



PLANNING COMMISSION
Tuesday, March 12, 2019
265 Strand Street, St. Helens, OR 97051
www.ci.st-helens.or.us

Welcome!

1. **7:00 p.m. Call to Order and Flag Salute**
2. **Consent Agenda: Approval of Minutes**
 - 2.A. Housing Needs Analysis Advisory Committee Meeting Minutes Dated February 12, 2019
[Advisory Committee Meeting #2 Minutes Draft](#)
 - 2.B. Planning Commission Minutes Dated February 12, 2019
[021219 PC Minutes DRAFT](#)
3. **Topics from the Floor: Limited to 5 minutes per topic (not on public hearing agenda)**
4. **Public Hearings (times reflect earliest start time)**
 - 4.A. 7:00 p.m. - Variance at 1160 & 1170 Deer Island Road - Frank
[V.1.19 Frank Staff Report](#)
 - 4.B. 7:30 p.m. - Variances (12) at Various Lots on Fairfield Court - Stamp
[V.2.19 - V.13.19 Stamp Staff Report](#)
5. **Discussion Items**
 - 5.A. Riverfront District Architectural Guidelines Recommendation - New Sign at 298 S. 1st Street
[S.5.19 Memo](#)
 - 5.B. CLG Historic Preservation Grant Selection Criteria

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6. Acceptance Agenda: Planning Administrator Site Design Review -

- a. Site Design Review at 1845 Columbia Blvd. - Establish food/drink establishment in a former retail space*

7. Planning Director Decisions -

- a. Accessory Structure at 514 S. 14th Street - New shed*
- b. Temporary Use Permit at 2225 Gable Road - New food truck pod (2 carts)*
- c. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - Race Against Child Abuse*
- d. Lot Line Adjustments (2) at Wyeth St. & N. 8th St. & N. 9th St. - Scholl & Schlumpberger*
- e. Subdivision (Final Plat) north of Hankey Road & Elk Meadows Drive - Elk Ridge Estates, Phase 6*

8. Planning Department Activity Report

- 8.A. February Planning Department Report
[2019 FEB Planning Dept Rept](#)

9. For Your Information Items

10. Next Regular Meeting - April 9, 2019

11. Adjournment

City of St. Helens
Housing Needs Advisory Committee Meeting #2
February 12, 2019
Minutes

Members Present: Greg Cohen, Commissioner
Sheila Semling, Commissioner
Audrey Webster, Commissioner
Kathryn Lawrence, Commissioner

Members Absent: Russell Hubbard, Chair
Julie Stenberg, Commissioner
Dan Cary, Vice Chair

Staff Present: Jacob Graichen, City Planner
Jennifer Dimsho, Associate Planner

Councilors Present: Ginny Carlson, City Council Liaison

Others Present: Todd Chase, FCS Group
Tim Wood, FCS Group
Nicole Thill, Spotlight

The meeting was opened at 6 p.m. City Planner Jacob Graichen said that the purpose of the meeting is to go over the Buildable Land Inventory (BLI). This meeting's agenda, sign-in sheet, Powerpoint presentation, and audio recording is on file at the City of St. Helens. The presentation is also uploaded on the [project website online](#).

□

Todd Chase, FCS GROUP, said that the first BLI document received a number of comments from the Department of Land Conservation and Development (DLCD) and from City staff. The BLI before the Commission is a revised version based on those comments.

Tim Wood, FCS GROUP, went through the BLI presentation which includes the methodology for calculating buildable land. He noted that the overall findings have not changed significantly from the prior draft, but the current report is intended to provide additional detail about the BLI requirements per Oregon Administrative Rules (OARs).

Wood said that the buildable land inventory methodology divides the entire Urban Growth Boundary (UGB) into categories: vacant land over 3,000 square feet, land that is partially vacant at over a quarter of an acre where redevelopment or land division is expected, developed and non-residential-zoned properties, and public or constrained (unbuildable) land. Wood said the net total acres of land that are zoned for residential use and considered buildable is 700 acres for St. Helens.

Commissioner Cohen asked if there is an ideal number of acres a city should have available for housing. He wondered if 700 acres of buildable land was too much or too little. Chase said it depends on how quickly the

city grows, but that 700 acres is pretty good compared to other communities. If St. Helens grows faster than it has in the past, then more land may be needed to accommodate needed housing. This Housing Needs Analysis (HNA) exercise should be repeated every ten years or so to see if the City is growing as expected. The Commission indicated that they understood the BLI methodology and generally agreed with its findings.

Commissioner Semling asked how far south the UGB goes. Graichen said approximately to the cemetery, just before Bennett Road.

There was a discussion about some of the larger parcels of vacant land identified on the BLI map. Associate Planner Dimsho noted that there may be subdivisions (i.e., Graystone Estates) that are now in predevelopment phases and asked whether they should be included in the BLI as vacant land. Chase recommended that all vacant land that existed as of December 31, 2018, should be included in the BLI since the forecast period includes 20 years (2019 to 2039) of growth. It was noted that the BLI includes the Riverfront Redevelopment Property even though it is publicly owned because it is being planned for a mix of development which includes housing.

Dimsho noted there are potentially one or two other properties that may need to be added to the BLI, which can be considered buildable residential land. City staff will provide FCS more details next week.

Dimsho indicated there is a publicly-owned property (Millard Road property) that could be re-zoned to accommodate housing in the future. It is currently zoned Public Lands. Chase recommended that the BLI be based on current zoning. However, Chase noted redevelopment properties can be included in the BLI at the discretion of the City as long as they meet the BLI criteria and are not 100 percent constrained by the various factors included in the BLI methodology. It was agreed to leave this property out of the BLI in order to help inform the re-zoning process at a later date.

No one from the audience testified about the BLI methodology presentation.

Chase said the next HNA Advisory Committee meeting is scheduled for March 12, 2019, at 6:00 p.m. before the regularly scheduled Planning Commission meeting in the Council Chambers. The agenda will focus on reconciliation of St. Helens residential land demand and supply. The group will begin to discuss ways to remove barriers to development of the various housing types as well. Although, Chase noted that St. Helens appears to be fairly friendly to housing development.

There being no further business, the Housing Needs Advisory Committee Meeting #2 was adjourned at 6:33 p.m.

Respectfully submitted,

Jennifer Dimsho
Associate Planner

City of St. Helens Planning Commission

Draft Minutes

February 12, 2019

Members Present: Commissioner Cohen
Commissioner Lawrence
Commissioner Semling
Commissioner Webster

Members Absent: Vice Chair Cary
Chair Hubbard
Commissioner Stenberg

Staff Present: City Planner Graichen
Associate Planner Dimsho
Councilor Carlson

Others: None

1) **7:00 p.m. Call to Order and Flag Salute**

City Planner Jacob Graichen said the Chair and Vice Chair are absent, so the Commission must elect a temporary Chair.

Motion: Upon Commissioner Lawrence's motion and Commissioner Webster's second, the Planning Commission unanimously approved Commissioner Cohen as the temporary Chair. [Ayes: Commissioner Cohen, Commissioner Lawrence, Commissioner Semling, Commissioner Webster; Nays: None]

2) **Consent Agenda: Approval of Minutes**
2.A Planning Commission Minutes Dated January 8, 2019

Motion: Upon Commissioner Semling's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved the Draft Planning Commission Minutes dated January 8, 2019 as written. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Webster; Nays: None]

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

There were no topics from the floor.

4) **Public Hearings (times reflect earliest start time)**
4.A 7:00 p.m. - Historic Resource Review at Columbia County Courthouse Plaza
- City of St. Helens

Chair Cohen opened the Public Hearing at 7:03 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the staff report dated February 4, 2019, into the record. Graichen explained that within the City there are designated landmarks. When there is an application to alter one of these resources, there is a Historic Resource Review before the Planning Commission, acting as the Historic Landmarks Commission (HLC). This is different than Architectural Review, where the Commission makes a recommendation. This is a decision made by the HLC.

Associate Planner Jennifer Dimsho explained that the City's recently adopted Branding & Wayfinding Master Plan (2017) recommended installation of an informational kiosk on the Columbia County Courthouse plaza. She also added that the Columbia County Board of Commissioners approved of the project since the date of the staff report. Graichen described the proposal and recommended conditions of approval, as presented in the staff report. He presented a series of historic photos of the plaza.

Commissioner Cohen asked what measures would deter vandalism. Dimsho said the back side of the kiosk is a weatherproof locking bulletin board. Graichen said the plaza is highly visible which will help prevent vandalism. Commissioner Cohen asked if it would be covered and if the content will be suitable for the visually impaired with braille. Dimsho said no.

Commissioner Webster asked who will maintain the kiosk. Dimsho said the County and City will enter into a maintenance agreement where the City is responsible for maintenance and upkeep of the kiosk.

Commissioner Cohen asked if the area around the kiosk would be paved. Dimsho said yes, to meet accessibility requirements, it has to be paved. The Commission would like to minimize the footprint of the concrete to ensure that the historic aspects of the plaza that have been removed could be restored in the future.

In Favor

No one spoke in favor.

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

This Commission agreed to add a condition about limiting the amount of pavement, but still meeting accessibility standards.

Motion: Upon Commissioner Webster's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved the Historic Resource Review with the additional condition that only a minimal amount of concrete be used in order to meet accessibility standards. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Webster; Nays: None]

Motion: Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Chair to sign the Findings & Conclusions once prepared. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Webster; Nays: None]

5) **Discussion Items**

5.A **Certified Local Government Historic Preservation Grant Funding**

Graichen explained that the upcoming Certified Local Government Historic Preservation Grant funding is available again for 2019/2020 from the State Historic Preservation Office (SHPO). As described in the memo, he explained that we will be applying again for a pass-through grant program. Last year the money went towards City Hall exterior work, but this year we will be soliciting property owners for one eligible project. The grant is for approximately \$12,000, with a one-to-one required match, for a total project cost of approximately \$24,000.

Commissioner Cohen asked how we solicit eligible property owners. Dimsho said we mail out letters to eligible property owners. The Commission reviewed the selection criteria, which was also included in the memo. The Commission would like to see Project Readiness and Financial Capability added as criteria to the funding priority list. Applicants who can complete the project on time and have the financial capability to match the grant should be prioritized.

5.B **Code of Ethics Acknowledgement**

Dimsho said everyone in attendance already submitted their code of ethics acknowledgement signature forms. The remainder will be collected at the next meeting.

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

Motion: Upon Commissioner Lawrence's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Acceptance Agenda: Planning Administrator Site Design Review. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Webster; Nays: None]

7) **Planning Director Decisions**

There were no comments.

8) **Planning Department Activity Report**

8.A **January Planning Department Report**

There were no comments.

9) **For Your Information Items**

There is a Planning Commission/City Council Joint Work Session on the Riverfront Connector Plan at 6 p.m. next Wednesday on February 20. There is also another Housing Needs Analysis Advisory Committee Meeting before the next meeting on March 12 from 6 p.m. to 7 p.m.

10) **Next Regular Meeting - March 12, 2019**

11) **Adjournment**

There being no further business before the Planning Commission, the meeting was adjourned at 7:53 p.m.

Respectfully submitted,

*Jennifer Dimsho
Associate Planner*

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variance V.1.19**

DATE: March 5, 2019
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Peter Frank
OWNER: Peter & Elaine Frank, Lesley Everett

ZONING: Apartment Residential, AR
LOCATION: 5N1W-33DB-500
PROPOSAL: Variance to the separation standards of windows in multidwelling developments from walkways, parking lots, etc. per SHMC 17.96.180(11)(c)

The 120-day rule (ORS 227.178) for final action for this land use decision is June 7, 2019.

SITE INFORMATION / BACKGROUND

1160 Deer Island Road (duplex dwelling unit) and 1170 Deer Island Road (former detached single-family dwelling unit) are located on a 0.4 acre site. According to the Columbia County Assessor, these dwellings were built between 1938 and 1942. The former detached single-family dwelling unit was damaged by a fire and is in very poor condition due to the age of the building.

In order to continue using the site for residential purposes, the applicant requested Zoning Map Amendment and a Comprehensive Plan Map Amendment from industrial to residential. The requested change (file CPZA.1.17) was approved in October 2017 (Ord. No. 3220). The site is now zoned Apartment Residential (AR).

The applicant applied for a partition (file PT.8.18), which has preliminary plat approval but hasn't been completed as of the date of this report, and a Site Development Review (SDR.1.19) to construct a three unit multifamily complex on one of the proposed parcels. The SDR decision is pending, in part, based on this variance request.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: March 12, 2019 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on February 20, 2019 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 February 27, 2019.

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

DISCUSSION:

Mutidwelling developments (3+ units as defined by the code) have a variety of standards that apply in the Site Development Review Chapter 17.96 SHMC. The applicant requests relief from one of those standards. Per SHMC 17.96.180(11)(c):

(c) Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within eight feet of the ground level:

- (i) Driveways and parking lots shall be separated from windowed walls by at least eight feet; walkways running parallel to the face of the structures shall be separated by at least five feet; and
- (ii) Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways running parallel to the face of the structure shall be separated by at least seven feet;

All units are ground level, so this applies. The requirement is for separation of windowed living spaces from areas of activity. Living room windows have a greater separation requirement than the others. The proposal is generally as follows:

	Applicant's Proposal	Code distance for non-living room windows	Code distance from living room windows
Driveways/Parking Lots	5 feet	8 feet	10 feet
Walkways	0 feet	5 feet	7 feet

CRITERIA:

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.

The Commission needs to find all these criteria **(a) – (e)** are met in order to approve the variance

FINDINGS:

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

- See applicant's narrative.
- Staff comment(s): These are quality of life regulations. The applicant contends that the proposal's small scale warrants the Variance. With only three units, having walkways, driveways, and parking areas closer to windows is less impactful than a larger development, which would have more potential of disturbance (i.e., more people).

The Commission can also consider some of the Housing Comprehensive Plan policies specific to multifamily development per SHMC 19.08.050(3)(e):

(ii) They should have safe and appropriate arrangement of buildings, open spaces, and parking access.

(iv) They should include adequate open space.

(vi) They should not be located where undue noise or other factors will adversely affect residential living.

(vii) They shall be subject to a site design review process and minimum landscaping requirements.

Another consideration is not having windows on the affected site of the proposed structure. Crime prevention is also a Site Development Review standards and no windows facing the parking lot would be contrary to crime prevention.

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

- See applicant's narrative.
- Staff comment(s): There is limited room available and though this standard could be alleviated with multi-story construction (i.e., only parking below; no living spaces) the applicant makes an argument for single-story construction and the aging population.

(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.

- See applicant's narrative.
- Staff comment(s): See table above that shows the proposal and normal minimum standards.

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

- See applicant's narrative.
- Staff comment(s): Doesn't seem applicable.

(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.

- See applicant's narrative.
- Staff comment(s): Note that the applicant talks about an oversight. For the related Site Development Review (file SDR.1.19), the applicant hired a firm to prepare their plans and application. See **attached excerpt** from that (pg 1 for the cover and pgs 12 and 13). The firm cites the applicable standard of this Variance request and notes "the proposal complies with these standards" despite the standards not complying on the plans.

Staff caught this when reviewing SDR.1.19 and this Variance request followed.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Variance with the following conditions:

1. This Variance approval is valid for a limited time pursuant to SHMC 17.108.040.
2. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variance(s) granted herein.

Attachment(s): Applicant narrative (for this Variance request)
 Site plan
 Building elevations
 SDR.1.19 applicant narrative excerpt (pgs. 1, 12 and 13)

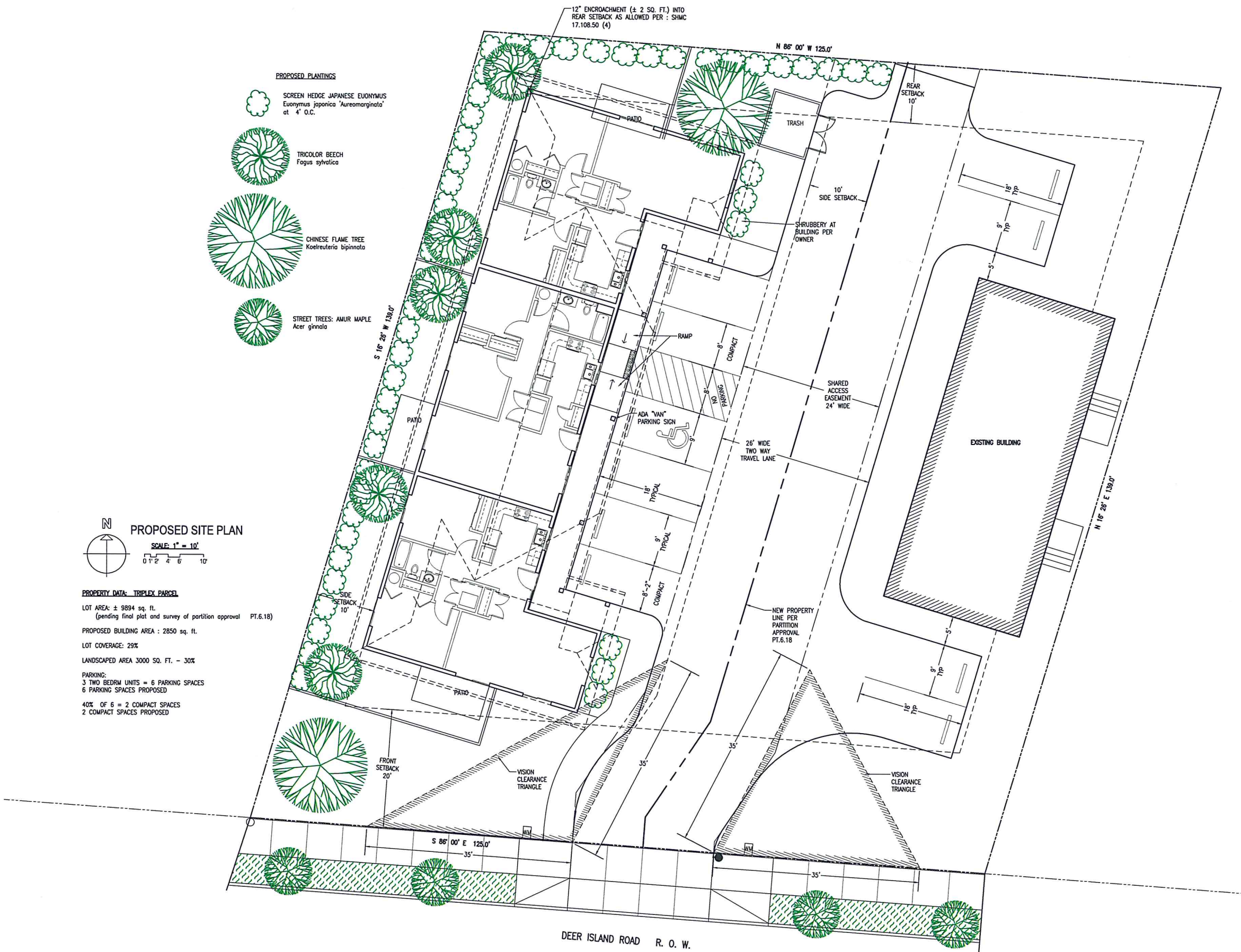
Additional notes for application for variance of proposed new triplex on Deer Island Road, St Helens.
2/4/2019

The owners request that the development continue "as is" in the provided plan with respect to the parking distance from the building.

