice rule per ORS 195.505(9) such as an exceptional emergency or when illegal activities other than camping occurring.

There is also a question of what alleviates the camping; for example, how far does someone need to move to truly leave the campsite area? Bend uses “at least one block or 600 feet and not return to the prior location for 72 hours.”

* * * * *

Violation

Currently, a violation of camping unlawfully on public property is punishable by a fine up to \$250 per SHMC 12.20.060(2). Legal counsel suggests lowering this to a lesser amount such as \$50.

We could also have provisions that allow a longer duration than allowed, or fine(s) reduced or eliminated if the individual registers with the city upon setting up camp and/or meeting with a local service provider. Though this is not a mandate of law, it could be an incentive mechanism to connect folks to resources.

* * * * *

Private camping allowance

Though it is not required, ORS 195.520 includes the potential of overnight use of vehicles:

195.520 Camping by individuals living in vehicles.

- (1) Any political subdivision may allow any public or private entity to allow overnight camping by homeless individuals living in vehicles on the property of the entity.
- (2) A political subdivision may impose reasonable conditions upon offering camping space under this section, including establishing a maximum number of vehicles allowed.
- (3) Entities providing camping spaces under this section must also provide access to sanitary facilities, including toilet, handwashing and trash disposal facilities.

Should we change our existing RV rules?

The closest thing the city has now in relation to this is a max 14 day per calendar year use of a RV for sleeping purposes only, if the property is developed with a residential use and there are no utility connections other than temporary electricity.

In contrast, the City of Portland allows owners of a home to host up to one occupied recreational vehicle, though neither the St. Helens or Portland provisions discussed here are directly related to ORS 195. 520 as cited above. But they do advance a housing option.

Some cities have provisions specific to ORS 195.520 like:

Astoria: up to six persons and 3 total passenger vehicles/tents of religious institution; developed non-profit, commercial or industrial property; or vacant commercial or industrial property.

Bend: up to three vehicles of religious institution, nonprofit, business or public entity property; up to six vehicles and/or tents with approval from the city.

Coos Bay: up to three vehicles/tents of religious institution; developed non-profit, commercial or industrial property; or vacant commercial or industrial property with approval from the city. In addition, private residences may allow one family to use the back yard or driveway for RV/Vehicle camping.

Eugene: up to six vehicles/tents on religious institution or public entity with a parking lot. Also possible on vacant lot with approval from the city.

Newport: up to three vehicles/tents on religious institution, commercial, industrial or public entity property.

Seaside: up to three vehicles/tents and up to 6 persons on private nonresidential property.

Interestingly, even though the ORS says “vehicles,” all of the above examples expand that to other forms of shelters (e.g., tents). These are “no profit” camping arrangements and have other time, place and manner provisions, which we can delve into further if there is support for this.

* * * * *

There are other things to discuss and applicable details that may come into play, since every jurisdiction is different. But July 1st will be here soon, and all Oregon jurisdictions are facing the same ticking clock. Narrowing down these issues will help direct subsequent focus, efforts, and discussion so we can start making efficient progress in this effort.



CITY OF ST. HELENS PLANNING DEPARTMENT

M E M O R A N D U M

TO: Planning Commission
 FROM: Jacob A. Graichen, AICP, City Planner
 RE: Guidance for Architectural Standards
 DATE: February 8, 2023

Current St. Helens Standards

Riverfront District Architectural Standards

The Riverfront District's Plaza and Mill Sub-Districts have specific architectural guidelines that can be found here:

<https://www.sthelensoregon.gov/planning/page/riverfront-district-architectural-design-guidelines>

Adopted in 2012, these guidelines apply to permanent exterior architectural changes to buildings (including new construction and signs) and freestanding signs.

They do not apply to:

- designated landmarks or historic resources of statewide significance* as defined and otherwise governed by Chapter 17.36 SHMC (*as of 2017, the State of Oregon updated term "historic resources of statewide significance" to "national register resource")
- ordinary maintenance not requiring a building permit
- painting of buildings except when painting previously unpainted masonry or stone

These guidelines were created based on the Riverfront District (now the Plaza Sub-District) zoning, which does not allow detached single-family dwellings or duplexes, unless they are historic landmarks. So, the guidelines were not created with detached single-family dwellings or duplexes in mind.

Designated landmarks

We have a number of "designated landmarks" in the city. These are historic resources official recognized by the City of St. Helens via inclusion in the Comprehensive Plan. Though these can be things other than buildings, most are buildings.

Districts can also be designated landmarks but we have no official designated landmark districts. The St. Helens Downtown Historic District is on the National Register of Historic Places but not acknowledged by the city as a landmark.

However, OAR 660-023-0200(8)(a) requires local governments to protect listings in the National Register of Historic Places by review of demolition or relocation with a public hearing as part of the process. This minimum mandate does not apply to exterior modifications, accessory structures, or non-contributing resources.

