



**PLANNING COMMISSION**  
**Tuesday, October 09, 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 September 11, 2018  
[Draft Minutes Dated 091118](#)
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. - Variances (3) at 1070 Deer Island Road - Robert Johnson Land Surveying, Inc.  
[V.4.18, V.5.18, V.6.18 Staff Report](#)
5. **Acceptance Agenda: Planning Administrator Site Design Review -**
  - a. *Site Design Review (Minor) at 150 S. 13th Street - St. Helens Police Department modular building*
6. **Discussion Items**
  - 6.A. Term Expirations
7. **Planning Director Decisions -**
  - a. *Temporary Use Permit (1 month) at 231 S. 1st Street & 317 Strand Street - Halloween Haunted Houses*
  - b. *Sign Permit (Banner) at 2100 Block of Columbia Blvd. - Halloween Parade*
  - c. *Temporary Use Permit (Renewal) at 385 N. 3rd Street - Storage container for St. Helens High School construction class*

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- d. Sensitive Lands Permit at US 30/Gable Road - Grade and fill portion of site (including wetlands) in preparation for development*
- e. Sign Permit at 475 S. Columbia River Highway - New pole sign*
- f. Temporary Use Permit at 305 S. Columbia River Highway - Placement of 4 food service trailers*
- g. Time Extension (SUB.2.18) at Pittsburg & Vernonia Road - Emerald Meadows*
- h. Subdivision (Final Plat) at Pittsburg & Vernonia Road - Emerald Meadows*

**8. Planning Department Activity Report**

- 8.A. October Planning Department Report  
[2018 SEPT Planning Dept Rept](#)

**9. For Your Information Items**

**10. Next Regular Meeting - November 13, 2018**

**11. Adjournment**

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# City of St. Helens Planning Commission

Draft Minutes

September 11, 2018

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

**Members Absent:** Commissioner Kathryn Lawrence

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

**Others:** Susie Wilson  
Brent Violette  
Mark Grenz  
Scot Lamping  
Catherine Ross  
Jacob & Heather Erickson  
Carl Knoll  
Roger Toth  
Herb Bailey  
Bart Catching  
Sue Collins  
Jacy Morgus  
Les Waters  
Tiffany Harms  
Ashley & Brandon Edelman

- 1) **7:37 p.m. Call to Order and Flag Salute**
- 2) **Consent Agenda: Approval of Minutes**  
2.A Minutes Dated August 14, 2018

**Motion:** Upon Commissioner Semling's motion and Commissioner Webster's second, the Planning Commission unanimously approved Draft Minutes dated August 14, 2018 with the correction of "Vide Chair" to "Vice Chair" on the first page of the first motion. [AYES: Commissioner Cohen, Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

- 3) **Topics from the Floor: Limited 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. - (CONTINUED) - Conditional Use Permit at Lot 5 of the Matzen Subdivision - Multi-Tech Engineering Services, Inc.

Graichen said the public hearing was continued from last meeting to allow the applicant to make revisions to their proposal, which they have provided. Graichen went through the revised staff report based on the revised plans with the Commission, as included in the packet. ODOT approved a revised Traffic Impact Analysis (TIA) for the proposal. This removes one of the conditions. Graichen noted that they still need an approved ODOT approach.

Commissioner Cohen asked about requirements for walking trails and walkways. Graichen said the Parks & Trails Master Plan does not propose a trail through the property. The applicant will install frontage improvements, which include sidewalks. They also have private walkways through the property and access agreements with the lots next to the Highway. Graichen said they will also have a multi-use path along Brayden Street where vehicular access terminates that leads to the Highway.

### **In Favor**

**Grenz, Mark. Representing Applicant.** Grenz appreciates extra time for them to make revisions. Staff has been very helpful. All of the required conditions in the revised staff report are achievable. Grenz said they have already prepared revised plans that meet the new conditions, but they did not want to include it in the record tonight.

### **Neutral**

**Bailey, Herb.** Bailey is with Hudson Garbage Service. He is not for or against the proposal. He was asked to review their trash compactor. He noted that having one garbage collection point proves difficult. He said most of their multi-family complexes of this size have between two to three to four separate collection points. Hudson Garbage does not have trash compactor service for collection. Waste Management would be dealing with the trash compactor. Trash compactors are a more efficient way to collect. A comparable sized proposal in Clark County has a collection area of 20' by 35'. Bailey said they generally have two to three days between garbage pick-ups. Graichen said this proposal has a 20' by 45' collection area.

### **In Opposition**

**Violette, Brent.** Violette lives next to the proposal. He is wondering how far the setback is from his property. Graichen said the buildings themselves will be 15 feet from his property. Some of the parking will be as close as 10 feet. Violette asked how many of the big oak trees are going to be saved. Graichen said the majority of the trees to be saved are along McBride Street. Violette wondered about his solar access rights. He asked why they are not using native plants. Graichen said the applicant may be able to answer his questions. Violette asked about the trash enclosure. Vice Chair Cary said it has been moved away from his property to a more central location. He thanked the Commission for slowing down approval on this. He wished the public received the revised plans in the mail. Chair Hubbard said this is a continued public hearing from the last meeting where the continuation was announced, so a new notice mailing was not required.

**Ross, Katherine.** Ross lives on May Avenue. She thought more of the traffic would be on Brayden Street and Matzen Streets, but now it is proposed on McBride Street. Ross is concerned about the increase in the cut-through traffic that this development will have on the homeowners along May Avenue. Graichen said the McBride Street and May Avenue intersection was included in the study area for the TIA. It determined that the intersection will continue to function operationally upon project completion. She also has a question about how they will replace all of the trees. She would like the applicant to consider using native plants. Ross feels there is not adequate parking for residents and visitors. Ross is concerned about construction noise.

## **Rebuttal**

**Grenz, Mark. Representing Applicant.** Grenz is confident they can comply with the revised conditions in the staff report. Grenz said solar access is usually based on the south-facing window, which will not be affected by the proposal. Commissioner Webster is concerned about the garbage collection. She said there is an 8-unit complex on 18th Street and it is full all of the time. Grenz said trash compaction and collection is different. When the compactor is reaching capacity, Waste Management is called and the refuse is collected. Recycling will also be included in the enclosed structure. Compaction minimizes litter. He said this is a proven method of refuse collection on other similar projects. Commissioner Cohen asked about the plant species for the landscape buffer. Grenz said the landscape designer selected species that grow quickly and work well for screening. Vice Chair Cary said there is shallow topsoil here too. Grenz said the proposed plants do not require a large root ball.

## **End of Oral Testimony**

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

## **Further Questions of Staff**

Commissioner Cohen asked if the Commission could require speed bumps if there is a significant traffic impact to neighbors. Graichen said speed bumps are not typically utilized because of pushback from Public Works and the Fire Department, but other methods of traffic calming could be considered. Commissioner Cohen asked if the developers could be responsible for putting in traffic calming features only if there is a large impact to neighbors. Graichen said it depends on what the Commission considers a "large impact." Graichen said the applicant is responsible for frontage improvements, so it could be the applicant's responsibility to also install traffic calming features.

## **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 the proposal seems much better than last meeting. Commissioner Cohen feels the garbage issue has been handled adequately. Chair Hubbard did not feel the solar access was an issue. He noted that the bike storage issue has been resolved. Chair Hubbard and Vice Chair Cary said landscaping should be narrow and have small root bases,

not necessarily natives. Commissioner Cohen would like to include traffic calming measures along McBride Street in the existing condition for 2.b.A. on page 27. Chair Hubbard noted the testimony was about the volume of traffic, not the speed. Commissioner Cohen agreed, but noted that they cannot prohibit traffic, only design it so that people will use alternate routes.

**Motion:** Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Conditional Use Permit at Lot 5 of the Matzen Subdivision - Multi-Tech Engineering Services, Inc. with an additional condition about requiring traffic calming features along McBride Street and the removal of the condition regarding the TIA. [AYES: Commissioner Cohen, Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

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

4.B                      8:00 p.m. - Subdivision south of 500 S. Columbia River Highway - AKS Engineering & Forestry, LLC

Chair Hubbard opened the Public Hearing at 8:37 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the staff report dated August 31, 2018 into the record.