Our responses to code Section 17.108.050, sections a, b, c, d & e are as follows:-

- a) Since the scale of this project is small, the location is detached from other developments and this variance is not significantly detrimental in its consequences to the residents or to the overall purposes of the code. It would also not be in conflict with any policies of the comprehensive plan in this vicinity.
- b) This lot originally had two structures "grandfathered" on the one lot. Some of the intent of this development was to divide it into two separate tax lots to conform. The planned single story Triplex building maximizes the space available. There is no additional room to extend the parking distance without greatly scaling down the project and since the city is looking to add denser housing this defeats the purpose. Elevating the house to provide parking underneath would be a large cost addition and is not an option for us because of budget constraints. The property is designed as single story to make access for our aging community. Adding stairs would not allow this. It would seem to us the only viable solution would be this variance.
- c) The proposed use will not be changed by this variance and every other aspect of the code has been complied with. The current plan makes good economic use of the available land.
- d) The existing physical and natural systems will not be impacted with or without the variance.
- e) This hardship was not self imposed and came about as an oversight of the parking requirements.

Boley Everett Leah [Signature]



PROPOSED PLANTINGS

- SCREEN HEDGE JAPANESE EUONYMUS
Euonymus japonica 'Aureomarginata'
at 4' O.C.
- TRICOLOR BEECH
Fagus sylvatica
- CHINESE FLAME TREE
Koelreuteria bipinnata
- STREET TREES: AMUR MAPLE
Acer ginnala

PROPOSED SITE PLAN
SCALE: 1" = 10'
0 1' 2' 4' 6' 10'

PROPERTY DATA- TRIPLEX PARCEL
LOT AREA: ± 9894 sq. ft.
(pending final plot and survey of partition approval PT.6.18)
PROPOSED BUILDING AREA : 2850 sq. ft.
LOT COVERAGE: 29%
LANDSCAPED AREA 3000 SQ. FT. - 30%
PARKING:
3 TWO BEDRM UNITS = 6 PARKING SPACES
6 PARKING SPACES PROPOSED
40% OF 6 = 2 COMPACT SPACES
2 COMPACT SPACES PROPOSED

AKAAN
architecture + design llc

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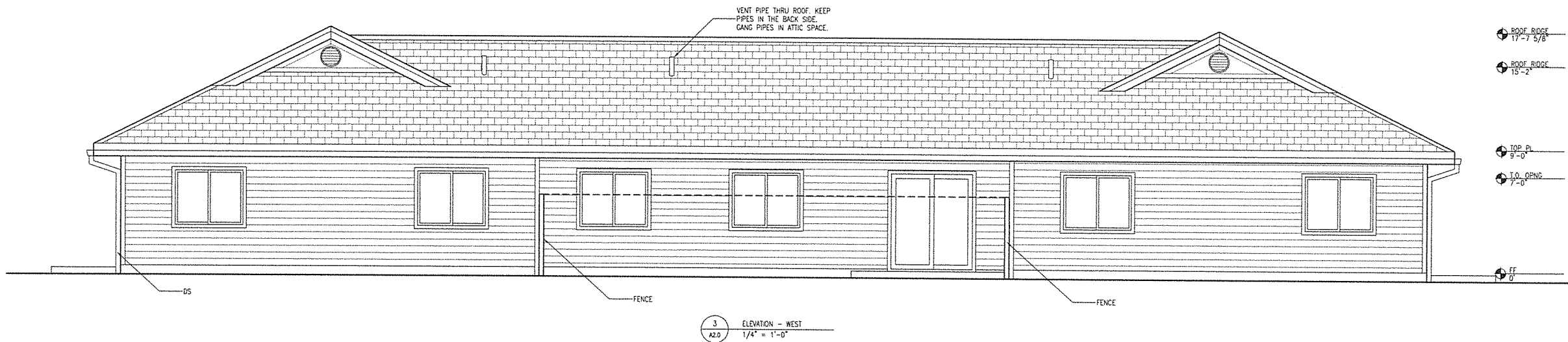
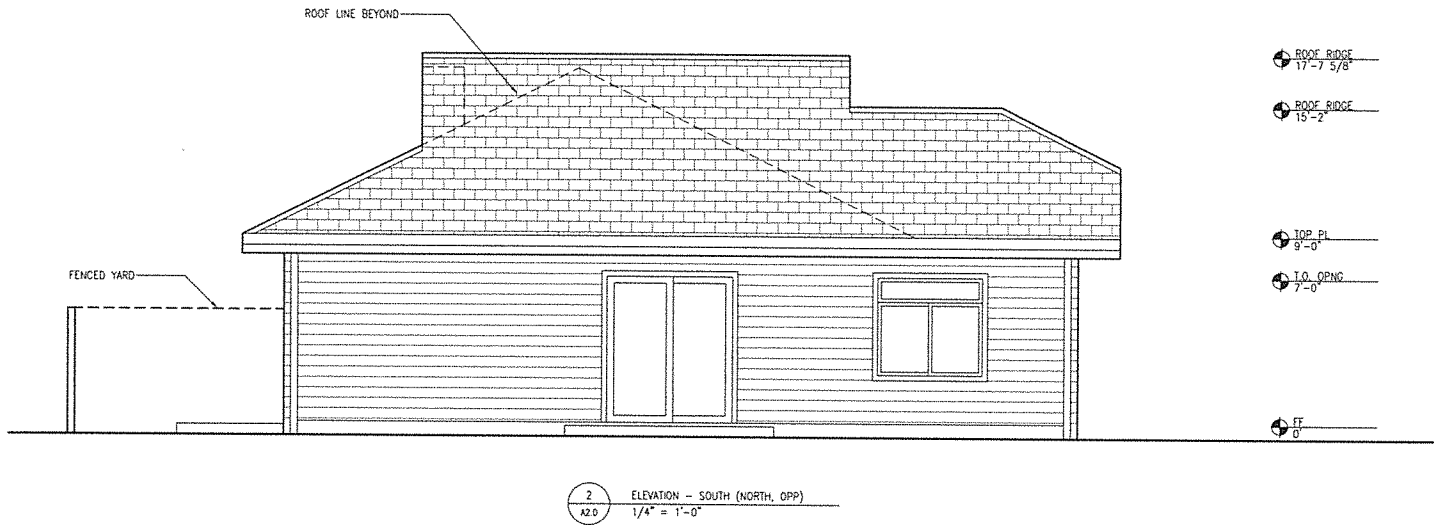
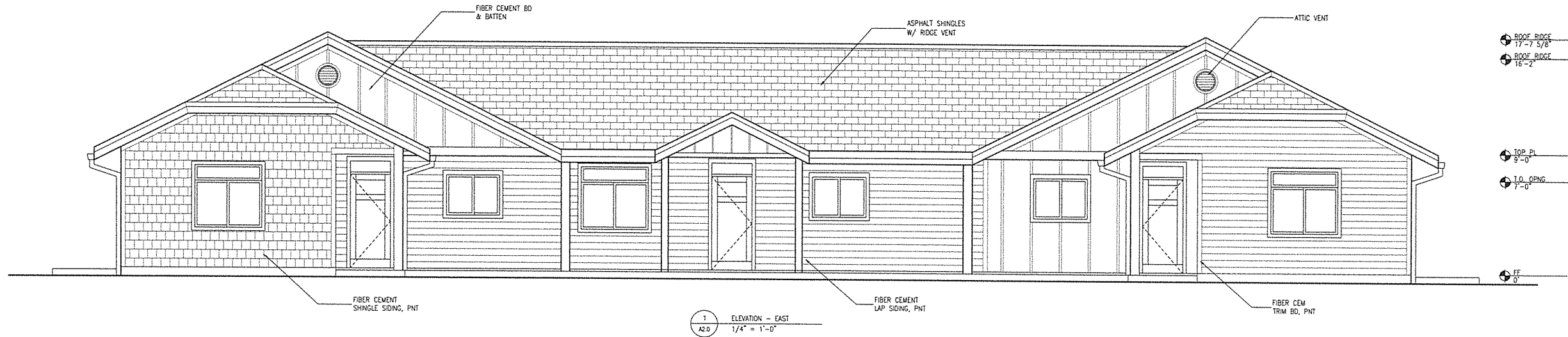
PRELIMINARY PLAT
Owners:
PETER & ELAINE FRANK & LESLEY A EVERETT
32749 Church Rd, Warren Oregon 97053

SCALE:
DRAWN BY:
CHECKED BY:
CAD FILE:
DATE: 12 FEBRUARY 2019

REVISIONS	
Δ	DATE DESCRIPTION

CONTENTS:
SITE DESIGN REVIEW
PLAN
SHEET NO:

SP1



EVERETT FRANK APARMENTS
ST. HELENS, OR

SCALE: AS NOTED
DRAWN BY: KP
CHECKED BY: .
CAD FILE: .
DATE: 01/10/2018

REVISIONS	
Δ	DESCRIPTION

CONTENTS:
EXTERIOR
ELEVATIONS

SHEET NO:

COPY
 EXCERPT OF APPLICANT
 NARRATIVE OF SDR.1.19
 FOR VARIANCE V.1.19
 PAGES 1, 12 & 13
 ONLY

AKAAN
 ARCHITECTURE + DESIGN LLC

101 St Helens St, St Helens, OR 97051
 T: 503 366 3050 F: 503 366 3055

Site Design Review

New triplex apartment on new parcel created per Partition Approval # PT.6.18.

Property Owner(s):

Lesley Everett & Peter and Elaine Frank
 32749 Church Road
 Warren Oregon 97053

Property: 1160 Deer Island Road St Helens Oregon 97051

Tax lot # 5N1W33DB 500 (*)

(* new tax lot numbers to be assigned by the county when the approved partition is finalized)

Per partition approval PT.6.18 when the final survey is approved there will be two parcels, a +/- 7,077 sq. ft. lot with the existing two-unit apartment building and a +/- 9,894 sq. ft. lot for the proposed triplex. This site development review is for the development of a 2856 sq. ft. three-unit apartment building on the new parcel.

Zoning: Apartment Residential - AR

Narrative:

The properties are a .39 acre parcel that currently contains an occupied 1350 sq. ft. two-unit apartment building and a dilapidated unoccupied single family residence. The properties are zoned apartment residential (AR). The properties have frontage to the south on Deer Island Road, and are surrounded by city property on three sides. The site is more or less flat. There are city sewer and water mains in the Deer Island Road R.O.W. The parcel with the existing two-unit building has a storm drainage catch basin at the rear (north) which connects to city storm drainage infrastructure. Stormwater from the new parking lot and downspouts will drain into the storm system.

The property has undergone preliminary partition plat and received approval, case # PT.6.18, to separate the two-unit apartment building from the rest of the parcel.

This site development review is for the development of a 2856 sq. ft. three-unit apartment building on the new parcel. The development of the triplex

Response: The area most subject to crime is the parking lot which is readily observable from all units. Laundry hook-ups are provided inside the units. The mail box location shall be determined by the post office, most likely at the sidewalk. Exterior lighting shall be included in the building construction plans. The development complies with the above standards, see site plan, building plans and elevations.

17.96.180 (10) Access and Circulation.

- (a) The number of allowed access points for a development shall be as provided in SHMC 17.84.070;
- (b) All circulation patterns within a development shall be designed to accommodate emergency vehicles; and
- (c) Provisions shall be made for pedestrianways and bicycleways if such facilities are shown on an adopted plan;

Response: The development complies with the above standards, see site plan, building plans and elevations.

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

- (a) To provide privacy, light, air, and access to the multiple and attached residential dwellings within a development, the following separations shall apply:
 - (i) Buildings with windowed walls facing buildings with windowed walls shall have a 25-foot separation;
 - (ii) Buildings with windowed walls facing buildings with a blank wall shall have a 15-foot separation;
 - (iii) Buildings with opposing blank walls shall have a 10-foot separation;
 - (iv) Building separation shall also apply to buildings having projections such as balconies, bay windows, and room projections; and
 - (v) Buildings with courtyards shall maintain separation of opposing walls as listed in subsections (11)(a)(i), (ii) and (iii) of this section for walls in separate buildings;

Response: The proposal complies with these standards. (These standards generally apply to larger multi-building apartment complexes).

- (b) Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be one foot for each 15 feet of building length over 50 feet and two feet for each 10 feet of building height over 30 feet;

Response: Not applicable.

- (c) Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within eight feet of the ground level:

- (i) Driveways and parking lots shall be separated from windowed walls by at least eight feet; walkways running parallel to the face of the structures shall be separated by at least five feet; and

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THE STANDARD
V.1.19 ADDRESSES

(ii) Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways running parallel to the face of the structure shall be separated by at least seven feet;

Response: The proposal complies with these standards.

17.96.180' (12) Parking. All parking and loading areas shall be designed in accordance with the requirements set forth in SHMC 17.80.050 and 17.80.090; Chapter 17.76 SHMC, Visual Clearance Areas; and Chapter 17.84 SHMC, Access, Egress, and Circulation;

Response: The proposal complies with these standards see above.

(13) Landscaping.

(a) All landscaping shall be designed in accordance with the requirements set forth in Chapter 17.72 SHMC; and

(b) For residential use, in addition to the open space and recreation area requirements of subsections (6) and (7) of this section, a minimum of 15 percent of the gross area including parking, loading and service areas shall be landscaped;

Response: Lot area is +/- 9,895 sq. ft. (rounded up), 15% of 9,895 = 1485 sq. ft. minimum landscaped area.

Conservatively, landscaped areas total +/- 3000 sq. ft. or 30%
This criteria is met.

(14) Drainage. All drainage plans shall be designed in accordance with the criteria in the most current adopted St. Helens master drainage plan;

Response: Drainage plans will be designed by a licensed civil engineer in coordination with City engineering staff and be included in the final construction drawings.

(15) Provision for the Handicapped. All facilities for the handicapped shall be designed in accordance with the requirements pursuant to applicable federal, state and local law;

Response: Per the Oregon Structural Specialty Code one (1) ADA space is required to be accessible, one assessable space is designated, see site plan.

(16) Signs. All sign placement and construction shall be designed in accordance with requirements set forth in Chapter 17.88 SHMC;

Response: Any signage will be applied for under a separate application.

(17) All of the provisions and regulations of the underlying zone shall apply unless modified by other sections of this code (e.g., the planned development, Chapter 17.148 SHMC; or a variance granted under Chapter 17.108 SHMC; etc.). (Ord. 3150 § 3 (Att. B), 2011; Ord. 3144 § 2 (Att. A), 2011; Ord. 2875 § 1.128.180, 2003)

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variance V.2.19 – V.13.19**

DATE: March 5, 2019
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

COPY

APPLICANT: Richmond American Homes of Oregon, Inc.
OWNER: same as applicant

ZONING: General Residential, R5
LOCATION: Lots 3, 5, 7, 9, 14, 16, 18, 52, 54, 56, 59 and 63 of the Emerald Meadows Subdivision
PROPOSAL: Increase the maximum structure/building coverage per lot allowed (35%) by as much as 7%. Increase requested varies depending on the specific lot.

The 120-day rule (ORS 227.178) for final action for this land use decision is June 15, 2019.

SITE INFORMATION / BACKGROUND

The Emerald Meadows Subdivision (files SUB.2.17, AP.1.17 and SUBfp.2.18) was recently completed. The final plat was recorded on November 20, 2018. Since then the applicant has purchased a little more than half of the Lots. A small number of Building Permits have been submitted. One of those exceeded the maximum structure/building coverage per lot allowed, which prompted these twelve Variance requests.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: March 12, 2019 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on February 20, 2019 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 February 27, 2019.

AGENCY REFERRALS & COMMENTS

City Engineering Manager: Ensure that the proposed structures do not compromise any existing public and/or private easements or existing infrastructure on any lots. Otherwise no opposition to the request.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

DISCUSSION:

Why twelve Variance requests?

The Development Code has several types of Variances. These Variance requests per Chapter 17.108 SHMC apply to individual platted lots. Pursuant to SHMC 17.108.020(2):

An applicant who is proposing to vary a specification standard for lots yet to be created through a subdivision process may not utilize the variance procedure unless otherwise specified in Chapter 17.136 SHMC, Land Division – Subdivision.

Chapter 17.136 SHMC includes variance to subdivision regulations, but must be applied for with the preliminary plat application. As the development is completed, this time is long past.

What is the standard that these Variances are requested against?

The R5 zoning district has a provision as follows per SHMC 17.32.070(4)(j):

Buildings and structures shall not occupy more than 35 percent of the lot area except for single attached and multidwelling units, which can be up to 50 percent.

The applicant seeks to increase the 35% provision for 12 lots in the Emerald Meadows Subdivision. The amount varies based on the lot and house model (i.e., Amethyst or Onyx) that Richmond American Homes offers.

Note: addresses of lots listed in the applicant's narrative are not official. The City doesn't assign addresses before building permits.

CRITERIA:

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.

The Commission needs to find all these criteria **(a) – (e)** are met in order to approve the variance

FINDINGS:

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

- See applicant's narrative. Pg. 5 – 15.
- Staff comment(s): Residential standards needs to be fair and consistent to avoid actual or perceived unequal treatment and standards need to be clear and objective to comply with the Fair Housing Act.

The standards the St. Helens Development Code has to help promote streetscape and provide air, light and space includes: 1) the maximum structure/building coverage per lot allowed, 2) maximum building height, and 3) minimum landscaping (also maximum impervious surface/hardscape) requirements. These are based on numeric standards in the code for consistency, clarity and objectivity.

One way to look at these Variance requests is that the applicant is proposing to trade a reduced building height for an increase in lot coverage. Maximum building height is 35', and the Amethyst and Onyx heights are 18.3 and 20.25 feet, respectively (per the applicant's narrative).

The code is not designed to allow this ordinarily. So Variances are necessary.

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

- See applicant's narrative. Pgs. 15 – 16.
- Staff comment(s): none

(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.

- See applicant's narrative. Pg. 16.
- Staff comment(s): No use variance is proposed.

The issue is Richmond American Homes' limited floorplan options each with common elements and themes. They don't have single-story floorplans/models that work with the Emerald Meadows lots, which were created based on the R5 standards, which have been in place for decades.

There are a couple of ways the Commission can consider the "greatest extent reasonably possible" aspect of this criterion:

1. The Variances are not for all of the lots. Only some.
2. The Commission needs to include a condition that the Variances only apply to the house models presented. To explain, Variances go with the land. Thus, its possible that the applicant could get the Variances and then sell the lots. To prevent the buyer

from using the Variance for that particular lot for any house model, this condition is necessary.

3. Given #2, the Commission can consider allowing the Variances for the Amethyst only, the smaller of the two, or both the Amethyst or Onyx.

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

- See applicant's narrative. Pgs. 16 – 17.
- Staff comment(s): The variance only applies to building and structure lot coverage. All other standards apply.

(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.

- See applicant's narrative. Pgs. 17 – 18.
- Staff comment(s): Note that the standard of structures and buildings not occupying more than 35% of a lot's area has been in the City's code for R5 (current zoning) and R7 (property's previous zoning per CPZA.1.16) for decades. All of the City's residential zoning districts have a standard that states something like:

Structures and buildings shall not occupy more than XX percent of the lot area.

The applicant acquired the lots in December 2018.

In regards to the "minimum necessary" aspect of this proposal, the Commission can consider the Amethyst and Onyx models, and do one of the following:

1. Grant the Variances in full, which would be the % coverage to allow the Onyx and Amethyst models on all subject lots; or
2. Grant the Variances for the Amethyst model only on all subject lots; or
3. Grant the Variances but with a cap. For example, grant the Variances as requested, but not to exceed 4%. This would allow the Amethyst model on all lots, while still allowing the Onyx model on Lots 3, 5 and 63.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of these Variances with the following conditions:

1. These Variance approvals are valid for a limited time pursuant to SHMC 17.108.040.
2. The maximum structure/building coverage per lot allowed may be increased per the table (updated as received on Feb. 26, 2018) specific to the detached single-family dwelling model listed (i.e., Amethyst or Onyx).