When the St. Helens Downtown Historic District was added to the National Register of Historic Places in 1984, it included significant and non-contributing categories for individual properties. This captures the district in a specific point in time. But things change over time. In 2014, the Oregon State Historic Preservation Office (SHPO) launched an initiative to encourage the update of existing records of historic

districts in Oregon that were listed in the National Register of Historic Places during the 1980s and earlier. In coordination with city staff, SHPO staff conducted a field survey of the St. Helens Downtown Historic District in 2014, providing its report and findings to the city in 2017. SHPO notes that over the 30-year period, several factors have emerged that dilute the cohesiveness of the district. For example, 8 properties lost integrity such that they no longer contribute to the district, and an additional 8 properties have been built, and as such are not contributing. SHPO also noted, as had been common across the state over the last 30 years, St. Helens has seen a large amount of historic materials replaced with modern materials, particularly vinyl and that vinyl windows and siding have become widespread throughout the district, reducing the integrity of individual properties and diluting the integrity of the district as a whole.

Alterations of designated landmarks are governed by Chapter 17.36 SHMC. These are not architectural standards per se, but preservation standards to help preserve important architecture. Generally, any new architectural standards should not apply to designated landmarks.

Multidwelling Standards

SHMC 17.96.180 has several standards specific to multi-family (apartment) type developments:

(3) Exterior Elevations. Along the vertical face of single-dwelling units – attached and multidwelling unit structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

- (a) Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of eight feet;
- (b) Extensions (decks, patios, entrances, floor area, etc.) of a minimum depth of eight feet, and maximum length of an overhang shall be 25 feet; and
- (c) Offsets or breaks in roof elevations of three or more feet in height;

(11) Distance between Multiple-Family Residential Structure and Other.

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

- (i) Buildings with windowed walls facing buildings with windowed walls shall have a 25-foot separation;
- (ii) Buildings with windowed walls facing buildings with a blank wall shall have a 15-foot separation;
- (iii) Buildings with opposing blank walls shall have a 10-foot separation;
- (iv) Building separation shall also apply to buildings having projections such as balconies, bay windows, and room projections; and
- (v) Buildings with courtyards shall maintain separation of opposing walls as listed in subsections (11)(a)(i), (ii) and (iii) of this section for walls in separate buildings;
- (b) Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be one foot for each 15 feet of building length over 50 feet and two feet for each 10 feet of building height over 30 feet;

Note that though this section references “single-dwelling units – attached”, Chapter 17.96 SHMC is the Site Development Review (SDR) Chapter and Section 17.96.020 exempts single-dwelling units from SDR.

* * * * *

State law

660-008-0015

This OAR specifies clear and objective provisions for residential development:

- (1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of **needed**

housing on buildable land. **The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.**

(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, **a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:**

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.

(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

It references "needed housing" which is defined by ORS 197.303 as follows:

"needed housing" means all housing on land **zoned for residential use or mixed residential and commercial use** that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 (Policy) to 197.490 (Restriction on establishment of park);

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

Needed housing is broad as far as residential type, though by definition, limited to residential and mixed use zoning districts.

OAR 660-046-0010(3)(B)

Duplexes must be treated the same as detached single family dwellings. Standards must be the same.

St. Helens (as a "medium city" with a population >10,000) may not apply the following types of regulations specific to Middle Housing:

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

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

Per OAR 660-046-0020 and ORS 197.758 "middle housing" means duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

OAR 660-046-0110(2)

St. Helens (as a “medium city” with a population >10,000) may regulate the siting and design of duplexes, provided that regulations:

- (a) Are clear and objective standards, conditions, or procedures consistent with ORS 197.307; and
- (b) Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.

OAR 660-046-0125

This OAR says we can apply design standards to duplexes, with some limitations, but those standards cannot apply to conversions of existing detached single-family dwellings to duplexes (the OAR 660-046-0130 reference at the end).

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

(2) A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.

“Design standards” are defined per OAR 660-046-0020(4):

“Design standard” means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

ORS 197.307(4) – (7)

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government’s prerogative to:

- (a) Set approval standards under which a particular housing type is permitted outright;
- (b) Impose special conditions upon approval of a specific development proposal; or
- (c) Establish approval procedures.

Section 4 (blue color) above was amended by SB 1051 in 2017. As amended, this tightens the requirement to apply only clear and objective standards, conditions and procedures to all residential development applications, not just those pertaining to “needed housing,” which was the case before SB 1051.

There is a designated historic area exception and an alternative process option.

ORS 197.314(1)-(4) (as amended by HB 4064 effective March 23, 2022)

(1) Notwithstanding any other provision in ORS 197.286 to 197.314, within an urban growth boundary, a local government shall allow the siting of manufactured homes and prefabricated structures on all land zoned to allow the development of single-family dwellings.

(2) This section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.

(3) Manufactured homes and prefabricated structures allowed under this section are in addition to manufactured dwellings or prefabricated structures allowed within designated manufactured dwelling subdivisions.

(4) A local government may not subject manufactured homes or prefabricated structures within an urban growth boundary, or the land upon which the homes or structures are sited, to any applicable standard that would not apply to a detached, site-built single-family dwelling on the same land, except:

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

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

These are provisions specific to manufactured and modular dwellings, where they need to be treated the same as other detached single-family dwellings (e.g., stick built).

The same historic area exception as per ORS 197.307, described above, is here, but also an adjacency to historic landmark exception.

