



PLANNING COMMISSION

Tuesday, April 10, 2018

265 Strand Street, St. Helens, OR 97051

www.ci.st-helens.or.us

Welcome!

1. **Call to Order and Flag Salute - 7 p.m.**
2. **Consent Agenda: Approval of Minutes**
 - 2.A. Draft Minutes Dated March 13, 2018
[031318 PC Minutes DRAFT](#)
3. **Topics from the Floor: Limited to 5 minutes per topic (not on public hearing agenda)**
4. **Public Hearings (times reflect earliest start time)**
 - 4.A. 7:00 - Subdivision & Sensitive Lands Permit at 34759 Sykes Road & Surrounding Undeveloped Property - Kessi Engineering & Consulting
[SUB.1.18 & SL.1.18 Staff Report](#)
 - 4.B. 7:30 p.m. - Development Agreement at 34759 Sykes Road & Surrounding Undeveloped Property - Kessi Engineering & Consulting
[DEV.1.18 Staff Report](#)
5. **Planning Director Decisions**
 - 5.A.
 - a. Sign Permit at 58144 Old Portland Road, Building B - New wall sign
 - b. Subdivision (Time Extension) at N. 15th Street - Hanna Place Subdivision
 - c. Lot Line Adjustment at 59920 & 59928 Windy Ridge Drive - Peggy & David Hoxsey
 - d. Home Occupation (Type I) at 59897 Ethan Lane - Home office for plumbing business
 - e. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - St. Helens Youth Football

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- f. Home Occupation (Type I) at 475 S. 16th Street - Storage of art and home good for sales online and off site
- g. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - Race Against Child Abuse
- h. Sign Permit at 1771 Columbia Blvd. - New wall sign
- i. Home Occupation (Type I) at 365 N. 6th Street - Home-based architectural drafting business

6. Planning Department Activity Report

- 6.A. March 27, 2018 Department Report
[2018 MAR Planning Dept Rept](#)

7. For Your Information Items

8. Next Regular Meeting - *May 8, 2018*

9. Adjournment

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City of St. Helens Planning Commission

Draft Minutes

March 13, 2018

Members Present: Chair Russell Hubbard
Commissioner Greg Cohen
Commissioner Kathryn Lawrence
Commissioner Julie Stenberg
Commissioner Sheila Semling
Commissioner Audrey Webster

Members Absent: Vice Chair Dan Cary

Staff Present: City Planner Jacob Graichen
Associate Planner Jennifer Dimsho
Councilor Liaison Ginny Carlson

Others: Rich & Ellen Bailey
Daniel Kozpke
John Paullus
Sean Henderson
Larry Scott

- 1) **Call to Order and Flag Salute**
- 2) **Consent Agenda: Approval of Minutes**
2.A Draft Minutes Dated February 13, 2018

Motion: Upon Commissioner Semling's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved the Planning Commission Minutes dated February 13, 2018. [AYES: Commissioner Webster, Commissioner Cohen, Commissioner Lawrence, Commissioner Stenberg, Commissioner Semling; Nays: None]

- 3) **Topics from the Floor: Limited to 5 minutes per topic (not on public hearing agenda)**

There were no topics from the floor.

- 4) **Public Hearings (times reflect earliest start time)**
4.A 7:00 p.m. - Planned Development at 34759 Sykes Road - Kessi Engineering & Consulting

Chair Hubbard opened the Public Hearing at 7:01 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the Staff Report dated February 28, 2018 into the record. He said that the proposal involves two more public hearings, a subdivision and a planned development agreement. This hearing is just for approval of the

overlay zone. Graichen said the Commission's decision tonight is a recommendation to City Council.

Graichen said that the only recommended condition of approval is that in order to utilize the overlay zone, both properties must be used together. He said overlay zones are intended to be used when there is a natural resource, such as a wetland, that must be preserved and protected. Graichen also discussed the Fair Housing Council letter that was submitted into the record yesterday regarding Goal 10 of the Statewide Planning Goals. In response to the letter, he provided a memo that addresses the House Council's concerns. He further explained that the proposal for an overlay zone does not allow an increase in density or change the residential uses possible on the property.

Commissioner Cohen asked if the wetlands to be protected will be discussed at the next hearing. Graichen said yes. He said that our wetlands chapter specifically calls out use of a planned development overlay zone for the purpose of protecting wetlands. Chair Hubbard asked if the base zone under the overlay would still be Moderate Residential, R7. Graichen said yes, it will still remain R7, but it will have more flexibility that the applicant can choose to utilize. It does not change the density or housing type, but it allows flexibility in lot size. Graichen explained that the standard setbacks of the R7 zone still apply to the perimeter of the property, just not on the interior setbacks within the subject property.

Commissioner Lawrence asked about impact to the wetland from development, like storm runoff. Graichen said that will be addressed with the future subdivision process. Chair Hubbard asked if the BPA powerline easement would remain the same. Graichen said yes.

In Favor

Bailey, Rich. Applicant. Bailey represents Rich Bailey Construction, who is the applicant and owner of the property. Rich Bailey Construction builds custom homes. He was hoping Mr. Kessi, the project engineer, would be here to discuss the proposal, but he did not make it. Bailey said they are trying to maximize development with the small space they have with the wetlands and other encumbrances on the property. Bailey said they have been in business since 1993, and he has lived locally his entire life. They hire mostly locals. Bailey said they want to build a product to be proud of. It has taken about a year of expense and study to get to this point. Commissioner Cohen asked how many lots will be developed. Bailey said it will be approximately 17 or 18 lots, including the existing home that will remain. They are trying to maximize lot sizes, despite the wetlands.

In Opposition

Paullus, John. 59333 Mountain View Drive. Paullus lives directly behind the wetland in question. He asked if any wetland mitigation has or will be done. He bought his house brand new. He said the water that flows through the wetland can be a raging current. It crosses the road (Mountain View Drive) and floods surrounding homes. He asked how the drainage from the new development will be channeled to the storm water system. He asks if the existing flow patterns will be maintained, and if not, where the stormwater runoff will be diverted. He asked if the water flow will be examined. Graichen said these are all design-related questions, and storm drainage will be discussed with the subdivision at the next public hearing.

Scott, Larry. 59309 Mountain View Drive. Scott said his crawl space gets water. He moved in and he already had one foot of water underneath his home. He explained that his crawl space has plastic laid down that works like a bladder. It is a very sensitive system and as long as he keeps an eye on it, his house does not flood. Scott also makes sure that the storm culvert under Mountain View Drive is maintained and clear. He said the City does not maintain it. He said the upper culvert never has any water in it, so there is a storm drainage issue there. He is very concerned about his house flooding with new development. He does not have flood insurance, and he is very worried about stormwater impacts. He said there is already a drainage problem that exists. Scott wants drainage to be addressed now, not after development. Commissioner Cohen asked if this area is within a FEMA-regulated floodplain. Graichen said no.

Henderson, Sean. 39392 Mountain View Drive. Henderson pointed on the map where the stormwater goes under Mountain View Drive. He dug a trench through his property with the City's permission. He said the water gets about three feet deep. He is terrified about the other property to the east (owned by James Comstock) being sold to a developer because it acts as the drain field for all of the development to the west. He spent seven thousand dollars for a professional to build a sump pump system. He said his property is built on a wetland, so why was it built in that location? He was not allowed to build additional structures on his property because of the wetland. He does not understand why the City would allow new homes now to be built on a wetland. The homeowners in the new development will have a financial burden of water issues.

Graichen asked Henderson when his home was built. He said his home was built in 1999. Graichen said wetland rules were adopted in 2003. Graichen said prior to the adoption of the wetland rules, many homes were built very close to wetlands and creeks. He said these homes could not be built so close today. Henderson said he hopes the builder understands what he is doing, and he hopes there is no selfishness.

Kozpke, Daniel. 34815 Westboro Way. Kozpke said he is also concerned that the builder is selfish. He said the neighborhood he lives in has a lot of pride. He noted there are a lot of children that play in the street, and it will be a lot busier with this development. He is confused why a builder wants to build in this spot. There are plenty of other areas in the City.

Rebuttal

Bailey, Rich. Applicant. Bailey said the engineer will address most of the stormwater concerns in the upcoming subdivision proposal. He said the City will not let him build on the wetland. He is not a fly-by-night guy. He did not develop the neighbors' properties. He will comply with the City's wetland rules. Chair Hubbard said he assumes the new homes will all have stormwater systems. Bailey said yes. Commissioner Lawrence said hopefully the concerns will be addressed by the engineer.

End of Oral Testimony

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

Close of Public Hearing & Record

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

Deliberations

Graichen said that the public will be notified about future public hearings. Graichen said this particular wetland is regulated by the Department of State Lands. Generally, any impact over 50 cubic yards must be permitted and mitigated. Locally, this wetland is protected as a Type II wetland with a 50 foot buffer. Commissioner Cohen asked what responsibility the City has regarding stormwater runoff. Graichen said the Engineering Department looks at pre-development conditions and post-development conditions. The goal of the stormwater requirements will be to not impact the post-development conditions to surrounding properties. Commissioner Cohen asked if a report from the City Engineering Department regarding stormwater runoff can be prepared for the next public hearing or if the City Engineer could be present. Graichen said he would inquire with City Engineering.

Motion: Upon Commissioner Cohen's motion and Commissioner Stenberg's second, the Planning Commission unanimously recommend approval to City Council of the planned development overlay zone as presented in the staff report. [AYES: Commissioner Webster, Commissioner Cohen, Commissioner Lawrence, Commissioner Stenberg, Commissioner Semling; Nays: None]

5) **Acceptance Agenda: Planning Administrator Site Design Review**
5.A Site Design Review (Minor) at 454 Milton Way - Replacement of old communications equipment

Motion: Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission unanimously approve Site Design Review (Minor) at 454 Milton Way - Replacement of old communications equipment. [AYES: Commissioner Webster, Commissioner Cohen, Commissioner Lawrence, Commissioner Stenberg, Commissioner Semling; Nays: None]

6) **Planning Director Decisions**
a. Sign Permit (Banner) at 2100 Block of Columbia Blvd - Columbia County Bridal Expo
b. Home Occupation (Type I) at 465 S. 3rd Street - Home-based janitorial services
c. Home Occupation (Type II) at 59144 Whitetail Ave. - Mobile ice cream sales with a vehicle scooter
d. Home Occupation (Type I) at 2515 Columbia Blvd - Home-based janitorial services
e. Scenic Resource Review at 373 & 375 S. 2nd Street - New duplex
f. Home Occupation (Type I) at 35243 Sykes Road - Home-based computer repair

There were no comments about the Planning Director Decisions.

7) **Planning Department Activity Report**
7.A February 27, 2018 Department Report

There were no comments about the Planning Department Activity Report.

8) **For Your Information Items**

Graichen said next month, the Commission will likely see the subdivision related to tonight's proposal. He asked the Commission if the next meeting could begin at 6 p.m. to accommodate a Riverfront Connector Plan Work Session. The Commission had no problems with this. Graichen said there does not need to be a quorum, but it would be nice if everyone could show

up. Commissioner Stenberg noted that all Riverfront Connector Plan materials are located on the project website <http://www.riverfrontconnectorplan.com> for review ahead of time too.

Graichen also said the Auxiliary Dwelling Unit discussion will happen when time permits. He said that the state now mandates that cities over 5,000 population allow them. We have rules that allow them, but we want to update them to make them easier to develop.

Councilor Carlson said there was a Merchants Meeting recently, and the City is going through a list of five action items to make us friendlier to business and growth.

9) **Next Regular Meeting** - April 10, 2018

10) **Adjournment**

There being no further business before the Planning Commission, the meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Jennifer Dimsho
Associate Planner

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Subdivision Preliminary Plat SUB.1.18 & Sensitive Lands Permit SL.1.18
Bailey Subdivision (Planned Development)**

DATE: March 29, 2018
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Kessi Engineering & Consulting
OWNER: Rich Bailey Construction, LLC / SJRE Ventures, LLC

ZONING: Moderate Residential, R7 (note PD overlay proposed – see file PD.1.18)
LOCATION: 4N1W-6DA-7000 & 4N1W 6DA 5801. The subject property consists of two parcels. One is vacant. The other has a dwelling addressed as 34759 Sykes Road.
PROPOSAL: 18 Lot Subdivision / Planned Development

The 120-day rule (ORS 227.178) for final action for this land use decision is July 7, 2018.

SITE INFORMATION / BACKGROUND

The site is approximately 4.6 acres and mostly undeveloped except for a detached single-family dwelling (34759 Sykes Road), which according to the City's utility billing records is connected to both City water and sewer. The site is sloped with the low point in the southeast portion of the site, where a wetland is located. The southern half of the site is heavily forested. There is a Bonneville Power Administration easement and power lines running through the north side of the property. It is access via Sykes Road and Westboro Way. Surrounding area is developed as residential.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: April 10, 2018 before the Planning Commission.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on March 21, 2018 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on March 28, 2018.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no agency referrals/comments have been received that are pertinent to the analysis of this proposal

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

Since this is a Planned Development proposal, we'll start with the applicable Planned Development provisions of Chapter 17.148 SHMC and then move on to the subdivision standards.

The first step to a Planned Development proposal, is to adopt the Planned Development overlay zone. This overlay zone is necessary to use the flexibility of Chapter 17.148 SHMC. **The overlay zone is proposed via file PD.1.18.** Though a separate matter, this Subdivision Preliminary Plat approval shall be contingent on successful adoption of the Planned Development overlay, since it would not be possible without it.

The main reason the applicant seeks a Planned Development is to allow flexibility given the wetlands (see Chapter 17.40 discussion below) on the property and to allow flexibility in regards to the provisions of the base zone (i.e., R7 zoning district). **Zoning flexibility is per SHMC 17.148.080 as follows:**

- (1) The provisions of the base zone are applicable as follows:
 - (a) Lot Dimensional Standards. The minimum lot size, lot depth and lot width standards shall not apply except as related to the density computation under Chapter 17.56 SHMC;
 - (b) Site Coverage. The site coverage provisions of the base zone shall apply;
 - (c) Building Height. The building height provisions shall not apply except within 100 feet of an "established area"; and
 - (d) Structure Setback Provisions.
 - (i) Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 17.96 SHMC;
 - (ii) The side yard setback provisions shall not apply except that all detached structures shall meet the applicable building code (as administered by the building official) requirements for fire walls; and
 - (iii) Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:
 - (A) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street;
 - (B) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.
- (2) All other provisions of the base zone shall apply except as modified by this chapter.

Finding(s): The applicant proposes some desired standards as allowed by SHMC 17.148.080(1)(a), above. Note that per (1)(b) above, the site coverage rules cannot be changed. Also note that building height can be flexible, but not within 100' of an "established area" per Chapter 17.112. But the applicant proposes the standard building height.

The standards of the R7 zone, those proposed, and those which can deviate as a Planned Development, are as follows:

PLANNED DEVELOPMENT STANDARDS TABLE

STANDARD	R7 ZONING DISTRICT	PD ALLOWS FLEXIBILITY?	PROPOSED
Min. lot size	7,000 s.f. for detached single-family dwellings	Yes	6,000 s.f. all uses
Min. lot width at building line (interior lots)	60 feet	Yes	No standard
Min. lot width at building line (corner lots)	85 feet	Yes	50 feet
Min. lot width at street (standard)	50 feet for detached single-family dwellings	Yes	40 feet all uses
Min. lot width at street (cul-de-sac)	30 feet	Yes	30 feet
Min. lot depth	85 feet	Yes	85 feet
Min. front yard (setback)	20'	Yes (except along perimeter of PD and for garage structures which open facing a street, which differs if its public or private)	15 feet (20 feet required along perimeter of PD and for any garage structure which opens facing a private or public street)
Min. side yard (setback)	7' for interior lots and 14 feet for sides of corner lots along street	Yes	5 feet for interior lots and 8 feet for sides of corner lots along street
Min. rear yard (setback)	20 feet	Yes (except along perimeter of PD)	20 feet
Min. rear or side yard (setback) from wetland protection zone (buffer)	n/a	Yes	5 feet
Max. building height	35 feet	Yes	35 feet
Max. lot coverage	Buildings and structures shall not occupy more than 35% of the lot area	No	Buildings and structures shall not occupy more than 35% of the lot area
Min. landscaping	25% of the lot area	No	25% of the lot area

No other code exceptions or modifications are proposed.

ORS 94.550 to 94.783 (2017) address Planned Communities, which are defined as:

ORS 94.550(20)(a) "Planned community" means any subdivision under ORS 92.010 to 92.192 that results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property, in which the owners collectively are responsible for the maintenance, operation, insurance or other expenses relating to any property

within the planned community, including common property, if any, or for the exterior maintenance of any property that is individually owned.

ORS record of declaration requirements:

ORS 94.565(2) A person may not convey any lot or unit in a planned community until the planned community is created by the recording of the declaration for the planned community with the county recording officer of each county in which the planned community is located.

The declaration is the instrument per ORS 94.580 that establishes a planned community. This includes formation of a homeowners association, bylaws and such.

ORS 94.625(1) and (2) requires that a homeowners association be formed as a nonprofit corporation, and adopt and record bylaws either (1) not later than when the first lot is conveyed or (2) if the plat contains a conveyance of any property to the association, before the plat is recorded. This is important since some of the tracts of the subdivision will be conveyed to the homeowners association.

ORS 94.665(1) says that a homeowners association may sell, transfer, convey or subject to security interest any portion of the common property given certain affirmative votes, except as otherwise provided in the declaration. The exception is important give common ownership of wetlands. The declaration will need to include a provision that any sale, transfer, etc. also required City approval.

* * *

Subdivision Standards

SHMC 17.136.040(1)

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

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

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

Discussion: This is not a standalone subdivision request. Two phases are proposed.

Finding: This Subdivision preliminary plat approval shall be effective for a period of twelve (12) months from the date of approval per this section. Time extensions are possible per SHMC 17.136.040(1).

SHMC 17.136.050 (1) and (2) Phased development.

(1) The planning commission may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any

phase be greater than two years (unless an extension is granted) without reapplying for a preliminary plat, nor the cumulative time exceed six years (regardless of extensions) without applying for a new preliminary plat.

(2) The criteria for approving a phased site development review proposal are:

(a) The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;

(b) The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:

(i) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable city or district standard;

(c) The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat; and

(d) Public facilities approved as conditions of approval must be bonded.

Discussion: Three phases are proposed as follows:

Phase 1: Lots 1-5

Phase 2: Lots 6-18

Finding: The Commission must approve the phasing concept. If the Commission approves, the conditions of said sections (1) and (2) shall apply.

SHMC 17.136.060(1) – Approval standards – Preliminary plat.

(1) The planning commission may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

(a) The proposed preliminary plat complies with the city's comprehensive plan, the applicable sections of this code and other applicable ordinances and regulations;

(b) The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92[.090(1)];

(c) The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern; and

(d) An explanation has been provided for all common improvements.

(a) This criterion asks if the proposed preliminary plat complies with the city's comprehensive plan, the applicable sections of this code and other applicable ordinances and regulations. The City's development code (SHMC Title 17) implements the Comprehensive Plan. The Development Code standards are addressed herein.

There are no known conflicts with the Comprehensive Plan.

Applicable provisions of the Development Code are addressed per Chapter as follows:

- **17.32 – Zones and Uses** → The subject property is zoned Moderate Residential, R7. However, this is also a proposed planned development (PD overlay proposed – see file PD.1.18). As described above, the applicant is seeking different standards than the R7 norm.

The subdivision appears to comply with the proposed standards per the table earlier in this report.

Existing dwelling compliance. Yard requirements *as proposed* are met. Lot coverage appears ok. Lot dimensions meet requirements *as proposed*.

- **17.40 – Wetlands & Riparian Areas** → Sensitive lands located on the subject property includes **Wetland MC-2, a Type II significant wetland** per this Chapter. Type II wetlands require a 50' upland protection zone, which is protected from impact by this Chapter similar to if it was a wetland.

The owner had this wetland delineated and obtained Oregon DSL concurrence in May of 2017 (WD #2017-0096). The buffer is shown on the plans provided by the applicant. It is a virgin protection zone with no significant previous impact, except the portion along Sykes Road.

The applicant proposes to include some of the protection zone as part of the lots that abut it. As such, we need to look at **SHMC 17.40.050(2), additional requirements for land divisions and new development**:

(2) Design Standards. Except as provided below, significant wetlands, significant riparian corridors and protection zones shall not be permitted as part of individual lots or new streets or infrastructure areas and shall be made part of separate preservation tracts to be managed by a homeowners association or other entity responsible for preservation.

(a) Protection zones may be made part of individual lots and protection zones may vary in width provided average protection zone width complies with this chapter in planned developments with a development agreement pursuant to ORS Chapter 94, provided additional protection zones or off-site mitigation over the minimum standard is provided as consideration for such flexibility.

The code requires significant wetlands and their protection zones to be dedicated as tracts (as opposed to buildable lots) to be managed an appropriate entity. The applicant proposes a homeowners association for this (required in any case given the Planned Development and state law).

However, as per (2)(a) above, protection zones can be a part of lots if:

1. the proposal involves a Planned Development and Development Agreement per ORS Chapter 94; and
2. provided additional protection zones or off-site mitigation over the minimum standard is provided as consideration for such flexibility.

Thus, this proposal is contingent upon approval of a Planned Development overlay zone and an approved Development Agreement. However, if the Planned Development wasn't an available option (e.g., **PD.1.18** is denied), a Development Agreement by itself would be a tool to deal with the wetland protection zone, though, as described above, the lots as proposed would not be possible without the Planned Development overlay.

Also, a restoration plan shall be required for all proposed wetland protection zone impacts (e.g., trail and storm water pipe outfall), or plans by a qualified professional that indicates the improvements will not result in significant impact, and a protection area management plan to ensure continued protection of the wetland and protection zone. Easement for the protection zone areas on lots shall be included on the final plat and reference any restoration or protection plans. Restoration and protection plans shall be included as part of the Development Agreement.

To reduce impacts to the protection zone, the City will allow the Sykes Road frontage improvements along the wetland to be curb-tight as opposed to having a landscape strip. This is discussed further below.

No trees within the wetland or current protection zone (50 upland from wetland) are shown as being removed.

- **17.56 – Density Computations** → 18 lots appears to be the maximum normally allowed per the R7 standards. Note that the Planned Development overlay does not allow greater density. There are other potential ways to increase density (e.g., due to wetlands) but the applicant doesn't seek density beyond that normally allowed.
- **17.72 – Landscaping and Screening** → Street trees are required per this Chapter because the site fronts a street for more than 100 feet.

Sykes Road is a minor arterial per the City's Transportation Systems Plan which, requires a landscape strip with street trees as part of the public street frontage improvements (curb, gutter, landscape strip, and sidewalk). Street trees will need to be incorporated into the design. However, due to the wetland, the City will allow the abutting portion of the frontage improvements to be curb-tight, to minimize wetland protection zone impacts and because, the wetland provides greenscape already. However, the portion that doesn't abut the wetland/protection zone will need to be built to normal standard. Street trees will need to be installed as part of the Sykes Road frontage improvements prior to final plat.

For other streets, considered local per the City's Transportation Systems Plan, the trees will be planted behind the sidewalk in the right-of-way or landscape/public utility easement, per this Chapter. These trees will be planted as each lot is developed, as a condition of building permits. Except, the portion along the open space tract at the northernmost point of the site, where the street trees will need to be installed prior to final plat.

Any street trees within the BPA easement, shall be "small" per this Chapter.

- **17.84 – Access, Egress & Circulation** → Sykes Road is a minor arterial street per the City's Transportation Systems Plan.

The development code does not favor access from minor arterial streets. However, given the irregular geometry of the site, five lots are proposed to have access via a private street off of Sykes Road. There is currently a driveway from Sykes Road that serves the existing dwelling (34759 Sykes Road). It is currently approximately 100+ feet from the nearest driveway to the west that serves a dwelling at 34749 Sykes Road. The new Sykes Road access will move approximately 100 feet westerly, thus meeting the 200' separation standard for driveways along minor arterials. Due to the wetlands, there are no nearby driveways to the east.

The Sykes Road access point is acceptable under these circumstances.

There are two private streets proposed and this Chapter provides some guidance for those. First is the access off Sykes Road as just described. The minimum access width is 24' for up to six dwelling with a paved width of 20 feet. A 26' wide easement is shown here. Min. pavement width of 20' is required; 26' is proposed. This accessway is approximately 140 feet; being less than 150 feet, a turn-around the emergency response vehicles may not be required, but the applicant proposes an emergency access connection between this private street and the proposed cul-de-sac. This will require reservations (e.g., easement) and improvements.

The other private accessway proposed is off the proposed cul-de-sac. This is proposed to serve 4 lots and is subject to the same requirements as the other in regards to easement and pavement width. This one is approximately 160 feet and requires needs to have a turn-around area for emergency vehicles. The applicant addresses this with a an emergency access connection. This will require and additional reservations (e.g., easement) and improvements.

These easements for access to lots are possible per this Chapter 17.152. Easements need to be shown properly on all plans. These will require a maintenance agreement between all lots that utilize such access, to be recorded with the final plat. These are not to be public streets subject to city maintenance and such. Physical improvements shall be included on construction plans. Will need to include utility easements to serve the lots served by access. Since the private streets will also serve emergency vehicle access, the applicable fire code standards apply too. This includes but is not limited to:

- Approved lock/gates, as proposed that allows emergency vehicle access.
- Inner/outer radii need to be no more than 28'/48'
- No parking on either side of roadway when width is 20-26'
- No parking on one side of roadway when width is 26-32'

Also, review and approval by the Fire Marshall will be necessary.

No parking provisions as noted above (and per Fire Code) applies to public streets too.

- **17.132 – Tree Removal** → A tree plan is required for a property with more than 10 trees or any tree over 2' diameter at breast height (DBH). This chapter focuses on trees over 12" DBH. The applicant submitted a plan showing the trees on the site and their DBH.

Only trees outside of the wetland and its protection zone are proposed to be removed. Since total trees removed will be less than 50%, replacement at a 1:1 ratio is required. Applicant provides a scheme to achieve this.

The applicant calls mitigation trees "landscape trees;" this term is incorporated into the conditions herein.

- **17.152 – Street & Utility Improvement Standards** → Development is required to have frontage along a public street improved to city standards. Proposed local streets are proposed to be dedicated and improved.

Sykes Road will require approximately 10' of right-of-way dedication to meet the 60' ROW width for Minor Arterial classified streets. The other abutting public street is Westboro Way, which will be extended into the site as a local classified street.

Access easements are proposed for some lots, which the code allows if it's the only reasonable method to create lots large enough to be developed. Two such access easements are proposed. One off of Sykes and another extending from the proposed cul-de-sac. Such easements greater than 150 feet are required to comply with the fire code (at least applies to the one off the cul-de-sac) and all are required to comply with Chapter 17.84 SHMC (see above).

The applicant proposed to connect these for fire access with removable bollards or cable between Lots 4 and 6 to prevent through traffic. Method subject to Fire Marshall approval.

The first portion of the Westboro Way extension is shown as 50' wide to comply with local classified street standards. The westerly continuance of that shows 25'+, which would be about half of the amount required. The cul-de-sac is shown as 40' wide. This is discussed further below.

Future street connections. The most likely eventual connection is for Westboro Way to connect to the eventual northerly extension of Summit View Drive across Sykes Road (Collector Street extension identified in the City's TSP). The plan shows half of the right-of-way for this extension, which could extend west or northerly. This would allow 20' wide road, which is sufficient for the two lots accessed by it. This street stub is less than 150 feet, so no temporary fire apparatus turn around is required. However, no parking will be required given fire code.

Cul-de-sac. Cul-de-sacs are allowed only when there are justifiable constraints. Given the wetland and irregular shape of the lot, a cul-de-sac seems acceptable in this case. Cul-de-

sacs shall be no more than 400' long and not provide access to more than 20 dwelling units. The proposed cul-de-sac is approximately 200 feet long and provides access to about 9 lots. The proposed cul-de-sac end exceeds city standards and meets the Fire Code standard with a 96' diameter.

Street names. All new street names are subject to approval by Columbia 9-1-1 Communications District.

The cul-de-sac is proposed to be called unique name since Westboro Way could extend separate from the cul-de-sac. Name will be subject to Columbia 9-1-1 approval.

Street grade and curves. Street grades for new streets appear less than 12%, which is the basic maximum standard for local streets. There is street curvature considering the westerly extension of Westboro Way. This appears to be close to the 100' centerline max radius, but this will need to be confirmed.

Private streets. Some are proposed. Continued maintenance assurance is required. Maintenance agreements shall be included with the access/utility easements.

Mailboxes. Joint mailbox facility shall be included on engineering/construction plans per City standards and the USPS. Subject to City and Postmaster approval.

Street lights. Are required at least at each intersection and as otherwise required by City Engineering.

Street width. Dedication will be required for Sykes Road to achieve the minimum 60' with for minor arterial streets. Local streets meet the normal 50' minimum width standard. Local "skinny" streets are possible with only a 40' wide right-of-way provided they will provide access to land whose combined average daily trip rate (ADT) is 200 ADT or less (about 20 detached single-family dwelling units). The proposed cul-de-sac is 40 feet wide and will provide access to less than 20 lots.

Also on-street parking shall be prohibited for any street with a roadway width of only 20' wide. This includes private streets. Note: this is a City Development Code provision, separate from Fire Code.

Easements. Minimum 8' wide public utility easements will be required along the street frontage of all lots unless a greater width is determined necessary by City Engineering. Moreover, other utility easements necessary, as identified on approved engineering/construction plans shall be included on the final plat. Approved engineering/construction plans will be required before submission of the final plat.

Other easements will apply as well for the proposed trail, access easements, wetland protection zone, etc.

Sidewalks/landscape strip. All local classified public streets will require curb-tight sidewalks. Because, Sykes road is a minor arterial a planter strip between the curb and sidewalk would be required as well. However, given the wetland along Sykes Road, the City will allow a curb-tight sidewalk adjacent to it. But the portion of Sykes Road not adjacent to the wetland/wetland protection zone shall be built to the standard with the planting strip.

Utilities. Water, sanitary sewer, and storm water system plans will be required in accordance with city requirements.

Public Works notes that the water line within the Sykes Road property won't work for this development; but there is also a water line within the Mountain View Drive right-of-way. Water pressure may be high for some lots. Fire hydrants will be required at intervals and locations as approved by the City and Fire Marshall.

In regards to storm, the wetlands can be used. City needs to know methods of downstream conveyance and pre and post conditions. Storm water plans will be required.

All utilities shall be underground pursuant to SHMC 17.152.120.