<<if approved, this is a key condition. As written, it approves the twelve Variances as requested. You could also restrict it to the Amethyst model only. You could also grant the variances but with a cap as described above in the report.>>

<<note that staff anticipates attaching the table on page 8 of the applicant's narrative, updated as received on Feb. 26, 2018, to the final decision.>>

3. These Variances shall only apply to the Amethyst or Onyx detached single-family dwelling types as identified in the record of this file only. The Variances towards the maximum structure/building coverage per lot allowed, shall not apply to any other model of detached single-family dwelling.

<<depending on the Commission's ultimate decision, this may need to be amended. For example, if the Commission feels this should only apply to the Amethyst, which is the smaller model>>

4. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variance(s) granted herein.

Attachment(s):

- Updated Page 8 of applicant's narrative stamped "received February 26, 2019" with file numbers written in as they apply to each lot.
- Applicant's packet.
- Exhibit 3 – Streetscape Comparison stamped "received February 26, 2019"

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CITY OF ST. HELENS

In this case, the grant of the variance will involve a slight tradeoff between the size of the backyard and having more interior space. The applicant believes that most homeowners would, given the choice, rather than more interior space and would sacrifice a larger backyard to gain more interior space. This is especially true in Oregon, where the rainy weather conditions make the back yard less useful from October to May.

In the chart below, the applicant summarizes the percentage need for the variances on each of the 12 lots. The variance request for the 12 lot ranges from 1%-4%, with an average of 2% for the Amethyst and 3-7%, with an average of 6% for the Onyx.

FILE NO.	Lot	Lot Size (SF)	Amethyst			Onyx		
			Footprint (SF)	% Coverage	Variance Request	Footprint (SF)	% Coverage	Variance Request
V. 2.19	3	5,378	1,929	36%	1%	2,087	39%	4%
V. 3.19	5	5,379	1,929	36%	1%	2,087	39%	4%
V. 4.19	7	5,143	1,929	38%	3%	2,087	41%	6%
V. 5.19	9	5,003	1,929	39%	4%	2,087	42%	7%
V. 6.19	14	5,036	1,929	38%	3%	2,087	41%	6%
V. 7.19	16	5,028	1,929	38%	3%	2,087	42%	7%
V. 8.19	18	5,020	1,929	38%	3%	2,087	42%	7%
V. 9.19	52	5,018	1,929	38%	3%	2,087	42%	7%
V. 10.19	54	5,067	1,929	38%	3%	2,087	41%	6%
V. 11.19	56	5,146	1,929	37%	2%	2,087	41%	6%
V. 12.19	59	5,148	1,929	37%	2%	2,087	41%	6%
V. 13.19	63	5,475	1,929	36%	1%	2,087	38%	3%
	Average	5,153	1,929	37%	2%	2,087	41%	6%

We also address the overall purposes of the St. Helens' Community Development Code, which is part of the St Helens Municipal Code, ("SHMC"). In this regard, SHMC 17.04.020 provides as follows:

**BEFORE THE PLANNING COMMISSION
FOR THE CITY OF ST. HELENS, OREGON**

REQUEST FOR ADMINISTRATIVE VARIANCE WITH PUBLIC HEARING

Burden of Proof Statement and Application Narrative

Date: February 15, 2019

Request: Request for Variance to the 35% Lot Coverage standard in the R-5 Zone.

Applicant: Richmond American Homes of Oregon, Inc. (See deed at Exh. 1)

Applicant's Representative: Andrew H. Stamp, Attorney at Law
Kruse Mercantile Professional Offices
4248 Galewood Street, Suite 16
Lake Oswego, OR 97035
Phone: (503) 675-4318
Fax: (503) 675-4319
andrewstamp@comcast.net

Site Addresses,	Lot 3, 35350 Fairfield Ct,	T4N, R1W Sec. 5BD, TL 9103
Legal Description	Lot 5, 35330 Fairfield Ct,	T4N, R1W Sec. 5BD, TL 9105
(all in Emerald Meadows)	Lot 7, 35310 Fairfield Ct,	T4N, R1W Sec. 5BD, TL 9107
&	Lot 9, 35290 Fairfield Ct,	T4N, R1W Sec. 5BD, TL 9109
Tax Accessor's Descript:	Lot 14, 35230 Fairfield Ct,	T4N, R1W Sec. 5BC, TL 7501
	Lot 16, 35210 Fairfield Ct,	T4N, R1W Sec. 5BC, TL 7503
	Lot 18, 35190 Fairfield Ct,	T4N, R1W Sec. 5BC, TL 7505
	Lot 52, 35311 Fairfield Ct,	T4N, R1W Sec. 5BD, TL 9120
	Lot 54, 35331 Fairfield Ct,	T4N, R1W Sec. 5BD, TL 9122
	Lot 56, 35351 Fairfield Ct,	T4N, R1W Sec. 5BD, TL 9124
	Lot 59, 35381 Fairfield Ct,	T4N, R1W Sec. 5BD, TL 9127
	Lot 63, 35430 Fairfield Ct,	T4N, R1W Sec. 5BD, TL 9131

Zoning: General Residential (R-5)

I. Applicable Regulations.

SHMC 17.04.020 (Purpose Statement)
SHMC 17.16.010 (Definitions)
SHMC 17.32.070(4)(j) (Lot coverage standard in the R-5 Zone)

SHMC 17.108.050 (Criteria for a variance).
SHMC 19.08.050 (Housing Goals)

II. Procedure.

17.108.030 Administration and approval process.

(4) The commission shall approve, approve with conditions, or deny any application for a variance. The commission shall apply the standards set forth in SHMC 17.108.050 when reviewing an application for a variance.

Applicant's Response: The applicant understands that the Planning Commission is the initial decisionmaker on an application for a variance, and the City Council hears any appeal of the Planning Commission decision *de novo*. The applicable criteria are addressed below.

(2) A preapplication conference with city staff shall be required.

Applicant's Response: The applicant held a pre-application conference with staff on January 10, 2019.

III. Summary of Request & and Facts.

The applicant, Richmond American Homes of Oregon, Inc. ("RAH"), seeks the ability to develop, subject to market demand, a maximum of 12 of the 44 lots that that the applicant purchased in 78-lot Emerald Meadows subdivision with single-story dwellings. Exhibit 2. The applicant's goal is to meet what is expected to be an unmet housing need for single-family, three bedroom dwellings, and to add to the diversity of housing choices offered in this subdivision. The applicant has two single-level plans, the "Onyx" and the "Amethyst." Neither plan currently will work on most of the lots as currently configured. Therefore, the applicant needs a variance to the city's 35% lot coverage standard to accomplish this goal of siting either of these two plans on 12 of the 44 lots.

RAH is committed to building high-quality homes for good value. RAH can offer high quality homes at value prices because it limits the number of floor plans it offers, and the selected floor plans all have common elements and themes, which introduces repetition into the building process. As such, these homes are easy for a construction crew to learn how to construct in a short time and with peak efficiency. This efficiency leads to distinct cost savings, which is passed on to the home buyer. This method of building is consistent with the City's goal of providing the most affordable housing possible to residents of the city.

However, the limited number of house plans can lead to a lack of flexibility to accommodate site-specific features on lots that may be outside of ideal specifications. Unfortunately, the R-5 zone contains a 35% lot coverage standard which is difficult to impossible to meet on this particular property with a one-story dwelling type unless the landowner limits the structure to two bedrooms or a one-car garage. Two-bedroom homes and one-car garage homes create a hardship for the buyer of these homes, both in terms of lack of

space and due to the low resale value and the negative effect it has on adjacent property values. Most families require at least three bedrooms. As a result, the market demand for two-bedroom dwellings is very low.

Generally speaking, “lot coverage” is the amount of occupied area that covers a lot when viewed from above. It is expressed in a percentage, representing the amount of occupied square footage as compared to the total square footage of the lot.



The Onyx Elevation 2 of 3

The rationale for seeking a variance for some of the lots in Emerald Meadows is to increase the maximum lot coverage standard to allow construction of more of RAH’s single-level “Onyx” and “Amethyst” house plans. These plans are both more affordable than the two-story counterparts offered by RAH, and they meet an acute demand for this type of single-level product desired by an older home-buyers and families with young children. The applicant’s first sale at the community was for the “Onyx” plan, and the applicant and homebuyer jointly agreed to build that home on lot 1, which is one of the few lots that does not require a variance to the maximum lot coverage percentage.



The Amethyst Elevation 2 of 3

The R-5 lot coverage standard is set forth at SHMC 17.32.070(4)(j), which provides:

(4) Standards. In the R-5 zone, the following standards shall apply:

********.***

(j) Buildings and structures shall not occupy more than 35 percent of the lot area except for single attached and multi-dwelling units, which can be up to 50 percent.

the past practice has been to count the following design features for purposes of the lot coverage standard:

- main buildings (resting directly or indirectly on the ground), Yes
- covered porches and patios yes, as measured from supporting posts
- bay windows, if the “bay extension” connects to the ground
- chimneys, if they add to the footprint of the home
- pergolas.
- detached garages and accessory buildings, with or without foundations, including children’s forts.
- above-ground swimming pools could be a “structure.”

Examples of items that are not included are:

- eaves and dormers
- paved driveways and parking pads
- air conditioners and compressors with or without foundations
- sidewalks and walkways
- areaways going from ground level to basements
- most play equipment, picnic tables, benches, and other outdoor furniture, but not including a “fort.”

The applicant held a pre-application conference with staff on January 10, 2019, and the general consensus was that a variance request to the requirements of SHMC 17.32.070(4)(j) was the best way to achieve the applicant’s goal.

The SHMC defines a “variance” as “permission to depart from the specific requirements of this code.” In this case, the applicant seeks 12 different variances, seeking to go from 35% lot coverage to varying amounts from 36% to 42%. The applicant does not propose to intrude on any of the applicable setbacks or landscaping requirements.

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IV. Legal Analysis.

17.108.030(1) The applicant for a variance shall be the recorded owner of the property or an agent authorized in writing by the owner.

Applicant's Response: The applicant is Richmond American Homes, who purchased lots 1-23, and 45 -64 of Emerald Meadows on December 14, 2018. *See* Exhibit 1.

17.108.050 Criteria for granting a variance.

(1) The commission shall approve, approve with conditions, or deny an application for a variance based on finding that the following criteria are satisfied:

(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;

Applicant's Response: This variance criterion is comprised of three distinct and separate sub-parts;

- ❖ First, the applicant must demonstrate that the proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code.
- ❖ Second, the applicant must review the Comprehensive Plan to ensure that there are no applicable policies that conflict with the grant of a variance.
- ❖ Third, the applicant must make sure that the grant of a variance will not be significantly detrimental in its consequence to other properties in the same zoning district or vicinity.

Findings showing compliance with this criterion should address each of the above-mentioned points separately.

1. The proposed variance will not be significantly detrimental in its consequence to the overall purposes of the Zoning Code.

Before we begin the first task, we must begin by defining the key phrase “significantly detrimental.” In so doing, we first note that this is not a “no impact” standard, and there is some latitude as to how strict this standard can be interpreted. However, the term cannot be read to mean “reasonable” or “proportional.” *Lovejoy v. Depoe Bay*, 17 Or LUBA 51 (1988) (the phrase “materially detrimental” is not synonymous with “reasonable” or “proportional.”). These two words are not defined in the code and do not have a well-defined legal meaning, so we seek to determine their plain meaning by consulting the dictionary definitions of the terms.

Webster's Third New International Dictionary, Unabridged ed. defines the term “significance” to mean:

3.a having or likely to have influence or effect; deserving to be considered: IMPORTANT.

The same dictionary defines the term “detriment” to mean:

Injury or damage or something that causes it.

Therefore, the phrase “significantly detrimental” can be interpreted something to the effect of “an important amount of injury or damage that should be considered.” Although subjective in nature, it appears to be intended to differentiate real injuries worthy of consideration from mere annoyances or inconveniences.

The case of *Frewing v. City of Tigard*, 50 Or LUBA 226 (2005) provides a good example of how the “detriment” standard is applied. In *Frewing*, LUBA rejected a petitioner’s challenge to the City of Tigard’s decision to grant two variances: first to a cul-de-sac length limit of 200 feet, and Second, to the 20-dwelling limit on the number of houses that may be served by a cul-de-sac. The city’s findings in that case explained the competing benefits and drawbacks in limiting the length of cul-de-sac and why the city concluded that the cul-de-sac could safely exceed 200 feet given the existing street system and surrounding traffic facilities. The findings further explained why allowing the cul-de-sac to serve three more houses than otherwise allowed under the code would not cause a detriment to public health, safety and welfare.

In a similar manner, the applicant in this case will explain the competing benefits and drawbacks in limiting the lot coverage to 35%, and further explain why a small percentage variance to the lot coverage standard will not have a detrimental effect on other properties.

To meet the “no detriment” standard, we must first identify the “overall purposes of the code” which in this case really centers around the purpose of a lot coverage provision. Although no express reason for lot coverage limits are stated in the St. Helens code, such purposes can be surmised from the general planning literature, case law, and from other jurisdictions’ codes that do explain the purpose of their standard.

In this regard, it is reasonable to assume that the primary purpose of the lot coverage provision is to control the visual appearance of structures on a lot in terms of volume, bulk, and mass by limiting the area of a lot or parcel covered by the primary structure. *Compare Friends of the Metolius v. Jefferson County*, 48 Or LUBA 466 (2005) (reaching similar conclusion). Typically, a city might seek to limit the amount of lot area devoted to buildings to make sure that a big enough yard is created, and that the development does not appear to be overly dense or have a “packed in” appearance. In the City of St Helens and elsewhere, people, when asked, generally say they prefer less dense, less congested places to live, and lot coverage standards promote that objective. Other benefits of regulating lot coverage include placing limits on the amount of impervious surface, which affects rates of storm drain runoff, and to provide open space and recreational space on the same lot for occupants of that lot. Finally, a lot coverage standard helps preserve the green appearance and natural environment.

It is generally accepted that the height of a building and its overall mass of the building in comparison to the lot size are the most important factors in determining what impact the building will have on its immediate surroundings. This includes how it is perceived from the street and by the neighbors, and how successfully it fits with the character of the neighborhood.

In this case, the applicant seeks to offset the impact of the variance by only seeking a variance to the lot coverage standard to allow construction of more-single-level homes. Currently, only a few lots in the first phase of Emerald Meadows can accommodate the “Onyx” plan, whereas if this application is successful, that total would be up to 13 lots out of 44 total.

The added building mass will be only added in the vicinity of the rear yard; the 20-foot front yard setback and 5-foot side yard setbacks will be maintained. A single-story structure will typically have a building height of 18-20 feet, which compares favorably from a visual impact standpoint when compared to an allowed by right two-story dwelling 24-28 feet, and an allowed by right three-story dwelling (35 foot). For this reason, a single-family dwelling hides it’s mass better than its taller counterparts from the street view.

Of course, the reduction in visual massing associated with a single-story dwelling comes at the expense of either reducing the size of the dwelling or creating a slightly smaller back yard, or both. In this case, both of the one-story house plans offered by Richmond American Homes, the “Onyx” and “Amethyst,” have far less overall massing than their two-story counterparts. The larger of the two one-story plans, the “Onyx,” has 1,581 s.f. of living space, while the smaller plan, the “Amethyst,” has 1,425 s.f. of living space. Given that a 5,000 s.f. lot with a 35% lot coverage standard only allows a one-story home that is roughly 1,300 sf. of living space, it essentially disallows three-bedroom one-story homes with two-car garages.

	Sq. footage (livable)	STD Footprint	Height	Width	Depth
Amethyst	1,422 sq. ft.	1,901 sq. ft.	18.3 ft	39 ft	52 ft
Onyx	1,581 sq. ft.	2,087 sq. ft.	20.25 ft	39 ft	58 ft

Although the structure will be slightly closer to abutting lots to the rear, the 10-foot rear yard setback will be maintained so there is no additional impact. Stated another way, regardless of whether the lot coverage variance is approved, the lot owner would still have the right to build the primary structure to within 10 feet of the rear lot line, which means that by definition, a variance to the lot coverage standard does not create any detrimental effect on other properties in the R-5 zone or one lots in the vicinity.

We note that the lot coverage limit can be increased to 50% by the construction of attached dwellings, which is defined as “two to five dwelling units in a single row with common walls and separate lots (also “row house”).” The same is true of multifamily units, which are defined as a “structure containing at least three dwelling units in any vertical or horizontal arrangement located on a single lot (e.g., town-house, triplex, apartments and condominiums).

In this case, the grant of the variance will involve a slight tradeoff between the size of the backyard and having more interior space. The applicant believes that most homeowners would, given the choice, rather than more interior space and would sacrifice a larger backyard to gain more interior space. This is especially true in Oregon, where the rainy weather conditions make the back yard less useful from October to May.

In the chart below, the applicant summarizes the percentage need for the variances on each of the 12 lots. The variance request for the 12 lot ranges from 1%-4%, with an average of 2% for the Amethyst (not counting Lot 63 where it already fits) and 3-7%, with an average of 6% for the Onyx.

Lot	Lot Size (SF)	Amethyst			Onyx		
		Footprint (SF)	% Coverage	Variance Request	Footprint (SF)	% Coverage	Variance Request
3	5,378	1,929	36%	1%	2,087	39%	4%
5	5,379	1,929	36%	1%	2,087	39%	4%
7	5,143	1,929	38%	3%	2,087	41%	6%
9	5,003	1,929	39%	4%	2,087	42%	7%
14	5,036	1,929	38%	3%	2,087	41%	6%
16	5,028	1,929	38%	3%	2,087	42%	7%
18	5,020	1,929	38%	3%	2,087	42%	7%
52	5,018	1,929	38%	3%	2,087	42%	7%
54	5,067	1,929	38%	3%	2,087	41%	6%
56	5,146	1,929	37%	2%	2,087	41%	6%
59	5,148	1,929	37%	2%	2,087	41%	6%
63	5,475	1,929	35%	0%	2,087	38%	3%
Average	5,153	1,929	37%	2%	2,087	41%	6%

We also address the overall purposes of the St. Helens' Community Development Code, which is part of the St Helens Municipal Code, ("SHMC"). In this regard, SHMC 17.04.020 provides as follows:

As a means of promoting the general health, safety, and welfare of the public, this code is designed to set forth the standards and procedures governing the development and use of land in the city of St. Helens and to implement the St. Helens comprehensive plan. To these ends, it is the purpose of this code:

- (1) To encourage the most appropriate use of land throughout the city and to arrange the uses which are made of land so that they:*
 - (a) Are orderly, convenient, and suitably related to each other;*
 - (b) Are suitably related to the characteristics of the natural environment;*
 - (c) Fulfill the needs of the people served; and*
 - (d) Maximize the conservation of energy.*
- (2) To guide and manage growth and minimize its possible adverse impacts.*
- (3) To allot sufficient lands for urban development to meet future needs.*
- (4) To promote a coordinated development of unbuilt areas.*
- (5) To create and maintain residential living areas which are safe, convenient, and attractive and which make a positive contribution to the quality of life and personal satisfaction of residents.*
- (6) To establish commercial areas which provide maximum service to the public and are properly integrated into the physical pattern of the communities.*
- (7) To establish industrial areas which are suitable for their purpose, properly located, and adequate for future needs.*
- (8) To locate public and semipublic developments so that they encourage a pattern of land development that benefits the whole community.*
- (9) To develop buffer areas between incompatible uses of land and require appropriate screening around unsightly structures or activities.*
- (10) To protect open spaces for future generations.*
- (11) To protect life and property from natural disasters and hazards.*
- (12) To promote the adequate provision of public services and facilities.*
- (13) To promote and encourage a safe and convenient transportation system.*
- (14) To stimulate and diversify the economy.*
- (15) To promote housing that meets the basic needs of local residents.*
- (16) To preserve our natural and manmade resources.*
- (17) To promote a quality of life that reflects the wants of the citizenry.*
- (18) To conserve energy and use renewable energy resources. (Ord. 2875 § 1.010.020, 2003)*

Of these 18 stated goals, only two in particular seem to have direct applicability to the case at hand, and are addressed individually below:

SHMC 17.04.020(5) makes it the goals of the city “to create and maintain residential living areas which are safe, convenient, and attractive and which make a positive contribution to the quality of life and personal satisfaction of residents.”

