



**PLANNING COMMISSION**  
**Tuesday, July 10, 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. **7:00 p.m. Call to Order and Flag Salute**
2. **Consent Agenda: Approval of Minutes**
  - 2.A. Minutes Dated June 12, 2018  
[Draft Minutes Dated 061218](#)
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. - Text Amendments to the Development Code - ADUs, Home Occupations, and significant wetland/riparian area upland protection zones  
[ZA.1.18 Staff Report](#)
  - 4.B. 7:30 p.m. - Conditional Use Permit at 100 St. Helens Street - Establish marijuana retailer  
[CUP.3.18 Staff Report](#)
5. **Discussion Items**
  - 5.A. Millard Road Property Zoning Discussion  
[Millard Road Property Presentation](#)
6. **Acceptance Agenda: Planning Administrator Site Design Review -**
  - a. *Site Design Review (Minor) at 550 Milton Way - Modifications to an existing telecommunications facility*
  - b. *Site Design Review (Minor) at 544 N. 10th Street - ADA and related site improvements*
  - c. *Site Design Review (Minor) at 150 Port Ave. - Modifications to an existing telecommunications facility*

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**7. Planning Director Decisions -**

- a. Accessory Structure at 71 West Street - New carport*
- b. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - Columbia County Fair & Rodeo*
- c. Temporary Use Permit at 735 S. Columbia River Highway - Fireworks stand*
- d. Home Occupation (Type I) at 2154 Oregon Street #30 - Home office for painting business*

**8. Planning Department Activity Report**

- 8.A. June Planning Department Report  
[2018 JUN Planning Dept Rept](#)

**9. For Your Information Items**

**10. Next Regular Meeting - August 14, 2018**

**11. Adjournment**

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# City of St. Helens Planning Commission

Draft Minutes

June 12, 2018

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

**Members Absent:** Commissioner Sheila Semling

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

**Others:** Elliot Michael  
Dennis Schad  
Cindy Colter  
Rocky Allen  
Jim Clackum  
Lynn Henry

- 1) **7:49 p.m. Call to Order and Flag Salute**
- 2) **Consent Agenda: Approval of Minutes**  
2.A Draft Minutes dated May 8, 2018

**Motion:** Upon Commissioner Webster's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved Draft Minutes dated May 8, 2018. Commissioner Cohen did not vote due to his absence from that meeting. [Ayes: Vice Chair Cary, Councilor Carlson, Commissioner Lawrence, 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 7:30 p.m. - Comprehensive Plan & Zoning Map Amendment at Firlock Park Blvd. - Rocky Alley

Chair Hubbard opened the Public Hearing at 7:50 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 June 1, 2018 into the record.

Graichen described the proposal and recommended conditions of approval, as presented in the staff report. In terms of City-wide zoning, Graichen noted that between Millard Road and Pittsburg Road, there is a stretch of 11,000 linear feet of Highway Commercial (HC) zoning. The depth of the HC zoning ranges from about 200 and 800 feet, except for two segments. One segment is north of Columbia Boulevard and there is Mixed Use, not residential behind it. The second segment is this proposal's location, which has a depth of only 85 feet at one point. From this standpoint, the zone change request makes sense. Regarding the Transportation Planning Rule, if the zone change generates more trips, Graichen said you have to do an analysis. In this case, one was not required because of a mistake in the Comprehensive Zone map that showed this property already as HC. The error was discovered and corrected only after the Transportation System Plan analyses, which means HC Comprehensive Plan designation was used in projected traffic assumptions.

Graichen also said if this zone change is approved, there will be one property remaining that is zoned Moderate Residential, R7. Normally you would want to avoid this, but in this case, staff supports the zone change because of the reasons identified above. Vice Chair Cary asked why that remaining property would not be re-zoned too. Graichen said this is not a City-initiated zone change, it is a request by the applicant.

### **In Favor**

**Allen, Rocky. Applicant.** His request is to change the zoning from Moderate Residential, R7 to Highway Commercial, HC. He would like to build a commercial business on the property.

Commissioner Cohen asked about the difference between Unincorporated HC and HC. Graichen said the only difference is whether or not you are in the City. Commissioner Cohen clarified that the entire property is within the City. Graichen said yes.

### **Neutral**

**Clackum, Jim.** He and his wife own and live on the small piece of property adjacent to the site. It is zoned Moderate Residential, R7. He said his home is surrounded by the subject property on three sides. He is concerned that the property will become a sea of concrete. He is not opposed to development, but he is curious what they plan to develop. He is concerned about property values. Graichen said there is riparian area that will prevent a portion of the property from being developed. He also said that commercial development adjacent to residential development requires screening and buffering.

**Henry, Lynn.** She lives on the property next to Mr. Clackum's property. She thought her property had already been annexed but it had not been. Graichen said the City could force annexation, but he has never used or seen this provision used. Graichen explained that if they ever wanted to connect to City water, they would have to annex into the City. He also said that they could annex if they want to use our development rules. She said she has been there for three years. There are beavers, eagles, heron, and deer along the creek. Her hope is that none of that will change, but it will partly depend on what is developed on the proposed site.

### **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 asked if this was a recommendation to City Council. Graichen said yes. Commissioner Cohen asked if they could consider buffers at this time. Graichen said buffers are not considered at this point. Commissioner Cohen said the proposal seems pretty cut and dry.

**Motion:** Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission unanimously recommended approval of the Comprehensive Plan & Zoning Map Amendment. [AYES: Vice Chair Cary, Councilor Carlson, Commissioner Cohen, Commissioner Lawrence, Commissioner Stenberg, Commissioner Webster; Nays: None]

4.B            8:00 p.m. - Conditional Use Permit at 231 S. 1st Street - Establish a child care facility

Chair Hubbard opened the Public Hearing at 8:21 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the staff report dated June 1, 2018 into the record. Graichen introduced the proposal and recommended conditions of approval to the Commission, as described in the staff report. He said since the proposal is within a commercial area, a way to encourage compatibility with surrounding uses would be to require drop-in services for shoppers with children. This could be facilitated with a condition that requires a plan for how they would require drop-in childcare facilities, similar to requiring a trash management plan. Commissioner Cohen is concerned that this could change their business model. He is also concerned that there is no outdoor facility area for children to play.

## In Favor

**Michael, Elliot. Applicant.** Michael explained that he owns several buildings in St. Helens. He only considers uses that enhance the community. Childcare is a huge need for the community. Unfortunately, the tenant who will run the childcare facility could not be here tonight. Michael said she is very passionate about providing a service to the families in the community. He feels this location is central and will enhance the downtown by increasing foot traffic to the businesses. Many businesses come and go because there is not enough foot traffic to generate income. He feels this proposal will enable a sustainable traffic pattern. He feels this will not generate a parking problem because customers drop off their children and leave quickly.

Regarding drop-in services, the tenant will be registering their facility through Oregon Department of Human Services if they can renovate the building for "E" Occupancy (Building Code). The tenant said it is important to have the correct number of staff for drop-in services. She is not against the idea, but she is concerned about it being a requirement of approval. Michael said they would likely want to expand to accept drop-in clients because it would increase her revenue, but she may not be able to provide the service right away.

Regarding outdoor space, Michael said they do not have any, but the building is 5,000 square feet. The interior space is divided for different activities. It is mainly designed for indoor after-school activities, like artwork. He mentioned potentially doing a mural project on the side of the building. He will be painting the facilities in the back of the building when he has the funds. He thinks there is room under an overhang in the back of the building for garbage bins. They may not need a dumpster. Graichen asked if the bins would be screened from public view. Michael said the trash cans would stay inside until trash day.

Commissioner Lawrence asked about drop off and pick up of children. Michael said there is ample area on-street and on the side of the building. Michael said the children will be school age, not pre-school age. Michael said the child to staff ratio is mandated by the state, and by the occupancy set by building code. He said during the summer, they will have extended hours, but they will generally be open until 6 p.m. Vice Chair Cary asked if her intended clients are from all over the City. Michael said yes, she intends to have children bussed to the facility after school.

Commissioner Webster said the Monkey Tree does not have an outdoor area either. Councilor Carlson said it is very common in Portland too. Commissioner Stenberg asked about the floor plan. Michael said there are two existing ADA restrooms. The floor plan in the staff report is what is existing, not what is proposed. Michael said that will come later. Commissioner Hubbard asked where the access to the second floor is. Michael said it has a separate external entry.

### **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 said if the Oregon Department of Human Services has to approve it, he has no problem with approval. Vice Chair Cary said he did not support requiring drop-in services. The Commission agreed.

**Motion:** Upon Commissioner Cohen's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved the Conditional Use Permit with no additional conditions and the removal of condition #2 for a trash management plan. [AYES: Vice Chair Cary, Councilor Carlson, Commissioner Cohen, Commissioner Lawrence, 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 Findings & Conclusions once prepared. [AYES: Vice Chair Cary, Councilor Carlson, Commissioner Cohen, Commissioner Lawrence, Commissioner Stenberg, Commissioner Webster; Nays: None]

- 5) **Acceptance Agenda: Planning Administrator Site Design Review**
- a. Site Design Review (Major) at 343 S. Columbia River Highway - Establish eating/drinking establishment in an existing commercial suite
  - b. Site Design Review (Minor) at 58640 McNulty Way - Parking lot expansion
  - c. Site Design Review (Major) at 2560 Columbia Blvd. - New 9-unit multi-dwelling complex

**Motion:** Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission unanimously approved the Acceptance Agenda: Planning Administrator Site Design Review. [AYES: Vice Chair Cary, Councilor Carlson, Commissioner Cohen, Commissioner Lawrence, Commissioner Stenberg, Commissioner Webster; Nays: None]

- 6) **Planning Director Decisions**
- a. Accessory Structure Permit at 34830 Willie Lane - New storage shed
  - b. Accessory Structure Permit at 59050 Elizabeth Lane - New covered porch area
  - c. Sign Permit at 58640 McNulty Way - New ground-mounted sign
  - d. Accessory Structure at 58700 Magnolia Circle - New carport
  - e. Home Occupation (Type I) at 434 Grey Cliffs Court - Home office for structural engineering consulting

There were no comments.

7) **Planning Department Activity Report**

There were no comments.

8) **For Your Information Items**

Vice Chair Cary asked about the wetland/riparian rule changes he heard about. Graichen said the City created a local wetland inventory and adopted significant upland protection zone rules in 2003. Now the City owns property that have a variety of wetlands. City Council discussed changing the rules to be less prohibitive to development, so the text amendments might include changes to the protection zone. Councilor Carlson suggested a joint field trip or meeting with Council and the Commission. The Commission agreed. Councilor Carlson will ask staff and bring up the idea of a joint meeting or field trip at the next Council meeting.

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

10) **Adjournment**

There being no further business before the Planning Commission, the meeting was adjourned at 9:11 p.m.

Respectfully submitted,

Jennifer Dimsho  
Associate Planner

**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Development Code Amendments ZA.1.18**

**DATE:** July 2, 2018  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner  
 Jennifer Dimsho, Associate Planner  
**APPLICANT:** City of St. Helens  
**LOCATION:** Citywide  
**PROPOSAL:** Text Amendments to the Development Code related to auxiliary dwelling units, home occupations, and significant wetland and riparian area upland protection zones

**The 120-day rule (ORS 227.178) for final action for this land use decision is not applicable.**

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows: July 10, 2018 before the Planning Commission and August 15, 2018 before the City Council.

Notice was published in the The Chronicle on June 27, 2018. Notice was sent to the Oregon Department of Land Conservation and Development (DLCD) on June 1, 2018. Notice was sent to agencies by mail or e-mail on June 21, 2018.

**AGENCY REFERRALS & COMMENTS**

See comments from DLCD—two emails dated June 25, 2018 attached, one regarding ADUs and the other regarding wetland/riparian matters.

**APPLICABLE CRITERIA, ANALYSIS & FINDINGS**

**SHMC 17.20.120(1) – Standards for Legislative Decision**

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

- (a) The statewide planning goals and guidelines adopted under ORS Chapter 197;
- (b) Any federal or state statutes or guidelines found applicable;
- (c) The applicable comprehensive plan policies, procedures, appendices and maps; and
- (d) The applicable provisions of the implementing ordinances.

**(a) Discussion:** This criterion requires analysis of the applicable statewide planning goals. The applicable goals in this case are Goal 1, Goal 2, Goal 5, and Goal 10.

***Statewide Planning Goal 1: Citizen Involvement.***

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

Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in the statutes and in its acknowledged comprehensive plan and land use regulations.

The City's Development Code is consistent with State law with regards to notification requirements. Pursuant to SHMC 17.20.080 at least one public hearing before the Planning Commission and City Council is required. Legal notice in a newspaper of general circulation is required too. The City has met these requirements and notified DLCD of the proposal. In addition, the City has sent notice to property owners potentially impacted by the proposed changes in land uses allowed on property as required by ORS 227.186.

Given the public vetting for the plan, scheduled public hearings, and notice provided, Goal 1 is satisfied.

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

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

The City and State (i.e., DLCD) coordinated with regard to the adoption of this proposal. The City notified DLCD as required by state law prior to the public hearings to consider the proposal.

There are no known federal or regional documents that apply to this proposal.

Comprehensive Plan consistency is addressed further below.

Given the inclusion of local, state, regional and federal documents, laws, participation and opportunity for feedback as applicable, Goal 2 is satisfied

***Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces***

*This goal is about protecting natural resources and conserving scenic and historic areas and open spaces to promote a healthy environment and natural landscape that contributes to Oregon's livability. It requires that riparian corridors and wetlands are inventoried and protected.*

The City maintains an inventory of riparian corridors and wetlands and plans for their protection with upland protection zones. Significant wetlands and riparian areas will still be



protected with a reduced upland protection zone. **Reduction of the protection zone is desired by the Council to reduce the barriers to economic development.**

In order to find that the proposal complies with Goal 5, the City must reexamine why it adopted the rules it did. To start see **attached findings** as attached to ORD No. 2890 (the ORD that adopted the City's wetland and riparian area protection regulations).

The City adopted its riparian regulations based on the "safe harbor" provisions of OAR 660-023-0090. The OAR references a 75' upland protection area for streams with a flow greater than 1,000 cubic feet per second and a 50' upland protection area for streams with less flow. This is directly reflected in SHMC 17.40.015. Unless the city explores the "safe harbor alternative" as provided in said OAR.

The wetland protection regulations are based on the ESEE process in OAR-023-0040. The city considered much for its existing rules as detailed in said ORD No. 2890. Finding No. 8 lists the ESEE issues. Note finding 8.n, which provides basis for having 50' / 75' wide protection zones for wetlands. In order to change this, the City would have to go through an entire new process to adopt new findings. Note that Ordinance No. 2890 states that "the Planning Commission has spent over two years developing a Significant Wetland/Riparian Corridor Protection Plan and implementing ordinances." It appears care was taken at this time to adopt the most appropriate rules for the City.

This proposal does not conflict with the state and federal regulations for the protection natural resources given compliance as noted above. Goal 5 is not satisfied without a complete reanalysis and findings to replace that of ORD No. 2890, at the least.

#### ***Statewide Planning Goal 10: Housing***

*This goal is about meeting the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

With the passage of Senate Bill 1051 (referenced in more detail below), the State (and DLCD) have been an advocate in developing best practices for the provisions of ADUs. This is because ADUs can provide additional housing at a greater density and for a lower cost than traditional development. In order to help meet the housing needs of the City and of the State, the City is proposing to change the ADU permitting process to more closely align with the recommended best practices.

**Finding:** The proposed Development Code amendments further the statewide planning goals.

**(b) Discussion:** This criterion requires analysis of any applicable federal or state statutes or guidelines in regards to the Development Code amendments.

On August 15, 2017, Senate Bill 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 Development Code.

Though our current rules may comply with SB 1051, they do not meet the current best practices for such. Therefore, our rules could be seen as “unreasonable”, especially compared to other jurisdictions that are addressing SB 1051, including the City of Scappoose.

**Finding:** The proposed amendments will help the City comply with the known federal and state statutes in regards to the Development Code changes.