Bikeways and trails. There are no identified routes in the City's Parks and Trails Master Plan that traverse through the subject property.

Improvements/guarantees. Developments require guarantees (e.g., bonds) of workmanship and guarantees of performance for public improvements. Prior to submission of the final plat, all public improvements shall be completed, in place and acceptable to the City. The only exception to this is that portions of sidewalk along local classified streets that abut buildable lots created by this subdivision where there may be a driveway approach are often not built until the lot is developed. Though some portions of sidewalk will be required where there will be no driveway approach such as corners and along non-buildable tracts. For these portions of sidewalk allowed to be left unfinished for the final plat, a performance guarantee will be required prior to final plat application submittal.

Before construction, performance guarantees will be required for storm drainage systems, grading and erosion control. This is necessary for public health, safety and welfare, because if this work is only partially done and the developer/owner abandons the project, these could have negative impacts on other property owners. Other improvements left unfinished (e.g., streets, water and sewer infrastructure) do not necessarily have the same impact to a neighboring property owner. This initial guarantee should not be encumbered by other "non-impact" issues as it complicates executing the security; thus, dealing with storm drainage systems, grading and erosion control specifically.

All public improvements shall be guaranteed (e.g., warranty bond) as to workmanship in a form and value as required by City Engineering.

Private streets to be developed prior to final plat as well.

- **17.156 – Traffic Impact Analysis (TIA)** → A TIA is not warranted per SHMC 17.156.030.

(b) This criterion requires that the proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92. The name “Bailey Subdivision” will need to be approved by the County Surveyor per ORS 92.090.

(c) This criterion requires that the streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.

(d) This criterion requires that an explanation has been provided for all common improvements. A variety of common improvements are proposed. These include:

- Wetland and protection buffer tract
- Trail
- Private streets/emergency access
- Tract north of the proposed extension of Westboro Way

The City will require the Homeowners Association to own and maintain responsibility of these improvements.

SHMC 17.136.060(2) – Lot Dimensions

(a) Lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated, and:

(i) No lot shall be dimensioned to contain part of an existing or proposed public right-of-way;

(ii) The depth of all lots shall not exceed two and one-half times the average width, unless the parcel is less than one and one-half times the minimum lot size of the applicable zoning district; and

(iii) Depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Findings: **(i)** Some right-of-way dedication will be necessary along Sykes as previously noted. No lot is such that it would be obtrusive to future right-of-way extensions. **(ii)** No proposed lot exceeds the depth to width ratio. **(iii)** The property is not zoned or intended for commercial or industrial use

SHMC 17.136.060(3) – Through Lots

(a) Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation, and:

- (i) A planting buffer at least 10 feet wide is required abutting the arterial rights-of-way; and
- (ii) All through lots shall provide the required front yard setback on each street.

Discussion: The Development Code defines a through lot is a lot having frontage on two parallel or approximately parallel streets. Note that access easements are considered “streets” for the purpose of the Development Code.

Finding: No through lots are proposed.

SHMC 17.136.060(4) – Large Lots

(a) In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the approving authority may require that the lots be of such size and shape, and be so divided into building sites, and contain such site restrictions as will provide for the extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size, and:

- (i) The land division shall be denied if the proposed large development lot does not provide for the future division of the lots and future extension of public facilities.

Discussion: The proposed minimum lot size for all uses is 6,000 square feet.

Finding: No proposed lot is at least at least twice the minimum lot size for the uses contemplated.

SHMC 17.136.060(5) – Other Provisions

The planning commission may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations and may require:

- (a) Reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.

Findings: (a) Reserve strips or related access control guarantees are warranted for the potential westerly/northwesterly/north extension of Westboro Way.

Another consideration is the existing access and utility connections for the sole existing dwelling (34759 Sykes Road). All utility connections are assumed to come from Sykes Road. The driveway will need to be abandoned. For the utilities, their location will need to be identified and private easements provided or, they shall be relocated within a new easement.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Subdivision Preliminary Plat with Sensitive Lands with the following conditions:

1. **This Subdivision preliminary plat approval shall be effective for a period of twelve (12) months from the date of approval.** The approval shall become void if a final plat (for first phase) prepared by a professional registered surveyor in accordance with 1) the approved preliminary plat, 2) the conditions herein, and 3) the form and content requirements of the City of St. Helens Development Code (SHMC Title 17) and Oregon Revised Statutes is not submitted within the twelve (12) month approval period.

The approval for phase 2, contingent upon completion of phase 1, shall be void if the same requirements for phase 1 (noted above, except the time period) are not completed within two years from the date the final plat is submitted for phase 1 and the requirements of SHMC 17.136.050 are not met.

Two **time extensions** may be granted pursuant to SHMC 17.136.040(2) for any phase, but only two total are possible for all phases.

Notwithstanding any validity period or time extension above, **any portion or phase that is not vested, shall be void six years from the date of the original decision of this preliminary plat.** Nothing under this condition is intended to preclude owner/developer from acting on multiple phases simultaneously.

2. **The following shall be completed prior to submission and the City's acceptance of a final plat application (as applicable to each phase):**
 - a. Engineering/construction plans for all public and other applicable improvements shall be submitted to the City for review and approval in compliance with all City of St. Helens laws and standards and in accordance with the conditions herein. As specific conditions of approval, these plans shall include:
 - i. Joint mailbox facility(ies) shall be included on engineering/construction plans per City standards and the USPS.
 - ii. All proposed easements for access and emergency vehicles.
 - iii. Frontage improvements to Sykes Road per the City's minor arterial standards including street trees per Chapter 17.72 SHMC. Except, the portion adjacent to the wetland/protection buffer may to be curb-tight as opposed to having a landscape strip with street trees.
 - iv. Access and utility improvements to serve Lots accessed by access easement (private road).
 - v. The private roads shall be subject to Fire Marshall review and approval in addition to the City. Fire Marshall standards shall be met. This includes but is not limited to "no parking" designations, street widths, street radii, and the method of preventing through vehicular access while allowing emergency access (e.g., bollards, gate).
 - vi. "No parking" designations for the portion of Westboro Way lying west of the proposed cul-de-sac.

- vii. Street lights are required at each intersection, at such locations to provide overlapping lighting to sufficiently illuminate the street. New street lights shall use LED fixtures.
 - viii. Fire hydrants per City standards and as required by the Fire Marshall.
 - ix. All applicable street cross sections representing the appropriate classifications per the City's Transportation Systems Plan.
 - x. Location of all existing utilities serving the existing detached single-family dwelling and any proposed relocation of them (34759 Sykes Road).
- b. Prior to or with submission of engineering/construction plans per **condition 2.a**, a drainage plan shall be submitted that includes methods of downstream conveyance and pre and post conditions. It shall also include provisions for protecting wetland water quality.
 - c. A Planned Development overlay (e.g., via file PD.1.18) shall be adopted and in effect for the subject property.
 - d. A Development Agreement (e.g., file DEV.1.18) shall be adopted and in effect for this development.
 - e. Developments require **guarantees** (e.g., bonds) **of workmanship and guarantees of performance** for public improvements. **Prior to submission of the final plat all public improvements shall be completed, in place and acceptable to the City.** The only exception to this is that portions of sidewalk that abut buildable lots created by this subdivision where there may be a driveway approach are often not built until the lot is developed. Though some portions of sidewalk will be required where there will be no driveway approach such as corners and along non-buildable tracts. For these portions of sidewalk allowed to be left unfinished for the final plat, a performance guarantee will be required prior as approved by City Engineering.
 - f. A restoration plan shall be required for all proposed wetland protection zone impacts (e.g., trail and storm water pipe outfall), or written evidence from a qualified professional that indicates the improvements will not result in significant impact. This shall include any "landscape tree" (mitigation trees per Chapter 17.132 SHMC) within the protection zone identified on plans.
 - g. A protection area management plan (PAMP) to ensure continued protection of the wetland and protection zone and the improvements within. This includes the protection zone within the dedicated tract and the portion within an easement on the Lots. This shall include any "landscape tree" (mitigation trees per Chapter 17.132 SHMC) within the protection zone identified on plans.
 - h. Street trees along the open space tract north of the Westboro Way extension shall be installed per City standards and approval. These shall be "small" per Chapter 17.72 SHMC, due to BPA easement.

3. In addition to compliance with local, county, state and other requirements, the following shall be included on the final plat(s):

- a. Conveyance of common open space tracts to the Planned Development's Homeowner's Association including the wetland/protection buffer tract and tract north of the proposed extension of Westboro Way.

- b. All lots shall meet the dimensional and size requirements of the Development Code or the Planned Development standards as proposed (see condition 6).
- c. Additional right-of-way dedication along the portions of Sykes Road to achieve 30' width from the center of the right-of-way.
- d. All new street names subject to approval by Columbia 9-1-1 Communications District. The cul-de-sac shall have a unique street name separate from Westboro Way.
- e. The County Surveyor shall approve the name of the plat.
- f. 8' wide public utility easements will be required along the street frontage of all lots unless a greater width is determined necessary by City Engineering. Moreover, other easements necessary, as identified on approved engineering/construction plans shall be included on the final plat.
- g. Maintenance agreements for all lots sharing access. No parking provisions to ensure emergency vehicle access shall be included. **Agreements shall be recorded with the final plat.**
- h. All access easements shall include public utility easements. They shall also include emergency vehicle access easement connecting Sykes Road to the cul-de-sac.
- i. Easement for the portions of the trail not within the wetland/protection zone tract.
- j. Access control guarantees in a form approved by the City for the portion of Westboro Way that abuts the northwest corner of the site, where the street could extend westerly, northwesterly, or northerly.
- k. Easement(s) for utilities serving the existing detached single-family dwelling (34759 Sykes Road) if not served by another proposed or existing easement.

4. Prior to any construction or development of the subject property (phase):

- a. Performance guarantees (e.g., performance bond) as approved by City Engineering shall be required for storm drainage systems, grading and erosion control. In addition, engineering/construction plans shall be approved.
- b. Access roads used during the construction process shall be identified and signed per the Fire District's standards subject to Fire Marshall review and approval.

5. Declaration per ORS Chapter 94 that establishes the Planned Community shall be recorded with the final plat. Subject to review and approval by the City, it shall include the following:

- a. A Planned Development Homeowners Association formed as a nonprofit corporation.
- b. Bylaws.
- c. Specific language that prohibits the Homeowners Association from selling, transferring, conveying or subjecting to security interest of any platted open space or wetland tract (see condition 3.a) without City approval.
- d. The Planned Development Homeowners Association shall be responsible for all common improvements including but not limited to any open space or wetland tract (see condition 3.a), trail, and private streets/emergency access.
- e. Provisions for the City to veto dissolution of the Homeowners Association or have the right to assess owners for taxes and maintenance or lien properties.

6. The zoning standards for this development shall be those as proposed per the **Planned Development Standards Table** herein.
7. After completion of construction and City approval, all public improvements shall be guaranteed (e.g., warranty bond) for at least two years as to workmanship in a form and value as required by City Engineering.
8. Curb/sidewalk shall be completed and street trees will be required along all local streets as lots are developed.
9. As a condition of development of each Lot, in addition to the required street trees, “landscape trees” (mitigation trees per Chapter 17.132 SHMC) shall be planted where identified on plans. Tree species subject to City approval; willows, poplars and cottonwoods are prohibited. Trees shall be at least 2” diameter at breast height. The exception to this are landscape trees proposed within the protection zone (see condition 2.g).
10. All new trees planted within the BPA easement shall be “small” per Chapter 17.72 SHMC.
11. All new utilities shall be underground pursuant to SHMC 17.152.120.
12. Owner/Developer shall be solely responsible for obtaining all approvals, permits, licenses, and authorizations from the responsible Federal, State and local authorities, or other entities, necessary to perform land clearing, construction and improvement of the subject property in the location and manner contemplated by Owner/Developer. City has no duty, responsibility or liability for requesting, obtaining, ensuring, or verifying Owner/Developer compliance with the applicable State and Federal agency permit or other approval requirements. This land use approval shall not be interpreted as a waiver, modification, or grant of any State or Federal agency or other permits or authorizations.
13. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17).

Attachment(s): Applicant’s narrative

Applicant’s tree inventory table

St. Helens Transportation Systems Plan Fig. 7-7 (w/ City Planner’s notes)

Preliminary plat and related plans

Brookfield Subdivision “as built” plan page (adjacent development prior to current wetland regulations, for comparison)

BAILEY PLANNED DEVELOPMENT

**AN APPLICATION NARRATIVE
AND
A SUBMITTAL FOR PLANNED
DEVELOPMENT PRELIMINARY PLAT OF
AN 18 LOT PLANNED DEVELOPMENT
IN THE CITY OF
ST. HELENS, OREGON**

REVISED

DATE	February, 2018
REQUEST	Applicant is requesting a Planned Development and Preliminary Subdivision review for an 18 lot single family detached residential development.
APPLICANT/ OWNER	Rich Bailey Construction ATTN: Rich Bailey P.O. Box 613 Saint Helens, OR 97051 503-3880-6679 rbaileyconstruction@hotmail.com
APPLICANT'S REPRESENTATIVE	Kessi Engineering & Consulting Attn: James Kessi 6400 NE Hwy 99 #G169 VANCOUVER, WA 98665 360-991-9300 james.kessi@gmail.com
SITE ADDRESS/ MAILING ADDRESS	34759 Sykes Road St Helens, Oregon 97051
LEGAL DESCRIPTION	4N1W 6DA 5801 & 4N1W 6DA 7000
SITE AREA	2016-010666 - 2.64AC 2016-007837 – 1.97AC 4.61 Total Acres
ZONING	R-7

I. Summary of Request.

This application requests the issuance of a Preliminary Plat Subdivision & Planned Development Zone Overlay. In addition, a Developers Agreement is proposed as part of this application.

The proposed Bailey Subdivision located at 34759 Sykes Road in St Helens, OR (Tax Lots 5801 & 7000). The site in question is located across two parent parcels totaling 4.62 acres in size. The site is currently primarily field grasses with one existing house on the property. The site is generally flat, with wetlands existing towards the southeastern corner and trees scattered primarily to the south. The applicant is proposing to subdivide these parcels under the planned development process into 18 single family detached lots with site improvements to serve the newly created lots. In addition a stub for future street extension has been included in the northwestern corner of the site, as well as nature trails along the existing wetlands. A planned development overlay and

Developers agreement are proposed as a result of proposed density and lot dimensions. The proposed size, layout, orientation, and design of proposed lots and improvements can be seen on the included documents.

NO
Lot size
ALSO FOR PROTECTION BUFFER OF WETLAND

Kessi Engineering & Consulting represents Rich Bailey Construction regarding their property at the Bailey Subdivision within the City of St. Helens. The property is known as 4N1W 6DA 5801 & 4N1W 6DA 7000.

The following details a request for preliminary plat approval for the Bailey Subdivision. The Applicant has extracted the applicable criteria for a preliminary plat approval and has addressed each applicable criterion with a draft finding in support of the application.

The applicant is requesting this project be reviewed in accordance with Municipal Code 17.148: Planned Development. The applicant seeks to have the City apply the flexible standards afforded by the Planned Development standards. The PD standards are needed to most efficiently develop this property. These standards will accommodate existing site constraints including parent parcel dimensions and critical areas. The proposed Preliminary Plat will need flexibility in order to provide a better standard of living and increase density in such a way that will allow a greater number of St Helens residents to attain that quality of living. Additional materials have been provided. Exact proposed lot layouts and dimensions can be seen on the attached preliminary plat.

17.148.010 Purpose.

Draft Finding 1:

The applicant is requesting this project be reviewed in accordance with Municipal Code 17.148: Planned Development. The applicant seeks to have the City apply the flexible standards afforded by the Planned Development standards. The PD standards are needed to most efficiently develop this property. These standards will accommodate existing site constraints including parent parcel dimensions and critical areas. The proposed Preliminary Plat will need flexibility in order to provide a better standard of living and increase density in such a way that will allow a greater number of St Helens residents to attain that quality of living. Additional materials have been provided. Exact proposed lot layouts and dimensions can be seen on the attached preliminary plat.

17.148.015 The process.

Draft Finding 2:

The applicant would like to proceed with an overlay zone and subdivision preliminary plat. This application is intended to satisfy the requirements of both. The overlay zone is being requested as a result of existing conditions including the size and shape of existing parent parcels, as well as critical areas such as wetlands. As a result of these pre-existing constraints, the applicant is requesting to undergo the planned development process in order to gain additional flexibility in lot dimension requirements. Please note that proposed average lot size is over 7000 square feet, no increase in density is being requested as part of this application.

17.148.020 Administration and approval process.

Draft Finding 3:

The Applicant has submitted an application for preliminary plat approval of the Bailey Subdivision. The Applicant understands that the City will review the application for completeness and determine whether additional information is required to process the application. A pre-application was held at the City of St Helens in accordance with 17.136.030.

17.148.030 Expiration of approval – Standards for extension of time.

Draft Finding 4:

The Applicant notes that any preliminary approval for the planned development will be valid for a period of eighteen months and maintains the right to a written one year extension contingent upon director approval.

17.148.060 Planned development allowed and disallowed.

Draft Finding 5:

The proposed planned development should be allowed based on the guidelines of 17.148.060. The site is not shown on the Comprehensive Plan as a “developing area” or an “established area.” Nor is the site less than 2 acres in size.

17.148.070 Applicability and allowed uses.

Draft Finding 6:

The applicant is proposing single family detached lots, which are allowed outright by the R-7 base zone.

17.148.080 Applicability of the base zone provisions.

Draft Finding 7:

The applicant is proposing to undergo the planned development process in order to gain additional flexibility with lot dimensional standards due to existing site constraints as allowed for by 17.148.080. All applicable R-7 base zone standards as described above will be complied with. For specific proposal please see attached preliminary plat.

17.148.090 Applicability of site development review chapter.

Draft Finding 8:

The applicant addresses all sections of Chapter 17.96 herein. Project has been designed on accordance with the regulations shown in city of St Helens Municipal Code.

17.148.100 Phased development

Draft Finding 9:

The Bailey Subdivision is proposing two phases, which can be seen on the attached preliminary plat. The Applicant notes that any preliminary approval for the proposed subdivision plat will be valid for a period of twelve months as specified by section 13.136.040. The Applicant further notes that two one-year extensions are available if additional time is required to prepare the final plat for the current subdivision phase. Best efforts will be made to proceed with the project within the allotted 1-year time frame. All public improvements to serve each phase will be constructed as required to serve all lots within each phase.

17.148.110 Application submission requirements – Preliminary development plan.

1) All applications shall be made on forms provided by the director and shall be accompanied by:
(a) Eight copies of the preliminary development plan(s) and necessary data or narrative which explains how the development conforms to the standards:

(i) Sheet size for the preliminary development plan(s) and required drawings shall preferably not exceed 18 inches by 24 inches; and

- (ii) *The scale for a preliminary development plan shall be an engineering scale; and*
- (b) *The required fee.*
- (2) *The required information may be combined and does not have to be placed on separate maps.*
- (3) *The preliminary development plan, data, and narrative shall include the following:*
 - (a) *Existing site conditions, SHMC 17.148.130;*
 - (b) *A site concept, SHMC 17.148.150;*
 - (c) *A grading concept, SHMC 17.148.160;*
 - (d) *A landscape concept, SHMC 17.148.170;*
 - (e) *A sign concept, SHMC 17.148.180; and*
 - (f) *A copy of all existing or proposed restrictions or covenants. (Ord. 2875 § 1.180.110, 2003)*

Draft Finding 10:

Submission requirements are not approval standards but must be addressed in order to have the application deemed complete. Please see attached documents for confirmation all requirements have been met. An existing conditions plan, concept plan, grading plan, landscape plan, and sign plan have all been submitted. All plans have been drawn to meet the above requirements in 17.148.110.

17.148.120 Approval standards.

The approving authority shall make findings that the following criteria are satisfied when approving or approving with conditions, or the criteria are not satisfied when denying an application:

- (1) All the provisions of the land division provisions, Chapters 17.136 and 17.140 SHMC, et seq., shall be met;**

Draft Finding 11:

All provisions of SHMC §17.136 will be met by this project. SHMC §17.140 is not applicable. The proposed preliminary plat submitted as part of this application is in compliance with City of St Helens comprehensive plan. This site is proposing single family detached lots, as is called for in the comprehensive plan. The Sykes Bailey Planned Development has been named in accordance with city and state ordinances. Changes may be made if deemed necessary. The proposed subdivision layout takes into consideration previous and future development surrounding the Bailey Estates Subdivision as well as existing plats and existing roadways within the site's immediate vicinity. The Applicant has proposed to create two open space tracts within this phase of the subdivision. These tracts will border the Northern and southern existing property lines and will provide a buffer between critical areas the proposed residential lots. These areas will be landscaped in certain areas and will contain trees within the subdivision which are proposed for retention. The Applicant has created a Homeowners Association empowered by the project's Protective Covenants, Conditions and Restrictions which will take ownership of these two open spaces. The Homeowners Association will take on the ongoing maintenance of these areas. The proposed average lot size is over 7,000 square feet. The applicant is requesting to undergo a planned development process in order to take into account existing conditions on-site that do not allow all lots to meet standard dimensional requirements. All proposed lots have been designed to be exclusive of any planned or proposed right-of-way. No proposed lot has a depth which is greater than two and one-half times the average width. An appropriate buffer will be established on lots abutting arterial right of way prior to final plat. No through lots are proposed as part of this application.

- (2) The provisions of the following chapters shall also be met:**
 - (a) Chapter 17.56 SHMC, Density Computations;**

Draft Finding 12:

The total area proposed for subdivision is approximately 4.6 acres. The net area for the site is approximately 3.07 acres. The maximum density permitted within the subdivision is therefore 19 units. The Applicant's proposed 18-unit plat falls within the permissible density range for the site. The applicant has completed the above calculations as follows: 201,037 sf gross site area; less 21841 sf wetland area, less 6,866 sf Buffer area, 11,210 additional buffer area, less 27,343 sf ROW area; for a net area of 133,777 sf (3.07 acres). Net Density: 5.86 du/acre = 18 units.

(b) Chapter 17.48 SHMC, Solar Access Requirements;Draft Finding 13:

Solar access will not be decreased by the proposed site plan. Solar access may actually increase due to the removal of some trees

17.148.120 Approval standards.

The approving authority shall make findings that the following criteria are satisfied when approving or approving with conditions, or the criteria are not satisfied when denying an application:

(1) All the provisions of the land division provisions, Chapters 17.136 and 17.140 SHMC, et seq., shall be met;

Draft Finding 14:

All provisions of SHMC §17.136 will be met by this project. SHMC §17.140 is not applicable. See section below for specific requirements and how they will be met.

(2) The provisions of the following chapters shall also be met:

(a) Chapter 17.56 SHMC, Density Computations;Draft Finding 15:

The total area proposed for subdivision is approximately 4.61 acres. The net area for the site is approximately 3.06 acres. The maximum density permitted within the subdivision is therefore 19 units. The Applicant's proposed 18-unit plat falls within the permissible density range for the site. The applicant has completed the above calculations as follows: 201,037 sf gross site area; less 21841 sf wetland area, less 6,866 sf Buffer area, 11,210 additional buffer area, less 28,043 sf ROW area; for a net area of 133,077 sf (3.06 acres). Net Density: 5.88 du/acre = 18 units.

(b) Chapter 17.48 SHMC, Solar Access Requirements;Draft Finding 16:

Solar access will not be decreased by the proposed site plan. Solar access may actually increase due to the removal of some trees.

(c) Chapter 17.64 SHMC, Additional Yard Setback Requirements and Exceptions;Draft Finding 17:

The additional requirements will require additional setback for houses located adjacent to Sykes road. This will apply to one lot on the current site plan. The project will comply with the additional setback requirements as defined at the beginning of this document.

(d) Chapter 17.68 SHMC, Building Height Limitations – Exceptions;Draft Finding 18:

All provisions of SHMC §17.68 will be met at the time of building permit. No structures over 35'

are expected.

(e) Chapter 17.72 SHMC, Landscaping and Screening;

Draft Finding 19:

All provisions of SHMC §17.72 will be met, adequate landscaping and screening will be provided as outlined in city ordinances. The applicant has submitted landscaping plans as part of this application, please see attached. These plans demonstrate appropriate landscaping and screening requirements have been met. Specific details regarding landscaping can be seen on the attached landscape plan. Additional screening, such as fencing may be provided as part of future home construction. The City requires street trees to be planted along newly created local streets. It is feasible for the applicant to plant street trees to meet this requirement. This requirement can be made a condition of approval. More specific plans can be provided at the time of final plat approval.

(f) Chapter 17.76 SHMC, Visual Clearance Areas;

Draft Finding 20:

All provisions of SHMC §17.76 will be met, and all proper sight distances having ben design in accordance with 17.76.020 and 17.76.030, these dimensions can be seen on included plans. Please see preliminary plans for additional details.

(g) Chapter 17.80 SHMC, Off-Street Parking and Loading Requirements;

Draft Finding 21:

All provisions of SHMC §17.80 will be met. The applicant is proposing lots that are capable of supporting at least four standard size off street parking spaces for each lot. Adequate parking has been considered will be provided for all proposed lots. A minimum of 4 spaces (2 in garage and 2 in driveway) will be a part of each lot.

(h) Chapter 17.84 SHMC, Access, Egress, and Circulation;

Draft Finding 22:

All provisions of SHMC §17.84 will be met. Proposed site improvements including streets and driveways have been included as part of this project. Safe and efficient access for vehicles and pedestrians will be possible with the proposed layout. Please see attached preliminary plans for specific layout information. The applicant has submitted preliminary plans which show proposed ROW areas as well as access locations. All proposed improvements have been designed to city standards. In addition; landscaping plans, grading and drainage plans have been submitted showing compliance with city and state ordinances. Specific dimensions and proposed site improvements can be seen on these plans. The applicant is proposing joint access on multiple proposed lots. Appropriate documentation will be provided prior to final plat demonstrating appropriate legal evidence of access. Copies of deeds, and other appropriate documentation will be provided to the city once available. The applicant is proposing sidewalks and public walkways to all lots, as well as additional trails along open space for the enjoyment of future residents. Pedestrian access will be available to and from the site as well as to all lots. Specific layouts and design can be seen on the included plans.

(i) Chapter 17.88 SHMC, Signs; and

Draft Finding 23:

All provisions of SHMC §17.88 will be met. Adequate signage for the protection and safety of future residents will be provided in coordination with city staff at the time of final engineering.

(j) Chapter 17.124 SHMC, Accessory Structures;

Draft Finding 24:

All provisions of SHMC §17.124 will be met. Due to site constraints, no accessory structures are expected.

(3) In addition, the following criteria shall be met:

(a) Relationship to the Natural and Physical Environment.

(i) The streets, buildings, and other site elements shall be designed and located to preserve the existing trees, topography, and natural drainage to the greatest degree possible (justification required);

Draft Finding 25:

The project has been designed to accentuate and preserve the natural environment and preserve the natural beauty of the region. Wetland areas and buffers will be protected, and a pedestrian nature trail has been provided for the enjoyment of existing and future residents. The project has been designed to accentuate and preserve the natural environment and preserve the natural beauty of the region. Wetland areas and buffers will be protected, and a pedestrian nature trail has been provided for the enjoyment of existing and future residents. Where possible the natural topography, Trees, and natural greenery will be preserved. Natural Drainage will be preserved in the form of existing

(ii) Structures located on the site shall not be in areas subject to ground slumping and sliding;

Draft Finding 26:

This project will be constructed as guided by a geotechnical engineer to prevent the occurrence of future ground shifts and slides.

(iii) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection;

Draft Finding 27:

Adequate spacing will be provided, as is outlined and required by city ordinances shown in title 17. A proposed minimum side yard setback of 5 feet will prevent buildings from being constructed too close to each other.

(iv) The structures shall be oriented with consideration for the sun and wind directions, where possible; and

Draft Finding 28:

These considerations will be taken at the time of future home construction, all proposed lots allow for flexibility in design to allow for variation as needed. These considerations include lot size, setbacks, lot shape, and other factors that will allow for some flexibility for future home builders.

(v) Trees with a six-inch caliper measured at four feet in height from ground level shall be saved where possible (justification required to cut down trees);

Draft Finding 29:

Over 50% of trees on-site will be preserved. The provided proposed tree plans shows existing trees to be saved as well as future trees to be planted. All efforts will be taken to save as many trees as possible such as those in wetland areas and potentially along lot lines.

(b) Buffering, Screening, and Compatibility between Adjoining Uses.

(i) Buffering shall be provided between different types of land uses (for example, between single-family and multiple-family residential, and residential and commercial);

Draft Finding 30:

Surrounding properties are currently being used for the same types of single-family residential uses as is being proposed for the Bailey Subdivision. All surrounding vacant land is also zoned for similar residential uses. For this reason, no screening or buffering is needed. All land in and around the parent parcel area is currently or zoned for single family residential.

(ii) In addition to the requirements of the buffer matrix, the following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 17.72 SHMC:

(A) The purpose of the buffer, for example, to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;

(B) The size of the buffer needs in terms of width and height to achieve the purpose;

(C) The direction(s) from which buffering is needed;

(D) The required density of the buffering; and

(E) Whether the viewer is stationary or mobile;

Draft Finding 31:

Although not required, appropriate buffers will be provided as outlined by city ordinances. Appropriate landscaped areas and screens will be provided as outlined by city ordinances. Specific locations and details can be seen on the attached landscape plan.

(iii) On-site screening from view from adjoining properties of such things as service areas, storage areas, parking lots, and mechanical devices on rooftops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:

(A) What needs to be screened;

(B) The direction from which it is needed; and

(C) Whether the screening needs to be year-round;

Draft Finding 32:

No non-residential uses are proposed as part of this project. Any future screening needs will be provided at the time of home construction. Future screening may include measures such as fencing and landscaping to allow for the privacy of future and existing residents in the area.

(c) Privacy and Noise. Nonresidential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;

Draft Finding 33:

No non-residential uses are proposed as part of this project. Any future screening needs will be provided at the time of home construction. Future screening may include measures such as fencing and landscaping to allow for the privacy of future and existing residents in the area.

(d) Private Outdoor Area – Residential Use.

(i) In addition to the requirements of subsection (3)(d)(iii) of this section, each ground level residential dwelling unit shall have an outdoor private area (patio, terrace, porch) of not less than 48 square feet;

(ii) Wherever possible, private outdoor open spaces should be oriented toward the sun; and

(iii) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space;

Draft Finding 34:

Outdoor areas will be provided in accordance with city ordinances at the time of home construction. Sufficient lot area has been allocated for each lot in order to provide adequate outdoor area in appropriate orientations for each potential home.