SHMC 17.04.020(15) makes it the goal of the city to “promote housing that meets the basic needs of local residents.”

We address both goals together, since they overlap in many respects. The applicant's goal is to potentially build 12 one-story dwellings in the first phase of Emerald Meadows, depending on market demand. The applicant seeks to further these two goals by offering one-story plans that are smaller and less expensive than the comparable two-story plans intended for these lot sizes. The applicant expects a very high demand for the one-story plans.

To address the question of "need" for one story-houses, the applicant has witnessed a high demand for one-story dwellings in the St Helens and other real estate markets. One story dwellings offer a number of advantages over two-story dwellings:

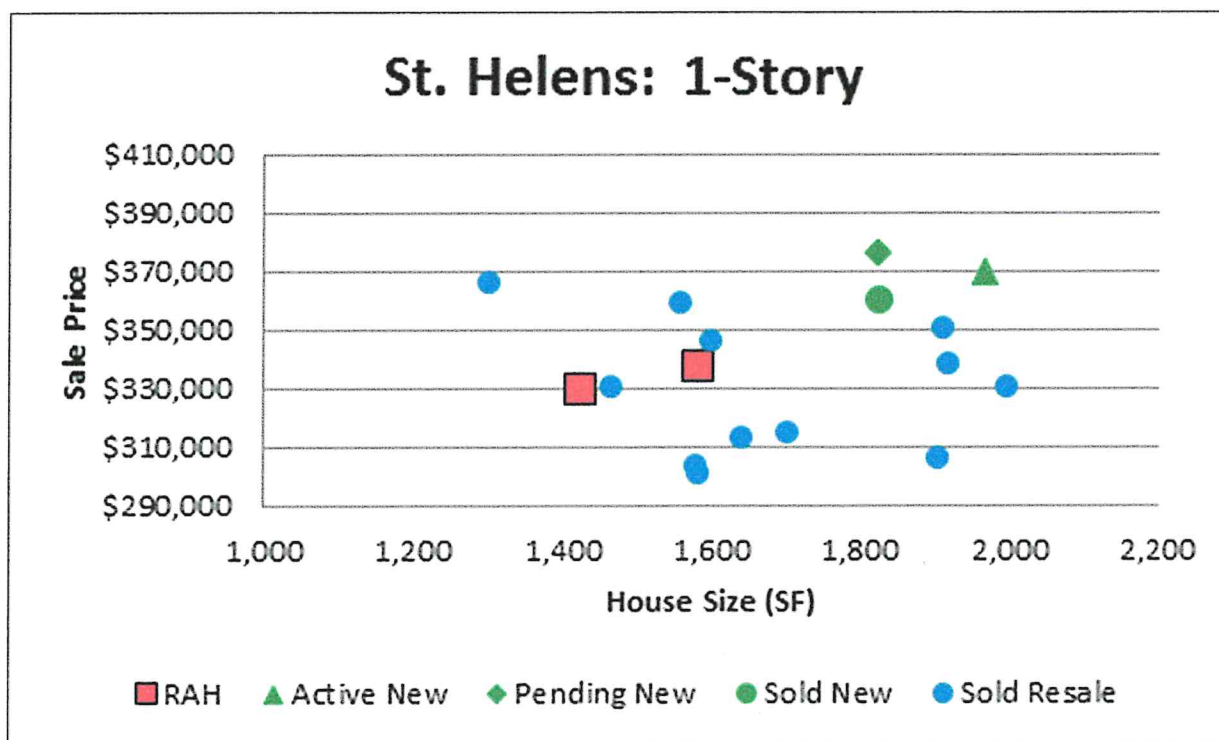
1. They are favored by elderly individuals and persons with disabilities who have trouble negotiating stairs. Because they are one-story and do not have staircases, they are a great design for first-time homeowners who have small children, people with mobility issues and anyone who wants to save money on maintenance and utilities. Many older individuals rely on a walker or wheelchair for mobility. For these people, ascending and descending stairs is at best a struggle, and at worst an insurmountable obstacle. Single story home plans are perfect for aging in place because they allow freedom of movement at any age. Indeed, the elderly aren't the only ones for whom stairs can be a challenge. Young children also do better with a single-story design. One story homes are safer than two-story homes. Take away the staircase, and you eliminate the risk of falls for small children, the mobility-challenged and the elderly. Plus, evacuation is easier (and safer) than a two-story home in the event of a fire.
2. Single story homes offer more flexibility in the design of the interiors than multi-level homes, because a combined space can serve multiple functions. One-story living spaces allow for an interior design that has vaulted ceilings, dramatic windows and the use of skylights to add a spacious feel. Designers often have more freedom to choose taller ceilings and pencil in more skylights and windows
3. Moreover, maintenance is generally easier with a single-story home plan. Homeowners find it more difficult to maintain the exterior of upper stories. With a single-story home plan, the property owner is able to access all areas of the home with a ladder.
4. More living space per square foot. You won't be compromising square footage (and money) on staircases.
5. Quieter living. You won't hear footsteps or other noise coming from upstairs.
6. It's easier to heat a single-story house plan. Most modern single-story house plans feature a central shared living area, surrounded by more private rooms such as bedrooms and offices. Heated and cooled air naturally flows through such a design. In contrast, multiple story house plans require more complex (and more costly) HVAC systems.
7. Single story house plans tend to include a generous communal area, sometimes called the "Family Triangle" of living room, dining room, and kitchen. While older homes boxed

each of these rooms off with walls, modern single-story home plans are often designed to merge these three areas into one large, open space. Vaulted ceilings and expansive windows are often prioritized here, so as to create a comfortable and beautiful area where the whole family will naturally want to congregate.

8. The architectural challenge of keeping everything on one floor prompts house designers to get creative with open floor plans in single-story models.

On a square footage basis, a one-story house is more costly to build than a two-story home. There is a larger footprint, meaning more foundation building and more roofing materials. And because the plumbing and heating/AC systems need to extend the length of the house, they often need bigger (and costlier) systems for the same size dwelling. However, the advantages of one-story dwellings mean that they serve a market that is willing to pay for their amenities. And because these homes are generally the smallest plans offered by a home builder, they are generally less expensive. In this case, the Onyx and Amethyst plans are the most affordable plans in the applicant's portfolio.

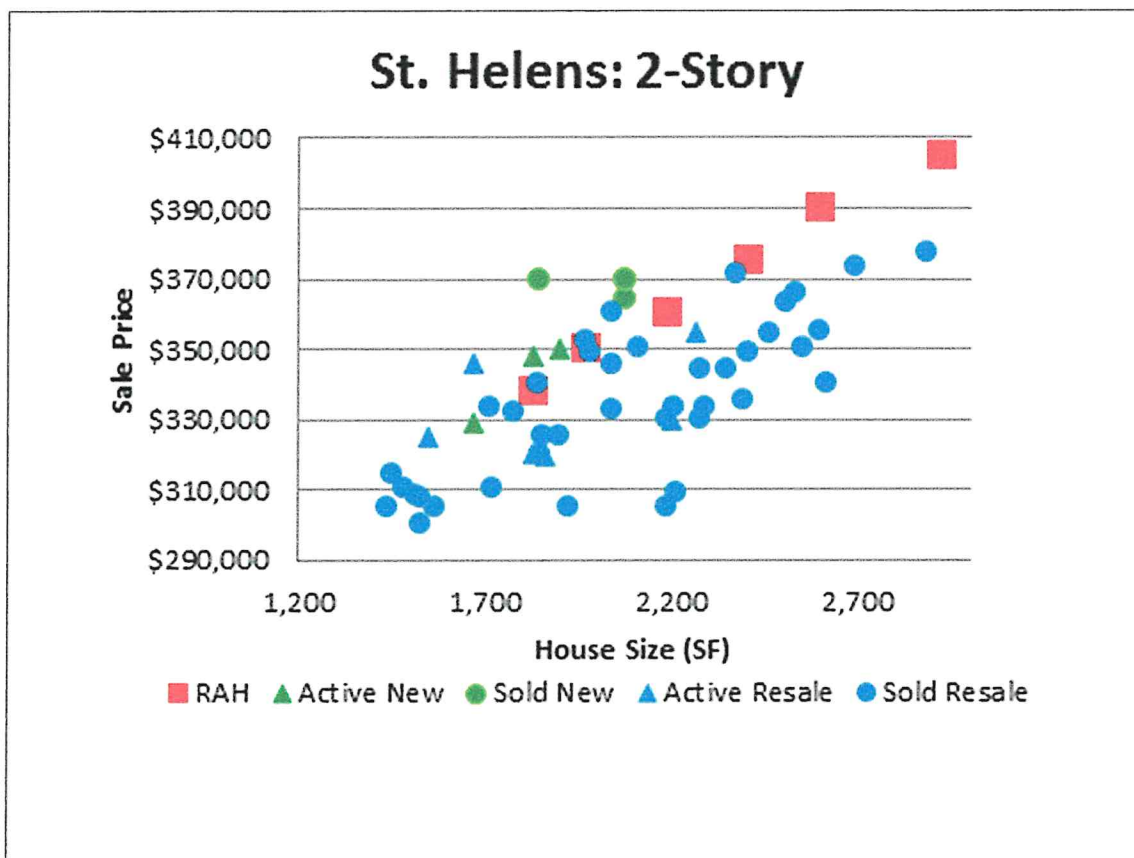
Looking at comparable sales over the past 12 months, single-story homes have been selling in St. Helens area for between \$295,000 and \$374,000, with new homes commanding a 15% (+/-) premium over used homes.



The chart set forth above demonstrates that the single-story housing product offered by Richmond-American Homes falls well within the desired price range when compared to similar housing stock. The only other new single levels on the market are larger and listed for \$30,000 to \$40,000 more. The Onyx plan, for which we are primarily seeking the variance for, is the larger

of the two plans offered by Richmond American Homes. The chart set forth above demonstrates that there is an extremely limited supply of single-level homes in the City of St Helens real estate market.

The chart set forth below shows that the six (6) two-story plans offered by Richmond American Home are priced at or slightly below other new home construction. Note that the two highest priced RAH plans are actually three-story plans which are intended only for the two lots (Lots 5-6) that, due to topography, require a “garage under” plan that is more expensive to build.



1. The Proposed Variance Will Not Be In Conflict with the Policies of the Comprehensive Plan

The applicant has reviewed the policies set forth in the Comprehensive Plan, and did not see any plan policies that would be in conflict with the grant of the requested variance to the lot coverage standard. None of the Policies set forth in SHMC 19.08.050 are worded as mandatory approval standards.

The only policy that is in any way implicated by this variance is SHMC 19.08.050(3)(d), which is one of the City’s general housing policies. It provides:

(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.

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

*****.

(d) Encourage and cooperate with all efforts to provide adequate housing for those with special needs.

The “Preface” to SHMC 19.08.050 recognizes the goal of satisfying a wide variety in housing types. Granting a small variance to the lot coverage standard is consistent with this goal, and in particular, furthers the policy of “provid[ing] adequate housing for those with special needs,” which in this case is persons who prefer houses that do not have stairs.

2. The proposed variance will not be significantly detrimental in its consequence to other properties in the same zoning district or vicinity.

Applicant’s Response:

This criterion is representative of the type of “impact assessment” criteria. Such criteria generally require the decision-maker to evaluate the incremental impacts that the grant of a variance will have on adjacent properties in the vicinity, as compared to whatever impact that would occur without the grant of the variance. *Sokol v. City of Lake Oswego*, 17 Or LUBA 429, 445 (1989). The City must consider the secondary effects that the grant of a variance will have on a neighborhood. For example, if the grant of a setback variance has the effect of increasing the number of units that a developer can build, the secondary effects of that additional unit, such as increased on-street parking demand, must be considered. The concept of “detriment” encompasses a wide range of potential harms, and could include any diminished value suffered by surrounding properties as a result of the grant of a variance.

Step 1: Define the key terms. We have previously given meaning to the phrase “significantly detrimental.” Before considering this criterion, we must first define the term “vicinity.” *Compare Holder v. Josephine County*, 14 Or LUBA 454 (1986). *Compare Foster v. City of Astoria*, 16 Or LUBA 879 (1988) (requiring findings to define the “surrounding area.”). This term is not defined in the code and does not have a well-defined legal meaning, so we seek to determine its plain meaning by consulting the dictionary definitions of the term. Webster’s Third New Int’l Dictionary, Unabridged ed. defines the term vicinity to mean: “surrounding area or district. NEIGHBORHOOD.”

Step 2: Describe the uses in the “vicinity,” as defined. We give a brief description of the uses occurring in the “vicinity” or in the “same zoning district.” The surrounding area within the St. Helens city limits includes the land south of Pittsburg Road, bordered by Barr Avenue to the west, Hankey Road to the east, and Columbia Boulevard to the south. The land north of Pittsburg Road is outside of the city limits of the city of St. Helens. Except for those few parcels in public use (e.g. McBride Elementary School, Campbell Park), this area is nearly entirely residential, zoned R-7 and R-5, and developed with single-family detached homes developed as subdivisions. These are quiet suburban

Step 3: Describe the proposed uses. At full build-out, the proposed Emerald Meadow subdivision will consist of seventy-eight new parcels of moderate size (five to six thousand square feet). When the previous owner applied for the subdivision, he stated in his application that he anticipated building “single-family one- or two-story homes.” Since that time, a portion of the subdivision was sold to the applicant, and the applicant that the 35% lot coverage standard effectively precludes the construction of reasonably sized one-story structures. The only one-story dwellings that meet the lot coverage standard are not marketable because they would be too small, and would suffer from only having two-bedrooms and a one-car garage.

The City Council has previously found that the proposed Emerald Meadows subdivision will be compatible with the surrounding uses. The subdivision creates one large harmonious tract of residential suburban neighborhoods filled with single-family one- and two-story homes, moderately-sized yards and gardens at five to seven thousand square feet, and relatively low-traffic two-way streets, with loops and cul-de-sacs.

As for aesthetic harmony with the existing neighborhoods, the artist diagrams of the proposed model houses indicate, the new RAH “Seasons at Emerald Meadows” homes will blend in well with the surrounding homes to the south, east and west (the area north of the subject parcel across Pittsburg Road is outside city limits). Exhibit 3. These houses are quite similar in style, size and design, and the scale and density of the houses and parcels is wholly consistent with the residential area. Building one-story homes is compatible with the neighboring area, and would create a street scape that features a visual appearance of structures that has less volume, bulk, and mass than if all of the dwellings are built as two-story structures.

Finally, it is worth mentioning that Emerald Meadows represents a natural continuance of the R-5 zones land located to the South. To the North, Pittsburg Rd. provides a very natural boundary for the R 5 zone. Larger acreage parcels exist on the North side of Pittsburg road that are more likely developable to R-7 standard. Vernonia Road is also a natural buffer on the East.

Step 4: Describe any significant detriments or adverse impacts the uses in the vicinity. Granting the variance will not have any significant negative impacts on the vicinity or neighborhood. The front and side yards will look identical. The additional mass of the building will be located in the back yard. Granted, the back yard of the homes that receive the variance will be slightly smaller. This may make it slightly more likely that homeowners will use public park space instead of back yard space, but such effect will be *de-minimus*. However, it is also possible that the families of these homes will simply use the indoor space more than the outdoor

space. It stands to reason that persons who value larger back yards will not desire to purchase these homes in any event. Conversely, persons that favor more indoor living space and less maintenance may value a home with a small backyard. Because the home will be interspersed amongst two-story homes, the overall street scape will have more variety and have more interest as compared to a mono-tone two-story structures.

In any event, any impacts caused by the variance are not significant enough to constitute a “significant detriment” as defined. In drawing this conclusion, it is important to note two points: First, the alternative is a two-story home, which will invariably be larger and have more mass. Second, the code allows by right attached dwellings with 50% lot coverage, which indicates a legislative presumption that such lot coverage does not do damage to the zone.

Furthermore, the grant of the variance will not lower property values. It will not increase densities or cause more people to live in the neighborhood or otherwise cause schools to be overcrowded. There will be no increase in traffic in the neighborhood. In short, there is simply no “significant detriment” to the community by the grant of this variance.

(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;

Applicant’s Response: The inability to place a three-bedroom, two-car garage single family dwelling on an R-5 lot constitutes a hardship for families seeking to purchase a home which does not have stairs. And while the applicant can build two-story homes on all of the lots, the ability to serve a more diverse set of potential homebuyers and do so with homes that are more affordable than the two-story alternatives is a factor that greatly mitigates in favor of granting the variance.

The “special circumstances or conditions” criterion has not been interpreted by LUBA to be the equivalent of the “strict” or “traditional” variance standard, which uses the phrase “extraordinary circumstances or conditions.” *See Fisher v. City of Graham*, 10 Or LUBA 283 (1984) (referring to the “special circumstances or conditions” standard as being more “open ended” than the strict standard.”). Therefore, the Planning Commission has some flexibility in how it interprets these standards. Nonetheless, specific findings are required to satisfy the criterion.

Step 1: Define the key terms. Findings addressing this criterion must first define the “surrounding area,” and make an examination of the other properties in that area. We have accomplished this, *supra*.

Step 2: Identify Special Circumstances. The findings must identify something about the property, development or proposed use that is not “typical of the general conditions in the surrounding area.” Examples of such circumstances or conditions may include a unique lot shape or size, unusual topography, or a uniquely shaped or sized building pre-existing on the

property. As an example, steep or rugged terrain can be a hardship. *Dodd v. City of West Linn*, 33 Or LUBA 470 (1997); *Sperber v. Coos County*, 58 Or LUBA 588 (2009).

In this case, the nature of the lot size and shape in relation to the topography and the “L-shaped” nature of the parent lot, creates a circumstance whereby homebuyer seeking to purchase a single-story home will suffer a “hardship” if the city required that the requested development comply with the lot coverage standard. These unique circumstances that do not apply to other properties in the same vicinity or land use district, because other subdivisions are either built on more flat land to the South, or were built with larger lot sizes at a time when land was less expensive, or the parent lots were not geographically constrained. Because Emerald Meadow’s parent lot was a remnant parcel and was the last large farm property in the vicinity to develop, there were not many options on how to lay out the lots. When one factors in the topography sloping down from the north, the lots create a problematic set of conditions for siting a one-story dwelling while at the same time not having too much slope on the driveway.