**(c) Discussion:** This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices and maps. For the ADU amendments, the applicable goals and policies are:

**19.08.050 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.*

*(b) To locate housing so that it is fully integrated with land use, transportation and public facilities as set forth in the Comprehensive Plan.*

*(3) Policies. It is the policy of the city of St. Helens to:*

*(a) Maintain adequate development and building codes to achieve the city’s housing goals.*

*(b) Encourage the distribution of low income and/or multifamily housing throughout the city rather than limiting them to a few large concentrations.*

*[...]*

*(h) Encourage energy-efficient housing patterns in residential developments.*

**19.12.020 General residential category goals and policies.**

*(1) Goals. To create conditions suitable for higher concentrations of people in proximity to public services, shopping, transportation and other conveniences.*

*(2) Policies. It is the policy of the city of St. Helens to:*

- (a) Require undeveloped public ways of record to be improved to applicable city standards as a condition to the issuance of building permits for lots that front these ways.*
- (b) Encourage the infilling of areas presently undeveloped due to topographical limitations to achieve a more efficient use of the land.*
- (c) Allow for the convenient location of grocery stores by the conditional use process.*
- (d) Develop rules for multifamily dwellings which are consistent with housing policies.*
- (e) Designate general residential lands as R-5, General Residential or AR, Apartment Residential on the city zoning map.*

#### **19.12.030 Suburban residential category goals and policies.**

- (1) Goals. To establish conditions which will maintain attractive, convenient residential living typical of moderate density semi-suburban areas.*
- (2) Policies. It is the policy of the city of St. Helens to:*
  - (a) Allow for the convenient location of grocery stores by the conditional use process.*
  - (b) Permit a degree of flexibility in residential site design and a mixture of housing, including multi-dwelling units, through the planned development procedures.*
  - (c) Promote the development of homesites at a density and standard consistent with: the level of services that can reasonably be provided and the characteristics of the natural environment.*
  - (d) Review diligently all subdivision plats in the suburban residential category to ensure the establishment of a safe and efficient road system.*
  - (e) Designate suburban residential lands as R-7, Moderate Residential, or R-10, Suburban Residential, on the city zoning map.*

The ADU text amendments support the Comprehensive Plan's housing policy of providing a range of affordable housing options for residents who are in demographically different stages of socioeconomics. Because ADUs are smaller and typically cost less to develop, the text amendments also support the wider distribution of lower cost housing, rather than limited them to a few concentrated areas. Both of the residential comprehensive plan designations support the additional density and efficient infill development that ADUs offer, as long as the development is consistent with the level of services that can be reasonably provided and consistent with the characteristics of the natural environment. The amendments to allow for ADUs will not change the underlying zoning requirements related to lot coverage, setbacks, landscaping, and density.

For the Home Occupation text amendments, the applicable goals and policies are:

#### **19.08.020 Economic goals and policies.**

*[...]*

##### *(2) Goals.*

- (a) To maintain favorable conditions for a growing, healthy, stable and diversified business and industrial climate.*



- (b) To encourage the expansion of employment opportunities within the urban area so residents can work within their communities rather than commute to jobs outside the county.*
- (c) To promote industrial development necessary to provide a balanced tax base for the operation of local government services.*
- (d) To establish greater local control over the destiny of the local economic development.*

The text amendments related to Home Occupations will remove a permit for businesses that essentially have no outward indication that a business is being operated out of the residence. This will encourage local employment for residents within the City, reducing the number of commuters and encouraging growth in the number of small businesses in the community.

#### **19.08.060 Natural factors and local resources goals and policies.**

[...]

##### **(2) Goals.**

- (a) To maintain and, where possible, enhance the air, water, and land resources of the St. Helens area.*

[...]

- (d) To ensure the conservation of substantial fish and wildlife habitats.*
- (e) To preserve open spaces within and between urban living areas.*
- (f) To encourage the protection of the forest area within the urban growth boundary.*
- (g) To preserve for the public benefit outstanding scenic areas.*

##### **(3) Policies. It is the policy of the city of St. Helens to:**

- (a) Participate in resource management planning through participation in collective federal, state, and regional agency planning programs.*

[...]

- (f) Encourage the preservation, restoration, and functionality of the open space corridors or rezone to open space zone the following lands:*

- (i) The canyon area adjoining Godfrey Park.*
- (ii) The unimproved gullies and creekbed systems.*
- (iii) The lands along significant riparian corridors and connecting wetlands.*

The text amendments related to significant wetland and riparian protection zones will reduce economic development obstacles, particularly within industrially-zoned properties where the presence of wetlands greatly impacts the ability to develop. This furthers the City's economic goals and policies. Can the Commission find that the goals and policies related to natural resources are still met with a reduced buffer for significant wetlands and riparian areas? Note the findings under Goal 5 above.

**Finding:** The Commission must find that the text amendments to the Development Code further the Comprehensive Plan goals and policies related to housing, residential zoning, the economy, and natural resources.

**(d) Discussion:** This criterion requires analysis of the applicable provisions of the implementing ordinances.

**Finding:** The proposal modifies the Development Code but findings as to other applicable implementing ordinances are not necessary.

#### **CONCLUSION & RECOMMENDATION**

**Based upon the facts and findings herein, staff recommends approval of the proposed text amendments to the Development Code.**

**Attachment(s):** Proposed text amendments (May 22, 2018 revision)

Email from DLCD dated June 25, 2018 RE ADUs

Email from DLCD dated June 25, 2018 RE wetlands/riparian corridors

Findings as attached to ORD No. 2890 (the ORD that adopted the City's wetland and riparian area protection regulations)

underline words are added

~~words stricken~~ are deleted

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

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## CHAPTER 17.16 DEFINITIONS

[...]

### 17.16.010 General and land use definitions.

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

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

[...]

“Dwelling, auxiliary or accessory” means ~~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 the requirements of Chapter 17.128 SHMC~~ an interior dwelling unit or attached or detached residential dwelling unit structure that is used in connection with, or that is accessory to, a detached single-family dwelling unit (principal dwelling) and is located on the same lot or parcel as the principal dwelling. Auxiliary Dwelling Units are subject to Chapter 17.128 SHMC.

[...]

“Shopping plaza” means a group (two to seven business units) of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements (also “mini mall”).

“Short-term rental” means the use of a dwelling unit or rooms within a dwelling unit by a person or groups of persons entitled to occupy for rent for a period of less than 30 consecutive days. Short-term rental does not include: (a) bed and breakfast, homestay, boarding house; (b) lodging facilities or rooming house; or (c) hotels and motels.

Side Lot Line. See “lot line – side.”

[...]

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

[...]

#### 17.24.040 Preapplication conference.

[...]

(4) The following applications are exempt from the preapplication requirement of this section:

- (a) Tree removal permit.
- (b) Accessory structure permit.
- ~~(c) Home occupation permit, Type I.~~
- ~~(d) (c)~~ Nonconforming determination.
- ~~(e) (d)~~ Sign permits.

[...]

#### 17.24.120 Notice of decision by the director.

[...]

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

[...]

(ii) All surrounding property owners of record of property within the applicable notice area of the property for the following types of director decisions:

- ~~(A) Home occupations—Type I, unlisted uses: abutting properties;~~
- ~~(B) (A)~~ Lot line adjustments, major site design reviews, minor modifications to conditional use permits, sensitive lands, temporary uses, accessory structures: 100 feet;
- ~~(C) (B)~~ Land partitions: 200 feet;
- ~~(D) (C)~~ Expedited land divisions: 300 feet;
- (iii) For home occupations —~~Type II~~, see SHMC 17.120.060;

[...]

### CHAPTER 17.32 ZONES AND USES

[...]

#### 17.32.050 Suburban Residential Zone – R10

[...]

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

- (a) Auxiliary dwelling unit (per Chapter 17.128 SHMC).

- ~~(a)~~ (b) Home child care.
- ~~(b)~~ (c) Home occupation, ~~Types I and II (after compliance with per~~  
Chapter 17.120 SHMC).
- ~~(e)~~ (d) Public facilities, minor.

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

[...]

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

- ~~(a) Auxiliary dwelling units.~~
- ~~(b)~~ (a) Children's day care or day nursery.

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

[...]

#### **17.32.060 Moderate Residential Zone – R7**

[...]

- (2) Uses Permitted Outright. In an R-7 zone, the following uses are permitted outright:
  - (a) Auxiliary dwelling unit (per Chapter 17.128 SHMC).
  - ~~(a)~~ (b) Home child care.
  - ~~(b)~~ (c) Home occupation, ~~Types I and II (after compliance with per~~  
Chapter 17.120 SHMC).
  - ~~(e)~~ (d) Public facilities, minor

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

[...]

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

- ~~(a) Auxiliary dwelling units.~~
- ~~(b)~~ (a) Bed and breakfast, homestay, boarding house.

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

[...]

#### **17.32.070 General Residential Zone – R5**

[...]

- (2) Uses Permitted Outright. In an R-5 zone, the following uses are permitted outright:
- (a) Auxiliary dwelling unit (per Chapter 17.128 SHMC).
  - ~~(a)~~ (b) Duplex dwelling units.
  - ~~(b)~~ (c) Home child care.
  - ~~(c)~~ (d) Home occupation, ~~Types I and II~~ (per Chapter 17.120 SHMC).
  - ~~(d)~~ (e) Public facility, minor.

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

[...]

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

- ~~(a) Auxiliary dwelling units.~~
- ~~(b)~~ (a) Bed and breakfast, homestay, boarding house.

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

[...]

#### **17.32.080 Apartment Residential Zone – AR**

[...]

- (2) Uses Permitted Outright. In an AR zone, the following uses are permitted outright:
- (a) Auxiliary dwelling unit (per Chapter 17.128 SHMC).
  - ~~(a)~~ (b) Duplex dwelling units.
  - ~~(b)~~ (c) Home child care.
  - ~~(c)~~ (d) Home occupation, ~~Types I and II~~ (per Chapter 17.120 SHMC).
  - ~~(d)~~ (e) Multidwelling units residential facilities.

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

[...]

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

- ~~(a) Auxiliary dwelling units.~~
- ~~(b)~~ (a) Bed and breakfast, homestay, boarding house.

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

[...]

#### **17.32.090 Mobile Home Residential Zone – MHR**



[...]

(2) Uses Permitted Outright. In the MHR zone, the following uses ~~and their accessory uses~~ are permitted outright:

- (a) Auxiliary dwelling unit (per Chapter 17.128 SHMC).
- ~~(a)~~ (b) Home child care.
- ~~(b)~~ (c) Home occupation, ~~Types I and II~~ (per Chapter 17.120 SHMC).
- ~~(c)~~ (d) Mobile home parks.

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

[...]

(3) Conditional Uses (See Chapter 17.100 SHMC). In the MHR zone, the following conditional uses may be permitted upon application ~~to the commission, subject to the provisions of Chapter 17.100 SHMC:~~

- ~~(a) Auxiliary dwelling units.~~
- ~~(b)~~ (a) Bed and breakfast, homestay, boarding house.

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

[...]

### **17.32.095 Mixed Use Zone – MU**

[...]

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

- (a) Animal sales and services: grooming, kennels, retail and veterinary (small animals).
- (b) Auxiliary dwelling unit (per Chapter 17.128 SHMC).
- ~~(b)~~ (c) Car washes.
- ~~(c)~~ (d) Congregate housing.
- ~~(d)~~ (e) Continuing care retirement community.
- ~~(e)~~ (f) Cultural and library services.
- ~~(f)~~ (g) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses.
- ~~(g)~~ (h) Eating and drinking establishments.
- ~~(h)~~ (i) Equipment (small) sales, rental and repairs.
- ~~(i)~~ (j) Financial institutions.
- ~~(j)~~ (k) Hardware store, without outdoor storage.
- ~~(k)~~ (l) Home child care.
- ~~(l)~~ (m) Home occupation, ~~Types I and II~~ (per Chapter 17.120 SHMC).
- ~~(m)~~ (n) Hotels and motels.

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

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

- ~~(a) Auxiliary dwelling units.~~
- ~~(b)~~ (a) Amusement services.

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

[...]

### **17.32.100 Highway Commercial – HC**

[...]

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

- (a) Amusement services.
- (b) Dry cleaners and laundromats.
- (c) Dwelling units above outright permitted uses.
- (d) Funeral homes.
- ~~(e) Home occupation in dwelling unit (per Chapter 17.120 SHMC).~~
- ~~(f)~~ (e) Hospitals.

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

*[Note to Plan Comm: for some reason listed as a conditional use in the HC zone. Maybe a leftover from the past; I think they all used to be conditional uses. Propose to just remove it, as residential use is so limited in this zone and the HC zone is more commercial centric than the mixed use zones (MU and RD) or GC zones where more residential use is possible. Also, a home occupation doesn't cater to motorists, which is the HC zone focus.]*

[...]

### **17.32.110 General Commercial – GC**

[...]

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

[...]



- (j) Home occupation ~~in dwelling unit~~ (per Chapter 17.120 SHMC).

[...]

#### **17.32.172 Riverfront District – RD, Plaza**

[...]

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

(a) Historic residential structures with or without any auxiliary dwelling unit per Chapter 17.128 SHMC. This is listed here separate from other residential uses given SHMC 17.32.172(5)(a)(i). This does not mean historic residential structures are prohibited in other zones per SHMC 17.32.040(3)(a).

(b) Residential above Nonresidential Permitted Uses.

(i) Dwelling, single-family.

(ii) Dwelling, duplex.

(iii) Dwelling, townhouse.

(iv) Dwelling, multifamily.

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

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

~~(e)~~ (d) Public and institutional uses.

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

[...]

#### **17.32.173 Riverfront District – RD, Mill**

[...]

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

(a) Residential.

(i) Single dwelling units, attached.

(ii) Multidwelling units.

(iii) Auxiliary dwelling unit (per Chapter 17.128 SHMC).

[...]

(e) Commercial.

[...]

(xxii) ~~Type I and II h~~Home occupation (per Chapter 17.120 SHMC).

[...]

### **17.32.180 Houlton Business District – HBD**

[...]

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

~~(a) Historic residential structures (as listed in the comprehensive plan) with or without any auxiliary dwelling unit per Chapter 17.128 SHMC, and nonresidential historic structures (as listed in the comprehensive plan).~~

(b) (a) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses.

(b) Auxiliary dwelling unit (per Chapter 17.128 SHMC).

(c) Public and institutional uses

[...]

(mm) ~~Type I and II h~~Home occupation (per Chapter 17.120 SHMC).

[...]

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

(a) Animal sales and services: veterinary (small animals).

(b) Auction sales, services and repairs.

~~(c) Auxiliary dwelling units.~~

~~(d)~~ (c) Broadcast facilities without dishes over 36 inches or transmitter/receiver towers.

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

[...]

## **CHAPTER 17.96 SITE DEVELOPMENT REVIEW**

[...]

### **17.96.020 Applicability of provisions.**

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

[...]

- (6) Home child care;
- (7) Home occupations, ~~Type I and Type II~~;
- (8) Temporary use;

[...]

## CHAPTER 17.108 VARIANCE

[...]

### 17.108.050 Criteria for granting a variance.

[...]

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

(a) The reduction of the setback area or increase in lot coverage established by the applicable zoning district shall be necessary to allow for the enlargement or remodeling of an existing building, ~~or accessory structure~~, or Auxiliary Dwelling Unit;

(b) The increase in lot coverage established by the applicable zoning district may also allow for new accessory structures, or Auxiliary Dwelling Unit;

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

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

(e) The proposed building, accessory structure, ~~or addition~~, or Auxiliary Dwelling Unit shall not encroach upon any existing easements;

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

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

[...]

## CHAPTER 17.120 HOME OCCUPATION

Sections:

- 17.120.010 Purpose.
- 17.120.020 Applicability and exemptions.
- 17.120.040 ~~General a~~ Approval criteria and standards.
- 17.120.050 ~~Type I and Type II home occupations defined~~ Prohibited home occupations and residential business ventures.
- 17.120.060 Permit procedures for ~~Type I and Type II~~ home occupations.
- 17.120.070 Submission requirements for ~~Type II~~ home occupation applications.
- 17.120.080 Conditions applicable to ~~Type II~~ home occupation approvals.
- 17.120.090 Revocation and expiration of home occupation permits.
- 17.120.100 Action regarding complaints and violation of standards.
- 17.120.110 Notice of decision and appeals.
- 17.120.120 Penalties.

[...]

#### **17.120.020 Applicability and exemptions.**

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

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

(a) Garage sales;

(b) For-profit production of produce or other food products grown on the premises. This may include temporary or seasonal sale of produce or other food products grown on the premises. Farming activities shall be consistent with the definition of farming contained in Chapter 17.16 SHMC (definitions);

(c) Hobbies which do not result in payment to those engaged in such activity; ~~and~~

(d) Business ventures that exhibit no evidence that a business is being conducted from the premises and comply with the following:

(i) There are no outside volunteers or employees to be engaged in the business activity other than the persons principally residing on the premises;

(ii) There is no exterior signage which identifies the property as a business location;

(iii) There are no clients or customers to visit the premises for any reason;

(iv) There is no exterior storage of materials;

(v) There is no exterior storage of vehicles of any kind primarily used in the business that is obvious by advertising or other features; and

(vi) The business venture does not exceed the provisions of SHMC 17.120.040(4);  
and

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

(3) A home occupation permit and associated fee is required for each property on which a home occupation is undertaken.

#### **17.120.040 ~~General a~~ Approval criteria and standards.**

All home occupations except those that have proven nonconforming status shall ~~observe the following criteria in addition to the standards established for Type I and Type II uses described in SHMC 17.120.050~~ comply with the following.

