



**PLANNING COMMISSION**  
**Tuesday, May 08, 2018**  
265 Strand Street, St. Helens, OR 97051  
[www.ci.st-helens.or.us](http://www.ci.st-helens.or.us)

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**Welcome!**

1. **Call to Order and Flag Salute 7 p.m.**
2. **Consent Agenda: Approval of Minutes**
  - 2.A. Draft Minutes dated April 10, 2018  
[041018 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 p.m. - Variance (Setback) at 58700 Magnolia Circle - Hugh & Becky Fitzgerald  
[V.1.18 Staff Report](#)
  - 4.B. 7:30 p.m. - Side Code Adjustment (Variance) at 25031 Millard Road - St. Helens Bible Church  
[V.2.18 & S.7.18 Staff Report](#)
  - 4.C. 8:00 p.m. - Annexation at 60120 & 60110 Barrick Lane - Eric & Linda Zahl  
[A.1.18 Staff Report](#)
5. **Discussion Items**
  - 5.A. Auxiliary Dwelling Unit (ADU) Discussion  
[ADU Memo](#)
  - 5.B. Annual Report to City Council June 6 at 1 p.m.

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**6. Acceptance Agenda: Planning Administrator Site Design Review**

- 6.A. Site Design Review at 495 S. Columbia River Highway - New medical office building

**7. Planning Director Decisions**

- 7.A. a. Home Occupation (Type I) at 59552 Darcy Street - Home-based indoor OLCC-registered marijuana producer  
b. Home Occupation (Type I) at 364 S. 6th Street - Home office for drone mapping  
c. Home Occupation (Type II) at 174 Shore Drive - Home-based interior auto repair  
d. Temporary Use Permit (1 Year Extension) at 555 S. Columbia River Highway - Food service trailer  
e. Home Occupation (Type I) at 455 S. 17th Street - Online art sales  
f. Partition at 1300 & 1400 Kaster Road - City of St. Helens  
g. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - Kiwanis Community Parade  
h. Temporary Use Permit (Medical Hardship) at 464 Grey Cliffs Court - Caregiver living in RV  
i. Temporary Use Permit at 2295 Gable Road - TNT Fireworks Stand  
j. Subdivision (Final Plat) at McBride & Matzen Streets - Multi-Tech Engineering LLC

**8. Planning Department Activity Report**

- 8.A. April 23, 2018 Planning Department Report  
[2018 APR Planning Dept Rept](#)

**9. For Your Information Items**

**Next Regular Meeting** - *June 12, 2018*

**10. Adjournment**

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# City of St. Helens Planning Commission

Draft Minutes

April 10, 2018

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

**Members Absent:** None

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

**Others:**

Patrick Birkle	Rich & Ellen Bailey
Theresa Powell	Ken Hranicky
Michael Duncan	Larry Scott
Daniel Kozpke	Donald Maywald
James Kessi	Vicky Njust
Kolton DeFord	Chandra McNeely

- 1) **Call to Order and Flag Salute - 7 p.m.**
- 2) **Consent Agenda: Approval of Minutes**
  - 2.A Draft Minutes Dated March 13, 2018

**Motion:** Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission approved Draft Minutes Dated March 13, 2018. Vice Chair Cary did not vote due to his absence from that meeting. [Ayes: Commissioner Cohen, Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Commissioner Webster; 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 - Subdivision & Sensitive Lands Permit at 34759 Sykes Road & Surrounding Undeveloped Property - Kessi Engineering & Consulting



Chair Hubbard opened the Public Hearing at 7:02 p.m, There were no ex-parte contacts, conflicts of interests, or bias in this matter. City Planner Jacob Graichen entered the staff report dated March 29, 2018 into the record.

Graichen introduced the Commission to the proposal, as presented in the staff report. He described the two additions that were not included in the original packet. The first is a preliminary hydraulic and drainage report provided by the applicant. The second is a memo with additional recommended conditions that address the Fire Marshal's concerns. Graichen reminded the Commission that they recommended approval of the Planned Development Overlay Zone related to this proposal during the last meeting. He said the City Council officially approved the Planned Development Overlay Zone at their meeting last week. Tonight, the Commission will decide whether or not to approve the Subdivision request.

Graichen wanted to first give context to the City's wetland rules. In the early 1990s, the City had not yet adopted local wetland rules. In late 2003, the City adopted rules that categorized locally significant wetlands and established upland protection zones from delineated wetlands. Graichen compared this subdivision proposal to the adjacent Brookfield subdivision which was before the City's local wetland rules were adopted.

Graichen described that only half of a segment of the Westboro Way right-of-way is on the subject property. This right-of-way is recommended to be partially developed with the subdivision approval. A private street off of Sykes Road will serve five lots and a private access drive off of the cul-de-sac will serve lots six through nine. The remaining lots will be served by the cul-de-sac directly and the extension of Westboro Way.

Graichen described how the applicant would like to utilize 50 percent of the wetland protection zone as part of the adjacent lots, and the remaining 50 percent as a wetland tract. This is what triggers the need to establish a Development Agreement, which is the second public hearing tonight. Graichen noted there is a proposed trail that goes through the wetland protection zone for the residents.

Graichen went through the proposed conditions, as presented in the staff report. Vice Chair Cary clarified the number of phases requested. Graichen said there are only two phases proposed. Commissioner Cohen asked who will enforce the no parking rules on the private drives. Graichen said it will be up to the Homeowners' Association (HOA) or the Fire Marshal to enforce no parking on private driveways (Secretary Note: After speaking with the Fire Marshal after this meeting, he commented that the Fire District wants to avoid being an enforcement agency). Commissioner Cohen asked if there would be something in the HOA rules that requires funding in perpetuity to ensure they can do what they are required to do. He is concerned about HOA's ability to do things if they have no money. Chair Hubbard suggested that the applicant address this. Commissioner Semling asked how the rules of the HOA are set. Graichen said in this case, we have a Development Agreement, which is the second hearing tonight.

Graichen said the private roads will require a maintenance agreement for ongoing maintenance costs. He said this is very common. Commissioner Cohen asked what street standards they have to meet. Graichen said they have to meet the City Engineer's standards. Graichen said generally, this requires that they are paved and can withstand fire apparatus.



Vice Chair Cary asked if the homes on private roads have the private road name as part of their address. Graichen said this is something to be confirmed with Columbia 911 Communications District.

Commissioner Webster asked if a fire turn-around would be required on the private access. Graichen said when a private street is 150 feet in length, it is a requirement. However, the applicant's proposal is to connect the two private driveways with a 20 foot emergency access with removable bollards or cable between lots four and six. Graichen said the Fire Marshal preferred a gate and was still concerned about a lack of turn around. Commissioner Webster asked if it would be paved. Graichen said fire code allows gravel, but our code would require that it be paved. Graichen said the Fire Marshal also noted if the houses on lots four or six are over 30 feet in height, the emergency access will have to be widened 26 feet. Alternative methods could be utilized for the issues discussed, such as fire sprinkling. Graichen said the conditions are written to allow the flexibility to allow the Fire Marshal to make the final decision about whether or not this emergency access will suffice.

Commissioner Webster verified the minimum lot size. Graichen explained that the applicant is choosing to maintain lot sizes over 6,000 square feet, but it is not a requirement of the Planned Development provisions.

Commissioner Cohen asked about fire hydrants. Graichen said they will submit the locations of fire hydrants as part of their utility plan, which will be subject to Fire Marshal and City approval. Regarding the cul-de-sac, Graichen said that the space in between the sidewalk shown on the cul-de-sac was not the 96 feet in diameter that the Fire Marshal would require. However, the City is comfortable with the applicant using rolled curbs to satisfy the minimum diameter in this case, so long as the sidewalks are designed to withstand vehicular weights. Graichen said the cul-de-sac will also need to be signed for no parking.

Graichen said that the Hydraulic Analysis and Drainage Report appears to meet our requirements according to the City Engineer. Graichen said a more detailed look at the stormwater will occur after preliminary plat approval. Vice Chair Cary said he was pleased that the stormwater outfalls are located in the wetland buffer, not in the wetland.

Vice Chair Cary asked how including a wetland buffer within each lot would comply with the intent of a wetland buffer. Graichen said the Commission can help by requiring a condition with the Development Agreement to install a uniform fence and a gate (for each lot) along the boundary of the 50 foot buffer. He said the gate could help facilitate the sense of maintenance and ownership of the wetland buffer.

Commissioner Cohen asked how there will be separation between one half of the buffer that is owned by the adjacent property owner and the remaining half of the buffer that is for the enjoyment of the rest of the subdivision. Commissioner Stenberg said the property owners will be subject to the Covenants, Conditions, and Restrictions (CCRs) which will specify what is publicly owned and privately owned. Graichen confirmed this subject will be discussed more during the next hearing for the Development Agreement.

## **In Favor**

**Kessi, James. Applicant.** Kessi is a licensed Civil Engineer representing the owner of the property, Rich Bailey Construction, as part of the firm Kessi Engineering & Consulting. He said



the concept of the overall development was to create lots that were fairly consistent with the surrounding area. The underlying zoning is R7, so they maintained an average lot size around 7,000 square feet. He said the lot is very sloped and difficult to develop because of the wetlands to the south and the BPA easement to the north. Kessi described the various points of access to the subdivision. He wanted to point out that Tract B is noted as open space, but they recently discovered that the adjacent property owner would like to acquire the small tract to improve access to their property. He described the pedestrian trail within the wetland tract that would connect Sykes Road to the cul-de-sac for the public and residents to use. The two private streets, Bailey Court and Greenway Court, were intended to be less than 150 feet to avoid the need for a fire turnaround. However, he noted they would have a minimum 20-foot paved emergency access between the two private streets. Kessi explained a similar emergency access was provided with the Emerald Meadows subdivision. For the Emerald Meadows subdivision, it was also decided that fire sprinkling could be considered at the time of building permit issuance. Kessi asked if condition 3.a. could be amended to add "or to owner" to allow some of the open space to be conveyed to the adjacent property owner who is interested in the space for improved access.

Kessi said that the seven lots that back up to the wetlands will not have a big lawn, but not everyone wants to have to mow a big lawn. Kessi said they would encourage property owners to plant native species and maintain the buffer in a way that is conducive to wildlife. He said the CCRs and the HOA will require that the buffer zone complies with a management plan, which will not allow buildings in the wetland buffer. The management plan will also dictate the types of plants that can be planted to enhance the area. Commissioner Lawrence asked how the property owner would know what plants are appropriate. Kessi said the wetland biologist will come up with a management plan that includes a planting plan that will be executed prior to the recording of the final plat. There will also be a list of approved plantings provided to property owners.

Kessi said the HOA can be required to maintain the 25 foot portion of the buffer that is included on the adjacent land owner's property, or they can keep it the responsibility of the HOA. Kessi explained that the CCRs and HOA documents are required closing documents, so all property owners will be notified. Kessi said HOAs that fail do not start taking dues immediately. The chances of the HOA being successful are higher if they collect initial fees at closing. This helps ensure that it will be funded in perpetuity. Kessi said homeowners will start self-policing if they know the HOA does not allow certain things. The HOA will have a board and officers at start up. He also noted that the HOA will include language that allows the City to be able to step in if there are any issues of public health and safety that the HOA is failing to accomplish.

Kessi explained each of the private roads will have a maintenance agreement that shares the burden among the benefitting property owners. He also said a budget for what it will take to maintain each shared asset will be created. Kessi said each private street will have an address for emergency services. Kessi said they will work with the Fire Marshal to meet standards for the private drives and the emergency access connection. Vice Chair Cary asked what the gate would look like. Kessi said that has not been determined yet. There will not be any proposed buildings taller than 30 feet in height, so a wider emergency access easement will not be needed.

Kessi submitted a full Preliminary Hydraulic Analysis & Drainage Report into the record. He explained that the Commission received a summary of the larger document. Kessi said after full development, there will be a less than or equal to amount of water that leaves the site. They will



not be impacting downstream conditions. Vice Chair Cary asked where the stormwater will be conveyed. Kessi said the City prefers to utilize the wetland buffer as much as possible. Instead of one large outfall, they are discharging at three or four different points. He explained that the primary discharge point for the cul-de-sac will be a catch basin that runs along the side of lot ten into the buffer. At the outfall point, they will create a diversion berm that will spread the runoff until the water trickles its way to the wetland at a slow rate. He said there are diversion berms located on the outer edges of the buffer of lots eight and nine, and six and seven, and along lot three. Lastly, some water will be collected along Sykes Road and will be directed into the existing stormwater system to the east. Kessi said they have done more stormwater analysis than they would normally at this point in a subdivision, but because of all of the neighbor concerns, they wanted to make sure it was feasible, complimentary to the site, treats the water, and will not impact the downstream conditions. Vice Chair Cary asked if directing the stormwater to the wetland will affect the property owners. Kessi said there are three pipes that go under Mountain View Drive. Their stormwater projections and surveying shows that the water will not top over the storm water system, pre or post-development. They also reached out to Public Works to see if there had been issues with water topping over the pipes. They said only once during an ice storm.

Kessi asked the Commission if the outer 25-foot wetland buffer zone should be maintained by the adjacent property owner or the HOA. He also asked the Commission where the gate should go. Commissioner Cohen said he feels the entire buffer should be accessible to all with an access easement. The Commission seemed to agree.

Vice Chair Cary clarified the location of the stormwater spreaders. Kessi said they should not be located within the wetland, only within the buffer.

Kessi also noted when properties are more difficult to develop, the base price of the land is higher, which translates to a higher housing cost. They are trying to keep the lots as affordable as they can, while complying with the standards. A 10,000 square foot lot is not as affordable. Bailey is trying to appeal to a wider range of homebuyers.

**Bailey, Rich. Property Owner.** Bailey said each lot will be uniquely developed because of the varying lot shapes. He wanted to create a good-looking neighborhood. Bailey said he is relying heavily on Kessi and Graichen for all the wetland protection requirements. He said it has been a difficult property to develop. Developing the property will bring in taxes and System Development Charges for the City.

**Maywald, Donald. 59401 Yarmer Lane.** Maywald owns the property north of the development. They bought six years ago. He thought the vacant land would not be developed soon because of the recession. He is excited to see that Rich Bailey is the one who will be developing the property because of his reputation and quality of the homes. It might be sooner than they were hoping, but he feels it will be a great addition to the neighborhood.

## **In Opposition**

**Scott, Larry. 59309 Mountain View Drive.** Scott has been maintaining the drains under Mountain View Drive. He said it is a minimal drain currently. He said one year there was a lot of rain and snow that filled the drain. The water ran to Sykes Road. Someone put a ditch in that helped, but they have not seen a big storm to see it tested. His suggestion is to re-evaluate the drainage. He does not want the water table to raise because it will cause his home to flood. He



does not understand what the maintenance of a wetlands will be. What will be the flow pattern? Will it change? Where will the drainage from the gutters on all of the homes go? How much can the wetlands take? The culvert that he maintains is the only one that takes water. The culvert further north is too high. He said if the flow does not increase with development, he is fine with it. Commissioner Stenberg asked if Scott notified the City that he is maintaining the culvert besides during this hearing and the previous hearing. Scott said no.

**Njust, Vicky. 34854 Westboro Way.** She is disheartened by the plans. Njust said what is in the wetland is very special. There is a lot of wildlife that utilize the wetlands, and she is concerned that the City is letting the developer carve it up, chain link fence it, and put in culverts. Njust thinks reducing lot sizes and setbacks is short-sided. She has seen other subdivisions where they have pretty much moved the wetlands. She has also seen poorly done wetlands where they are gated and wildlife do not enter because access is diminished. She does not understand the diversion berms that are proposed. She does not want the property owners to have a gate to get to the wetland. Njust is not sure why the City is not considering livability and the future. Why are we only focused on increasing density of housing?

**Kozpke, Daniel. 34815 Westboro Way.** He said he lives at the top of the development. He does not feel there is room for more than six or seven houses. He feels like this will destroy the whole neighborhood. He said there are a lot of children on the streets on the nearby streets. He is concerned about speed limits and increased traffic. Kozpke said there are many other locations to build housing. Putting 18 homes between power lines and a wetland seems crazy. The wetland is beautiful. He wants the Commission to consider the neighbors who already live there.

**Pinto, Jon. 34837 Westboro Way.** Pinto is asking the Commission to remember what St. Helens means to you. To him, it is property rights and common sense. He feels the developer can make money and the neighborhood does not have to be destroyed. He has been in his neighborhood for 12 years. Half of the forest was destroyed. He encouraged the Commission to walk around the site before making a decision. He said there is lots of wildlife in the wetland.

**Pinto, Susan. 34837 Westboro Way.** Pinto grew up in North Portland. She loves the space in St. Helens, the large lots, and open space. She is very concerned about the density of the housing proposed next to her property. She does not feel it will fit into the character of the neighborhood. She is concerned about all of the traffic and speeding traffic going through her neighborhood. It will not be as child-friendly. She asked how big the houses will be. She is concerned about the water runoff affecting her neighbors. She lives on a hill, so it does not impact her directly. She does not expect every home to have as much space as her, but she is concerned that this development is too similar to City-living.

**Kozpke, Daniel. 34815 Westboro Way.** Kozpke wanted to mention he was in a car wreck at the curve on Sykes Road, so it might be dangerous to add more access off Sykes Road.

## **Rebuttal**

**Bailey, Rich. Property Owner.** Bailey said this is his first attempt at developing a subdivision. He said he is a local man and was raised here. He is not a rich man. He graduated from St. Helens High School. He does not understand where the idea that he is just out to make money is coming from. His lots are as big, if not even bigger, as the neighbors' lots. Bailey is upset that people think he is a dishonest person. He does not feel people should bash him as a person.



**Kessi, James. Applicant.** Kessi said someone mentioned property rights. This is a good example of an applicant who is using the adopted rules of the City to develop their private property. Kessi explained that the wetland boundary was delineated by a wetland biologist and confirmed by the state according to their regulations. Not one tree will be removed and not one pipe or ditch will be installed in the wetland. It will remain identical. There is an extra 50 foot buffer to develop a transition from the development to the wetland. Kessi said they will not be changing the flow channels or installing drainage **within** the wetland. Any drainage work will be within the buffer and will transition from the development to the wetland gradually. Kessi also said the runoff from the roofs will have a place to go; it will not be directed toward neighboring properties.

Commissioner Semling asked about the fencing proposed. She said the deer jump her four foot fence. Wildlife will make it past a fence, so she sees no problem with a fence as long as it is not too high. Kessi suggested that the fence be maintained by the HOA as a common fence, rather than privately owned to ensure longevity. Commissioner Lawrence likes this idea. Graichen clarified that the fence condition he recommends pertains to the Development Agreement, not the subdivision approval.

### **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 there are two additional conditions included in the memo provided today. He said another one was suggested by the applicant was a modification to 3.a. to include private property as applicable for conveyance. However, Graichen said it is his preference to deal with the request as a lot line adjustment and to leave the condition as is. This is the cleanest way to avoid any issue with the property being sold separately as a buildable lot. The applicant also suggested an access easement over the outer 25 feet of the wetland buffer.

Vice Chair Cary asked if this subdivision was too small to generate a traffic impact analysis. Graichen said yes; the subdivision is under 250 average daily trips (ADT).

Vice Chair Cary noted that the delineated wetland buffer has concurrence by the Department of State Lands, so it is not just the consultants' idea of where the wetland is located. He was very pleased that no part of the wetland is being impacted and that it has a substantial buffer. He applauds the applicant for their work.