(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;

Applicant’s Response: The applicant does not propose any change in the use of the property. The applicant is proposing to build single-family detached dwelling units, which is an allowed use in the R-5 zone.

The applicant’s proposal does allow the city standards to be maintained to the greatest extent that is reasonably possible. Denial of the variance will prevent the applicant from providing a type of housing that meets the basic needs of local residents.

(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

Applicant’s Response: The granting of this variance request will have no negative effect on traffic, drainage, dramatic landforms, or parks. The applicant proposes to build single-family residential structures regardless of whether the variance is approved. If the variance is approved, the applicant will be allowed to build single story dwellings on the 12 lots in question, whereas if the variance is denied, the applicant will be forced to build two-story structures on these lots. The loss of market choice and the lack of a more affordable housing option is a harm that exceeds any potential negative associated with granting the variance.

Although the grant of a variance will result in slightly more impervious surface on each lot, which will result in a slight corresponding increase in the time of concentration of stormwater, the storm water system is designed to accommodate this increase. Moreover, the zoning of the property allows 50% lot coverage for duplex homes, which is a greater amount than the applicant is seeking a variance for. Therefore, the applicant’s request is not outside the realm of contemplation of what could be allowed in the zone without a variance.

(e) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

Applicant's Response: This criterion has two sub-parts. First, the applicant must demonstrate that the hardship is not "self-imposed," which is to say that the applicant did not create the problem which the variance is intended to alleviate. Second, the applicant must show that the requested variance is the minimum amount necessary to alleviate the hardship. We address each of these subparts in turn below.

1. The Hardship Is Not Self-Imposed.

As an initial matter, we note that this standard is not the same as the traditional strict "unnecessary hardship" criteria. In this context, a "hardship" is defined as "suffering, privation; a particular instance or type of suffering or privation." *Moore v. Columbia County*, 57 Or LUBA 105, 108 (2008) (citing *Webster's Third New Int'l Dictionary*, 1033 (1981)). Steep or rugged terrain can be a hardship for purposes of a variance to a lot coverage standard. *Dodd v. City of West Linn*, 33 Or LUBA 470 (1997). The hardship identified by the applicant in this case is the inability to construct a one-story three-bedroom single-family homes on the lots in question due to the combination of lot shape, size, topography, and the presence of utility easements. The focus of SHMC 17.108.050(1)(e) is to determine whether the applicant acted in some manner that created the hardship that justifies a variance from applicable requirements. *Grant v. City of Depoe Bay*, 53 Or LUBA 214 (2007).

In this case, the applicant has done nothing to create the hardship caused by the lack of space on the subject property. The fact that a previous owner requested a zone change that resulted in smaller lot sizes is not a self-created hardship. *Sommer v. Josephine County*, 52 Or LUBA 209 (2006) ("A local government interpretation that an applicant who sought a zone change that resulted in increased setback requirements did not create a "self-imposed" hardship when the zone change was imposed as a condition of approval of an earlier lot line adjustment decision is not inconsistent with the express language, purpose, or policy of the local ordinance.")

2. The Requested Variance is the Minimum Amount Needed to Alleviate the Hardship.

The "minimum needed" criterion assumes that the variance request is justified under other standards, and is concerned with the *extent* of the requested variance standard. *JCK Enterprises, LLC v. City of Cottage Grove*, 64 Or LUBA 142 (2011), *aff'd without op.*, 247 Or App 621, 272 P3d 744 (2012). To establish compliance with this criterion, the city's findings must (1) identify the and "hardship" caused by "full compliance" with the setback provision, and (2) explain why the requested variance is the "minimum necessary" to "avoid" or "minimize" that difficulty or hardship. *See Fisher v. City of Gresham*, 12 Or LUBA 189, 192 (1984), *affirmed in part; reversed in part and remanded on other grounds*, 69 Or App 411 (1985)(similar analysis); *Sokol v. City of Lake Oswego*, 17 Or LUBA 429 (1989).

In this case, the applicant has been careful to only ask for the percentage of variance needed to fit the “Onyx” house plan on the subject property. If the future home buyer choses to build the smaller “Amethyst” house plan, then the degree of variance needed would be slightly smaller. For analytical purposes, the amount of difference between what is needed is *de-minimus* from a practical impact standpoint, however.

CURVE TABLE

CURVE	LOT	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C16	EXST	54.50'	21.71'	11.00'	21.56'	N56°03'07"E	22°49'15"

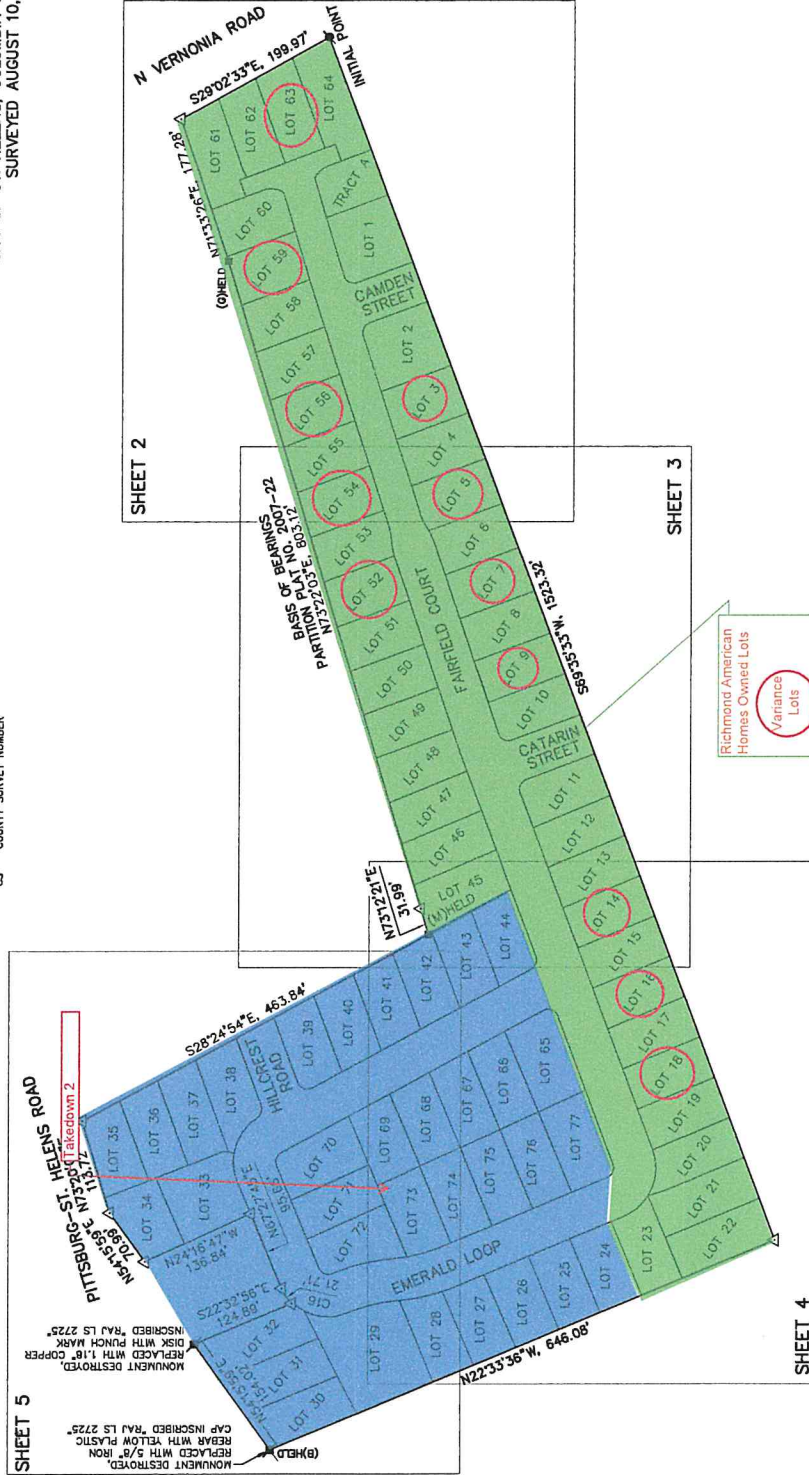
(A) ■	FOUND MONUMENT, SEE DESCRIPTIONS ON MAP SHEETS
△	HELD, FOUND 5/8"x3/8" IRON REBAR W/PC INSCRIBED "RAJ LS 2725", SET IN PARTITION PLAT NO. 2007-22
⊙	HELD, FOUND 5/8" REBAR W/PC INSCRIBED "LAND TECH", SET IN "COUNTRY MEADOW ESTATES"
⊙	HELD, FOUND 5/8" REBAR W/PC INSCRIBED "PHIL DEWEY LS 847", SET IN PARTITION PLAT NO. 1991-14
	COLUMBIA COUNTY SURVEY RECORD REFERENCE
CS	COUNTY SURVEY NUMBER

PLAT BOOK _____ PAGE _____ INSTRUMENT NO. _____

EMERALD MEADOWS

A REPLAT OF PARCEL 1, PARTITION PLAT NO. 1991-14 AND
A REPLAT OF PARCELS 1 AND 2, PARTITION PLAT NO. 2007-22

IN THE NW 1/4 OF SEC. 3, 14N, 11W, WM
CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON
SURVEYED AUGUST 10, 2018



SCALE 1"=100'

SHEET 1 MAP INDEX, MAP SHEET LOCATIONS, BOUNDARY
SHEETS 2-5 CURVE DATA, DETAILS, MAP, LEGEND,
DESCRIPTIONS OF FOUND MONUMENTS
SHEET 6 APPROVALS, DECLARATION,
ACKNOWLEDGMENT, NARRATIVE,
SURVEYOR'S CERTIFICATE, NOTES,
MONUMENTATION CERTIFICATE

I CERTIFY THAT THIS TRACING IS A TRUE AND EXACT COPY OF THE PLAT OF "EMERALD MEADOWS".

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 25, 1995
ROBERT ALAN JOHNSON
PAGE 303

EXPIRES 6/30/19



JOHNSON LAND SURVEYING, INC.

10185 SW HOODVIEW DR, TIGARD, OR 97224
503-407-9966 jsurvey@frontier.com jsurvey.com

SHEET 1 OF 6

**COLUMBIA COUNTY PLAT
AND SURVEY RECORDS**

11	COUNTY SURVEY MAP NO. 172 (1922)
12	COUNTY SURVEY MAP NO. 173 (1922)
13	COUNTY SURVEY MAP NO. 167 (1923)
14	COUNTY SURVEY MAP NO. 174 (1923)
15	COUNTY SURVEY MAP NO. 134.5 (1938)
16	COUNTY SURVEY MAP NO. 159 (1963)
17	COUNTY SURVEY MAP NO. L-418 (1987)
18	COUNTY SURVEY MAP NO. 3268 (1987)
19	COUNTY SURVEY MAP NO. 3613 (1988)
20	COUNTY SURVEY MAP NO. 1991-14 (1991)
21	COUNTY SURVEY MAP NO. 5061 (2000)
22	COUNTY MEADOW ESTATES (2000)
23	COLUMBIA COUNTY PLAT NO. 2606
24	"ONE ACRE ESTATES" (2007-2)
25	PARTITION PLAT NO. 2002-27

COLUMBIA COUNTY
DEED RECORDS

DEED RECORDS

"01" DEED BOOK 125, PAGE 588 (1955)
"02" DEED BOOK 125, PAGE 589 (1955)
"03" DEED BOOK 188, PAGE 182 (1972)
"04" COUNTY CLERK'S INSTRUMENT NO. 91-05993
"05" COUNTY CLERK'S INSTRUMENT NO. 91-07519
"06" COUNTY CLERK'S INSTRUMENT NO. 92-05615
"07" COUNTY CLERK'S INSTRUMENT NO. 94-06209
"08" COUNTY CLERK'S INSTRUMENT NO. 94-06209
"09" COUNTY CLERK'S INSTRUMENT NO. 95-08581
"10" COUNTY CLERK'S INSTRUMENT NO. 99-16412
"101" COUNTY CLERK'S INSTRUMENT NO. 2000-34878
"102" COUNTY CLERK'S INSTRUMENT NO. 2001-11430
"103" COUNTY CLERK'S INSTRUMENT NO. 2007-02553
"104" COUNTY CLERK'S INSTRUMENT NO. 2007-007510
"105" COUNTY CLERK'S INSTRUMENT NO. 2007-007510
"106" COUNTY CLERK'S INSTRUMENT NO. 2009-008922



ELEVATION C

ABOUT THE AMETHYST

The ranch-style Amethyst plan offers an open layout that's perfect for entertaining. Gather with friends and family in the generous great room, dining room and kitchen, and add an optional covered patio for additional outdoor living space. An inviting master suite boasts a large walk-in closet and private bath, and is separated from the second bedroom for privacy. The home also includes versatile flex space, which can be optioned as a third bedroom.



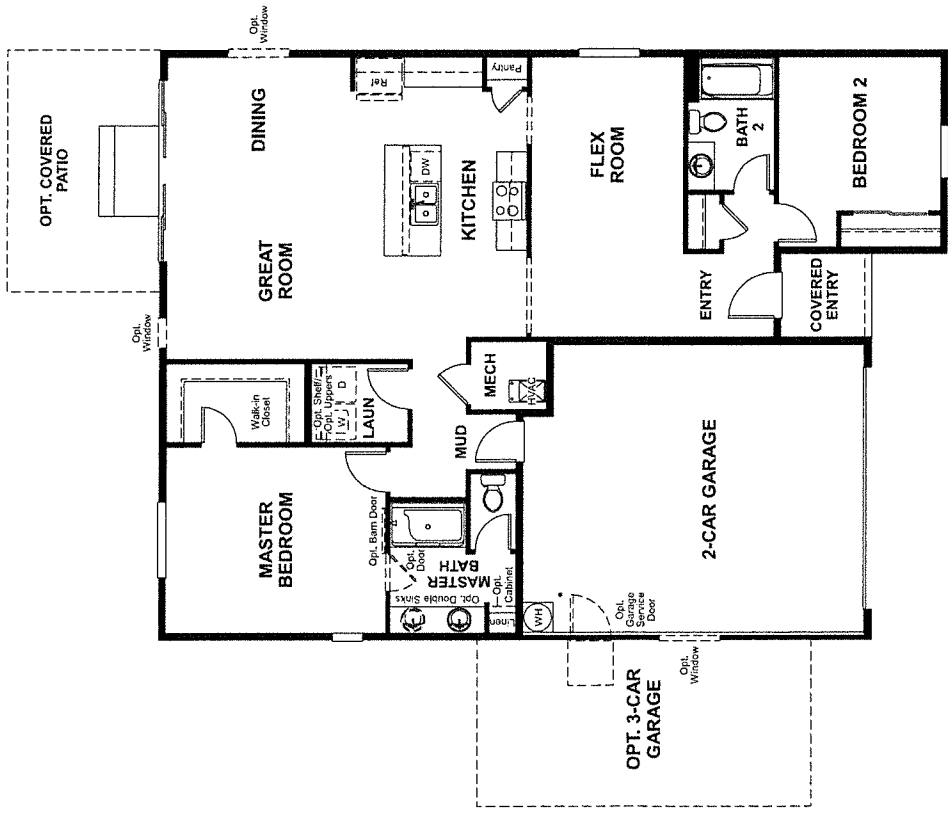
ELEVATION A



ELEVATION B

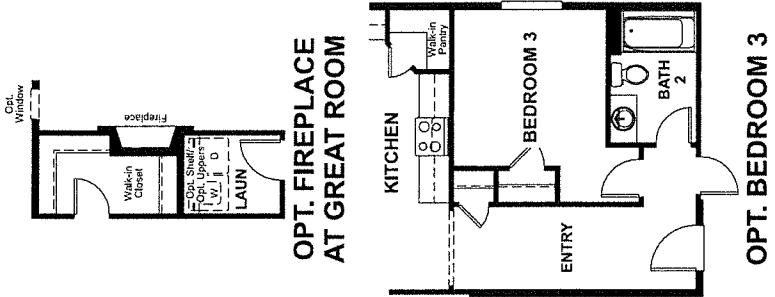
Floor plans and renderings are conceptual drawings and may vary from actual plans and homes as built. Options and features may not be available on all homes and are subject to change without notice. Actual homes may vary from photos and/or drawings which show upgraded finishes and may not represent the lowest-priced homes in the community. Features may include optional upgrades and may not be available on all homes. ©2018 Richmond American Homes. All rights reserved. PPH, specifications and availability subject to change without notice. ©2018 Richmond American Homes, Richmond American Homes of Oregon, Inc. - CCB #218193 12/10/2018

MAIN FLOOR



These plans and renderings are conceptual drawings and may vary from actual construction. All dimensions and areas are approximate. Actual dimensions may vary from plans and/or drawings which show approximate locations and may not be available on all homes and are subject to change without notice. Square footage numbers are approximate and are subject to change without notice. Please, specifications and availability subject to change without notice. ©2018 Richmond American Homes, Richmond American Homes of Oregon, Inc., CCB #218191 12/10/2018

MAIN FLOOR OPTIONS



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ELEVATION C

ABOUT THE ONYX

Enjoy single-floor living in the inspired Onyx plan! At the front of the home, you'll find two bedrooms flanking a full bath. Toward the back, discover a well-appointed kitchen nestled between an open dining room and generous great room. A tech center provides added convenience. The laundry is located near the inviting master suite, which features a large walk-in closet and attached bath. Add a covered patio for outdoor entertaining!



ELEVATION A

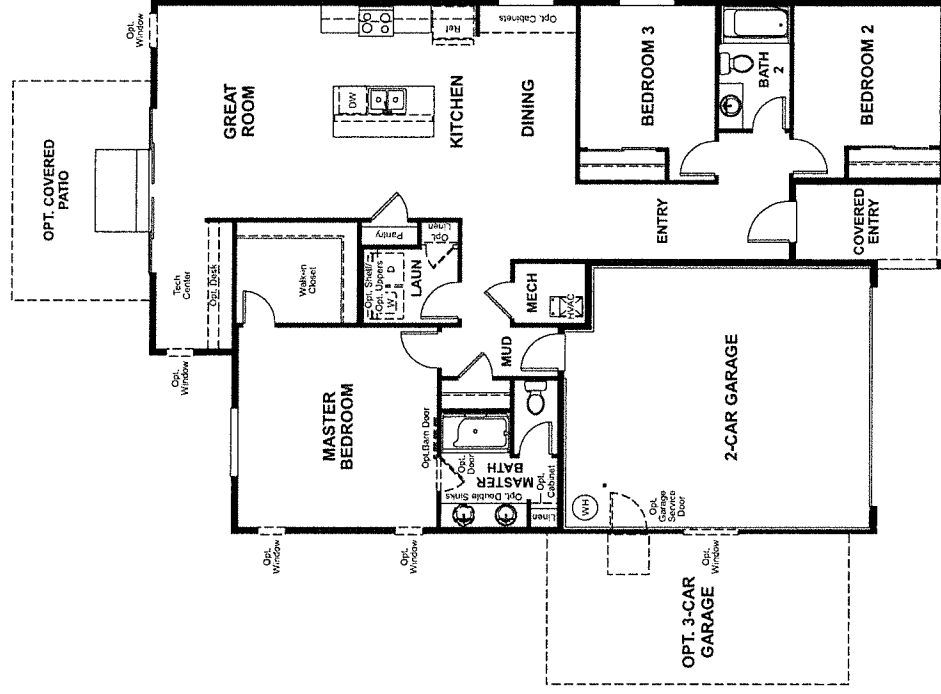


ELEVATION B

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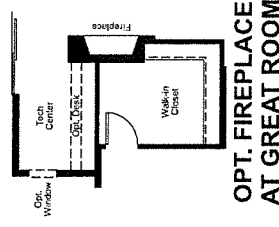


MAIN FLOOR



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MAIN FLOOR OPTIONS



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ELEVATION C

ABOUT THE CORAL

The main floor of the Coral plan offers a large, uninterrupted space for relaxing, entertaining and dining. The kitchen features a roomy center island with seating and opens to the dining and great rooms. Upstairs, there's a large loft, a full bath tucked between two inviting bedrooms, and a private master suite with a walk-in closet and convenient bath. Options include a covered patio and a bedroom in lieu of the loft.