* * * * *

Summary

The city has some standards already:

- Adopted architectural standards specific to the Riverfront District’s Plaza and Mill Sub-Districts, which are not zoning districts that allow new detached-single family dwellings
- Some standards for multi-dwelling development (3 or more units) wherever they may be allowed by zoning
- Preservation standards for designated landmarks, which helps to preserve historic architectural.
- Not per city law *pe se*, but a mandate by OAR 660-023-0200(8)(a) as a local process for review of demolition or relocation of specifically individually listed resources on the National Register or contributing resources within a listed district (e.g., the St. Helens Downtown Historic District). This does not help with exterior modifications, but is a limited method of helping to preserve historic buildings, which are assumed to retain enough historical features to be considered contributing.

State law

- Per OAR, we can only apply clear and objective standards, conditions and procedures to needed housing (residential use types in residential or mixed use zone), with an *additional alternative option*.
- Per OAR, the standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay
- Per OAR, duplexes must be treated the same as detached single-family dwellings because St. Helens is a “medium city” over 10,000 population. Design standards may be applied to duplexes as long as they also apply to detached single-family dwellings, though the standards cannot apply to the conversions of existing detached single-family dwellings to duplexes.
- Per OAR, St. Helens (as a “medium city” over 10,000 population) cannot apply regulation to middle housing (duplexes, triplexes, quadplexes, cottage clusters, and townhouses) that would create use, density or occupancy restrictions that would otherwise permit detached single-family dwellings. City also cannot create standards that prohibit the development of middle housing that otherwise permit detached single-family dwellings. These are specific to historic properties/districts.
- Per ORS, only clear and objective standards, conditions and procedures may be applied to all residential development, with an *exception* for residential development within designated historic areas and an *additional alternative option*.
- Per ORS, we must allow manufactured homes and modular homes on lands that allow single-family dwellings, with the exception of designated historic areas or immediately adjacent to a historic landmark.



CITY OF ST. HELENS PLANNING DEPARTMENT

M E M O R A N D U M

TO: Planning Commission
 FROM: Jacob A. Graichen, AICP, City Planner
 RE: Planning Commission Proactive Item Submission Consideration
 DATE: January 3, 2023

February 8, 2023 update

In June 2022 the Planning Commission adopted the **Planning Commission Proactive Procedures, PCPR**. These have been provided to you previously and are included in the materials for new Commissioners. If you need a copy, please contact staff.

Commissioner Toschi submitted a Proactive Item packet—including four items—for Commission consideration. This was submitted via e-mail on November 8, 2022. This was sent to staff but also all Planning Commissioners and Councilor Birkle, which necessitates a question of the appropriateness of that action.

The PCPR talks about submittal to *staff* and that *staff* will put on a future agenda as appropriate. **Does the Commission think that providing this email to all (not just staff) before any formal staff review was appropriate especially before being formally put on any agenda given the rules adopted only six months ago?**

Staff comments:

Staff provided comments to Commissioner Toschi via email on November 23, 2022, also acknowledging requested delay to the January meeting. Staff used the “track changes” tool of Microsoft® Word as a potential aid to revisions. The applicant acknowledged receipt of this email but never provided revisions as of the date of this memo.

Still no revisions as of Feb. 8, 2023

The complete staff comments are attached for each proposed item.

One of the things the Commission needs to consider is jurisdiction and this is what I will focus on with this memo.

All items: The language under the “jurisdiction section” of the submitted documents is identical for all four items and just paraphrases the listed powers and duties under SHMC 2.08.080 rather than specifically answer the question as to why the Commission has jurisdiction.

The Commission may want to consider delaying discussion of this until more specificity is provided.

Architectural standards proactive item. Under the “reasons for” section it references developing and maintaining the Comprehensive Plan as an applicable power and duty. Though amendment to the Comprehensive Plan is a duty, it is not a power. One staff comment on this item was:

You are wanting to create a policy that is not a Comp Plan proposal. You need to pick a better power and duty and explain how that applies. For example, if you go with 2.08.080(4) what does this specifically advance as identified in the Comp Plan?

Budget, debt., etc. proactive item. Unlike the other proposed proactive items, there is no attempt to connect the jurisdiction aspect under the “reasons for” section. One staff comment on this item was:

Jurisdiction basis needs to be defined here specifically to be able to sell this to the Commission.

Elimination of blight proactive item. Under the “reasons for” section it references developing and maintaining the Comprehensive Plan as an applicable power and duty. One staff comment on this item was:

This is not a Comp Plan proposal. You are not proposing to do anything to the Comp Plan. Need to identify an applicable basis.

Waterfront development proactive item. Under the “reasons for” section it references developing and maintaining the Comprehensive Plan as an applicable power and duty. One staff comment on this item was:

You are wanting to create policy to *implement* the Comprehensive Plan; this is not a Comp Plan proposal. You need to pick a better power and duty and explain how that applies. For example, if you go with 2.08.080(4) what does this specifically advance as identified in the Comp Plan?

Other comments:

Though these are four proactive submittals, some of the items could easily be broken into separate proactive items. So, there is a question of how broad an item should be.

HB 3115 is already an ongoing proactive item. Does it make sense to add new items while that is just getting started?

****Overall recommendation: reject discussion of these until the jurisdiction is specified, improved and more accurate. Revised proactive proposals should follow the same timeline of Section 1 of the PCPR as “last minute” revisions would be contrary to proper consideration based on the volume of material.****

You may disagree as these are your rules. But a certain level of quality control is recommend as adopted procedures are intended to prevent chaos and help promote appropriateness.