Graichen introduced the proposal and recommended conditions of approval to the Commission, as described in the staff report. He said it is an 80-lot subdivision with multiple zoning districts. There are two lots that will remain commercial. City Engineering commented that this area is a significant drainage area. There's also a sanitary sewer line through the property. Mixed-use zoning yields to General Residential (R5) zoning for exclusive residential use. Lots 1-78 are eligible for attached single-family dwellings (SFDs), also known as townhomes. Lot 61 is eligible for a detached SFD. Lots 60 and 21 are eligible for detached SFDs or duplexes. Graichen said a wetland delineation from 2003 found no wetlands on the property.

Graichen said that based on testimony received, there may be burial mounds on the site. In 2005-2006, this property had an approved subdivision that was never executed because of the recession. Before, a letter was prepared by Archaeological Investigations Northwest, Inc. that gave the property a "clean bill of health." Graichen said the Chiotti's dispute the 2002 letter. There is a condition in the staff report that says in the event that artifacts or human remains are discovered during construction or excavation, work shall cease, and the City shall be notified. A Sensitive Lands Permit would be required to continue work. Graichen said the Commission could consider a condition that requires an updated letter to address archaeological concerns.

Graichen said there is a 10 foot buffer requirement between the attached SFDs and the detached SFDs to the south and elsewhere. It says the developer should install it so that it is consistent, but in this case, there may be no one to ensure it survives. Instead, Graichen said the recommendation is to have a very clear plan home builders can follow that will be attached to each building permit. Graichen said the applicant is working with a different property owner to connect to Shore Drive, which would be a second access point to the subdivision. If they do not get a second access, all homes will have to be sprinkled because the Fire Marshal said there is a mandatory requirement to have multiple access points if there are more than 30 homes in the

subdivision. Graichen would like the Commission to consider whether or not to require the applicant to build sidewalks on both sides of Commons Drive or only along the subdivision side. Graichen also recommends a requirement for a pedestrian access to Kelley Street. Access may be able to be in conjunction with a stormwater tract and utility easements.

Commissioner Cohen asked if the street width was enough for on-street parking and if there will be enough room for backing movements. Graichen said yes, it is not a skinny street. Vice Chair Cary asked if the TIA was done. Graichen said yes, and the development did not cause any intersection issues. Graichen said the St. Helens School District Superintendent recommended a Wyeth Street crosswalk. Graichen noted that the Corridor Plan (2015) recommended an enhanced pedestrian crossing at this intersection because of the high number of students who cross there. It is about 700 feet from this development. Graichen said the Commission can consider a condition to address this.

### **In Favor**

**Catching, Bart, Applicant.** Catching is a land use planner for AKS Engineering & Forestry representing the applicant and owner of the property. Ken Leahy, the property owner, cannot be here tonight. Catching said the applicant intends to pair the attached SFDs, not have a wall of five homes. Lots 21 and 60 will be detached SFDs. He noted that the minimum lot size for attached SFDs in R5 is 2,500 square feet. All of the lots proposed are larger than this. Everything except one side of Commons Drive is planned to be built out to the local street standards with sidewalks on both sides. There is a detailed landscape plan on page 10 that details street trees. The suggested condition for the 10 foot buffer is not an issue. They are close to getting a written agreement to finalize the Shore Drive access. Catching clarified with Graichen the land use process to permit access off Shore Drive.

Regarding the crosswalk on Highway 30 at Wyeth Street, Catching said there was no official comment from ODOT, but they are open to discuss it. For pedestrian access to Kelley Street, they are not aware of a code requirement for this, but they are open to it.

Catching said the ongoing fill that has been occurring on the site is not part of this subdivision application. He said this has been going on under existing permits. Regarding cultural resources on the site, Catching concurs with the City's determination that it is appropriate to continue ongoing monitoring of the site during construction. Catching said camas is not listed as an endangered species and should not inhibit the ability to develop the site. Vice Chair Cary asked if they considered an alternative path to Kelley Street, instead of Shore Drive. Catching said the previously approved subdivision on the site had a connection to Howard Street. They have re-designed a layout that they feel makes most efficient use of the space. Vice Chair Cary asked about the pedestrian path to Kelley Street through the stormwater facility and utility easements. Catching said they are not opposed to this condition.

**Synkelma, Trevor.** Synkelma is an engineer with AKS Engineering & Forestry who worked on the stormwater plan. The stormwater facility will be maintained by a Homeowner's Association (HOA) if the City does not want ownership. Regarding the detention ponds, they will be designed in accordance with the City's standards. During construction, the construction documents will include the details about safety and security. Regarding downstream flow of stormwater, the facility will detain post-development flow to pre-development standards. Compared to pre-development conditions, they will be reducing the stormwater leaving the site post-development. He added a diagram for the direction of flow and the containment of the

stormwater to the record to address Chiotti's stormwater concerns. There are no plans to alter the storm lines or sewer lines on the site. Commissioner Cohen asked how much rock would be removed from the site. Synkelma said there is not an estimate, but their goal is to raise the elevation to help reduce the amount of excavation required for utility construction. Chair Hubbard asked if the fill on the site was engineered fill. Synkelma said no, they are currently just stockpiling fill.

## **In Opposition**

**Watters, Les.** Watters owns property adjacent to the proposal. Watters said a week ago they started filling near Kelley Street. This area is still green in August. He is in support of a pedestrian connection to Kelley Street to allow for easier access to the Highway. Watters would like to see the DSL concurrence letter renewed. Watters has a lot of history on the parcel that lead him to distrust stormwater engineering on that site. He said when ODOT widened the Highway, the stormwater did not do what they wanted or engineered it to do. He said ODOT never connected the stormwater outfall that runs under the Highway. The City still has an alley where the stormwater is conveyed. He passed out a letter summarizing this. He is concerned about the stormwater management plan and facility. He is concerned it will not be engineered correctly and not maintained in perpetuity. He would like to ask that this facility be engineered to meet a higher standard because he has fears that runoff will be worse than expected.

**Violette, Brent.** Violette said Milton Creek actually used to run through this area before it was diverted to its current location. He thinks there are wetlands and camas meadows on the site. When the flood of 1996 occurred, it re-opened the original creek path. He is concerned about stormwater on the site. The site has a long history. Water will go where water wants to go.

**Morgus, Jacy.** Morgus lives off Trillium Street, which abuts this property. She moved from Beaverton to get away from this type of development. Her and her neighbors were shocked to see tree removal and construction vehicles occurring at odd hours of the morning. At that point, they had no grading permits. Her neighbor has Parkinson's and when he does not get enough sleep, it affects his mobility. She submitted additional letters in opposition from her neighbors. She is very concerned that this developer will not follow the rules. She said her yard already floods, so she is worried about an increase in flooding. She is wondering if the townhomes will be two or three stories. Graichen said the zoning allows for 35 foot high homes, but at this point, they do not know. She said her fence is leaning because of the grade/fill work. The work is beginning before 7 a.m. and past 10 p.m. at night.

**Collins, Sue.** Collins is wondering about the two retirement homes and the women's shelter behind the proposal. The shelter was sited there for secrecy. She asked about the height of the buildings. Collins is concerned about privacy.

## **Rebuttal**

**Catching, Bart. Applicant.** Catching said the post-development flow will be less than pre-developed flow. The conditions on the site will not be made worse by development. Regarding Shore Drive, one approach would be a condition of approval that lists the various alternatives discussed. He listed the three alternatives in order of priority. He discussed how the stormwater facility would be maintained by the HOA with the assurances of Covenants, Conditions & Restrictions (CC&Rs) for longevity. A tremendous amount of effort has been put into the design of the detention facility. Regarding the women's shelter and the retirement homes, they are



proposing a legal permitted use on this site. If there are issues beyond that, they have no intention of impact to those existing uses.

### **End of Oral Testimony**

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

### **Further Questions of Staff**

Commissioner Cohen asked about the noise violations. Graichen said they would like to impose a fine, but the violation is contained in Volume 1 of the Code, not Volume 2 (the Development Code). There was a discussion about getting City Code Enforcement out to the site to ensure work does not start before 7 a.m. or continue after 9 p.m. Commissioner Cohen asked about the pedestrian crossing near Wyeth Street on Highway 30. Graichen said one of the subdivision standards is compliance with the Comprehensive Plan. The Corridor Plan is an addendum to the Comprehensive Plan. Graichen suggested adding a condition that the applicant be required to work with ODOT to determine feasibility and possibly installation of a pedestrian crossing at the Highway 30/Wyeth Street intersection. Vice Chair Cary asked how the Commission can approve this with only one access. Graichen said it does not violate our code. It is a Fire Code issue. Vice Chair Cary asked about including a fire access to Kelley Street along the pedestrian/utility easement. Graichen said that could make sense.