**Motion:** Upon Vice Chair Cary's motion and Commissioner Cohen's second, the Planning Commission unanimously approved the Subdivision with the addition of the two conditions in the memo provided. [AYES: Vice Chair Cary, Commissioner Cohen, Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Commissioner Webster; Nays: None]



**Motion:** Upon Commissioner Cohen's motion and Vice Chair Cary's second, the Planning Commission unanimously approved the Chair to sign the Findings and Conclusions once prepared. [AYES: Vice Chair Cary, Commissioner Cohen, Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Commissioner Webster; Nays: None]

#### **4.B 7:30 p.m. - Development Agreement at 34759 Sykes Road & Surrounding Undeveloped Property - Kessi Engineering & Consulting**

Chair Hubbard opened the Public Hearing at 9:49 p.m., There were no ex-parte contacts, conflicts of interests, or bias in this matter. City Planner Jacob Graichen entered the staff report dated March 29, 2018 into the record.

Graichen introduced the proposal to the Commission and recommended conditions of approval, as presented in the staff report. This is a recommendation for approval by City Council. Ultimately, this Development Agreement will get recorded with the lots. Graichen said that since the proposal is to split the wetland protection zone half into a tract and half as part of the adjacent lots, the Development Agreement is required.

Graichen explained that the one recommended condition, in addition to those presented in the staff report, is to require installation of a fence with gates (one for each lot) along the outer boundary of the 50 foot protection zone. This would prevent inconsistency of each property owner.

#### **In Favor**

**Kessi, James. Applicant.** Kessi is a licensed Civil Engineer representing the owner of the property, Rich Bailey Construction, as part of the firm Kessi Engineering & Consulting. He is open to doing the fence either way. If the concern is trying to make sure that the 50 foot buffer has common maintenance and responsibility, then not having a gate is not a big deal. If the idea is to have the property owner maintain the abutting property, then putting a gate in is important. A split rail fence may be an option, so you can still see through it. Kessi suggested that the management of the buffer would be a function of the HOA, subject to the recommendation of the wetlands biologist and with City approval. Commissioner Lawrence would like it to be built of lasting materials. Vice Chair Cary noted that the maintenance of the fence will be addressed and included in the HOA management. Kessi confirmed that the HOA would include a requirement for permanent maintenance. Graichen noted that setting the fence back from the 25 foot buffer may interfere with the storm water detention facilities. Kessi said that is a good point; there will need to be gaps in the fence for the public access and any storm detention facilities. Vice Chair Cary asked if the starter plants will be monitored for their survival beyond two years. He said the state uses five years. Kessi said they could extend the monitoring beyond two years. Kessi said they also typically overplant to compensate for any loss. Chair Hubbard clarified the building footprint identified on the plans. He noted that some of the footprints are very close to the proposed fence. Commissioner Lawrence suggested putting a barrier on the edge of the buffer, but not something that blocks the view. Kessi agreed. Kessi described an example of an HOA with a wetland/trail that has been going 12 years strong.

#### **In Opposition**

No one spoke in opposition.



## 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

Commissioner Cohen likes the recommendation by the applicant to allow the experts to work with the City on the proper fencing and where it will go, rather than the Commission figuring it out. Chair Hubbard suggested not putting in a fence, but installing posts to delineate where the property line/buffer is. He said some people may not want to block their view, but there has to be some boundary for where you are restricted on what you can do. Vice Chair Cary thinks it should be demarcated before anyone buys a lot. He said the fence should provide the minimum visual impact but the maximum protection for the buffer. That way, dogs can be kept within the yard, but the view is still maintained. He said if it is called a wetland buffer, it should remain demarcated as such. This also makes it easier for the public to use and the HOA maintain the buffer, even if the adjacent property owner technically owns a small strip of it. It would be too difficult to ensure each property owner maintains the buffer they own equally. Commissioner Stenberg and Commissioner Webster agree.

**Motion:** Upon Vice Chair Cary's motion and Commissioner Cohen's second, the Planning Commission unanimously recommended approval of the Development Agreement as written with an added condition for the developer to install a fence that provides maximum protection for the wetland buffer, minimal visual impact to the residents, and has gates for access. [AYES: Vice Chair Cary, Commissioner Cohen, Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Commissioner Webster; Nays: None]

- 5) **Acceptance Agenda: Planning Administrator Site Design Review**  
5.A Site Design Review (Major) at 2575 Sykes Road - Walk-up eating/drinking establishment in an existing building

**Motion:** Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission unanimously approved the Site Design Review (Major) at 2575 Sykes Road - Walk-up eating/drinking establishment in an existing building. [AYES: Commissioner Webster, Commissioner Cohen, Commissioner Lawrence, Commissioner Stenberg, Commissioner Semling, Vice Chair Cary; Nays: None]

- 6) **Planning Director Decisions**  
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  
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

There were no comments.

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

There were no comments.

8) **For Your Information Items**

Vice Chair Cary asked about a steep driveway allowed in the Elk Ridge Estates subdivision. Graichen said he did not remember any steep driveways getting approved.

9) **Next Regular Meeting - May 8, 2018**

10) **Adjournment**

There being no further business before the Planning Commission, the meeting was adjourned at 10:24 p.m.

Respectfully submitted,

Jennifer Dimsho  
Associate Planner



**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Variance V.1.18**

**DATE:** April 27, 2018  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner  
 Jennifer Dimsho, Associate Planner

**APPLICANT:** Hugh & Becky Fitzgerald  
**OWNER:** Same

**ZONING:** Moderate Residential, R7  
**LOCATION:** 58700 Magnolia Circle; 4N1W-8BC-5100  
**PROPOSAL:** Variance to allow a reduced side yard (setback) for a new accessory structure (carport)

The 120-day rule (ORS 227.178) for final action for this land use decision is **August 1, 2018**.

**SITE INFORMATION / BACKGROUND**

The subject property is developed with a detached single-family dwelling. It is an 8,652 sq. ft. corner lot of the Magnolia Circle cul-de-sac, just off of Parkwood Drive. The right-of-way is fully developed with a rolled curb and sidewalk. The property has two paved driveway approaches, as seen below. The proposal is to build a covered, not-fully-enclosed carport on the southwest side of the house that will connect with the second driveway approach. This request is to allow a reduction of a required side yard (setback). The southwest lot line runs diagonally, so the proposed setback along the side varies. At the narrowest point, the proposed setback is 2'3", which is a reduction of 3'3" from the required approximate 5'6" (20% reduction from 7 feet - See findings). The applicant is proposing to pave the location of the carport.



*Subject property's second driveway approach. Just behind the fence is the proposed location for the carport.*



*Neighbor adjacent to the proposed carport's front and side yard. Just behind the fence is the proposed location of the carport.*



## PUBLIC HEARING & NOTICE

Hearing dates are as follows:

May 8, 2018 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 100 feet of the subject property(ies) on April 18, 2018 via first class mail. Notice was sent to agencies by mail or e-mail on April 17, 2018. Notice was published in the The Chronicle on April 25, 2018.

## AGENCY REFERRALS & COMMENTS

**City Engineering:** I only have one comment - the additional runoff from the proposed new structure shall not drain onto the adjacent property and should be directed to the street and public storm drain system.

## APPLICABLE CRITERIA, ANALYSIS & FINDINGS

### SHMC 17.108.050 (1) – Criteria for granting a Variance

- (a) The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;
- (b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- (c) The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
- (d) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and
- (e) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

**Discussion:** Some other laws relevant to this request include:

#### Per SHMC 17.108.050 (4)

This standard allows a 20% reduction of yard (setback) requirements for accessory structures.

#### Per SHMC 17.64.050 (5)

No building or portion thereof, regardless of size, shall be placed closer than three feet to a property line.



## Findings:

### **(a) This criterion requires a finding that the variance will not be detrimental.**

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- Staff comment(s): Generally, the purpose of yard (setback requirements) is to allow for air, light and space between properties. The neighbors on this side of the subject property have a fairly large side yard adjacent to the proposed encroachment, which can be seen in the photo on the first page.
- In addition, the applicant's narrative notes an approval of a slightly smaller carport (14' x 32' instead of 14' x 35') from the Parkwood Crossing Architectural Review Committee (Homeowner's Association).

### **(b) The criterion requires a finding that there are special and unique circumstances.**

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.
- Staff comment(s): Corner lots require larger setbacks on the side flanking the street. Because of this, the placement of the house had to be closer to the southwest property line. The lot does have a unique shape and dimension, which poses unique challenges for placement of a new structure.

### **(c) This criterion prohibits a use variance and requires a finding that the applicable standards are maintained to the greatest extent that is reasonably possible.**

- A use variance is not proposed. Does the Commission think the setback standard is being maintained to the greatest extent possible?
- See applicant's narrative.
- Staff comment(s): A use variance is not proposed; such is prohibited. Detached single-family dwellings and their accessory structures are permitted uses in the R7 zone.

### **(d) This criterion requires a finding that existing physical and natural systems will not be adversely affected as a result of the requested Variance.**

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative, which includes approval from the Parkwood Crossing Architectural Review Committee (the HOA). The applicant also indicates specific approval from adjacent neighbors.
- Staff comment(s): In order of the structure to fit in with the surrounding character of the neighborhood, the applicant is utilizing similar architectural features (gable roof, similar siding, and paint color) to match that of the home.



- While SHMC 17.64.050 (5) requires any structure or portion of a structure to be at least three feet from property lines, the structure is metal and not enclosed, which may have a lower potential fire risk than a fully enclosed wooden structure.
- The proposal includes gutters on the carport which will direct stormwater to the stormwater catch basin located in the Magnolia Circle right-of-way, not onto neighboring properties.

**(e) This criterion requires a finding that the variance issue is not self-imposed and that the variance is the minimum necessary to alleviate the hardship.**

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.
- Staff comment(s): SHMC 17.108.050 (4) means that the applicant is requesting a variance of only approximately 3'3" from the 7 foot side setback, as opposed to approximately 4'9".
- The applicant states they are willing to install a smaller carport (14' x 32') if the Commission feels this size is the minimum necessary to alleviate the hardship.

#### **CONCLUSION & RECOMMENDATION**

**Based on the facts and findings herein, if the Planning Commission approves the Variance for a reduced setback (yard), staff recommends the following conditions:**

1. This Variance approval is valid for a limited time pursuant to SHMC 17.108.040.
2. This Variance shall apply to the proposed plan as submitted only or one with equal or less minimum required yard encroachment.

**Attachment(s):** *Site Plan, Applicant's narrative and exhibits (6 pages)*







4-2-18

18

To whom this may concern.

We, Hugh and Becky Fitzgerald would like to place a 14'W x 35'L x 14'H @ the Peak) Carport in the space next to our garage, that will be anchored down to a concrete pad. The space we have is 18'10" behind the front property line and would be 5'8" away from the garage side property line at the front of the Carport and 2'3" away from the Garage side property line at the back of Carport. The Carport will be 14' away from the property line at the back of the property. The Carport will be at least 3' from the house/Garage the full length of it. Also due to the fact that the Carport structure is all metal it poses no fire hazard to any other property or structure. Due to the shape of our lot, it does not provide for standard set backs according to land use/Building Codes. We did submit drawings and substantial information to our H.O.A. and have been approved for a 14'W x 32'L carport or a 14'W x 35'L carport depending upon which size the city will allow, attached is our approval letter. Also we have discussed building the Carport with some of our neighbors (and they have given their consent.) Although we know you can not take our word for it.

Thank you,

Hugh and Becky Fitzgerald



Example  
Photo

AT&T 1:06 PM 71%  
westcoastmetalbuildingsinc.com  
carport

BACK | NEXT

THUMBNAIL



Trim  
White

Pebble  
Beige

Sandstone

Black

Earth  
Brown

Rawhide

Clay

Quaker  
Gray

siding

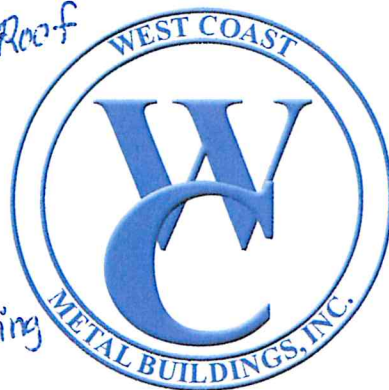
Pewter  
Gray

Barn Red

Slate Blue

Evergreen

# WEST COAST METAL BUILDINGS



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[pacificnwbuilding@gmail.com](mailto:pacificnwbuilding@gmail.com)

\*Exterior and interior colors may vary



# THE MANAGEMENT TRUST -NORTHWEST-

PO Box 23099 Tigard, OR 97281-3099  
(503) 670-8111 (FAX-General) 670-0775 e-mail: info@managementtrust.com

March 8, 2018

Hugh & Becky Fitzgerald  
58700 Magnolia Cir  
St Helens OR 97051

Re: Review Application for:

☐ Landscape ☒ Construction ☐ Other **Carpport**

The Parkwood Crossing Architectural Review Committee has completed your Architectural Review Application with the following results:

## DECISION:

☒ Approved ☐ Approved w/conditions ☐ Disapproved

Comments or Conditions to the approval are:

Congratulations! Your plans have been approved as submitted.

Construct a carport

Dimensions: 14' wide x 32' long x 14' high (peak height)

Siding/ gables: Pewter Gray

Trim: White

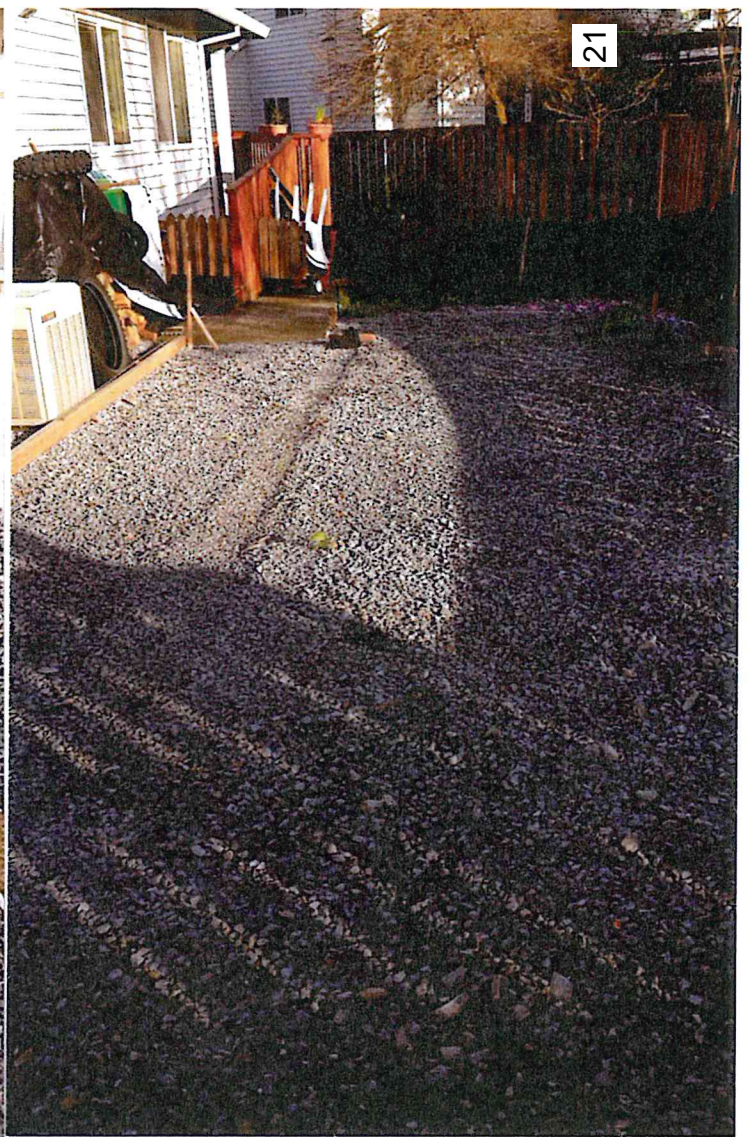
Roof: Black

It is your responsibility to obtain all necessary permits from applicable agencies, locate and comply with all easements. Changes to the proposed plan necessitated by permits or compliance with local, state or federal building or land use laws are subject to additional review.

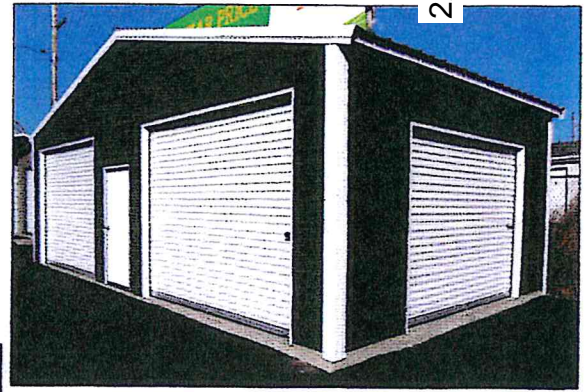
We wish you success with your project. If you have any questions please feel free to contact us.

Respectfully,  
Review Coordinator  
The Management Trust - Northwest









TEL. \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**VERTICAL  
A-FRAME**

# West Coast Metal Buildings, Inc.

*Quality*

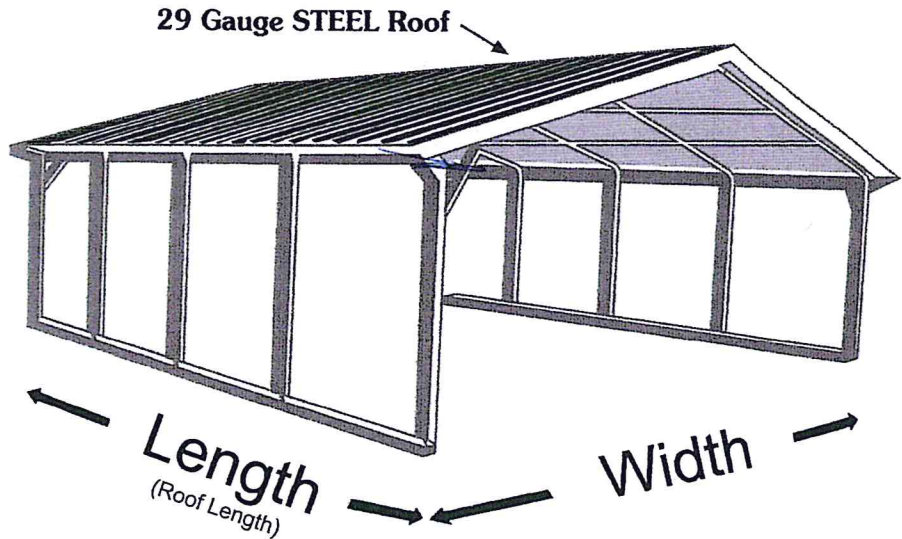
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W(503) 543-7433 [www.pacificnwsheds.com](http://www.pacificnwsheds.com)  
[pacificnwbuilding@gmail.com](mailto:pacificnwbuilding@gmail.com)

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Gauge Thickness	W x L					
<b>14</b> GAUGE	12x20	\$1245	18x20	\$1495	20x20	\$1745
	12x25	\$1495	18x25	\$1875	20x25	\$2125
	12x30	\$1745	18x30	\$2245	20x30	\$2495
	12x35	\$2225	18x35	\$2625	20x35	\$2875
	12x40	\$2595	18x40	\$3095	20x40	\$3595
<b>12</b> GAUGE	12x20	\$1495	18x20	\$1745	20x20	\$1995
	12x25	\$1745	18x25	\$2125	20x25	\$2495
	12x30	\$1995	18x30	\$2495	20x30	\$2895
	12x35	\$2375	18x35	\$3095	20x35	\$3245
	12x40	\$3095	18x40	\$3595	20x40	\$4095
					22x20	\$1995
					22x25	\$2395
					22x30	\$2895
					22x35	\$3375
					22x40	\$4095
					24x20	\$2245
					24x25	\$2745
					24x30	\$3375
					24x35	\$3995
					24x40	\$4595
					24x20	\$2495
					24x25	\$3125
					24x30	\$3745
					24x35	\$4445
					24x40	\$5095

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ADDITIONAL  
OPTIONS**

**THE  
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on rust through of  
framing on roofing  
material assuming  
normal user care*

**WE ACCEPT**





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

**Sign Code Adjustment (Variance) V.2.18  
Sign Permit S.7.18**

**DATE:** April 27, 2018  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner  
 Jennifer Dimsho, Associate Planner

**APPLICANT:** St. Helens Bible Church  
 c/o Oscar Eisenschmidt  
**OWNER:** Same

**ZONING:** Moderate Residential, R7  
**LOCATION:** 35031 Millard Road; 4N1W-8CB-501  
**PROPOSAL:** Sign code adjustment (variance) to allow an increased sign face and height

The 120-day rule (ORS 227.178) for final action for this land use decision is **August 8, 2018**.