Attached: November 8, 2022 email from Commissioner Toschi
November 15, 2022 email from City Planner to Commissioner Toschi

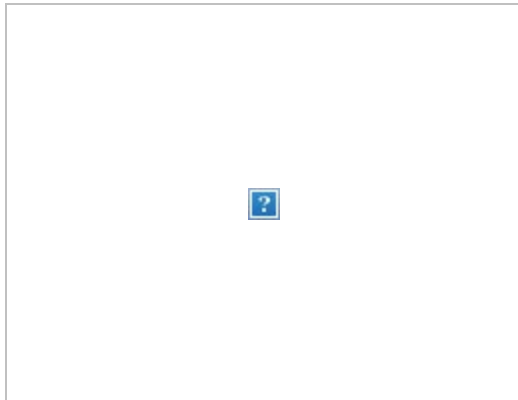
Archived **REMOVED FROM PACKET FOR FEB'23 MEETING** (raw version + staff comments version)
Budget, debt., etc. proactive item (raw version + staff comments version)
Elimination of blight proactive item (raw version + staff comments version)
Waterfront development proactive item (raw version + staff comments version)

From: [Steven Toschi](#)
To: [Dan Cary](#); [Russ Hubbard](#); [Jennifer Herbert-Pugsley](#); [Audrey Webster](#); [Sheila Semling](#); semling63@gmail.com; [rmLOW](#)
Cc: [Jacob Graichen](#); [Jennifer Dimsho](#); [Patrick Birkle](#); [Christina Sullivan](#)
Subject: [External] Pro-Active Planning Commission Items
Date: Tuesday, November 8, 2022 3:53:14 PM
Attachments: [image001.png](#)
[Architectural Standards Proactive Item.docx](#)
[Budget, debt, infrastructure, Rentals and Gas Tax Proactive Item.docx](#)
[Elimination of Blight Proactive Item.docx](#)
[Waterfront Development Proactive Item.docx](#)

Dear Planning Commission, Councilor Birkle, Mr. Graichen, Ms. Dimsho and Ms. Sullivan:

I'm enclosing several pro-active items for Planning Commission consideration at the December or January meetings. Probably January with the new group would be best. I've been thinking about these things for a while. I want to be on record regarding the Planning Commission moving forward with plans for the waterfront, with a consideration of a priority of appropriate housing for the area, revenue studies, among other subjects, before the election. Wherever I'm sitting, I'm hoping the Planning Commission will move forward with actively shaping the future of St. Helens. It my hope the Planning Commission will formulate plans, and become increasingly engaged to promote the economic vitality, health, and safety of the City and its citizens.

Respectfully,



STEVEN TOSCHI
 PLANNING COMMISSIONER
 (925) 963-2518
STOSCHI@TCDLEGAL.COM

"A goal without a plan is nothing but a dream." — Jimmy Rhodes

From: [Jacob Graichen](#)
To: [Steven Toschi](#)
Subject: Proactive items emailed Nov. 8, 2022 - comments
Date: Wednesday, November 23, 2022 4:50:00 PM
Attachments: [Architectural Standards Proactive Item.docx](#)
[Budget, debt, infrastructure, Rentals and Gas Tax Proactive Item.docx](#)
[Elimination of Blight Proactive Item.docx](#)
[Waterfront Development Proactive Item.docx](#)

Dear proactive item applicant,

First, staff is in receipt of your email from Nov. 15, 2022 requesting delay to January.

Second, staff reviewed the proposals and we have provided some suggested edits and comments.

Please remember the specific provisions proving Planning Commission jurisdiction need to be identified.

Jacob A. Graichen, AICP, City Planner

City of St. Helens

jgraichen@sthelensoregon.gov

(503) 397-6272

CITY OF ST. HELENS PLANNING COMMISSION
PROACTIVE ITEM SUBMISSION

Date Submitted: November 2, 2022

Submitted by: Steve Toschi, Planning Commissioner

Proposed Date for Meeting for Discussion: December 2022 or January 2023

Item Matter Number: 2022-? (subject to Staff numbering)

Title: Study and Recommendations to Council re Debt, Budget, Gas Tax, Business License Tax and Infrastructure Spending

Jurisdiction: The Planning Commission has jurisdiction under 2.08.080 (1) “Conduct studies appropriate to an understanding of area development and its significance to public interest,” (2) Develop and maintain comprehensive plan proposals for recommendation to the city council,” (3) Develop specific plans for selected areas or functions as indicated by studies and other evidence of community need and recommend plan adoption, if appropriate,” (4) Investigate and make recommendations regarding the implementation of the comprehensive plan as adopted by the City Council,” (6) Consult and advise with public agencies and private citizens on ways to carry out the comprehensive plan,” (10) “review and act on land use control ordinance change proposals,...and discretionary permits.” (12) “Recommend and make suggestions to the city council...concerning...betterment of housing and sanitation conditions and establishment of zones or districts limiting the use...of buildings and structures,” (13) Recommend to the city council...plans for regulations of the future growth of the city and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds, and vacant lots and plans consistent with the future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper services of all public utilities, harbor, shipping and transportation facilities.” (14) “Recommend to the city council...plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged industrial pursuits.” And (18) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city and the area six miles adjacent thereto within the urban growth boundary of the city.”