(e) Shared Outdoor Recreation Areas – Residential Use.

(i) In addition to subsections (3)(e)(ii) and (iii) of this section each multiple-dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:

(A) Studio units up to and including two-bedroom units, 200 square feet per unit; and

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

(ii) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;

(iii) The required recreation space may be provided as follows:

(A) It may be all outdoor space; or

(B) It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; or

(C) It may be all public or common space; or

(D) It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room, and balconies on each unit; or

(E) Where balconies are added to units, the balconies shall not be less than 48 square feet;

Draft Finding 35:

No multi-family development is proposed as part of this development. Outdoor shared spaces, which can be seen in the North Eastern portion of the property as well as along wetland boundaries, have been included for the enjoyment of future and existing residents.

(f) Access and Circulation.

(i) The number of allowed access points for a development shall be as provided in Chapter 17.84 SHMC;

(ii) All circulation patterns within a development must be designed to accommodate emergency vehicles; and

(iii) Provisions shall be made for pedestrian and bicycle ways if such facilities are shown on an adopted plan;

Draft Finding 36:

The site will take access from two locations: Westboro Way, and Sykes Road. Sufficient access has been designed to allow for future residents and emergency vehicles. Turnarounds designed to accommodate emergency vehicles have been included as part of this project.

(g) Landscaping and Open Space.

(i) Residential Development. In addition to the requirements of subsections (3)(d) and (e) of this section, a minimum of 20 percent of the site shall be landscaped;

(ii) Commercial Development. A minimum of 15 percent of the site shall be landscaped; and

(iii) Industrial Development. A minimum of 15 percent of the site shall be landscaped;

Draft Finding 37:

A minimum of 20 percent of the proposed development site will be landscaped. Yard space, proposed open space, as well as landscape buffers will allow the site to meet this requirement.

(h) Signs.

(i) In addition to the provisions of Chapter 17.88 SHMC, Signs:

(A) Location of all signs proposed for the development site; and

(B) The signs shall not obscure vehicle drivers' sight distance;

(i) Parking.

(i) All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter 17.80 SHMC;

(ii) Up to 50 percent of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space;

Draft Finding 38:

All provision of 17.84 will be met by this project. Sufficient access has been demonstrated on the attached plans. Please see attached.

(j) Drainage. All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 17.44 SHMC and the criteria in the adopted 1999 master drainage plan. (Ord. 2875 § 1.180.120, 2003)

Draft Finding 39:

All drainage has been accounted for on the proposed development. A drainage plan detailed proposed methods of drainage has been included as part of this application, please see attached.

17.148.130 Site conditions.

??

12

Draft Finding 40:

The applicant has included existing condition plans as well as surveys that demonstrate the site conditions prior to improvements and address potential site characteristics listed in 17.148.130.

17.148.140 Additional information required and waiver of requirements.Draft Finding 41:

The applicant believes all relevant information has been provided, however if additional information is deemed necessary the applicant will make best efforts to fulfill the request.

17.148.150 Detailed plan.Draft Finding 42:

The applicant has submitted plans in compliance with the information required under 17.148.150. These plans show all existing conditions and all proposed improvements. Please see attached preliminary plans for further information and detailed layouts.

17.148.160 Grading and drainage plan.Draft Finding 43:

The applicant has provided a grading and drainage plan demonstrating compliance with city standards, these plans have been included as part of this application.

17.148.170 The landscape plan.Draft Finding 44:

The applicant has provided a landscape plan in compliance with 17.148.170, showing the location and design proposed landscape features, trees, and trees to be removed. Please see attached for further information.

17.148.180 Sign drawings.Draft Finding 45:

Final sign design and locations will be determined with city staff during engineering review.

17.148.190 Exceptions to underlying zone, yard, parking, sign and landscaping provisions.Draft Finding 46:

The applicant is not proposing exceptions to underlying R-7 zone yard, parking, sign, or landscaping provisions.

YOU ARE VIA P.D.
YARD = SETBACK

17.148.200 Shared open space.Draft Finding 47:

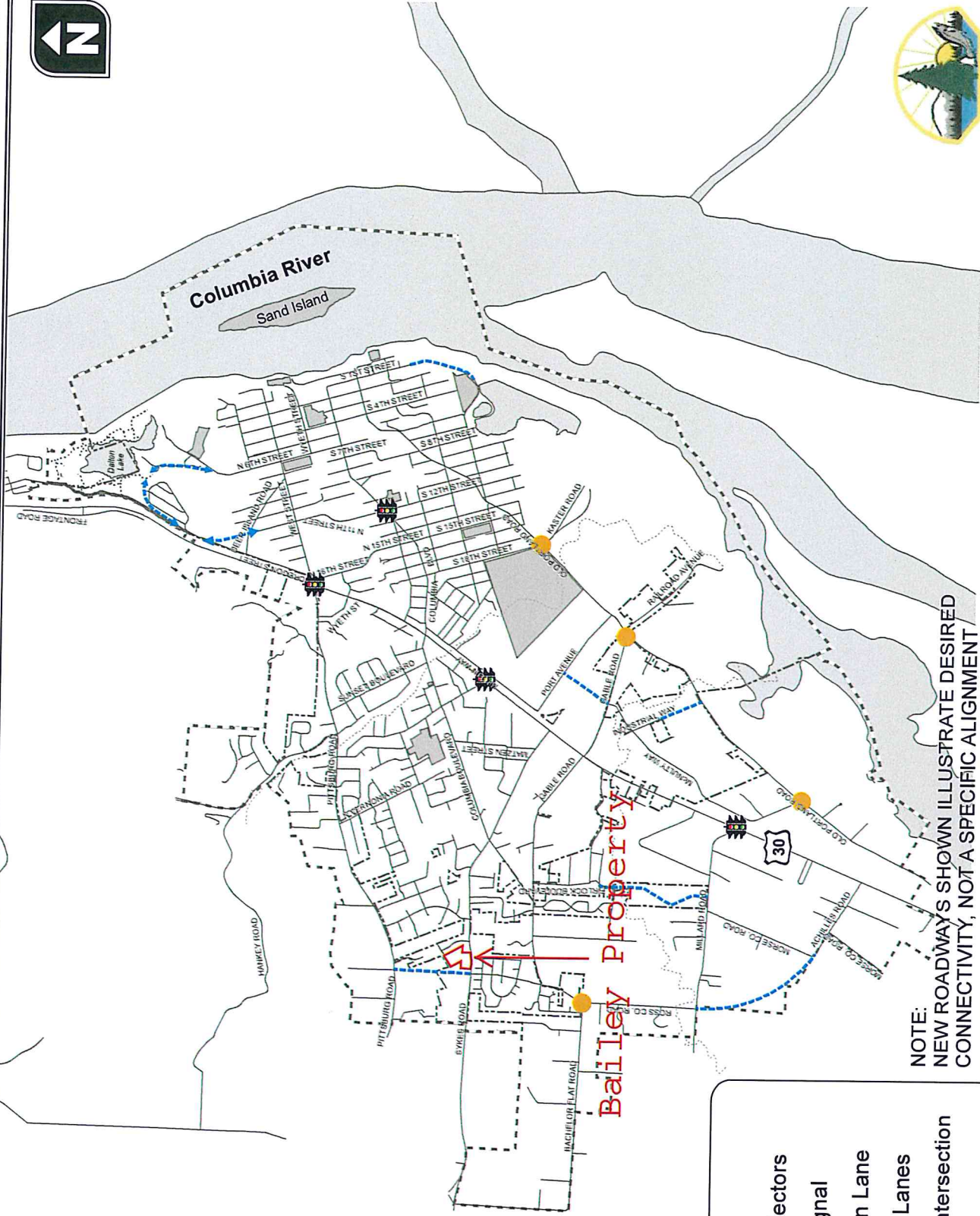
The applicant is proposing shared open spaces. This area can be seen on the included plans. Documentation ensuring maintenance and the continued appropriate use of the area will be provided to the city in the event dedication to the city is not desired.

Site Area	Existing Trees Retained	Existing Trees To Be Removed	Street Trees To Be planted	Landscape Trees To Be Planted
Lot 1	-	-	-	1
Lot 2	-	1	-	1
Lot 3	-	1	4	-
Lot 4	-	2	-	2 <i>±N P2</i>
Lot 5	1	1	-	1
Lot 6	<i>±N P2</i> 1	4	-	-
Lot 7	-	12	-	-
Lot 8	<i>±N P2</i> 1	7	-	-
Lot 9	<i>±N P2</i> 3	-	-	1
Lot 10	-	-	1	1
Lot 11	-	-	1	-
Lot 12	-	-	1	-
Lot 13	-	-	2	-
Lot 14	-	-	4	-
Lot 15	-	2	1	-
Lot 16	2	1	1	-
Lot 17	-	-	6	-
Lot 18	-	3	1	-
Wetland A	4	-	-	-
Wetland B	39	-	-	-
Tract A	-	-	3	2 <i>±N P2</i>
Total	51	34	25	9
% of total	60%	40%		
Total To be planted:	34			

APPLICANT'S
TREE INVENTORY

P2 = Prot. Zone

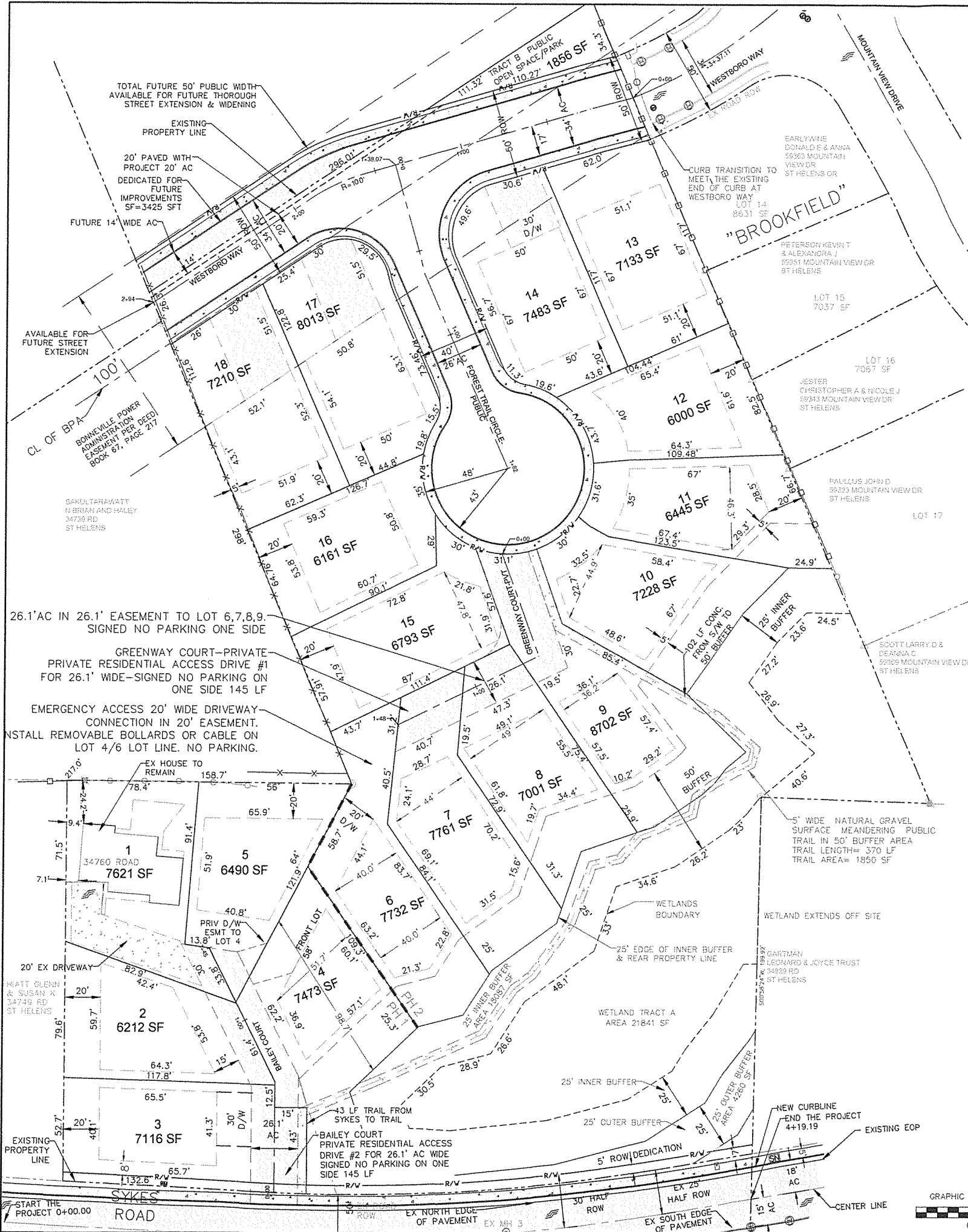
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NOTE:
NEW ROADWAYS SHOWN ILLUSTRATE DESIRED
CONNECTIVITY, NOT A SPECIFIC ALIGNMENT

LEGEND

- Proposed Collectors
- Add Traffic Signal
- Add Right-Turn Lane
- Add Left-Turn Lanes
- Reconfigure Intersection
- City Limits
- City UGB



BAILEY SUBDIVISION

A PROPOSED PHASED PRELIMINARY PLAT PLANNED DEVELOPMENT
A PORTION OF THE 1/4 OF SECTION 6, T4N, R1W, WM CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON

GENERAL INFORMATION
GROSS SITE AREA: 4.62 AC PER
EXISTING CONDITIONS SURVEY BY
JOHNSON LAND SURVEYING INC.
SITE ADDRESS:
CURRENT USE: VACANT & AG LAND
ZONING: R1-7
COMPREHENSIVE PLAN: UL

STORMWATER SYSTEM
PROPOSED FINAL STORMWATER DESIGN TO ADDRESS REQUIREMENTS
CITY OF ST. HELENS STORMWATER ORDINANCE.

REVIEW AUTHORITY AND JURISDICTIONS:
STREETS, STORM & PLAT - ST HELENS
SANITARY - ST HELENS
WATER - ST HELENS
FIRE - ST HELENS

BENCHMARK & DATUM:
SEE TOPOGRAPHIC SURVEY.
SEE THE BOUNDARY SURVEY SHEET BY THE SURVEYOR FOR
MORE DETAILED TOPOGRAPHIC & BOUNDARY INFORMATION.

LOT NO	LOT AREA SFT	FIRE SPRINKLER
1	7621	
2	6212	
3	7116	
4	7473	
5	6490	
6	7732	F.S
7	7761	F.S
8	7001	F.S
9	8702	F.S
10	7228	
11	6445	
12	6000	
13	7133	
14	7483	
15	6793	
16	6161	
17	8013	
18	7210	
AVG LOT	7143	

NET DENSITY CALC		
	ACRE	SQFT
1) Gross Area	4.61	200811
2) Wetland Tract A	-0.50	-21841
3) 25' Inner Buffer	-0.41	-18087
4) ROW Area	-0.61	-26789
5) 25' Outer Buffer	-0.08	-4260
6) Tract B Area	-0.04	1856
Net area	3.01	130052
Total lots	18	18
Gross Density	6.00 U/ACRE	

ACCESS NOTE:
PRIVATE RESIDENTIAL ACCESS DRIVE #1 PER SHMC
17.84.070
3-6 UNITS ALLOWED
24 - 30' ACCESS EASEMENT
20 TO 26.1' PAVED WIDTH
FOR 26.1' WIDE - SIGNED NO PARKING ON ONE SIDE

FIRE:
SPRINKLERS WITH FUTURE HOUSES ON LOTS 6, 7, 8, 9.



SHT NO.	SHEET DESCRIPTION
BA 1.1	PLANNED DEVELOPMENT PRELIM PLAT PART 1
BA 1.2	PLANNED DEVELOPMENT PRELIM PLAT WITH CONTOURS PART 2
BA 2	TOPOGRAPHIC SURVEY
BA 3	GRADING & EROSION CONTROL PLAN
BA 4	COMPOSITE UTILITY PLAN
BA 5	TREE & LANDSCAPE PLAN
BA 6	UTILITY PLAN & PROFILE
BA 7	PLAN & PROFILE
BA 8	PLAN & PROFILE
BA 9	STORM UTILITY PLAN & PROFILE

SERIAL NUMBERS:
2016-010666 - 2.64AC
2016-007837 - 1.97AC

SEE THE PROJECT NARRATIVE AND PROPOSED PLANNED DEVELOPMENT
(PD) STANDARDS TABLE FOR THE MODIFIED PROJECT SPECIFIC
STANDARDS.

NUMBER OF LOTS PROPOSED: 17 LOTS + 1 EX LOT

THE PROPOSED PD MINIMUM FRONT AND SIDE YARDS OR OTHER
SETBACKS AS STATED HEREIN AND IN THE DEVELOPMENT AGREEMENT
(DA) TO BECOME THE PROJECT SPECIFIC STANDARDS.

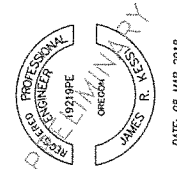
OWNER
RICH BAILEY
Rich Bailey Construction LLC
PO BOX 613
St. Helens, OR 97051
Cell 503 880-6679
Home 503 397-3783
rbaileyconstruction@hotmail.com
www.richbaileyconstruction.com

CIVIL ENGINEER & APPLICANT:
KESSI ENGINEERING & CONSULTING
JAMES KESSI, PE
6400 NE HWY 99 #G169
VANCOUVER, WA 98665
(360) 991-9300
james.kessi@gmail.com

SURVEYOR:
Johnson Land Surveying, Inc.
Robert Alan Johnson PLS
jsurvey@frontier.com
jsurvey.com
503-407-9966

REVISIONS

DRAWN BY:	S.P.
DESIGNED BY:	J.K.
CHECKED BY:	J.K.



PROJECT #132
DATE: 08 MAR 2018

BAILEY SUBDIVISION
PLANNED DEVELOPMENT
PRELIMINARY PLAT PART 1

KESSI ENGINEERING

PLANNING CONSULTING
CIVIL ENGINEERING PROJECT MANAGEMENT

6400 NE HWY 99 #G-169 VANCOUVER, WA 98665
Tel: (360) 991-9300 Email: info@kessiconsulting.co

A PROPOSED PHASED PRELIMINARY PLAT PLANNED DEVELOPMENT
A PORTION OF THE 1/4 OF SECTION 6, T4N, R1W, WM CITY OF ST. HELENS, COLUMBIA
COUNTY, OREGON

SURVEYOR:
Johnson Land Surveying, Inc
Robert Alan Johnson PLS
jsurvey@frontier.com
jsurvey.com
503-407-9966

STORMWATER SYSTEM
PROPOSED STORMWATER DESIGN TO ADDRESS MIN. REQUIREMENTS CITY OF
ST. HELENS STORMWATER ORDINANCE.

The map shows a property labeled "SITE" and "O34759 Sykes Road". The property is bounded by Sykes Rd to the west, south, and east. To the north, it is bounded by Westboro Way, Mountain View Ln, and Sykes Rd. To the south, it is bounded by Sykes Rd and Glacier Ave. The map is oriented with North at the top.

VICINITY MAP
N.T.S

LEGEND	EXISTING	PROPOSED
EDGE OF PAVEMENT	EP	EP
RIGHT-OF-WAY	R/W	R/W
BOUNDARY LINE		
SANITARY SEWER	SS	SS
WATER	W	W
CENTERLINE		
FIRE HYDRANT	⊙	⊙
WATER LATERAL & METER	1/2" / 4"	1/2" / 4"
SANITARY LATERAL	1/2" / 4"	1/2" / 4"
STORM LATERAL	3/4" / 4"	3/4" / 4"



GRAPHIC SCALE 1"=30' HORIZONTAL

KESSI ENGINEERING

KESSI ENGINEERING
CONSULTING

PLANNING
CIVIL ENGINEERING PROJECT MANAGEMENT CONSULTING

6400 NE HWY 99 #G-159 VANCOUVER, WA 98661
Engineering Tel: (360) 991-9300 Email: info@kessiconsulting.com
www.kessiconsulting.com

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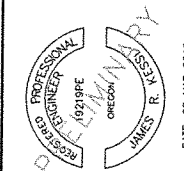
S.P.

DESIGNED BY:

J.K.

CHECKED BY:

J.K.



PROJECT #132

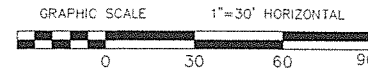
DATE: 08 MAR 2018

BAILEY SUBDIVISION
PLANNED DEVELOPMENT
PRELIM PLAT WITH
CONTOURS PART 2

1.2

3-Mar-18 Bailey Subdivision.dwg

A PROPOSED PRELIMINARY PLAT PLANNED DEVELOPMENT
A PORTION OF THE 1/4 OF SECTION 6, T4N, R1W, WM CITY OF ST. HELENS, COLUMBIA
COUNTY, OREGON



1. ANY STATED CUT AND FILL QUANTITIES ARE APPROXIMATE ONLY. THE CONTRACTOR IS ADVISED TO DETERMINE HIS OWN TAKEOFF & QUANTITIES FOR BIDDING. ACTUAL EARTHWORK QUANTITIES MAY VARY DEPENDING ON CONTRACTOR'S METHOD OF OPERATION, COMPACTION, SHRINKAGE, STRIPPING DEPTHS, & ACCURACY OF THE EARTHWORK TAKEOFF. WHEN SIGNING THE PROJECT CONSTRUCTION CONTRACT, THE CONTRACTOR AGREES THAT HIS COST FOR CONSTRUCTION OF THE GRADING IMPROVEMENTS AND DISPOSAL OF EXCESS MATERIAL (IF NECESSARY), IS INCLUDED & THERE WILL BE NO ADDITIONAL CHARGE FOR THIS ITEM. STRUCTURAL MATERIAL ON THIS SITE IS INTENDED TO APPROXIMATELY BALANCE. GRADING DESIGN IS BASED ON SURVEY INFORMATION AND FINISH DESIGNED ROUGH GRADING ELEVATIONS. ALL EXISTING INCLUSIONS OF NON-STRUCTURAL OR ORGANIC SOILS AND STRIPPINGS SHALL BE OVER-EXCAVATED AS NECESSARY TO COMPETENT MATERIAL.

1. ALL CONSTRUCTION, MATERIALS, WORKMANSHIP AND METHODS OF CONSTRUCTION SHALL CONFORM TO AGENCY GENERAL REQUIREMENTS AND DETAILS. EROSION CONTROL SHALL BE AS PER THE STANDARD DETAILS CONTAINED THEREIN.
2. ALL EROSION CONTROL METHODS SHALL CONFORM WITH AGENCY STANDARD NOTES AND DETAILS PER DETAILS SHEET.
3. THE CONTRACTOR SHALL MAINTAIN AN ON-SITE WRITTEN DAILY LOG OF EROSION CONTROL MAINTENANCE.
4. ALL EXPOSED AND UNWORKED SOILS SHALL BE STABILIZED BY THE APPROPRIATE BEST MANAGEMENT PRACTICES (BMPs). SEE EROSION PREVENTION & SEDIMENT CONTROL PLAN.
5. ANY TREES THAT WILL BE REMOVED WITHIN FUTURE BUILDING PAD AREAS SHOULD BE INDIVIDUALLY REMOVED, TAKING CARE TO REMOVE ALL ROOTS. ROOT CAVITIES SHALL BE INDIVIDUALLY BACKFILLED AND COMPACTED PRIOR TO COMMENCEMENT OF FILLING OPERATIONS.
6. STRIPPED SURFACE SOIL SHALL BE STOCKPILED IN DESIGNATED AREAS.

FOR EXISTING HOUSE, PRIOR TO GRADING NEAR LIKELY DRAINFIELD AREA, CONTRACTOR TO LOCATE AND PROTECT THE EXISTING DRAINFIELD & SEPTIC UNTIL SUCH TIME THE EXISTING HOUSE CONNECTED TO PUBLIC SEWER PER AGENCY REGULATIONS, AND THEN THE SEPTIC & DRAINFIELD CAN BE PROPERLY ABANDONED PER STATE HEALTH REGULATIONS.

ESTIMATED STRIPPINGS FOR SITE -
ASSUME 0.75' THICK = 5590 CY
TO BE PUT BACK AT UP TO 1' THICK MAX ON THE LOTS

ESTIMATED CUT IN SITE AREA=537 CYD
ESTIMATED FILL IN SITE AREA= 984 CYD

CONTRACTOR IS RESPONSIBLE TO VERIFY &
CALCULATE ALL QUANTITIES. SEE NOTES.
CONTRACTOR TO ADJUST GRADES TO TRY TO BALANCE SITE GRADING.

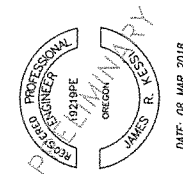
ON THE SITE PERIMETER, THE SITE HAS SOME AREAS OF NON-NATIVE BLACKBERRY BUSHES, AND OTHER UNDERBRUSH THAT INFRINGE ON THE PROPERTY PERIMETER. PRIOR TO THE END OF THE PROJECT AND AFTER ANY ON-SITE DISTURBED AREAS ARE STABILIZED, THE CONTRACTOR IS TO EITHER USE A HYDROAX TO GRIND/CHIP INTO MULCH OR IF APPROPRIATE USE A BULLDOZER TO GATHER INTO PILES GRIND INTO MULCH - EXTERIOR VEGETATION UP TO THE PROPERTY BOUNDARY AND AS DIRECTED BY THE OWNERS. THE CONTRACTOR SHALL CONTACT THE OWNERS AND ESTABLISH/AGREE WHICH BRUSH AND TREES ON THE EXTERIOR ARE TO REMAIN AND WHICH ARE TO BE REMOVED AS PART OF THIS PROJECT. ALL TREES ON, OR WITHIN THREE FEET OF THE PROPERTY EXTERIOR SHALL REMAIN UNLESS DIRECTED OTHERWISE BY THE OWNER.

TREES TO BE REMOVED INDICATED ON PLAN.SEE TREE PLAN FOR MORE DETAILS.

1. PRE-CONSTRUCTION MEETING.
2. FLAG OR FENCE CLEARING LIMITS.
3. POST NOTICE OF CONSTRUCTION ACTIVITY SIGN WITH NAME AND PHONE NUMBER OF EROSION SEDIMENT CONTROL SUPERVISOR.
4. INSTALL CATCH BASIN PROTECTION IF REQUIRED.
5. GRADE AND INSTALL CONSTRUCTION ENTRANCE(S).
6. INSTALL PERIMETER PROTECTION (SILT FENCE, BRUSH BARRIER, ETC.).
7. CONSTRUCT SEDIMENT PONDS AND TRAPS.
8. GRADE AND STABILIZE CONSTRUCTION ROADS.
9. CONSTRUCT SURFACE WATER CONTROLS (INTERCEPTOR DIKES, PIPE SLOPE DRAINS, ETC.) SIMULTANEOUSLY WITH CLEARING AND GRADING FOR PROJECT DEVELOPMENT.
10. MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH STANDARDS AND MANUFACTURER'S RECOMMENDATIONS.
11. RELOCATE SURFACE WATER CONTROLS AND EROSION CONTROL MEASURES OR INSTALL NEW MEASURES SO THAT AS SITE CONDITIONS CHANGE THE EROSION AND SEDIMENT CONTROL IS ALWAYS IN ACCORDANCE WITH THE EROSION AND SEDIMENT CONTROL STANDARDS.