### **Close of Public Hearing & Record**

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

### **Deliberations**

Chair Hubbard said the Shore Drive connection as a second access would be ideal, but the stub is all we can require. Vice Chair Cary did not think it made sense to include a sidewalk along Commons Drive on the church side, but the Commission would like to see a curb on the church side. The Commission would like to add a condition added as 2.h. regarding the crosswalk at Wyeth Street on Highway 30, as discussed earlier.

**Motion:** Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission unanimously approved the Subdivision south of 500 S. Columbia River Highway - AKS Engineering & Forestry, LLC with the additional condition about utilizing the access/utility easement as a potential fire access, adding a curb to frontage on Commons Drive to 2.a.K., and a new condition 2.h. to work with ODOT regarding a pedestrian crossing at Wyeth Street and Highway 30. [AYES: Commissioner Cohen, Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

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

### **5) Discussion Items**

5.A (CONTINUED) Street Vacation for Portions of N. 8th Street, N. 9th Street and Wyeth Street Recommendation to City Council

Graichen said this is not a formal public hearing, but it is continued discussion from the previous meeting. Since last meeting, a few diagrams have been added to the staff report with more detail about the options for fire turnarounds. One utilizes a 20 foot alley and uses a hammerhead fire turnaround. The other utilizes a 20 foot alley and a cul-de-sac as the fire turnaround. Both recommend keeping the 20 foot alley and the fire turnaround as right-of-way and granting the remaining area to the applicant. Vice Chair Cary asked if the recommended options will prohibit surrounding property owners from vacating their portion of the right-of-way. Graichen said no, they could still apply to vacate the remainder, but the hope is that the fire turnaround and 20 foot alley remain as right-of-way with any future vacations.

**Erickson, Jake.** Erickson lives at the bottom of the driveway on N. 9<sup>th</sup> Street. He said his property is surrounded by concrete retaining walls. He is concerned about how the lot lines will change as it gets developed. He is concerned about a tree that may fall onto his home when the property is developed.

**Scholl, Rick. Applicant.** Scholl explained that if the street vacation is granted, he will be able to position the home in a location that benefits Erickson more than if it was not granted. Scholl said they tried to work with Erickson. Scholl said they cleaned up the property since buying it.

**Erickson, Heather.** Erickson is Jake's sister. Jake is a volunteer firefighter for the city, retired military, and a single father. This is why he is almost never home. They are concerned about crumbling retaining walls, stormwater issues with development of the proposed lots, and the tree behind their property falling with development. Graichen recommended attending the City Council Public Hearing next Wednesday, September 19 at 6:00 p.m. where a final decision will be made.

**Motion:** Upon Vice Chair Cary's motion and Commissioner Webster's second, the Planning Commission unanimously recommend approval to the City Council of the Street Vacation as provided as Option #3 (Hammerhead) for Portions of N. 8th Street, N. 9th Street and Wyeth Street. [AYES: Commissioner Cohen, Commissioner Semling, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

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

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

7) **Planning Director Decisions**

There were no comments.

8) **Planning Department Activity Report**  
8.A August Planning Department Report

Commissioner Cohen thanked Graichen for adding a land use City Council report to the monthly Planning Department Activity Report. Commissioner Stenberg agreed.

9) **For Your Information Items**

Chair Hubbard thanked Associate Planner Dimsho for working on the Grey Cliffs Park restroom and non-motorized boat launch project. Dimsho said the paved parking lot and boat launch improvements will occur spring 2019.

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

11) **Adjournment**

There being no further business before the Planning Commission, the meeting was adjourned at 11:06 p.m.

Respectfully submitted,

Jennifer Dimsho  
Associate Planner

**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Variances V.4.18, V.5.18 and V.6.18**

**DATE:** October 2, 2018  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT:** Robert Johnson Land Surveying, Inc.  
**OWNER:** Josef and Cari Kessi

**ZONING:** Apartment Residential, AR

**LOCATION:** 5N1W-33DB-703

**PROPOSAL:** Variances to enable a 2-parcel land partition with: (1) parcels having lots depths below the minimum, (2) yard (setbacks) less than the minimum along the new shared property line for both parcels, and (3) for the “flag lot” parcel which would be less than the minimum size normally allowed.

**The 120-day rule (ORS 227.178) for final action for this land use decision is December 19, 2018.**

**SITE INFORMATION / BACKGROUND**

The site is a single parcel with two detached single-family dwellings. According to County Assessor records the homes date from 1938 and have a livable size of 832 and 720 square feet. This is Parcel 2 of PP No. 2000-09.

Parcel 2 (the subject property) was created from the partitioning of a parcel (file PT.1.00) in 2000, which was a parcel created in 1999 (file PT.13.99). The 1999 preliminary plat shows the two homes. The 2000 preliminary plat shows them as well. The 2000 application notes that the duplex will be made into a duplex before the partition of completed. The 2000 Findings of Fact and Conclusions of Law (F&C) also states that “parcel B has two dwellings and will be converted into a duplex.” The details of the 2000 F&C is scant as to any further details about the homes to duplex conversion.

However, building permit records indicate no duplex conversion or even any structural permit for this property.

Although past staff didn’t give us much to understand what was going on back in 1999/2000, we know that the size standards around 2000 are similar to today’s. The minimum lot size for a duplex in the AR zone is 5,000 square feet and 3,050 for detached single family dwellings. The subject property (Parcel 2 before a right-of-way vacation of N. 10<sup>th</sup> Street) was 6,018 square feet once partitioned. This is enough lot size for a duplex but for two detached single family dwellings, the minimum lot size would need to be 6,100 square feet. The staff report for the 2000 partition references “duplex lot” or something similar, so it appears that the partition was approved based on a duplex and not two detached single-family dwellings.

Why it was not legitimately done or if any “special interpretation” of law was involved is unknown.

### PUBLIC HEARING & NOTICE

Hearing dates are as follows: October 2, 2018 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on September 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 September 26, 2018.

### AGENCY REFERRALS & COMMENTS

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

### APPLICABLE CRITERIA, ANALYSIS & FINDINGS

The applicant proposes to partition this property. This is only a Variance request (X3), so a subsequent partition will be necessary. However two of the approval standards for partitions per SHMC 17.140.040(2) and (4) read:

- (2) The proposed partition complies with all statutory and ordinance requirements and regulations;
- (4) All proposed lots conform to the size and dimensional requirements of this code;

Thus, Variances are needed because the parcels proposed won’t conform to the setback (yard standards) per #2 above and the size and dimensional requirements per #4 above.

The property is zoned Apartment Residential, AR. The standards and proposal is as follows:

	<b>AR Standard</b>	<b>Proposed Parcel 1*</b> N. 10 <sup>th</sup> Street	<b>Proposed Parcel 2</b> Deer Island Road
<b>Lot/Parcel Depth</b>	<b>85’</b>	Approx. 50’	Approx. 62’
<b>Yard</b> (as along proposed shared property line)	<b>10’</b> ( <i>rear</i> for Parcel 1 and <i>flag lot side</i> for Parcel 2)	Approx. 7’	Approx. 7’ (if shed is removed)  Approx. just under 4’ (including covered entry)
<b>Lot/Parcel Size</b>	<b>3,050 s.f.</b>	Approx. 2,306 s.f. (flag portion only)	Approx. 3,115 s.f.

\*Flag lots per SHMC 17.140.055:

- (1) Provisions of this section on flag lots shall apply to the creation or future use of flag lots whether created herewithin or by other land division rules.
- (2) The creation of flag lots is permitted only in the R-5, AR, MU, and MHR residential zones.
- (3) The following standards shall apply to flag lots:
  - (a) Flag lots shall have access to a public or private street;
  - (b) The “flag” portion of a flag lot must meet standards for size and area per underlying zone requirements;
  - (c) There shall not be a front lot line. The applicant may choose the front lot line at the time of lot creation and all other definitions shall follow that choice;
  - (d) The principal dwelling(s) must have a minimum of 10-foot setback from all property lines;
  - (e) Dwellings on flag lots will increase the setback by 25 percent for each five feet of building height over 15 feet;
  - (f) Building orientation for a future principal building shall be such as to comply with solar access and to allow maximum separation and privacy from existing and future dwellings on adjacent lots; and
  - (g) A minimum six-foot landscaping buffer (see SHMC 17.72.080 for standards) shall be on all sides of “flag” and three-foot landscape buffer on both sides of “flag pole.”