Reasons for Planning Commission Action: Recently there was the departure of the Finance Director. The City’s finances are beyond the understanding of any citizen, information is withheld from the public, and there is no way for the Planning Commission or any citizen to actually know the status of the City’s finances. Review of budgets of the City for year 2022 verses year 2021 demonstrated an increase in the City Budget of \$40 million. The City has at least \$15,000,000 to spend on sewer infrastructure expansion in order to avoid raw sewage flowing down the streets of St. Helens and into people’s homes. This is per a report by the City Public Works Department and the City Engineers office. The money to pay for these public improvements has not been allocated except by debt. The City will spend millions on road projects for needed infrastructure at Gable Road/Highway 30, and other areas of St. Helens. The

City is planning on borrowing another \$40 million with an additional \$20 million in debt service for “urban renewal.” Current budget planning for the waterfront should be understood by the Planning Commission, as should the City’s finances. The City of Scappoose recently voted for a gas tax. The City of St. Helens can obtain gas tax revenues from all sources buying gas within the City, thereby shifting revenue production to non-citizens buying gas here. The City has many landlords holding more than 10 rental properties. The City requires a business license to operate multiple units. Payment of a residential rental tax in return for a business license will generate considerable revenue.

Process of Study: The process will involve the Planning Commission being briefed by the City Finance Director (or someone within the City) concerning the City’s budget, debt, cash on hand, and how the debt will be paid over time. The Planning Commission may request to hire its own accountants to advise the Planning Commission in this regard. The Planning Commission will contact the City of Scappoose and get data from it regarding its gas tax. The Planning Commission will study how the gas tax will benefit the citizens of St. Helens and will propose methods to educate the citizens regarding the benefits. The Planning Commission will study how spending the gas tax money can aid the Public Works Department and defray debt concerning infrastructure work and public safety regarding City streets (including the possibility of using some funds for litigation to prevent vagrants and drugs addicts taking over portions of City streets). The study will also look to increased revenue from business licenses for the holders of rental property. The actual projected costs of the infrastructure needs over the next 10 years should be explored.

Timeline: The goal will be to progress the item to council for recommendation by June 2023 re the gas tax for inclusion on the November ballot. A recommendation for a tax on business licenses will be made before the end of 2023.

Budget: Planning Department Staff will have minimal involvement. Rachael Barry, or someone from the City that can help organize and coordinate people to provide information needed for the study will help. Money allocated for experts and their time may be requested. The City Finance Director (or someone) will need to spend time reporting to the Planning Commission. Perhaps \$20,000 to \$50,000 for a forensic accountant if needed.

CITY OF ST. HELENS PLANNING COMMISSION
PROACTIVE ITEM SUBMISSION

Date Submitted: November 2, 2022

Submitted by: Steve Toschi, Planning Commissioner

Proposed Date for Meeting for Discussion: December 2022 or January 2023

Item Matter Number: 2022-? (subject to Staff numbering)

Title: Study and Recommendations to Budget Committee and Council re Debt, Budget, Gas Tax, Business License Tax and Infrastructure Spending

Jurisdiction: The Planning Commission has jurisdiction under 2.08.080 (1) "Conduct studies appropriate to an understanding of area development and its significance to public interest," (2) Develop and maintain comprehensive plan proposals for recommendation to the city council," (3) Develop specific plans for selected areas or functions as indicated by studies and other evidence of community need and recommend plan adoption, if appropriate," (4) Investigate and make recommendations regarding the implementation of the comprehensive plan as adopted by the City Council," (6) Consult and advise with public agencies and private citizens on ways to carry out the comprehensive plan," (10) "review and act on land use control ordinance change proposals,...and discretionary permits." (12) "Recommend and make suggestions to the city council...concerning...betterment of housing and sanitation conditions and establishment of zones or districts limiting the use...of buildings and structures," (13) Recommend to the city council...plans for regulations of the future growth of the city and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds, and vacant lots and plans consistent with the future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper services of all public utilities, harbor, shipping and transportation facilities." (14) "Recommend to the city council...plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged industrial pursuits." And (18) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city and the area six miles adjacent thereto within the urban growth boundary of the city."

Reasons for Planning Commission Action: Recently there was the departure of the Finance Director. The City's finances are beyond the understanding of any citizen, information is withheld from the public, and there is no way for the Planning Commission or any citizen to actually know the status of the City's finances. Review of budgets of the City for year 2022 verses year 2021 demonstrated an increase in the City Budget of \$40 million. The City has at least \$15,000,000 to spend on sewer infrastructure expansion in order to avoid raw sewage flowing down the streets of St. Helens and into people's homes. This is per a report by the City Public Works Department and the City Engineers office. The money to pay for these public improvements has not been allocated except by debt. The City will spend millions on road projects for needed infrastructure at Gable Road/Highway 30, and other areas of St. Helens. The

Commented [JG1]: Jurisdiction basis needs to be defined here specifically to be able to sell this to the Commission

City is planning on borrowing another \$40 million with an additional \$20 million in debt service for “urban renewal.” Current budget planning for the waterfront should be understood by the Planning Commission, as should the City’s finances. The City of Scappoose recently voted for a gas tax. The City of St. Helens can obtain gas tax revenues from all sources buying gas within the City, thereby shifting revenue production to non-citizens buying gas here. The City has many landlords holding more than 10 rental properties. The City requires a business license to operate multiple units. Payment of a residential rental tax in return for a business license will generate considerable revenue.