**SITE INFORMATION / BACKGROUND**

The subject property, just under three acres in size, lies on the north side of Millard Road. It was annexed into the City as Moderate Residential (R7) in late 2010. To the east, the zoning abutting the site is the City's Public Lands. To the south, west, and north, the zoning is Columbia County's Single-Family Residential (R-10). To the southwest, the zoning is Columbia County's Mobile Home Residential (MHR). The site is developed with a "stick built" church building and a few other related accessory buildings. The buildings on the site are set back over 300 feet away from the Millard Road right-of-way. The property's Millard Road frontage lacks rights-of-way improvements (sidewalk and curb).



*Corner of the subject property looking east on Millard Road.  
Church driveway is in the foreground.*



## PUBLIC HEARING & NOTICE

Hearing dates are as follows:

May 8, 2018 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 100 feet of the subject property(ies) on April 18, 2018 via first class mail. Notice was sent to agencies by mail or e-mail on April 17, 2018. Notice was published in the The Chronicle on April 25, 2018.

## AGENCY REFERRALS & COMMENTS

**City Engineering:** I have no objections as long as the sign is located outside of required visual clearance setback area, which shall be measured from the property line as show on the Visual Clearance Exhibit included with the reference materials.

## APPLICABLE CRITERIA, ANALYSIS & FINDINGS

**Applicable sign district (SHMC 17.88.050):** Residential

**Type of sign proposed:** One monument sign

**Applicable standards of sign district:** For churches, schools, public/semi-public facilities, and privately owned community centers, one single- or double-faced monument sign shall be permitted. Where such a facility has multiple street frontages, signage may be permitted on each frontage. Sign area shall not exceed 16 square feet for each sign face (if no bulletin board included). Excluding the sign foundation, the proposed sign face is approximately 40 square feet. The applicant is proposing a sign code adjustment to increase the maximum sign face from 16 to 40 square feet. This variance is subject to Planning Commission approval and is discussed further below.

**Standards specific to type of sign:** Monument signs shall be no more than six (6) feet in height. The proposed monument sign is 94 7/8 inches tall, which is approximately 7.9 feet tall. The applicant is proposing a sign code adjustment to increase the maximum sign height from six feet to 7.9 feet tall. This is subject to Planning Commission approval, discussed further below.

For **freestanding signs**, no part of the sign shall be erected or maintained within three feet of a street front property line or within five feet of a side lot line, unless approved by the Fire Marshal. In addition, no part of the sign shall project into the right-of-way. The monument sign proposed located is 20 feet from the street property line and Millard Road right-of-way. This will not meet vision clearance standards. The proposed monument sign must be outside of the vision clearance area formed from the driveway at Millard Road, as demonstrated in the sign location attachment. Millard Road is classified as a Minor Arterial according to the City's Transportation Systems Plan, so the vision clearance area extends 35 feet on each side of the intersection.

The proposed monument sign does not have an external bracing system. Only one freestanding sign is allowed for each street frontage. Only one freestanding sign is proposed and there are no



other freestanding signs on the property. The sign may only be within three feet of a front and five feet of a side property line, provided no objection from the Fire Marshal. This shall be a condition of approval. The proposed freestanding sign is not in an area accessible by vehicles and it is not within a commercial/industrial sign district.

**SHMC 17.88.125 Illumination Standards** do not apply. The sign is not proposed to be internally illuminated.

#### **SHMC 17.88.135 Sign Adjustments (Variances)**

- (1) Adjustments to the standards of this chapter are possible pursuant to Chapter 17.108 SHMC, except adjustments shall be reviewed by the planning commission.
- (2) The approval criteria per Chapter 17.108 SHMC shall apply, in addition to the following:
  - (a) Any reference to "zoning district" shall be substituted with "sign districts" per SHMC 17.88.050;
  - (b) The requested adjustment shall not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and
  - (c) Approval of the adjustment will not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.
- (3) The planning commission shall conduct a public hearing on the request for adjustment. The commission shall approve, approve with conditions, or deny the adjustment, based upon the evidence at the hearing. The commission may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from approving the adjustment. The hearing shall be conducted under the procedures used by the commission for a quasi-judicial land use hearing.

**Findings:** Except for 17.88.135(2)(b) and (c) the information above are not approval criteria. Thus only (b) and (c) are listed here:

**(b)** The applicant addresses this. This sign code adjustment request is the result of the speed at which vehicles travel along Millard Road and the scale and size of the subject property.

**(c)** The surrounding uses are largely residential and public lands. Approval of the sign code adjustment should not impose limitations on other properties, including signage. The Commission needs to decide if approval of the sign code adjustment will adversely affect the appearance of the development and use of the surrounding properties.

#### **SHMC 17.108.050 (1) – Criteria for granting a Variance**

- (a) The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;



- (b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- (c) The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
- (d) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and
- (e) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

### **Findings:**

#### **(a) This criterion requires a finding that the variance will not be detrimental.**

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- Staff comment(s): The intent of having two separate sign code districts (commercial/industrial and residential) is to ensure that signage does not conflict with the surrounding uses, such as large and/or bright commercial signage imposing on residential uses. The commercial/industrial sign district allows a monument sign face to be a maximum of 40 square feet, but the residential district does not. Does the Commission feel this proposed signage will not be detrimental to the surrounding residential uses?

#### **(b) The criterion requires a finding that there are special and unique circumstances.**

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.
- Staff comment(s): Millard Road has a 40 mph speed limit and is surrounded by residential, so the Commission needs to decide if a larger size sign for legibility is a special or unique circumstance of which the applicant has no control. The site is also adjacent to unincorporated County property, which has different sign code rules than the City.

#### **(c) This criterion prohibits a use variance and requires a finding that the applicable standards are maintained to the greatest extent that is reasonably possible.**

- A use variance is not proposed.
- Staff comment(s): A use variance is not proposed; such is prohibited.

#### **(d) This criterion requires a finding that existing physical and natural systems will not be adversely affected as a result of the requested Variance.**



- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.
- **Staff comment(s):** This criterion is met, given compliance with the vision clearance standards and is completely outside of the public right-of-way. This shall be a recommended condition of approval.

**(e) This criterion requires a finding that the variance issue is not self-imposed and that the variance is the minimum necessary to alleviate the hardship.**

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.
- **Staff comment(s):** Does the Commission think that a 40 square foot sign face and a 7.9 feet height is the minimum variance necessary to alleviate the hardship?

### CONCLUSION & RECOMMENDATION

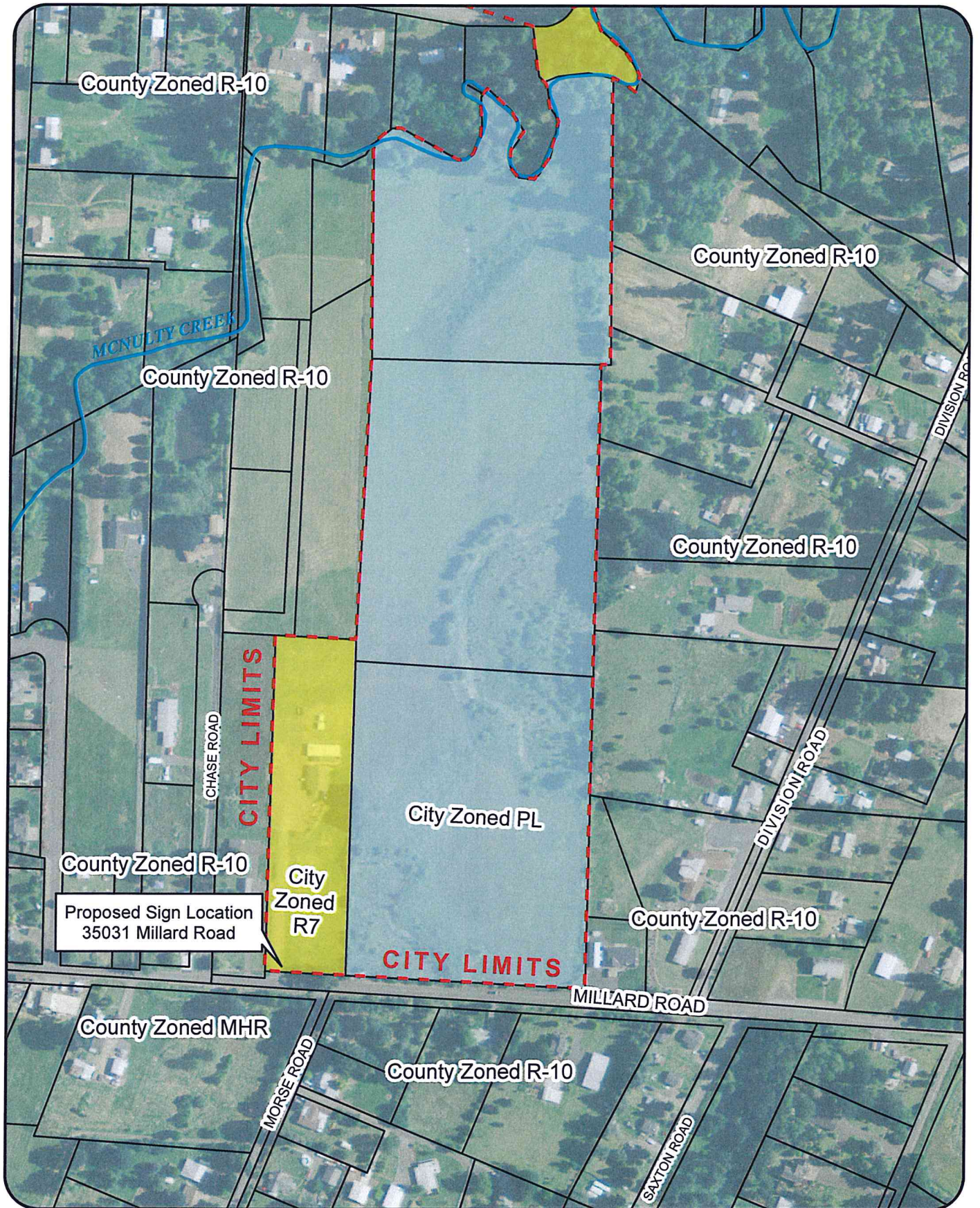
**Based on the facts and findings herein, if the Planning Commission approves the Sign Code Adjustment (Variance) for monument sign that exceeds the maximum size and maximum height, staff recommends the following conditions:**

1. This approval shall be valid for six months from the date of approval pursuant to SHMC 17.88.130. The sign permit shall be void if installation is not completed within this period or if the sign does not conform to the approved permit.
2. The planning director may revoke this sign permit if the director finds that there was a material and misleading false statement of fact in the permit application.
3. This Variance shall apply to the proposed plan as submitted only or one with equal or less of a sign code adjustment to the maximum height and maximum sign area.
4. No part of the proposed sign shall extend into the vision clearance area or into the public right-of-way. Applicant bears the responsibility to ensure sign is not wholly or partially within the vision clearance area or within the right-of-way. **A revised plan will be required.**
5. If the proposed sign location appears to be less than 3 feet of a street front property line or 5 feet of a side lot line, such placement is only acceptable if the Fire Marshall determines the sign will not interfere with adequate fire access to any property [SHMC 17.88.095(1)]. **The final sign location will require review and approval by the City prior to installation.**

**Attachment(s):** V.2.18 & S.7.18 Map, Applicant's Narrative & Sign Dimensions, Location & Vision Clearance Exhibit, Sign Scale (2)

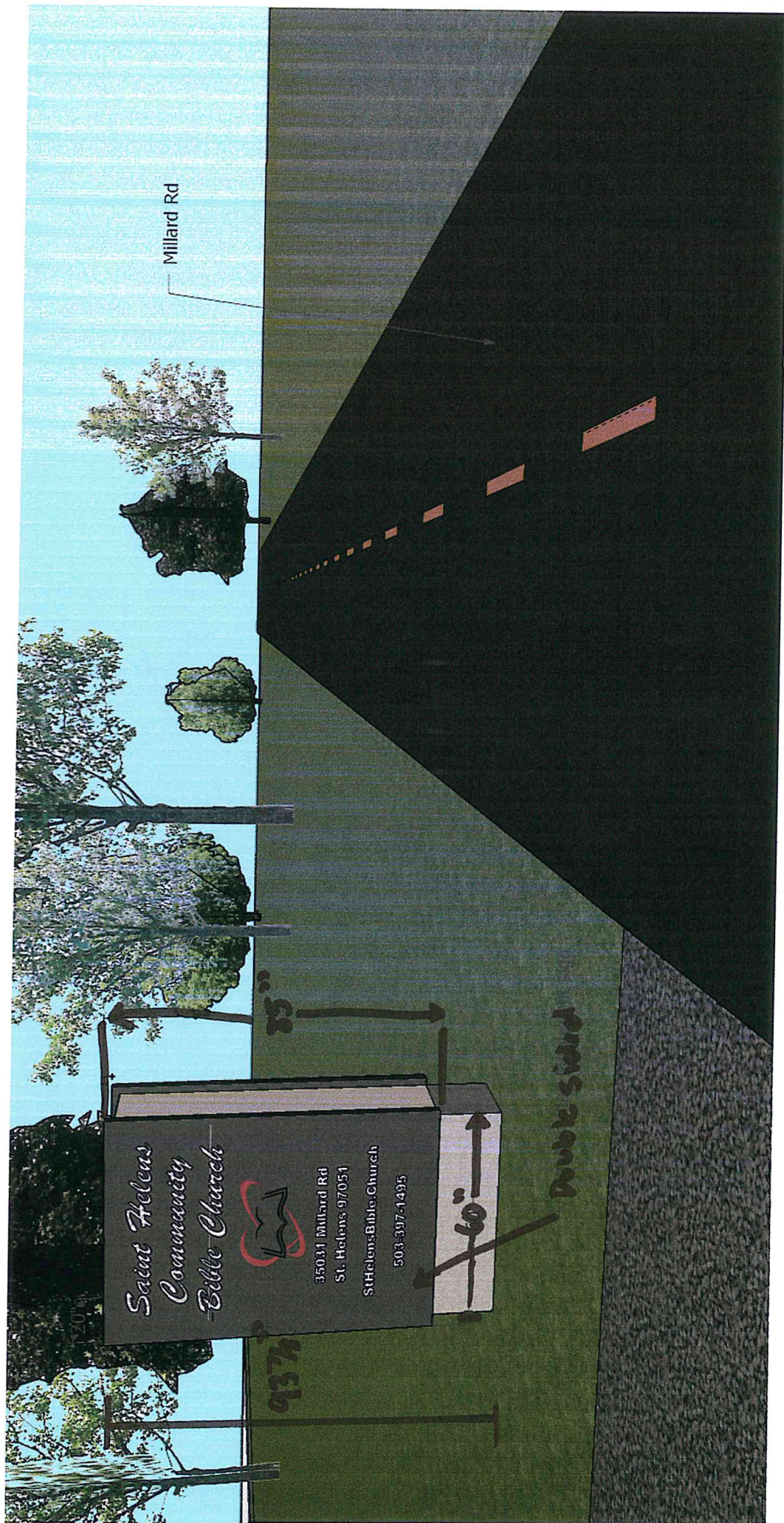


# Sign Code Adjustment (Variance) Map V.2.18 & S.7.18





# Sign Dimensions



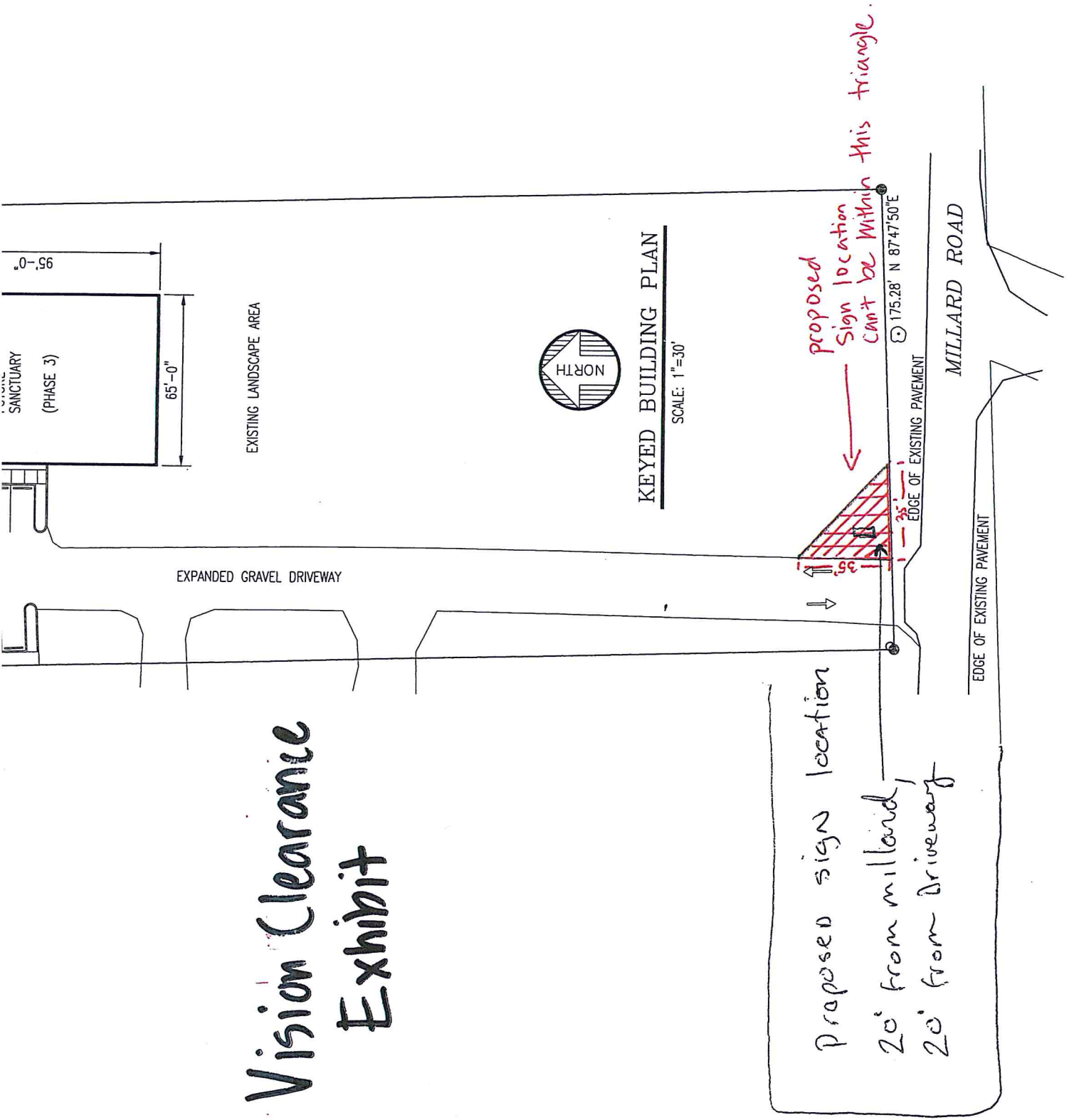


## Sign Code Adjustment Narrative

Request adjustment of city sign ordinance to allow the building of a monument sign to a size consistent with Columbia **County** sign ordinance. Commercial use building recently incorporated into city but zoned residential and area designated residential sign district. Sign visible from Millard (which is a county road) and has 40 mph speed limit. Actual building located almost 300 feet from road, with open grass field separating building from road. Sign built within city residential sign district ordinance would be prohibitively difficult to read while driving speed limit, and large distance between building and signage would make sign appear diminutive (if built to maximum allowed in city ordinance). See attached renderings for relative scale and aesthetic of proposed signage.