These photos show the side of each dwelling facing each other. **Left:** the south side of the northerly house. **Right:** the north side of the southerly house. Note that the “shed” is attached. Also, note the covered entry and the steps.

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

- (a) The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;
- (b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- (c) The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;

- (d) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and
- (e) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

**Findings:**

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

- The Commission needs to determine if this criterion is met to approve the variances or approve them with conditions.
- Staff comment(s): The intent of having yards (setbacks) is for air, light and space. These dwellings have been around since the 1930s, but there used to be much more air, light and space before the 1999 partition and especially the 2000 partition.

The definition of duplex per the Development Code at the time was:

2 dwelling units placed so that some of the structural parts are in common and located on a single lot or development site.

Based on the 2000 partition, these two detached single-family dwellings should not be two detached single-family dwellings. It should be a single building; a duplex.

Things to think about in regards to the reduced yard:

- Should an shared easement be required between each property so the area in between does get to congested?
- The attached shed on the southerly dwelling needs to be removed.
- What about the stairs on the southerly dwelling. They terminate about where the property line is proposed. If no easement, these should be modified (rebuilt to turn to the right or left rather than straight out) or the property line should be placed differently.

The Building Code requires a minimum 3' landing at the end of stairs. Since the stairs end at the proposed property line, this would be impossible to achieve unless they were reconstructed to orient to the side.

Things to think about in regards to the reduced size and depth:

- This wouldn't be an issue if the dwellings were actually attached as a duplex.

Off-street parking. A duplex requires four off-street parking spaces. A detached single family dwelling requires 2 each. It appears that, if partitioned, each parcel would have enough room for two-off street parking spaces, while maintaining other standards such as the vision clearance provisions of Chapter 17.76 SHMC. This includes consideration of



shared access over the parcel to the west and would be at the expense of a fence for the dwelling closest to Deer Island Road. The shared access is discussed further below.

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

- The Commission needs to determine if this criterion is met to approve the variances or approve them with conditions.
- Staff comment(s): The unique circumstance is why the 2000 partition was allowed by the staff at the time? Unless staff allowed the walkway in between to constitute a “structural attachment” to qualify the two units as a “duplex” it seems staff was negligent. If staff allowed the walkway to constitute the “structural attachment” then these variances must be denied.

Given the absence of any building permits to convert these dwellings into a duplex, this is a mystery.

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

- The Commission needs to determine if this criterion is met to approve the variances or approve them with conditions.
- Staff comment(s): If the two dwellings were combined to be a duplex, the lot would be legal with no chance of dividing. Current code does not allow two principle detached single family dwellings on a single lot. The only way to divide this parcel into two, would be with these variances. The tolerances are close, so if the Commission can find the other criteria are met, this one is a given.

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

- The Commission needs to determine if this criterion is met to approve the variances or approve them with conditions.
- Staff comment(s): If these Variances are granted, the applicant or owner can commence with a land partition. Given shared utilities, requirements such as easement(s), a separate water meter and such will be considerations of the land partition.

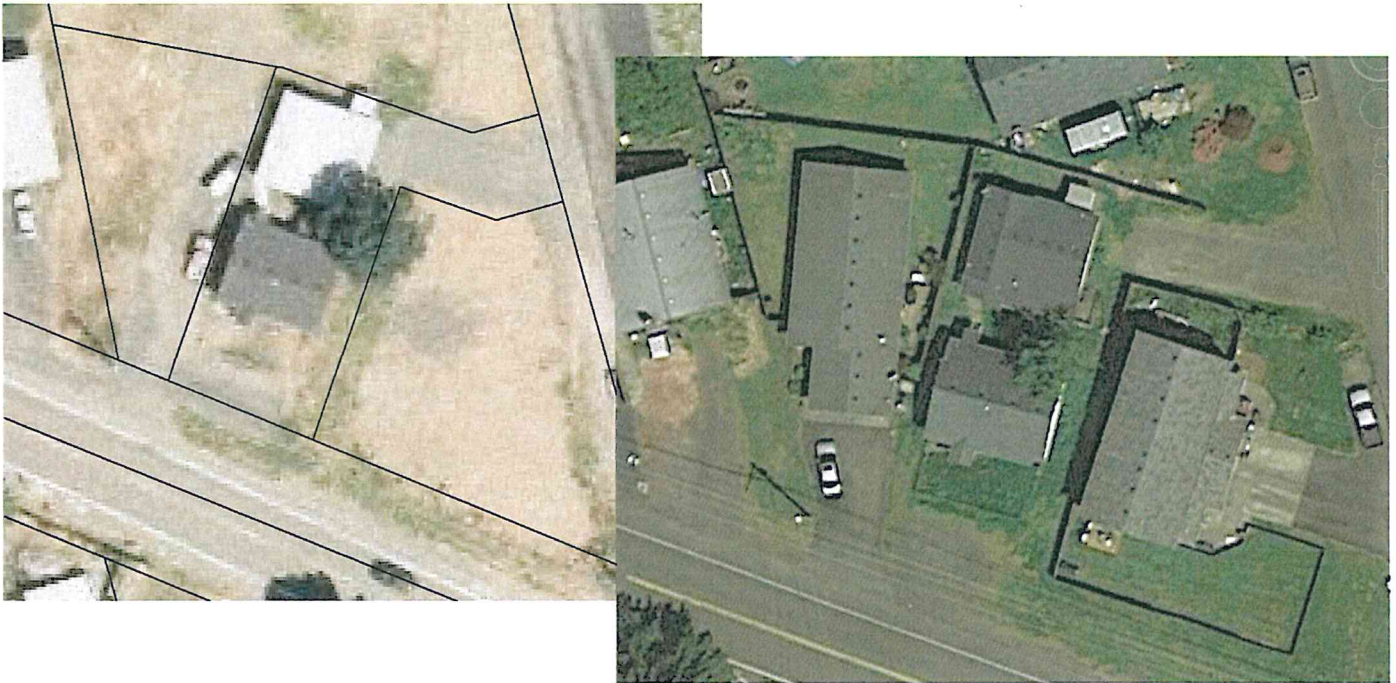
One concern staff observed is an easement over Parcel 1 of PP No. 2000-09 (the property adjacent to the west side of the subject property) for the benefit of Parcel 2 (the subject property) for ingress and egress. In 2000, the City had an adopted Transportation Systems Plan that identified Deer Island Road as a Minor Arterial. The City current TSP maintained that classification. Driveway approaches are typically restricted on higher classified roads as they are intended for mobility over access.



The easement was forward thinking for the City at the time. The concern now is the execution of that. The easement is in place, but there are no improvements associated with it. See the aerial photos below.

If the Commission approves these variances, a condition should be included that prior to any land division utilizing these Variances, that Deer Island Road access fronting the subject property be physically obstructed in a method approved by the City (e.g., curb/sidewalk) so both Parcels 1 and 2 of PP No. 2000-09 will utilize the shared access identified on that plat as intended.

In addition, the driveway and parking area for each dwelling should be paved such that there is continuous pavement from paved portion of street to parking spaces (two non-tandem off-street parking spaces for each unit). This would mean that the existing fence for the house closest to Deer Island Road would need to be modified or removed.



**Left:** 2000 aerial photo showing the two detached single-family dwellings. Current taxlot lines shown. Note the driveway location (along what is now Parcel 1 of PP No. 2000-09). Source: City of St. Helens.

**Right:** 2017 aerial photo of the same area. Note that the drive area in front of Parcel 1 remains, but the lack of vegetation in front of 1070 Deer Island Road (the subject property; Parcel 2) is gone indicating vehicular use. Source: Google Earth.

The access easement per PP No. 2000-09 is not effective if not utilized. A physical barrier is the only way to influence human behavior in this case.

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

- The Commission needs to determine if this criterion is met to approve the variances or approve them with conditions.
- Staff comment(s): If the owner at the time of the 2000 land partition (Philip Hickey) was still the owner today, it could prove difficult for the Commission to find in favor of this criterion. However, the owner is different.