Process of Study: The process will involve the Planning Commission being briefed by the City Finance Director (or someone within the City) concerning the City’s budget, debt, cash on hand, and how the debt will be paid over time. The Planning Commission may request to hire its own accountants to advise the Planning Commission in this regard. The Planning Commission will contact the City of Scappoose and get data from it regarding its gas tax. The Planning Commission will study how the gas tax will benefit the citizens of St. Helens and will propose methods to educate the citizens regarding the benefits. The Planning Commission will study how spending the gas tax money can aid the Public Works Department and defray debt concerning infrastructure work and public safety regarding City streets (including the possibility of using some funds for litigation to prevent vagrants and drugs addicts taking over portions of City streets). The study will also look to increased revenue from business licenses for the holders of rental property. The actual projected costs of the infrastructure needs over the next 10 years should be explored.

Timeline: The goal will be to progress the item to Council for recommendation by June 2023 re the gas tax for inclusion on the November ballot. A recommendation for a tax on business licenses will be made before the end of 2023.

Budget: Planning Department Staff will have minimal involvement. Rachael Barry, or someone from the City that can help organize and coordinate people to provide information needed for the study will help. Money allocated for experts and their time may be requested. The City Finance Director (or someone) will need to spend time reporting to the Planning Commission. Perhaps \$20,000 to \$50,000 for a forensic accountant if needed.

Commented [JG2]: Someone would have to administer contracts for accountants and other experts.

CITY OF ST. HELENS PLANNING COMMISSION
PROACTIVE ITEM SUBMISSION

Date Submitted: November 2, 2022

Submitted by: Steve Toschi, Planning Commissioner

Proposed Date for Meeting for Discussion: December 2022

Item Matter Number: 2022-? (subject to Staff numbering)

Title: Planning Commission Plans for Elimination of Blight within the Urban Renewal Zone

Jurisdiction: The Planning Commission has jurisdiction under 2.08.080 (1) “Conduct studies appropriate to an understanding of area development and its significance to public interest,” (2) **Develop and maintain comprehensive plan proposals for recommendation to the city council,** (3) Develop specific plans for selected areas or functions as indicated by studies and other evidence of community need and recommend plan adoption, if appropriate,” (4) Investigate and make recommendations regarding the implementation of the comprehensive plan as adopted by the City Council,” (6) Consult and advise with public agencies and private citizens on ways to carry out the comprehensive plan,” (10) “review and act on land use control ordinance change proposals,...and discretionary permits.” (12) “Recommend and make suggestions to the city council...concerning...betterment of housing and sanitation conditions and establishment of zones or districts limiting the use...of buildings and structures,” (13) Recommend to the city council...plans for regulations of the future growth of the city and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds, and vacant lots and plans consistent with the future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper services of all public utilities, harbor, shipping and transportation facilities.” (14) “Recommend to the city council...plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged industrial pursuits.” And (18) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city and the area six miles adjacent thereto within the urban growth boundary of the city.”

Reasons for Planning Commission Action: The Planning Commission has the Power and the Duty to “Develop and Maintain comprehensive plan proposals for recommendations to the City Council.” The Urban Renewal goals are for the elimination of blight, but the City has no specific laws or processes for condemning and acquiring property on the basis of “blight.” There are properties within the Urban Renewal District that are dilapidated and should be removed.

Process of Study: The Planning Commission and Historic Preservation Commission will study and the Planning Commission will adopt, with recommendations to Council and the Urban renewal agency concerning laws and procedures for the elimination of Blight.

Timeline: Begin work as soon as possible.

Budget: Planning Department Staff will need to interface with the subcommittee.

CITY OF ST. HELENS PLANNING COMMISSION
PROACTIVE ITEM SUBMISSION

Date Submitted: November 2, 2022

Submitted by: Steve Toschi, Planning Commissioner

Proposed Date for Meeting for Discussion: ~~December 2022~~ Jan. 2023

Item Matter Number: 2022-? (subject to Staff numbering)

Title: Planning Commission Plans for Elimination of Blight within the Urban Renewal ~~Zone~~ area

Jurisdiction: The Planning Commission has jurisdiction under 2.08.080 (1) "Conduct studies appropriate to an understanding of area development and its significance to public interest," (2) **Develop and maintain comprehensive plan proposals for recommendation to the city council,** (3) Develop specific plans for selected areas or functions as indicated by studies and other evidence of community need and recommend plan adoption, if appropriate, (4) Investigate and make recommendations regarding the implementation of the comprehensive plan as adopted by the City Council," (6) Consult and advise with public agencies and private citizens on ways to carry out the comprehensive plan," (10) "review and act on land use control ordinance change proposals,...and discretionary permits." (12) "Recommend and make suggestions to the city council...concerning...betterment of housing and sanitation conditions and establishment of zones or districts limiting the use...of buildings and structures," (13) Recommend to the city council...plans for regulations of the future growth of the city and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds, and vacant lots and plans consistent with the future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper services of all public utilities, harbor, shipping and transportation facilities." (14) "Recommend to the city council...plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged industrial pursuits." And (18) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city and the area six miles adjacent thereto within the urban growth boundary of the city."