TALL FESCUE 40%
PERENNIAL RYEGRASS 30%
CREEPING RED FESCUE 25%
COLONIAL BENTGRASS 5%

1	DRAWN BY:
2	S.P.
3	DESIGNED BY:
4	J.K.
5	CHECKED BY:
	J.K.



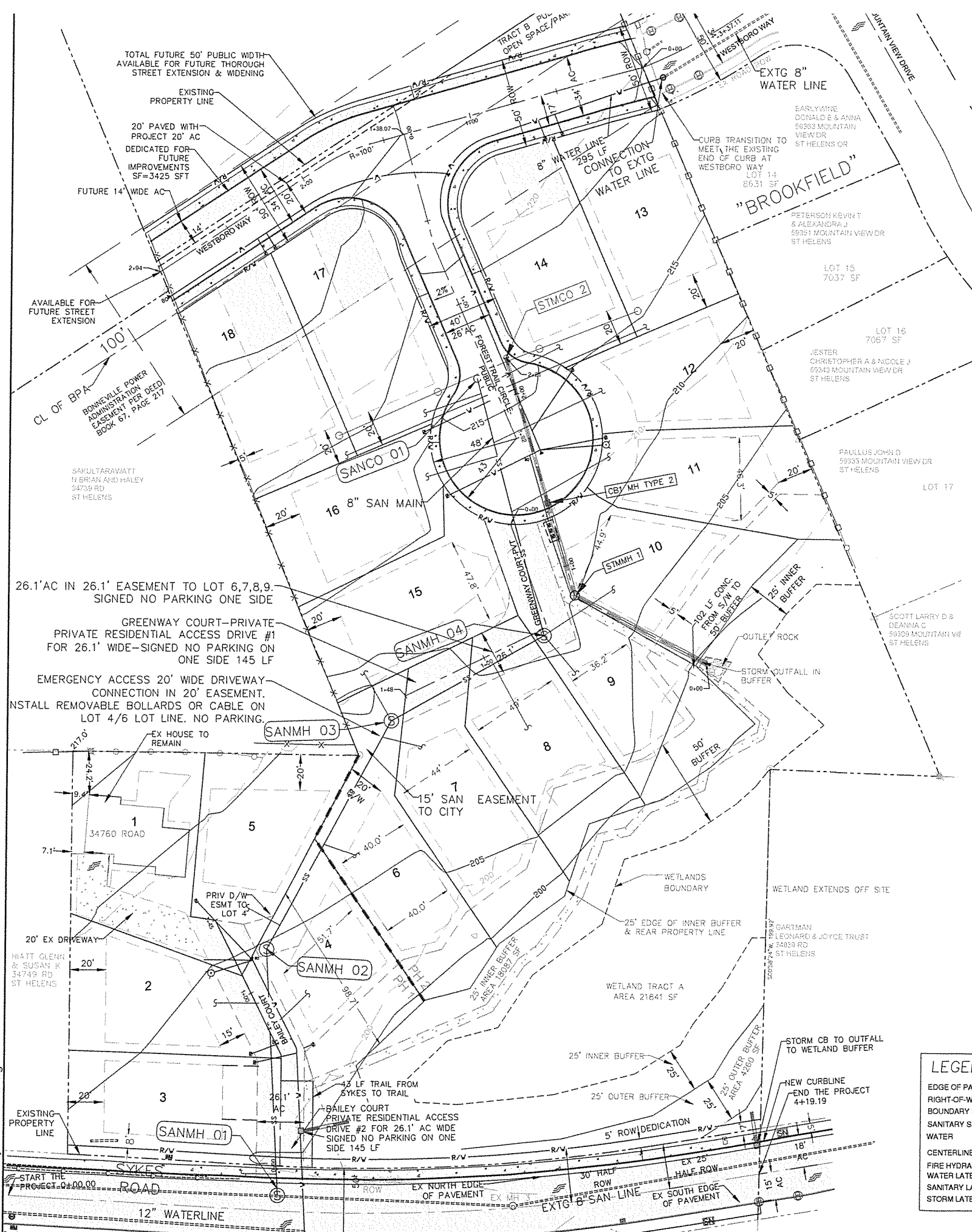
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GRADING & EROSION CONTROL PLAN

3



KESSI
ENGINEERING Tel: (360) 991-9300 Email: info@kessiconsulting.com
& CONSULTING www.kessiconsulting.com



BAILEY SUBDIVISION

A PROPOSED PRELIMINARY PLAT PLANNED DEVELOPMENT
A PORTION OF THE 1/4 OF SECTION 6, T4N, R1W, WM CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON

WATER CONSTRUCTION NOTES*

- *ALL CONSTRUCTION METHODS PER AGENCY STANDARD DETAILS SHEETS IN PLAN SET
- 40 8" WAT XLF: INSTALL 8" DIP (PC 350) WATER MAIN WITH TRENCH BEDDING & BACKFILL PER AGENCY STANDARD DETAIL
 - 41 4" WAT XLF: STD. FIRE HYDRANT ASSEMBLY WITH 6" PIPE PER AGENCY STANDARD DETAIL. INSTALL: (1) 8"X6" TEE, MJ X MJ X FLG (2) 6" GATE VALVE, FLG X MJ WMJ RESTRAINT (3) STD. FIRE HYDRANT ASSEMBLY (4) THRUST BLOCKS
 - 42: INSTALL 1" WATER SERVICE W/ METER BOX WITH 1"X3/4" METER STOP (TYP.) PER AGENCY STANDARD DETAIL
 - 43: INSTALL 2" PERMANENT BO ASSEMBLY W/ MJ CAP & MJ RESTRAINT PER AGENCY STANDARD DETAIL
 - 44: INSTALL 8" MJ 45° BEND WMJ RESTRAINT AND THRUST BLOCK PER AGENCY STANDARD DETAIL
 - 45: TEE WITH GATE VALVES AND THRUST BLOCK PER AGENCY STANDARD DETAIL. INSTALL: (1) 8"X8" TEE, FLG X FLG X FLG (2) 8" GATE VALVES, FLG X MJ WMJ RESTRAINT (3) THRUST BLOCK
 - 46: HOT TAP EX. 8" PVC, CL200 WATER MAIN PER STD AGENCY HOT TAP INSTALL: (1) 8"X8" STAINLESS STEEL TAPPING SLEEVE (2) 8" TAPPING GATE VALVE, FLG X MJ WMJ RESTRAINT (3) THRUST BLOCK
 - 47: AR: INSTALL MANUAL AIR RELEASE VALVE AT HIGH POINT OF MAIN PER AGENCY STANDARD DETAIL
 - 48: DEFLECT WATER MAIN PER MANUFACTURERS ALLOWABLE SPECIFICATIONS AROUND CURVE. INSTALL THRUST BLOCK PER AGENCY STANDARD DETAILS
 - 49: WQ: INSTALL WATER QUALITY SAMPLING STATION

SANITARY SEWER CONSTRUCTION NOTES*

- *ALL CONSTRUCTION METHODS PER CITY STANDARD DETAILS
- SANMH 8: INSTALL STANDARD SEWER MANHOLE PER AGENCY STANDARD DETAILS
 - SS: INSTALL 8" SANITARY SEWER MAIN PER AGENCY STANDARD DETAILS
 - INSTALL STANDARD CLEAN OUT (CO)
 - INSTALL STANDARD 4" SANITARY SEWER LATERAL PER AGENCY STANDARD DETAILS. SEE SANITARY SEWER LATERAL TABLE.
 - SAN NOTE #1: FOR EXISTING HOUSE AT CURRENT ADDRESS PRIOR TO GRADING IN THE PHASE 1 AREA, CONTRACTOR TO LOCATE AND VERIFY THE LOCATION OF ALL EXISTING SEPTIC AND DRAINFIELD AND PRESERVE FUNCTION OR MAKE OTHER APPROVED ACCOMMODATIONS DURING GRADING AS NEEDED. CONTRACTOR TO MAKE ARRANGEMENTS IN ACCORDANCE WITH REGULATIONS TO SWITCH OVER EXISTING HOUSE TO THE PUBLIC SAN MAIN AT THE APPROPRIATE TIME, WHEN THE DOWNSIDE SANITARY BECOMES LINE. AFTER CONNECTION, BOTH SEPTIC TANK AND DRAINFIELDS TO BE ABANDONED IN ACCORDANCE WITH AGENCY REGULATIONS AND DOCUMENTATION OF ABANDONMENT SUBMITTED TO THE PROJECT ENGINEER AND AGENCY IMMEDIATELY AFTER DECOMMISSIONING.

- CONTRACTOR TO CALL LOCATE, VERIFY ALL UTILITIES AND CONFLICTS AND REPLACE OR RELOCATE ALL UTILITIES AS NECESSARY - TYPICAL ALL UTILITIES
- CONTRACTOR TO PROVIDE ADEQUATE DEPTH ON ALL LATERALS TO ALLOW FOR A FUTURE 18 INCH MIN. COVER AT LAT END AT FUTURE HOUSE FOUNDATION.
- SEWER MAIN/WATER MAIN CROSSING: USE FULL LENGTHS (18 FT) OF PIPE, CROSSING AT MIDPOINT OF EACH. 18" VERTICAL SEPARATION TO BE PROVIDED FROM SANITARY & WATER BY CONTRACTOR ADJUSTING WATER LINE DEPTH. MAINTAIN MINIMUM 10" HORIZONTAL SEPARATION BETWEEN WATER MAIN AND SEWER MAIN.

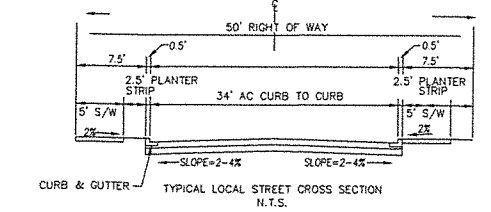
- SANITARY SEWER NOTES:
- ALL LATERALS TO BE VERIFIED AT MINIMUM COVER PRIOR TO PAVING
 - PRE-PAVING ASBUILT TO BE PROVIDED AND APPROVED BY AGENCY PRIOR TO PAVING
- 20' TO 26' FIRE LANE & PRIVATE ACCESS WAY
- 16' TO 22' AC
- 3" ASPHALT (WITH 2" DRIVABLE CONCRETE EDGES OR ROLLED CURBS ON BOTH SIDES) SIGNED NO PARKING ON BOTH SIDE LESS THAN 25' WIDE

LEGEND

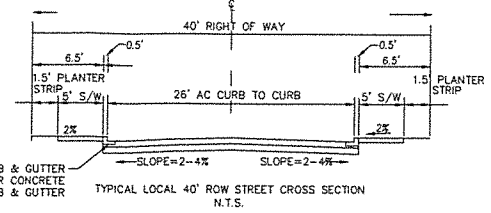
	EXISTING	PROPOSED
EDGE OF PAVEMENT	EP	EP
RIGHT-OF-WAY	R/W	R/V
BOUNDARY LINE		
SANITARY SEWER	SS	SS
WATER	W	W
CENTERLINE		
FIRE HYDRANT		
WATER LATERAL & METER	N/A	
SANITARY LATERAL	N/A	
STORM LATERAL	N/A	

STORM CONSTRUCTION LEGEND & NOTES*

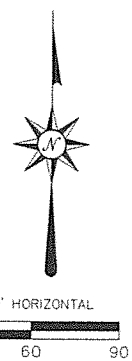
- *ALL CONSTRUCTION METHODS PER AGENCY STANDARD DETAILS SHEETS IN PLAN SET
- STMHXX: INSTALL STANDARD STORM MANHOLE PER STANDARD DETAILS
 - INSTALL STORM MAIN PER STANDARD DETAILS
 - CBH: STANDARD CATCH BASIN (CB) CONCRETE CURB INLET
 - CCB: CONCRETE CATCH BASIN - TYPE 1



INTERNAL STREETS - URBAN LOCAL RESIDENTIAL 50' ROW STREET



INTERNAL STREETS - LOCAL 40' ROW STREET



KESSI ENGINEERING

CONSULTING
PLANNING
CIVIL ENGINEERING
PROJECT MANAGEMENT

6400 NE HWY 99 #C-169 VANCOUVER, WA 98665
Tel: (360) 991-9300 Email: info@kessiconsulting.com
www.kessiconsulting.com

REVISIONS

1	2	3	4	5	
DRAWN BY:	S.P.	DESIGNED BY:	J.K.	CHECKED BY:	J.K.

PROJECT

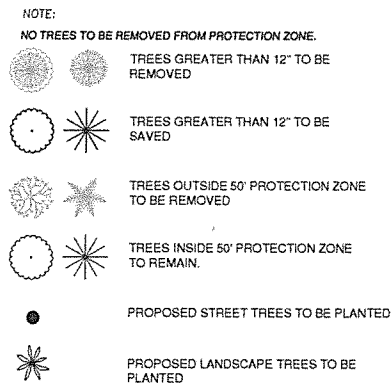
DATE: 08 MAR 2018

BAILEY SUBDIVISION

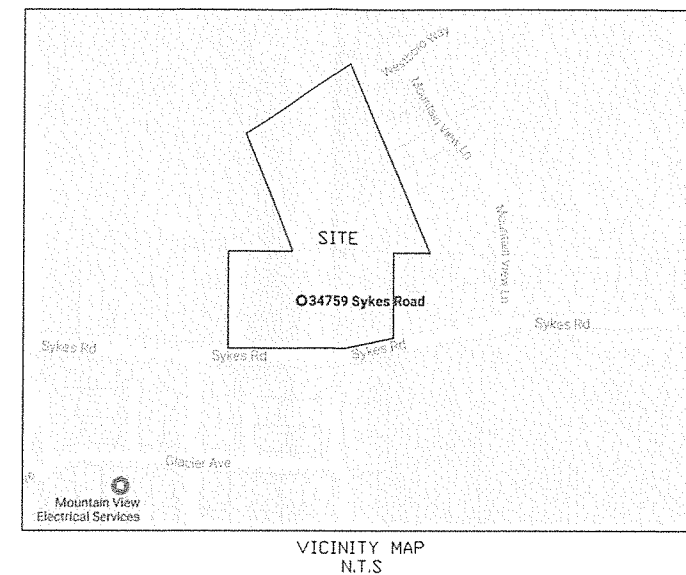
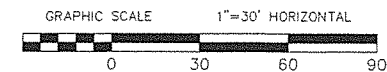
COMPOSITE
UTILITY PLAN

4

A PROPOSED PHASED PRELIMINARY PLAT PLANNED DEVELOPMENT
A PORTION OF THE 1/4 OF SECTION 6, T4N, R1W, WM CITY OF ST. HELENS, COLUMBIA
COUNTY, OREGON



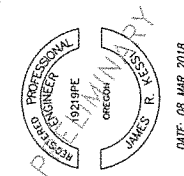
BUFFER AREA FOR PLANTATION	
1) In Lots 4,6,7	7,103 SQFT
2) In Lots 9,10,11	3,884 SQFT
3) Outer 25' area Adjacent to Sykes Road	4,261 SQFT
TOTAL	15,248 SQFT



REVISIONS

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DRAWN BY:	S.P.
DESIGNED BY:	J.K.
CHECKED BY:	J.K.

PROJECT
#132

DATE: 08 MAR 2018

BAILEY SUBDIVISION
TREE AND LANDSCAPE
PLAN

5

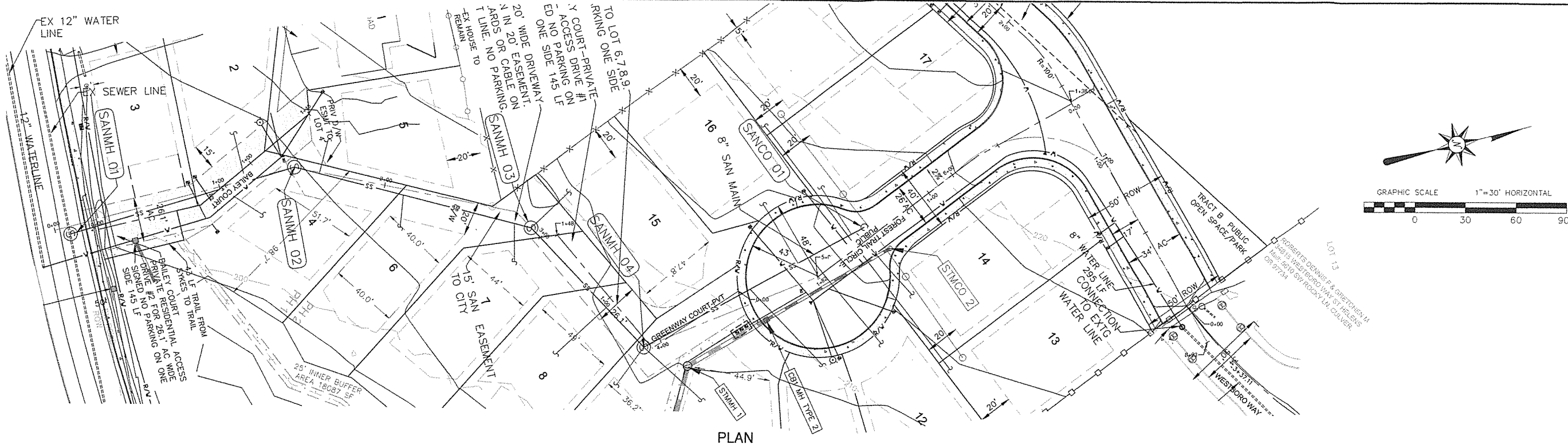
KESSI ENGINEERING



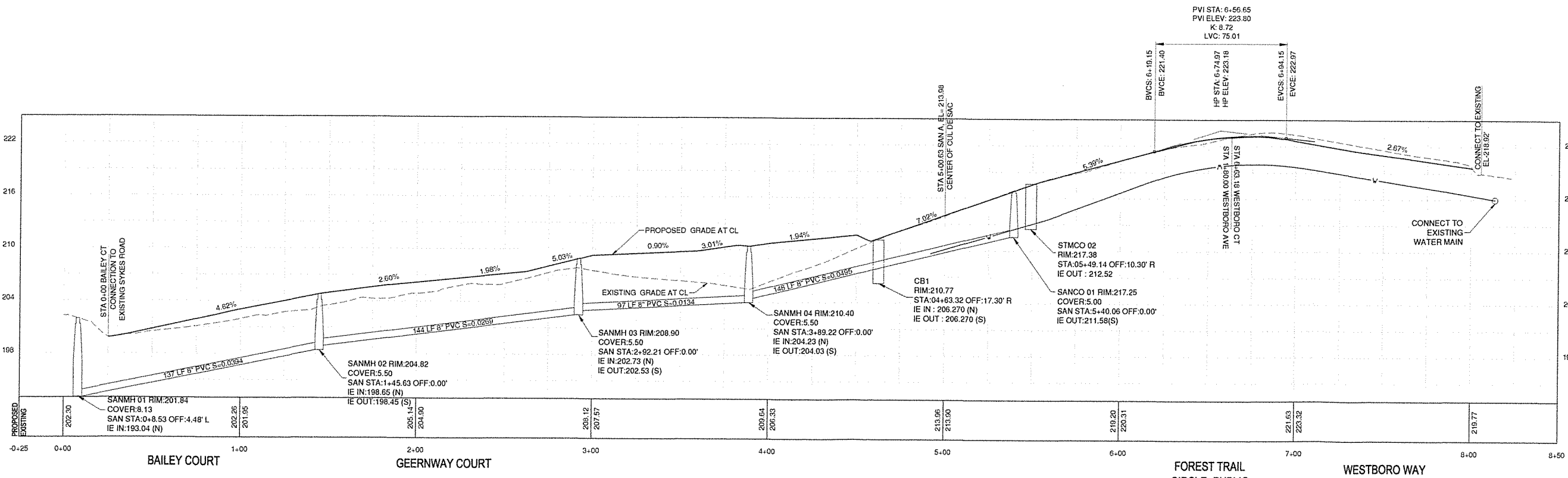
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ENGINEERING Tel: (360) 991-9300 Email: info@kessiconsulting.com
& CONSULTING www.kessiconsulting.com

PLANNING CIVIL ENGINEERING PROJECT MANAGEMENT CONSULTING

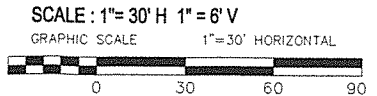
6400 NE HWY 99 #G-169 VANCOUVER, WA 98665



PLAN



PROFILE
ACROSS SHARED
PRIVATE DRIVEWAY

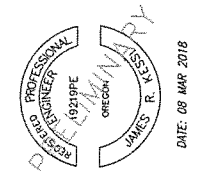


BAILEY SUBDIVISION
UTILITY
PLAN & PROFILE

REVISIONS

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DRAWN BY: S.P.
DESIGNED BY: J.K.
CHECKED BY: J.K.



PROJECT
#132

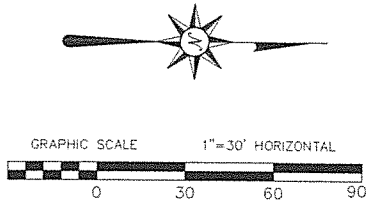
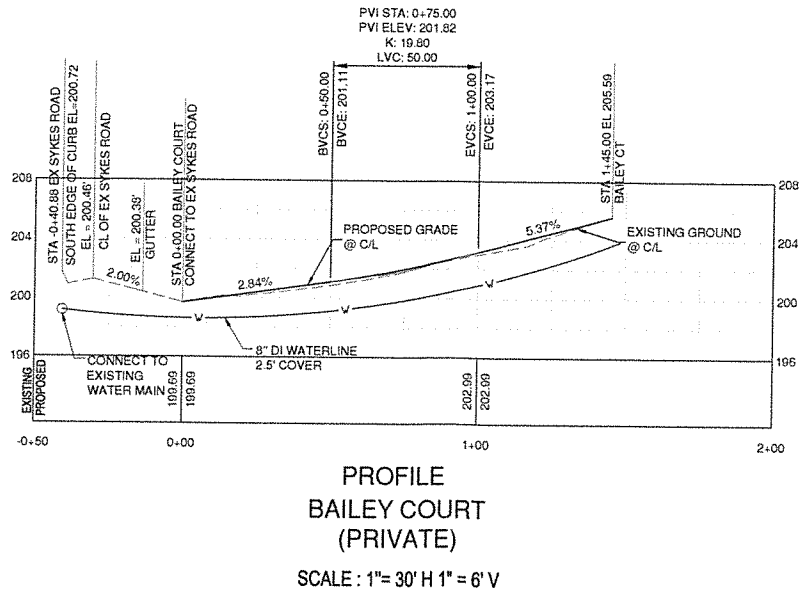
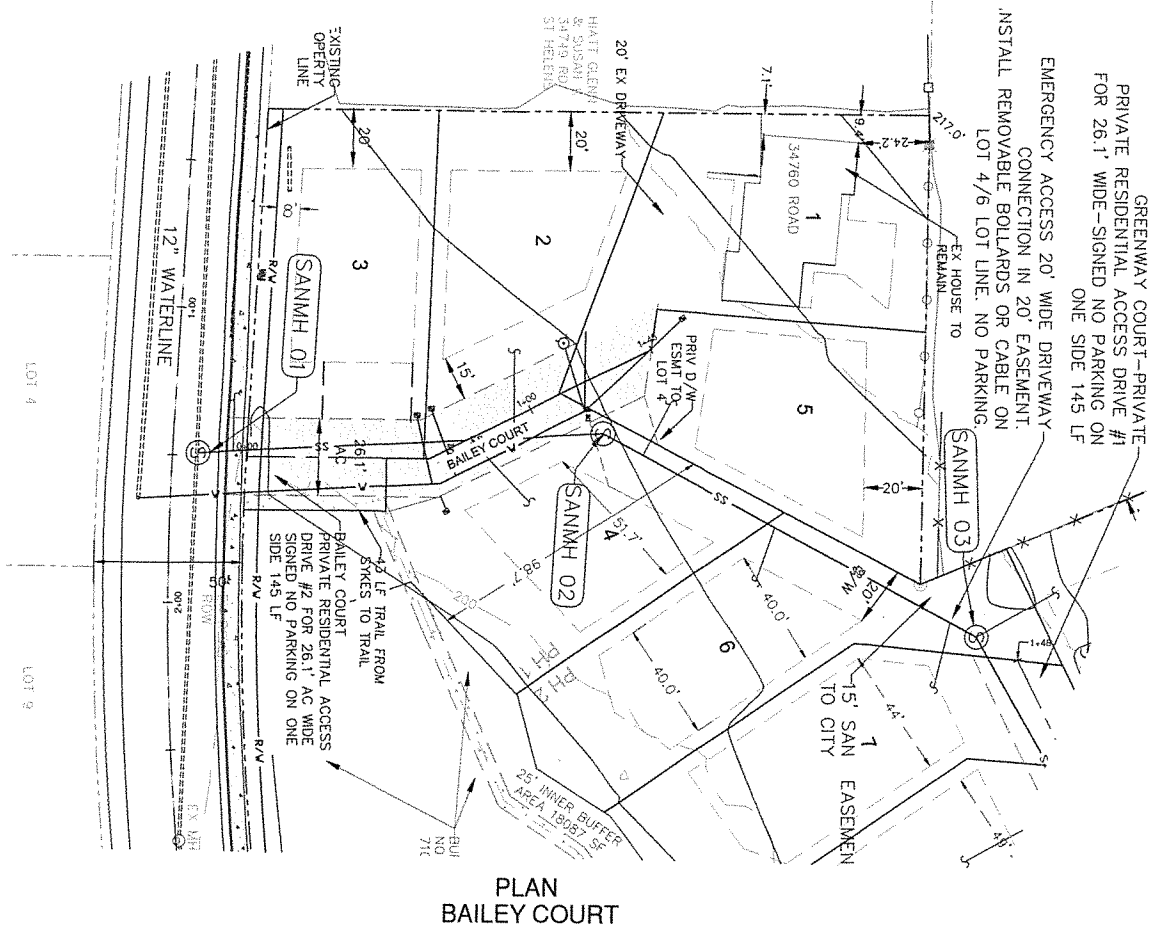
DATE:
08 MAR 2018

KESSI ENGINEERING



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ENGINEERING & CONSULTING

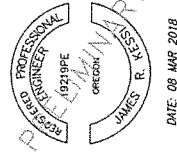
PLANNING
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BAILEY SUBDIVISION
PLAN & PROFILE

PROJECT
#132

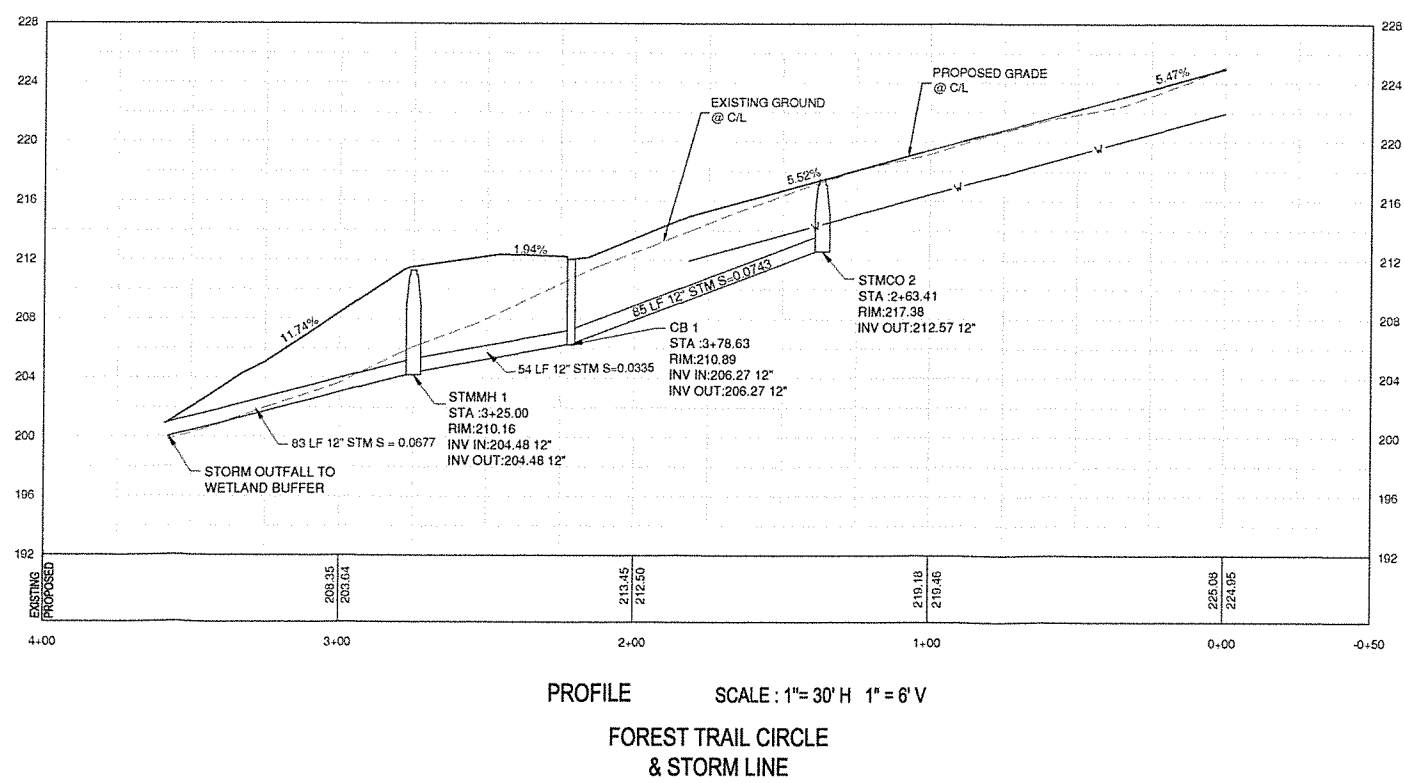
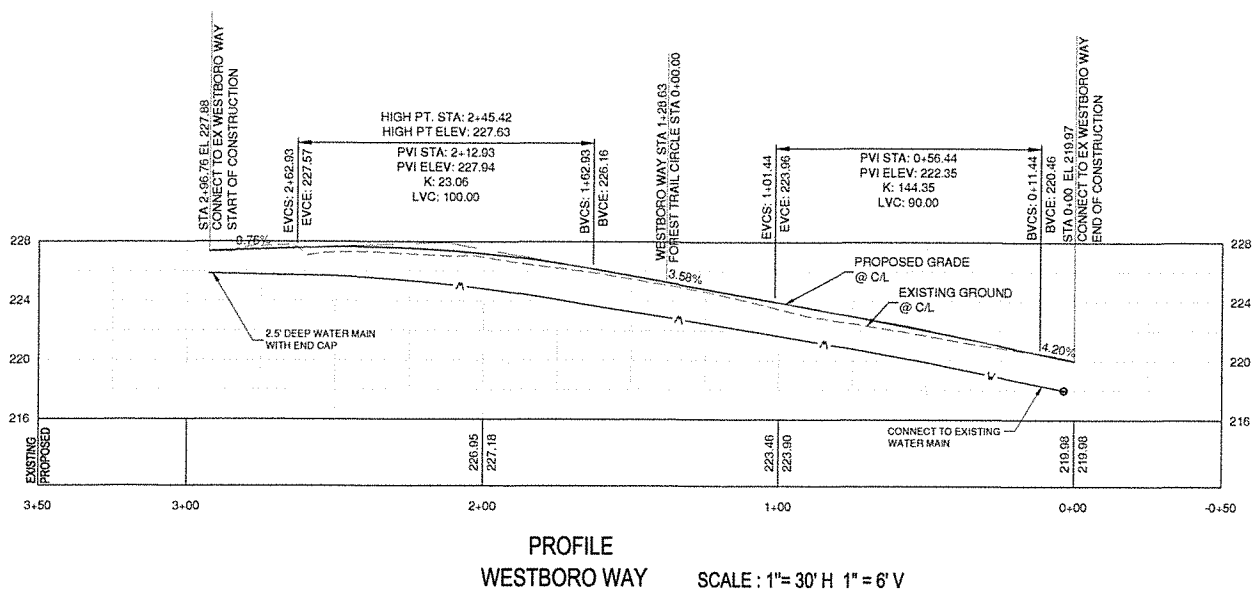
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08 MAR 2018

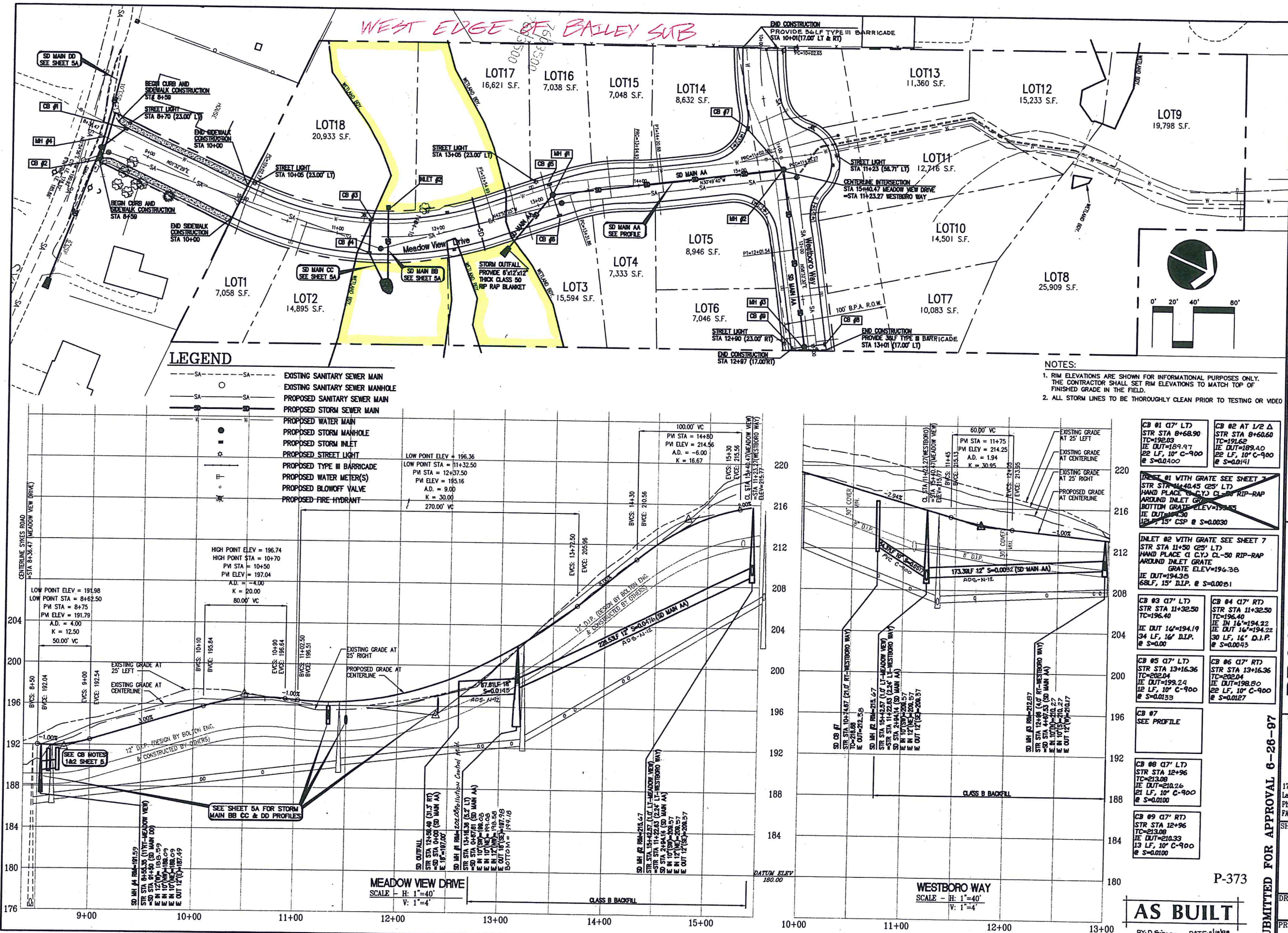


REVISIONS

NO.	DATE	BY	REVISION
1		S.P.	DRAWN BY:
2		J.K.	DESIGNED BY:
3		J.K.	CHECKED BY:
4		J.K.	
5		J.K.	