Based on the applicant's narrative, the "hardship" is the desire to have two units that can be sold separately. They note that if the partition (which needs these variances to be approved) is not possible, that they will seek the condominium route. Since the code doesn't allow two principle dwelling units per parcel, if one was destroyed or discontinued per Chapter 17.104 SHMC it could not be rebuilt. There is nothing that exempts condominiums from this provision. The condo approach would be a risky investment unless the buildings were converted into a true undisputable duplex.

But if it was a duplex, it would be an outright permitted use.

Note that the current definition of "duplex" is:

"Dwelling: duplex or two units (two-family)" means two dwelling units placed so that some structural parts are in common and are located on a single lot or development site. No more than two units may be joined by common wall.

If the Commission considers this a duplex based on past actions, these Variances must be denied. If denied, the applicant should go through the property permitting and development to make this an undisputable duplex to protect their investment.

### CONCLUSION & RECOMMENDATION

**Based upon the facts and findings herein, if the Planning Commission approves these three Variances staff recommends the following conditions:**

1. This Variance approval is valid for a limited time pursuant to SHMC 17.108.040.
2. The following shall be conditions of a land partition utilizing these three variances:
  - a. The attached shed on the southerly dwelling shall be removed.
  - b. The stairs on the north side of the southerly dwelling shall be rebuilt to turn to the side in method approved by the City and in compliance with the Building Code.

(AND/OR)

A reciprocal private access easement shall be required between the entire area of the two dwellings.

(AND/OR)

Do something different with the property line?

- c. Deer Island Road access fronting the subject property shall be physically obstructed in a method approved by the City (e.g., curb/sidewalk) so both Parcels 1 and 2 of PP No. 2000-09 will utilize the shared access identified on that plat
  - d. The driveway and parking area for each dwelling shall be paved such that there is continuous pavement from paved portion of street to parking spaces (two non-tandem off-street parking spaces for each unit). All standards of the Development Code shall apply including but not limited to the vision clearance provisions of Chapter 17.76 SHMC.
3. A land partition is still required to divide this property.
  4. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variances granted herein.

**Attachment(s):** Site Plan (survey)

Applicant's narrative

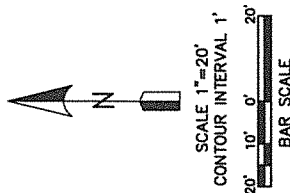
Site Plan (excerpt) – conceptual off-street parking scheme (notes from staff)

Preliminary Plat from file PT.13.99

F&C, Preliminary Plat, and application from file PT.1.00 (6 pages)

# SITE PLAN

FOR OHM EQUITY PARTNERS, LLC  
OF TAX LOT 703, IN THE SE 1/4 OF SECTION 33,  
T25S, R11W, WILLAMETTE MERIDIAN  
COLUMBIA COUNTY, OREGON  
SURVEYED JULY 20, 2018



- LEGEND**
- CP-19 CONTROL POINT WITH ELEVATION AND DESCRIPTION (TYPICAL)
- (A) FOUND MONUMENT HELD (TYPICAL)
- SET, 5/8"X30" IRON REBAR WITH YELLOW PLASTIC CAP  
INSCRIBED "RAJ LS 2725", TO BE SET AFTER APPROVAL
- FOUND 5/8" IRON REBAR WITH YELLOW PLASTIC CAP  
INSCRIBED "REYNOLDS LAND SURVEYING, INC."
- FOUND 5/8" IRON REBAR WITH YELLOW PLASTIC CAP  
INSCRIBED "GRADY 1860"
- AC ABOVE GROUND
- BC BELOW GROUND
- SF SQUARE FEET
- MA MAG NAIL
- AS ASPHALT
- CO CLEAN-OUT
- CON CONCRETE
- EL ELECTRIC METER
- ET EVERGREEN TREE WITH DIAMETER AND CANOPY
- FI FIRE HYDRANT
- GA GAS METER
- GR GRAVEL
- GU GUY WIRE ANCHOR
- RO ROCK
- RD ROOF DRAIN
- SM SANITARY SEWER MANHOLE
- UP UTILITY POLE
- WM WATER METER
- WC WATER VALVE
- CF CHAIN LINK FENCE, 3' HIGH
- MT MATHEMATICAL TIE LINE
- PI PIPE
- OS OVERHEAD SERVICE LINES
- SL SURVEYED LINE NOT TO SCALE
- WF WOOD FENCE

**SITE ADDRESS**  
1070 DEER ISLAND ROAD  
ST. HELENS, OREGON 97051

## NOTES

- ELEVATIONS ARE BASED ON 9 HOURS OF STATIC GPS DATA TAKEN ON JULY 20, 2018. ELEVATIONS ARE BASED ON THE CONTINUOUSLY OPERATED REFERENCE STATIONS (CORS) USED BY OPUS FOR THEIR SOLUTION ARE NDBC (PID 029893), WDRN (PID 06433), AND P888 (PID 04129). OPUS USED THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
- FEATURES SHOWN ON THIS MAP ARE BASED ON FIELD OBSERVATIONS AND INCOMPLETE UTILITY LOCATES.
- ROAD CENTERLINE ELEVATIONS ARE MEASURED AT APPROXIMATE ROAD CROWN.

## COLUMBIA COUNTY DEED RECORDS

COUNTY CLERK'S INSTRUMENT NO. 2004-02309

## COLUMBIA COUNTY SURVEY RECORDS

- 111 SURVEY NO. 3059  
122 PARTITION PLAT NO. 1996-49  
123 PARTITION PLAT NO. 1999-44  
124 PARTITION PLAT NO. 2000-09  
125 PARTITION PLAT NO. 2001-09  
126 PARTITION PLAT NO. 2001-10

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

CERTIFICATE  
NO. 0000000000  
JULY 20, 2015  
ROBERT ALAN JOHNSON  
#2725

EXPIRES 6/30/19

**JOHNSON LAND SURVEYING, INC.**  
10185 SW HOODVIEW DR, TIGARD, OR 97224  
503-407-9966 [survey@frontier.com](mailto:survey@frontier.com) [jlsurvey.com](http://www.jlsurvey.com)

## **PROPOSED TWO-PARCEL PARTITION AT 1070 DEER ISLAND ROAD**

The two houses currently on the property were built in 1938 with very high-quality timber and since have been fully remodeled. The house on proposed Parcel 1 currently has access from 10<sup>th</sup> Street. The house on proposed Parcel 2 currently has access from Deer Island Road and a 30-foot easement over the property to the west. Both parcels meet the AR Zone minimum square footage of 3050 square feet. Parcel 1 will require setback, area, and lot depth variances. Parcel 2 will require setback and lot depth variances. If the above-mentioned variances are not granted, the owner will be turning the two houses into condominiums. The risk of proceeding with a condominium instead of a partition is if 60% of one of the structures were destroyed, current code would not allow them to be rebuilt. This is why we feel the best solution for making the two houses marketable is a land division (Two-Parcel Partition Plat).

Johnson Land Surveying, Inc.  
Robert Alan Johnson PLS  
[jsurvey@frontier.com](mailto:jsurvey@frontier.com)  
[jlsurvey.com](http://jlsurvey.com)  
503-407-9966