# Vision Clearance Exhibit





Sign Scale 1









**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Annexation A.1.18**

**DATE:** April 27, 2018  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner  
 Jennifer Dimsho, Assistant Planner  
**APPLICANT:** Eric & Linda Zahl  
**OWNERS:** Same  
**ZONING:** Columbia County's Single-Family Residential, R-10 Zoning  
**LOCATION:** 5N1W-32DC-1900 & 2000  
**PROPOSAL:** The property owner filed consent to annex to develop the property using City development standards

**SITE INFORMATION / BACKGROUND**

The subject property contains two adjacent parcels that total approximately 6.64 acres. The parcels are accessed by Barrick Lane, which is variable width access easement originally described in Instrument No. 98-05237 as 16 feet in width. The variable access easement was widened with Elk Ridge Estates Phase 2. The location of the access easement appears to coincide with the actual location of the driveway. The driveway is gravel, except for a small asphalt portion adjacent to Hankey Road. Hankey Road has sidewalks and curb for the entire length of the subject properties. There are two street stubs that terminate on the subject properties, one off Wapiti Drive in the Elk Ridge Estates subdivision to the north and one off Skyline Drive in the Sunrise Heights subdivision to the south.



Each parcel is developed with a detached single-family dwelling and other smaller accessory buildings. The parcels slope generally towards the northwest property line with a cliff drop off down to Hankey Road below. There are multiple large, mature trees on the property. The property is bordered on the east with Weyerhaeuser-owned property which is zoned County Primary Forest. The





other three borders of the property are zoned the City's Moderate Residential, R7 zone.

### PUBLIC HEARING & NOTICE

Hearing dates are as follows:

May 8, 2018 before the Planning Commission

June 20, 2018 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on April 25, 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 April 25, 2018. Notice was sent to the Oregon Department of Land Conservation and Development on March 29, 2018 via e-mail.

### AGENCY REFERRALS & COMMENTS

**City Engineering:** One comment: R7 seems the most appropriate for this property, based on adjacent subdivisions. Third-party anecdotal comment: There may be a portion of the historical local landfill located on the subject property.

### APPLICABLE CRITERIA, ANALYSIS & FINDINGS

#### SHMC 17.20.120 – Standards for Legislative Decision

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

- (a) The statewide planning goals and guidelines adopted under ORS Chapter 197, including compliance with the Transportation Planning Rule (TPR) as described in SHMC 17.08.060
- (b) Any federal or state statutes or guidelines found applicable;
- (c) The applicable comprehensive plan policies, procedures, appendices and maps; and
- (d) The applicable provisions of the implementing ordinances; and
- (e) A proposed change to the St. Helens zoning district map that constitutes a spot zoning is prohibited. A proposed change to the St. Helens comprehensive plan map that facilitates a spot zoning is prohibited.

(2) Consideration may also be given to:

- (a) Proof of a change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

**Discussion: (1)(a)** The statewide planning goals and compliance with the Transportation Planning Rule (TPR) are addressed later.

**(1)(b)** Section 3 of the City's Charter states that "annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate." However, during the 2016 Legislative Assembly, Senate Bill 1578 was passed. It states that a City shall annex the territory without submitting the proposal to the electors if certain criteria are met:

- 1. Property is within the UGB
- 2. Property will be subject to the City's Comprehensive Plan



3. Property is contiguous to the City limits or is separated by only a public right of way or body of water
4. Property conforms to all other City requirements

As this proposal meets these criteria, this property will not be subject to a majority vote among the electorate.

There are no other known federal or state statutes applicable to this proposal.

**(1)(c)** The Comprehensive Plan designation for the subject property is Rural Suburban Unincorporated Residential (RSUR). Applicable designation and zoning district for annexation are discussed later.

There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC. Note that SHMC 19.08.030 discusses public services and facilities and includes utility provisions (e.g., water and sewer) as well as services such as police and library. In sum, all services are intertwined; the consent to annexation allows connection to City sewer to support existing and future development on the subject property, and, once annexed, all other City services/facilities. By this process, the proposal complies with this aspect of the Comprehensive Plan.

There is no known conflict with the addendums to the Comprehensive Plan which includes Economic Opportunities Analysis (Ord. No. 3101), Waterfront Prioritization Plan (Ord. No. 3148), the Transportation Systems Plan (Ord. No. 3150), the Corridor Master Plan (Ord. No. 3181), and the Parks & Trails Master Plan (Ord. No. 3191).

Finally, there is no evidence that this proposal will be contrary to the health, safety and welfare of the community.

**(1)(d)** Relevant implementing ordinances are discussed later in the annexation criteria.

**(1)(e)** This criteria prohibits spot zoning. Whether or not this proposal is considered spot zoning depends on the recommendation of the Planning Commission and the decision of the City Council for the applicable zoning designation for this annexation.

**(2)(a)** There is no evidence of a change in neighborhood, or mistake or inconstancy in the Comprehensive Plan or Zoning Map.

**Finding:** Depending on the recommendation and decision of the City Council for the applicable zoning designation, the criteria for a legislative decision are met.

#### **SHMC 17.08.060 – Transportation planning rule compliance**

- (1) Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation



facility, in accordance with OAR 660-012-0060 (the Transportation Planning Rule ("TPR")).

"Significant" means the proposal would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  - (b) Change standards implementing a functional classification system; or
  - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
    - (i) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
    - (ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
    - (iii) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Amendments That Affect Transportation Facilities. Comprehensive plan amendments, zone changes or land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060.
  - (c) Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
  - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (3) Traffic Impact Analysis. A traffic impact analysis shall be submitted with a plan amendment or zone change application, as applicable, pursuant to Chapter 17.156 SHMC.

**Discussion:** This section reflects State law regarding the Transportation Planning Rule (TPR): Transportation Planning Rule (TPR), OAR 660, Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility. **This proposal is an annexation, not a zone change or a Comprehensive Plan amendment.**

**Finding:** No traffic impact analysis is warranted at this time.

#### **SHMC 17.28.030 (1) – Annexation criteria**

- (a) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
- (b) Comply with comprehensive plan amendment standards and zoning ordinance amendment standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and
- (c) Complies with state laws; and
- (d) Abutting roads must meet city standards or property owner will be required to sign and record an irrevocable consent to local improvement district; and



- (e) Property exceeding 10 acres in gross size must show a need on the part of the city for such land if it is designated residential (e.g., less than five years' supply of like designated lands in current city limits).

**Discussion:** **(a) City water** is available to the site from Hankey Road to the west, Wapiti Drive to the north, and Skyline Drive to the south. The City's current water capacity is 6 million gallons/day and the peak flow, usually in the summer, is 3 to 4 million gallons/day. Additionally, the City has the capacity of approximately 10 million gallons to meet future demands. Any additional uses that occur on the subject property can be accommodated by the City's municipal water system as infrastructure has substantial capacity available.

**City sanitary sewer** is available from the same rights-of-way as water. Should the property owner wish to connect to City sanitary sewer, the City's waste water treatment plant currently has the capacity (physically and as permitted by DEQ) to handle 50,000 pounds of Biochemical Oxygen Demand (BOD), which is the "loading" or potency of the wastewater received by the plant. The average daily BOD is well below this at only 1,500 pounds. Thus, any potential uses that occur on the subject property can be accommodated by the City's sanitary sewer system as infrastructure is in place or can be upgraded and there is substantial capacity available.

Regarding **transportation**, as described above, this annexation does not warrant a transportation impact analysis at this time. Should the property be subdivided in the future for development, a transportation impact analysis would likely be required at that time.

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

**(b)** The subject property is surrounded by the City's Moderate Residential, R7 zone on three sides and County Primary Forest, PF-80 on the east side. The City's Comprehensive Plan designation for the subject property is Rural Suburban Unincorporated Residential (RSUR).

#### **Per SHMC 19.12.060 Rural Suburban Unincorporated Residential Goals and Policies:**

- (1) Goals. To provide sufficient area for urban development that will accommodate a variety of housing types.
- (2) Policies. It is the policy of the city of St. Helens to:
  - (a) Work with the county on partition and subdivision applications for these lands to ensure that they are divided in a manner that does not hinder future urbanization.
  - (b) Zone the rural suburban-unincorporated residential at R7 or R10 upon annexation to the city unless circumstances listed in subsection (2)(c) of this section exist.
  - (c) Consider zoning lands with the rural suburban-unincorporated residential category for R5 or AR if the following conditions are found:
    - (i) The parcel is vacant and larger than two acres in size.
    - (ii) The carrying capacity of the public services, including but not limited to streets, sewer, and water, are sufficient for higher density development.
    - (iii) The county and city determine, due to the pattern of development in the city and within the urban growth area, that other lands are more appropriate for these designations.

The Comprehensive Plan requires that upon annexation, Rural Suburban Unincorporated Residential, RSUR would be (incorporated) Suburban Residential, RS. There are two zoning



options under that designation: Suburban Residential, R10 or Moderate Residential, R7, unless criteria under (2)(c) are met. Excluding the developed portions of the sites, the property is larger than two acres, so (2)(c)(i) is met. As noted above, the carrying capacity of the public services is also sufficient for the higher density development, so (2)(c)(ii) is met. In order to meet (2)(c)(iii), the Planning Commission and City Council must determine the zoning designation (R10, R7, R5 or AR) that follows the development pattern within the urban growth area and in the City to ensure it will not conflict with the City's Comprehensive Plan policies.

**NOTE:** The applicant is requesting R5 zoning. See the attached narrative.

The existing use (detached single-family dwelling) is possible with all possible City residential zoning designations upon annexation.

**Finding:** The subject property shall be designated on the Comprehensive Plan Suburban Residential (RS) and zoned R10, R7, R5 or AR (based on Planning Commission recommendation and City Council decision) upon annexation.

**(c) With regards to Oregon Revised Statutes (ORS), city annexations of territory must be undertaken consistent with ORS 222.111 to 222.183.**

Pursuant to ORS 222.111(1), a City may only annex territory that is not within another City, and the territory must either be contiguous to the annexing City or be separated from the City only by a body of water or public right-of-way. The subject property is not within another City's jurisdiction and City of St. Helens corporate limits lies on three sides of the subject property.

Although undertaking an annexation is authorized by state law, the manner in which a city proceeds with annexation is also dictated in the city charter. ORS 222.111(1) references a city's charter as well as other ORS. St. Helens' Charter requirements pertaining to annexations are noted above.

Per ORS 222.111(2) an annexation may be initiated by the owner of real property or the city council. This annexation request was initiated by the property owners. Further, ORS 222.125 requires that that all property owners of the subject property to be annexed and at least half of the electors residing on the property consent in writing to the annexation. These documents were submitted with the annexation application.

**ORS 197.175(1) suggests that all annexations are subject to the statewide planning goals.** The statewide planning goals that could technically apply or relate to this proposal are Goals 1, 2, 11 and 12.

- ***Statewide Planning Goal 1: Citizen Involvement.***  
*Goal 1 requires the development of a citizen involvement program that is widespread, allows two-way communication, provides for citizen involvement through all planning phases, and is understandable, responsive, and funded.*



Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in the statutes and in its acknowledged comprehensive plan and land use regulations. The City's Development Code is consistent with State law with regards to notification requirements. Pursuant to SHMC 17.20.080 at least one public hearing before the Planning Commission and City Council is required. Legal notice in a newspaper of general circulation is also required. The City has met these requirements and notified DLCD of the proposal.

- ***Statewide Planning Goal 2: Land Use Planning.***

*Goal 2 requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.*

Generally, Goal 2 requires that actions related to land use be consistent with acknowledged Comprehensive Plans and coordination with affected governments and agencies and be based on an adequate factual base. The City has an adopted Comprehensive Plan, compliance of this proposal which is addressed herein. Moreover, explanation and proof of coordination with affected agencies and factual base are described herein, as well, including inventory, needs, etc.

- ***Statewide Planning Goal 11: Public Facilities and Services.***

*Goal 11 requires cities and counties to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The goal requires that urban and rural development be "guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."*

City water and sewer capacities are adequate to serve the subject property. This is explained above. Moreover, there is no evidence that adequate infrastructure cannot be made available to serve the annexed area if redeveloped. The existing development is adequately served.

- ***Statewide Planning Goal 12: Transportation.***

*Goal 12 requires cities, counties, metropolitan planning organizations, and ODOT to provide and encourage a "safe, convenient and economic transportation system." This is accomplished through development of Transportation System Plans based on inventories of local, regional and state transportation needs. Goal 12 is implemented through OAR 660, Division 12, also known as the Transportation Planning Rule ("TPR"). The TPR contains numerous requirements governing transportation planning and project development.*

Traffic impacts and the City's provisions that address the TPR are explained above. This proposal does not warrant a transportation impact analysis at this time.



**(d)** The subject property abuts Hankey Road, which is a County road at this location.

The City's Transportation Systems Plan designates Hankey Road as a Minor Arterial and is subject to Minor Arterial standards. Hankey Road was allowed to be developed to an alternate standard based on subdivisions that have been developed. This alternate standard is met and will be reviewed further when the subject property is developed. At a minimum, some right-of-way dedication is anticipated around the Hankey Road/Barrick Lane intersection.

**(e)** The subject property is not greater than 10 acres in size, so this criterion does not apply.

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

#### **SHMC 17.28.030 (2) – Annexation criteria**

The plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's comprehensive plan map designation.

**Discussion:** The City's Comprehensive Plan designation for the subject property is Rural Suburban Unincorporated Residential (RSUR). Upon annexation, the Comprehensive Plan designation would be (incorporated) Suburban Residential, RS. As noted above, the Planning Commission and City Council must determine the zoning designation R10, R7, R5 or AR which most closely implements the City's Comprehensive Plan Map designation.

**Finding:** Depending on the determinations of the Planning Commission and Council, the subject property shall be designated Suburban Residential (R10), Moderate Residential (R7), General Residential (R5), or Apartment Residential (AR).

#### **SHMC 17.112.020 – Established & Developed Area Classification criteria**

- (1) Established Area.
  - (a) An "established area" is an area where the land is not classified as buildable land under OAR 660-08-0005;
  - (b) An established area may include some small tracts of vacant land (tracts less than an acre in size) provided the tracts are surrounded by land which is not classified as buildable land; and
  - (c) An area shown on a zone map or overlay map as an established area.
- (2) Developing Area. A "developing area" is an area which is included in the city's buildable land inventory under the provisions of OAR except as provided by subsection (1)(b) of this section.

**Discussion:** OAR 660-008-0005 generally defines "Buildable Land" as vacant residential property not constrained by natural hazards or resources, and typically not publicly owned. The subject property is considered "buildable."

**Finding:** The subject property should be designated as a "developing area."

### **CONCLUSION & RECOMMENDATION**

**Based upon the facts and findings herein, staff recommends approval of this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of**



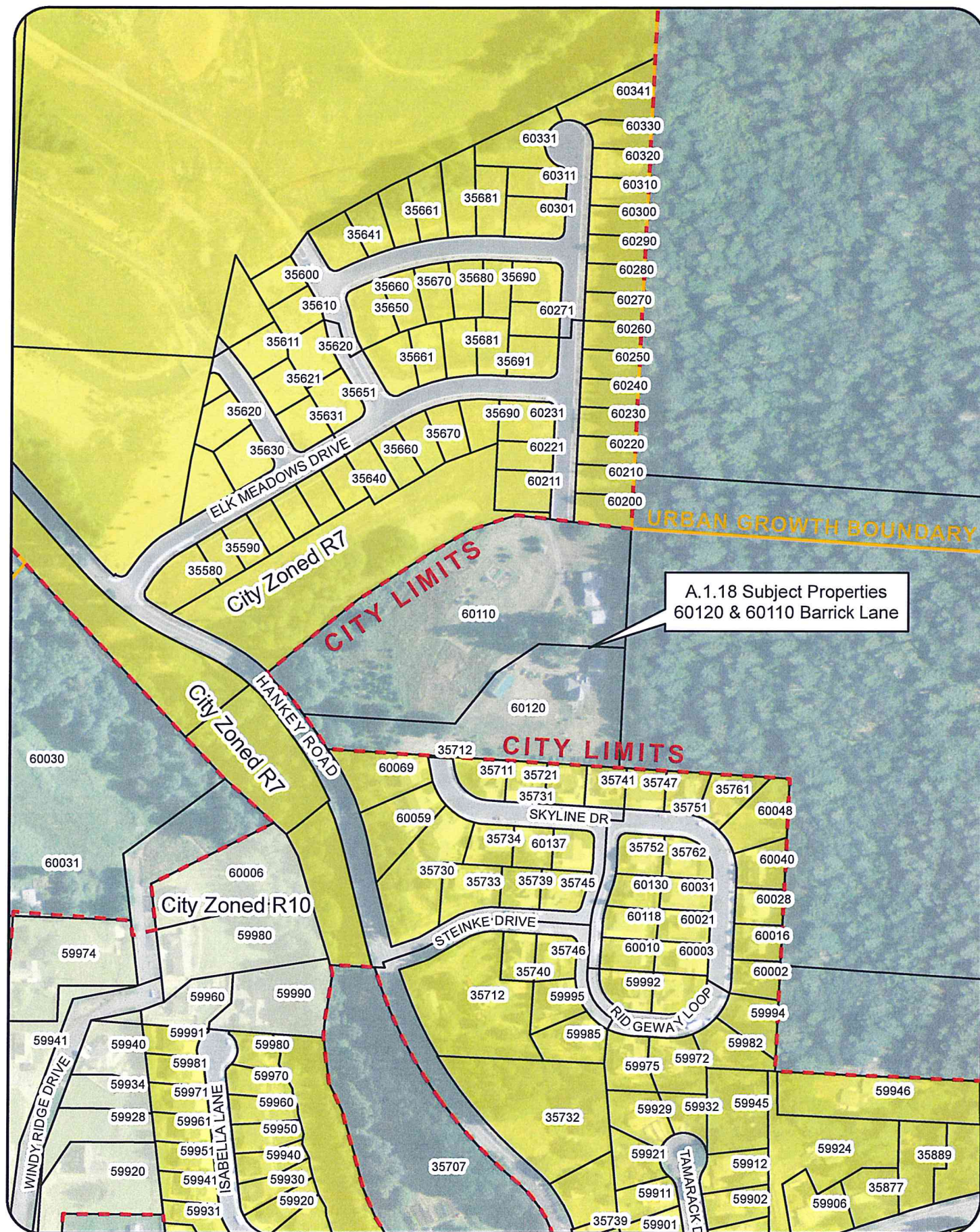
**Suburban Residential (incorporated) and be zoned be zoned R10, R7, R5 or AR (based on the recommendation of the Planning Commission and decision by City Council).**

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

**Attachments:** *Aerial Map*  
*Applicant Narrative (23 pages)*



## Annexation A.1.18 Aerial Map





April 23, 2018

Re: A.1.18 Zahl

RECEIVED

APR 24 2018

CITY OF ST. HELENS

Dear St. Helens Planning Commission and City Council,

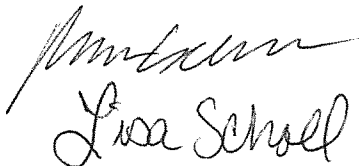
First, I would like to say that we are not in opposition to the annexation or development of the subject property. We have lived on Ridgeway Loop for 14 years. We moved in knowing that the subject property would eventually be annexed. And upon development it would likely connect to Sunset Heights Subdivision, which is south of the subject property, because of the street stub at the end of Skyline Drive.