K KESSI ENGINEERING
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ENGINEERING Tel: (360) 991-9300 Email: info@kessiengineering.com
www.kessiengineering.com





SAS	6-24-97
Designed	Date
SAS	6-24-97
Drawn	Date
MFK	6-25-97
Checked	Date

REVISIONS

6-27-97	REQUIRED PROFESSIONAL SEAL
6-27-97	EXP. JUN 30, 1997

BROOKFIELD SUBDIVISION
COLUMBIA HOMES, INC.
Hillsboro, Oregon

otak
Incorporated
17355 SW Boones Ferry Rd.
Lake Oswego, Oregon 97035
Phone: (503) 635-3618
FAX: (503) 635-5395

SHEET NO.
5

DRAWING FILE
D881SP05

PROJECT NO.
L7881

AS BUILT
BY: D. Singer DATE: 2/10/98

SUBMITTED FOR APPROVAL 6-28-97

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Development Agreement DEV.1.18
For the Bailey Subdivision (Planned Development)**

DATE: March 29, 2018
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Kessi Engineering & Consulting
OWNER: Rich Bailey Construction, LLC / SJRE Ventures, LLC

ZONING: Moderate Residential, R7 (note PD overlay proposed – see file PD.1.18)
LOCATION: 4N1W-6DA-7000 & 4N1W 6DA 5801. The subject property consists of two parcels. One is vacant. The other has a dwelling addressed as 34759 Sykes Road.
PROPOSAL: 18 Lot Subdivision / Planned Development

The 120-day rule (ORS 227.178) for final action for this land use decision is July 7, 2018.

SITE INFORMATION / BACKGROUND

The site is approximately 4.6 acres and mostly undeveloped except for a detached single-family dwelling (34759 Sykes Road), which according to the City's utility billing records is connected to both City water and sewer. The site is sloped with the low point in the southeast portion of the site, where a wetland is located. The southern half of the site is heavily forested. There is a Bonneville Power Administration easement and power lines running through the north side of the property. It is access via Sykes Road and Westboro Way. Surrounding area is developed as residential.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: April 10, 2018 before the Planning Commission and May 16, 2018 before the City Council.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on March 21, 2018 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on March 28, 2018.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

Statutory Development Agreement. Per ORS 94.504(1): A city or county may enter into a Development Agreement as provided in ORS.94.504 to 94.528 with any person having legal or equitable interest in real property for the development of that property. The statutes contain various requirements for Development Agreements.

* * * * *

General applicability of the St. Helens Development Code. All development agreements require quasi-judicial public hearings before the Planning Commission for recommendation [SHMC 17.24.090(3)(n)] and the City Council for decision [SHMC 17.24.090(6)(m)]. An ordinance is also required.

* * * * *

Proposal specific applicability of the St. Helens Development Code. The main reason the applicant seeks a Planned Development is to allow flexibility given the wetlands (Chapter 17.40 SHMC) on the property and to allow flexibility in regards to the provisions of the base zone (i.e., R7 zoning district).

Sensitive lands located on the subject property includes **Wetland MC-2, a Type II significant wetland** per this Chapter 17.40 SHMC. Type II wetlands require a 50' upland protection zone, which is protected from impact by this Chapter similar to if it was a wetland.

The owner had this wetland delineated and obtained Oregon DSL concurrence in May of 2017 (WD #2017-0096). The buffer is shown on the plans provided by the applicant. It is a virgin protection zone with no significant previous impact, except the portion along Sykes Road.

The applicant proposes to include some of the protection zone as part of the lots that abut it. As such, we need to look at **SHMC 17.40.050(2), additional requirements for land divisions and new development**:

(2) Design Standards. Except as provided below, significant wetlands, significant riparian corridors and protection zones shall not be permitted as part of individual lots or new streets or infrastructure areas and shall be made part of separate preservation tracts to be managed by a homeowners association or other entity responsible for preservation.

(a) Protection zones may be made part of individual lots and protection zones may vary in width provided average protection zone width complies with this chapter in planned developments with a development agreement pursuant to ORS Chapter 94, provided additional protection zones or off-site mitigation over the minimum standard is provided as consideration for such flexibility.

The code requires significant wetlands and their protection zones to be dedicated as tracts (as opposed to buildable lots) to be managed an appropriate entity. The applicant proposes a homeowners association for this (required in any case given the Planned Development and state law, and because the City doesn't want the tracts).

However, as per (2)(a) above, protection zones can be a part of lots if:

1. the proposal involves a Planned Development and Development Agreement per ORS Chapter 94; and
2. provided additional protection zones or off-site mitigation over the minimum standard is provided as consideration for such flexibility.

Thus, the proposed Subdivision proposal (SUB.1.18) is contingent upon approval of a Planned Development overlay zone and an approved Development Agreement.

* * * * *

Special conditions. The draft Development Agreement calls out special conditions and requirements under its Section 5.3.

This references **Exhibit F**, which will be the findings of fact and conclusions of law for the Subdivision Preliminary Plat (SUB.1.18) (i.e., the conditions of SUB.1.18).

The question here is if any other conditions are necessary. The special conditions recommended by staff for this Development Agreement are as follows:

1. The requirements of the restoration plan as potentially required by the conditions of SUB.1.8. This may be combined with the PAMP (see below). The restoration plan would also be attached to the Development Agreement.

There is also a time aspect for the restoration considerations. SHMC 17.40.055 calls for a two year contract for installation and maintenance of plat materials. Its also includes a financial security requirement.

2. A protection area management plan (PAMP) is a required condition of SUB.1.18. It is also required by Chapter 17.40 SHMC. The specific requirements for the PAMP are per 17.40.055(6)(b)(v). The PAMP is required to be approved by the City and attached to the approval document (i.e., Development Agreement in this case).

Also, SHMC 17.40.055(6)(c) requires that the approval document be recorded in the public records to give notice of the protection zone and resource area restrictions and maintenance obligations and to ensure no further encroachment into the protection zones and resource areas. The Development Agreement is a recorded document.

3. The final plat shall reference the recorded Development Agreement.
4. Per SHMC 17.40.055(6)(e), the approval authority may impose such additional reasonable conditions to mitigate other identified impacts resulting from development on the site.

Does the Commission recommend anything else?

CONCLUSION & RECOMMENDATION

Require the restoration plan and PAMP per conditions 1 and 2 above (these may be combined). **This means these will need to be done before the ordinance is formally adopted.**

Require the recorded Development Agreement to be referenced in the final plat.

Anything else?

Attachment(s): Development Agreement, 03272018 Draft (w/o exhibits)
Preliminary Plat and related plans

AFTER RECORDING RETURN TO:

City of St. Helens
PO Box 278
St. Helens, OR 97051

SJRE Ventures, LLC
PO Box 613
St. Helens, OR 97051

▲ This Space for Recorder's Use Only ▲

STATUTORY DEVELOPMENT AGREEMENT FOR THE BAILEY SUBDIVISION

THIS AGREEMENT, made and entered into this <<#>> day of <<month>> <<year>> by and between the **CITY OF ST. HELENS**, an Oregon Municipal Corporation, hereinafter referred to as "**CITY**," and SJRE Ventures, LLC, hereinafter referred to as "**OWNER**,"

WHEREAS, it is the desire of Owner to develop a Planned Development consisting of:

18 Lots for residential development, wetland/protection zone tract(s), an open space tract, both public and private streets, and related infrastructure improvements. Total size of the Planned Development is approximately 4.6 acres.

Said development to be known as the **Bailey Subdivision**, herein after referred to as "**PD**," more particularly described in the application, approval documents and plans, in the official CITY Planning Department File(s) incorporated herein by this reference; and

WHEREAS, the PD is situated and being in the City of St. Helens, Columbia County, Oregon and legally described on **Exhibit A** which is attached hereto and made a part hereof by this reference; and

WHEREAS, the Sensitive Lands Article of the St. Helens Municipal Code, hereinafter referred to as "**SHMC**," authorizes averaging of wetland protection zone width surrounding sensitive wetland areas within the PD with a Development Agreement; and

WHEREAS, SHMC 17.40.050(2)(a) states that wetland protection zones may be made part of individual lots with a Development Agreement, provided additional protection zones or off-site mitigation over the minimum standard is provided as consideration for such flexibility; and

WHEREAS, OWNER will establish and form a Planned Community (aka: Home Owners Association) an Oregon not-for-profit organization, hereinafter "**ASSOCIATION**," to provide for the continued maintenance of all Common Areas, including specifically the wetland and upland preservation areas within PD; and

WHEREAS, on <<date>>, the **City of St. Helens Planning Commission** considered this proposed Development Agreement at a public hearing held in accordance with the notice and advertising

requirements of the SHMC and Oregon Revised Statutes, after deliberations and subsequently, the Planning Commission, after deliberations recommended approval of this Development Agreement to the City Council; and

WHEREAS, on <<date>> the **City of St. Helens City Council**, considered this proposed Development Agreement at a public hearing held in accordance with the notice and advertising requirements of the SHMC and Oregon Revised Statutes; and

WHEREAS, on <<date>>, the **City of St. Helens City Council**, deliberated on this proposed Development Agreement and moved to adopt Ordinance No. <<####>> approving this Development Agreement; and

WHEREAS, the **City of St. Helens City Council** finds and determines that the proposed PD and this Development Agreement is consistent with the CITY Comprehensive Plan and applicable SHMC in effect at the time of approval of this Agreement, ORS 94.508(1); and

WHEREAS, the **City of St. Helens City Council** has authority pursuant to ORS 94.508(2) to enter into this Agreement after adoption of a City Ordinance approving the Agreement pursuant to the St. Helens City Charter, and ORS 94.504 through ORS 94.528, as well as the SHMC.

NOW THEREFORE, the parties do hereby agree as follows:

1.0 RECITATIONS.

The above recitations are true and correct and are incorporated herein by this reference.

2.0 INTENT AND PURPOSE.

This Development Agreement is intended to facilitate development of property containing sensitive lands, including significant wetlands and associated protection zones, by facilitating clustering of development and project density and averaging of protection zone widths together with the functional arrangement of wetland and upland protection zones, designed to maximize wildlife utilization and habitat protection.

3.0 LEGAL AND EQUITABLE OWNERSHIP.

OWNER, represents and warrants that it is the fee owner of the land constituting the PD including specifically the real property described in **Exhibit A** attached hereto and made a part hereof by this reference.

4.0 UNIFIED OWNERSHIP.

The OWNER hereby warrants that it has unified ownership of all real property included in the PD. Documents certifying title are attached hereto and incorporated herein as **Exhibit B**. A covenant of unified control by the OWNER is attached hereto and incorporated herein as **Exhibit C**.

5.0 DEVELOPMENT PLAN USES, DENSITY, INTENSITY, HEIGHT

[ORS 94.504(2)(b)(c)(d)]

The OWNER agrees that this PD will be undertaken and carried out in accordance with this Agreement and with the following:

- .1 The development of the PD will be undertaken and carried out in accordance with this Agreement, the preliminary plat, the final plat, the construction plan approval and the construction permit as officially approved and adopted by the CITY, and in strict compliance with the approved timetable of development.
 - (a) The development of this PD at preliminary development approval stage, including but not limited to infrastructure construction, shall be accomplished in accordance with the preliminary development plat dated <<date>>, a copy of which is attached hereto as **Exhibit D** and made a part hereof by this reference.
 - (b) The development of this PD at preliminary development approval stage, including but not limited to infrastructure construction, shall be accomplished in accordance with the construction plan approval and construction permit to be approved by the St. Helens Engineering Department, in accordance with such laws, ordinances and regulations as were in effect at the time the application for the preliminary plan and plat approval was deemed complete.
 - (c) The remaining development of this PD must be accomplished in accordance with the final plat to be approved by the City in accordance with such laws, ordinances and regulations as may be in effect at the time of such final plat approval.
 - (d) When not specifically addressed in this Agreement, and any plat or plan approved as part of this Agreement, and except as provided for subdivision infrastructure construction in ORS 92.040, all permits and authorizations for the development of this PD project shall be in accordance with the law in effect at the time further development permits or authorizations are sought.
- .2 The permitted development uses, maximum densities, intensities, building height, and dimensions permitted for the PD shall be those specifically set forth below and as depicted on the approved plan, plat and construction plans and permits:

Uses: Detached single-family dwellings and their accessory uses.

See **Exhibit E** (table of standards) for standards specific to this PD.

All other standards are per the SHMC.
- .3 The special conditions and requirements adopted or imposed by the CITY in the process of the approval of the preliminary development plat for the PD which are set forth in **Exhibit F** <<and **Exhibit ?>>, attached hereto and made a part hereof, shall be strictly adhered to by the OWNER.**

6.0 PHYSICAL COMMENCEMENT AND COMPLETION OF DEVELOPMENT [ORS 94.504(4)]

The timetable for development as officially approved and adopted by the CITY in accordance with the SHMC is set forth in **Exhibit F** <<and/or Exhibit ?>>, attached hereto and made a part hereof, and shall be strictly adhered to by the OWNER.

7.0 VESTED RIGHTS

.1 Except where specified in this Agreement, the OWNER shall have the right to develop the PD in accordance with applicable laws, ordinances and regulations, the provisions and requirements of this Agreement, the preliminary plat approval, the officially approved construction plan and permit, and the final subdivision plat. Failure to strictly comply with any such provisions or requirements shall be deemed a breach of this Agreement.

.2 There shall at all times be a strict adherence to the provisions of this Development Agreement and the approved preliminary and final development plans/plats as well as the approved construction plans and permits. Any change or amendment to this Agreement, the preliminary and final plans, plats, construction plans or permits can only be made in accordance with such laws and ordinances as may be in effect at the time of such Amendment or change. The limitations and restrictions imposed on local governments by ORS 92.040 are expressly understood to be inapplicable to changes or amendments to the above-referenced approvals.

.3 Notwithstanding the timetable of development, and subject to unilateral amendment by the CITY to address then current public health and safety regulations, in the event that all or a portion of the PD should be destroyed by a storm, fire or other common disaster, the OWNER, its grantees, successors or assigns and/or the ASSOCIATION, shall have the right to rebuild and/or repair so long as there is strict compliance with the preliminary and final development plan/plat, approved construction plans and permits, as the same may be formally amended from time to time.

8.0 DURATION OF AGREEMENT AND CONTINUING OBLIGATIONS

[ORS 94.504(2)(a)]

The duration of this Agreement commences upon Ordinance adoption and execution and terminates on the date of the preliminary plat becomes void per Condition 1 in **Exhibit F**. Termination of the duration of this Agreement only terminates authorization to engage in physical construction and development of the property, including vertical construction of any building and associated developments for this Agreement. Other requirements of this agreement such as recorded conservation easement or recorded notice of development restriction remains in full force and effect as the development approval and authorization for completed development, including all continuing maintenance obligations.

9.0 PROVISION FOR THE RESERVATION, DEDICATION OR SALE OF LAND FOR PUBLIC PURPOSES. [ORS 94.504(2)(e)]

.1 OWNER shall dedicate to the CITY prior to, or concurrent with, the final plat for the project, such permanent easements and dedications, including specifically but not limited to, utility easements,

public street, access, drainage easements, and public rights-of-way, as are necessary to implement the preliminary plat and address all the public service needs of the PD. Said easements and dedications shall be in a form approved by the City Engineer and City Attorney and shall be recorded after approval and acceptance by the City. The dedications, including easements and public rights-of-way shall be provided by the OWNER at no cost to the CITY.

.2 OWNER shall comply with the common area requirements of the SHMC and Section 12 of this Agreement. Owner agrees to convey a conservation easement to the City of St. Helens with the express provision that the City may enforce the preservation area maintenance requirements through appropriate legal action against the Association and the owners of all the lots in the PD. Such easement or deed, as applicable, shall be in a form approved by the City Attorney.

10.0 SCHEDULE OF FEES OR CHARGES

[ORS 94.504(2)(f)]

All development authorized in the PD is subject to payment of applicable System Development Charges (SDC's) and utility fees and charges at the applicable trigger times, usually building permit issuance, in the SDC ordinances and other codes in effect at the time development occurs. This Agreement does not award or grant any SDC credits to any party nor does this Agreement freeze or otherwise fix the SDC charges for development referenced herein. This Agreement does not award, grant, prohibit, or preclude an Advance Financing District Ordinance.

11.0 RESPONSIBILITY FOR INFRASTRUCTURE

[ORS 94.504(2)(h)]

The OWNER is fully responsible for the construction of all infrastructure development to support the PD including public facility improvements (street/traffic improvements, water, sewer and storm water) common area improvements and restoration, and project infrastructure, including private utilities, and amenities, both on-site and off-site and as required by the SHMC, including City Engineering Standards, as more fully set forth in the Findings of Fact and Conclusions of Law and Order attached hereto as **Exhibit F**, and made a part hereof by this reference.

12.0 RESPONSIBILITY FOR COMMON AREAS, INCLUDING WETLAND AND UPLAND PRESERVATION TRACTS AND OPEN SPACE TRACTS

The SHMC requires that common areas, including shared open space, be shown on the final plat and recorded. The SHMC further requires, subject to acceptance by the CITY, either the fee simple conveyance by the OWNER to the CITY of open space tracts for conservation and open space purposes or conveyance to a Corporation, Association or other legal entity for purpose of preservation and continued maintenance. As the City requires conveyance of said tracts to the ASSOCIATION, the following shall apply:

.1 The OWNER shall create a Declaration of Covenants, Conditions and Restrictions (hereinafter the "CC&R") for the PD. As a part of said Covenants and Restrictions, the ASSOCIATION shall be established for the maintenance, operation and management of the Common Areas as defined therein. All of the above areas in the PD are designated and shown on the Preliminary Development Plat <<Plan>>

which is attached hereto as **Exhibit "D"** and made a part hereof. The CC&R shall be part of the first application for Final Development Plat approval and shall be in conformity with the City Community Development Code and Oregon State Statutes.

.2 It shall be deemed a breach of this Agreement for any land to be conveyed by the OWNER by an instrument which does not contain the CC&Rs or incorporate them by reference. The ASSOCIATION shall not be dissolved nor shall it dispose of any Common Areas, by sale or otherwise, except to an organization conceived and organized to own and maintain the Common Areas, without first receiving approval of the CITY. The CITY, as a condition precedent to the dissolution or disposal of Common Areas, may require dedication of common open areas, utilities or road rights-of-way to the public as are deemed necessary.

.3 In the event that the ASSOCIATION (or any successor organization) fails at any time to maintain the Common Areas of the PD in reasonable order and condition in accordance with the approved preliminary and final development plats, and any preservation area management plan then the CITY can serve written notice by certified mail, return receipt requested, upon such organization or upon each owner of real property within the PD, which notice shall set forth the manner in which the organization has failed to maintain the Common Areas in reasonable order and condition, and shall demand that such failure be remedied within thirty (30) days of the sending of such notice or, in the alternative, that such organization appear before the City Planning Commission at a specified time (at least ten (10) days but not more than thirty (30) days after the sending of such notice) either to contest the alleged failure to maintain the Common Areas or to show cause why it cannot remedy such failure within the thirty (30) day period. If such failure has not been remedied within the thirty (30) day period or such longer period as the CITY may allow, then the City, in order to preserve the taxable values of the real property within the PD and to prevent the Common Areas from becoming a public nuisance, shall hold a public hearing to consider the advisability of the CITY entering upon such Common Areas and maintaining them for a period of one (1) year. Notice of such hearing shall be sent by certified mail, return receipt requested, to the organization involved and (if such organization is dissolved) to each owner of real property within the PD and shall be published in a newspaper of general circulation published in St. Helens, Oregon. Such notice shall be sent and published at least fifteen (15) days in advance of the hearing. At such hearing the CITY may determine that it is or is not advisable for the CITY to enter upon such Common Areas, take non-exclusive possession of them and maintain them, according to CITY standards and the management plan, if any, for one (1) year. Such entry, possession and maintenance when followed in accordance with the above procedures shall not be deemed a trespass. In no event shall any such entry, possession and maintenance be construed to give to the public or the CITY any right to use the Common Areas.

.4 The CITY may, upon public hearing with notice given and published in the same manner as above, return possession and maintenance of such Common Areas to the organization, or successor organization, abandon such possession and maintenance, or continue such possession and maintenance for additional one (1) year periods.

.5 The cost of such maintenance by the CITY, including the full administrative cost of the notice and hearing processes identified herein and outlined above, shall be assessed ratably against the real properties within the PD, the owners of which have the right to the enjoyment of the Common Areas and

shall become a charge or lien on said properties if not paid within thirty (30) days after the receipt of a statement therefore.

13.0 ASSUMPTIONS UNDERLYING AGREEMENT AND CHANGED CIRCUMSTANCES
[ORS 94.504(6)]

The assumptions underlying this Agreement, specifically as regards the ability of the CITY to service the PD with regards to public facilities, are set forth herein, or are incorporated into or referenced in this Agreement. In particular, the terms, conditions and restrictions of this Agreement as well as the law in effect at the time further development approvals are sought, determine the ability of the PD to be served. In the event of changed circumstances, this Agreement provides for permitted amendment, modification or revocation. This Agreement specifically contemplates development of the PD in accordance with the approved timetable of development.

14.0 BUDGET AND GENERAL DISCLAIMER
[ORS 94.504(5)]

ORS 94.504(5) requires that this Development Agreement specifically state that all CITY obligations to expend moneys under this Development Agreement are contingent upon future appropriations as part of the local budget process. Nothing in this Agreement requires the CITY to appropriate such moneys.

The CITY and OWNER are entering into this Agreement voluntarily in the spirit of cooperation and coordination to jointly achieve the OWNER's desire to develop property with sensitive lands and the CITY's desire to facilitate and reward development which recognizes environmental constraints and incorporates preservation and protection into the development plan. However, nothing in this Agreement makes the OWNER subject to public contracting rules and regulations and nothing herein makes the CITY or OWNER responsible for the contracts or commitments of the other as regards development of the respective PD.

OWNER is not the CITY'S agent and CITY is not the OWNER'S agent for purposes of any contracts or commitments made by either party. OWNER acknowledges and agrees that future final development approvals, including final plat approval, construction plan approval, construction permits and building permits are subject to compliance with all applicable approved plans, approval conditions and applicable land development regulations in effect at the time the approvals are sought, except as may be provided for infrastructure construction in ORS 92.040. No rights to obtain final development approvals, (e.g., final plat approval or building permits) nor any other rights to develop the PD have been granted or implied simply by the CITY'S approval of this Development Agreement, including the donations and dedications contained herein, without OWNER'S full compliance with approved plans, approval conditions and the applicable law in effect at the time such final approvals are sought. The OWNER, or its successors and assigns, may not attempt to force the CITY to approve the final plan, plat or other development authorizations, including building permits, by asserting that the CITY has committed to such approvals for the PD based on the theory of vested rights or equitable estoppel or any other legal theory based on the CITY'S approval of this Agreement, or other approval, or acceptance of donations and dedications herein.

CITY approval of the final plat/plan requires OWNER'S full compliance with approval conditions and all applicable laws.

15.0 FUTURE DISCRETIONARY APPROVALS

[ORS 94.504(3)]

The following is a list of all discretionary local development approvals necessary for the development of the PD:

- Final Plat approval;
- Applicable Local, State, Federal Agency permits prerequisite to construction activity; and
- Building Permits, where discretionary criteria enter into the decision.

The terms, restrictions and requirements of these approvals are set forth in the applicable City Ordinances, including the SHMC, applicable State statute and regulations, the preliminary approvals and this Agreement. Generally, the law in effect at the time of the application governs the review and approval of the decision, when not inconsistent with the preliminary approval, except for development infrastructure. All local development approvals and permits identified in this Agreement shall be obtained at the sole cost of the OWNER. The failure of this Agreement to address a particular permit, condition, license, term or restriction shall not relieve the OWNER of the necessity of complying with the law governing said permitting requirements, licensure, conditions, terms or restrictions. Any matter or thing required to be done pursuant to the requirements of the ordinances of the CITY shall not be otherwise amended, modified or waived unless such modification, amendment or waiver is expressly provided for in this Agreement with specific reference to the provisions so modified waived or amended. In no event shall delay in obtaining permits from other agencies be deemed as automatically requiring an extension of time to obtain required development approvals or the Development Agreement with CITY. Nor shall such delay be interpreted as requiring the CITY to approve an extension of time to any existing development order or Development Agreement. The following City disclaimer and sworn statement requirement, included in all preliminary approvals with sensitive lands is expressly made applicable here:

Prior to any land clearing, alteration, or physical construction (other than survey work or environmental testing) on a site, the owner and developer, if any, shall execute a sworn statement under penalty of perjury and false swearing, that owner/developer has obtained all required Federal, State, and Local authorizations, permits licenses, and approvals for the proposed development, including any proposed use, or alteration of the site, including also any off-site improvements. Owner/developer shall be solely responsible for obtaining all approvals, permits, licenses, insurance, and authorizations from the responsible Federal, State and Local authorities, or other entities, necessary to use and develop the property in the manner contemplated, including all authorizations (e.g., construction plan approval and construction permits) necessary to perform land clearing, construction and improvement of property in the location and manner contemplated. This provision includes, but is not limited to, when applicable specifically, a permit or statement from the National Marine Fisheries Service and/or Fish and Wildlife Service that owner/developer's proposed use and/or development will not take or harm any endangered or

threatened species as that term is defined in applicable Federal Statutes and Administrative Rules. The City of St. Helens has no duty, responsibility or liability for requesting, obtaining, ensuring, or verifying owner/developer's compliance with the applicable state and federal agency permit, license or approval requirements. Any permit or authorization granted by the City, including any sensitive lands exemption, exception, permit, approval or variance pursuant to the St. Helens Municipal Code shall not in any way be interpreted as a waiver, modification, or grant of any state or federal agency permits or authorizations or permission to violate any state or federal law or regulation. Owner/developer shall be held strictly liable, and shall hold the City of St. Helens harmless for administrative, civil and criminal penalties for any violation of Federal and State statutes, including but not limited to the Clean Water Act, Endangered Species Act and regulations implementing such laws. Nothing herein shall be interpreted as restricting or limiting the City from bringing an enforcement action under the St. Helens Municipal Code.

16.0 SCHEDULE/PROCEDURE FOR COMPLIANCE REVIEW

[ORS 94.504(2)(g)]

Two weeks prior to the anniversary date of the adoption of this Ordinance approving this Agreement, the OWNER and CITY shall submit a written report to the City Council, for consideration at the next available Council meeting. The report shall address the extent and timing of compliance with the terms and conditions of this Agreement by both parties. The submission shall be made in letter form to the City Administrator for placement on the next available agenda. The Council shall review this report and this Agreement at the next available meeting, and if deemed necessary shall direct a report allowing this Agreement to be considered and monitored for compliance on or about the subsequent anniversary date of this Agreement. The Planning and Engineering Departments shall prepare the City's portion of the report. If the Council believes the reports demonstrate failure to comply with the terms of this Development Agreement, this Agreement shall be referred to the Planning Commission for recommendation to the Council. In accordance with the amendment/revocation procedures the Council shall determine whether the evidence demonstrates that the OWNER or CITY has not complied in good faith with the terms and conditions of this Development Agreement. At such time the Council shall also determine whether this Agreement should be amended, modified, revoked or terminated.

17.0 BREACH OF AGREEMENT/ENFORCEMENT

[ORS 94.505(j)]

.1 It is the intent of the parties to strictly comply with the terms and conditions of this Development Agreement to the mutual benefit of both the OWNER and the CITY.

.2 In the event either party believes a material breach of the terms and conditions of this Agreement has occurred, the injured party shall serve written notice on the other of the alleged breach and the other party shall have thirty (30) days to cure or respond in writing to the injured party. In the event of a disagreement after the exchange of writings, the City Administrator shall set a time, date, and place for a public meeting of the City Council. The meeting shall give the CITY and the OWNER an opportunity to explain to the Council the facts supporting or disproving the alleged breach, and allow the parties to propose

a method of fulfilling this Agreement's terms and conditions. The parties may mutually negotiate an amendment to this Agreement to cure the alleged breach, and approve such amendment after required notice, hearing and ordinance procedures are followed.