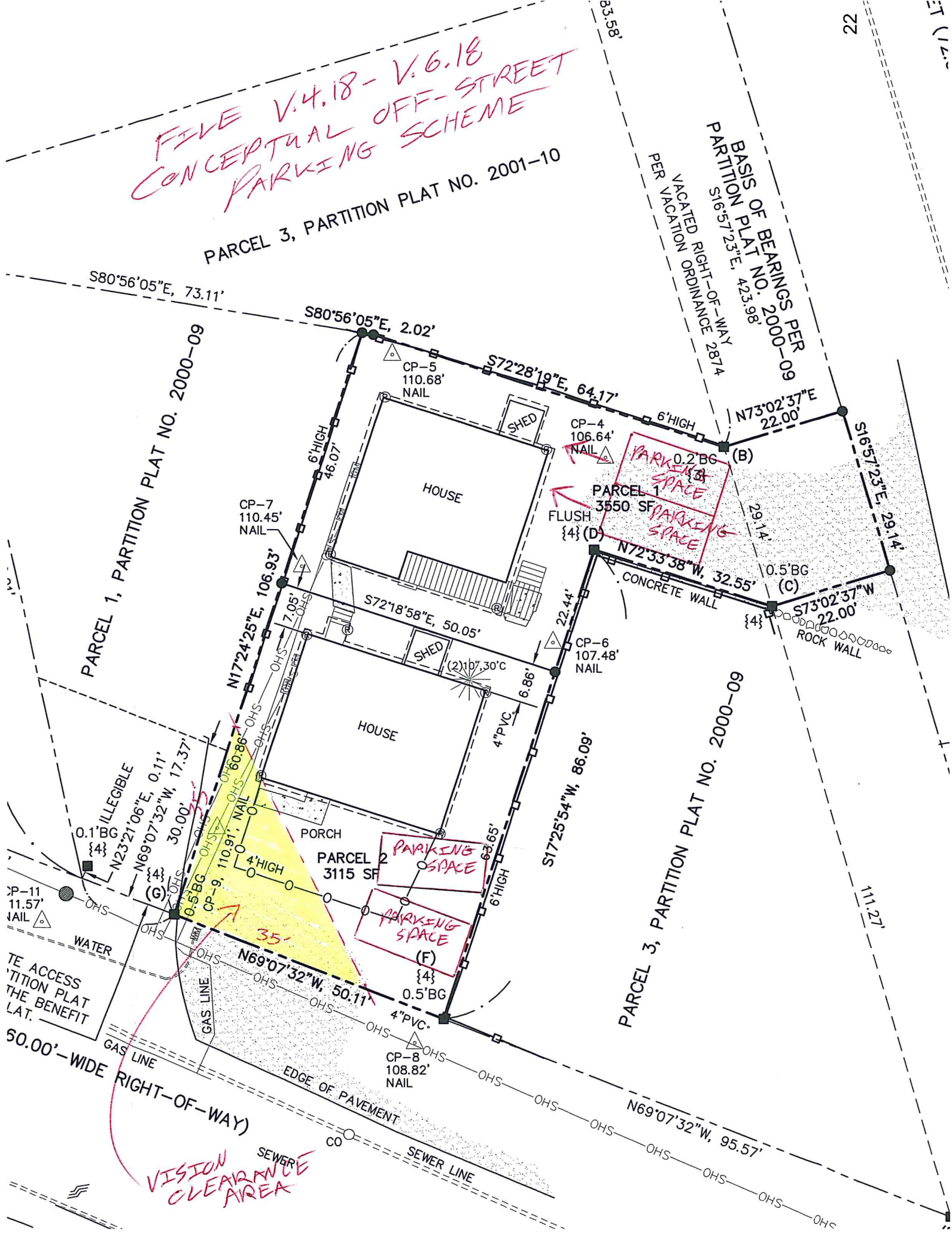
*FILE V.4.18 - V.6.18  
CONCEPTUAL OFF-STREET  
PARKING SCHEME*

PARCEL 3, PARTITION PLAT NO. 2001-10

BASIS OF BEARINGS PER  
PARTITION PLAT NO. 2000-09  
S16°57'23"E, 423.98'  
PER VACATION ORDINANCE 2874

PARCEL 1, PARTITION PLAT NO. 2000-09

PARCEL 3, PARTITION PLAT NO. 2000-09



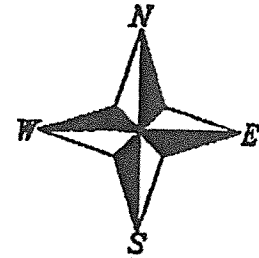
TE ACCESS  
TITION PLAT  
THE BENEFIT  
LAT.

50.00'-WIDE RIGHT-OF-WAY)

*VISION  
CLEARANCE  
AREA*

FROM FILE PT. 13.99

Proposed Partition  
Tax Acct. No.  
5133-042-00700  
City of St. Helens



Scale: 1"=50

CF:991641  
SF:991641

10th

Street

Parcel 3

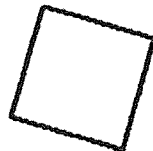
11680 Sq.Ft.

Parcel 2

15,080 Sq.Ft.

Parcel 1

EXTG. HOUSE



EXTG. HOUSE

17,380 Sq.Ft.

Deer Island Road

This may change  
slightly.

We may try to  
even the sq. footage  
on the back 2  
lots.

Proposed.

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
Planning Administrator's Final Decision for Hickey Partition

REQUEST:

Partition of one property into three parcels.

FINDINGS:

1. Location- The subject property is located at 1070 Deer Island Road.
2. Field Inspection- The site has two residences on it. The terrain slopes to the south somewhat.
3. Comprehensive Plan- The Comprehensive Plan Map designates the area as General Residential.
4. Zoning- The Zoning Map designates the property as AR Apartment Residential.
5. Access- The site is accessible from Deer Island Road (City owned and maintained, partially improved minor arterial) and North 10th Street (City owned and maintained, partially improved, local road)

CRITERIA and EVALUATION:


1. The proposal conforms with the City's Comprehensive Plan.

Finding: There are no conflicts with the goals and policies of the Comprehensive Plan.

2. The proposed partition complies with all statutory and ordinance requirements and regulations.

Finding: The minimum lot sizes for the Apartment Residential zone are 3,050 square feet for single dwelling detached units and 5,000 for duplexes.

Finding: Parcel A of Partition Plat 1999-44 Parcel 3 is 4,878 square feet, Parcel B is 5,322 square feet and Parcel C is 6,082 square feet.

Finding: Parcel B has two dwellings and will be converted into a duplex. 

Finding: Each parcel must have a minimum of 85 feet in depth for single or duplex type dwelling detached units. Each parcel exceeds 86 feet in depth.

Finding: Any lot that results from a land division and is larger than twice the minimum lot



size for that zone must show a redevelopment plat or shadow plat. None of the lots exceed 6,100 square feet.


3. Adequate public facilities are available to serve the proposal.

Finding: Water line and sewer lines are located in Deer Island Road and North 10th Street and are of sufficient size to serve this site.

Finding: Both Deer Island Road and North 10th Street have the minimum width for right of ways and sufficient capacity to serve this site.

Finding: The fire hydrants in the area meet Fire Code standards.

4. All proposed lots conform to the size and dimensional requirements of the Code.


Finding: Parcel B does not have a 50-foot minimum frontage on a street, which is required for lots with duplexes. 

5. All proposed improvements meet City and applicable agency standards.

Finding: The setbacks on Parcel B are not in compliance with the standards of 10 feet for the rear.

CONCLUSION:

Based on the above stated evaluation of applicable City Ordinances, the following conclusions are offered:


1. The proposal conforms with the City's Comprehensive Plan.
2. The proposed partition does not comply with all the standards such as rear setback and frontage for duplex lots. 
3. Adequate public facilities are available to serve the proposal.
4. All proposed lots do conform to the size and dimensional requirements of the Code.
5. There are no proposed improvements in this application.