We recommend zoning the property R7 for the following reasons:

- All of the surrounding zoning is R7; anything else would create spot zoning.
- If the subject property is developed into a subdivision, it would connect the subdivisions north and south of it, which are both zoned R7. Realistically, that creates one large subdivision and should remain consistent.
- The closest R5 zoning is one mile away. When you look at the zoning map, that is quite a distance away.

We would also like to encourage each of you to drive through Sunset Heights Subdivision and Elk Ridge Subdivision. Take a minute to visualize and see where the street stubs are located. When you leave, try turning left on Hankey Road. It's risky, as they are both blind corners. When we moved in there was a mirror across from the egress, which really helped. But in a short amount of time we went through several mirrors because they were repeatedly broken. Zoning the property as a higher density will just add more traffic to an already dangerous intersection. As Elk Ridge Subdivision has grown with more houses, traffic has increased on Hankey Road and speed is often a safety hazard.

Thank you,



Ryan and Lisa Scholl  
60317 Ridgeway Loop  
St. Helens, OR 97051



***Zahl Property Narrative:  
Arguments for R5 Zoning  
And  
R5 Concept Design***

*For consideration of Annexation to City of St. Helens  
and of Zoning Assignment*

Eric & Linda Zahl

March 1, 2018



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## 1 Property Description

The property in question is two adjacent parcels together totaling approximately 6.64 acres. These parcels have the same owner, Linda & Eric Zahl. Identification of these parcels are:

**Parcel 1:**

Site address: 60120 Barrick Lane, St. Helens

Tax Map: 5N1W32-DC-02000

**Parcel 2:**

Site address: 60110 Barrick Lane, St. Helens

Tax Map: 5N1W32-DC-01900

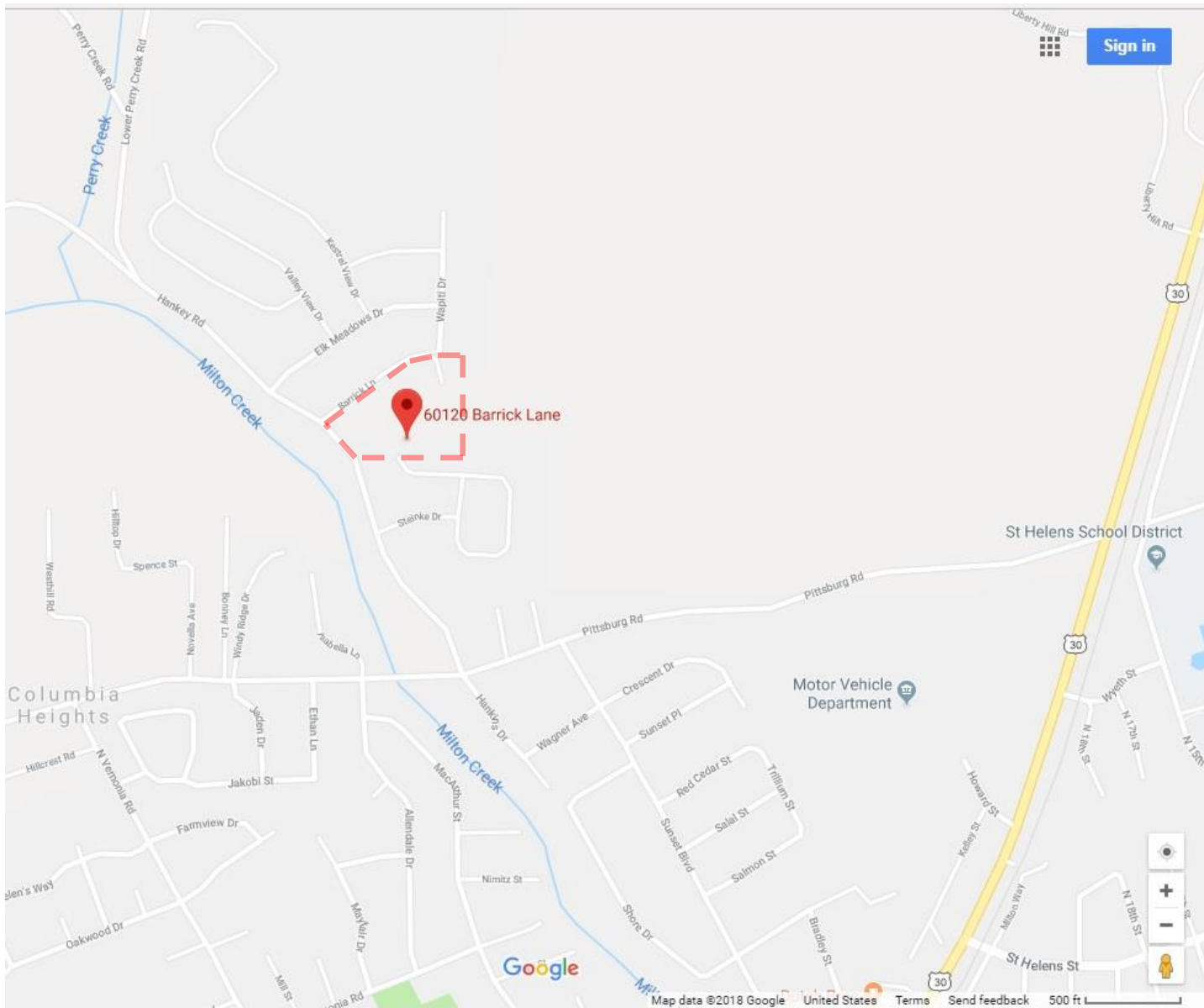


Figure 1 – Map showing general location of Zahl Property: 60120 Barrick Lane, and 60110 Barrick Lane are adjacent and located within the red dashed line.





Figure 2—Aerial view of Zahl Property, Parcel 1 and Parcel 2. Approximate property lines shown (red marked with “P/L” repeating labels). Some approximate dimensions indicated on property edges.



Figure 3—Aerial view of Zahl Property with approximate 2 foot elevation contour lines shown (not for engineering purposes).



## 2 Background and Basis of Zoning Assignment Request

The owners are petitioning for this property to be annexed to St. Helens and are proposing considerations for zoning of the property if annexation is approved.

Parcel 1 currently has sited on it a permanent structure which is the residence of the owners. This residence was sited in one corner of the property and could easily be divided off to make the rest of the adjacent land vacant for development. Parcel 2 currently has sited on it a manufactured home owned by Eric Zahl's elderly mother, Ellen Zahl. This is also sited in a corner of the property so that it could easily be divided off to make the rest of the adjacent land vacant for development. The intention is that Ellen Zahl's manufactured home would be moved off the property when she is no longer alive or living in the residence, freeing up additional vacant land for development. Other out-buildings on the property are not of significant value and would be demolished when they interfered with development. The total vacant property that could be available for development without Linda & Eric's and without Ellen's residences is approximately 5.5 acres. After Ellen's manufactured home is removed approximately 0.6 acres would be added for a total of approximately 6.1 acres vacant developable land. Hereafter these parcels of developable land totaling approximately 6.1 acres are referred to as Zahl Property.

According to the St. Helens Comprehensive Plan, May 20, 2016 revision, Zahl Property is within the UGB – "Urban Growth Boundary", and is categorized as RSUR -- "Rural Suburban Unincorporated Residential".

The eastern boundary is undeveloped land also categorized as within the UGB and RSUR. The northern boundary is the Elk Ridge subdivision categorized as SR – "Suburban Residential incorporated". The southern boundary is the Sunset Heights subdivision, also categorized as SR. The western boundary of Zahl Property is Hankey Rd and the other side of the road is a small parcel of undeveloped land categorized as SR, but its development seems prohibitive due to very steep terrain and Milton creek frontage.

St. Helens Municipal Code 19.12.060, covering Rural Suburban Unincorporated Residential category goals and policy, states:

*(c) Consider zoning lands with the rural suburban-unincorporated residential category for R-5 or AR if the following conditions are found:*

*(i) The parcel is vacant and larger than two acres in size.*

*(ii) The carrying capacity of the public services including but not limited to streets, sewer, and water are sufficient for higher density development.*

*(iii) The county and city determine, due to the pattern of development in the city and within the urban growth area, that other lands are more appropriate for these designations. (Ord. 2980 § 2, 2006)*

The owners would like the Zahl property to be considered for R5 zoning. The vacant parcel immediately developable would be approximately 5.5 acres and probably within a few years 6.1 acres—it is larger than 2 acres. Also, the owners believe that updates made for the adjacent Elk Ridge subdivision should allow sufficient higher density development. A remaining condition for consideration is if the county and city



determine that the pattern of development within the urban growth area indicate that the Zahl property is suitable for R5 development. The remainder of this document contains reasons for consideration provided by the owners for the suitability for R5 development.

### 3 Housing Affordability

In Title 19.08.50 of the city code it states:

#### Housing Goals and Policies

*(1) Preface. Residents of the city of St. Helens are demographically in different stages of socioeconomics. As such, they vary in their family sizes, economic capabilities and interests and will desire different types of housing. The strategy is to ensure that sufficient lands are designated for those different phases and desires of current and future residents and to encourage policies and decisions to allow all residents the ability to find affordable housing.*

*(2) Goals.*

*(a) To promote safe, adequate, and affordable housing for all current and future members of the community.*

With the upward price pressure from the Portland metro real estate market, affordability of housing in Saint Helens is at risk.

### 4 What is affordable for area of Zahl Property?

According to [city-data](http://www.city-data.com/city/St.-Helens-Oregon.html)<sup>1</sup> the median household income for St. Helens (est. 2016) is \$49,386, and for the section of Northwest St. Helens where Zahl Property is located \$53,131 - \$62,517.

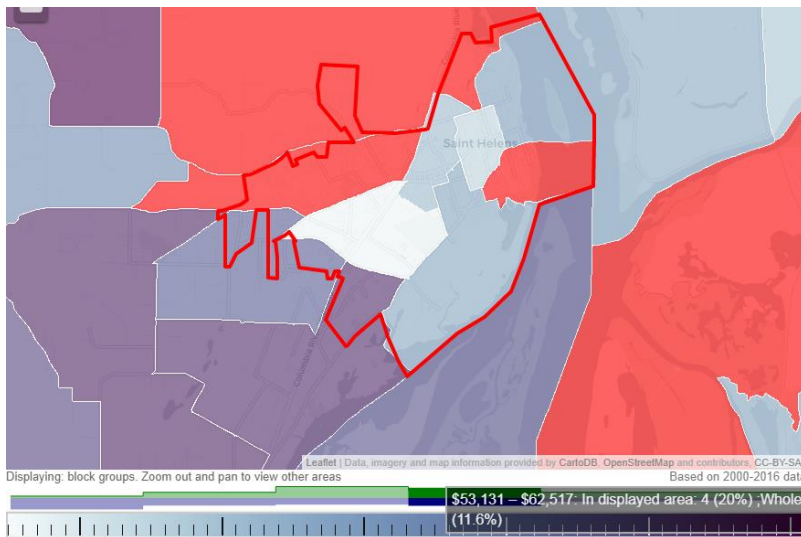


Figure 4 – Median income in area where Zahl Property is located (highlighted red) is estimated at \$53,131 - \$62,517 by city-data

The group of people most affected by affordability when buying a home would usually be first-time home buyers. Because these people don't have any home equity to use as a down payment they would have to save up or get other assistance for a down payment which could take many years of discipline and good fortune.

<sup>1</sup> <http://www.city-data.com/city/St.-Helens-Oregon.html>



More likely these people would try to use a low to no down payment loan program. People buying homes in St. Helens are geographically eligible for participation in the USDA loan guarantee program which is a 0-down program, so it is likely among the best program available for people on the edge of being able to afford to buy a home here. This program currently has debt-to-income requirements of 29/41. That is, maximum allowed housing expenses of 29% of gross income, and maximum allowed housing + recurring debt payments of 41% of gross income.

#### **Example 1:**

**Household income: \$49,361 (median St. Helens, estimated 2016)**

Maximum House expenses:  $29\% * \$49,361 = \$14,315/\text{year} \rightarrow \$1193/\text{month}$ .

(Assume recurring debt limit of 41% does not impinge on allowed 29% for housing expenses alone. That is, the family is allowed to spend up to \$1193/month for housing, and recurring debt is less than  $(41\% - 29\%) = 12\%$  of income or \$494/month in recurring debt.)

Using this [USDA loan calculator](#)<sup>2</sup> and using mortgage rate of 4.375%, property tax rate of 1.30% and insurance rate of 0.15%, we see that this household would be eligible for a USDA guaranteed loan amount of:

**Maximum loan amount eligibility: \$183,000**

#### **Example 2:**

**Household income: \$62,517 (upper of Northwest St. Helens area median house hold income range \$53,131 - \$62,517, estimated 2016)**

Maximum House expenses:  $29\% * \$62,517 = \$18,130/\text{year} \rightarrow \$1511/\text{month}$ .

(Assume recurring debt limit of 41% does not impinge on allowed 29% for housing expenses alone. That is the family is allowed to spend up to \$1511/month for housing, and recurring debt is less than  $(41\% - 29\%) = 12\%$  of income or \$625/month in recurring debt.)

Using this [USDA loan calculator](#) and using mortgage rate of 4.375%<sup>3</sup>, property tax rate of 1.30%<sup>4</sup> and insurance rate of 0.15%<sup>5</sup>, we see that this household would be eligible for a USDA guaranteed loan amount would be:

**Maximum loan amount eligibility: \$232,000**

Using the estimates in the examples above we can establish that depending on what income level we consider median for people living in the area of Zahl Property, a target home price for affordability should not exceed \$240,000. Finding an existing home at this price in Saint Helens is becoming challenging. Finding a single family detached home at this price that has been updated to be like new, or is actually new construction is, per my search, impossible. In theory it should be possible to build new condominiums or row houses within this price range, but I'm not aware of any new on the market at this time.

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<sup>2</sup> <https://www.whatsmypayment.com/USDA/>

<sup>3</sup> 4.32% is current value of average 30year fixed rate per [30-year Fixed Average Chart](#) (2/10/2018). However, rates are rising and expected to rise over the next year making affordability more challenging in the short term until possible market corrections to real estate prices could occur.

<sup>4</sup> Estimate of St. Helens city residential tax rate based on information from Columbia County Assessor.

<sup>5</sup> Estimate of home owners insurance based on Zahl's current home owners policy.



## 5 New Construction Prices and Dependence on Lot Size

A good case to study for sales prices for new construction single family detached homes in Columbia County and how this depends on lot size is found in two new subdivisions in Scappoose. Homes in both of these are being built by the same large national builder, DR Horton<sup>6</sup>:

- Wildwood on Havlik Drive behind Fred Meyers (see [DR Horton Website<sup>7</sup>](#)). Average lot size approximately 0.08 acre = 3500 sq. feet.
- Dutch Canyon just off Dutch Canyon Rd. (see [DR Horton Website<sup>8</sup>](#)). Average lot size approximately 0.14 acre = 6100 sq. feet.

For sales data available Q1-Q3 2017:

Wildwood average sales price:       \$295,445

Dutch Canyon average sales price:   \$352,023

Average price difference of the homes sales is  $\$352,023/\$295,445 = 19\%$  higher price for the houses in Dutch Canyon (6100 ft<sup>2</sup> lot) compared to those in Wildwood (3500 ft<sup>2</sup> lot). However, the homes build in the subdivision with larger lots are more expensive structures that are not only larger, but also with more expensive features/finishes offered.

A conclusion of comparing these two subdivisions is that a very experienced builder knew that for homes on mid-size (6100 ft<sup>2</sup>) lots the market will bear a more expensive home than that with the small 3500 ft<sup>2</sup> lot, and presumably the builder chose the more expensive home to maximize their profits. It seems likely this is dependent on price pressures from the Portland metro market which overall has even higher home prices—there is a high demand for median size, nicer finished homes and Columbia County can offer homes to these buyers for a price significantly cheaper than the Portland metro market. Therefore builders are following what the market will bear to maximize profits. But the kind of home that was therefore built and sold on larger 6100 ft<sup>2</sup> lots did not serve the goal of keeping housing closer to affordable for median household income for Columbia county residents.

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<sup>6</sup> DR Horton, Express Homes brand, which claims to be entry level homes focused on high value in affordable package.

<sup>7</sup> <http://www.drhorton.com/Oregon/Portland/Scappoose/Wildwood>

<sup>8</sup> <http://www.drhorton.com/Oregon/Portland/Scappoose/Express-Dutch-Canyon-1>



Situs Address	Land Size	Adj Sale Price	Sales Date	Subdivision*	Appox Liv
51320 SW RANDSTAD ST	0.14	375730	7/31/2017	Dutch Canyon	2297
51350 SW RANDSTAD ST	0.14	360995	7/14/2017	Dutch Canyon	2297
51370 SW RANDSTAD ST	0.14	339995	7/31/2017	Dutch Canyon	2219
51330 SW RANDSTAD ST	0.14	331185	7/31/2017	Dutch Canyon	1983
51340 SW RANDSTAD ST	0.14	362980	7/31/2017	Dutch Canyon	2219
51360 SW RANDSTAD ST	0.14	341255	7/12/2017	Dutch Canyon	N/A
51567 SW SOUTH FORK LOOP	0.08	299335	7/12/2017	Wildwood	1624
51564 SW SOUTH FORK LOOP	0.07	294995	7/12/2017	Wildwood	1827
51563 SW SOUTH FORK LOOP	0.07	300750	7/5/2017	Wildwood	1827
51566 SW SOUTH FORK LOOP	0.07	286700	7/5/2017	Wildwood	1624

Figure 5 – Sale price of homes in DR Horton/Express Homes subdivisions in Scappoose published by Columbia County 2017 Q1-Q3 data.

This example of new construction home prices may not reflect exactly to homes built on the Zahl property. For example, the south Scappoose location is significantly closer to Portland metro area and therefore probably will result in higher home prices. Also, the lot size comparison in the example was 3500 ft<sup>2</sup> compared to 6100 ft<sup>2</sup>. For the Zahl property, the size comparison should be made for 5000 ft<sup>2</sup> (R5 zoning allowed) compared to 7000 ft<sup>2</sup> (R7 zoning allowed). I did not find another in-process new construction example with such a clean comparison of sales price to lot size. But, even from this example it seems clear that there are market forces at work that could likely produce houses with a difference of about 15-20% from smaller houses targeted for 5000 ft<sup>2</sup> lots compared to larger feature-filled homes targeted for 7000 ft<sup>2</sup> lots.

### **Applying example from Scappoose Wildwood and Dutch Canyon homes to Zahl property**

As a good estimate of home sale prices for newly constructed homes that would be built on Zahl property if R7 zoning were assigned a good example is to look at new homes sold in 2017 in Elk Ridge subdivision, adjacent to Zahl Property. There were 7 newly constructed homes sold in 2017. These had an average sales price of \$322,207. Therefore, for an estimate we can assume Zahl property homes built on 7000 ft<sup>2</sup> lots would sale for the same price and that using the Dutch Canyon/Wildwood example discussed above, assume homes built on 5000 ft<sup>2</sup> lots would sell for 15% less than homes built on 7000 ft<sup>2</sup> lots (instead of 19% difference in Dutch Canyon/Wildwood example. There's an expected closer similarity of R5/R7 homes in St. Helens compared to homes on 3500/6100 ft<sup>2</sup> lots in Dutch Canyon/Wildwood example due to Scappoose homes higher priced due to proximity to Portland). This results in an estimated price of homes built on 5000 ft<sup>2</sup> lots on Zahl property of approximately \$274,000. Using these estimated prices we can map this back to a required household income for first-time home buyers.