ELEVATION A



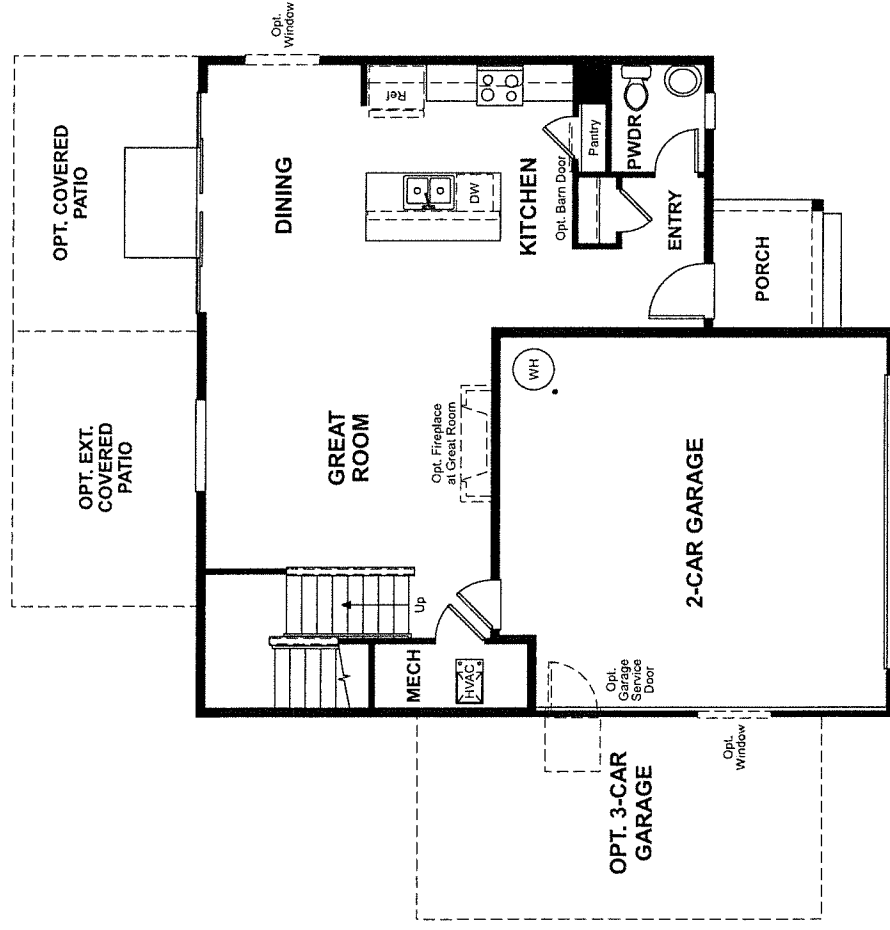
ELEVATION B

Floor plans and renderings are conceptual drawings and may vary from actual plans and homes as built. Options and features may not be available on all homes and are subject to change without notice. Actual homes may vary from photos and/or drawings which show upgraded landscaping and may not represent the lowest-priced homes in the community. Features may include optional upgrades and may not be available on all homes. ©2018 Richmond American Homes, a division of Owens Corning Fiberglas Company. CCB #218178 12/12/2018



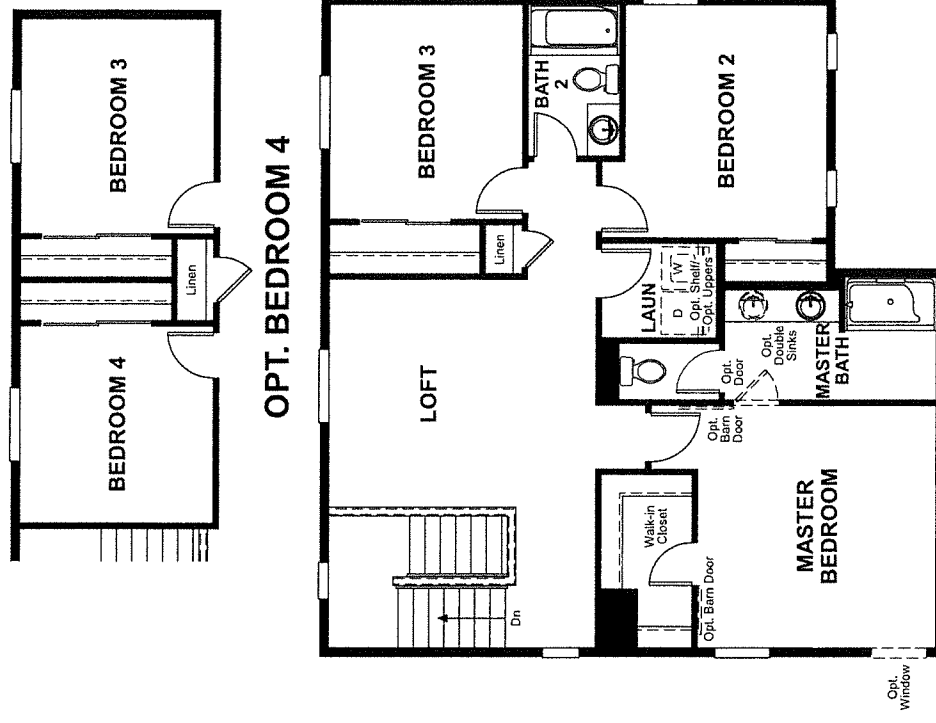
THE CORAL | Approx. 1,830 sq. ft. | 2 stories | 3-4 bedrooms | 2- to 3-car garage | Plan #C903

MAIN FLOOR



File: Plans and drawings are conceptual drawings and may vary from actual plans and horses as built. Options and features may not be available on all homes and are subject to change without notice. Actual homes may vary from drawings and may not include all options and features shown. Options and features are not available on all homes. Square footage includes only finished living space. Plans, specifications and availability subject to change without notice. ©2014 Redwood Homes and Construction, LLC. All rights reserved. 4718181 01/17/2018

SECOND FLOOR



Flour plates and renderings are conceptual drawings and may vary from actual plans and homes at built. Options and features may not be available on all homes and are subject to change without notice. Actual homes may vary from pictures and/or drawing which those upgraded landscaping and may not represent the lowest priced upgrade and may not be available on all homes. Square footage may vary from actual square footage. Plans, specifications and availability subject to change without notice. ©2018 The McGraw-Hill Companies, Inc. All rights reserved. www.mhfi.com



ELEVATION C

ABOUT THE CITRINE

On the main floor of the Citrine plan, you'll find open entertaining spaces, including a dining room, great room and well-appointed kitchen, complete with center island and built-in pantry. You'll also appreciate a private study and a convenient powder room. Upstairs, discover a relaxing master suite with a private bath and oversized walk-in closet, and two additional bedrooms. Make this home your own with an optional covered patio and 3-car garage!



ELEVATION A

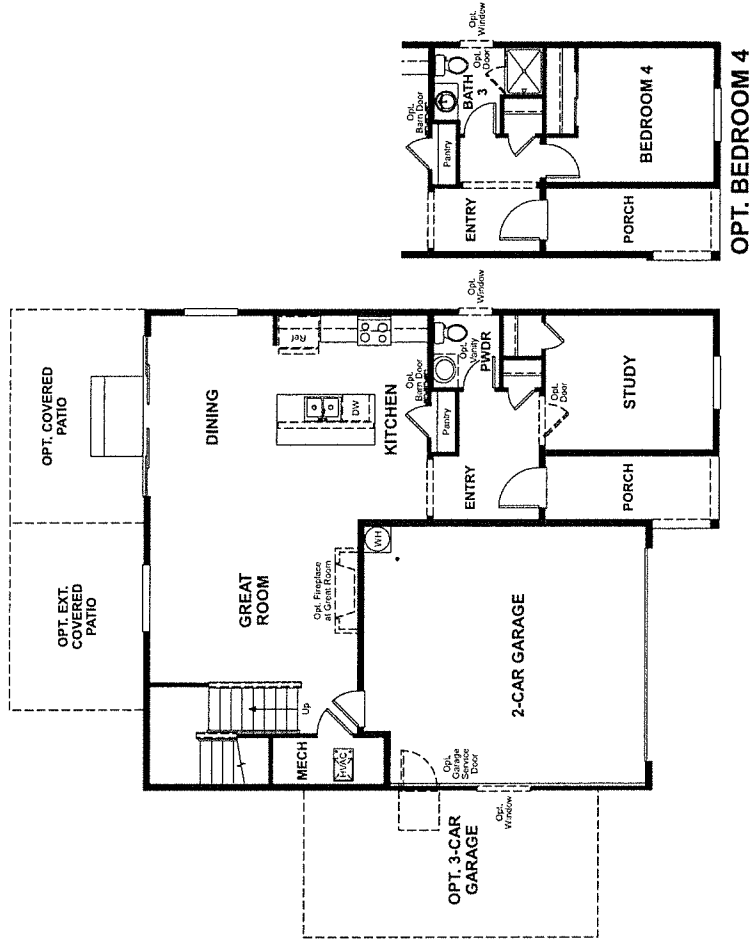


ELEVATION B

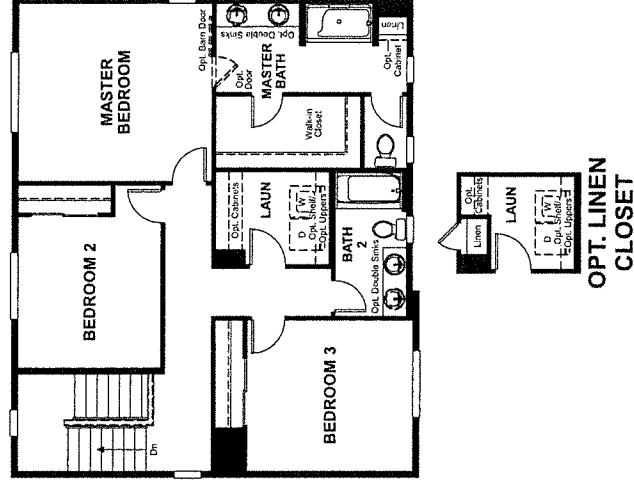
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THE CITRINE | Approx. 1,970 sq. ft. | 2 stories | 3-4 bedrooms | 2- to 3-car garage | Plan #G904

MAIN FLOOR



SECOND FLOOR



These plans and renderings are conceptual drawings and may vary from actual plans and homes at build. Options and features may not be available on all homes and are subject to change without notice. Actual homes may vary in layout, finish, and features. All dimensions are approximate and are subject to change without notice. ©2018 Richmond American Homes, Richmond American Homes of Oregon, Inc. CCA #218193 12/10/2018

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THE LAPIS

Approx. 2,190 sq. ft. | 2 stories | 3-4 bedrooms | 2- to 3-car garage | Plan #G915



ELEVATION C

ABOUT THE LAPIS

The main floor of the beautiful Lapis plan offers versatile flex space, an inviting great room and an open dining room that flows into a corner kitchen with a center island and walk-in pantry. Upstairs, enjoy a large loft, a convenient laundry and a luxurious master suite. Personalize this plan with a cozy fireplace, a private study and an additional bedroom!



ELEVATION A

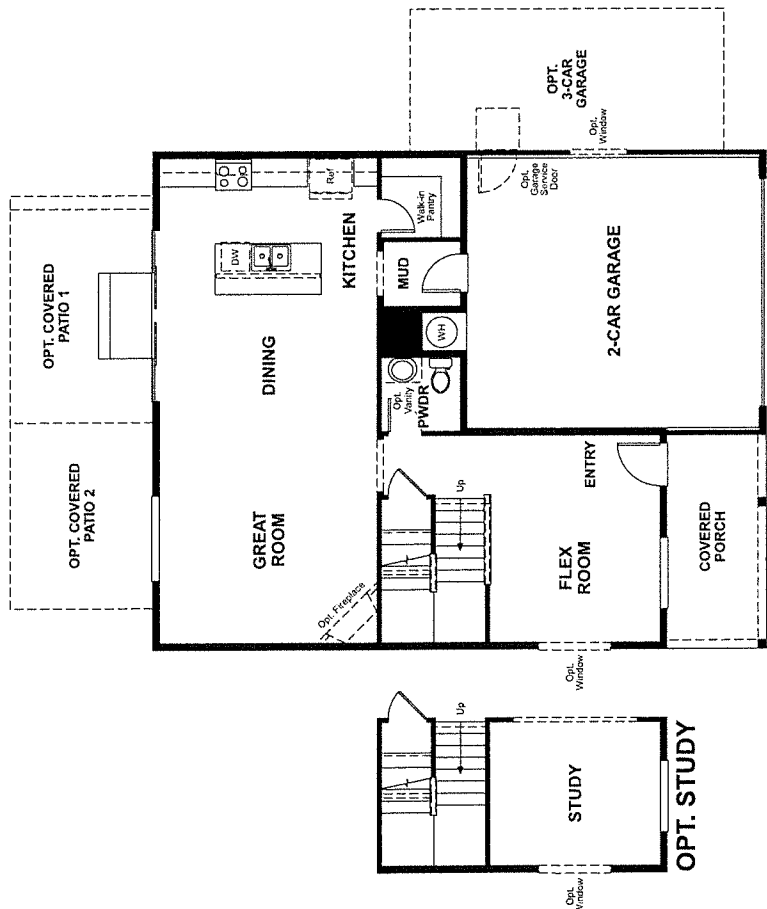


ELEVATION B

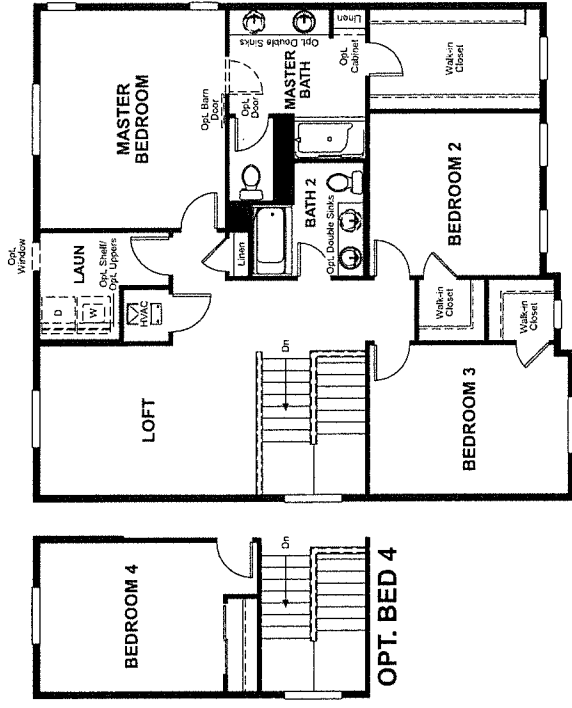
*This information is presented for educational purposes only. The HERS index for a confirmed rating will be determined by a third-party HERS rater based on data gathered from on-site observations and, if required, testing of rated features for a home as featured, approved, located, oriented and/or built.
 **Standard new home is based on the RESNET® Reference Home definition with a HERS® index of 100 (based on the 2006 International Energy Conservation Code).
 ***Typical resale home is based on the U.S. Department of Energy definition with a HERS® index of 130.
 *RESNET® has developed the HERS® index to indicate the comparative efficiency of homes. It is no guarantee that energy efficiency goals will be achieved.
 Floor plans and renderings are conceptual drawings and may vary from actual plans and homes as built. Options and features may not be available on all homes and are subject to change without notice. Actual homes may vary from photos and/or drawings which show upgraded landscaping and may not represent the lowest-priced homes in the community. Features may include optional upgrades and may not be available on all homes. See local listings for more information. Prices, specifications and availability subject to change without notice. ©2018 Richmond American Homes, Richmond American Homes of England, Inc. CCB #118191 12/1/2018



MAIN FLOOR



SECOND FLOOR



THIS PLAN'S PROJECTED
HERS® INDEX = TBD*
Projected Rating Based on Plans – Field Confirmation required

How does this floor plan rate?
Take a look: 100 = Standard new home • 130 = Typical resale Home™
The lower number, the better. Refer to the RESNET's HERS index brochure or go to www.RESNET.us and www.HERSindex.com

What's a HERS® Index? HERS stands for Home Energy Rating System, a system created by RESNET® to measure home energy efficiency.
A Projected HERS index or rating is a computer simulation performed prior to construction by a third-party HERS rater using RESNET-accredited rating software. rated feature and specification data derived from home plans, features and specifications, and other data selected or assumed by the rater. The projected HERS index is approximate and is subject to change without notice. Actual results will vary.

THE PEARL

Approx. 2,400 sq. ft. | 2 stories | 3-5 bedrooms | 2- to 3-car garage | Plan #G913



ELEVATION C

ABOUT THE PEARL

The Pearl offers two stories of thoughtful living space. A spacious kitchen provides a panoramic view of the main floor—overlooking an elegant dining room, an optional covered patio and a large great room. You'll also enjoy a convenient powder room and private study located by the entryway. Upstairs, an open loft features access to a laundry room and three bedrooms, including a master suite with a roomy walk-in closet and attached bath. Options include bedrooms in lieu of the loft and study.