.3 Until termination or revocation of this Development Agreement, the terms of this Agreement are enforceable by any party to this Agreement. [ORS 94.522(B)] The parties stipulate and agree that enforcement in Circuit Court is subject to the prerequisite administrative process set forth above.

.4 It is expressly agreed by the parties that the appropriate remedy for enforcement of this Agreement is specific performance as it relates to the OWNER's breach of the obligation to convey appropriate easements and dedications. In no event shall an injunctive order be issued which would require CITY to issue a development approval or permit in violation of the SHMC or the terms and conditions of the preliminary approval or subsequent final approvals. This provision does not limit the available remedies for other forms of breach. The parties agree that the prevailing party shall be entitled to attorney fees and costs in the event of litigation to enforce this Agreement.

.5 In the event of a material breach by the OWNER, CITY may, but is not required as a prerequisite to legal action, pursue revocation or termination of this Agreement in accordance with the following process:

If at the public hearing to revoke or terminate this Agreement, the CITY finds, based on substantial competent evidence, that the OWNER is in material breach of this Development Agreement, and the CITY further finds that an amendment to this Agreement to cure the breach is not appropriate, the CITY may revoke and terminate the Development Agreement and the development authorization for PD. The breach hearing shall be held concurrent with the revocation hearing held pursuant to the SHMC, which may include removal of any Planned Development Overlay on the property. In lieu of revoking this Agreement, and the development approval, CITY may agree, in its sole discretion, to modify this Agreement upon a finding that such modification is in the best interests of CITY and the public. It is further agreed by the OWNER and the CITY that all costs incurred by the CITY for the breach and revocation proceedings shall be paid by the OWNER. However, no costs shall be assessed against the OWNER if the result of the hearing is a finding that only the CITY is in material breach of the Agreement. If such costs are not paid, the CITY is empowered pursuant to this Agreement and City Code to place a lien against the property in the amount of the unpaid costs. This provision shall not be interpreted to provide an exclusive remedy, and either party may pursue any appropriate remedy at law or equity in the event the other party or its successors in interest fail to abide by the provisions of this Agreement.

.6 In addition, any person who violates the SHMC, including this Agreement, shall be subject to the enforcement provisions set out in the SHMC as amended from time to time, including civil and criminal the penalties set forth therein. Nothing herein shall constitute an exclusive remedy and the CITY reserves the right to pursue any and all legal and equitable remedies in order to abate a violation of this Ordinance.

18.0 STATE AND FEDERAL LAW CHANGE/ANNEX

[ORS 94.504(2)(I)(L)]

.1 If State or Federal laws are enacted after CITY approval of this Agreement, which are applicable to and preclude either party's compliance with the terms or conditions of this Agreement, render compliance impossible, unlawful, or inconsistent with such laws or rules, this Agreement shall first be modified or amended, as is necessary to comply. If such modification or amendment cannot remedy the inconsistency, this Agreement shall be revoked to comply with the relevant State or Federal laws or regulations.

.2 As this property is fully contained within the City limits of the City of St. Helens, no annexation contingencies need be addressed in this Agreement.

19.0 AMENDMENT, TERMINATION OR REVOCATION

[ORS 94.508(2); ORS 94.522]

.1 OWNER and CITY, their successors and assignees may mutually agree to amend, modify, terminate or revoke this Agreement after compliance with the Ordinance adoption and public hearing procedures identified herein. In the event of such mutual amendment, modification, termination or revocation, the parties shall agree as to the allocation, return, or payment for improvements, dedications or expenditures made in reliance upon this Agreement.

.2 The parties hereto shall at all times strictly adhere to the terms and conditions of this Agreement. Amendment, termination or revocation of this Agreement shall be made by adoption of an Ordinance declaring the action and setting forth the terms and conditions. Unless another procedure specific to Development Agreements is provided in City Ordinance, the procedures and requirements for amendment, revocation or modification of a Development Agreement are the same as for approval of a Development Agreement as set forth in the SHMC, including the requirement for two public hearings, one before the Planning Commission and the other before the City Council. Except as provided below, no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document approved and executed by all the parties hereto.

.3 Pursuant to ORS 94.518, except as provided in this Development Agreement, the local government law and policies governing this Agreement shall be those laws and policies in effect at the time of approval of this Agreement. Pursuant to the terms of this Development Agreement, generally, unless specifically inconsistent with the preliminary plat, the law in effect at the time of subsequent development approvals governs those approvals. In addition, unless a reservation of legislative power is included in a Development Agreement, the Agreement is subject to a legal challenge as void or voidable for "contracting away the police power." Accordingly, the following reservation of power is included in this and in all Development Agreements. CITY may apply subsequently adopted laws and policies to this Development Agreement if the CITY holds a public hearing proposing imposition of such subsequently adopted laws in an amendment of this Agreement and determines any one of the following:

- .a The laws and policies are not in conflict with the laws and policies governing the Development Agreement and do not prevent development of the land uses, intensities or densities in the Development Agreement; or
- .b The laws and policies are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a Development Agreement; or
- .c The laws and policies are specifically anticipated and provided for in the Development Agreement; or
- .d CITY demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the Development Agreement; or
- .e It is demonstrated that the Development Agreement is based on substantially inaccurate information supplied by the OWNER.

.4 Nothing in this section shall prohibit the CITY from applying subsequently enacted laws to the Development Agreement in the event an amendment or modification of this Agreement is requested by OWNER pursuant to the terms of this Agreement. This Agreement specifically anticipates applying current health and safety regulations to any reconstruction of the PD, should destruction occur (e.g., current regulations will be used to guide re-installation of public infrastructure).

20.0 RECORDING AND EFFECTIVENESS

[ORS 94.528]

The OWNER shall provide the CITY an executed unaltered Development Agreement and executed Exhibits (with no additional addenda) prior to 5:00 p.m. on <<date of 2nd ord reading>>. City shall record this Agreement and Exhibits with the County Clerk as required by ORS 94.528 within ten (10) days of the execution of this Agreement by all parties. OWNER is responsible for recording costs. Any alteration, change or addition to this Agreement not accepted by the CITY in writing (following appropriate hearings) shall render this Agreement and the Ordinance approving it, ineffective and recording shall not occur. If this Development Agreement is amended, canceled, modified, extended or revoked, the appropriate recording shall be made in the County records to reflect the action. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties of this Agreement.

21.0 ENTIRE AGREEMENT

This Agreement incorporates or references all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in, incorporated into, or referenced in this document. Accordingly, it is agreed that no

deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

22.0 SEVERABILITY

If any part of this Agreement is contrary to, prohibited by, or deemed invalid under any applicable law or regulation, such provisions shall be inapplicable and deemed omitted to the extent so contrary, prohibited or invalid, however, the remainder hereof shall not be invalidated thereby and shall be given full force and effect.

23.0 JURISDICTION AND GOVERNING LAW

The parties hereto further agree that any and all suits or actions at law shall initially be brought in Columbia County, Oregon and no other jurisdiction. This Agreement shall be construed and interpreted under the laws of the State of Oregon.

24.0 ASSIGNMENT/SUCCESSORS AND ASSIGNS

[ORS 94.504(k)]

This Agreement shall be recorded pursuant to ORS 94.528 in the Official Records of Columbia County, Oregon and said Agreement shall run with the land. Such Agreement is binding upon the parties hereto, their successors in interest, heirs, assigns and personal representatives.

25.0 NOTICES

All notices, demands, requests, or replies provided for or permitted by this Agreement shall be in writing and may be delivered by any one of the following methods: (a) by personal delivery; (b) by deposit with the United States Postal Service as certified or registered mail, return receipt requested, postage prepaid, to the addresses stated below; (c) by prepaid telegram; or (d) by deposit with an overnight express delivery service. Notice deposited with the United States Postal Service in the manner described above shall be deemed effective three (3) business days after deposit with the Postal service. Notice by telegram or overnight express delivery service shall be deemed effective one (1) business day after transmission to the telegraph company or after deposit with the express delivery service. Notice by personal delivery shall be deemed effective at the time of personal delivery. For purposes of notice demand, request or payment:

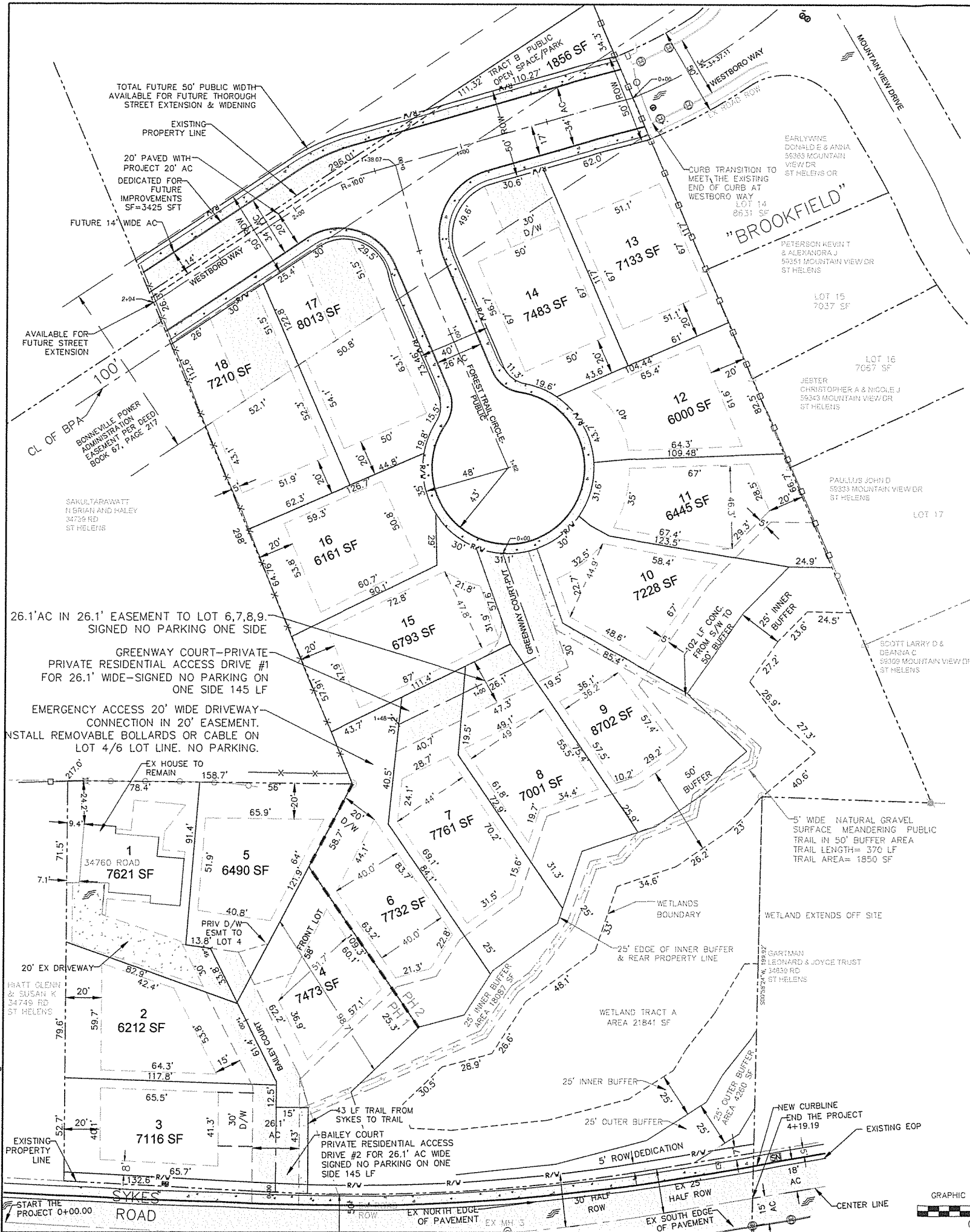
the address of CITY shall be:

CITY OF ST. HELENS
City Administrator
P.O. Box 278
St. Helens, Oregon 97051

the address of OWNER shall be:

SJRE Ventures, LLC

P.O. Box 613
St. Helens, Oregon 97051



BAILEY SUBDIVISION

A PROPOSED PHASED PRELIMINARY PLAT PLANNED DEVELOPMENT
A PORTION OF THE 1/4 OF SECTION 6, T4N, R1W, WM CITY OF ST. HELENS, COLUMBIA
COUNTY, OREGON

GENERAL INFORMATION
GROSS SITE AREA: 4.62 AC PER
EXISTING CONDITIONS SURVEY BY
JOHNSON LAND SURVEYING INC.
SITE ADDRESS:
CURRENT USE: VACANT & AG LAND
ZONING: R1-7
COMPREHENSIVE PLAN: UL

STORMWATER SYSTEM
PROPOSED FINAL STORMWATER DESIGN TO ADDRESS REQUIREMENTS
CITY OF ST. HELENS STORMWATER ORDINANCE.

REVIEW AUTHORITY AND JURISDICTIONS:
STREETS, STORM & PLAT - ST HELENS
SANITARY - ST HELENS
WATER - ST HELENS
FIRE - ST HELENS

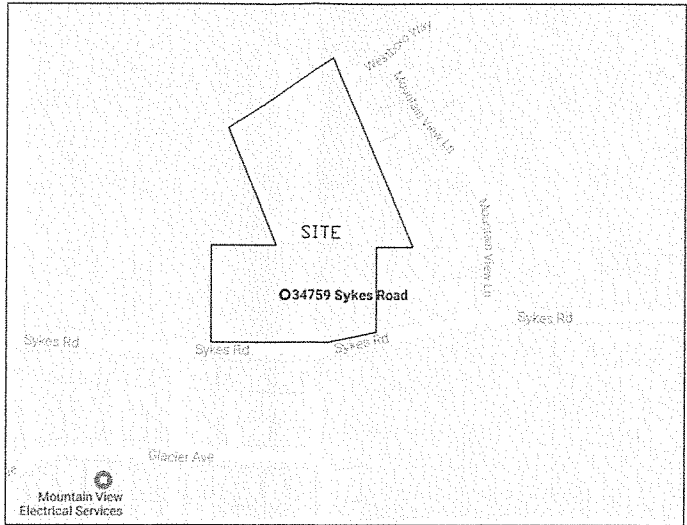
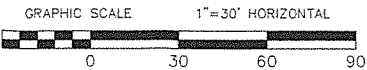
BENCHMARK & DATUM:
SEE TOPOGRAPHIC SURVEY.
SEE THE BOUNDARY SURVEY SHEET BY THE SURVEYOR FOR
MORE DETAILED TOPOGRAPHIC & BOUNDARY INFORMATION.

LOT NO	LOT AREA SFT	FIRE SPRINKLER
1	7621	
2	6212	
3	7116	
4	7473	
5	6490	
6	7732	F.S
7	7761	F.S
8	7001	F.S
9	8702	F.S
10	7228	
11	6445	
12	6000	
13	7133	
14	7483	
15	6793	
16	6161	
17	8013	
18	7210	
AVG LOT	7143	

NET DENSITY CALC		
	ACRE	SQFT
1) Gross Area	4.61	200811
2) Wetland Tract A	-0.50	-21841
3) 25' Inner Buffer	-0.41	-18087
4) ROW Area	-0.61	-26789
5) 25' Outer Buffer	-0.08	-4260
6) Tract B Area	-0.04	1856
Net area	3.01	130052
Total lots	18	18
Gross Density	6.00 U/ACRE	

ACCESS NOTE:
PRIVATE RESIDENTIAL ACCESS DRIVE #1 PER SHMC
17.84.070
3-6 UNITS ALLOWED
24' - 30' ACCESS EASEMENT
20 TO 26.1' PAVED WIDTH
FOR 26.1' WIDE - SIGNED NO PARKING ON ONE SIDE

FIRE:
SPRINKLERS WITH FUTURE HOUSES ON LOTS 6, 7, 8, 9.



SHT NO.	SHEET DESCRIPTION
BA 1.1	PLANNED DEVELOPMENT PRELIM PLAT PART 1
BA 1.2	PLANNED DEVELOPMENT PRELIM PLAT WITH CONTOURS PART 2
BA 2	TOPOGRAPHIC SURVEY
BA 3	GRADING & EROSION CONTROL PLAN
BA 4	COMPOSITE UTILITY PLAN
BA 5	TREE & LANDSCAPE PLAN
BA 6	UTILITY PLAN & PROFILE
BA 7	PLAN & PROFILE
BA 8	PLAN & PROFILE
BA 9	STORM UTILITY PLAN & PROFILE

SERIAL NUMBERS:

2016-010666 - 2.64AC

2016-007837 - 1.97AC

SEE THE PROJECT NARRATIVE AND PROPOSED PLANNED DEVELOPMENT
(PD) STANDARDS TABLE FOR THE MODIFIED PROJECT SPECIFIC
STANDARDS.

NUMBER OF LOTS PROPOSED: 17 LOTS + 1 EX LOT

THE PROPOSED PD MINIMUM FRONT AND SIDE YARDS OR OTHER
SETBACKS AS STATED HEREIN AND IN THE DEVELOPMENT AGREEMENT
(DA) TO BECOME THE PROJECT SPECIFIC STANDARDS.

OWNER
RICH BAILEY
Rich Bailey Construction LLC
PO BOX 613
St. Helens, OR 97051
Cell 503 880-6679
Home 503 397-3783
rbaileyconstruction@hotmail.com
www.richbaileyconstruction.com

CIVIL ENGINEER & APPLICANT:
KESSI ENGINEERING & CONSULTING
JAMES KESSI, PE
6400 NE HWY 99 #3169
VANCOUVER, WA 98665
(360) 991-9300
james.kessi@gmail.com

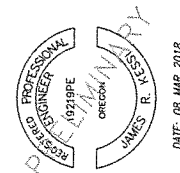
SURVEYOR:
Johnson Land Surveying, Inc.
Robert Alan Johnson PLS
jsurvey@frontier.com
jsurvey.com
503-407-9966

KESSI ENGINEERING



REVISIONS

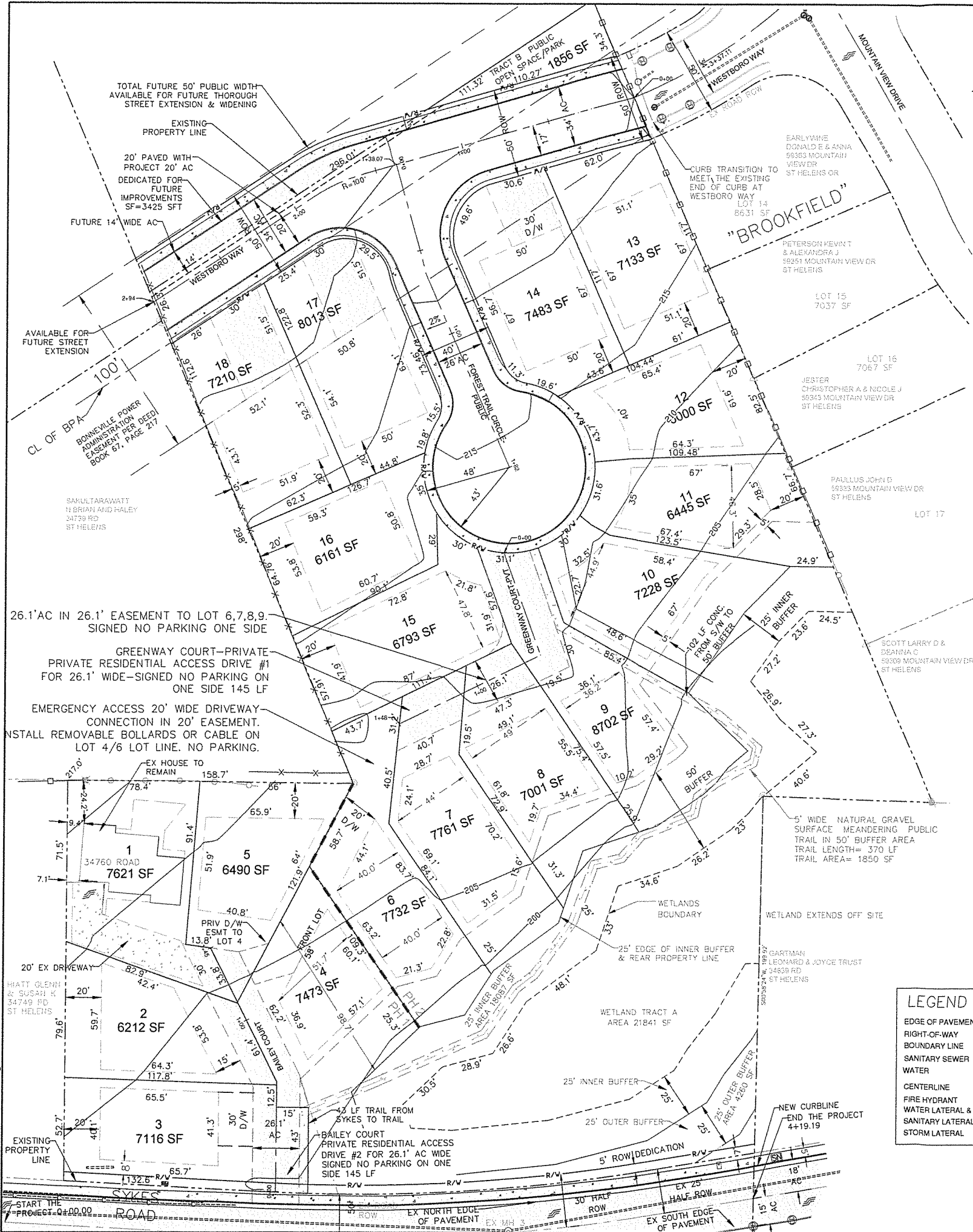
DRAWN BY:	S.P.	DESIGNED BY:	J.K.	CHECKED BY:	J.K.
1		2		3	
4		5			



PROJECT
#132

DATE:
08 MAR 2018

BAILEY SUBDIVISION
PLANNED DEVELOPMENT
PRELIMINARY PLAT PART 1



BAILEY SUBDIVISION

A PROPOSED PHASED PRELIMINARY PLAT PLANNED DEVELOPMENT
A PORTION OF THE 1/4 OF SECTION 6, T4N, R1W, WM CITY OF ST. HELENS, COLUMBIA
COUNTY, OREGON

GENERAL INFORMATION
GROSS SITE AREA: 4.62 AC PER EXISTING
CONDITIONS SURVEY BY
JOHNSON LAND SURVEYING INC.
SITE ADDRESS:
CURRENT USE: VACANT & AGLAND
ZONING: R1-7 &
COMPREHENSIVE PLAN: UL
96" DIAM CDS, ATTACHED DRIVABLE
ROLLED CURB, SIGNED NO PARKING.

STORMWATER SYSTEM
PROPOSED STORMWATER DESIGN TO ADDRESS MIN. REQUIREMENTS CITY OF
ST. HELENS STORMWATER ORDINANCE.

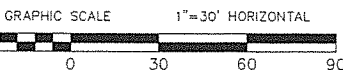
REVIEW AUTHORITY AND JURISDICTIONS:
STREETS, STORM & PLAT - ST HELENS
SANITARY - ST HELENS
WATER - ST HELENS
FIRE - ST HELENS
BENCHMARK & DATUM:
SEE TOPOGRAPHIC SURVEY.
SEE THE BOUNDARY SURVEY SHEET BY THE SURVEYOR FOR MORE
DETAILED TOPOGRAPHIC & BOUNDARY INFORMATION.



VICINITY MAP
N.T.S.

LEGEND

	EXISTING	PROPOSED
EDGE OF PAVEMENT	EP	EP
RIGHT-OF-WAY	R/W	R/W
BOUNDARY LINE		
SANITARY SEWER	SS	SS
WATER	W	W
CENTERLINE		
FIRE HYDRANT	⊙	⊙
WATER LATERAL & METER	H/A	H/A
SANITARY LATERAL	N/A	N/A
STORM LATERAL	N/A	N/A



OWNER
RICH BAILEY
Rich Bailey Construction LLC
PO BOX 613
St. Helens, OR 97051
Cell 503 880-6679
Home 503 397-3783
rbaileyconstruction@hotmail.com
www.richbaileyconstruction.com

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(360) 991-9300
james.kessi@gmail.com

SURVEYOR:
Johnson Land Surveying, Inc.
Robert Alan Johnson PLS
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KESSI ENGINEERING

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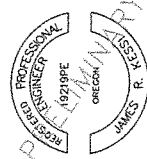
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DESIGNED BY: J.K.

CHECKED BY: J.K.

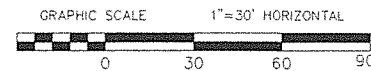


PROJECT
#132

DATE:
08 MAR 2018

BAILEY SUBDIVISION
PLANNED DEVELOPMENT
PRELIM PLAT WITH
CONTOURS PART 2

A PROPOSED PRELIMINARY PLAT PLANNED DEVELOPMENT
A PORTION OF THE 1/4 OF SECTION 6, T4N, R1W, WM CITY OF ST. HELENS, COLUMBIA
COUNTY, OREGON



1. ANY STATED CUT AND FILL QUANTITIES ARE APPROXIMATE ONLY. THE CONTRACTOR IS ADVISED TO DETERMINE HIS OWN TAKEOFF & QUANTITIES FOR BIDDING. ACTUAL EARTHWORK QUANTITIES MAY VARY DEPENDING ON CONTRACTOR'S METHOD OF OPERATION, COMPACTION, SHRINKAGE, STRIPPING DEPTHS, & ACCURACY OF THE EARTHWORK TAKEOFF. WHEN SIGNING THE PROJECT CONSTRUCTION CONTRACT, THE CONTRACTOR AGREES THAT HIS COST FOR CONSTRUCTION OF THE GRADING IMPROVEMENTS AND DISPOSAL OF EXCESS MATERIAL (IF NECESSARY), IS INCLUDED & THERE WILL BE NO ADDITIONAL CHARGE FOR THIS ITEM. STRUCTURAL MATERIAL ON THIS SITE IS INTENDED TO APPROXIMATELY BALANCE. GRADING DESIGN IS BASED ON SURVEY INFORMATION AND FINISH DESIGNED ROUGH GRADING ELEVATIONS. ALL EXISTING INCLUSIONS OF NON-STRUCTURAL OR ORGANIC SOILS AND STRIPPINGS SHALL BE OVER-EXCAVATED AS NECESSARY TO COMPETENT MATERIAL.

1. ALL CONSTRUCTION, MATERIALS, WORKMANSHIP AND METHODS OF CONSTRUCTION SHALL CONFORM TO AGENCY GENERAL REQUIREMENTS AND DETAILS. EROSION CONTROL SHALL BE AS PER THE STANDARD DETAILS CONTAINED THEREIN.
2. ALL EROSION CONTROL METHODS SHALL CONFORM WITH AGENCY STANDARD NOTES AND DETAILS PER DETAILS SHEET.
3. THE CONTRACTOR SHALL MAINTAIN AN ON-SITE WRITTEN DAILY LOG OF EROSION CONTROL MAINTENANCE.
4. ALL EXPOSED AND UNWORKED SOILS SHALL BE STABILIZED BY THE APPROPRIATE BEST MANAGEMENT PRACTICES (BMPs). SEE EROSION PREVENTION & SEDIMENT CONTROL PLAN.
5. ANY TREES THAT WILL BE REMOVED WITHIN FUTURE BUILDING PAD AREAS SHOULD BE INDIVIDUALLY REMOVED, TAKING CARE TO REMOVE ALL ROOTS. ROOT CAVITIES SHALL BE INDIVIDUALLY BACKFILLED AND COMPACTED PRIOR TO COMMENCEMENT OF FILLING OPERATIONS.
6. STRIPPED SURFACE SOIL SHALL BE STOCKPILED IN DESIGNATED AREAS.

FOR EXISTING HOUSE, PRIOR TO GRADING NEAR LIKELY DRAINFIELD AREA, CONTRACTOR TO LOCATE AND PROTECT THE EXISTING DRAINFIELD & SEPTIC UNTIL SUCH TIME THE EXISTING HOUSE CONNECTED TO PUBLIC SEWER PER AGENCY REGULATIONS, AND THEN THE SEPTIC & DRAINFIELD CAN BE PROPERLY ABANDONED PER STATE HEALTH REGULATIONS.

ESTIMATED STRIPPINGS FOR SITE -
ASSUME 0.75' THICK = 5590 CY
TO BE PUT BACK AT UP TO 1' THICK MAX ON THE LOTS

ESTIMATED CUT IN SITE AREA=537 CYD
ESTIMATED FILL IN SITE AREA= 984 CYD

CONTRACTOR IS RESPONSIBLE TO VERIFY &
CALCULATE ALL QUANTITIES. SEE NOTES.
CONTRACTOR TO ADJUST GRADES TO TRY TO BALANCE SITE GRADING.

ON THE SITE PERIMETER, THE SITE HAS SOME AREAS OF NON-NATIVE BLACKBERRY BUSHES, AND OTHER UNDERBRUSH THAT INFRINGE ON THE PROPERTY PERIMETER. PRIOR TO THE END OF THE PROJECT AND AFTER ANY ON-SITE DISTURBED AREAS ARE STABILIZED, THE CONTRACTOR IS TO EITHER USE A HYDROAX TO GRIND/CHIP INTO MULCH OR IF APPROPRIATE USE A BULLDOZER TO GATHER INTO PILES GRIND INTO MULCH - EXTERIOR VEGETATION UP TO THE PROPERTY BOUNDARY AND AS DIRECTED BY THE OWNERS. THE CONTRACTOR SHALL CONTACT THE OWNERS AND ESTABLISH/AGREE WHICH BRUSH AND TREES ON THE EXTERIOR ARE TO REMAIN AND WHICH ARE TO BE REMOVED AS PART OF THIS PROJECT. ALL TREES ON, OR WITHIN THREE FEET OF THE PROPERTY EXTERIOR SHALL REMAIN UNLESS DIRECTED OTHERWISE BY THE OWNER.

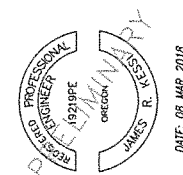
TREES TO BE REMOVED INDICATED ON PLAN.SEE TREE PLAN FOR MORE
DETAILS.