(1) Home occupations may be undertaken only by the principal occupant(s) of a residential property;

(2) There shall be no more than three deliveries per week to the residence by suppliers;

(3) There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line resulting from the operation. Home occupations shall observe the provisions of Chapter 17.52 SHMC, Environmental Performance Standards;

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

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

(6) More than one business activity constituting two or more home occupations shall be allowed on one property only if the combined floor space of the business activities does not exceed 25 percent of the combined gross floor area of the residence and accessory structure. Each home occupation shall apply for a separate home occupation permit, if required as per this chapter, and each shall also have separate business licenses;

(7) There shall be no storage and/or distribution of toxic or flammable materials, nor spray-painting or spray-finishing operations that involve toxic or flammable materials which in the judgment of the fire marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties. Those individuals which are engaged in home occupations shall make available to the fire marshal for review the Material Safety Data Sheets which pertain to all potentially toxic and/or flammable materials associated with the use;

(8) No home occupation shall require any on- or off-street parking other than that normally required for a residence;

~~(9) The following uses are not allowed as home occupations:~~

~~(a) Auto body repair and painting;~~

~~(b) Ongoing mechanical repair conducted outside of an entirely enclosed building;~~

~~(c) Junk and salvage operations; and~~

~~(d) Storage and/or sale of fireworks;~~

~~(10)~~ (9) There shall be no exterior storage of vehicles of any kind used for the business except that one commercially licensed vehicle of not longer than 25 feet or taller than 12 feet may be parked outside of a structure or screened area;

(10) No more than one nonilluminated sign, not exceeding one and one-half square feet, which shall be attached to the residence or accessory structure or placed in a window shall be allowed;

(11) No more than one outside volunteer or employee who is not a principal resident of the premises shall be allowed;

(12) No more than six daily customers or clients. Customers and clients shall not visit the business between the hours of 10:00 p.m. and 8:00 a.m. and shall not generate excessive traffic or monopolize on-street parking;



(13) Any exterior storage of materials, goods, and equipment shall be screened entirely from view by a solid fence. Storage shall not exceed five percent of the total lot area and shall not occur within the front yard or the required side yard setback. If not proposed, exterior storage shall not be allowed. A new Home Occupation permit would be required; and

(14) Home occupation shall be listed as a permitted use in the applicable zoning district and the dwelling unit shall be legally established.

**17.120.050 Type I and Type II home occupations defined Prohibited home occupations and residential business ventures.**

~~Home occupations shall be administered as either Type I or Type II uses. A separate home occupation permit and/or fee is required for each property on which a Type II home occupation is undertaken. In addition to the general criteria outlined in SHMC 17.120.040, home occupations shall observe the following additional standards:~~

~~(1) Type I Home Occupations. A Type I home occupation shall exhibit no evidence that a business is being conducted from the premises. A Type I home occupation shall not permit:~~

~~(a) Outside volunteers or employees to be engaged in the business activity other than the persons principally residing on the premises;~~

~~(b) Exterior signage which identifies the property as a business location;~~

~~(c) Clients or customers to visit the premises for any reason;~~

~~(d) Exterior storage of materials; or~~

~~(e) Exterior storage of vehicles of any kind primarily used in the business that is obvious by advertising or other features.~~

~~(2) Type II Home Occupations. Property on which a Type II home occupation is located may show evidence that a business is being conducted from the premises. Therefore, the following is allowed for Type II home occupations:~~

~~(a) One nonilluminated sign, not exceeding one and one-half square feet, which shall be attached to the residence or accessory structure or placed in a window;~~

~~(b) No more than one outside volunteer or employee who is not a principal resident of the premises;~~

~~(c) No more than six daily customers or clients. Customers and clients may not visit the business between the hours of 10:00 p.m. and 8:00 a.m. and shall not generate excessive traffic or monopolize on-street parking;~~

~~(d) Storage of materials, goods, and equipment which is screened entirely from view by a solid fence. Storage shall not exceed five percent of the total lot area and shall not occur within the front yard or the required side yard setback.~~

The following uses are not allowed as home occupations or business ventures in or associated with dwelling units:

(1) Auto body repair and painting;

(2) Ongoing mechanical repair conducted outside of an entirely enclosed building;

(3) Junk and salvage operations; and

(4) Storage and/or sale of fireworks.

**17.120.060 Permit procedures for Type I and Type II home occupations.**

(1) ~~Type I and II Home Occupations~~. A person wishing to engage in a ~~Type I or Type II~~ home occupation must be a principal occupant of the property, pay a one-time review fee to the city, agree to abide by the provisions of this chapter, and acquire an annual business license.

(2) ~~Additional Permit Procedures for Type II Home Occupations~~. A person wishing to engage in a ~~Type II~~ home occupation is required to have a preapplication conference with city staff in accordance with SHMC 17.24.040 and is also required to submit an application and a fee.

(a) The decision to approve, approve with conditions, or deny an application for a ~~Type II~~ home occupation permit shall be made by the director upon findings of whether or not the proposed use:

- (i) Is in conformance with the standards contained in this chapter;
- (ii) Will be subordinate to the residential use of the property; and
- (iii) Is undertaken in a manner that is not detrimental nor disruptive in terms of appearance or operation to neighboring properties and residents;

(b) The director's decision to deny an application or approve it with conditions may be appealed to the planning commission; and

(c) Upon approval of a ~~Type II~~ home occupation application, the director shall issue a preliminary notice of approval and provide notice of the same to the applicant and to property owners within 300 feet of the property line of the proposed use. The decision shall be final within 20 days following the day of mailing of notice unless appealed to the planning commission.

(3) Appeals shall be made in accordance with SHMC 17.24.310(1) at a cost equal to 60 percent of the city's standard appeal fee.

#### **17.120.070 Submission requirements for ~~Type II~~ home occupation applications.**

An application for a ~~Type II~~ home occupation shall be made on forms provided by the director and shall be accompanied by:

(1) One copy of the applicant's statement or narrative which explains how the proposal conforms to the approval criteria in SHMC 17.120.040 ~~and 17.120.050~~;

(2) The required fee;

(3) A site plan of the property drawn to scale with a north arrow indicated. The site plan shall show all major features of the property including buildings, major vegetation, access for public streets, sidewalks, any proposed exterior storage related to the home occupation per SHMC 17.120.040(13), etc.;

(4) One floor plan of all structures on the property which are to be used for the home occupation(s);

(5) One title transfer instrument; and

(6) Property owner's signature(s) or written authorization.

#### **17.120.080 Conditions applicable to ~~Type II~~ home occupation approvals.**

The director may impose conditions upon the approval of a ~~Type II~~ home occupation permit to ensure the requirements of this chapter are complied with. These conditions may include, but are not limited to, the following:

[...]

(14) Any other limitations which the director considers to be necessary or desirable to make the use comply with the purposes stated in ~~SHMC 17.120.040 and 17.120.050~~ this chapter.

[...]

## CHAPTER 17.128 AUXILIARY DWELLING UNITS

### Sections:

- 17.128.010 Purpose.
- 17.128.020 Applicability.
- 17.128.030 Design standards.
- 17.128.040 Addressing of auxiliary dwelling units.
- 17.128.050 Prohibited areas for auxiliary dwelling units.
- 17.128.060 Prohibited uses of auxiliary dwelling units.
- 17.128.070 Permit procedures for auxiliary dwelling units.

### 17.128.010 Purpose.

Auxiliary dwelling units are allowed in certain situations 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 the 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; ~~and~~
- (7) Provide a broader range of suitable and affordable housing-; and
- (8) Create additional long-term family living situations, while avoiding the exploitation of this housing type through their use as short term living and other related business.

### 17.128.020 Applicability.

- (1) An auxiliary dwelling unit may be added to or constructed or installed on the same lot or parcel as a house, attached house detached single-dwelling unit, or manufactured home in any zone where the existing principal use is permitted and where auxiliary dwelling unit is listed as a permitted use.
- (2) Only one auxiliary dwelling unit is allowed per lot or parcel developed with a detached single-family dwelling or manufactured home.



### 17.128.030 Design standards.

(1) Standards for creating auxiliary dwelling units address the following purposes:

(a) Ensure that auxiliary dwelling units are compatible with the desired character and livability of St. Helens residential zones;

(b) Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;

(c) Ensure that auxiliary dwelling units are smaller in size than ~~houses, attached houses~~ detached single-family dwellings, or manufactured homes;

(d) Provide adequate flexibility to site buildings so that they fit the topography of sites; and

(e) The design standards for auxiliary dwelling units are stated above. If not addressed in this section, the base zone development standards apply.

(2) Requirements for All Auxiliary Dwelling Units. All auxiliary dwelling units must meet the following standards:

(a) Creation. An auxiliary dwelling unit may only be created through the following methods:

(i) Converting existing living area, attic, basement or garage;

(ii) Adding floor area;

(iii) Constructing a detached auxiliary dwelling unit on a developed site; or

(iv) Constructing a new ~~house, attached house~~ detached single-family dwelling, or manufactured home with an internal or detached auxiliary dwelling unit;

(b) Entrances. Only one entrance to the house may be located on the front facade of the ~~house, attached house~~ detached single-family dwelling, or manufactured home facing the street, unless the ~~house, attached house~~ detached single-family dwelling, or manufactured home contained additional front door entrances before the conversion to an auxiliary dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground, such as entrances from balconies or decks;

~~(e) Owner Occupancy. The owner of the property must occupy either the primary residence or the auxiliary dwelling unit;~~

~~(d)~~ (c) Heated/Air-conditioned Floor Area. The heated/air-conditioned floor area of the auxiliary dwelling shall be 100 percent of the floor area of the auxiliary dwelling unit;

~~(e)~~ (d) Parking. 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 auxiliary dwelling unit 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:

(i) The following parking requirements apply to auxiliary dwelling units:

(A) No Additional Parking Space Required. No additional parking space is required for the auxiliary dwelling unit if it is created on a site with an existing ~~house, attached house~~ detached single-family dwelling, or manufactured home and the roadway of at least one abutting street is at least 20 feet wide and allows on-street parking;

(B) One Additional Parking Space Required. One additional off-street parking space is required for the auxiliary dwelling unit as follows:

1. When none of the roadways in abutting streets are at least 20 feet wide; or  
 2. When none of the abutting streets allow on-street parking; or  
 2. 3. When the auxiliary dwelling unit is created at the same time as the house, attached house, detached single-family dwelling, or manufactured home. An auxiliary dwelling unit is considered created at the same time of the principle dwelling even if a permit per this Chapter is applied for within one year from the date of Certificate of Occupancy of the principal dwelling.

(ii) When an additional off-street parking space is required it shall comply with the Development Code and shall be independently functional. Independently functional means the vehicle in the parking space is not dependent on another vehicle moving to get to the street from the parking space. For example, a two-vehicle garage with a garage door and driveway both 20' in width only, can only count as two parking spaces (not four), since the vehicles in the garage cannot get to the street without the ones in the driveway moving out of the way. In this instance, a new (additional) parking area would need to be created to the side of the garage or elsewhere while still complying with the Development Code (e.g., parking and access standards).

(f) Size.

(i) Minimum Size. The size of the auxiliary dwelling unit ~~may~~ shall be no less than ~~220 square feet as allowed by the Building Code;~~

(ii) Maximum Size. The size of the auxiliary dwelling unit ~~may~~ shall be no more than ~~30 50 percent of the living area of the house, attached house, detached single-family dwelling, or manufactured home or 1,000 square feet, whichever is less. Living area means all areas subject to heat/air conditioning inclusive of walls. This does not include non-heated/non-air conditioned areas including but not limited to porches, garages, carports, balconies, hot tub/pool enclosure/rooms, etc.~~

(3) Additional requirements for detached auxiliary dwelling units or for auxiliary dwelling units created through the addition of floor area:

(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,~~ detached single-family dwelling or manufactured home;

(b) Roof Pitch. The roof pitch must be the same as the predominant roof pitch of the ~~house, attached house,~~ detached single-family dwelling 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,~~ detached single-family dwelling or manufactured home;

(d) Windows. Windows must match those in the ~~house, attached house,~~ detached single-family dwelling 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,~~ detached single-family dwelling or manufactured home;

(f) Setbacks. The auxiliary dwelling unit must meet the same setback requirements as principal dwelling units in the zone or as otherwise allowed by the Development Code;

(g) Lot Coverage. The detached auxiliary dwelling unit may not have a larger footprint than the footprint of the ~~house, attached house,~~ detached single-family dwelling or manufactured home, and the combined footprint of all detached structures ~~may~~ shall not exceed the lot coverage restriction of the zone or as otherwise allowed by the Development Code.

**17.128.040 Addressing of auxiliary dwelling units.**

Auxiliary dwelling units shall use the same address number as the principle dwelling, but with a unit or similar number. For example, an Auxiliary dwelling units for a principal dwelling addressed as 101 Anystreet, would have an address of 101B Anystreet.

**17.128.050 Prohibited areas for auxiliary dwelling units.**

(1) In addition to zoning regulations, auxiliary dwelling units are prohibited in the following areas:

- (a) Resource or resources per Chapter 17.40 SHMC;
- (b) Protection zones Chapter 17.40 SHMC;
- (b) Area of special flood hazard per Chapter 17.46 SHMC;

**17.128.060 Prohibited uses of auxiliary dwelling units.**

(1) Given the purpose of auxiliary dwelling units per SHMC 17.128.010 and because they are not considered principal uses, the following uses are prohibited for them:

- (a) Short-term rentals;
- (b) bed and breakfast, homestay, boarding house; and
- (c) lodging facilities or rooming house.

(2) Home occupations may be allowed in auxiliary dwelling units given compliance with Chapter 17.120 SHMC.

**17.128.070 Permit procedures for auxiliary dwelling units.**

Notice and process for auxiliary dwelling units shall follow the same as for site development review, major, except for criteria and standards, which shall comply with this Chapter.



Jacob Graichen

RE ADUs

**From:** Debbaut, Anne <anne.debbaut@state.or.us>  
**Sent:** Monday, June 25, 2018 2:42 PM  
**To:** Jacob Graichen; Jennifer Dimsho  
**Subject:** FW: City of St. Helens Proposed Plan Amendment (Local File ZA 1.18; DLCD File 005-18)

Dear Jacob and Jennifer,

Please have this email replace an earlier one sent at 1:23 today.

Thank you for the city's Notice of Plan Amendment for the adoption of ADU text resulting from SB 1051 and for the reduction of protection distance from wetlands and riparian corridors. Please enter these comments into the record for this plan amendment and the proceedings of the July 10, 2018 hearing and any future hearings.

Our comments are by text amendment section as follows:

17.128.020(2): Please note that state law requires one ADU to be allowed per detached single-family dwelling, not per lot as proposed.

17.128.030

*(1)(e): It appears that the design standards are stated \*below\*, in Section (3).*

*(2)(a): Suggest removing this section on creation of ADUs. Given the definition of ADU's in the definitions section, it doesn't seem necessary and it leaves out conversion of existing detached accessory structures.*

*(2)(b): Suggest deleting this section on entrances. Not sure how this serves the public interest, especially given the exception that allows additional front-façade-facing doors on a second floor? This provision is a potential barrier to creating ADUs.*

*Former (2)(c): Great to see the owner-occupancy requirement removed!*

*New (2)(c): Is this provision requiring %100 of an ADU floor area to be heated and cooled? If this is the case, this sounds like a building code issue and not a land use issue.*

*(2)(d)(i): Suggest removing the requirement for an additional off-street parking space if abutting streets allow on-street parking. If a street allows parking, then not understand why the width matters as presumably that has been determined. And do not understand why it matters whether or not the dwelling is also new construction?*

*(2)(d)(ii): We encourage the city to allow driveway spaces to be counted for off-street parking (this is sometimes called tandem parking). An inconvenience that might result from tandem parking is borne exclusively by the residents of the property. It could be considered a benefit to the City as it can prevent the creation of more impervious surface, and reducing potential storm water runoff.*

*(2)(f): Suggest the city not limit ADUs to 50% of the primary dwelling, particularly if other accessory buildings are not similarly limited. It could be so limiting in size as to make it impractical to build one. We recommend what many cities have which is a maximum size of at least 800 SF or 75% of the primary dwelling size,*

*whichever is greater. You could also continue with the 50% of the primary dwelling or 800 SF, whichever is greater, as well. Also suggest for simplicity the whole building be considered in the building size and not distinguishing heated and unheated. If it's based on heated and unheated it makes one what the purpose of the size restriction is and may encourage applicants to be less than straightforward about their building plans.*

*(3)(a-e): All housing standards must have a clear and objective path, however the city does have the option to create an alternative path. These building materials standard appear to not be clear and objective.*

*17.128.050: If single-family dwellings are prohibited in all these areas, then it would follow that ADU's are prohibited. However, if single-family dwellings are allowed then this section will need to be reconsidered.*

I may send an additional comment on the reduction of protection a bit later.

Please contact me if you have any questions or need further assistance.