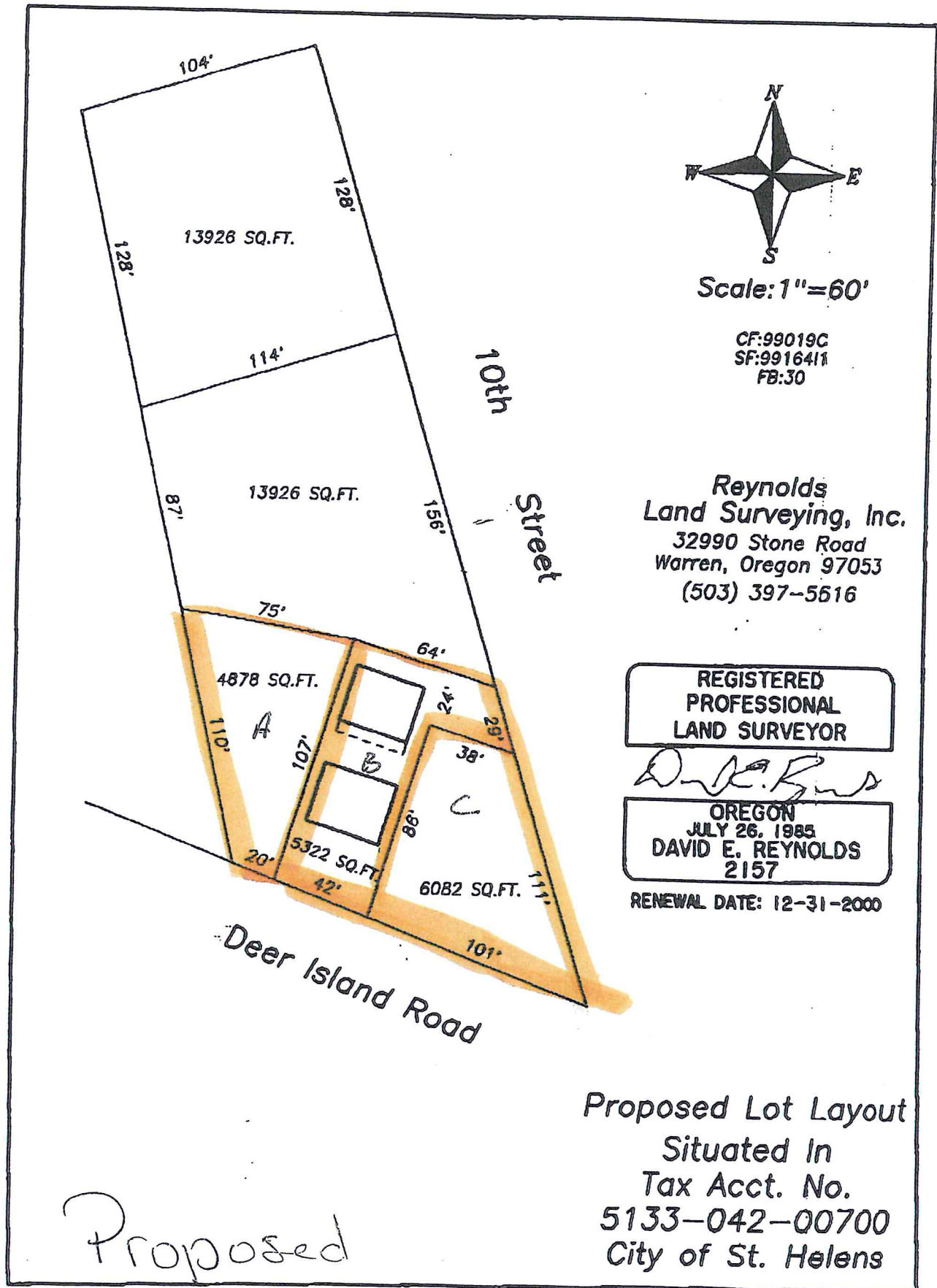
The Planning Administrator has reviewed the application and the criteria for partitions and based upon the above evaluation has found in favor or the applicant with the following additional conditions of approval:

1. Parcel B must have 50 feet of frontage on either Deer Island Road or North 10th Street.

2. Setbacks for the existing dwellings on Parcel B have not been shown to comply with the Code.
3. Waiver of Remonstrance for future Local Improvement Districts on North 10th or Deer Island Road must be signed and current.

1-27-2000  
Date

  
Skip Baker, Planning Administrator



Proposed Lot Layout  
Situated In  
Tax Acct. No.  
5133-042-00700  
City of St. Helens

# LAND USE APPLICATION FORM

28

City of St. Helens

P.O. Box 278, St. Helens, OR 97051

Planning Department, 503-397-6272

FILE PT-1-00

	Receipt No.: 90889
App. Completion Date:	Amt. Pd.: 100 -
File No.: PT1.00	Date App. Rec'd: 1-18-00
Office Use Only Above This Line	

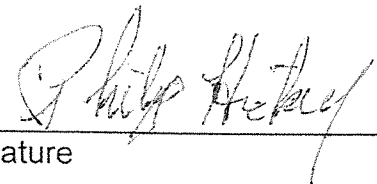
## APPLICANT FILLS BELOW THIS LINE ONLY:

Applicant Name(s) (print): Philip Hickey	Property Owner Name(s) (print): Philip Hickey
Applicant Mailing Address: PO Box 1051 ST. Helens OR 97051	Property Owner Mailing Address: P.O. Box 1051 ST. Helens OR 97051
Applicant Telephone No.: 397-3500	Property Owner Telephone No.: 397-3500
Type of Land Use Request (e.g., Variance, Partition, etc.): Partition	
Tax Assessor Map and Lot number: 5-1-33-42 7008	Site Address: 1070 Deer Island Rd ST. Helens OR 97051
Description of Land Use Request (describe in plain language what you want to do): I want to take 1 lot and split it into 3 lots. There is an existing 2 houses on the center lot that is being made into a duplex. This will be completed before the partition is completed.	
Attach the following: 1. Responses to applicable criteria (per Community Development Code). 2. Required drawings, maps, etc. (per Community Development Code). 3. Proof of ownership or authority to make application (e.g., tax assessor record or title).	
Signature of Applicant(s): (X) Philip Hickey	1-18-00 (date)
Signature of Property Owner(s): (X) Philip Hickey	1-18-00 (date)



LAND USE APPLICATION  
AUTHORIZED AGENT STATEMENT

I hereby certify under penalty of perjury and false swearing that the information I have provided is true and correct and further that I am the sole owner of the property identified herein or I am authorized by ALL the owners to make this application and proof of said authorization\* is attached.

  
Signature

1-18-00  
Date

\* Proof of Authorization for a land use application may be one of the following:

1. All property owners may sign the subject land use application.
2. A signed power of attorney.
3. A note signed by all the property owners giving one person authorization to act on their behalf.

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



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

**Date:** 9.26.2018

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**

For a lot of administrative duties (including permit review) we are about 45 days behind. Some of the large project submittals and other long range planning efforts (e.g., the Riverfront Connector Plan) really took their toll in August. Though, I anticipate us continuing to be busy reacting to development proposals, I hope to shorten this lag through fall/winter.

I wrote a letter to the Army Corps of Engineers (**attached**) to help one of our last remaining large (10+ acres) commercial parcels be used to its full potential. This is actually the third such letter for this site (1<sup>st</sup> in May 2012 and the 2<sup>nd</sup> in May 2018), but with more detail the 3<sup>rd</sup> go around.

Had a preliminary Q&A meeting for a couple of potential food cart pods; one along US30 and another off of Bowling Alley. Both properties are already improved. The location along US30 had a hot dog stand more than 10 years ago. We've noticed a sudden uptake in people's interest in this kind of use.

Conducted a pre-application meeting for a potential triplex on property across from the County Transit Center on Deer Island Road.

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

September 11, 2018 meeting (outcome): The Commission approved a Conditional Use Permit for a 204 unit multidwelling complex along Matzen Street. This was a continued public hearing from August. The Commission also approved the preliminary plat for the Graystone Estates Subdivision (78 residential lots + 2 commercial lots), which is located just south of Columbia Commons (500 N. Columbia River Highway). Finally, the Commission made a recommendation to the Council for a ROW vacation request for portions of N. 8<sup>th</sup>, N.9<sup>th</sup> and Wyeth Streets, which was a continued discussion from August.

October 9, 2018 meeting (upcoming): The Commission has a public hearing to consider a three Variances, which are necessary to allow a two-parcel land partition of 1070 Deer Island Road. The Commission will also discuss two terms that expire at the end of the year.

## **COUNCIL ACTIONS RELATED TO LAND USE**

The Council conducted the public hearing for the Scholl/Shlumpberger right-of-way vacation on Sept. 19, 2018 and decided to continue the public hearing to a date uncertain to allow time to visit the site (will take multiple visits to avoid a quorum). Legal notice for continued date will be necessary once that time is determined.

The Council also conducted the continued deliberations for the appealed Conditional Use Permit denial for a proposed marijuana retailer/medical marijuana dispensary at 100 St. Helens Street.

They unanimously approved the application with additional conditions in regards to time of operation, maximum quantities that may be sold, and off site impacts (odor) restrictions.

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

The advisory committee for this project met this month and we conducted a public meeting and Planning Commission workshop to attain further input as the options in the plans are refined. This included providing comment sheets for people.

**GEOGRAPHIC INFORMATION SYSTEMS (GIS)**

Data updates sent to our GIS consultant to update the public and internal system.

**HB 4006 (2018)**

Watched a webinar on this. This bill is helping us do our Housing Needs Analysis (in preliminary stage). It also has public meeting and survey requirements, both that apply to St. Helens because we have more than 10,000 population and have more than 25% population as “severely rent burdened” which means renters pay >50% of monthly income on rent. St. Helens is at 27% for this. From what I can tell, the public meeting and survey requirements are annual and perpetual.