ELEVATION A



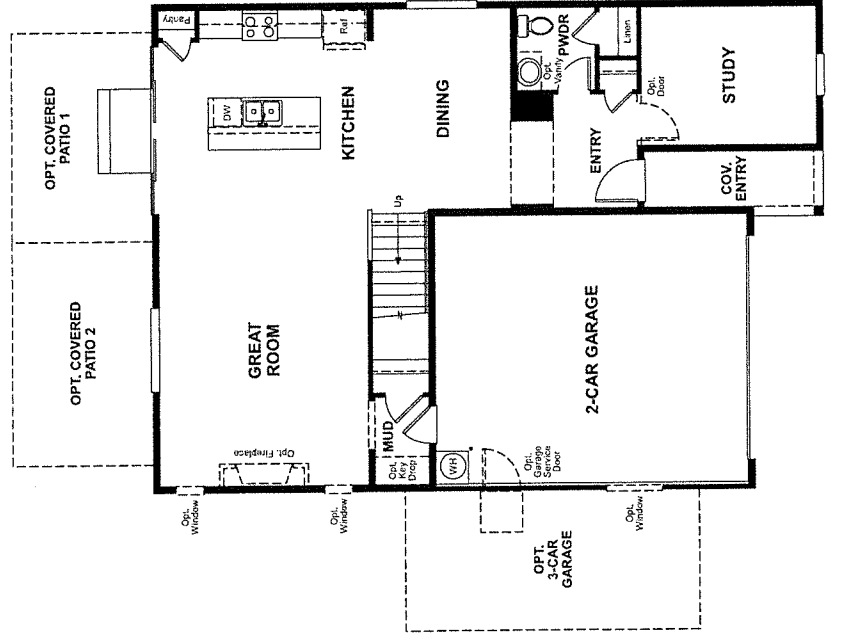
ELEVATION B

*This information is presented for education purposes only. The HESG index for a confirmed rating will be determined by a third-party HESG rater based on data gathered from on-site observations and, if required, testing of rated features for a home at featured, approved, located, oriented and/or built.
 **Standard new home is based on the RESNET® Reference Home definition with a HESG index of 100 (based on the 2006 International Energy Conservation Code).
 ***Typical resale home is based on the U.S. Department of Energy definition with a HESG index of 110.
 **RESNET® has developed the HESG index to evaluate the comparative efficiency of homes. It is no guarantee that energy efficiency will be achieved.
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THE PEARL | Approx. 2,400 sq. ft. | 2 stories | 3-5 bedrooms | 2- to 3-car garage | Plan #G913

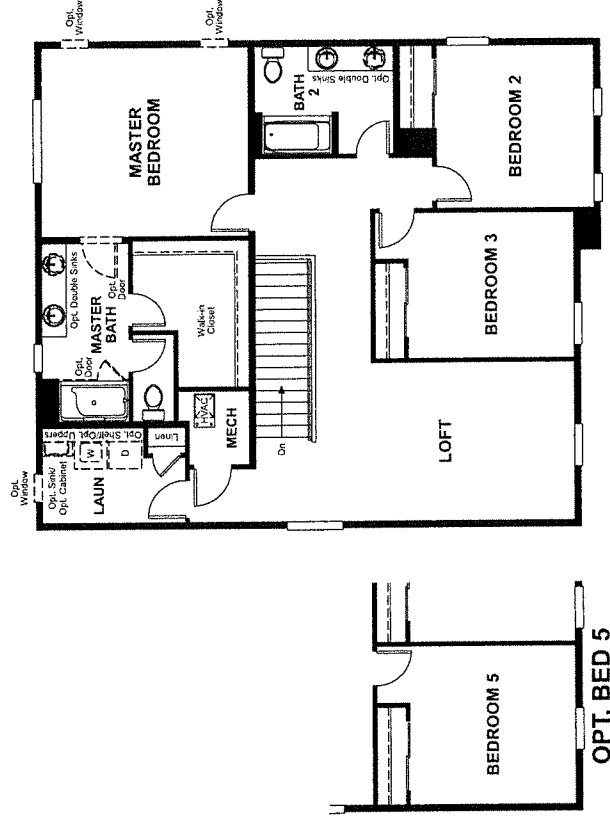
MAIN FLOOR



THIS PLAN'S PROJECTED
HERS® INDEX = TBD*
 Projected Rating Based on Plans – Field Confirmation required

How does this floor plan rate?
 Take a look: 100 = Standard new home** 130 = Typical resale Home**
 The lower number, the better! Refer to the RESNET® HERS index brochure or go to www.RESNET.us and www.HERSindex.com

SECOND FLOOR

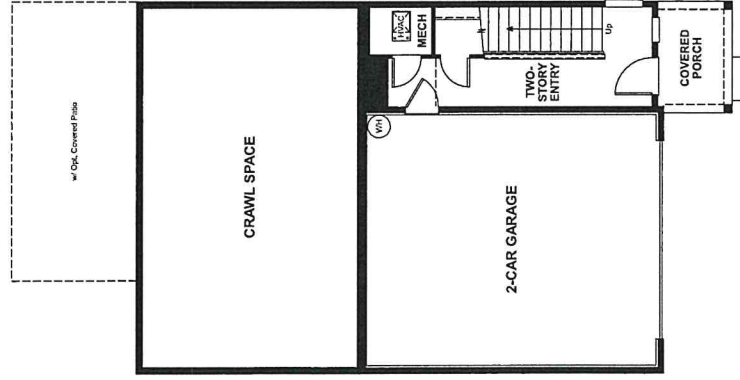


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THE LEO

Approx. 2,610 sq. ft. | 3 stories | 3-4 bedrooms | 2-car garage | Plan #G593

LOWER FLOOR



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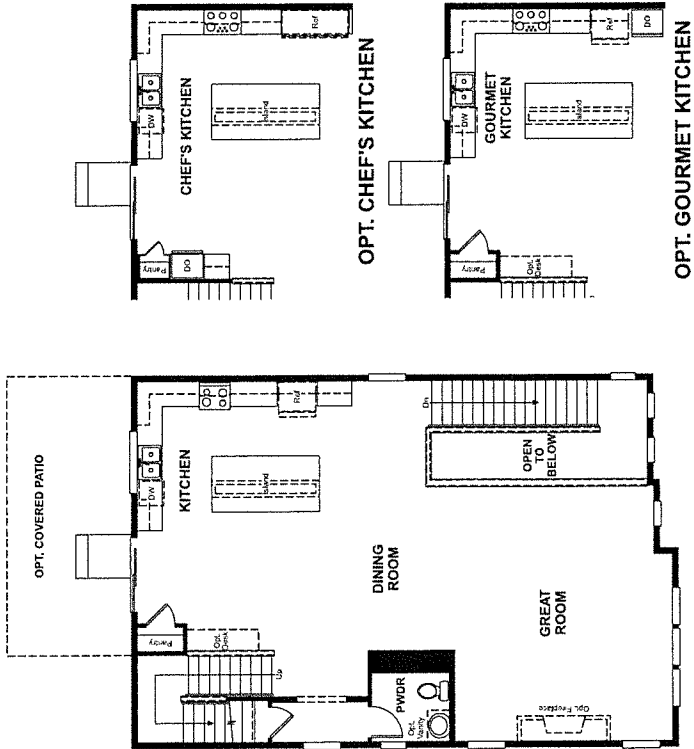


ABOUT THE LEO

The Leo plan was designed for entertaining. It has a spacious great room with optional fireplace, an open dining room and an inviting kitchen with a center island offering ample seating. A large loft and three inviting bedrooms, including an elegant master suite with private bath, occupy the home's upper floor. Personalization options include a gourmet or chef's kitchen, covered patio, master sitting room and deluxe master bath.



MAIN FLOOR



SECOND FLOOR



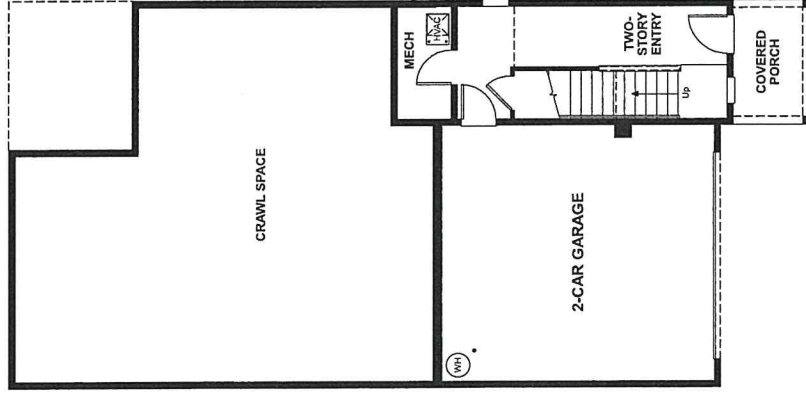
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THE LINCOLN

Approx. 2,920 sq. ft. | 3 stories | 4-5 bedrooms | 2-car garage | Plan #G595

BASEMENT



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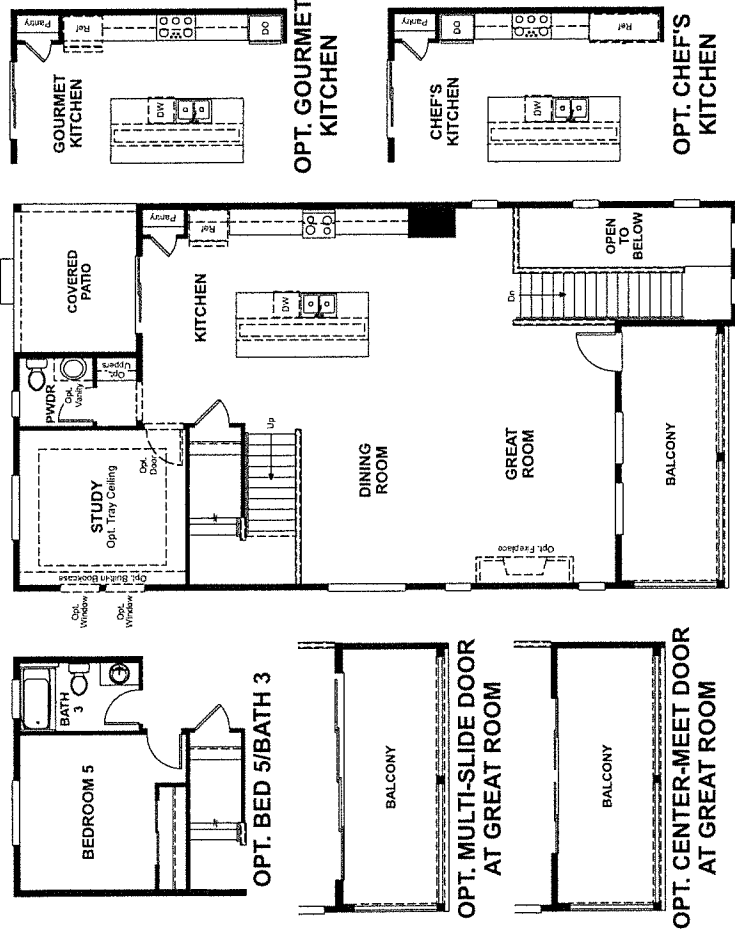
ABOUT THE LINCOLN

At the heart of the Lincoln plan is an expansive kitchen with an oversized center island and optional gourmet or chef's features. Other main-floor highlights include a quiet study, a formal dining room and massive great room with an adjacent balcony. Upstairs, enjoy a convenient tech center and well-appointed master suite with an optional deluxe bath. A covered patio is also included.

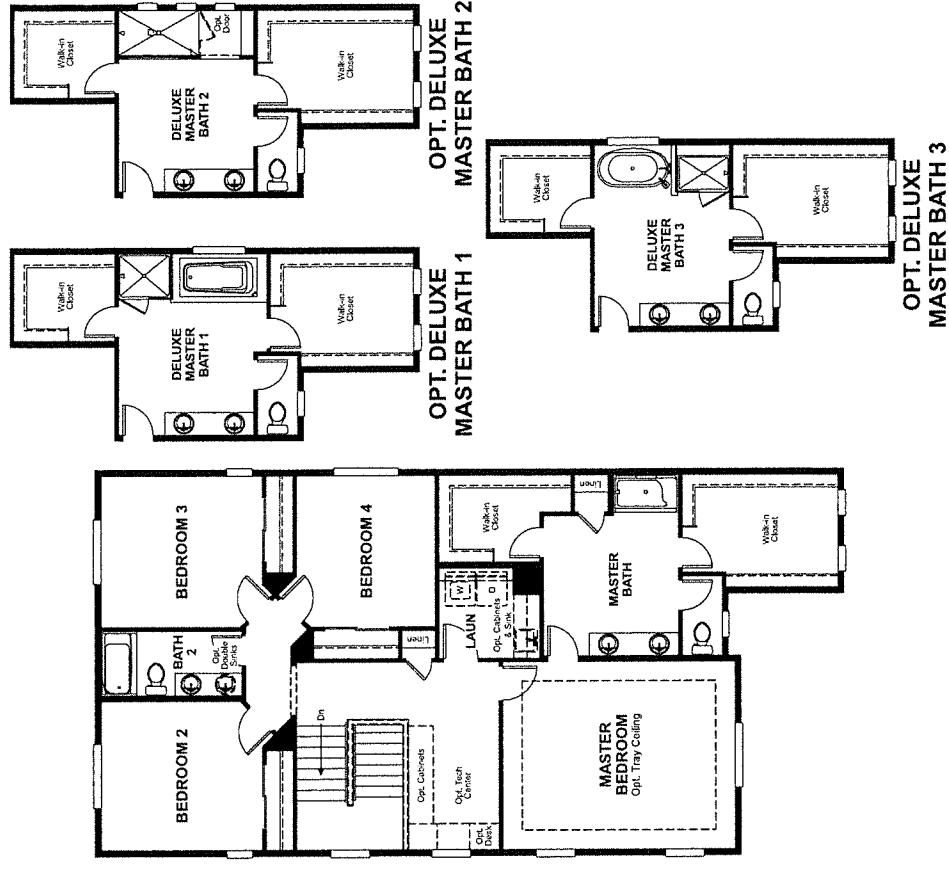


THE LINCOLN | Approx. 2,920 sq. ft. | 3 stories | 4-5 bedrooms | 2-car garage | Plan #G595

MAIN FLOOR



SECOND FLOOR

[illegible][illegible]

RECEIVED

FEB 26 2019

CITY OF ST. HELENS

EXHIBIT 3

Streetscape Comparison





CITY OF ST. HELENS PLANNING DEPARTMENT

M E M O R A N D U M

TO: Planning Commission (as acting Historic Landmarks Commission)
FROM: Jennifer Dimsho, Associate Planner
RE: New Projecting Sign for 298 S. 1st Street (Plymouth Pub)
DATE: March 4, 2019

Being in the Riverfront District (RD) zone, the sign is subject to review by the Historic Landmarks Commission (HLC) pursuant to SHMC 17.32.172(7).

Please review the attached related excerpts from the Architectural Design Guidelines for the discussion about how whether or not the proposed projecting sign follows them. Your recommendation will be incorporated into the decision.

Notice in the historic photo of S. 1st Street from 1930, the use of projecting signs was very common.

The full Architectural Design Guidelines are available online if you misplaced your copy:
<http://www.ci.st-helens.or.us/planning/page/riverfront-district-architectural-design-guidelines>

Attached: *Sign Plans (3)*
Architectural Design Guidelines Pages 11 - 12, 24
S.5.19 Staff Report

SIGN LAYOUT - PHOTO INLAY

EXISTING CONDITIONS

SIGN LAYOUT
Scale: 3/4" = 1'

MFR & INSTALL ONE (1) D/F NON-ILLUMINATED SIGN PANEL

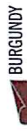
SIGN PANEL

SIGN PANEL
CONSTRUCTION: ROUTED 1/8" ALUMINUM, PAINT GLOSS BLACK. GRAPHICS TO 3M CUT VINYL. SEE COLOR KEY.

INSTALL

**INSTALL
ATTACH TO EXISTING SIGN BRACKET. ATTACHMENT METHOD AND STRUCTURAL INTEGRITY
TO BE DETERMINED PRIOR TO INSTALL.**

VINYL COLOR KEY



BURGUNDY



FAWN

PAINT COLOR KEY



3



↑
North



Hal Fletcher
Account Manager
cell 971-806-3157
hfletcher@ramsaysigns.com

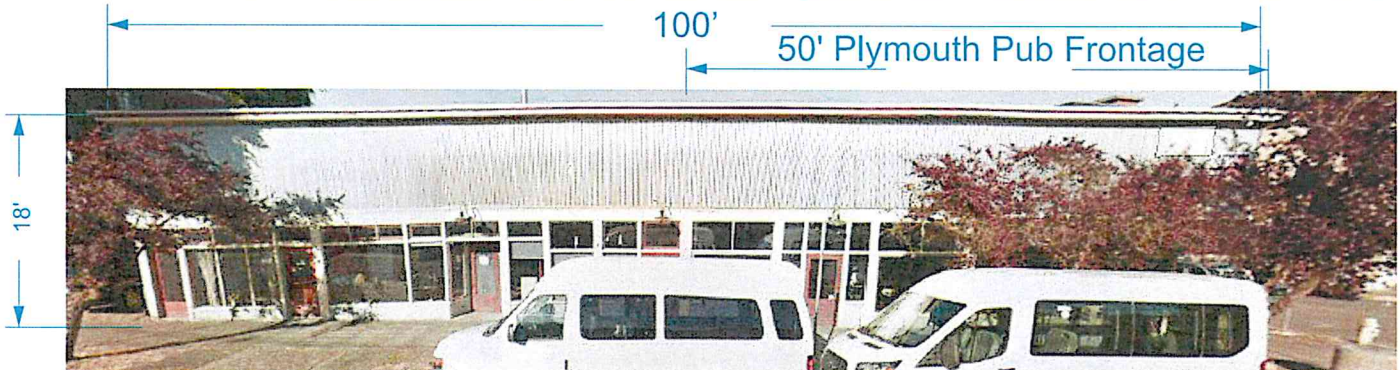
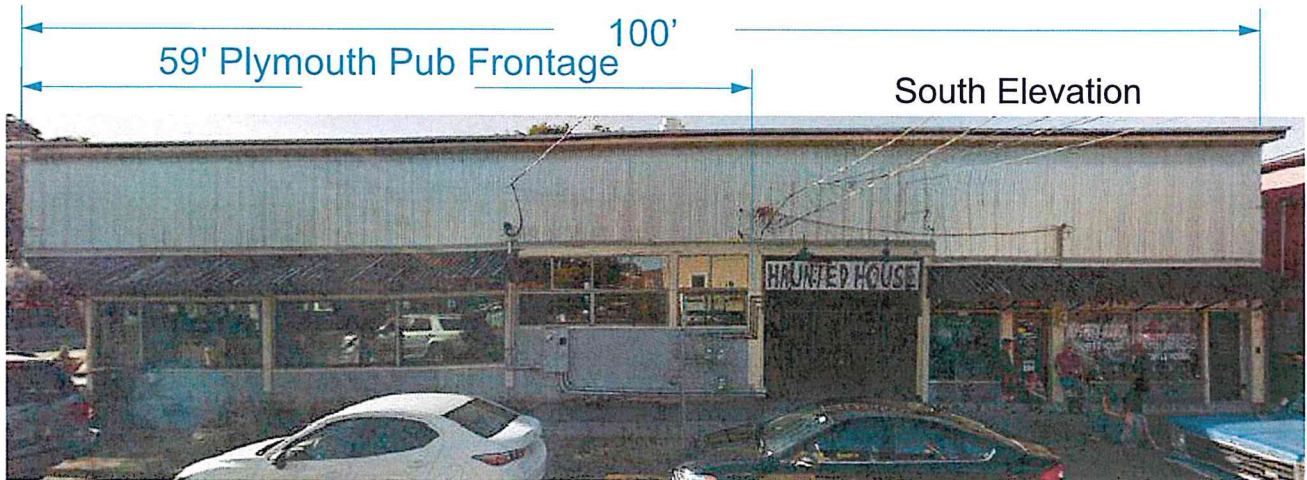


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☎ 800 937-7446



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Eugene, Oregon 97405

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☎ 800 937-7446

4. SIGNAGE

Signage that creates visual delight is preferred.

Commercial signs in Olde Towne should identify businesses, promote merchandise or service within, attract customers, provide direction and information, and in some cases create visual delight and architectural interest. Poor quality commercial signage creates an uninviting image and suggests lack of consideration for the historic character of the retail storefronts.

NOTE: The following is meant as a supplement to the city's Sign Code. Sign permits, obtained through the Planning Department, are required pursuant to the St. Helens Development Code.



When considering materials for signage, prioritize those that are locally harvested and/or extracted, contain recycled materials, rapidly renewable materials or Forest Stewardship Council (FSC) certified wood.

4.2 GENERAL GUIDANCE

Signs should complement the historic and cultural significance of the area and be sensitive to existing architectural patterns and features found in Olde Towne.