Best Regards,  
Anne

**Anne Debbaut** | Metro Regional Representative | Portland Metro Regional Solutions Center  
Oregon Department of Land Conservation and Development  
1600 SW Fourth Ave., Suite 109 | Portland, OR 97201  
Office: 503.725.2182 | Cell: 503.804.0902  
[anne.debbaut@state.or.us](mailto:anne.debbaut@state.or.us) | [www.oregon.gov/LCD/](http://www.oregon.gov/LCD/)

*RE WETLAND/RIP*

**Jacob Graichen**

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**From:** Debbaut, Anne <anne.debbaut@state.or.us>  
**Sent:** Monday, June 25, 2018 2:31 PM  
**To:** Jacob Graichen; Jennifer Dimsho  
**Subject:** City of St. Helens Proposed Plan Amendment (Local File ZA 1.18; DLCD File 005-18)  
**Attachments:** AP Comments St Helens PAPA 005-18.pdf

Jacob and Jennifer,

Thank you for the city's Notice of Plan Amendment for the adoption of ADU text resulting from SB 1051 and for the reduction of protection distance from wetlands and riparian corridors. Please enter this second set of comments, including the attachment, into the record for this plan amendment and the proceedings of the July 10, 2018 hearing and any future hearings. These are directed more specifically at the proposed protection distance from wetlands and riparian corridors.

We respectfully request applicable documents and information noted in the attached comments from Amanda Punton, Natural Resource Specialist, be provided such that we can make more informed comments prior to the Planning Commission Hearing, or at the latest, before the City Council Hearing.

Please contact me if you have any questions or further explanation would be helpful.

Best Regards,  
 Anne

**Anne Debbaut** | Metro Regional Representative | Portland Metro Regional Solutions Center  
 Oregon Department of Land Conservation and Development  
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Amanda Punton's comments on St. Helens PAPA 005-18, local File # ZA.1.18

### **Comments regarding consistency with Goal 5 and OAR 660-23-0090 and 0100**

DLCD is concerned that proposed amendments to SHMC 17.40.015, *Establishment of significant wetlands, riparian corridors and protection zones*, do not meet the process requirements and standards described in Oregon Administrative Rules specific to the protection of Goal 5 significant wetlands and riparian areas. There was not sufficient information submitted with the PAPA notice to definitively identify the discrepancies. DLCD request that the city provide the documents and information noted below so we can better assess compliance with OAR 660-023-0090 and 0100 and the relationship of these proposed amendments to the findings that supported adoption of SHMC 17.40.

#### **Riparian resources**

The submittal did not include information on the width of "associated riparian areas" within the city's significant riparian corridors—

SHMC 17.40.015 (3) states that for waterways, "The protection zone shall be measured from the . . . riparian corridor edge, or the top of the bank of the waterway when no riparian area is included in the corridor.

SHMC 17.40.015 (2)(c) states that, "significant riparian corridors, including those with associated riparian areas, are more specifically defined in Ordinance 2824".

Ordinance 2824 was not included in the submittal. There was also no information on the policies and findings that were used as the basis for the current protection standards.

It is likely that the proposed reduction of the city's protection area for significant riparian corridors does not meet the safe harbor provisions for streams with an annual average stream flow greater than 1,000 cubic feet per second. If it was not the intent to use the OAR 660-023-0090 safe harbor protection area, there is not sufficient information to determine if the required process steps were completed to establish a different protection area.

#### **Wetland resources**

There was not sufficient information provided to understand the origins of the city's protection areas surrounding wetlands or the distinction between city-designated Type I and Type II wetlands.

SHMC 17.40.010 defines significant wetland as "a wetland that has been identified by the city as a significant Goal No. 5 resource in Ordinance 2807, the comprehensive plan and in SHMC 17.40.015(1)".

The OAR standards and process for establishing protection areas around a wetland differ depending on whether the wetland is part of a riparian corridor or is outside a riparian corridor. The city's local wetland inventory, Ordinance 2807, and Ordinance 2824 may reveal the distinction between Type I and Type II wetlands and riparian and isolated wetlands.

## ORDINANCE NO. 2890

AN ORDINANCE TO AMEND THE ST HELENS COMMUNITY DEVELOPMENT CODE (Ord No. 2875) TO DELETE PORTIONS OF CHAPTER 1.092 AND TO ADD A NEW CHAPTER 1.091 FOR WETLAND/RIPARIAN CORRIDOR PROTECTION.

WHEREAS, the City of St. Helens is in Periodic Review and Work Task #6 is to comply with Statewide Planning Goal 5; and

WHEREAS, the Planning Commission has spent over two years developing a Significant Wetland/Riparian Corridor Protection Plan and implementing ordinances; and

WHEREAS, the St. Helens Planning Commission did hold a duly noticed public hearing and did conclude to recommend a protection program and implementing ordinance amendments for the protection of St. Helens significant wetlands and significant riparian corridor resources in accordance with Oregon Administrative Rules 660-023 and Oregon Revised Statute 197 to the City Council; and

WHEREAS, the City Council did hold a duly noticed public hearing and did find that after due consideration of all the evidence in the record compared to the criteria that they agreed with the recommendation of the St. Helens Planning Commission to amend the St. Helens Community Development Code as stated in Attachment A; and

WHEREAS, the Council has considered findings of compliance with criteria and law applicable to the proposal;

NOW THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

1. The above recitations are true and correct and are incorporated herein by this reference.
2. The St. Helens Community Development Code is herein amended as stated in Attachment A.
3. In support of the above amendment the Council hereby adopts the Periodic Review Work Task #6 Findings of Fact and Conclusions of Law attached here within.
4. The effective date of this ordinance shall be December 1, 2003.

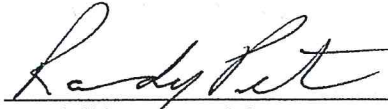


Read the first time:	October 1, 2003
Read the second time:	October 1, 2003
Read the third time:	October 15, 2003
Approved by the Mayor	October 15, 2003

Attested by:



Brian D. Little, City Recorder



Randall Peterson, Mayor

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
PROTECTION RULES FOR SIGNIFICANT WETLANDS AND RIPARIAN  
CORRIDORS  
COMPLETION OF PERIODIC REVIEW WORK TASK #6

**PURPOSE:**

Complete Periodic Review Work Task # 6 on Goal 5.

**PUBLIC HEARING AND AGENCY COORDINATION:**

Public Hearings were held March 11, 2003 and continued to April 8 and May 13 and again on July 16 with the record left open to August 15, 2003.

A notice of this Public Hearing on this work task on Goal 5 was sent to property owners that would be directly impacted by the proposed rules February 19, 2003 by first class mail. Notice was published in The Chronicle February 22 and March 1, 2003. Notice was also sent to the Department of Land Conservation and Development on March 11, 2003.

REFERRALS were sent to the following:

1. St Helens City Engineer, Police, Parks, Building Official, Waste Water Treatment Plant Superintendent, and Public Works Manager.
2. Columbia County Land Development Services, Public Health Authority, Roadmaster, Planning Commission, and Board of Commissioners and County Surveyor.
3. St. Helens Rural Fire District.
4. St. Helens Rural School District
5. Columbia 911
6. Columbia River PUD, Qwest, PGE, and NW Natural
7. ODOT Region 1, Michael Ray
8. FEMA
9. Oregon Division of State Lands
10. Oregon Dept. Of Fish and Wildlife
11. Oregon Dept. Of Environmental Quality
12. Scappoose Bay Watershed Council

No adverse comments were received from any local, state or federal agency.

## REVIEW CRITERIA

The recommendation by the Commission was and the decision by the Council shall be based on consideration of the following factors:

- A. Oregon Statewide Planning Goal 5 as implemented by OAR Chapter 660, Division 23.
- B. Applicable policies of the St. Helens Comprehensive Plan.

## EVALUATION AND COUNCIL FINDINGS:

### *A. Oregon Statewide Planning Goal 5 and the Goal 5 Rule (OAR Chapter 660, Division 23).*

#### **Council Findings:**

1. The City has inventoried wetlands and riparian resources. The City first conducted a Local Wetlands Inventory (LWI) and then determined which wetlands are locally significant following methods prescribed in Division of State Lands administrative rules. The City's riparian corridors inventory was based on methodology that was developed by Pacific Habitat Resources (PHS) and approved by the DSL. The City has adopted a list of significant wetland and riparian corridor resource sites, as required by OAR 660-023-030. The Council has adopted this resource site list of significant wetlands and riparian corridors as part of the St. Helen's Comprehensive Plan.
2. As required by OAR 660-023-040, the City has identified land uses that may conflict with the preservation of significant wetland and riparian corridor resource sites. Conflicting uses include public facilities, transportation improvements, excavation and vegetation removal, new construction, residential uses and public/semi-public uses allowed in the City's residential zones, commercial uses allowed in the city's commercial zones, and industrial uses allowed in the City's industrial zones.
3. The proposed amendments to Chapter 1.092 are intended to limit land use and development activities in a manner similar to the "safe harbor" provisions of OAR 660-023-090(8) and OAR 660-023-100 (4)(b), except that protection zones of 50-75 feet are proposed for locally significant wetlands.
  - (a) The Commission has received copies of ordinances from the cities of West Linn, Astoria, Tigard, Tualatin, Reedsport, Lincoln City, Eugene, Talent in Oregon; Camas, Washington, Martin County, Florida, and the Portland-Vancouver metropolitan area, and a Willamette Study.

- (b) The Commission read many articles from Division of State Lands, Environmental Protection Agency, National Marine Fisheries Services, Oregon Department of Forestry, and Oregon Department of Environmental Quality.
- (c) A review of 11 wetland/riparian resource protection plans from other governments showed that the range of protection by buffer is 0 feet in Astoria to 200 feet by Metro. All required proof of boundaries and proof that no or minimum harm to the resource would result in the conflicting use.
- (d) In addition, some members of the Planning Commission have participated in workshops with interested parties and various consultants/experts to discuss the many aspects of functions, values, conflicts, ESEE and Safe Harbor as regards wetlands and riparian corridors.

4. Based on the consideration of ESEE consequences, the City has decided to protect significant wetlands and riparian corridors on a limited basis, consistent with OAR 660-023-050 (standard Goal 5 process for wetlands outside of riparian corridors) and 660-023-090 (safe harbor provisions for riparian corridors). The proposed amendment creates "protection zones" around/adjacent to the significant wetland or riparian corridor resource. The proposed amendment limits or prohibits land uses and development activities within the protection zone (buffer) and significant resource. The limited protection program is based on clear and objective standards that have been adopted as **Chapter 1.091 of the St. Helen's Community Development Code, "Protective Measures for Significant Wetlands, Riparian Corridors, and Protection Zones."**

5. Chapter 1.091 provides "safe harbor" protection for significant riparian corridors and associated wetlands, and establishes protection zones ranging from 50-75 feet, depending on the average annual stream flows, consistent with OAR 660-023-090. Chapter 1.091 imposes limitations on development activities as required by OAR 660-023-090(8). This chapter has been applied to Milton Creek, Multnomah Channel and Columbia River adjacent to St. Helens, which are listed by the National Marine Fisheries Service under the Endangered Species Act (ESA) as having "endangered and threatened" species of fish. The Oregon Department of Fish and Wildlife has listed McNulty Creek, the north fork of McNulty Creek, Milton Creek, Multnomah Channel and Columbia River as "fish bearing" waterways.

6. Chapter 1.091 also provides protection zones of 50-75 feet for locally significant wetlands, depending on the relative quality of the wetland. Because the "safe harbor" provisions of OAR 660-023-100 do not specify buffers or protection zones, the ESEE consequences of requiring such buffers must be considered.

7. The record of these proceedings shows that the City considered the ESEE (economic, social, environmental and energy) consequences of alternative courses of action, including full resource protection, no resource protection, and limited resource protection. Such consideration is required by OAR 660-023-040. In addition to assessing ESEE consequences, the Planning Commission and City Council considered the

following issues during the public hearing process, as required by OAR 660-023-060 (Landowner involvement).

8. The following ESEE issues were raised and mostly addressed at the hearing or in the ordinance:

- (a) Variance procedure was raised. As required by OAR 660-023-090, the procedure and criteria for variance approval is well stated in the proposed ordinance.
- (b) Should vegetation be kept in the protection zone. The ordinance includes requirements to keep riparian vegetation as part of the Protection Zone. This environmental consequence was considered. The Council decided to protect riparian vegetation from most conflicting uses within the riparian protection zone.
- (c) Keep protection zones to offset dry years and wet years for hydrological function of wetlands. This wetland function is maintained by proposed wetland protection zones.
- (d) Takings concerns were raised several times. It has been fully addressed at the hearings and in the ordinance. The variance provisions of Chapter 1.091 is intended to address variance requirements.
- (e) Cost of delineations and EA's was raised in the hearing as an economic consequence. The Council determined that wetland delineations and environmental assessments are a normal part of the business of development.
- (f) To address social consequences, the Council recognized the need for more training of the land owners about their rights and obligations to regarding wetlands and stream corridors.
- (g) To further address social and economic consequences, trigger limits were discussed and the revised rules address this issue by having options for when an EA/delineation is required or exempt and lower cost methods of dealing with this requirement.
- (h) To address social and economic consequences for developed properties near wetland and riparian resource sites, urban conflicts in particular in existing neighborhoods where houses and developments are very close to significant wetlands and riparian corridors. Extra exceptions and special processes were included in the rules to mitigate this conflict while still keeping some protection of the resource.
- (i) To address social consequences related to "one size does not fit all" situations, the proposed limited protection regulations include several options to provide for additional flexibility.
- (j) The environmental and economic consequences of requiring protection zone widths of 50-75 feet was raised. The City considered a wide range of protection zones required by differing governments and studies to support the option ultimately chosen by decision makers.
- (k) To address economic consequences raised by Longview Fibre, the Council explicitly considered Washington's experience at having to increase their buffer to 240 feet, and rejected this option.



(l) To address social consequences, the Council considered the idea of education and enforcement in lieu of standards, protection zones, and rules, but in the end determined there was history to show that education and enforcement are not stand alone solutions, and must be buttressed by effective regulations.

(m) To further address social consequences, the Council determined that educational signs on and/or next to wetlands is a good idea, but did not make a rule or requirement outright.

(n) To address environmental consequences, evidence in the record in written form and testimony from experts has indicated that to control or reduce sediment flowing into wetlands and waterways it is necessary to have a vegetated protection zone of between 50 feet and 150 feet. The same source (Table 1 Johnson and Ryba, 1992 Policy Analysis and Scientific Literature Review) indicates that to control excess nutrient and metals an area between 33 and 130 feet is necessary and to moderate water temperature that a buffer between 36 feet and 141 feet is needed. Stream/channel stability requires from 67 to 98 feet and for recruitment of woody debris about 102 feet is required.

(o) Testimony has been received in public hearings addressing environmental consequences from interested persons. Much of this testimony recommended increasing the proposed protection program with larger protection zones around the significant resources to property owners who advocate smaller or no protection zones around significant resources. Although the Council considered this testimony, it was persuaded to adopt the more moderate protection zones proposed in CDC 1.091.

(p) To address economic and environmental consequences, some testimony has suggested various degrees of permitted uses and/or activities within the protection areas. Once again, the Council adopted the more moderate position that allows a limited range of uses within protection zones (e.g., noxious vegetation removal, expansions of non-conforming uses), but does not allow most types of new residential, commercial or industrial development.


(q) To address social and environmental consequences, all protection plans require some form of education, enforcement and proof that no or minimum harm would result in development near a protected resource.

(r) In response to environmental consequences, some testimony suggested that isolated wetlands do not need the same amount of protection as connected wetlands. To address this concern, the Council has adopted a two-tiered protection zone system.

(s) Some environmental testimony recommended full protection of significant wetlands, arguing that wetlands are not replaceable and that even island wetlands serve several important functions. However, the Council decided to adopt a limited protection program to achieve an appropriate balance among ESEE objectives.

(t) Based on economic consequences, some testimony suggests that it is not "fair" for residents in the Urban Growth Area to be treated differently from those inside the adjoining or nearby city limits. Some feel that there should be conformity between the rules to protect Goal 5 resources in the City with those in the

adjoining County. The St. Helen's Comprehensive Plan controls land development activities both inside and outside the City Limits. The Council finds that there are significant differences between the urban and rural land use impacts, and that a comprehensive wetland and riparian corridor protection program is appropriate for all land within the St. Helens UGB.



**Conclusion:** For the above stated reasons, and based on information found in the record of these proceedings, the Council finds that the proposed wetland and riparian corridor program complies with Goal 5 and its implementing rule. The program consists of inventories of significant wetlands and riparian corridors, comprehensive plan policies that commit the City to a limited protection program embodied in CDC Chapter 1.091, "Protective Measures for Significant Wetlands, Riparian Corridors and Protection Zones." The City has adopted safe harbor regulations for riparian corridors and associated wetlands, consistent with OAR 660-023-090, and has adopted a limited protection program for locally significant wetlands outside of riparian corridors, consistent with OAR 660-023-040.