Reasons for Planning Commission Action: The Planning Commission has the Power and the Duty to "Develop and Maintain comprehensive plan proposals for recommendations to the City Council." The Urban Renewal goals are for the elimination of blight, but the City has no specific laws or processes for condemning and acquiring property on the basis of "blight." There are properties within the Urban Renewal District that are dilapidated and should be removed.

Process of Study: The Planning Commission and Historic Preservation Commission will study and the Planning Commission will ~~adopt, with~~ make recommendations to Council and the Urban renewal agency concerning laws and procedures for the elimination of Blight.

Timeline: Begin work as soon as possible.

Commented [JG1]: Why bold? This is not a comprehensive plan proposal.

Commented [JG2]: This is not a Comp Plan proposal. You are not proposing to do anything to the Comp Plan. Need to identify an applicable basis.

Commented [JD3]: Condemning and acquiring property is not the only method of elimination of blight. In fact, this is a last resort. This would require consultation with URA consultants (\$\$) to ensure we are in compliance with all required state statutes. Eminent domain/condemnation of property that requires relocation of an residences or businesses requires a relocation report which was not contemplated in the original UR Plan because the focus was on revitalization of the vacant waterfront property. Chapter 5 of the Urban Renewal Plan discusses Property Acquisition and Disposition. There are only 2 listed locations for possible acquisition in this chapter and both involve street intersection improvements around Old Portland Road/Plymouth. In addition, any property acquisition would have be done through a Minor Amendment of the URA, which also has specific statutes which govern the process. Recommending that the PC consider recommendations for condemnation/acquisition/relocation would require money to pay consultants to provide guidance to the URA members to ensure compliance with relevant state statutes. There is no \$\$ budgeted for this, and the priority of the URA and the community remains on the Waterfront Redevelopment Project. If the goal is reduction of blight, I would look into other methods, like façade improvement grant programs for business owners (which the URA has included in its budgeted items once the Waterfront Redevelopment Project is underway).

Budget: Planning Department Staff will need to interface with the subcommittee, at a minimum. Staff time from a TBD department will be necessary for vetting, as applicable, and adoption processes. This time could be substantial. If the city relies on Planning Department Staff for this, an additional Planning staff member is recommended. Or time could be allowed to evaluate the impacts of a potential economic downturn, which if it stifles growth, may provide the needed staff capacity over the course of several months. Otherwise, conflicts with other work obligations and projects are anticipated. If this impacts the Development Code, Planning Staff will need to be substantially involved.

CITY OF ST. HELENS PLANNING COMMISSION
PROACTIVE ITEM SUBMISSION

Date Submitted: November 2, 2022

Submitted by: Steve Toschi, Planning Commissioner

Proposed Date for Meeting for Discussion: December 2022

Item Matter Number: 2022-? (subject to Staff numbering)

Title: Planning Commission Plans for Waterfront Development, Architectural Standards

Jurisdiction: The Planning Commission has jurisdiction under 2.08.080 (1) “Conduct studies appropriate to an understanding of area development and its significance to public interest,” (2) **Develop and maintain comprehensive plan proposals for recommendation to the city council,**” (3) Develop specific plans for selected areas or functions as indicated by studies and other evidence of community need and recommend plan adoption, if appropriate,” (4) Investigate and make recommendations regarding the implementation of the comprehensive plan as adopted by the City Council,” (6) Consult and advise with public agencies and private citizens on ways to carry out the comprehensive plan,” (10) “review and act on land use control ordinance change proposals,...and discretionary permits.” (12) “Recommend and make suggestions to the city council...concerning...betterment of housing and sanitation conditions and establishment of zones or districts limiting the use...of buildings and structures,” (13) Recommend to the city council...plans for regulations of the future growth of the city and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds, and vacant lots and plans consistent with the future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper services of all public utilities, harbor, shipping and transportation facilities.” (14) “Recommend to the city council...plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged industrial pursuits.” And (18) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city and the area six miles adjacent thereto within the urban growth boundary of the city.”

Reasons for Planning Commission Action: The Planning Commission has the Power and the Duty to “Develop and Maintain comprehensive plan proposals for recommendations to the City Council.” The Planning Commission has no plans for the waterfront. The City’s plans are quite unspecific and have no plans regarding: a) the best mix of “mixed use v housing,” b) ownership of property once developed, among others. The City approved the waterfront development in 2016. It’s 7 years later and St. Helens just broke ground for infrastructure. The dynamic needs to change. The City has the opportunity to forever change the course of its economic vitality if the waterfront can be developed in the short term in a way to attract people with middle to high income jobs that can “work from anywhere.” The old model of “get business here for people to work” is still good, but St. Helens, being a tourist riverfront community, has the opportunity to attract middle class to high income earners to live in St. Helens without having employers move

here as well. “Untethered” workers are looking to relocate to a community like St. Helens. There is a severe shortage of housing in St. Helens for this demand.

Process of Study: The Planning Commission will work with Staff and/or Public works to recommend areas where 100 – 200 individually owned high quality condominium and townhouse units can be built on the waterfront, location and size of parking garages, an apartment complex with 50 – 100 high quality units, filling the lagoon, building of a ferry terminal/small cruise ship terminal, and infrastructure. Recommend whether the City’s website will be changed such that the City is “seeking a developer to develop residential units targeted to ‘untethered’ workers and/or ‘mixed use development.’” The subcommittee will follow the progress of attracting a residential developer to develop quality units on the waterfront. This could be divided into two or three projects, one for the Ferry, and another for the parking structures, coordinated by the PC.