### **Example 3:**

Assumed sale price for house target for Zahl Property 7000 ft<sup>2</sup> lot.

**Loan amount: \$322,200**

Using this [USDA loan calculator](#) and using mortgage rate of 4.375%, property tax rate of 1.30% and insurance rate of 0.15%, we see that this household's monthly house payment would be:



### **Monthly House Payment: \$2103**

Which would map to a minimum required household gross income of:

$\$2103 / \text{Month} / 29\% = \$7251 / \text{Month} \rightarrow \text{\$87,020 / Year gross income}$

### **Example 4:**

Assumed sale price for house target for Zahl Property 5000 ft<sup>2</sup> lot.

### **Loan amount: \$274,000**

Using this [USDA loan calculator](#) and using mortgage rate of 4.375%, property tax rate of 1.30% and insurance rate of 0.15%, we see that this household's monthly house payment would be:

### **Monthly House Payment: \$1846**

Which would map to a minimum required household gross income of:

$\$1846 / \text{Month} / 29\% = \$6365 / \text{Month} \rightarrow \text{\$76,386 / Year gross income}$

These examples serve to clarify that the sales price of a new construction single family detached home on Zahl property is already well beyond affordable for a first-time home buyer with a high end median house hold income for NW St. Helens of \$62,517. That is true for homes built on 5000 ft<sup>2</sup> lots and is only made significantly less affordable for homes built on 7000 ft<sup>2</sup> lots.

### **R5 Single Family Attached homes**

An R5 zoning designation for Zahl property would allow construction of single family attached homes. These could create housing that actually would be affordable for median income households for North West Saint Helens (\$62,517/year), provided they could be built and sold for \$232,000 or less. This statement is based on an example of a good condition used townhouse within this range, which sold for \$211,000 in 2017 please follow this link on Zillow: [\(Townhouse sold 2017\)](#)<sup>9</sup>, which is 1384 sq. feet, single car attached garage. Based on this it should be possible to sell new townhouses with possibly larger living area that would sell for less than \$232,000.<sup>10</sup>

### **Economic Motivations for Builder Created by R5 versus R7**

Using some of the above information for target home sales price, and estimated number of lots achievable for different zoning, with some simple construction cost estimates we can make a rough estimate of profit difference between homes built on Zahl Property for R5 versus R7.

- This is not a total Cost/Revenue profit analysis--some cost elements are being ignored. But, it's assumed these unrecognized costs will be largely the same cost regardless of R5 or R7 zoning.
- Focusses on estimating the difference in profit between the two developments and ignores the costs that will be largely the same—so the actual profit will be considerably less than “Revenue minus Differential Cost” estimated below. For example, land, grading, engineering, street, and utilities costs

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<sup>9</sup> [https://www.zillow.com/homes/recently\\_sold/62747640\\_zpid/200000-240000\\_price/764-917\\_mp/globalrelevanceex\\_sort/45.863222,-122.828619,45.855197,-122.849561\\_rect/15\\_zm/](https://www.zillow.com/homes/recently_sold/62747640_zpid/200000-240000_price/764-917_mp/globalrelevanceex_sort/45.863222,-122.828619,45.855197,-122.849561_rect/15_zm/)

<sup>10</sup> Build costs indicate it should be possible to make a reasonable profit with a sales price of \$225,000 to \$232,000.



are not recognized. Note that land cost is the same regardless. The land/street/utility development costs will be considered the same (although they will be somewhat higher for R5 zoning due to more lot utility connections).

Cost/Revenue Element	R5 development	R7 development <sup>11</sup>
Single Family Detached	22 units (1800 sq ft)	23 units (2200 sq ft)
Single Family Attached	8 units (1500 sq ft)	0 units
Single Family Detached Construction Cost	$((1800 * \$95) * 22 = \$3,762,000$	$((2200 * \$100) * 23 = \$5,060,000$
Single Family Attached Construction Cost	$((1500 * \$90) * 8 = \$1,080,000$	\$0
Single Family Detached Revenue	$\$274,000 * 22 = \$6,028,000$	$\$330,000 * 23 = \$7,590,000$
Single Family Attached Revenue	$\$225,000 * 8 = \$1,800,000$	\$0
Sales and Marketing Cost	$0.06 * (6,028,000 + 1,800,000) = \$469,680$	\$455,400
Total differential cost	$(3,762,000 + 1,080,000 + 469,680) = \$5,311,680$	$(5,060,000 + 455,400) = \$5,515,400$
Revenue minus Differential Cost	$(\$6,028,000 + \$1,800,000) - \$5,311,680 = \$2,516,320$	$(\$7,590,000 - \$5,515,400) = \$2,074,600$
Differential Profit	$\$2,516,320 - \$2,074,600 = \$441,720$	\$0

Figure 6 -- Differential Profit Indicator between R5 and R7 development, comparing entire project of homes built on Zahl Property. This indicates how much more profit is expected for R5 development versus R7 development.

These are very crude cost/revenue estimates based on the current market. However, there is enough difference in results to give clear indication that the R5 development on Zahl Property would result in a higher profit for the builder in the current market. If the market takes a down turn, the overall profit would go down, but, the profit differential would tend to favor R5 even more due to undersupply of lower-priced new construction housing tending to keep that housing price up and selling faster compared to higher-priced homes that would be built on R7 lots.

### **Creating the right mix of affordability while still fitting with adjacent sub-divisions**

An R5 zoning for Zahl Property could allow for some single family attached units to be mixed with single family detached homes. The goal should be to increase affordability and number of built units (density on given land) while at the same time fit in with the established adjacent neighborhoods. This seems the only way to provide

<sup>11</sup> To accomodate 23 lots to get profit to start to approach (but still below) R5 development, would require a reduction or possible elimination of the HOA park. Part of this problem is dependent on the irregular shape of Zahl Property which determines road placement. It so happens for this R5 plan that where the very small lots for single family attached homes would be placed makes very efficient use of an area where the lot depth is shallow and would require especially wide R7 lots to meet minimum R7 lot area.



some housing that would actually be affordable fitting in with median income households living in the northwest St. Helens area (\$62,517 / year as mentioned above). While it's not clear to me what control the city may have in designating the mix of single family detached and attached ratios, concept designs being worked out suggest that having a mix of 25% single family attached along with 75% single family detached homes results in an attractive neighborhood that has a look not too different from 100% detached homes. See Concept Design section at end of this narrative for more details.

## 6 Demographic Forces

### 6.1 Pent up Millennials Unleashed

Millennials now represent the largest group of home buyers and are usually first-time buyers. A large nationwide [survey compiled by National Association of Realtors<sup>12</sup>](#) mid 2016 indicates:

***First-time buyers made up 35 percent of all home buyers, an increase over last year's near all-time low of 32 percent. Sixty-six percent of buyers 36 years and younger were first-time buyers, followed by buyers 37 to 51 years at 26 percent.***

***At 34 percent, buyers 36 years and younger continue to be the largest generational group of home buyers. Buyers 37 to 51 made up the second largest generational group of home buyers at 28 percent, up from 26 in 2015. These buyers were a median of 43 years old. Buyers 52 to 61 made up 16 percent, the same as in 2015, and were typically 57 years old. The proportion of buyers 62 to 70 also stayed the same as the previous year at 14 percent. The median age of these home buyers in 2016 was 66 years old. Buyers over 71 years saw a slight decrease to eight percent in 2016, with a median age of 75.***

#### CHARACTERISTICS OF HOME BUYERS

Exhibit 1-10

##### FIRST-TIME HOME BUYERS IN AGE GROUP

(Percent of all Home Buyers)

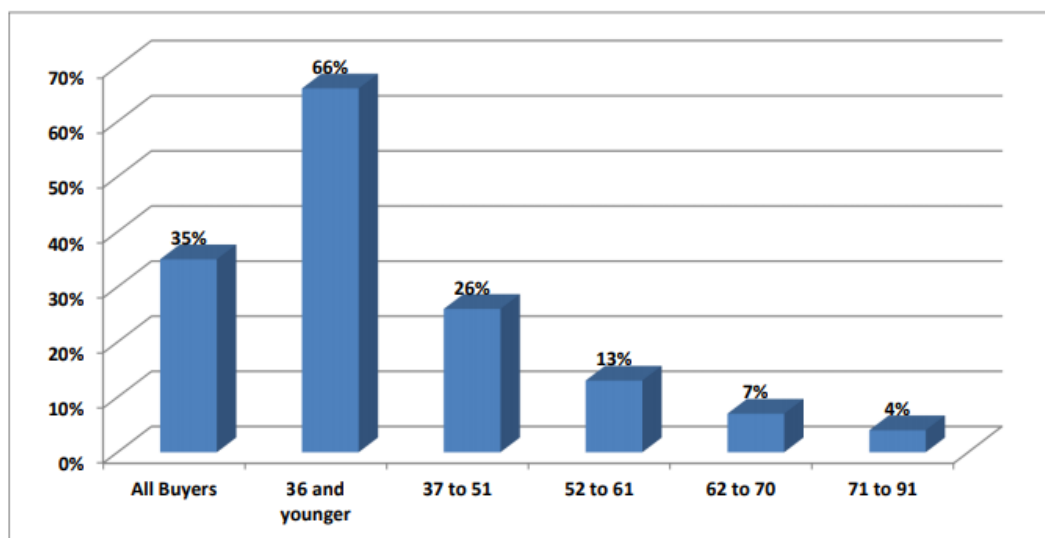


Figure 7 – First time home buyers by age group. From [survey compiled by National Association of Realtors](#) mid 2016.

Another somewhat smaller nationwide [study by Zillow Research<sup>13</sup>](#) collected in early 2016 indicates:

<sup>12</sup> <https://www.nar.realtor/sites/default/files/reports/2017/2017-home-buyer-and-seller-generational-trends-03-07-2017.pdf>



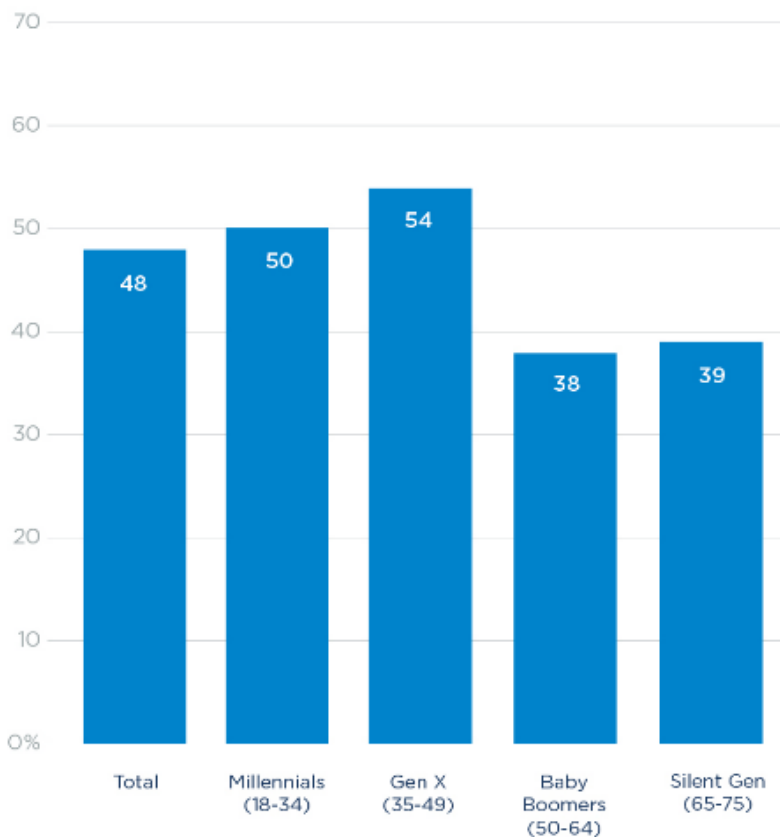
**Half (50 percent) of today's home buyers are under the age of 36, and 47 percent are first-time buyers.**

These statements are slightly different perspectives of the same truth: first time home buyers are increasingly buying homes after a period when they represented a smaller than normal portion of home buyers. From this it seems that there is a pent up demand for homes from younger first-time home buyers who are now able and willing to buy homes after a several years of not doing so after the economic and housing recession.

These same survey studies also indicate that younger buyers are more likely to consider buying a new home, but less likely to actually do so. Together these different survey results indicate that young buyers are looking for new homes but not able to find ones they actually buy, presumably because they are too expensive.

## B-6: CONSIDERED BRAND-NEW HOMES

Younger buyers are more likely to consider new homes.



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Figure 8 – Younger buyers are more likely to consider buying a new home—from [study by Zillow Research](#) collected in early 2016.



## CHARACTERISTICS OF HOMES PURCHASED

Exhibit 2-1  
**NEW AND PREVIOUSLY OWNED HOMES PURCHASED**  
(Percentage Distribution)

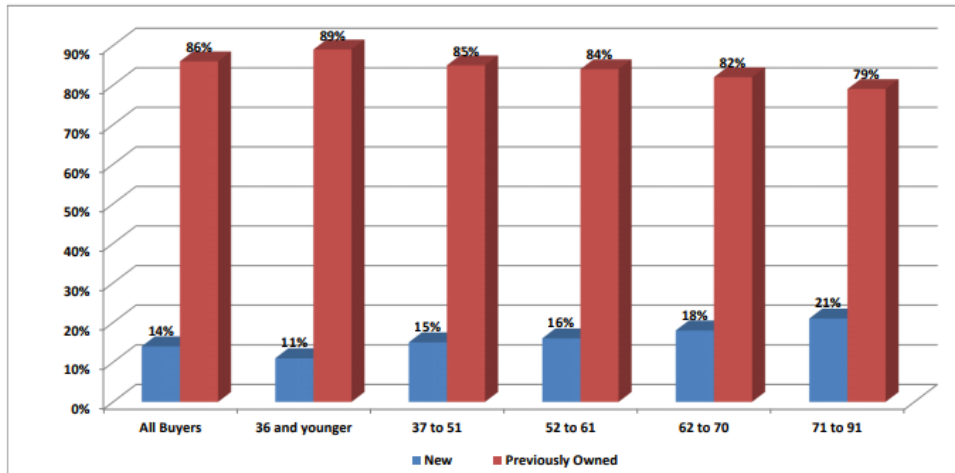


Figure 9 -- Younger buyers are less likely to actually buy a new homes compared to other age groups--from [survey compiled by National Association of Realtors](#) mid 2016

For reasons already mentioned above first time home buyers are those who would have the most problems finding homes they can afford. This is especially true within an expensive real estate market like Portland metro. Columbia County already provides a more affordable alternative to would-be Portland metro home buyers. And with the increasing demand coming from first time home buyers, Columbia County is a prime target for these buyers looking for more home for their limited budget, or simply finding a home they can afford at all. For young buyers this is especially true for new homes. For this reason demographic trends will dictate that Columbia County will have increased price pressure on its housing prices, particularly its lower priced homes and also any new homes that are within the budget of first time younger buyers. These trends send a strong message to land planners in Columbia County: encourage more building of lower priced housing or face demand pressures that will persist and likely increase prices for this large group of first time home buyers--leaving them with fewer options or even pricing them out of home ownership entirely. The longer these people are out of the home ownership market the more pressure will build where these people could gobble up a lot of lower priced housing as soon as market fluctuations or other factors allow them to buy. The point is, these market pressures are largely inescapable unless the housing supply keeps up with the demand.

### 6.2 Baby Boomers(50-64) and Silent Generation (71+) Buying Smaller Homes on Average

Another demographic putting price pressure on lower end homes is older buyers (Baby Boomers 50-64, and Silent Generation Age 71+). The data from the survey below indicates that Baby Boomers are buying smaller homes and Silent Generation even smaller (300 square feet) compare to the Gen-X (37 – 51) buying the largest house of 2100 square feet. Baby Boomers and Silent Generation buyers together represent a very large part of the market at 38% and they are the most likely to downsize when buying. Since smaller homes tend to be less expensive, the large demographic of Baby Boomers and Silent Generation is also putting increasing pressure on lower priced houses. This demographic is also placing demand on homes that are easier for people with decreased mobility: single story, master-on-main, and having smaller yards requiring less maintenance.



*Recent homes purchased had a median size of 1,900 square feet, consistent with last year. The size of homes for buyers 37 to 51 years was typically larger homes at 2,100 square feet, compared to buyers 36 years and younger and 71 years and older that purchased homes at a median of 1,800. Homes for all buyers across generations typically had three bedrooms and two bathrooms.*

## 7 Availability of R5 land within city

### 7.1 Estimate of R5 land actually available for building new subdivisions

We are not aware of any recent survey of buildable land within the city of St. Helens.<sup>14</sup> So, without any formal study available we feel the need to provide our own rough estimate in our narrative, being that the topic is critical to understanding how Zahl Property zoning fits in to future affordability of housing within St. Helens. The topic is critical because on average 109 homes a year need to be built to keep up with market demand and thereby prevent further exacerbation of the affordability problem.<sup>15</sup>

A map of the current St. Helens Comprehensive plan is shown below in Figure 10. We have indicated our opinion of land currently zoned R5 that has no obvious hindrances that could block significant R5 development. Hindrances that were considered were:

- \* The land already has significant structures on it without significant free space to build a significant block of homes.
- \* Need to coordinate and subdivide from several owners to get buildable land. (applied to a significant block of R5 land north of McBride school).
- \* Minimum lot depth 85' (applied to eliminate some lots in parcel behind high school).
- \* Potential flood plain issues (applied to land on Columbia Boulevard between Skykes Rd. and Gable Rd. – I watched some of this property be on market about a year ago for months, and never sold. I'm guessing there may have been a reason it wasn't prime buildable land).

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<sup>14</sup> City Planner Jacob Graichen has indicated to the Zahls he is not aware of any modern study covering this topic.

<sup>15</sup> Columbia County Housing study, Final Draft 2018, p. 56.



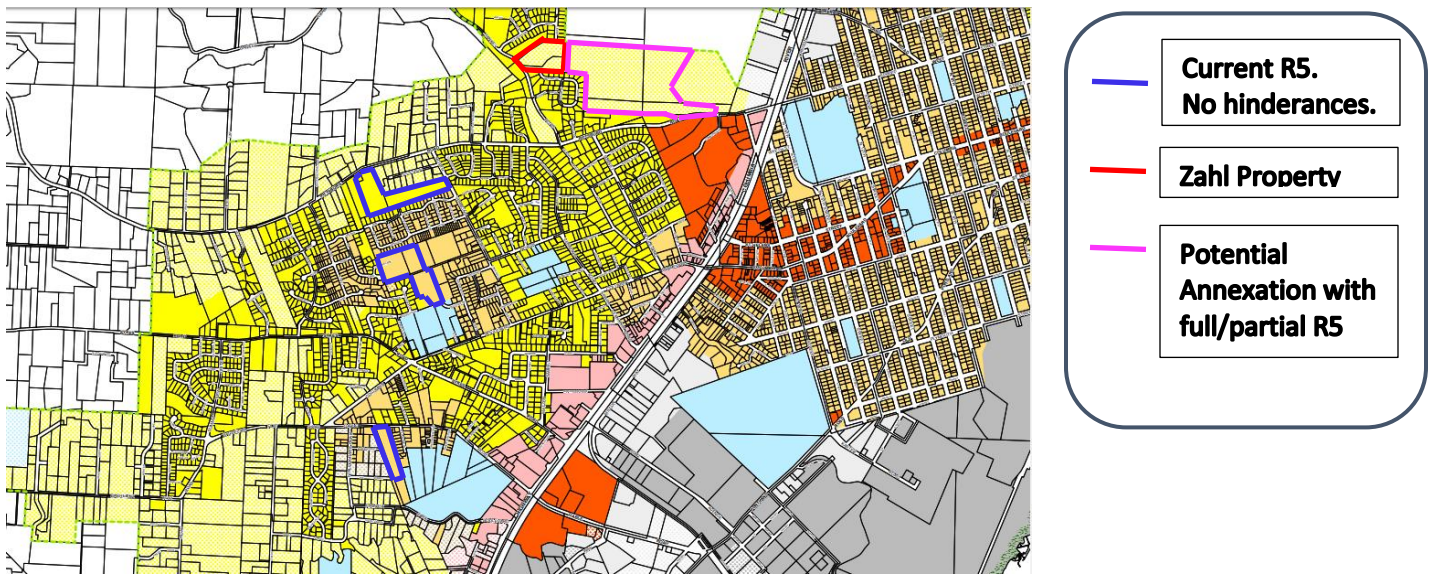


Figure 10—St. Helens Comprehensive Plan<sup>16</sup>. Showing our opinion of current R5 with no building hindrances and potential for future annexed buildable land near Zahl Property that could be zoned R5.