***B. Consistency with the St. Helens Comprehensive Plan.***

1. The lists for St. Helens' Significant Wetlands and Riparian Corridor Resources were adopted as amendments to the St. Helens Comprehensive Plan.
2. The proposed implementation program is consistent with and adequate to carry out Goals and Policies in the St. Helen's Comprehensive Plan:
  - Goal#1) To maintain and, where possible, enhance the air, water, and land resources of the St. Helens' area; and
  - Goal #4) To ensure the conservation of substantial fish and wildlife habitats."
  - Policy #17) Comply with applicable State and Federal Environmental Regulations."

**Conclusion:** The Council finds that the proposed wetland and riparian corridor program complies with applicable St. Helen's Comprehensive Plan Goals and Policies. The program consists of inventories of significant wetlands and riparian corridors. Conflicts between protection of locally significant wetlands and riparian corridors are resolved through the adoption and implementation of CDC Chapter 1.091, "Protective Measures for Significant Wetlands, Riparian Corridors and Protection Zones."

## **OVERALL COUNCIL CONCLUSIONS**

- 1) List of St. Helens Significant Wetlands and Riparian Corridor Resources has been completed and submitted to the State.
- 2) Oregon Statewide Planning Goal 5 is met with the completion of this action.
- 3) St. Helens Comprehensive Plan policies have been met as regards Goal 5 natural resources with the completion of this action.
- 4) Any federal or state statutes or guidelines found applicable have been complied with as is applicable and/or possible with the completion of this action.
- 5) St. Helens 1999 Community Development Code has been repealed and replaced with the 2003 Community Development Code and it has been fulfilled as regards sensitive lands with the completion of this action.
- 6) Oregon Revised Statute Chapter 197 and Oregon Administrative Rules Chapter 660, Division 023 has been fulfilled as regards Goal 5 natural resources with the completion of this action.
- 7) Testimony and evidence in the record supports the recommendation of the Planning Commission and the final decision of the City Council.
- 8) OAR 660-023 only requires that the listed significant resources must be protected.

- 9) The proposed implementing rules incorporate OAR 660-023-100.(4).(b). requirements for Wetlands and OAR 660-023-090.(8) requirements for Riparian Corridors.
- 10) The proposed protection zones are justified by testimony and evidence in the record but are not absolutes.
- 11) Conformity of regulations between a County and City are normally accomplished in agreements called Urban Growth Management Agreements. The St. Helens Planning Commission has recommended adoption of the new Chapter 1.091 and other amendments to the existing St. Helens Community Development Code.

The St. Helens City Council deliberated after a thorough review of the recommendation of the Planning Commission and of the testimony in the record and concluded that the following amendments should be made to the St. Helens Community Development Code:

**Chapter 1.091 as attached is to be added to the Code and all references to protection of significant wetlands and riparian corridors shall be removed or shall reference Chapter 1.091 as applicable.**

Attest to: Brian D. Little  
Brian D. Little, City Recorder

Randy Peterson  
Randy Peterson, Mayor



**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Conditional Use Permit CUP.3.18**

**DATE:** July 3, 2018  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner  
 Jennifer Dimsho, Associate Planner

**APPLICANT:** Robert Y. Lee  
**OWNER:** Robert A. Lucas

**ZONING:** General Commercial, GC  
**LOCATION:** 100 St. Helens Street; 4N1W-3BA-3700  
**PROPOSAL:** Establish a medical marijuana dispensary in an existing building.

**The 120-day rule (ORS 227.178) for final action for this land use decision is Oct. 12, 2018.**

**SITE INFORMATION / BACKGROUND**

The site is fully developed with a commercial suite. The site was originally developed with a 1988 Site Design Review. There are three driveway approaches, two with access from St. Helens Street and one with access from S. 1<sup>st</sup> Street. Both streets are fully developed with sidewalks. There is a landscape planter in the front and along the side of the building. There are 3 residential units with a commercial suite on the bottom floor just to the west of the building. Behind the building is a narrow area between it and the building at 185 S. 1<sup>st</sup> Street. It resembles an “alley,” though the shared property line between these two properties may be within this area.



*Front façade of the building from St. Helens Street*



*Side façade from S. 1<sup>st</sup> Street. The alley between two buildings on the right.*



## PUBLIC HEARING & NOTICE

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

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on June 19, 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 June 27, 2018.

## AGENCY REFERRALS & COMMENTS

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

## APPLICABLE CRITERIA, ANALYSIS & FINDINGS

### SHMC 17.100.040(1) - CUP Approval standards and conditions

(1) The planning commission shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

- (a) The site size and dimensions provide adequate area for the needs of the proposed use;
- (b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
- (c) All required public facilities have adequate capacity to serve the proposal;
- (d) The applicable requirements of the zoning district are met except as modified by this chapter;
- (e) The supplementary requirements set forth in Chapter [17.88](#) SHMC, Signs; and Chapter [17.96](#) SHMC, Site Development Review, if applicable, are met; and
- (f) The use will comply with the applicable policies of the comprehensive plan.

**(a) This criterion requires that the site size and dimensions provide adequate area for the needs of the proposed use.**

**Finding(s):** There is no evidence to the contrary.

**(b) This criterion requires that the characteristics of the site be suitable for the proposed use.**

**Finding(s):** See analysis of SHMC 17.100.150(3)(p) below, specifically pertaining to marijuana retailers and/or medical marijuana dispensaries.

There is no trash enclosure, which is typically required for new development. Any improved secure trash area for this proposal would also need to be screened as required by Chapter 17.72 SHMC.

Other than that, there is no evidence to the contrary.

**(c) This criterion requires that public facilities have adequate capacity to serve the proposal.**

**Finding(s):** There is no evidence that public facilities are inadequate for this proposal.

**(d) This criterion requires that the requirements of the zoning district be met except as modified by the Conditional Use Permit (CUP) chapter.**

**Finding(s):** The property is zoned General Commercial. “Marijuana retailer and/or medical marijuana dispensary” is listed as a conditionally permitted use in this zoning district.

See analysis of SHMC 17.100.150(3)(p) below, specifically pertaining to marijuana retailers and/or medical marijuana dispensaries.

**(e) This criterion requires analysis of the sign chapter and site design review chapter.**

**Finding(s):** With regards to signs, any new sign or modified sign shall require a sign permit per Chapter 17.88 SHMC

**With regards to site development review standards,** as the site is developed and there are no substantial proposed improvements to the site to accommodate the proposed use (e.g., new development), many aspects don’t apply. The noteworthy aspects are as follows:

**With regards to off-street parking,** general retail sales require one space for every 400 square feet of gross floor area, but not less than four spaces. There is 1,311 square feet of gross floor area, which means a minimum of 4 spaces shall be required. Of the 4 spaces required, one is required to be an ADA space.

The site currently has 5 off-street parking spaces provided. However, there are no ADA spaces on site. A new ADA space is required to comply with State and Federal Standards. There may be space to the west of the building for a new parking space, provided that new striping (wheelchair access aisle) and a wheel stop be provided.

In addition, the other parking spaces are missing wheel stops. Wheel stops are required along the boundaries of a parking lot along pedestrian ways. Off-street parking spaces face and abut the St. Helens Street sidewalk. Wheel stops are necessary to ensure no sidewalk encroachment by vehicles.

**With regards to landscaping,** the site has a planter in front and side of the building that occupies approximately 140.5 square feet. If this proposal were new development, the General Commercial zone requires a minimum of 10 percent of the lot to be landscape, which would be about 435 square feet. **Because this is a Conditional Use Permit, the Commission can require landscaping related conditions, if such is determined to be warranted.** See SHMC 17.100.040(3) below.





*This is the side of the building that residences at the triplex see from their balconies.*



*Narrow "alley" between subject property and building to the north*

**With regards to screening**, the site is adjacent to a mixed use building with 3 units of residential and a commercial suite. For new development, this chapter requires buffering and screening between commercial and residential development. However, since the site is fully developed, it is up to the Commission to decide whether or not to require additional screening to minimize the impact to the adjacent uses. The Commission could also consider screening of existing service facilities, such as the roof-mounted equipment, which is clearly visible from the adjoining streets and parking lot. See **SHMC 17.100.040(3)** below.

**With regards to lighting and crime prevention**, there appears to be no lighting on the exterior of the building. A plan for addressing crime prevention, including but not limited to, exterior lighting shall be a condition of approval. Exterior lighting levels should be oriented towards areas vulnerable to crime and fixtures shall be provided in areas with heavy pedestrian or vehicular traffic, and in potentially dangerous areas such as the parking lot and the alley behind the building, which is a potential hiding place for ambush.

**(f) This criterion requires compliance with the applicable policies of the Comprehensive Plan.**

**Discussion:** The proposal does not appear to be contrary to any Comprehensive Plan policy.

\*\*\*

#### **SHMC 17.100.150(3)(p) – Additional requirements for conditional use types**

(p) Marijuana retailer and/or medical marijuana dispensary.

(i) No marijuana retailer and/or medical marijuana dispensary shall be permitted to locate within 1,000 feet of any public or private: child care facility; preschool; elementary school; or junior, middle, or high school that lawfully exists at the time the Conditional Use Permit application is deemed complete.

(A) Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the proposed marijuana retailer and/or medical marijuana dispensary, to the closest property line of the property upon which the other uses specified in subsection (3)(p)(i) of this section is listed.

(ii) No marijuana retailer and/or medical marijuana dispensary shall be permitted to locate within 2,000 feet of any other marijuana retailer and/or medical marijuana dispensary that lawfully exists at the time the Conditional Use Permit application is deemed complete.

(A) Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the proposed marijuana retailer and/or medical marijuana dispensary, to the closest point of the structure or portion of structure containing the existing marijuana retailer and/or medical marijuana dispensary.

(B) If multiple Conditional Use Permit applications are submitted for locations within the distance specified in subsection (3)(p)(ii) of this section but are not yet legally established, the valid Conditional Use Permit submitted first shall take precedence for the purpose of this subsection.

(iii) No marijuana retailer and/or medical marijuana dispensary shall be allowed as a temporary use and shall be located in a permanent building.

(iv) Any marijuana retailer and/or medical marijuana dispensary shall have refuse containers or refuse collection areas that are secure from entry outside the facility.

(v) Any marijuana retailer and/or medical marijuana dispensary shall comply with all applicable state and local laws.

**(i) This criterion requires a separation of 1,000 feet from child day care and schools from pre to high.**

**Finding(s):** Using the prescribed method of measurement, the closest known day care or school as listed per SHMC 17.100.150(3)(p)(i), is the Berry Bright Preschool at 560 Columbia Boulevard, a distance of approximately 1,300 feet.

**(ii) This criterion requires a separation of 2,000 feet from other marijuana retailers and/or medical marijuana dispensaries.**

**Finding(s):** Using the prescribed method of measurement, the closest marijuana retailer and/or medical marijuana dispensary is 1807/1809 Columbia Blvd., which is a distance of over 4,745 feet. There was an application at for the same use at 31 Cowlitz (CUP.5.15), but the use was never established and has since expired.

**(iii) This criterion requires the use be located in a permanent building and not a temporary use.**

**Finding(s):** The proposal is to locate in a permanent building.

**(iv) This criterion requires refuse containers or refuse collection areas that are secure from entry outside the facility.**

**Finding(s):** This has not been addressed by the applicant on the site plan provided. There is no trash enclosure on site, which is typically required for new development. Any improved secure trash area for this proposal would also need to be screened as required by Chapter 17.72 SHMC.

**(v) This criterion requires compliance with applicable state and local laws.**

**Finding(s):** In addition to a city business license, SHMC Chapter 5.30 requires that all marijuana related businesses operating in the city shall possess a valid marijuana related business license.

Compliance with applicable state and local laws shall be a condition of approval in addition to overall compliance with the Development Code.

\*\*\*

**SHMC 17.100.040(3) - CUP Approval standards and conditions**

(3) The planning commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to, the following:

- (a) Limiting the hours, days, place, and manner of operation;
- (b) Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
- (c) Requiring additional setback areas, lot area, or lot depth or width;
- (d) Limiting the building height, size or lot coverage, or location on the site;
- (e) Designating the size, number, location, and design of vehicle access points;
- (f) Requiring street right-of-way to be dedicated and the street to be improved;
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- (h) Limiting the number, size, location, height, and lighting of signs;
- (i) Limiting or setting standards for the location and intensity of outdoor lighting;
- (j) Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- (k) Requiring and designating the size, height, location, and materials for fences; and
- (l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

**Discussion:** These are items the Commission may consider for this proposal.

**CONCLUSION & RECOMMENDATION**

**Based upon the facts and findings herein, staff recommends approval of this Conditional Use Permit with the following conditions:**

1. This **Conditional Use Permit** approval is valid for a limited time (to establish the use) pursuant to SHMC 17.100.030. This Conditional Use Permit approval is valid for 1.5 years. A 1-year extension is possible but requires an application and fee. If the approval is not vested within the initial 1.5 year period or an extension (if approved), this is no longer valid and a new application would be required if the proposal is still desired. See SHMC 17.100.030.
2. The following shall be required prior to any development or building permit issuance:



- a. **A crime prevention plan** that includes, but is not limited to, exterior lighting. Any artificial lighting of the site and/or off-street parking facilities shall be designed such that there will be no glare into nearby public rights-of-way or residences.
  - b. **A trash management plan.** Refuse container or refuse collection area must be secure from entry outside the facility. Any improved secure trash area for this proposal would also need to be screened as required by Chapters 17.72 & 17.92 SHMC since the subject property lacks any trash/refuse collection enclosures.
  - c. **A revised site plan** subject to City review and approval that addresses the location of trash enclosure per condition 2.b and improvements required per condition 3.
3. The following shall be required prior to Certificate of Occupancy, final inspection (if no Certificate of Occupancy is required) by the City Building Official, or commencement of the proposal:
  - a. Wheel stops (at least 4" high, and back three feet from front of parking stalls) is required for all parking spaces.
  - b. One new disabled person space must be provided and meet all ADA requirements. See attached.
  - c. All improvements necessary to address the requirements herein, and in accordance with revised approved plans, shall be in place.
  - d. Proof that the facility is licensed by the appropriate State agencies shall be submitted to the City.
  - e. **Any landscaping and/or screening requirements per the Commission?**
4. Any new service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened, **regardless if such screening is absent on any plan reviewed by the City. This includes but is not limited to ground mounted, roof mounted or building mounted units.** See SHMC 17.72.110(2).
5. Any new sign requires a sign permit prior to installation, pursuant to Chapter 17.88 SHMC.
6. The proposal shall comply with the applicable state and local laws.
7. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17). In addition, this approval does not exempt the requirements of or act as a substitute for review of other City departments (e.g., Building and Engineering) or other agencies.