**ASSOCIATE PLANNER**—*In addition to routine tasks, the Associate Planner has been working on:*  
**See attached. Note this include both the August and September summaries from the Associate Planner.**



265 Strand / PO Box 278  
**St. Helens, Oregon**  
97051

September 13, 2018

Ms. Danielle Erb  
U.S. Army Corps of Engineers  
Regulatory Branch  
P.O. 2946  
Portland, Oregon 97208-2946

Via Email: [danielle.h.erb@usace.army.mil](mailto:danielle.h.erb@usace.army.mil)

RE: Development of undeveloped commercially zoned property in St. Helens lying on the NE corner of the intersection Gable Road/US 30 (and railroad), more-or-less, identified as Columbia County Assessor map and taxlot number 4N1W-8AA-200.

Dear Ms. Danielle Erb,

I have been working with the property owner, Elliott Michael, to meet our community's needs in developing the property described above.

This is a large commercial site, of a gross size of 13.9 acres. Per the City Economic Opportunities Analysis (ORD No. 3101), the City has a shortage of commercial lands, in particular, those around 10 acres. As such, this is a valuable property in that regard, especially as it may be the last remaining undeveloped commercial property of such size.

Wetlands are scattered throughout and they impact the site's acreage that can be developed. Amongst those wetlands is MC-22 which is significant to the City per its local wetlands inventory and located on the east side of the site. The MC-22 associate wetland area is not proposed to be impacted. The City supports filling of wetlands not determined as significant to the City on this important commercial site.

In addition to the Economic Opportunities Analysis and the site's size, this site is commercially important for the City given its location and tax base needs. The intersection of Gable Road/US30 is the busiest intersection in all of Columbia County. This is a key commercial hub. Moreover, Oregon relies greatly on property tax for revenue, which the City uses to advance public health, safety and welfare. St. Helens is one of many cities in Oregon suffering from tax rate compression resulting from Measures 5 and 50 adopted in the 1990s. So property value is also a consideration and maximizing the potential of this property is important for that.

In addition to simple tax base, this property is within the City's recently adopted Urban Renewal District. This district is a Tax Increment Financing mechanism to fund projects identified in the City's adopted plans. This includes waterfront development along former industrial property in the City's downtown (Riverfront District) area. This industrial property includes fill placed along the shores of the Columbia River at a time when environmental law in the United States



was not as robust as today. The City's waterfront planning includes shoreline/habitat enhancement. Thus, added value to Mr. Michael's property will help the City advance environmental conditions elsewhere. Enhancements to the shoreline of the Columbia River adds protection value to listed ESA species (e.g., salmonids). I'm am not aware of any ESA species on Mr. Michael's property.

Please also note that affordable housing is a well-documented regional problem and different housing types, including apartments, are necessary to help with that. Apartments are possible in the General Commercial zone. Thus, this property can provide commercial space for our growing economic market needs as well as need housing.

The City has worked with Elliot Michael on the development and restoration of several buildings in our Riverfront District and nationally listed historic district. He has been supportive of the community and his past projects have been valuable to us.

All development must comply with Federal, state and local laws. If you have any questions about land use regulations or other applicable City laws related to development of the property, please contact me.

Respectfully yours,

A handwritten signature in purple ink, appearing to read 'JAG', is positioned above the typed name.

Jacob A. Graichen, AICP  
City Planner

## Jacob Graichen

---

**From:** Jennifer Dimsho  
**Sent:** Wednesday, September 05, 2018 12:53 PM  
**To:** Jacob Graichen  
**Subject:** August Planning Department Report

Here are my additions to the August Planning Department Report.

### GRANTS

1. **Travel Oregon - Medium Grants Program (100k) – Implementation Phase One of the Wayfinding Master Plan for community-wide signage– Received notice of award! \$75k award for a \$145k project. To be completed by July 2020.** Contract fully executed.
2. OPRD – Recreational Trails Program – Grey Cliffs Park Restrooms - Worked on delivery details and site preparation with Public Works staff. Worked through land use (Minor Site Design Review) building, electrical, and plumbing permitting. Added engineered foundation drawings to contract for restroom. Scheduled delivery and worked with Roger to coordinate City work, electrician, and plumber.
3. OPRD – Veterans Memorial Grant – Construction work window to be Sept 4 – Oct 31. Received one bid for concrete work that is over-budget. Worked through options to reduce scope of work and/or solicit other bids. Ultimately selected a contractor and received word of donated and reduced concrete and rock. Shelter fabrication to be from Pacific Stainless.
4. TGM – Riverfront Connector Plan –COOLPPL Meeting, and Public Meeting to be held in September 10/11. Coordinated public outreach/press release/invites.
5. EPA – CWA Grant Program – Project check-in on August 2. Update on South 80 site work and discussed next Brownfields Advisory Committee meeting in late September. Date TBD.
6. Safe Routes to School Research – Met with SH School District to discuss priority routes and potential projects on August 7. Determined if we can apply for two projects. Submitted Letters of Intent for two sidewalk/crosswalk projects, one by McBride and one by Lewis & Clark. (Due August 31). Full Application due October 15.
7. Columbia Care Organization (CCO) funding– Discussed potential funding for the FARA building to convert to the St. Helens Recreation Center. Submitted application for the Community Wellness Impact Fund (CWIF) for programming of the Recreation Program. Grant for 20k. Will hear back by early to mid-September if successful. Discussed with CCO staff for further capital funding for building renovations.
8. Researched Care Oregon Community Benefit Grant Program for funding renovations to the new St. Helens Recreation Program Center

### MISC

11. Parks Commission – Millard Road Property Zoning Discussion August 13
12. Technical Assistance through DLCD to prepare a Housing Needs Analysis awarded – Submitted a draft Scope of Work, and draft MoU to the state. MoU signed by Mayor. Notice to proceed is forthcoming.
13. Submitted a park inventory of amenities to OPRD for a statewide mapping project to be developed by December 31, 2018.
14. Attended Parks Commission (August 13) to discuss Millard Road Property Rezoning
15. Scheduled Urban Renewal Meeting September 5 at 6 p.m. to adopt FY18-19 budget. Created packet, advertised, and attended meeting.

### Jenny Dimsho

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## Jacob Graichen

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**From:** Jennifer Dimsho  
**Sent:** Tuesday, September 25, 2018 1:39 PM  
**To:** Jacob Graichen  
**Subject:** September Planning Department Report

Here are my additions to the September Planning Department Report.

### GRANTS

1. **Travel Oregon - Medium Grants Program (100k) – Implementation Phase One of the Wayfinding Master Plan for community-wide signage– Received notice of award! \$75k award for a \$145k project. To be completed by July 2020.** Contract fully executed.
2. Columbia Care Organization (CCO) funding – Presented to the Advisory Committee for our application to the Community Wellness Impact Fund (CWIF) for programming of the Recreation Program. Ongoing discussions about additional funding for the Recreation Program Center renovations (FARA building). Will receive notice of award very soon.
3. OPRD – Recreational Trails Program – Grey Cliffs Park Restrooms – Restroom installed. Paving of parking lot to occur Spring 2019. Began preparing grant reporting/documenting in-kind labor hours.
4. OPRD – Veterans Memorial Grant – Continued coordination as construction begins. Site is prepared for internal concrete slab pour. Discussions with VFW/Project Engineer about revisions to memorial design because of a granite slab falling off the existing monument during site preparation for the expansion. Covered area/stage is ordered. New granite slabs ordered.
5. TGM – Riverfront Connector Plan –COOLPPL Meeting, and Public Meeting September 10/11. Coordinated public outreach/press release/invites. Attended meetings and provided feedback.
6. EPA – CWA Grant Program – next Brownfields Advisory Committee TBD. Results of the South 80 investigation reviewed.
7. Prepared to submit Safe Routes to School Grant Application (Approximately \$500k) – (Full Application due October 15) Site walk, took photos, narrowed down scope to sidewalk along Columbia Blvd. between Gable Road and Sykes Road. Prepared detailed budget, application narrative, school district and Columbia County Roads Department letter of support, coordination with Columbia County regarding maintenance and RoW.

### MISC

8. Research parking requirements for food trucks/pods in other communities
9. Urban Renewal Budget Final Adoption follow-ups – Meeting minutes, etc.
10. Worked with PSU graphics design on Parks & Trails Brochure update
11. Prepared press release and presentation for Public Forum – Waterfront Redevelopment Project Update on October 17 at 6 p.m.
12. Coordinating with ODOT about entrance sign location at Millard Road intersection
13. Met with Public Health Foundation staff to discuss outdoor eating locations in St. Helens

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