Per our estimate in this section, without the Zahl Property there is currently the following property zoned R5 free of building hindrances that would prevent a sizable space for more than 1 or 2 houses (approximately 1 acre or more):

- Emerald Meadows Subdivision (currently being constructed): approximately 11.4 acres. This is shown as R7 but was rezoned in 2017 as R5.
- Area north of McBride Elementary: approximately 12.5 acres.
- Area behind high school: approximately 4.4 acres.

## 7.2 Total unhindered R5 land could only produce a 3 year supply of needed homes

Total R5 without hindrances: 28.3 acres.

Total R5 home sites possible: 170 homes<sup>17</sup>

Let's assume with the ongoing affordability crisis that 50% of homes built should be R5 subdivisions compared to R7 (this seems a minimum target) and assuming 109 total units per year, this would indicate 55 new R5 homes are needed per year. ***This 28.3 acres would be consumed in just over 3 years, assuming all this land would in fact be built out in 3 years—a big assumption.*** After that more land would need to be annexed into the city to continue to supply demand and avoid increasing price pressure due to lack of new home availability.

***Zahl Property could provide approximately 30 – 31 new R5 housing units and there is an interest to start building ASAP.***

<sup>16</sup> Current published on-line:

[https://www.ci.st-helens.or.us/sites/default/files/fileattachments/planning/page/268/2016\\_comp\\_plan.pdf](https://www.ci.st-helens.or.us/sites/default/files/fileattachments/planning/page/268/2016_comp_plan.pdf)

<sup>17</sup> Assume 25% attached a75% detached single family homes with minimal lot sizes at 6 homes/acre--slightly more dense than concept design Zahl Property.



### 7.3 Avoidance of “hot spot” zoning of Zahl Property

Another concern we are aware of is the avoidance of “hot spot” zoning—zoning a small pocket of land differently than its surrounding area.

To address this point we want to point out that there is a large block of land on the east border of Zahl Property that has the same designation as Zahl Property in the Comprehensive Plan, RSUR. This is designated by us as “Potential Annexation with full/partial R5” in Figure 10 above. Part or all of this property could be considered for R5 zoning when it is annexed into the city. If so, then Zahl Property doesn’t represent a “hot spot” but more the beginning of a trend of more R5 or other denser designations when RSUR land is annexed into the city. This trend would be aligned with the long term affordability concerns that must be addressed somehow.

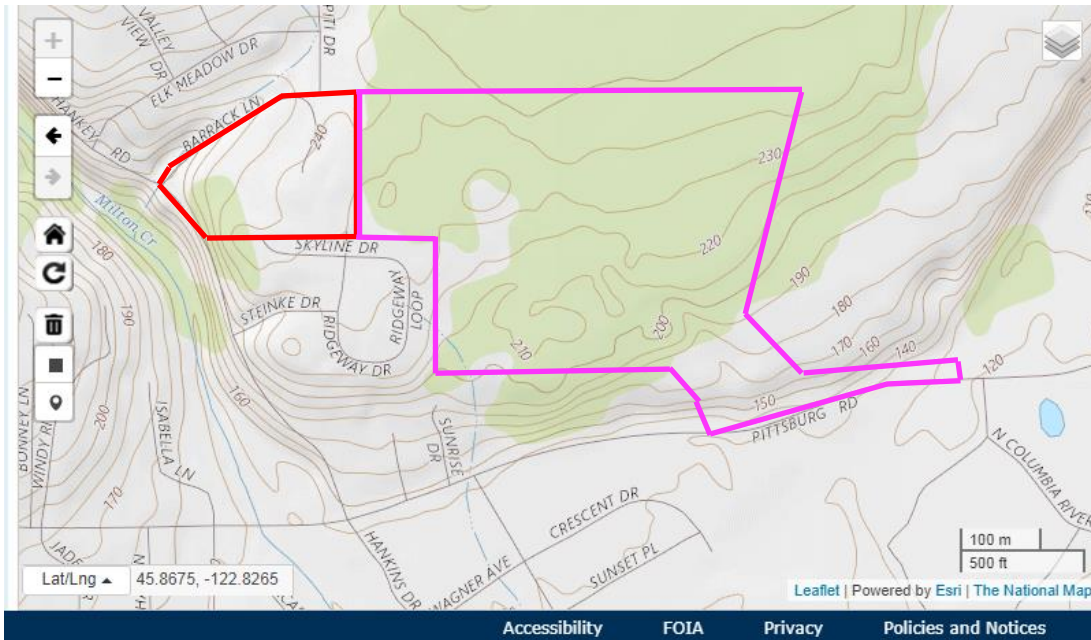


Figure 11 – Zoomed in map of Zahl Property (Red boundary) and large RSUR parcel to east of Zahl Property with a large area of buildable land (Pink boundary, not too steep and with access to Pittsburg Rd) that may also be suitable for R5 designation (<https://viewer.nationalmap.gov/basic/>)

## 8 Available Comprehensive Studies

### 8.1 Columbia County Housing Report

The final report of [a 1.5 year study of Housing trends and needs in Columbia County](https://www.cat-team.org/documents/2018/Columbia%20Cty%20Hsg%20Study%20Final.pdf)<sup>18</sup> was recently finished. It was spear-headed by Community Action Team (CAT) and created by its Housing Study Work Group, a large and comprehensive group of experts in areas related to planning and housing in Columbia County.

We encourage anyone reviewing our proposal here to study this report. It sends a strong message that bold and innovative steps needs to be taken to address the long term affordability crisis that is growing in Columbia County. Here I’ve pulled out a few key items that are related to our specific proposal:

<sup>18</sup> <https://www.cat-team.org/documents/2018/Columbia%20Cty%20Hsg%20Study%20Final.pdf>



- Predicted growth for St. Helens 2016-2036 is 2179, requiring 109 dwelling units per year to keep up with demand (p. 56)
- A primary recommendation is *“Encouraging a new mix of housing types to be built. In the future, more multifamily and attached single-family housing units need to be built than in the past, along with smaller, less expensive housing units.”* (p. 30).
- Single-family attached is described as having many benefits including maintaining a neighborhood character and private entrance, parking, and yard, all while consuming less land and achieving better affordability. (p. 9).
- Single-family attached housing is specifically called out as a “Principal Opportunity” in Saint Helens for R5 and AR zoning as a method to increase affordability. (p. 28).

## 8.2 Scappoose Housing Needs study

The city of Scappoose recently published a draft of [a study commissioned with ECONorthwest](#)<sup>19</sup> that discusses affordability issues in general in Columbia County, but mostly focusses on particular details of population trends, housing needs, available lands, and proposed solutions for satisfying housing needs in Scappoose. Nonetheless some of the data is applicable for a general understanding of housing needs in St. Helens. If a similar study for St. Helens existed it would be very valuable for a better understanding of the arguments we’re making in this document. City Planner Jacob Graichen said he was not aware of a recent comprehensive study like this for St. Helens, unfortunately.

## 9 Conclusion

Rapidly rising home prices in St. Helens, driven by even higher prices in the Portland metro real estate market, have already created a housing affordability problem. Combining this reality with demographic forces indicates that lower priced housing, particular new construction, will continue to be undersupplied. As long as these forces exist the affordability of housing will be inescapably challenging. When new land is annexed into St. Helens, such as the Zahl Property, there is a critical window of opportunity to move the needle in the right direction to address the growing affordability problem.

Per St. Helens code 19.12.060(c), the zoning assignment of R5 for the Zahl Property already fits what is allowed by code and the Comprehensive plan. We urge you to help us take advantage of this existing provision and step in the right direction and consider the R5 designation as the most appropriate for Zahl Property.

## 10 Appendix: Zahl Property: R5 Concept Design

In addition to our general arguments for applying R5 zoning to Zahl Property, we’d like to describe the design plan of the subdivision we are preparing to build on Zahl Property, if R5 is assigned. This design will play a major role in determining whether the goals of zoning are actually realized.

When we bought the property in 1998 and moved here with our then young daughters and Eric’s parents, we all lived in the existing old double-wide mobile home that was on the property. By the next year we had subdivided the land into the two parcels that now exist and Eric’s parents had a new manufactured home placed on the new parcel. Within a few more years Eric designed and built our existing residence seen in the picture

<sup>19</sup>

[http://www.ci.scappoose.or.us/sites/default/files/fileattachments/city\\_council/meeting/4621/july\\_24\\_2017\\_scappoose\\_housing\\_needs\\_analysis\\_packet.pdf](http://www.ci.scappoose.or.us/sites/default/files/fileattachments/city_council/meeting/4621/july_24_2017_scappoose_housing_needs_analysis_packet.pdf)



below (the original mobile home was demolished). This experience started an exploration of home design. Since that time Eric has been interested in architecture and neighborhood design—analyzing the elements that make homes and neighborhoods attractive.



*Figure 12 – Zahl residence located in southeast corner of original Parcel 1 of Zahl Property—designed and built by Eric Zahl.*

The styles that Eric has gravitated toward are American residential architecture from about 1900-1930. While out of favor for several decades, those exterior styles (as opposed to the interior styles), based on enduring classical Western styles, have returned to favor. Eric has been studying this informally for a number of years.<sup>20</sup>

While researching development of this property it has become clear that affordability is a key factor to meet the demands of our market, and aligns with the city’s goals and needs. However, Zahl Property sits between established R7 neighborhoods. These neighbors are interested in preserving the look, feel, and property values of their neighborhood. But their attractive neighborhoods have produced homes with size and spacing which are becoming unaffordable for many of the buyers most interested in homes in St. Helens. With his experience in product design as an electrical/software engineer, and informally in architecture, Eric believes in an emphasis in design to solve problems. We believe a good win-win design exists that could satisfy all these stake holders:

- would be middle-income new buyers: with affordability constraints
- existing neighbors in adjacent subdivisions: with concerns to preserve their neighborhood quality and property values.
- a for-profit developer and builder

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<sup>20</sup>Particularly interesting and attractive are elements of “New Urbanism” as realized in master planned communities such as East Beach (Norfolk), Virginia. <http://www.dpz.com/Projects/2027>.



- the city: planning for future growth with a challenging need to have an average of 109 housing units being built per year for the foreseeable future with limited land availability.<sup>21</sup>

We are pursuing developing a master plan and forming a business to fully develop Zahl Property, including building and selling finished homes.



Figure 13-- R5 Concept Design for Zahl Property: Plot plan. Total of 22 SF-detached, and 8 SF-attached homes, plus existing Zahl residence in southeast corner of property. Note position of 4+4 SF attached homes on northwest side of sub-division. Lot boundaries shown with pink lines.

<sup>21</sup> Excerpt from Columbia County Housing Study. See section 8.1 above.  
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Figure 14—R5 Concept Design for Zahl Property: Boundary between attached townhouses and detached housing. View across corner of HOA Park looking towards northwest. Real backdrop picture for position is close to planned position of units—so, this view is near actual planned. Note: spacing is accurate per allowed R5 lot design.



Figure 15-- R5 Concept Design for Zahl Property: 4-unit attached townhouse next to 3 detached houses. This townhouse design has lot width of approximately 33' as opposed to the minimum allowed width of 25'. It uses this to achieve a look that more closely fits within a neighborhood that is primarily single family detached. Real backdrop picture for position is close to planned position of units—so, this view is near actual planned. Note: spacing is accurate per allowed R5 lot design.



By using a master plan to develop the Zahl Property less land and resources can be used to achieve a high aesthetic for the neighborhood while still keeping home prices more affordable by targeting smaller homes. Many of these features are inspired by looking at neighborhoods built in the early 1900s on 5000 square foot lots--some of the most charming and attractive neighborhoods around, in our opinion. A challenge with detached homes was finding a way to fit a double garage in the back, as opposed to the single garages that most of these older homes tended to have in an age where having two cars per family was rare. We feel this can be done for most lots possibly requiring to expand a bit beyond 5000 square feet which we feel is a reasonable compromise.

Key design elements of R5 Concept Design for Zahl Property are:

- Strive to keep attractiveness with minimal land use:
  - For detached homes:
    - Maximize space and view between detached homes by precise positioning of detached double-garage behind the home. To do this efficiently requires home designs being fit to particular irregular lots in some cases—the master plan will ensure each home fits in the assigned lot.
    - This also involves the double-wide driveway leaving the garage and becoming narrower as it meets the street so that it is a one-car lane at that point. This reduces the pavement meeting the curb producing a look that supports more green front space for a given narrower lot.
    - Remove the attached garage and its large unattractive garage door from the front of the house allowing for architectural features to resonate for the entire front and side approach to the home. This also provides the benefit of allowing more side windows to allow more natural light into rooms.
  - For attached homes:
    - Use lots wider than 25' minimum to produce a look which is more consistent with the detached homes, but still uses only about 65% as much land as a detached home.
    - Has attractive ground floor entrance (no garage below).
    - Each unit painted its own colors and with main section jutting out, and garages further back producing a look that is similar to the detached homes planned.
    - Minimize living space wall area between units, thereby reducing neighbor-transmitted noise issues.
    - Has single car garage
  - Common to all homes:
    - Adding classical symmetry and exterior architectural details that produce a higher value exterior look uncommon in most mid-priced homes today.
    - Careful specification of exterior color pallet to use color as a coordinated design element rather than playing to the lowest common denominator to avoid chaos and choosing only similar earth tones.
  - Common green space:
    - Compensate for smaller yards by providing relatively large common green space (HOA Park) centrally located.
    - This park is located to allow preservation of many of the oldest, largest trees on the property providing a tall green focus for the entire neighborhood that many can see from their windows and right outside their door.



- Strive to keep final sales price affordable:
  - Target mix of attached and detached homes
  - Target smaller home designs
  - Offer homes with base interior features/finishes.
  - Leverage Eric's building and engineering experience to lead a lean design-build company providing all construction services<sup>22</sup>:
    - Perform own architectural design
    - Hire and lead own core construction crew uninterrupted by competing jobs.
    - Perform all contracting leveraging long term relationship with key sub-contractors over life of subdivision construction.

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<sup>22</sup> Targeting smaller, more affordable homes is our primary step in achieving an affordable product, which acknowledges that in the end sales price is determined by the market. However, another key step is maintaining focus on cost-efficiency during construction. By having our own crew we can be more focused on optimizing cost-efficiency in some targeted areas, while maintaining standards of quality that are naturally motivated when the builder is at once the designer and marketer of the property. For example, based on experience designing and building our house, Eric understands how to practically implement older-style exterior architectural details without cutting architectural effect but in a cost-effective way using readily available commodity building materials. However, new-construction siding crews are typically not specialized in these methods.





## CITY OF ST. HELENS PLANNING DEPARTMENT

# MEMORANDUM

**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner  
Jenny Dimsho, Associate Planner  
**RE:** Auxiliary Dwelling Unit Code Amendment Options  
**DATE:** April 19, 2018

The goal of this memo is to provide background about why there is a need to change our Auxiliary Dwelling Unit (ADU) rules, describe our current rules for ADU's, and suggest options for making them easier to permit. On August 15, 2017, SB 1051 was signed into law. Among the provisions, it stated:

*A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, **subject to reasonable local regulations related to siting and design.***

**Note:** An accessory dwelling unit is the same as an auxiliary dwelling unit for the purposes of our Code.

Currently, our code permits ADUs **conditionally** in all residential zones, instead of permitting them outright. The code also has numerous restrictions that discourage the development of ADUs. Despite the Planning Department fielding a handful of questions about developing ADUs each year, in all of Jacob's tenure with the City (10+ years), he has never permitted an ADU.

Though our current rules may comply with SB 1051, they don't meet the current best practices for such, and since compared with other jurisdictions that are addressing SB 1051 our rules could be seen as "unreasonable," we feel it's a good idea to amend them. We used the following documents to inform our recommendations for how to change the ADU chapter and permitting process.

1. **Character-Compatible, Space-Efficient Housing Options for Single-Dwelling Neighborhoods Report** by ODOT/DLCD through the TGM Program in May 2016. This Report details best practices for expanding housing choices in single-dwelling neighborhoods. In particular, it provides case studies, sample codes, and best practices for ADUs.
2. **Scappoose Housing Needs Analysis** (July 2017) and their code changes adopted in January 2018. Scappoose is our closest, most comparable City with similar housing demands. They amended their code to be less prohibitive to ADU development.
3. **Columbia County Housing Study** (December 2017) created by Community Action Team (CAT). CAT convened a housing work group, which included developers, planners, appraisers, lenders, and non-profits to analyze what is causing the housing shortage and what can be done about it.



They provided a list of recommended strategies that included removing regulatory barriers surrounding ADU permitting.

## **Auxiliary Dwelling Units - Definition**

Per Chapter 17.16 SHMC, the definition of an **Auxiliary Dwelling Unit** (ADU), also called an **Accessory Dwelling Unit** is:

*A second dwelling unit added to a lot with a detached or attached single unit dwelling and occupied by no more than one person per 300 square feet of unit living area and in compliance with requirements of SHMC Chapter 17.128 Auxiliary Dwelling Units*

It is recommended to change our definition to match the state's definition:

*An interior, attached, or detached residential dwelling unit structure that is used in connection, or that is accessory to, a **detached** single-family dwelling and in compliance with requirements of Chapter 17.128 SHMC Auxiliary Dwelling Units*

It is incredibly difficult to enforce our current rule of 300 square feet of living area per person and complicates the other minimum and maximum square footage requirements seen below. The new definition also focuses on allowing ADUs on lots with **detached** single-family dwellings, not attached, which are generally smaller lots and likely do not have the room to provide additional density comfortably.

## **Auxiliary Dwelling Units – Zoning**

Chapter 17.128 SHMC says the purpose of ADUs are to:

1. Create new housing units while respecting the look and scale of single-dwelling neighborhoods.
2. Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives.
3. Allow more efficient use of existing housing stock and infrastructure.
4. Provide a mix of housing that responds to changing household needs, sizes, and compositions.
5. Provide a means for new homeowners to defray some of the costs associated with purchase of a first home.
6. Provide a means for residents, particularly seniors, single parents, and families with grown children to remain in their homes and neighborhoods and obtain extra income, security, companionship, and services.
7. Provide a broader range of suitable and affordable housing.

**Zoning - Current Rule:** ADUs are allowed in all residential zones, including HBD, MU, and RD through a *Conditional Use Permit*. This requires a Planning Commission decision with a public hearing.