**Attachment(s):** Site Plan

Floor plans (existing and proposed)

Minimum Standard Single-Accessible Parking Space Figure

E-mail from Ron Schlumpberger dated June 27, 2018





□



100 St Helens St. Marijuana Premise Boundary Sketch



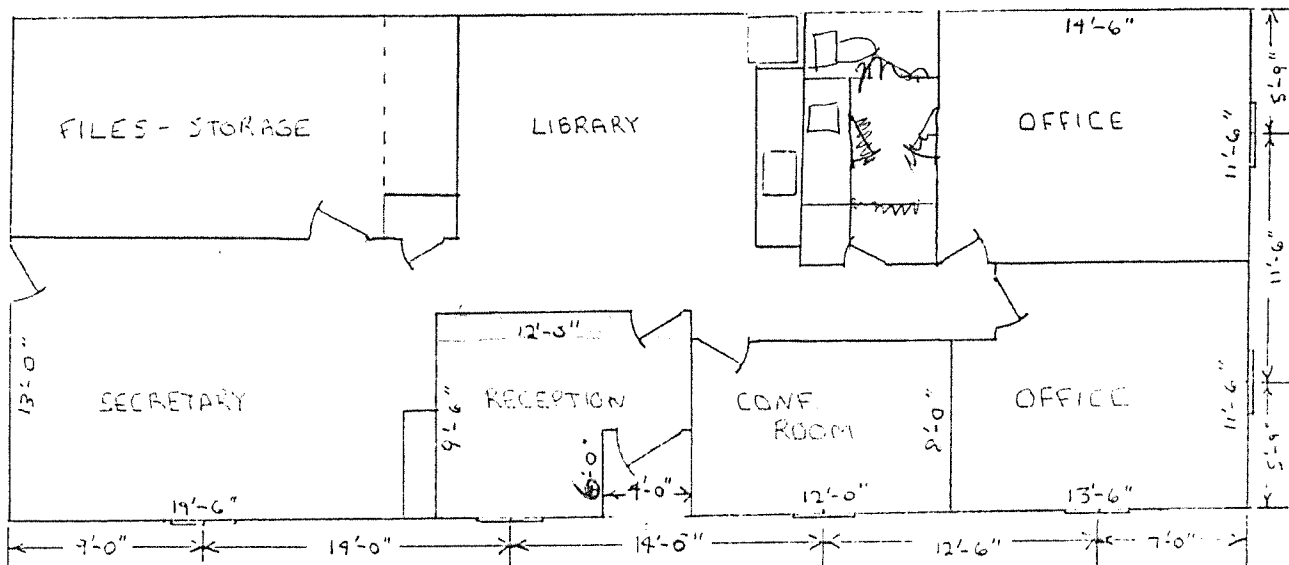
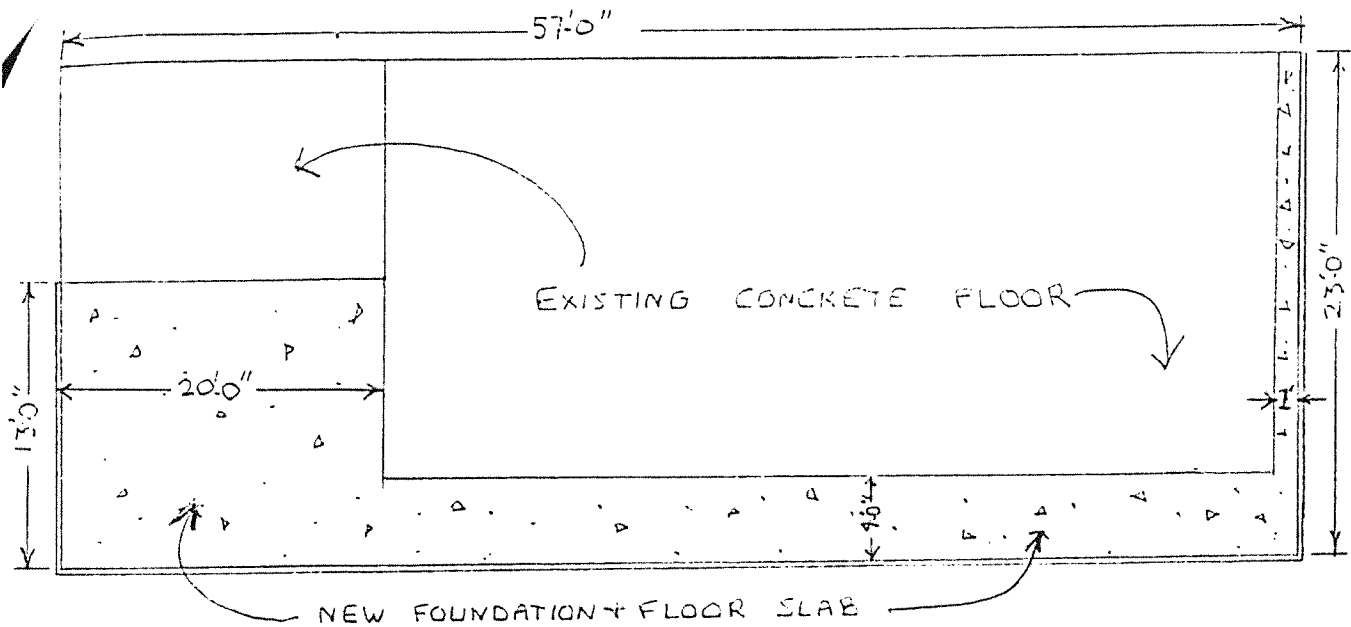
LEGEND

Area proposed to be licensed

Property Boundary

Note: There are no residences on the property.

## FOUNDATION-SLAB PLAN



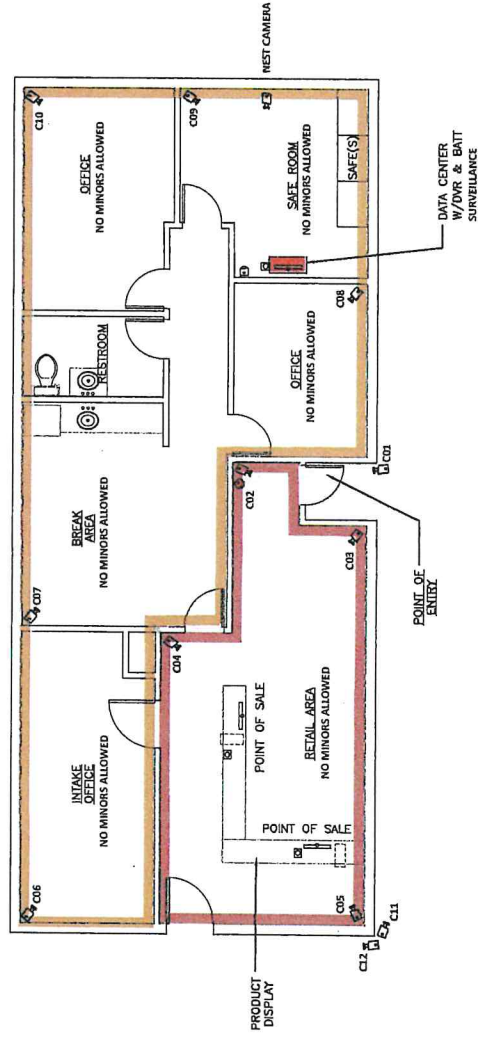
FIRST FLOOR PLAN  
(1311 SF)

ST HELENS OFFICE BLDG  
100 ST HELENS CRT.  
SCALE - 1/8" = 1'-0" S.D.M.  
ROBERT A. LUCAS

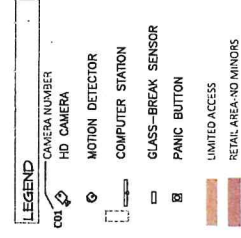
**EXISTING**

# PROPOSED FLOOR PLAN SCALE: NTS

DRAWING CREATED FOR RYL INDUSTRIES @ 100 ST HELENS ST, ST HELENS, OR 97051



SCALE: 1" = 100'



**OREGON TRANSPORTATION COMMISSION**  
**Standards for Accessible Parking Places**  
**May 2012**

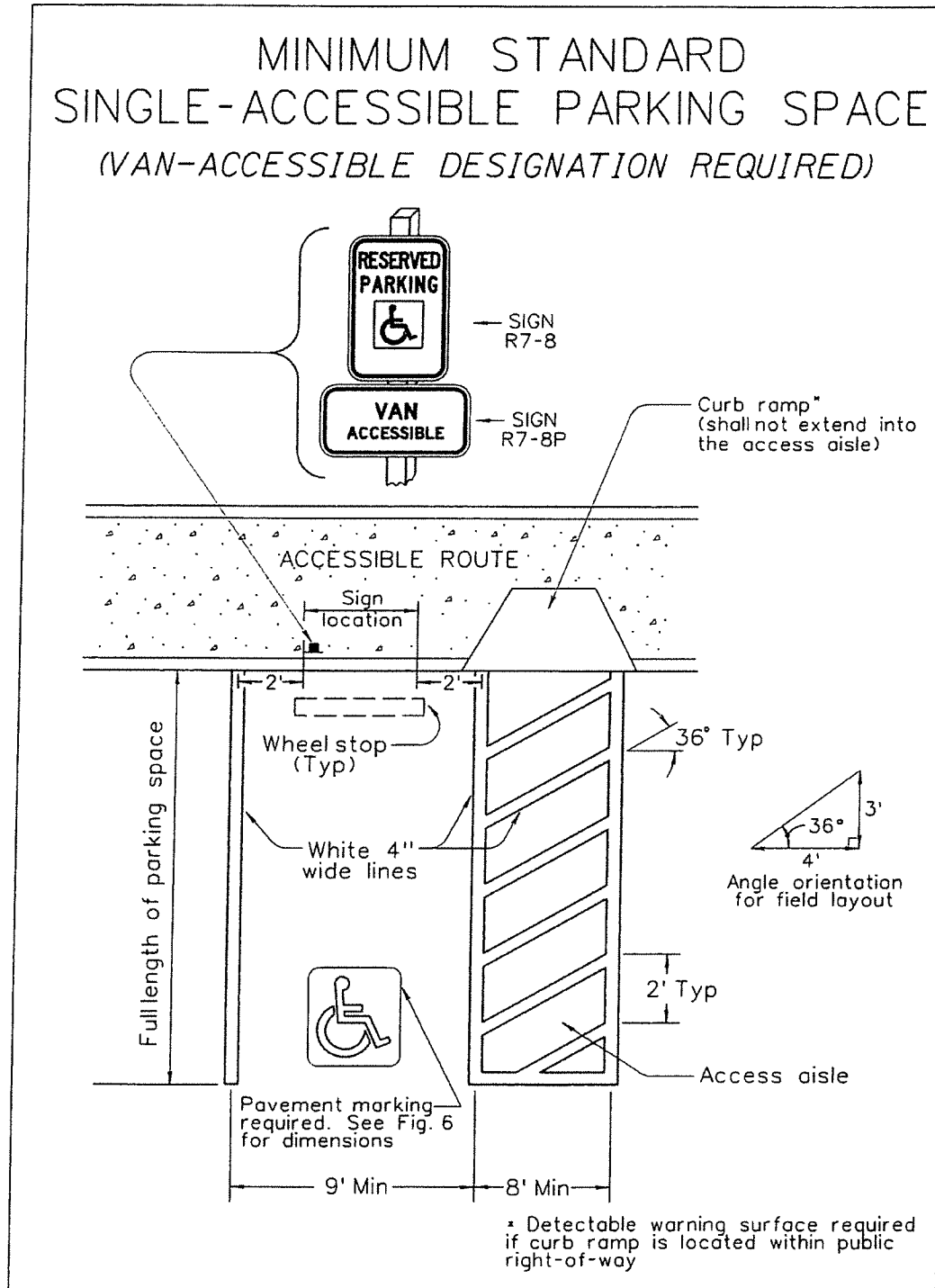


Figure 1



**Jennifer Dimsho**

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**From:** Schlumpberger, Ron <ron.schlumpberger@nfp.com>  
**Sent:** Wednesday, June 27, 2018 10:09 AM  
**To:** Jacob Graichen  
**Cc:** Jennifer Dimsho  
**Subject:** FW: Conditional Use Permit CUP.3.18 Location 100 St. Helens St.

Jenny,

Just a couple of concerns I wanted to bring up to the planning commission.

- 1) Being that this is so close to residential area I question the protection or exposure for a young family or any of my tenants.
- 2) With the theatre located so close a lot a families park out front and walk to the theatre from St. Helens St.
- 3) My last concern would be the hours of operation as far as disturbing any of the local residential tenants.

Thank you!

**Ron Schlumpberger**

Owner of 150 St. Helens St (4 Plex)