1. PRE-CONSTRUCTION MEETING.
2. FLAG OR FENCE CLEARING LIMITS.
3. POST NOTICE OF CONSTRUCTION ACTIVITY SIGN WITH NAME AND PHONE NUMBER OF EROSION SEDIMENT CONTROL SUPERVISOR.
4. INSTALL CATCH BASIN PROTECTION IF REQUIRED.
5. GRADE AND INSTALL CONSTRUCTION ENTRANCE(S).
6. INSTALL PERIMETER PROTECTION (SILT FENCE, BRUSH BARRIER, ETC.).
7. CONSTRUCT SEDIMENT PONDS AND TRAPS.
8. GRADE AND STABILIZE CONSTRUCTION ROADS.
9. CONSTRUCT SURFACE WATER CONTROLS (INTERCEPTOR DIKS, PIPE SLOPE DRAINS, ETC.) SIMULTANEOUSLY WITH CLEARING AND GRADING FOR PROJECT DEVELOPMENT.
10. MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH STANDARDS AND MANUFACTURER'S RECOMMENDATIONS.
11. RELOCATE SURFACE WATER CONTROLS AND EROSION CONTROL MEASURES OR INSTALL NEW MEASURES SO THAT AS SITE CONDITIONS CHANGE THE EROSION AND SEDIMENT CONTROL IS ALWAYS IN ACCORDANCE WITH THE EROSION AND SEDIMENT CONTROL STANDARDS.

SEED MIX TO BE AS FOLLOWS:
TALL FESCUE 40%
PERENNIAL RYEGRASS 30%
CREEPING RED FESCUE 25%
COLONIAL BENTGRASS 5%

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DESIGNED BY:	
J.K.	
CHECKED BY:	
J.K.	



DATE: 08 MAR 2018

PROJECT

DATE: 08 MAR 2018

BAILEY SUBDIVISION
GRADING & EROSION
CONTROL PLAN

3

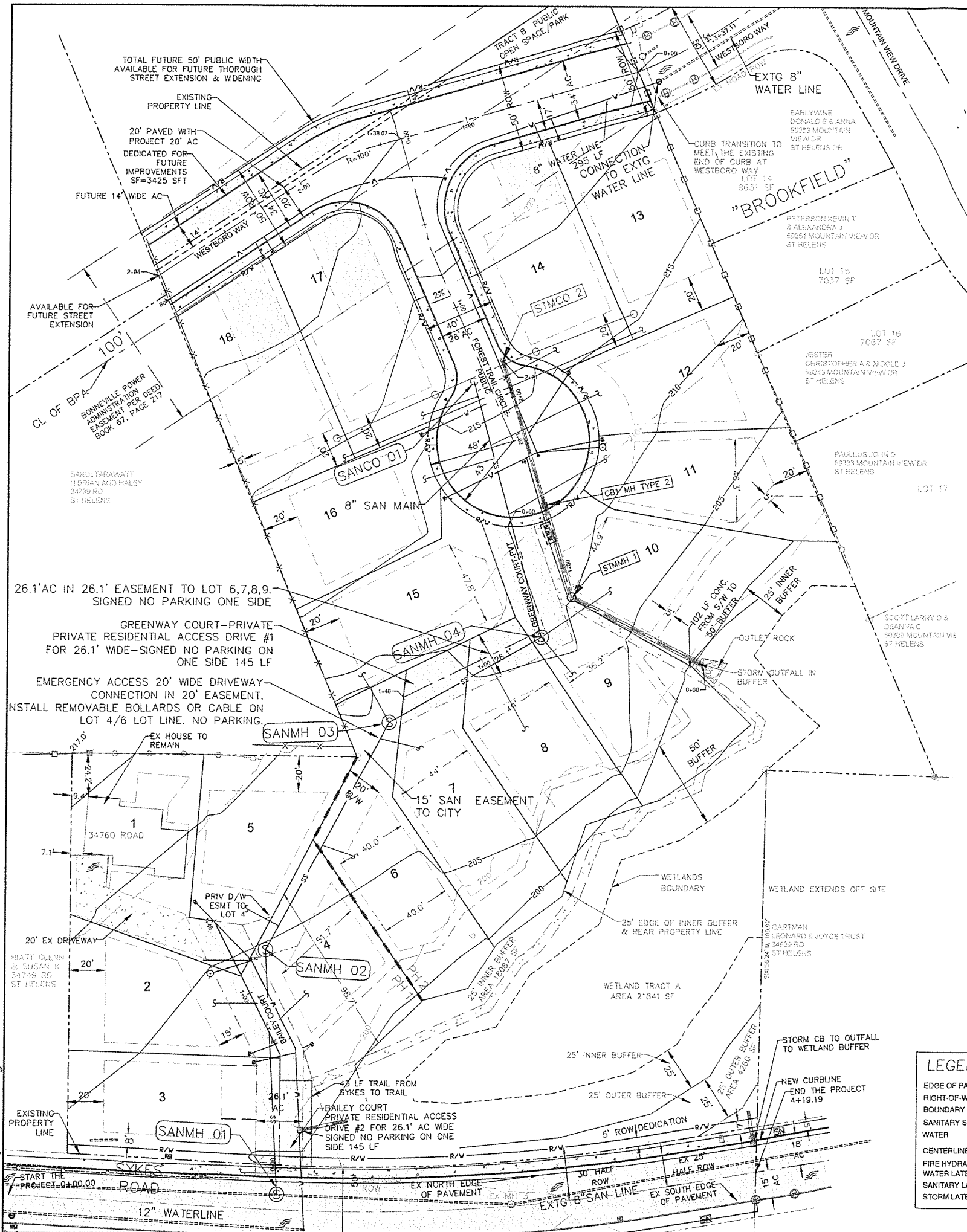


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KESSL
ENGINEERING

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BAILEY SUBDIVISION

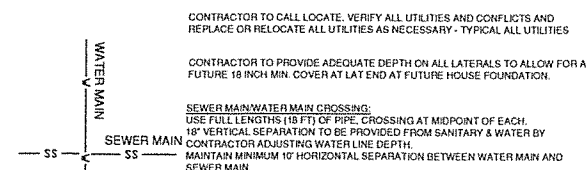
A PROPOSED PRELIMINARY PLAT PLANNED DEVELOPMENT
A PORTION OF THE 1/4 OF SECTION 6, T4N, R1W, WM CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON

WATER CONSTRUCTION NOTES*

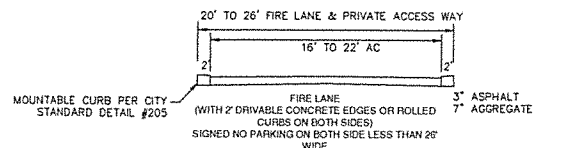
- *ALL CONSTRUCTION METHODS PER AGENCY STANDARD DETAILS SHEETS IN PLAN SET
- 8" WAT XLF 40 INSTALL 8" DIP (PC 350) WATER MAIN WITH TRENCH BEDDING & BACKFILL PER AGENCY STANDARD DETAIL
 - 4" WAT XLF 41 STD. FIRE HYDRANT ASSEMBLY WITH 6" PIPE PER AGENCY STANDARD DETAIL. INSTALL:
 - (1) 6" GATE VALVE, FLG X MJ WM RESTRAINT
 - (1) STD. FIRE HYDRANT ASSEMBLY
 - (2) THRUST BLOCKS
 - 42 INSTALL 1" WATER SERVICE W/ METER BOX WITH 1'X3/4" METER STOP (TYP.) PER AGENCY STANDARD DETAIL
 - 43 INSTALL 2" PERMANENT BO ASSEMBLY W/ MJ CAP & MJ RESTRAINT PER AGENCY STANDARD DETAILS
 - 44 INSTALL 8" MJ 45° BEND W/ MJ RESTRAINT AND THRUST BLOCK PER AGENCY STANDARD DETAIL
 - 45 TEE WITH GATE VALVES AND THRUST BLOCK PER AGENCY STANDARD DETAIL. INSTALL:
 - (1) 8" X 8" X 8" TEE, FLG X FLG X FLG
 - (2) 8" GATE VALVES, FLG X MJ WM RESTRAINT
 - (1) THRUST BLOCK
 - 46 HOT TAP EX. 8" PVC, CL200 WATER MAIN PER STD AGENCY HOT TAP INSTALL:
 - (1) 8"X8" STAINLESS STEEL TAPPING SLEEVE
 - (1) 8" TAPPING GATE VALVE, FLG X MJ WM RESTRAINT
 - (1) THRUST BLOCK
 - 47 AR INSTALL MANUAL AIR RELEASE VALVE AT HIGH POINT OF MAIN PER AGENCY STANDARD DETAILS
 - 48 DEFLECT WATER MAIN PER MANUFACTURERS ALLOWABLE SPECIFICATIONS AROUND CURVE
 - 49 WQ INSTALL THRUST BLOCK PER AGENCY STANDARD DETAILS
 - WQ INSTALL WATER QUALITY SAMPLING STATION

SANITARY SEWER CONSTRUCTION NOTES*

- *ALL CONSTRUCTION METHODS PER CITY STANDARD DETAILS
- SANMH 10 INSTALL STANDARD SEWER MANHOLE PER AGENCY STANDARD DETAILS
 - SS INSTALL 8" SANITARY SEWER MAIN PER AGENCY STANDARD DETAILS
 - INSTALL STANDARD CLEAN OUT (CO)
 - SS INSTALL STANDARD 4" SANITARY SEWER LATERAL PER AGENCY STANDARD DETAILS. SEE SANITARY SEWER LATERAL TABLE.
- SAN NOTE #1
FOR EXISTING HOUSE AT CURRENT ADDRESS PRIOR TO GRADING IN THE PHASE 1 AREA, CONTRACTOR TO LOCATE AND VERIFY THE LOCATION OF ALL EXISTING SEPTIC AND DRAINFIELD AND PRESERVE FUNCTION OR MAKE OTHER APPROVED ACCOMMODATIONS DURING GRADING AS NEEDED. CONTRACTOR TO MAKE ARRANGEMENTS IN ACCORDANCE WITH REGULATIONS TO SWITCH OVER EXISTING HOUSE TO THE PUBLIC SAN MAIN AT THE APPROPRIATE TIME, WHEN THE DRAINFIELD SANITARY BECOMES LIVE.
AFTER CONNECTION, BOTH SEPTIC TANK AND DRAINFIELDS TO BE ABANDONED IN ACCORDANCE WITH AGENCY REGULATIONS AND DOCUMENTATION OF ABANDONMENT SUBMITTED TO THE PROJECT ENGINEER AND AGENCY IMMEDIATELY AFTER DECOMMISSIONING.



- SANITARY SEWER NOTES:
1. ALL LATERALS TO BE VERIFIED AT MINIMUM COVER PRIOR TO PAVING.
2. PRE-PAVING ASBUILT TO BE PROVIDED AND APPROVED BY AGENCY PRIOR TO PAVING.



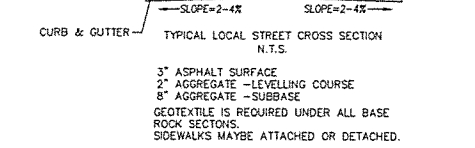
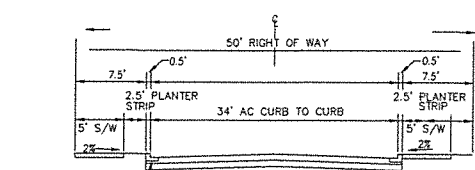
LEGEND

	EXISTING	PROPOSED
EDGE OF PAVEMENT	EP	EP
RIGHT-OF-WAY	R/W	R/W
BOUNDARY LINE	BL	BL
SANITARY SEWER	SS	SS
WATER	W	W
CENTERLINE	CL	CL
FIRE HYDRANT	H/F	H/F
WATER LATERAL & METER	N/A	N/A
SANITARY LATERAL	N/A	N/A
STORM LATERAL	N/A	N/A

STORM CONSTRUCTION LEGEND & NOTES*

*ALL CONSTRUCTION METHODS PER AGENCY STANDARD DETAILS SHEETS IN PLAN SET

- STMMH 10 INSTALL STANDARD STORM MANHOLE PER STANDARD DETAILS
- SS INSTALL STORM MAIN PER STANDARD DETAILS
- CBP STANDARD CATCH BASIN (CB) CONCRETE CURB INLET
- CCB CONCRETE CATCH BASIN - TYPE 1



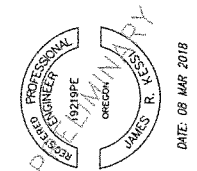
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DESIGNED BY:	J.K.				
CHECKED BY:	J.K.				



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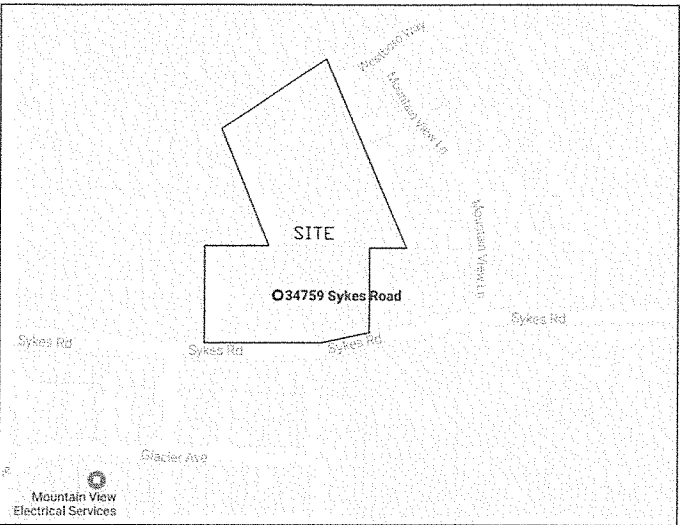
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BAILEY SUBDIVISION

COMPOSITE
UTILITY PLAN

BAILEY SUBDIVISION

A PROPOSED PHASED PRELIMINARY PLAT PLANNED DEVELOPMENT
A PORTION OF THE 1/4 OF SECTION 6, T4N, R1W, WM CITY OF ST. HELENS, COLUMBIA
COUNTY, OREGON



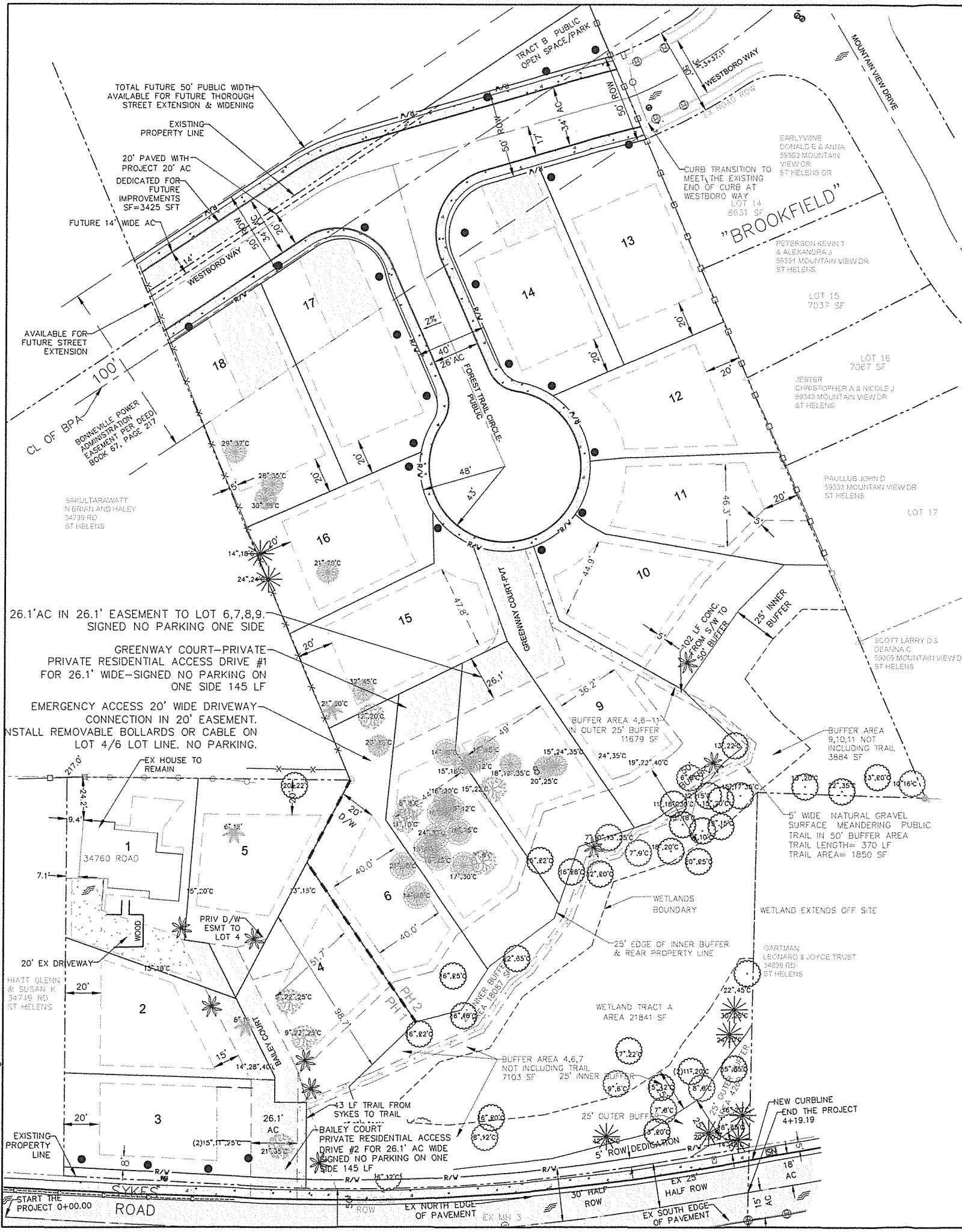
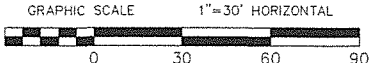
VICINITY MAP
N.T.S

NOTE:

NO TREES TO BE REMOVED FROM PROTECTION ZONE.

- TREES GREATER THAN 12" TO BE REMOVED
- TREES GREATER THAN 12" TO BE SAVED
- TREES OUTSIDE 50' PROTECTION ZONE TO BE REMOVED
- TREES INSIDE 50' PROTECTION ZONE TO REMAIN.
- PROPOSED STREET TREES TO BE PLANTED
- PROPOSED LANDSCAPE TREES TO BE PLANTED

BUFFER AREA FOR PLANTATION	
1) In Lots 4,6,7	7,103 SQFT
2) In Lots 9,10,11	3,884 SQFT
3) Outer 25' area Adjacent to Sykes Road	4,261 SQFT
TOTAL	15,248 SQFT

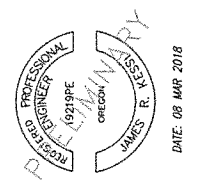


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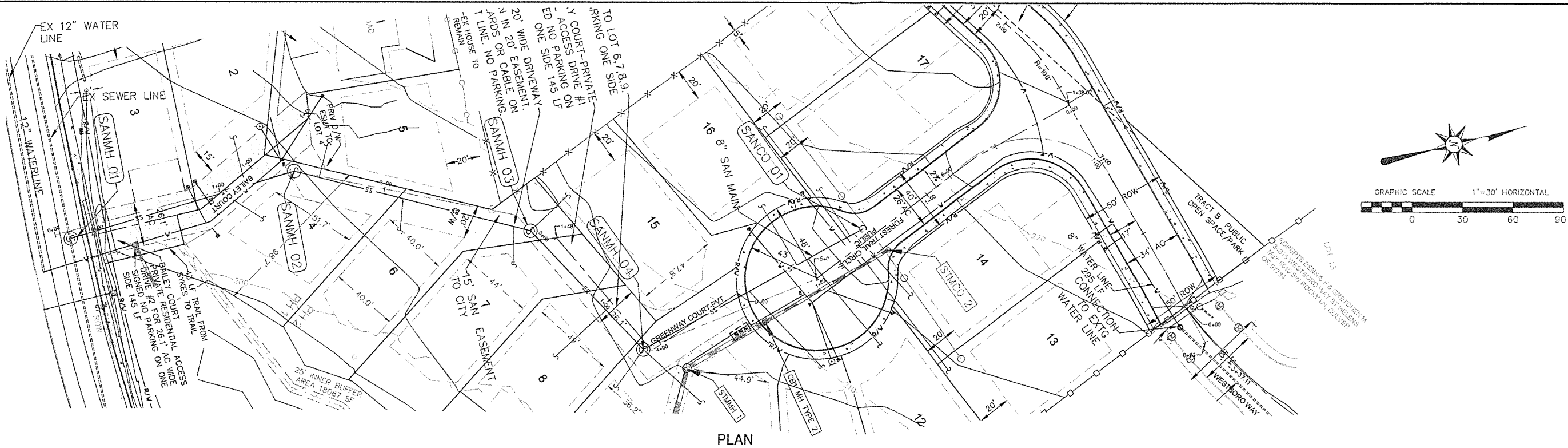


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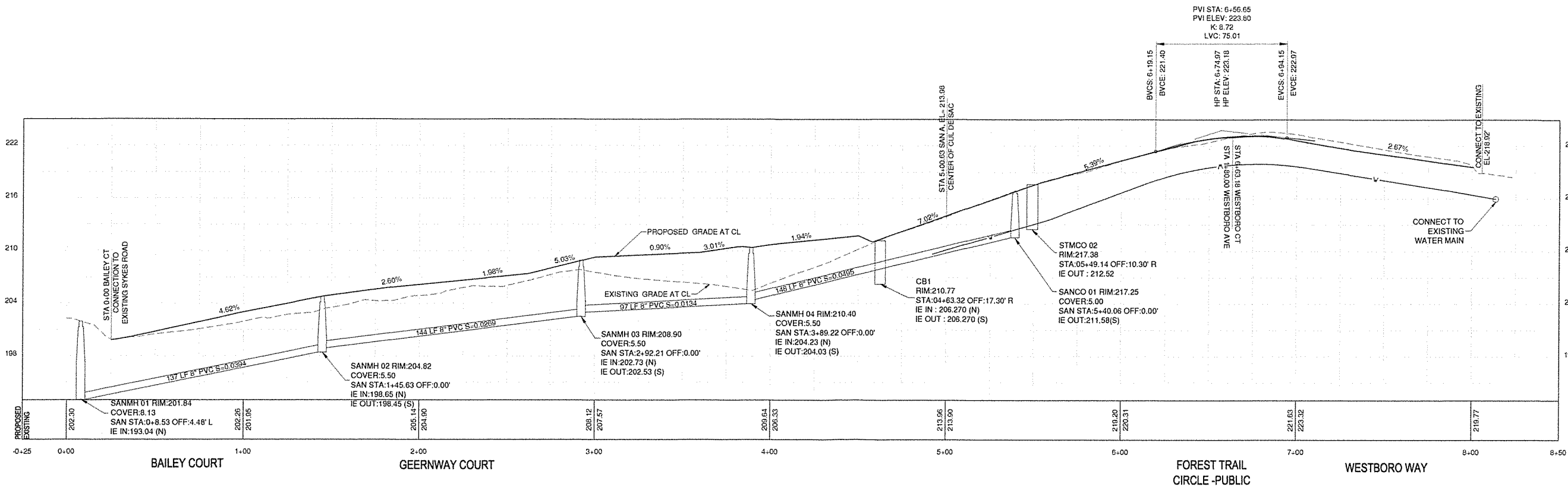
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TREE AND LANDSCAPE PLAN

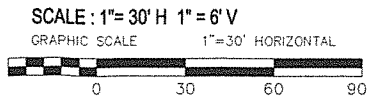
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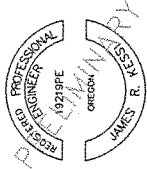
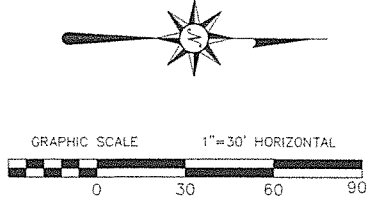
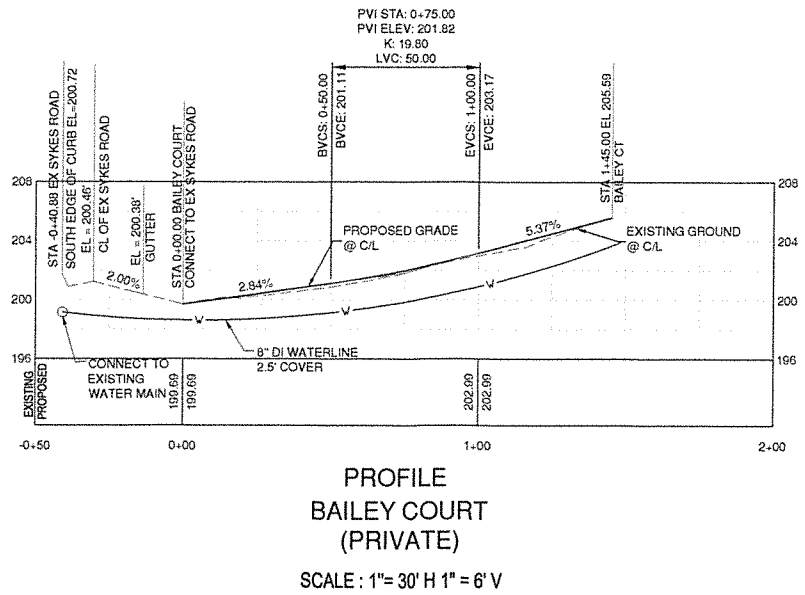
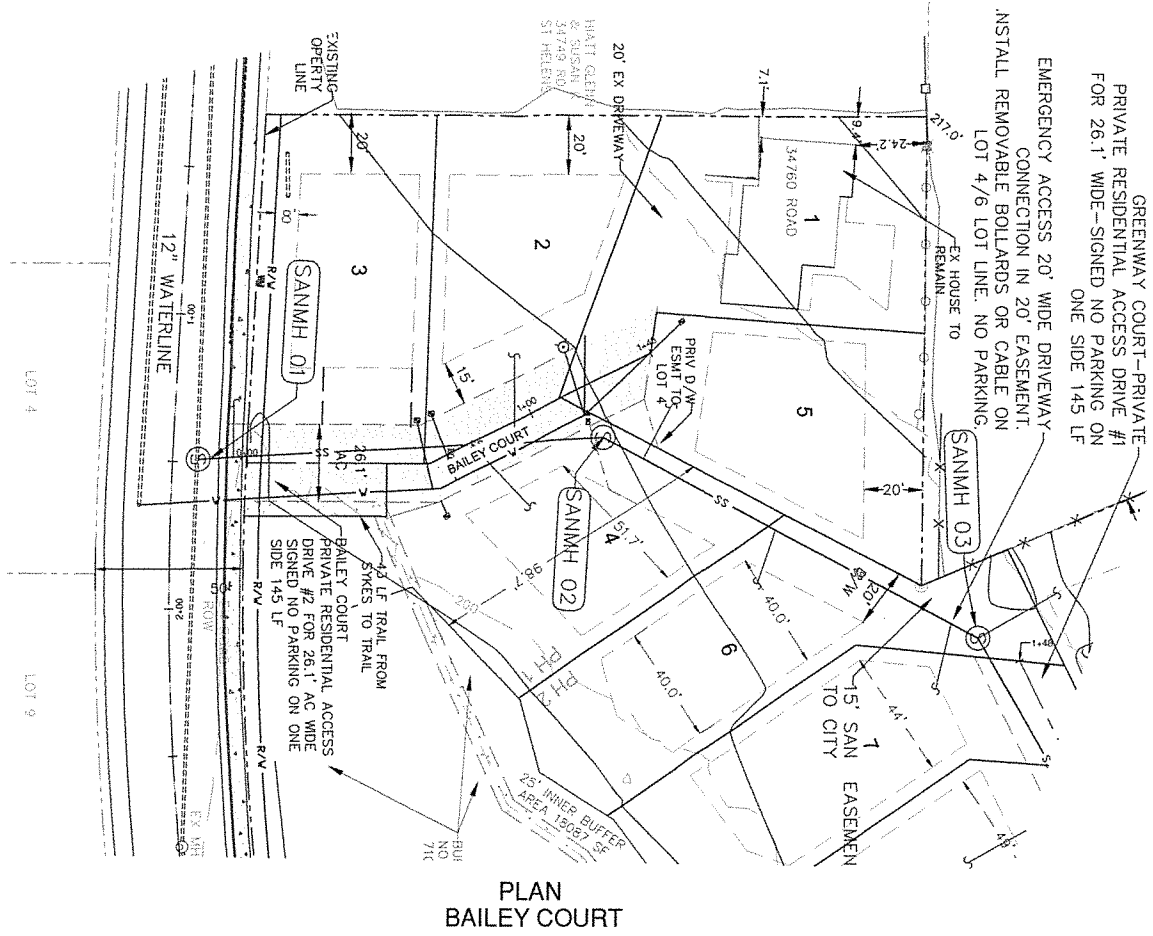