Notice Area - 300 feet

Cost - \$528

**Zoning - Suggested Rule:** Permit ADUs outright in all residential zones that allow detached single-family dwellings, including HBD, MU, and RD through a new *Auxiliary Dwelling Permit* that is issued administratively, similar to a Site Design Review process. Input would be gathered from neighbors with a notice mailing.

Notice Area – 100 feet (similar to Site Design Review)

Cost - \$264 (similar Minor Site Design Review > \$10,000 or Scenic Resource Review).

## **Auxiliary Dwelling Unit Permit - Approval Criteria**

Per SHMC 17.128, the general standards for creating ADUs should address the following purposes:

- 1) Ensure that ADUs are compatible with the desired character and livability of the St. Helens residential zones.
- 2) Respect the general building scale and placement of structures to allow sharing of common space on the lot.
- 3) Ensure that ADUs are smaller in size than houses, attached houses, or manufactured homes.
- 4) Provide adequate flexibility to site buildings so that they fit the topography of sites.

Creation - Current Rule: An ADU may only be created through the following methods:

- a) Converting existing living area, attic, basement, or garage
- b) Adding floor area
- c) Constructing a detached ADU on a developed site
- d) Constructing a new house, ~~attached house~~, or manufactured home with an internal or detached ADU

**Creation - Suggested Rule:** Remove attached house from the list because the lots are generally skinnier and not an ideal location to concentrate additional density.

We'll need to change "house" to a more appropriate word to be consistent with the code.

**Entrances - Current Rule:** Only one entrance to the house may be located on the front façade of the house, attached house, or manufactured home facing the street, unless the house, ~~attached house~~, or manufactured home contained additional front door entrances before the conversion to an ADU created. An exception to this regulation is entrances that do not have access from the ground, such as entrances from balconies or decks.

**Entrances - Suggested Rule:** Remove attached house from the list. We'll also need to replace "house" with more appropriate words to be consistent with the code.

**Owner-Occupancy - Current Rule:** The owner of the property must occupy either the primary residence or the ADU.



**Owner-Occupancy - Suggested Rule:** Remove this requirement all-together. This is likely the biggest reason we do not see ADUs being built. Scappoose amended their code to remove this requirement. This requirement prohibits investors from developing ADUs. It is also impractical to enforce and its omission is recommended by DLCD and Columbia County's affordable housing study in order to remove barriers.

**Heated Floor Area - Current Rule:** The heated floor area must be 100% of the floor area of the ADU.

**Heated Floor Area - Suggested Rule:** No change.

**Parking - Current Rule:** The parking requirements balance the need to provide adequate parking with maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site. More parking is required when a vacant lot is being developed because, generally, the site can more easily be designed to accommodate two parking spaces while minimizing impervious surface. In situations where an ADU is being added to a site with an existing dwelling unit, it is appropriate to not require additional impervious surface if adequate on-street parking is available. The following parking requirements apply to ADUs:

- a) **No Additional Parking Space Required.** No additional parking space is required for the ADU if it is created on a site with an existing house, attached house, or manufactured home and the roadway of at least one abutting street is at least 20 feet wide.
- b) **One Additional Parking Space Required.** One additional parking space is required for the ADU as follows:
  - i. When none of the roadways in abutting streets are at least 20 feet wide; or
  - ii. When the ADU is created at the same time as the house, attached house, or manufactured home.

**Parking - Suggested Rule:** Parking requirements are also one of the biggest barriers to development of ADUs. DLCD recommends removing the requirement of additional off-site parking spaces altogether. Scappoose amended their code to state that additional off-street parking spaces would not be required unless the primary dwelling unit has less than three spaces (includes driveway and garage).

However, as a predominately commuter community with few alternatives to passenger vehicles, the potential increase in parked vehicular congestion to certain neighborhoods is not something to ignore.

Staff has two recommendations:

1. No change, except clarifying that one additional parking space (which would be a 3<sup>rd</sup> space since detached dwelling units are minimally required to have two), shall be non-tandem and independently functional. Also change "house" to a more appropriate word.
2. Follow Scappoose's example but also clarifying that the three spaces be non-tandem and independently functional.



**Size - Current Rule:**

- a) Minimum Size. The size of the ADU may be no less than 220 square feet.
- b) Maximum Size. The size of the ADU may be no more than 30 percent of the living area of the house, attached house, or manufactured home or 1,000 square feet, whichever is less.

**Size - Suggested Rule:** These size rules make it difficult to renovate existing homes to create ADUs, which are the majority of the requests we see. Remove minimum size requirement (let the Building Code address that) and change the maximum size to be no more than 50% of the living area of the detached single-family dwelling or manufactured. Remove the maximum of 1,000 square feet because the 50% maximum allowed still meets the intent of the code to keep ADUs smaller than the existing homes.

We should consider applying the 50% rules to the main floor of the detached single-family dwelling or manufactured home. 50% of the gross floor area of a multiple level dwelling could add up.

Also, don't use "house" as per the comments above.

We may want to explore defining living area too, for example: Living area means all areas subject to heat/air conditioning inclusive of walls. This does not include non-heated/non-air conditioned areas or areas including but not limited to porches, garages, carports, balconies, hot tub/pool enclosure/rooms, etc.

**Additional Requirements for detached ADUs or ADUs created through the addition of floor area -**

**Current Rule:**

- a) Exterior Finish Materials. The exterior finish material must be the same, or visually match in type, size and placement, the exterior finish material of the house, attached house, or manufactured home.
- b) Roof Pitch. The roof pitch must be the same as the predominant roof pitch of the house, attached house, or manufactured home.
- c) Trim. Trim on edges of elements on the addition or detached unit must be the same in type, size, and location as the trim used on the rest of the house, attached house, or manufactured home.
- d) Windows. Windows must match those in the house, attached house, or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical).
- e) Eaves. Eaves must project from the building walls the same distance as the eaves on the rest of the house, attached house, or manufactured home.
- f) Setbacks. The ADU must meet the same setback requirements as principal dwelling units in the zone.
- g) Lot Coverage. The detached ADU may not have a larger footprint than the footprint of the house, attached house, or manufactured home, and the combined footprint of all detached structures may not exceed the lot coverage restriction of the zone.

**Additional Requirements for detached ADUs or ADUs created through the addition of floor area -**

**Suggested Rule:** These architectural requirements maintain the integrity of the neighborhood, which is



part of the intent ADU permit. DLCD recommends removal of all design standards, aside from those within historic districts. Most of the requests we see for ADUs are for renovations to existing homes, rather than detached ADUs, so many of these requirements would already be met. To staff, these design standards do not seem overly burdensome, and would likely be desired by the applicant without the rules in the place. [No suggested changes. They seem to be clear and objective.](#)

### **Auxiliary Dwelling Unit Permit – Other Suggested Approval Criteria**

1. [100-year floodplain.](#) ADUs should not be allowed in the 100-year floodplain. We do not want to increase density in areas that are prone to flooding. It is simplest to not allow ADUs under any circumstances within the 100-year floodplain.
2. [Sensitive Lands.](#) ADUs should not be allowed to impact riparian areas, wetlands or riparian/wetland protection zones.
3. [Exceptions to Variance.](#) ADUs should be allowed to utilize the exceptions provided in *SHMC 17.108.050 (4) Criteria for granting a Variance*. This section allows a reduction of 20 percent of the required setback and/or lot coverage increase up to 5 percent for enlargement or remodeling of an existing building or accessory structure without a variance. ADUs should be added to this list.
4. [Non-Conforming Structures.](#) Conversion of an existing legal non-conforming structure (e.g., a shed with a less than the minimally allowed setback) to an ADU is allowed, provided that the conversion does not increase the non-conformity and still complies with the provisions of *SHMC Chapter 17.128 Auxiliary Dwelling Units*. However, they should not be allowed for a non-conforming use (e.g., a dwelling in an industrial zone where they are not allowed). Obviously, we would make sure ADUs are not listed as a possible use in inappropriate zones too.
5. [Addressing.](#) We should include a provision that the ADU use the same address number as the principle dwelling, but with a unit or similar number. For example, an ADU for a dwelling addressed as 101 Anystreet, would have an address of 101B Anystreet.

### **System Development Charges (SDCs)**

DLCD recommends revising SDCs to match the true impact of ADUs in order to remove barriers to their development. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Not in the realm of planning or part of SB 1051, but it's a related topic.

The good news is based on the City's current SDC methodology (Resolution No. 1796) we shouldn't need to do much if anything new. If the water meter is shared with the principle dwelling both water and wastewater SDCs wouldn't apply to an ADU. As an "accessory dwelling" a shared meter makes sense.



This is a major savings alone of approximately >60% total reduction (*note rough estimate and differs based on meter size*) compared to a single-family dwelling/manufactured home.

Stormwater SDC is based on new impervious surface, which, by their nature of having a smaller footprint will keep the total fee smaller.

Parks could probably stay the same; staff may want to consider using the duplex rate for an ADU which is about half compared to the detached single-family dwelling/manufactured home rate.



## Attachments

Following is an overview of supportive and limiting codes for accessory dwelling units, followed by some specific recommendations:

Provision Type	Supportive Codes	Limiting Codes
Use	<ul style="list-style-type: none"> <li>Rental and occupancy standards for both primary unit and ADU match what is allowed in single-dwelling zones</li> <li>Allow one "household" per unit</li> </ul>	<ul style="list-style-type: none"> <li>Owner-occupancy requirement for one of the dwellings</li> <li>Limit use as short-term rentals</li> <li>Allow one "household" for the entire property (primary house + ADU)</li> <li>ADU residents must be family members of primary home's household</li> </ul>
Eligible Properties	<ul style="list-style-type: none"> <li>Allow on any residentially-zoned lot with a house or a duplex</li> <li>Low lot size minimums (e.g., 4,000 sf or less) for a property to be ADU-eligible</li> </ul>	<ul style="list-style-type: none"> <li>Only allow in some single-dwelling zones or only allow in duplex or multi-dwelling zones</li> <li>Only allow in overlay zones or specific geographic areas</li> <li>Large lot size minimums (e.g., 6,100 sf or more)</li> </ul>
Size	<ul style="list-style-type: none"> <li>Allow a flexible range of ADU sizes, e.g., ranging from small, micro-ADUs of 160 sf (Novato, CA) to detached ADUs up to 80% FAR of the main house (Portland, OR)</li> <li>Allow 1.5-2 story ADUs</li> <li>If the code allows garages in side or rear setbacks, allow small, 1-story ADUs there too</li> </ul>	<ul style="list-style-type: none"> <li>Cap ADUs at very small sizes, e.g., ADU limited to 600 sf (Durham, OR)</li> <li>Cap ADU height at 1 story</li> </ul>
Form	<ul style="list-style-type: none"> <li>Allow attached and detached options</li> <li>Allow up to two ADUs per lot, one internal and one detached</li> </ul>	<ul style="list-style-type: none"> <li>Only allow attached ADUs in single-dwelling zones</li> </ul>
Parking	<ul style="list-style-type: none"> <li>Require no on-site parking beyond what's required for the primary house</li> <li>Waive on-site parking requirement for ADU if site is near transit</li> </ul>	<ul style="list-style-type: none"> <li>Require one or more additional on-site parking spaces per ADU</li> </ul>
Design Compatibility	<ul style="list-style-type: none"> <li>Require design compatibility with the primary house only for new ADUs over 1-story tall</li> </ul>	<ul style="list-style-type: none"> <li>Require ADU's design to match primary residence in all cases, including one-story units (commonly specified items include roof pitch, siding, trim, windows, eaves, and others)</li> </ul>
Approval/ Process	<ul style="list-style-type: none"> <li>Allow by right</li> </ul>	<ul style="list-style-type: none"> <li>Require conditional use permit or other discretionary review process</li> </ul>
Fees	<ul style="list-style-type: none"> <li>Waive or reduce development impact fees</li> <li>Scale impact fees based on reduced size</li> </ul>	<ul style="list-style-type: none"> <li>Charge the same development impact fees as for larger single-dwelling homes</li> </ul>
Standard Provisions	<ul style="list-style-type: none"> <li>Locate ADUs behind the main house and/or set back a certain distance from the front property line (often 40 to 50 feet)</li> <li>Limit homes with internal ADUs to one street-facing entry door</li> </ul>	

### Character-Compatible Space-Efficient Housing Options for Single-Dwelling Neighborhoods (May 2016)



Sections:

17.92.010 Purpose.

17.92.020 Development standards.

17.92.010 Purpose. The purpose of this chapter is to establish appropriate locations, site development standards and permit requirements to allow for the provision of accessory dwelling units (ADU's) within the city. ADU's, commonly referred to as "granny flats" are a well-established housing strategy that utilize an additional living unit in areas zoned for single-family use. By creating a self-contained unit with a separate entrance and kitchen from existing space in the primary dwelling; a combination of existing and newly created space; space in an existing accessory building; or, from the addition of a new accessory building, second homes can be created in association with existing or new homes. Such living space can aid in the housing and dependent care of family members, provide rental income to offset the costs of homeownership, and add to the supply of affordable housing options available to the citizens of Scappoose. (Ord. 714 Exh. A (part), 2002)

17.92.020 Development standards. In addition to other standards of this code, ADU's shall comply with the following development standards:

A. An ADU shall meet all applicable health, fire safety and building codes, per the Oregon Structural Specialty Code;

B. ADU's shall be allowed only in conjunction with parcels containing one single-family dwelling. Only one ADU per parcel is permitted., and the primary dwelling associated with the ADU must be owner-occupied. Alternatively, the owner may appoint a family member as a resident caretaker of the principal house or of the ADU. However, in any low-density zone, the ADU must be occupied by a family member of an owner-occupied primary dwelling;

C. The ADU may be created by converting existing living area or adding floor area, or construction of a new structure that is either attached or detached. An attached garage does not qualify as living area;

D. The maximum gross habitable floor area (GHFA) of the ADU shall not exceed fifty percent of the GHFA of the primary residence on the lot, and shall not exceed a maximum of eight hundred square feet, whichever is less. The floor area of any garage shall not be included in the total;

E. Only one entrance shall be located on the front of the primary dwelling or any portion of the primary dwelling abutting a street, unless the dwelling contained additional entrances before the accessory residential unit was created;

F. In order to maintain an architectural character similar to the primary dwelling, the accessory residential unit shall have siding and roofing materials and exterior paint colors that generally match the siding and roofing materials, and exterior paint colors of the primary dwelling;

G. The development of the ADU shall provide an additional on-site parking space if the primary dwelling has less than ~~four~~ three on-site spaces (for example, inclusive of a garage and driveway) available before construction of the accessory unit;

H. A minimum six-foot hedge or site-obscuring fence may be required by the planner to buffer a detached ADU from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas of adjacent properties. (Ord. 828, 2013; Ord. 714 Exh. A (part), 2002)





## CITY OF ST. HELENS PLANNING DEPARTMENT

# MEMORANDUM

TO: City Council  
FROM: Jacob A. Graichen, AICP, City Planner  
RE: Planning Commission Annual Report  
DATE: April 30, 2018

DRAFT FOR PC REVIEW

DRAFT FOR PC REVIEW

This report covers Planning Commission activities from June 2017 through May 2018. The Planning Commission discussed this report at their May 8, 2018 meeting.

Number of meetings: 11 (last year 11)

Number of public hearings (a continued hearing is counted separately): 21 (last year 19)

Acceptance Agenda Items: 12 (last year 7)

For administrative land use actions that are more significant (e.g., Site Design Review) the Commission motions to formally accept the decisions or otherwise. This is a check and balance of sorts.

Planning Director Decisions: 71 (last year 57)

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

Discussion Items/Workshops: 10 (last year 13)

**Items included (in no particular order):** Urban Renewal plan and report, Branding and Wayfinding Master Plan, soda tax, CCEC and Middle School amended decision (files SDR.6.17 and SL.3.17), term expirations, dedication of open space, chair/vice chair selection, end of year summary report, ADUs, and the Annual Report to Council.

Architectural review: 0 (last year 1)

Certain proposals within the Riverfront District require architectural review.

**Projects in process:** The commission is involved with the Riverfront Connector Plan.

**Future projects/plans:** The Commission is largely reactionary in that it reviews things as they come. Code amendments for ADUs and to eliminate Type I Home Occupations is on the horizon.

**What can the Council do to support the Commission?** Nothing at this time?



# **CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT**



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

**Date:** 04.23.2018

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**

Conducted annual performance evaluation for the Associate Planner.

Conducted a pre-application meeting for a potential new eating/drinking establishment at 343 S. Columbia River Highway.

Worked with someone off and on all month to help determine if a potential addition to a home would be a "substantial improvement." If located in a 100-year floodplain, this term means the degree of improvement is enough to require the home to be upgraded to meet current flood construction regulations.

## **DEVELOPMENT CODE ENFORCEMENT**

We had a living in RV complaint in the Grey Cliffs Court area. Code enforcement helped and we got the Temporary Use Permit required and I believe the alleged RV trespass was also resolved.

## **ST. HELENS RIVERFRONT CONNECTOR PLAN (TGM FILE NO. 2D-16)**

An online open house to solicit feedback for this project was initiated as part of this effort: <https://www.surveymonkey.com/r/riverfrontconnector>. This replaced a neighborhood meeting as staff felt it would be a further reaching method of community input. We had to amend our Statement of Work to do so. We still had a meeting with the Planning Commission about this, which was open to the public (see below).

One of the links in the survey, and another way of providing comments separate from the survey is this interactive map: <http://maps.kittelson.com/sthelensconnectorplan>.

## **PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)**

April 3, 2018 meeting (outcome): The Planning Commission started one hour early this month (6pm instead of 7pm) to have a work session for the **Riverfront Connector Plan**. After that the commission held two public hearings for the Subdivision and Development Agreement for property at and around 34759 Sykes Road.

May 8, 2018 meeting (upcoming): The Commission has three public hearings. One is for a yard (setback) variance, the second is for a sing variance for a church, and the third is an annexation for property off Hankey Road. The Commission will also have a work session regarding amending the city's Auxiliary Dwelling Unit (ADU) rules.

## **GEOGRAPHIC INFORMATION SYSTEMS (GIS)**

License updates for Planning, Engineering and Public Works done this month. Routine data updates too.



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



## Jacob Graichen

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**From:** Jennifer Dimsho  
**Sent:** Monday, April 23, 2018 1:38 PM  
**To:** Jacob Graichen  
**Subject:** April Planning Department Report

Here are my additions to the April Planning Department Report.

### GRANTS

1. OPRD – Recreational Trails Program – Received notice to proceed. Drafted memo for authorization to purchase pre-fabricated restroom for Public Works/City Council review.
2. OPRD – Veterans Memorial Grant – Site will to be marked out in May for review on the ground with Public Works.
3. TGM – Riverfront Connector Plan –PC Work Session at 6 p.m. on April 10. City Council update April 18. Reviewed survey results, planned for next COOLPPL/Public Meeting in June.
4. EPA CWA Grant – Generic QAPP reviewed & signed. SAP reviewed and signed for South 80 Landfill project.
5. Community Development Block Grant (CDBG) Program - April 3 meeting with CDBG state staff and ED of Food Bank for partnership. Planned next steps for a \$1.5 million ask. Application opens May 1.
6. Submitted Business Oregon's Regional Infrastructure Fund Application x 2 (Due April 30) - Boardwalk/Greenway Design (Prepared letter of support and full application for \$200k) and Lagoon Repurposing Project (Reviewed full application for \$1 million)

### MISC

7. KOHI segment for Crystal – Promoted the ACC Blues & Folk Music Workshop
8. Met with Embarcadero Hospital Group, hotel partner of Tokola Properties to discuss future development in the City related to hotel demands and recreational amenities
9. Sat in on Building Official interviews (April 26)
10. Attended the Oregon Brownfields Conference (April 30 – May 1)

### Jenny Dimsho

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