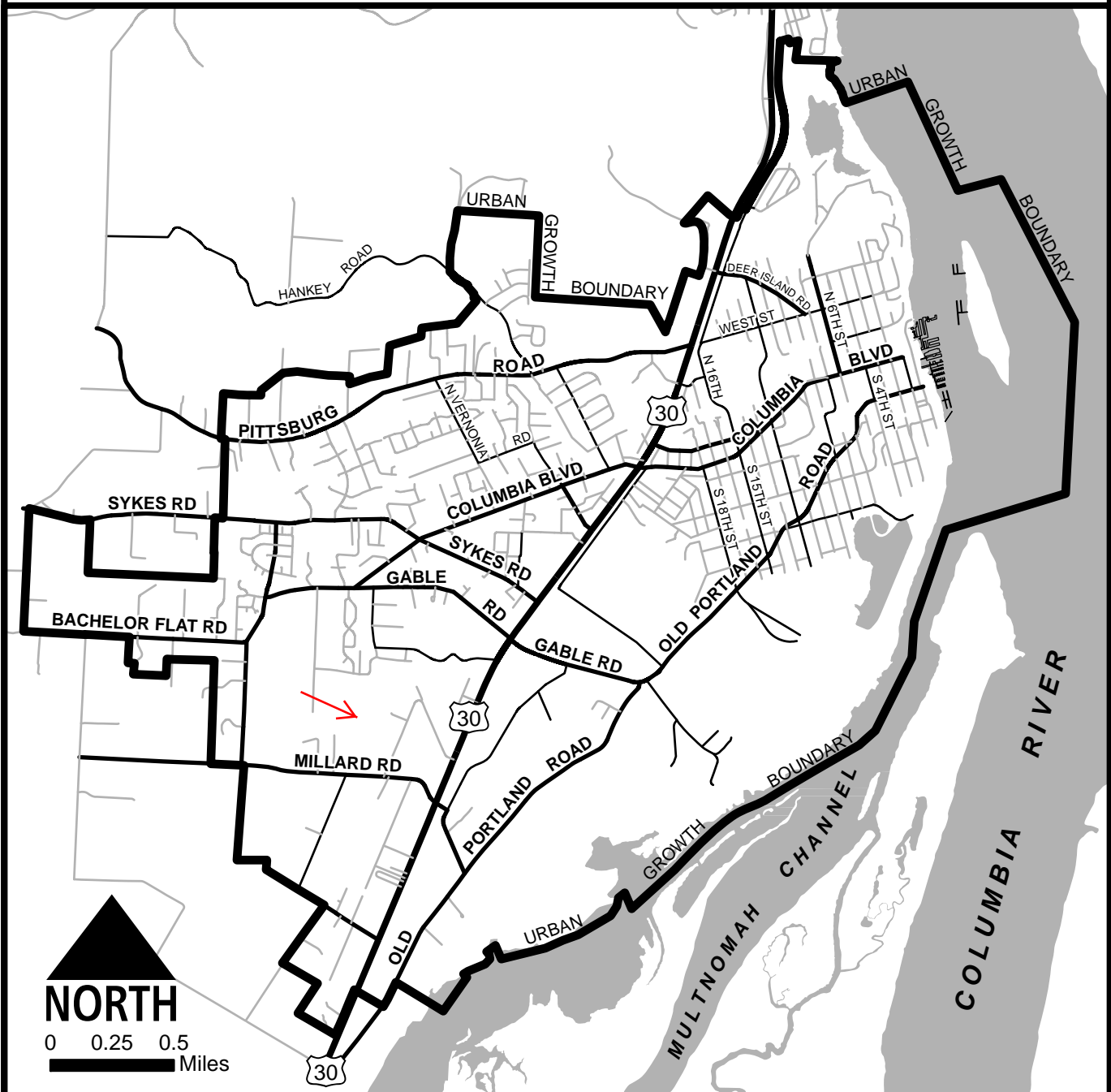
Owner of 61 Plaza

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

# SUBJECT PROPERTY

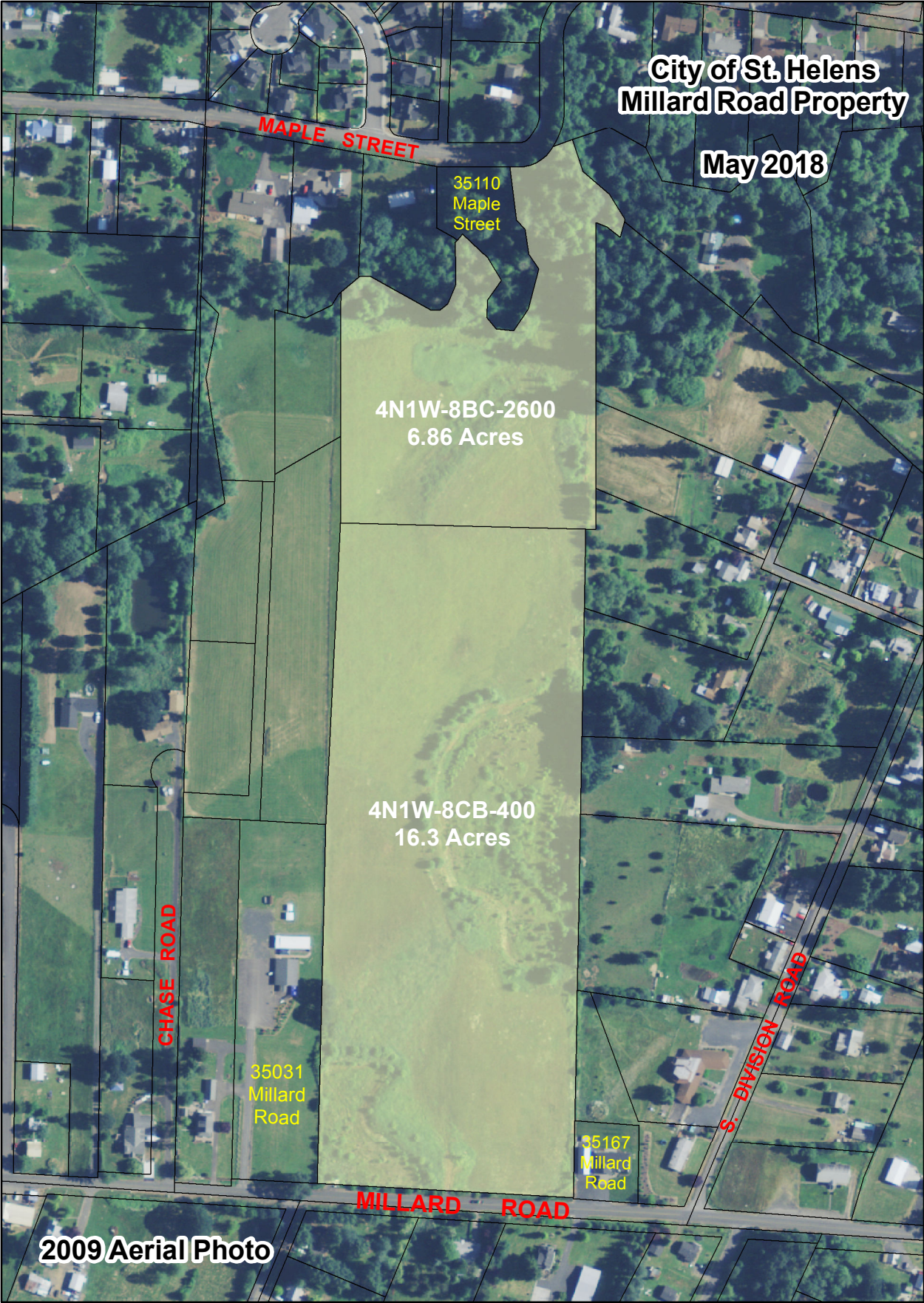
~ Approximate Location ~



City of St. Helens Urban Growth Boundary Area Vicinity

jag/Dec. 2013



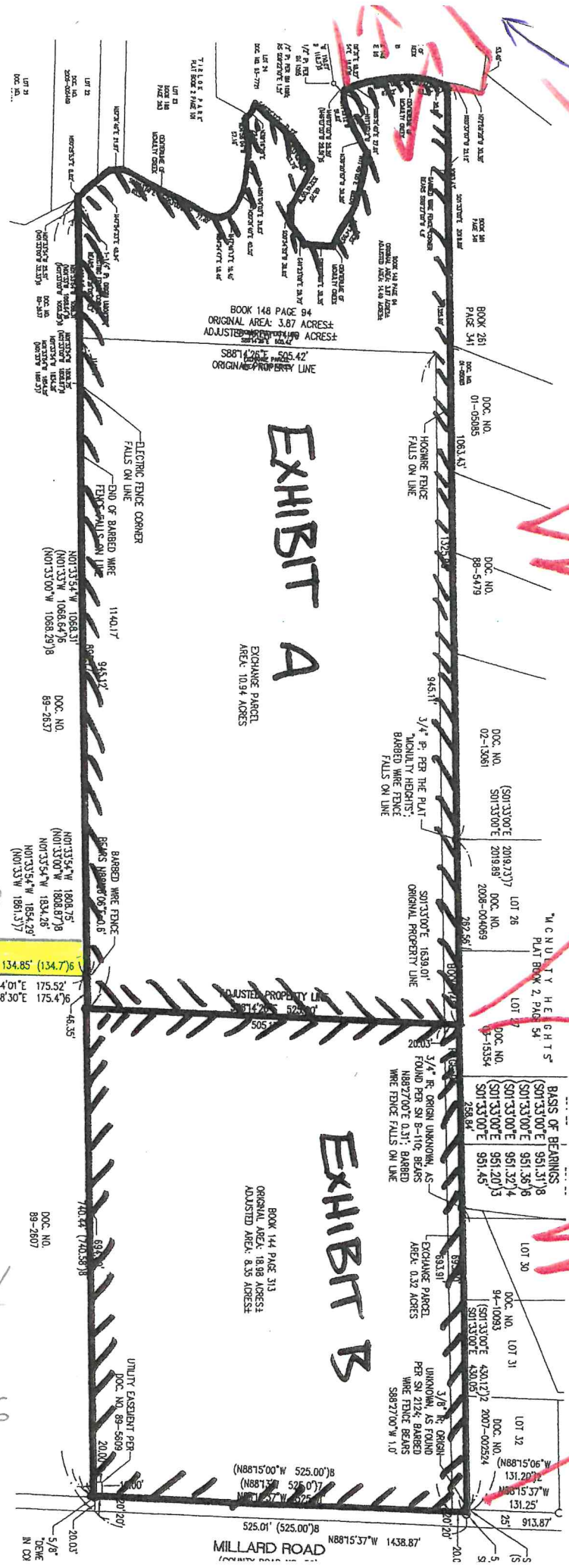




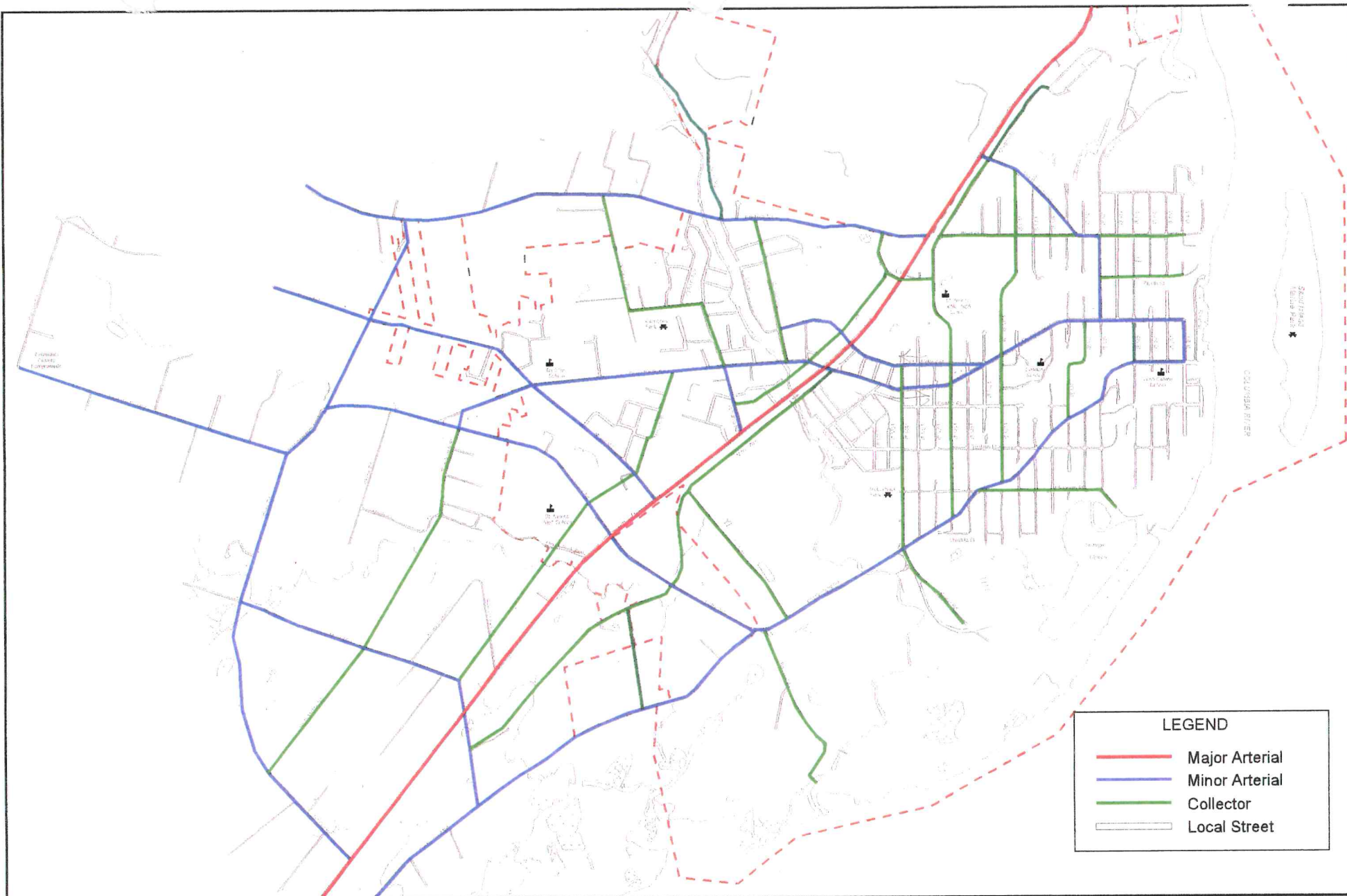
CITY OF  
ST. HELENS  
PROPERTY

COLUMBIA  
HEALTH  
DIST.  
PROPERTY

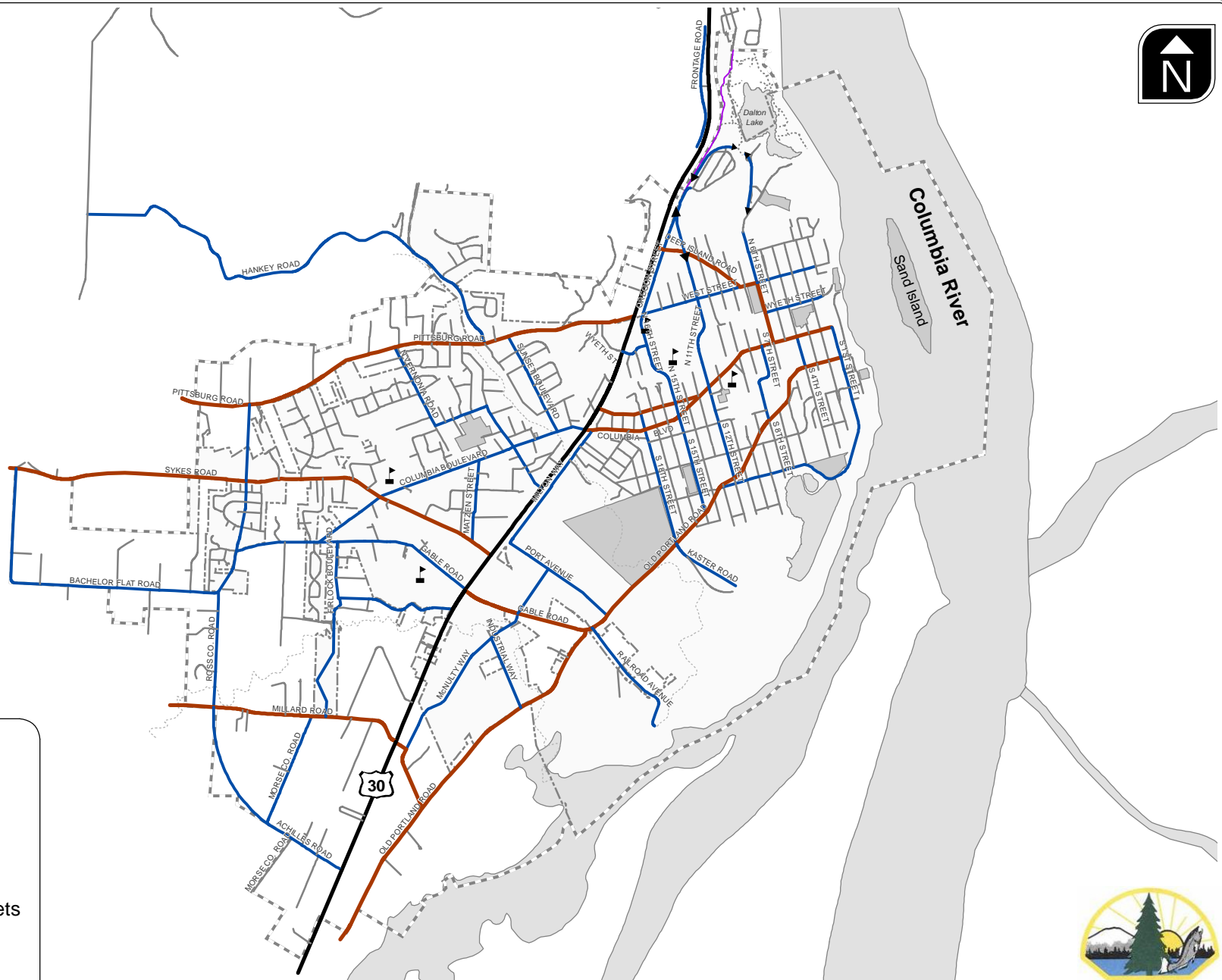
RE: FILES  
A.1-09 \$ A.2-09



50'  
WIDE  
ACCESS  
TO UTILITY  
EASEMENT  
PER INST.  
NO. 2009-  
2856





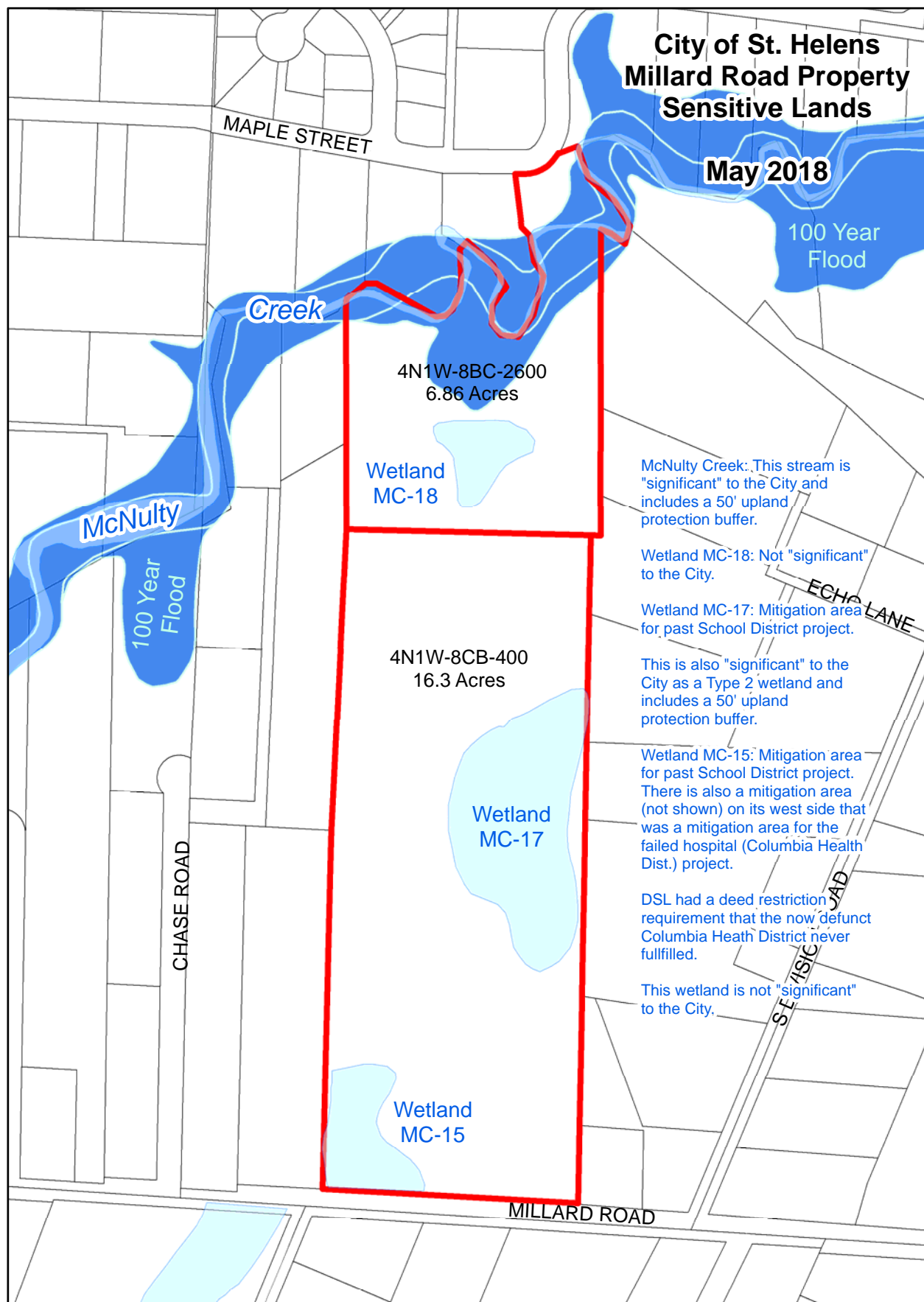


**LEGEND**

-  Schools
-  Major Arterials
-  Minor Arterials
-  Collector Streets
-  Local Streets
-  City Limits
-  City UGB