PLAN



PROFILE
ACROSS SHARED
PRIVATE DRIVEWAY





DATE: 08 MAR 2018

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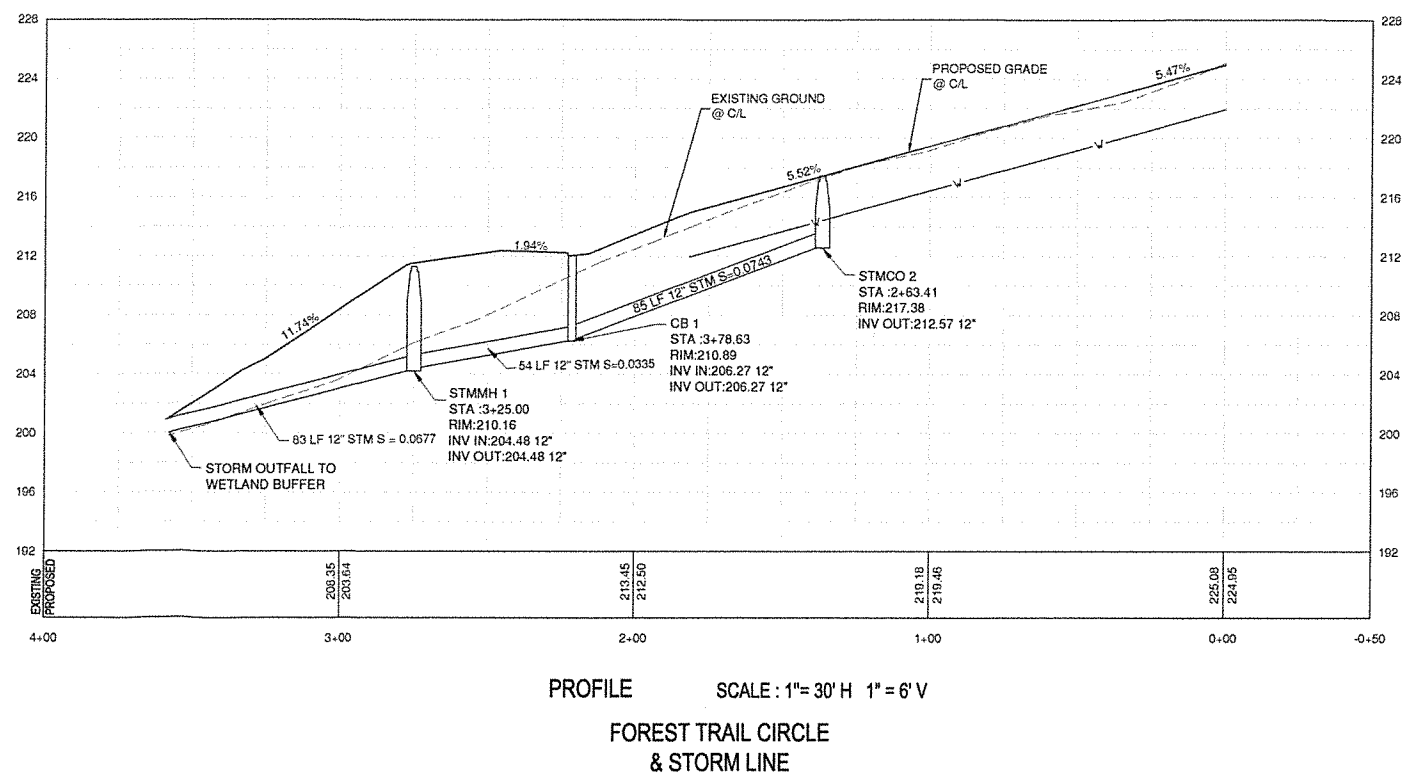
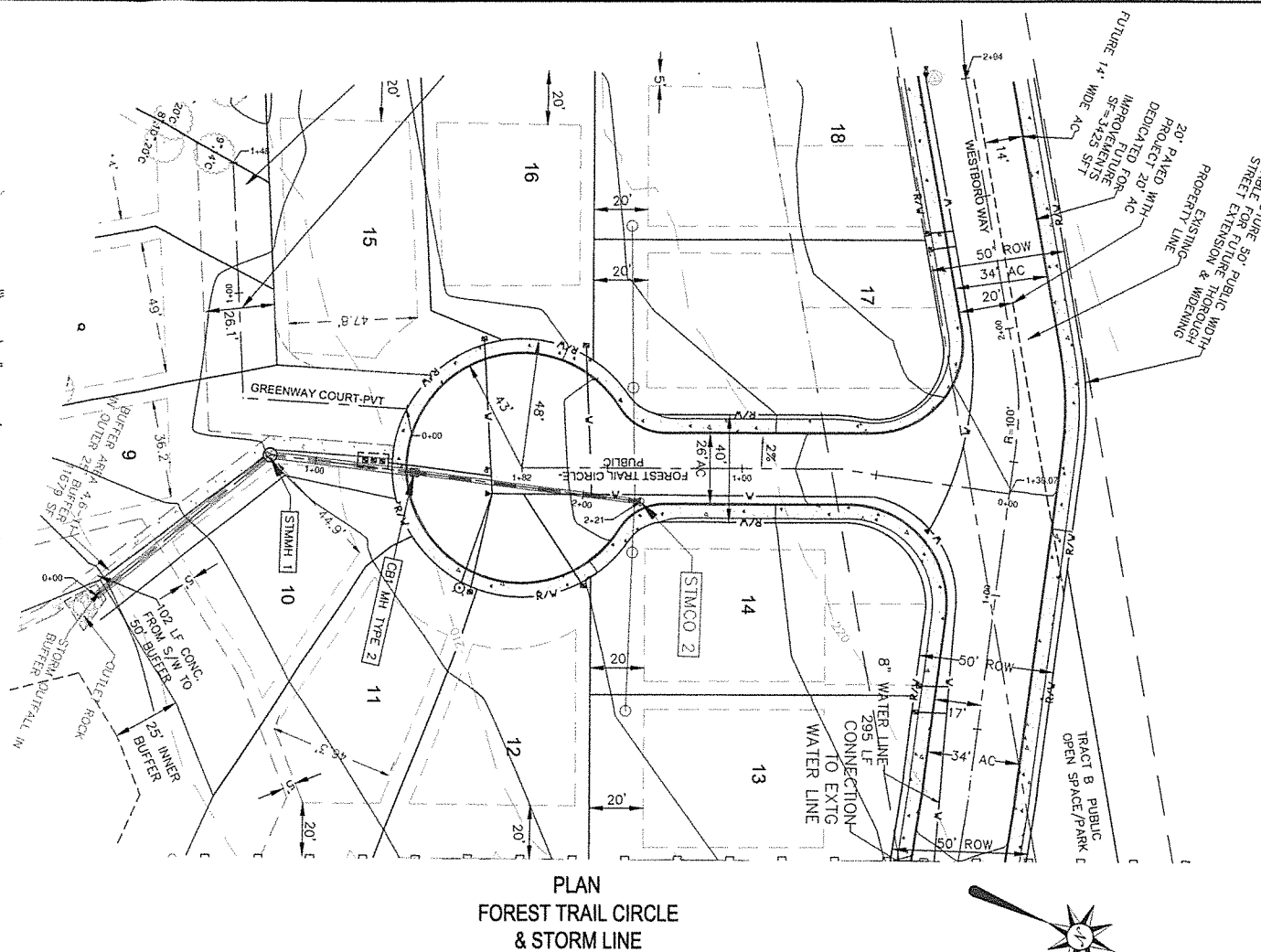
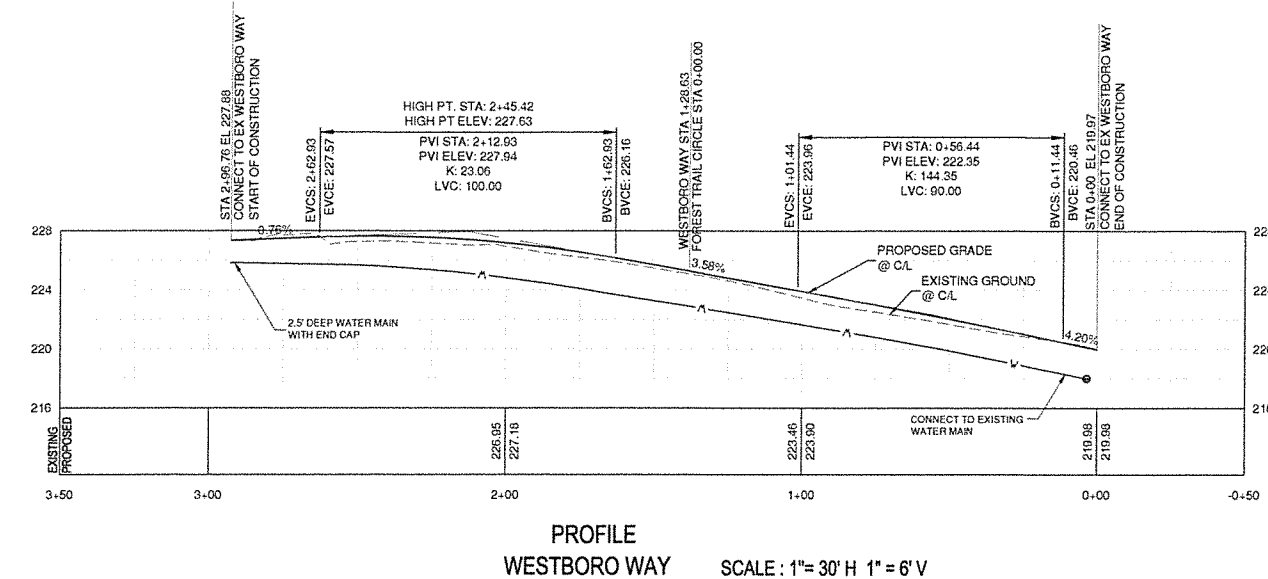
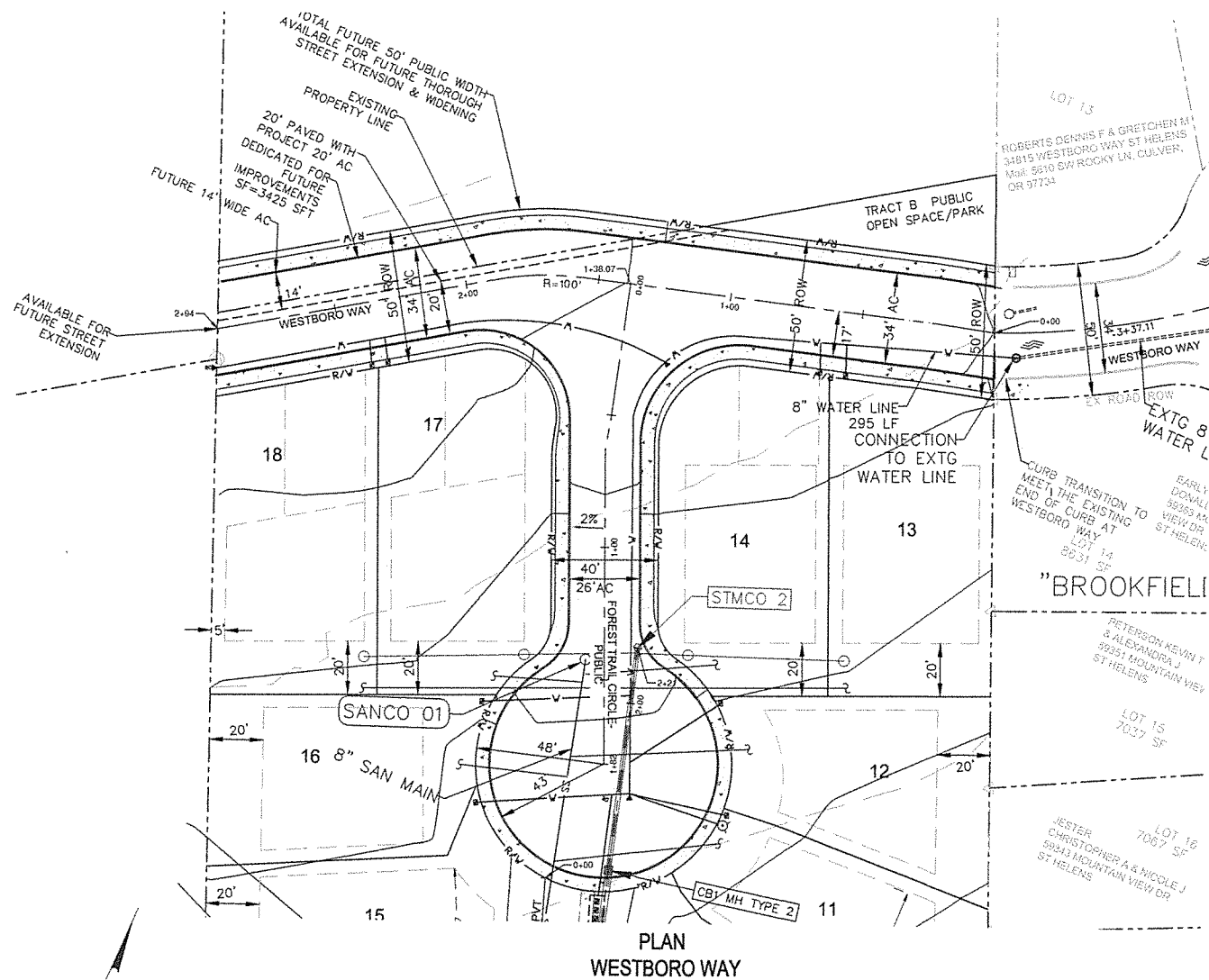
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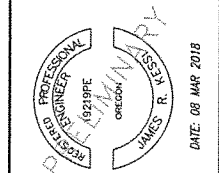
KESSI ENGINEERING

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www.kessiconsulting.com

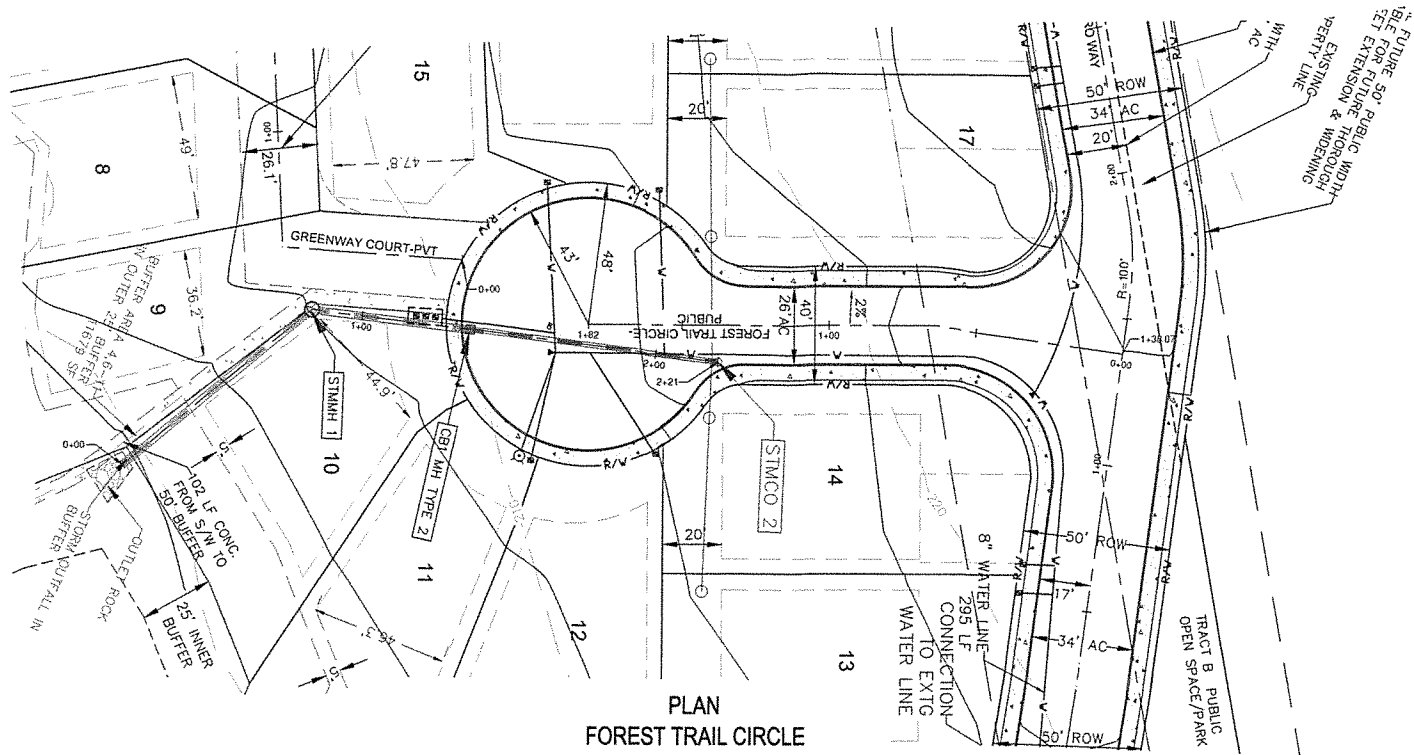


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PROJECT #132

DATE: 08 MAR 2018



BAILEY SUBDIVISION
STORM UTILITY
PLAN & PROFILE

PROJECT
#132

DATE: 08 MAR 2018



DATE: 08 MAR 2018

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& CONSULTING

857-3300 • Email: [www.kessiconsulting.com](mailto:info@www.kessiconsulting.com)

7

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: 3.27.2018

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

PLANNING ADMINISTRATION

Attended a County pre-application meeting for potential redevelopment of the veterinarian facility at the Firlock Park Boulevard/US30 intersection.

Attended a County pre-application meeting for potential further development of the CCMH facility at and around the McNulty Way/Gable Road intersection. Had to turn up the heat on CCMH for this one. **See attached email and history (w/o attachments as identified).**

Had a preliminary Q&A meeting for potential wetland mitigation and land preparation for vacant land on the north side of Gable Road between Wal Mart and McNulty Way.

Listed to a virtual information session meeting regarding FEMA's implementation strategies regarding the inclusion of ESA aspects to floodplain development. The first deadline for interim measures was going to be April 14, 2018, but it sounds like FEMA asked for an extension. Right now the start time is unknown. Legal review continues at the federal level. We will hopefully have sufficient time (12 months?) to adopt new regulations. Ultimately, it's about not net loss of critical habitat for ESA listed species (salmonids).

Attended the 1st Brownfield Advisory Committee; related to a USEPA Community-Wide Brownfield Assessment Grant.

Responded to a Columbia County referral notice for a project outside City limits but inside the City's UGM for a lot line adjustment intended to facilitate a new use of property on the corner of Pittsburg Road and US30 (County File: PLA 18-15). **See attached.**

DEVELOPMENT CODE ENFORCEMENT

We had some concerns about property on the corner of Old Portland Road and Construction/Kelly Way. Code Enforcement kept in the loop.

PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)

March 13, 2018 meeting (outcome): The Commission approved a Planned Development overlay zone designation for property at and around 34759 Sykes Road. The Council gets this in April. The Commission also discussed timing of their upcoming public meeting for the Riverfront Connector plan.

April 10, 2018 meeting (upcoming): The Commission will have a couple of public hearings regarding a Planned Development Subdivision at and around 34759 Sykes Road.

We plan on having the first meeting with the Commission to discuss the Riverfront Connector plan; the Commission meeting will start an hour earlier than normal for this.

Time permitting, we hope to discuss changes to our Auxiliary Dwelling Unit standards (future Development Code amendments).

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

Jacob Graichen

From: Jacob Graichen
Sent: Wednesday, February 28, 2018 12:54 PM
To: 'RolandM@ccmh1.com'; 'alpetersen@akaandesign.com'; 'Davidson, Ginger'
Cc: 'StaceyW@ccmh1.com'; Ginny Carlson
Subject: CCMH County pre-app tomorrow - Some City Comments
Attachments: CCMH McNulty Way Access Issue History (02282018).pdf

I don't think the city should allow CCMH further development until the McNulty Way improvements (lack thereof) issue is resolved. This means constructing it or retuning it back to its original condition.

This issue started with a lack of truth to city staff on behalf of a contractor representing CCMH and has yet to be resolved. CCMH has improved their site with other improvements, but unfortunately, has been irresponsible in this regard.

I sincerely apologize for the tone of this message, but I hope you can understand my concern given the history of this issue per the attached.

Jacob Graichen, AICP, City Planner

City of St. Helens

jacobg@ci.st-helens.or.us

(503) 397-6272

History of CCMH Unauthorized Work within McNulty Way right-of-way and near McNulty Creek

Feb. 28, 2018

2012

Staff does not have photographs of the site as observed from McNulty Way prior to the unauthorized (and thus unlawful) work that occurred within the public right-of-way and in close proximity to McNulty Creek starting in or around November 5, 2015. However, here is a 2012 Google Earth image for the “before” status.



September 2015 (approx.)

Mark Comfort visits City Hall, representing CCMH, asking about just laying down some river rock given the tendency for smokers to use the area by the McNulty Way driveway and McNulty Creek. The discussion left the impression that this was a very small project and staff didn't object or express need for permitting.

November 5, 2015

Receive email from Lower Columbia Engineering (58640 McNulty Way) inquiring about activity at CCMH. See attached email from LCE dated November 5, 2015.

November 6, 2015.

City Planner visits site to see what's going on. Spoke to both Mark Comfort and Roland Migchielsen about riparian regulations and other regulations and the need for permits.

Per these photos, much more work was being done than expressed to city staff earlier in the year.



February 2, 2016

Mark Comfort continues to do work, despite the conversation with both him and Roland Migchielsen in 2015.





March 2016

Al Petersen, Architect representing CCMH, visits City Hall to get information about permitting for this issue.

May 18, 2016

Minor Site Design Review (SDRm) and Sensitive Lands (SL) Permit issued by the City. Note that it states the requirement for right-of-way use and that if no agreement can be made, the site conditions to be restored to original condition. See attached SDRm.5.16 and SL.3.16 decision.

June 7, 2016

Email sent to Mark Comfort regarding improvements; notes requirements prior to commencement of work. See attached email dated June 7, 2016.

June 15, 2016

Council authorizes Mayor's signature for right-of-way agreement; signature would be on final version; final plans needed. This was based on final plans yet to be done, to help CCMH move along on the project sooner than later. See attached memo to the City Council dated June 8, 2016.

Emailed Mark Comfort, Roland Migchielsen same day. See attached email dated Weds, June 15, 2016).

June to November 2016

Some effort between the City, other agencies such as CC Rider, and Al Petersen, for final plans. Not worked out 100%. No further action of any significance from CCMH beyond this point in regards to this matter.

December 2016-current.

No further action of any significance from CCMH in regards to this issue. However, CCMH does have a pre-application meeting with the County in December 2016 to start further improvements to the portion of the Gable Road/McNulty Way facility that is outside City limits (property purchased by CCMH in August, 2016). Given the close proximity timewise to the issues discussed per City files SDRm.5.16 and SL.3.16, the City anticipates all improvements (in and outside City limits) to be done somewhat concurrently. This is also the impression staff had given communication between Mark Comfort and Roland Migchielsen.

February 2017

Staff observed parking on gravel areas, which is contrary to City law and any prior approvals. Gravel for parking in close proximity to riparian areas is especially in conflict with City law. Spoke to Mark Conform and CCMH about issue. To their credit, they did rope the area off to prevent this.

Staff also observed dying riparian plantings, demonstrating non-compliance with condition 3 of SDRm.5.16 and SL.3.16.



April 13, 2017

County issues decision for Design Review DR 17-03; these are the improvements discussed in the December 2016 County pre-application meeting. Note that CCMH works on the improvements addressed in the county decision (DR 17-03) and complies with the City comments of that effort. However, the authorized work noted herein by the McNulty Way driveway is not addressed.

March 16, 2018

REFERRAL AND ACKNOWLEDGMENT

COUNTY FILE:
PLA 18-15

To: City of St Helens

NOTICE IS HEREBY GIVEN that William Hill has submitted an application for a Property Line Adjustment located in the township/ranges associated with Tax Map Numbers 5133-00-00401 and 5133-CD-01600 and a 3.55 acre parcel. Both properties are zoned Light Industrial (M2).

THIS APPLICATION IS FOR: (X) Administrative Review; () Planning Commission, Hearing Date:

PLEASE RETURN BY: 03/26/2018


Planner: Deborah Jacob

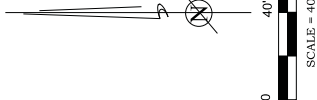
The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and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

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

COMMENTS: The PLA exhibit dated REVISED 3-9-2018 is acceptable to the City. That exhibit is attached to help avoid confusion. Access easement and right-of-way dedication shall be recorded with or prior to the PLA.

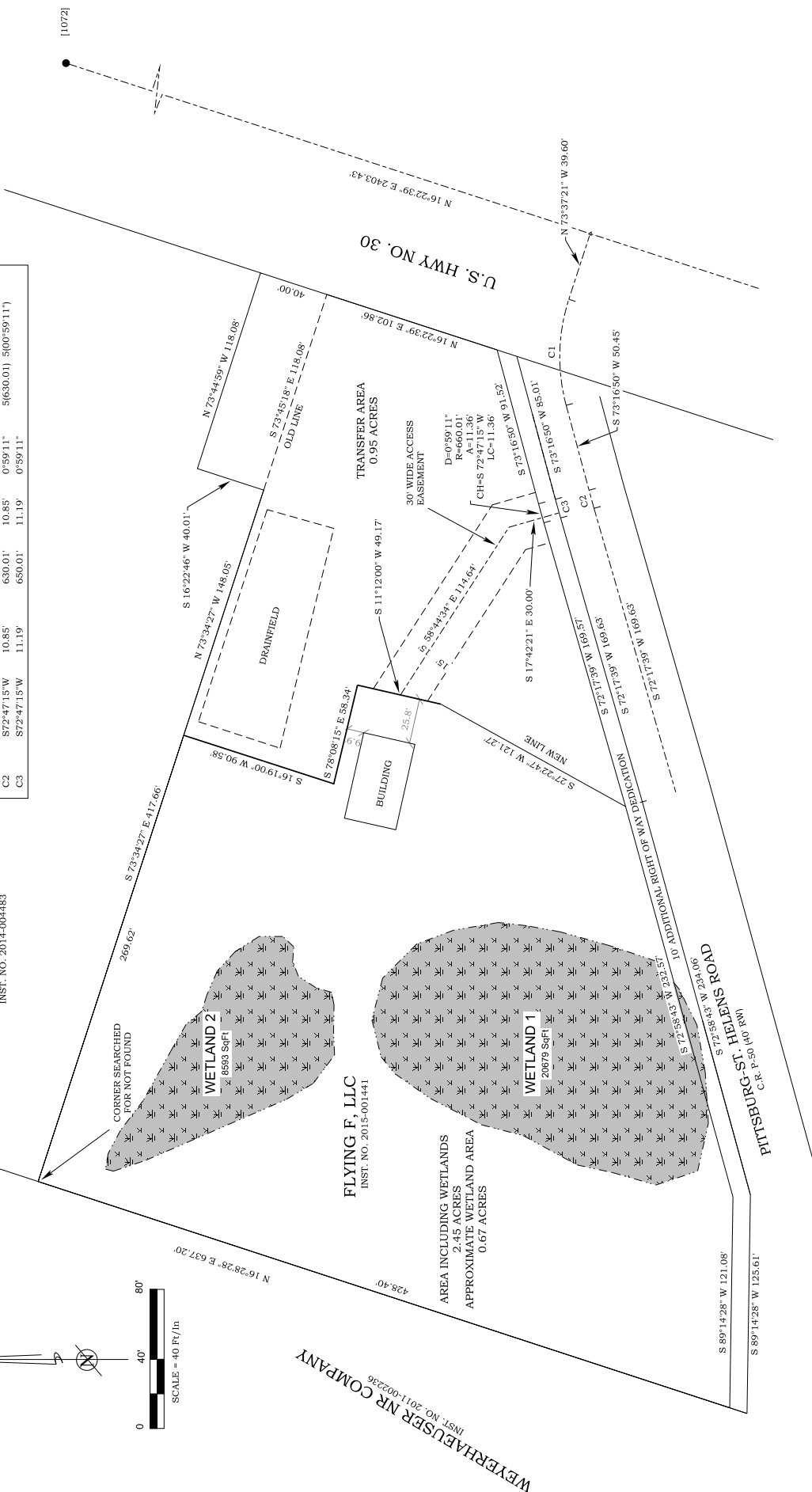
Before the PLA is recorded the US30 frontage improvements need to be completed as required by County file DR 12-01 condition 9.a. The County should also consider not approving the PLA until this is done since this has been an condition in writing since October 2011.

Signed:  Printed Name: JACOB A. GRAICHEN
Title: CITY PLANNER Date: MAR. 21, 2018



ICDC II, LLC
INST. NO. 2014-004483

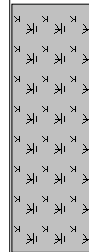
Curve Table					
CURVE	BEARING	HORIZ DIST	RADIUS	ARC	DELTA
C1	S89°49'45"W	60.95'	107.00'	61.81'	33°05'49"
C2	S72°47'15"W	10.85'	630.01'	10.85'	0°59'11"
C3	S72°47'15"W	11.19'	650.01'	11.19'	0°59'11"



REFERENCES:

- 1 = CS NO. L-32
- 2 = CS NO. L-1296
- 3 = CS NO. L-1297
- 4 = CS NO. 4167
- 5 = CS NO. 4515
- 6 = CS NO. 5882
- 7 = CS NO. 6184

LEGEND



APPROXIMATE WETLANDS DIGITIZED
FROM CITY OF ST. HELENS LOCAL
WETLAND INVENTORY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 19, 1993
DONALD D WALLACE, JR.
1223 ALDER STREET
VERNONIA, OREGON 97064
RENEWAL DATE 6/30/16

K.L.S. SURVEYING INC.
VERNONIA, OREGON 97064
(503) 459-9115

PROPOSED PROPERTY LINE ADJUSTMENT FOR
BILL HILL
IN THE SW 1/4 OF SECTION 33,
T5N, R1W, W M
CITY OF ST. HELENS
COLUMBIA, COUNTY OREGON
JANUARY 18, 2018

Jacob Graichen

From: Jennifer Dimsho
Sent: Monday, March 26, 2018 2:46 PM
To: Jacob Graichen
Subject: March Planning Department Report

Here are my additions to the March Planning Department Report.

GRANTS

1. OPRD – Recreational Trails Program – Grant program contract is forthcoming. Summarized research on restroom facility options (including auto locking door technology), signs, bollards, and other project aspects. Kicked off project with team to discuss restrooms, bank work, parking lot work, etc. Reviewed process for building restroom facility in the 100-year flood plain.
2. OPRD – Veterans Memorial Grant – Met at McCormick Park with project team to finalize design and discuss cost estimates on March 5. Confirmed City's ability to make in-kind contributions. Site will be marked out in April for review on the ground with Public Works.
3. TGM – Riverfront Connector Plan – Prepared for and attended 2nd COOLPPL Meeting on March 13. Scope of work amendment to accommodate an online survey. Planned for PC Work Session at 6 p.m. on April 10. Drafted & reviewed press release for online survey. Reviewed online survey for solicitation by March 29.
4. EPA CWA Grant – Planned for & attended 1st Brownfields Advisory Committee (BAC) Meeting on March 20. Coordinated first project for use of grant funds.
5. Ford Family Foundation – Completed and submitted Children, Youth & Families Grant for 25k to support Parks & Recreation Coordinator Position. Application included 5 page narrative, two letters of support, budget, and various attachments. Should hear back within 2 months if successful.
6. Research Community Development Block Grant (CDBG) Program for project deadlines and submission requirements for a partnership with the Columbia Pacific Food Bank. Planned & prepared for meeting on April 3 with state and food bank.
8. Discussed potential bike rack grant opportunities with Bicycle & Pedestrian Commission vice chair.
9. Reviewed Business Oregon's Regional Infrastructure Fund Application for potential projects. Discussed with the state about potential project competitiveness.

MISC

9. Statewide Comprehensive Outdoor Recreation Plan (SCORP) – Filled out a provided needs questionnaire which will be used in statewide planning priorities for off-street trails and future grant funding opportunities (Due March 23)
10. Began researching for and preparing an amendments to our Auxiliary Dwelling Unit (ADU) chapter to comply with SB 1051. Prepared a discussion memo for review.
11. Prepared an outline for a Riverfront Boardwalk/Greenway Design Request for Qualifications for review among staff.
12. Helped model bicycle photos with Communications Officer for tourism-related brochure

Jenny Dimsho

Associate Planner
City of St. Helens
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jdimsho@ci.st-helens.or.us