Timeline: Begin work as soon as possible. Start soliciting developers as soon as possible.

Budget: Planning Department Staff and Public Works will need to interface with the subcommittee. Staff and PC sub-committee members will explore with other cities how they were able to successfully implement waterfront development.

CITY OF ST. HELENS PLANNING COMMISSION
PROACTIVE ITEM SUBMISSION

Date Submitted: November 2, 2022

Submitted by: Steve Toschi, Planning Commissioner

Proposed Date for Meeting for Discussion: ~~December 2022~~ Jan. 2023

Item Matter Number: 2022-? (subject to Staff numbering)

Title: Planning Commission Plans for Waterfront Development, Architectural Standards

Jurisdiction: The Planning Commission has jurisdiction under 2.08.080 (1) "Conduct studies appropriate to an understanding of area development and its significance to public interest," (2) **Develop and maintain comprehensive plan proposals for recommendation to the city council,**" (3) Develop specific plans for selected areas or functions as indicated by studies and other evidence of community need and recommend plan adoption, if appropriate," (4) Investigate and make recommendations regarding the implementation of the comprehensive plan as adopted by the City Council," (6) Consult and advise with public agencies and private citizens on ways to carry out the comprehensive plan," (10) "review and act on land use control ordinance change proposals,...and discretionary permits." (12) "Recommend and make suggestions to the city council...concerning...betterment of housing and sanitation conditions and establishment of zones or districts limiting the use...of buildings and structures," (13) Recommend to the city council...plans for regulations of the future growth of the city and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds, and vacant lots and plans consistent with the future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper services of all public utilities, harbor, shipping and transportation facilities." (14) "Recommend to the city council...plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged industrial pursuits." And (18) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the city and the area six miles adjacent thereto within the urban growth boundary of the city."

Reasons for Planning Commission Action: The Planning Commission has the Power and the Duty to "Develop and Maintain comprehensive plan proposals for recommendations to the City Council." The Planning Commission has no plans for the waterfront. The City's plans are quite unspecific and have no plans regarding: a) the best mix of "mixed use v housing," b) ownership of property once developed, among others. The City approved the waterfront development in 2016. It's 7 years later and St. Helens just broke ground for infrastructure. The dynamic needs to change. The City has the opportunity to forever change the course of its economic vitality if the waterfront can be developed in the short term in a way to attract people with middle to high income jobs that can "work from anywhere." The old model of "get business here for people to work" is still good, but St. Helens, being a tourist riverfront community, has the opportunity to attract middle class to high income earners to live in St. Helens without having employers move

Commented [JG1]: This is not really a "plan." More like development recommendations/strategy.

Commented [JG2]: Why bold? This is not a Comp Plan proposal.

Commented [JG3]: You are wanting to create policy to implement the Comprehensive Plan; this is not a Comp Plan proposal. You need to pick a better power and duty and explain how that applies. For example, if you go with 2.08.080(4) what does this specifically advance as identified in the Comp Plan?

Commented [JG4]: No plans for what? Staff will disagree.

Commented [JG5]: What does this mean? What specifically happened in 2016? Demonstrate you truly know what you are talking about.

here as well. “Untethered” workers are looking to relocate to a community like St. Helens. There is a severe shortage of housing in St. Helens for this demand.

Process of Study: The Planning Commission will work with Staff and/or Public works to recommend areas where 100 – 200 individually owned high quality condominium and townhouse units can be built on the waterfront, location and size of parking garages, an apartment complex with 50 – 100 high quality units, filling the lagoon, building of a ferry terminal/small cruise ship terminal, and infrastructure. Recommend whether the City’s website will be changed such that the City is “seeking a developer to develop residential units targeted to ‘untethered’ workers and/or ‘mixed use development.’” The subcommittee will follow the progress of attracting a residential developer to develop quality units on the waterfront. This could be divided into two or three projects, one for the Ferry, and another for the parking structures, coordinated by the PC.

Recommendations to the Council for how the Riverfront District’s Mill Sub-District can be developed (e.g. mix of use, ownership, etc). Potential changes to applicable existing plans and policies.

Timeline: Begin work as soon as possible. Start soliciting developers as soon as possible.

Budget: Planning Department Staff and Public Works will need to interface with the subcommittee. Staff and PC sub-committee members will explore with other cities how they were able to successfully implement waterfront development. This has the potential to need substantial Planning Department involvement and due to likely conflicts with other work obligations and projects, an additional planning staff member is recommended. Or time could be allowed to evaluate the impacts of a potential economic downturn, which if it stifles growth, may provide the needed staff capacity over the course of several months.

Commented [JG6]: This is way too individualized. Should be filtered down to recommended mix of use (residential v. non), ownership, etc. Your view of "100 - 200 units" is arbitrary. For example, a recommendation could be to potentially maximize residential use, focusing on higher end units. Stating a specific number should be avoided. Also, the lagoon area is not planned like the Mill Subdistrict, but that is a whole other exercise and really its own item.

Commented [JG7]: What you do with the Mill Subdistrict and the lagoon property are separate as one is zoned and planned and the other is still Industrial zoned.