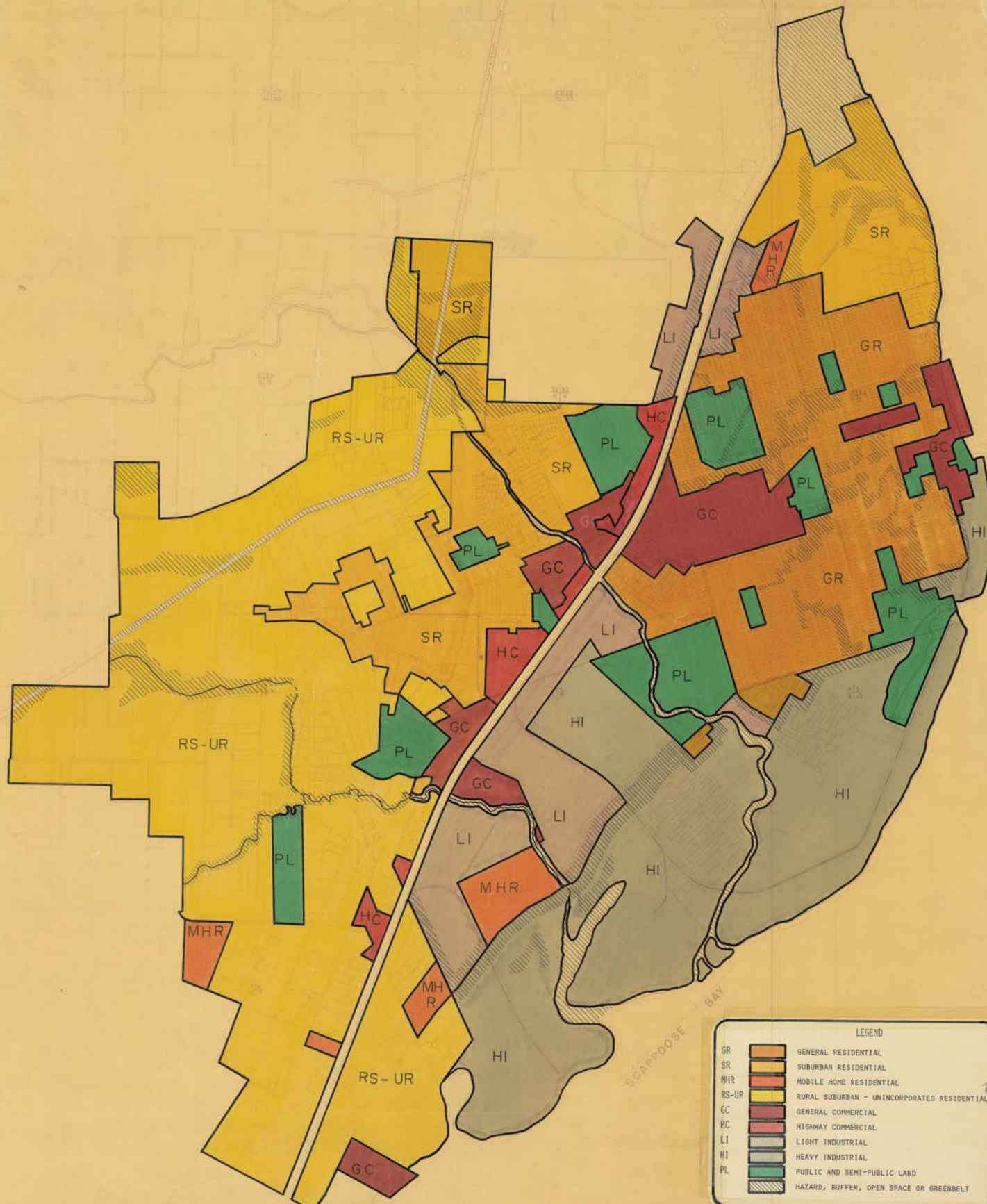


**FUNCTIONAL CLASSIFICATION PLAN  
ST. HELENS, OREGON**









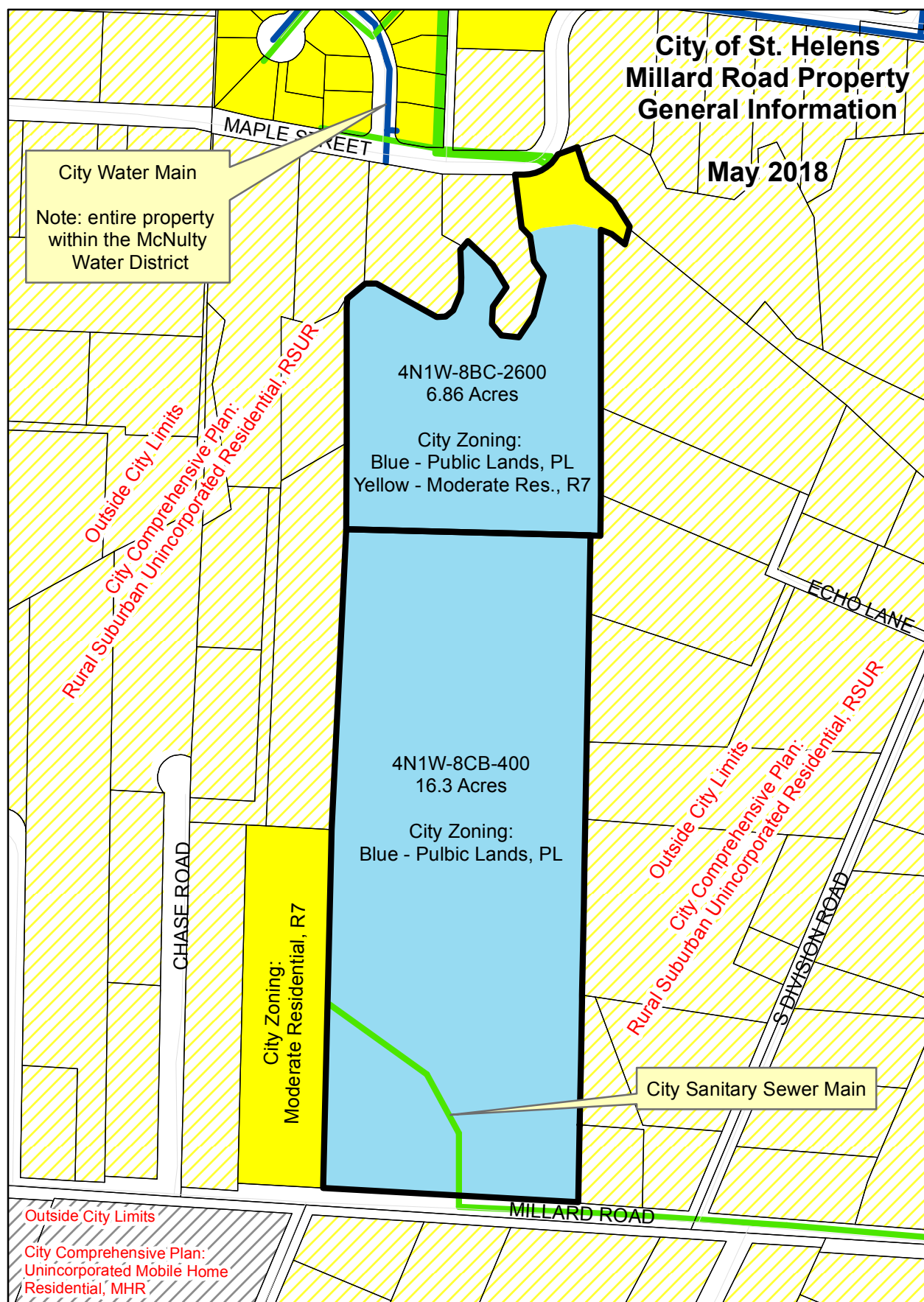
LEGEND	
GR	GENERAL RESIDENTIAL
SR	SUBURBAN RESIDENTIAL
MHR	MOBILE HOME RESIDENTIAL
RS-UR	RURAL SUBURBAN - UNINCORPORATED RESIDENTIAL
GC	GENERAL COMMERCIAL
HC	HIGHWAY COMMERCIAL
LI	LIGHT INDUSTRIAL
HI	HEAVY INDUSTRIAL
PL	PUBLIC AND SEMI-PUBLIC LAND
H	HAZARD, BUFFER, OPEN SPACE OR GREENBELT

COMPREHENSIVE PLAN MAP

1978

ST. HELENS & VICINITY





Zoning	Detached SFDs	Attached SFDs	Duplexes	Apartments (3+ units)	RV Parks	Neighborhood Store	Public Parks	Commercial Use	Industrial Use
<b>R10</b>	P	X	X	X	X	X	P	X	X
<b>R7</b>	P	X	C	X	X	C	P	X	X
<b>R5</b>	P	P	P	C	X	C	P	X	X
<b>AR</b>	P	P	P	P	X	C	P	X	X
<b>MU</b>	P	P	P	C	C	X	C	P	X
<b>GC</b>	X	X	X	C	C	X	C	P	X
<b>LI</b>	X	X	X	X	C	X	C	C	P

**Comp Plan – Suburban Residential (incorporated), SR**

- Same as surrounding area.
- Possible zoning districts:
  - Suburban Residential, **R10**
  - Moderate Residential, **R7**
- Pros/Cons: Greatest change of compatibility / tax base and employment lands

**Comp Plan – General Residential, GR**

- Possible zoning districts:
  - General Residential, **R5**
  - Apartment Residential, **AR**
- Pros/Cons: Density / compatibility

**Comp Plan – General Commercial, GC**

- Many zonings possible. Two proposed:
  - Mixed Use, **MU**
  - General Commercial, **GC**
- Pros/Cons: Tax base/employment lands and greatest flexibility / compatibility

**Comp Plan – Light Industrial, LI**

- Zoning: Light Industrial
- Pros Cons: Best tax base and employment lands / compatibility
- However, may want to restrict use (e.g., no mini storage)

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



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

**Date:** 06.22.2018

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**

This month has been mostly about helping to move permits along as applications anxiously wait to start physical work.

Also conducted a completeness review for a 204 multi-dwelling unit complex.

Conducted the June 20<sup>th</sup> public forum for the Millard Road "hospital property." The S. County Spotlight picked this up in time to add this link here: <https://portlandtribune.com/scs/83-news/399064-293610-future-of-former-proposed-hospital-site-up-for-debate-pwoff>

Also conducted the June 20<sup>th</sup> public hearing for the sale of property at the St. Helens Industrial Park site. The Spotlight picked that up too, though lacking some accuracy: <https://portlandtribune.com/scs/83-news/399065-293611-st-helens-to-sell-part-of-former-paper-mill-to-pot-grow-op-pwoff>

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

June 12, 2018 meeting (outcome): The latest for the Riverfront Connector Plan was presented to the Planning Commission and public. The Commission also held two public hearings. They recommend approval of a zoning and comprehensive plan map change for vacant property behind the veterinarian property on the corner of Firlok Park Boulevard and US30. They also approved a Conditional Use Permit for a use for child day care in the Masonic building in the Riverfront District.

July 10, 2018 meeting (upcoming): The Commission is anticipated to have two public hearings. One is for proposed Development Code amendments (ADUs, HOIs, and wetland/riparian buffers). The other is for a Conditional Use Permit at 100 St. Helens Street.

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

We had several meetings for design options for street cross sections and intersections this month. At one of the meetings the anti-growth sentiment was evident, though not universal. The Associate Planner also brief the Council. We remain on schedule. More focus on these design options is forthcoming.

Also prepared bi-monthly cost match report.

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

Provided Comprehensive Plan data to the State Department of Land Conservation and Development (DLCD). See attached letter from DLCD dated February 1, 2018 for more information.

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

*See attached.*





# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

Director's Office

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



February 1, 2018

Dear Planning Director:

You may recall that the Department of Land Conservation and Development (DLCD) reached out to all of the jurisdictions in Oregon in 2013 to create a statewide zoning Geographic Information Systems (GIS) data layer. We are returning to that process which proved to be successful and are beginning a project to compile a statewide layer of comprehensive plan maps. This new dataset will be created from data provided by local jurisdictions across the state. This is an invitation to participate in a collaborative effort to develop this statewide GIS data set that is vital to land use planning decisions and outcomes.

Similar to the statewide zoning layer created in 2013-2014, we are planning to create two versions: one for government and another for everyone else. Currently, a patchwork of old and incomplete comprehensive plan map data is being used to make significant decisions by state agencies, recommendations by consultants, plans by planners, and investments by transportation organizations since nothing better exists. We now have an opportunity to dramatically improve this situation by incorporating your local information into a seamless statewide layer. The benefits of using the same current and complete data include comparability, more reliable planning and modeling results, seeing the overall picture, ready reference to comprehensive plan designations of other local governments, and increased data quality. This approach also saves time and money for everyone. Without working together, state agencies and others who need statewide information will either use the existing poor data or independently develop different updated versions. Will you join us to assure a superior outcome for everyone?

Please be assured that **participation does not require you to change anything about how you currently code and maintain your data.** We are simply using it "as is" and making it fit with all the other data sets across the state. You may also have concerns about the use and display of your data after integration. For government use, we propose retaining the local comprehensive plan codes for maximum utility and efficiency. For everyone else, we propose removing the local comprehensive plan classifications and using the generalized state-wide classifications, thereby preserving you as the "go to" source. In addition to stratified sharing, we will use a disclaimer and metadata to provide direction on limits of use, data source, and other important information.

With that in mind, here is how we propose to proceed. Your DLCD regional representative is poised to work with your GIS analyst and/or planner to develop a translation table of your comprehensive plan classes/codes into a common set. We have also hired a temporary, part-time employee, Niko Peha, to assist the regional representatives, collect data, and produce the final product. He will be assisting DLCD staff throughout the project and may also have some extra time to create digital data from your paper maps. But this offer is time-limited, so please consult with your regional representative to arrange for assistance as soon as possible.



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Background & Contact

This effort is spearheaded by the Planning Workgroup under the auspices of Oregon's GIS coordination office and program. The Planning Workgroup is focused on urban growth boundaries, zoning, and comprehensive plan maps. Participants include state, regional, and local government representatives from rural and urban governments. The workgroup welcomes your participation in shaping the future of this data. The GIS coordination program web site is <http://gis.oregon.gov>. The workgroup materials are posted at <http://www.oregon.gov/geo/Pages/adminframe.aspx>.

For more information about this opportunity, contact your DLCD regional representative or: Robert Mansolillo, Urban Planner at DLCD and the Planning Workgroup Chair. (503-934-0053 or [robert.mansolillo@state.or.us](mailto:robert.mansolillo@state.or.us))

Thank you for your consideration.



Gordon Howard  
Community Services Division Manager  
Oregon Department of Land Conservation and Development

## Jacob Graichen

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**From:** Jennifer Dimsho  
**Sent:** Thursday, June 21, 2018 3:58 PM  
**To:** Jacob Graichen  
**Subject:** June Planning Department Report

Here are my additions to the June Planning Department Report.

### GRANTS

1. OPRD – Recreational Trails Program – Submitted order form for CXT, Inc. restroom purchase. Worked on delivery details and site preparation with Public Works staff.
2. OPRD – Veterans Memorial Grant – Construction work window to be Sept 4 – Oct 31. Project management meeting to discuss construction details/bid process.
3. TGM – Riverfront Connector Plan –PC Work Session/COOLPPL/Public Meeting June 12 from 2 and 7:30 PM. Coordinated, attended, and provided input at all three meetings. Updated Council at WS on June 20.
4. Submitted Travel Oregon Medium Grants Application (100k) to implementing Phase One of the Wayfinding Master Plan adopted last year (Due June 6). Application included three letters of support, narrative, scope of work budget, timeline. Discussed project with our Regional Destination Management Organization (RDMO) and discussed strategy to make our application competitive.
5. EPA CWA Grant –South 80 Landfill project site work to be conducted. Reviewed city-wide brownfield inventory and provided input for revisions before Brownfields Advisory Committee to review.
6. Community Development Block Grant (CDBG) Program – Attended Public Hearing June 6. Received SHPO Section 106 compliance to further the Environmental Review Process. Working through Section 504 Compliance. Submitted the intake form with feedback from the Food Bank. Food Bank closed on the property
7. Preserving Oregon Grant through SHPO for \$8,500 to fund preservation work on the exterior of City Hall announcement to come soon.
8. BUILD Application preparation with Alta Planning & Design. Worked through detailed scope of work, timeline, budget, drafted and requested over 25 letters of support. Provided edits and revisions to 30-page narratives, graphics, and design. Request is for 15 million for public access (boardwalk/trail) and street extensions for phase one of the Waterfront Redevelopment Project. Application is due July 19.
9. Researched a potential Ford Family Foundation grant for renovations to the old FARA building.

### MISC

11. Discussed Boise White Paper site strategy scope of work with EcoNW and staff. Potentially to be funded by an Integrated Planning Grant through Business Oregon.
12. Attended 2-day Customer Service Training June 27-28.
13. Discussed Parks Capital Improvement Plan timing/priorities over a series of meetings with staff.
14. Attended Millard Road re-zoning Public Forum on June 20.
15. Attended Safe Routes to School Webinar (June 27) on upcoming federal grant funding for bike/pedestrian infrastructure around schools.

### Jenny Dimsho

Associate Planner  
City of St. Helens  
(503) 366-8207  
[jdimsho@ci.st-helens.or.us](mailto:jdimsho@ci.st-helens.or.us)