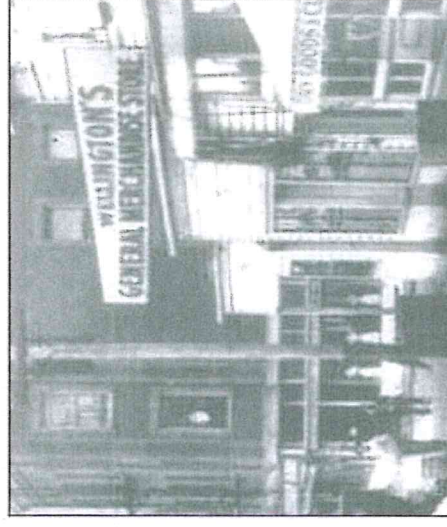
- Signs should not obscure important architectural details.
- Signs should align with other signs on the block to create a pattern of horizontal and vertical façade features.
- Signs should be positioned to emphasize special shapes or details of the façade, draw attention to the shop entrance, or emphasize a display window.
- Buildings should use signs that are appropriately scaled, durable, and consistent with other signage in Olde Towne. Signs should be good neighbors within a block.
- Wall signs should be well positioned and appropriately sized within architectural features, such as the panels above storefronts on the primary or secondary building front, on the transom, or flanking doorways.

Projecting signs should be positioned along the first floor level of the façade. Projecting signs may take on their own special shape, or create their own symbol within the overall façade design.

- Awnings may have building or business names or street address on the apron, but may not function as signs with extensive text areas.

Murals shall not become a predominating visual element of the streetscape.

- Murals must create and/or promote a similar character or feel to the Olde Towne district.
- Wall murals and other artwork of noncommercial nature should be sympathetic to historical context.



The Strand looking south c. 1913

4.3 EXISTING BUILDINGS

Signs should be maintained; signs that are historically represented in photographs may be replaced given compliance with other sign regulation. Murals can be maintained or recreated based on evidence, or created to honor building history.

- Honor historic uses of the structure by investing in mural refurbishment or depicting historically accurate ads, commercial displays, or logos previously displayed on the building.

4.4 NEW CONSTRUCTION

Sign materials should be durable and easy to maintain.

- Appropriate sign materials include painted or carved wood; carved wooden letters; epoxy letters; galvanized sheet metal; slate, marble, or sandstone; gold leaf; gilt; painted, stained, or sandblasted glass; clear and colored acrylic; neon; or stained glass.
- Lighting external to the sign surface with illumination directed toward the sign is preferred. Internally lit signs are generally discouraged.
- Light level should not overpower the façade or other signs on the street.

- The light source should be shielded from pedestrian view.

- Neon is acceptable, though can be restricted in size, if it does not obscure architectural detail or overly illuminate display windows. Neon lights should have an authentic, period or hand crafted look, and should not flash or otherwise vary in display.

- Lettering styles should be proportioned, simple, and easy to read. In most instances, a simple typeface is preferred over a faddish or overly ornate type style.

- As a general rule, the letterforms should occupy no more than 75% of the total sign panel.

4.5 FREESTANDING SIGNS

The standards herein shall apply to freestanding signs as applicable.

- As an independent feature, a freestanding sign should incorporate architectural features of the building it serves or otherwise complement the historic and cultural significance of the area and be sensitive to architectural patterns and features of Olde Towne.
- If freestanding sign will serve an existing building that is not compatible with the architectural patterns and features of Olde Towne, it should not reflect those incompatible features, but be compatible on its own.





ABOVE & LEFT: Two perspectives looking south along S. 1st Street at the intersection of S. 1st Street and St. Helens Street (c. 1930).



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

File Number: Sign Permit, S.5.19

Proposal: Install a new projecting sign on an existing commercial building in the Riverfront District. This proposal requires Sign Permitting and an Architectural Review by the Historic Landmarks Commission.

Location: 298 S. 1st Street

Map/Taxlot: 4N1W-3BD-7300

Applicant: Plymouth Pub, Brad Rakes

Owners: Phillip & Stephanie Stanton

Zoning: Riverfront District (RD), Plaza Sub-district

* * * * *

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Planning Administrator **APPROVES** this **Sign Permit** with conditions as detailed in the next section of this report.

Jacob A. Graichen, AICP, City Planner

Date

* * * * *

CONDITIONS OF APPROVAL

Please note that the requirements of other City of St. Helens departments (e.g., Building, Engineering, and Administration) and other agencies (local, state and/or federal) may apply to this proposal. This *local land use approval* decision does not exempt and is not a substitute for those requirements. ***For example, this sign permit is not a substitute for Building and Electrical Permits, if required.***

The following conditions apply to the *local land use approval* aspect of this proposal:

1. This approval shall be valid for six months from the date of approval pursuant to SHMC 17.88.130. The sign permit shall be void if installation is not completed within this period or if the sign does not conform to the approved permit.
2. The planning director may revoke this sign permit if the director finds that there was a material and misleading false statement of fact in the permit application.
3. The existing system can remain, but no new additional cross bracing systems, including new guy wires, can be used for installation of the new projecting sign.

* * * * *

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

Sign Permitting History: In 2007, a 24 sq. ft. projecting sign for Plantation House Pizza was approved in the same location (file S.11.07). It appeared to utilize the existing projecting sign structure that remains today. In 2008, a lotto sign was installed (file S.20.08). This is the only sign that remains on the primary frontage today.

Applicable Sign District per SHMC 17.88.050: Commercial/Industrial

Applicable Sign District Standards: For principal uses, one or more projecting signs shall be permitted per use. Maximum sign area shall not exceed 20 square feet per face with a total sign area not to exceed 40 square feet. Proposed sign face is just under 8 square feet. Total sign area for wall and projecting signs shall not exceed 12 percent of the building elevation area on the primary frontage. The primary frontage is 402.5 square feet. This new proposed sign and the existing lotto sign are well under 12 percent of the building elevation.

Sign Type Specific Standards: For projecting signs, the sign must be attached to the face of a building where the building face is located within 5 feet of the property line abutting a street. This is the case. No external cross bracing systems or guy wires can be used in constructing the sign. There appears to be existing guy wires from the old projecting sign structure. Assuming compliance with Building Code, the existing sign structure and guy wires can remain. No new additional bracing systems, including guy wires can be installed.

The sign cannot extend more than 8 feet from the building face. While the existing sign bracket extends slightly more than 8 feet from the building (8.25 feet), the sign face itself, does not. The sign does not project above the roof line. The sign has a minimum of 8 feet clearance from the sidewalk, and the outer edge of the sign is set back a minimum of 2 feet from the curb line. There is not another projecting sign within 20 feet of the proposed sign location.

Riverfront District Architectural Guidelines: Being in the RD zone, the sign is subject to review by the Historic Landmarks Commission (HLC) pursuant to SHMC 17.32.172(7). The Planning Commission acting as the HLC reviewed this proposal at their March 12, 2019 meeting and < insert recommendation here >.

Illumination Standards: No illumination is proposed.

* * * * *

ATTACHMENTS

- *Sign Plans (3)*



Historic Preservation Rehabilitation Grant GRANT SELECTION CRITERIA

Grants received by the grant application deadline will be reviewed by the City of St. Helens Historic Landmarks Commission (HLC) based on the criteria below. This is a point based system. Past grant awards do not void eligibility or have an impact on priority for future grant cycles.

Please note that the Oregon State Historic Preservation Office (SHPO) will review the applications to ensure they are eligible from a historic preservation perspective.

A complete and eligible grant application will be scored (up to 30 points) to compare it with other projects submitted as follows:

Grant Selection Criteria	Points Possible	Points Awarded
Projects that restore integrity to the architectural style by removing incompatible features, alterations or additions and/or restoring missing or altered historic features on the front façade	5	
Projects that restore missing or altered historic features on the side façades	3	
Projects that repair or replace deteriorated historic features visible from the street or maintenance projects that preserve the integrity, safety, and stability of portions of the building	3	
Priority will also be given to a project that has a particularly positive influence on other threatened or poorly maintained historic properties in the neighborhood	1	
Visual impact	3	
Project need. Will the building sustain damage if project is not done?	3	
The building is “ primary significant ” or “ secondary significant ” according to the St. Helens Downtown Historic District National Register of Historic Places inventory.	3 IF PRIMARY 2 IF SECONDARY	
Projects that encourage development and investment, and will have a positive economic impact	3	
Applicant has provided proof of the financial resources to match the grant	3	
Applicant has provided sufficient evidence to indicate that the project can be completed within the timeframe allowed by the grant contract	3	
Total Points	30	

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: 2.26.2019

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

We submitted our required (by HB 4006) Permitted and Produced Units report to DLCD. Now due every year by Feb. 1st. Thank you to the Building Secretary and Associate Planner for their help with this.

Responded to a Columbia County referral notice for a project outside City limits but inside the City's UGM for continuing CCMH projects (County File: DR 18-07). This is unique as we provided comments originally last year in May (see the May 2018 Planning Dept activity report for more information). I'm assuming we'll make a third round of comments as things unfold.

FEMA has extended the "NMFS BiOp implementation timeline" for three years or until October 5, 2021. The original first deadline for interim measures (see the March 2018 dept rept) was April 14, 2018. That date came and went. Looks like we'll have more time. This is all about floodplain development and Endangered Species Act considerations, namely impact to salmonids which are listed per the ESA. **See attached letter from FEMA.**

Responded to a Columbia County referral notice for a project outside City limits but inside the City's UGM for a Nonconforming Use Determination at 58069 Columbia River Highway (County File: NCU 19-02). **See attached.**

Attended Oregon City Planning Directors Association day at the League of Oregon Cities in Salem. There are several bills that could impact St. Helens such as HB 2001 and HB 2003. These are based on City's with a population of at least 10,000. Hopefully, they raise this population threshold. We'll see how these and other bills evolve.

Lot 19 Cherrywood Estates—59397 Alderwood Court. This lot has a drainage and wetland running through it. The wetland (MC-20) is one protected by City ordinance, which would require a 50' upland protection zone. However, this subdivision was created prior to those rules taking effect in 2003. Property owners inquired about removing a tree (see photo to right and arrow indicating tree). It is dead and close to the house. I gave permission as it pertains to the City's regulations, but noted that the Oregon State Division of State Lands should be consulted to be on the safe side as



this is mitigated wetland area. There are several healthy trees that look to have been planted for mitigation, which are not proposed for removal.

PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)

February 12, 2019 meeting (outcome): **As the Historic Landmarks Commission**, the commission will approved an alteration of the Courthouse Plaza to allow for an information kiosk identified in the City's plans. They also discussed the next CLG grant, which will be another pass through grant (i.e., the City's Historic Preservation Rehabilitation Grant <https://www.ci.st-helens.or.us/planning/page/historic-preservation-rehabilitation-grant>). The Commission discussed updates to the scoring method we've been using for these since around 2012.

March 12, 2019 meeting (upcoming): Two public hearings are scheduled. One is a Variance for a multidwelling development standard at 1160/1170 Deer Island Road and the other is for a dozen lot coverage variances for the Emerald Meadows Subdivision.

As the Historic Landmarks Commission, the commission will also review a new sign in the Riverfront District.

COUNCIL ACTIONS RELATED TO LAND USE

The Scholl/Schlumpberger right-of-way vacation is officially approved with execution of the ordinance this month.

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Data updates. New County taxlot data finally includes the Emerald Meadows subdivision, so a little more work with the updates this month than usual.

HOUSING NEEDS ANALYSIS

Both the Associate Planner and myself reviewed the consultants Buildable Lands Inventory (BLI) methodology in advance of our second public meeting that took place on February 12th. The BLI is used to calculate buildable land for future residential development within the City and Urban Growth Boundary, and thus an important part of the housing needs effort.

The second meeting with the Planning Commission took place on Feb. 12th to discuss the Buildable Lands Inventory methodology.

Both the Associate Planner and myself discussed other technicalities with the consultants later in the month for density assumptions and such.

The third meeting with the Planning Commission will take place on March 12th at 6pm. At this meeting, draft findings will be presented regarding the types of new housing expected in St. Helens over the next 20 years. This will include assumptions for owner and rental housing at a range of price/rent levels. The consultant will also present information about the amount of vacant land within the St. Helens Urban Growth Boundary, and discuss the relationship between expected housing types and available land capacity. Based on input from the Planning

Commission and the public, the consultants and city staff will formulate draft housing policies for discussion at future meetings this Spring.

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

Staff reviewed the draft of the actual plan in advance of the joint City Council/Planning Commission work session this month. We conducted the joint work session and staff followed up with the consultants afterward.

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



FEMA

February 6, 2019

Dear Oregon Community Official:

Thank you for your continued participation in the National Flood Insurance Program (NFIP) and your patience as we continue to work through our approach to implement the National Marine Fisheries Service (NMFS) Biological Opinion (BiOp) and Reasonable and Prudent Alternatives (RPA) that were issued on the implementation of the NFIP in the State of Oregon on April 16, 2016. The purpose of this letter is to inform you that FEMA will revise its approach to implementation and adjust its timelines based on the authority granted in Section 1246 of the Disaster Recovery Reform Act of 2018 (DRRA), Pub. L. No. 115-254 which requires FEMA to delay implementation of the deadlines in the RPA by up to three years.

FEMA has been diligently working to determine the best way to address all of the RPA requirements within our agency's authorities; however, the established incremental timelines set forth in the RPA have necessitated a focus on the two-pronged approach (interim and permanent). Our first efforts have entailed working with our NFIP stakeholders over the past two years to learn what processes already exist at the state and local levels that could facilitate how the interim steps of the RPA might best be implemented.

Throughout this interactive process, we have been informed by feedback received from the state, communities and various other partners, on FEMA's proposed strategy to meet the interim RPA requirements. The most consistent message FEMA heard is a preference to adopt a single holistic plan rather than a series of steps that lead to overall compliance. Several commenters stated that the level of effort to implement the draft interim solutions was not commensurate with a temporary solution. FEMA understands that making changes to flood damage prevention ordinances multiple times over several years is less than ideal.

Consequently, FEMA plans to address the desire of our stakeholders for taking a more efficient approach by delaying the April 2016 NMFS BiOp implementation timeline for the full three year extension, or until October 5, 2021. This will allow FEMA to provide communities with greater certainty while maintaining as much flexibility as practicable for a more holistic response encompassing all of the RPA requirements that FEMA has the authority to implement without developing regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Letvin".

Eric Letvin, PE, Esq., CFM

Deputy Assistant Administrator for Mitigation Directorate
Federal Insurance and Mitigation Administration

Planning Division

COURTHOUSE
ST. HELENS, OREGON 97051
Phone: (503) 397-1501 Fax: (503) 366-3902

February 5, 2019

REFERRAL AND ACKNOWLEDGMENT

To: City of St Helens

NOTICE IS HEREBY GIVEN that Shane Wilbert has submitted an application for the replacement of a lawfully established 1935 single family residence in the General Commercial (C-3) Zone through the provisions in Section 1506 of the Columbia County Zoning Ordinance. The subject property is zoned General Commercial (C-3) and within the City of St. Helens' Urban Growth Boundary. The subject property is addressed at 58069 Columbia River Highway and is identified as Tax Map Identification Number 4108-CD-00900. NCU 19-02

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

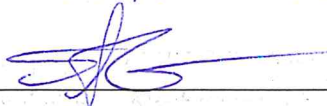
PLEASE RETURN BY: 02/15/19

Planner: Hayden Richardson

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

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

THIS PROPERTY HAS A CITY COMPREHENSIVE PLAN DESIGNATION OF "RURAL SUBURBAN
COMMENTS: UNINCORPORATED RESIDENTIAL (RSUR). AS SUCH, IF ANNEXED A RESIDENTIAL
ZONE WOULD BE ASSIGNED. UNDER CURRENT CITY LAW, DETACHED SINGLE FAMILY
DWELLINGS ARE PERMITTED IN ALL RESIDENTIAL ZONINGS.

Signed:  Printed Name: JACOB GRAICHEN
Title: CITY PLANNER Date: FEB. 12, 2019

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES

COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
(503) 397-1501

192-19-000026^{PLNG}

General Application

File No. NCU 19-02

GENERAL LAND USE PERMIT APPLICATION

TYPE OF PERMIT: Zone Change Temporary Permit
 Site Design Review Resource Management Plan

Other: **NON-CONFORMING USE-Rebuild; Change; Move; Expand**

Rebuild/Change/MOVE/EXPAND home in C-3 zone

APPLICANT: Name: SHANE E. WILBERT

Mailing address: 58069 Columbia River Hwy Warren OR 97053

Phone No.: Office Home 503-410-1359

Are you the X property owner? owner's agent?

PROPERTY OWNER: X same as above, OR:

ShaneWilbert@gmail.com
JalynWilbert@gmail.com

Name:

Mailing Address:

PROPERTY ADDRESS (if assigned): 58069 Col. Rvr Hwy Warren OR
97053

TAX ACCOUNT NO.: 17093 Acres: 1.09 Zoning: CD:C-3

4108-CD-00900 Acres: Zoning:

 Acres: Zoning:

PRESENT USES: (farm, forest, bush, residential, etc.)

Use:

Approx. Acres

Residential 1.09

Total acres (must agree with above): 1.09

PROPOSED USES:Residential First Home

WATER SUPPLY: X ^(Current) Private well X ^(Proposed) Community system *private well will be used for irrigation*

Name of community water system: McNulty Water

SEWAGE DISPOSAL SYSTEM: X Subsurface Septic _____ Community

Is the property approved for a subsurface sewage disposal system?

X Yes _____ No _____ Not Applicable

CONTIGUOUS PROPERTY: List all other properties you own which have boundary lines touching this property:

Tax Account No.

Acres

Co-owners (if any)

None

CERTIFICATION:

I hereby certify that all of the above statements, and all other documents submitted, are accurate and true to the best of my knowledge and belief.

Date: 1-23-2019 Signature: [Signature]

NOTE: Please attach an accurate and detailed plot plan, including property lines, existing and proposed structures, location of septic tank and drainfield, farm - forest areas, large natural features (cliffs, streams, etc.).

+++++

Planning Department Use Only

Date Rec'd. 1/23/19

Hearing Date: _____

Receipt No.: 387479 1/23/19

Administrative: ✓

Check #: _____ Cash ☐ Credit ☐

Zoning: C-3

Staff Member: _____

+++++

NON-CONFORMING USE FACT SHEET

NCL 9-02

1. Current use of property of buildings: Primary Residential
All garbage and concrete pads from "Wilbert's green
acres" are being disposed of on 12/19 via the
dump & Bob's Metals.
2. If you are enlarging a non-conforming building, please supply the following:
Land area occupied by the existing building: 1755 square feet.
Land area to be occupied by addition(s): 2449 square feet.
(Note: this may not be more than 40% of the land area of the existing building)
3. Describe the practical difficulties or public need your proposal will alleviate:
The Current home is an eye sore and brings
Surrounding property value way down. It's the last to
be on private well as well. A new Build will look better
and boost property value by at least 10%.
4. Describe how your proposal will be no more than is necessary to overcome the practical difficulties or to meet the public need: Currently 4 people live in this
home. It is in dis-repair. We plan to only build what
is needed for 2 adults, 2 Children to live comfortably.
We plan to move the house to the back of the property
to increase safety & prevent further Mail theft.
5. Describe how your proposal will not interfere with the use and enjoyment of other properties in the area, nor reduce their property values: Everyone around us (except 1)
is residential. We don't plan on building anything but a home.

Our build will actually increase values. We will ~~re~~^{re} 19-02
Change occupancy of existing home to storage / Decommission.

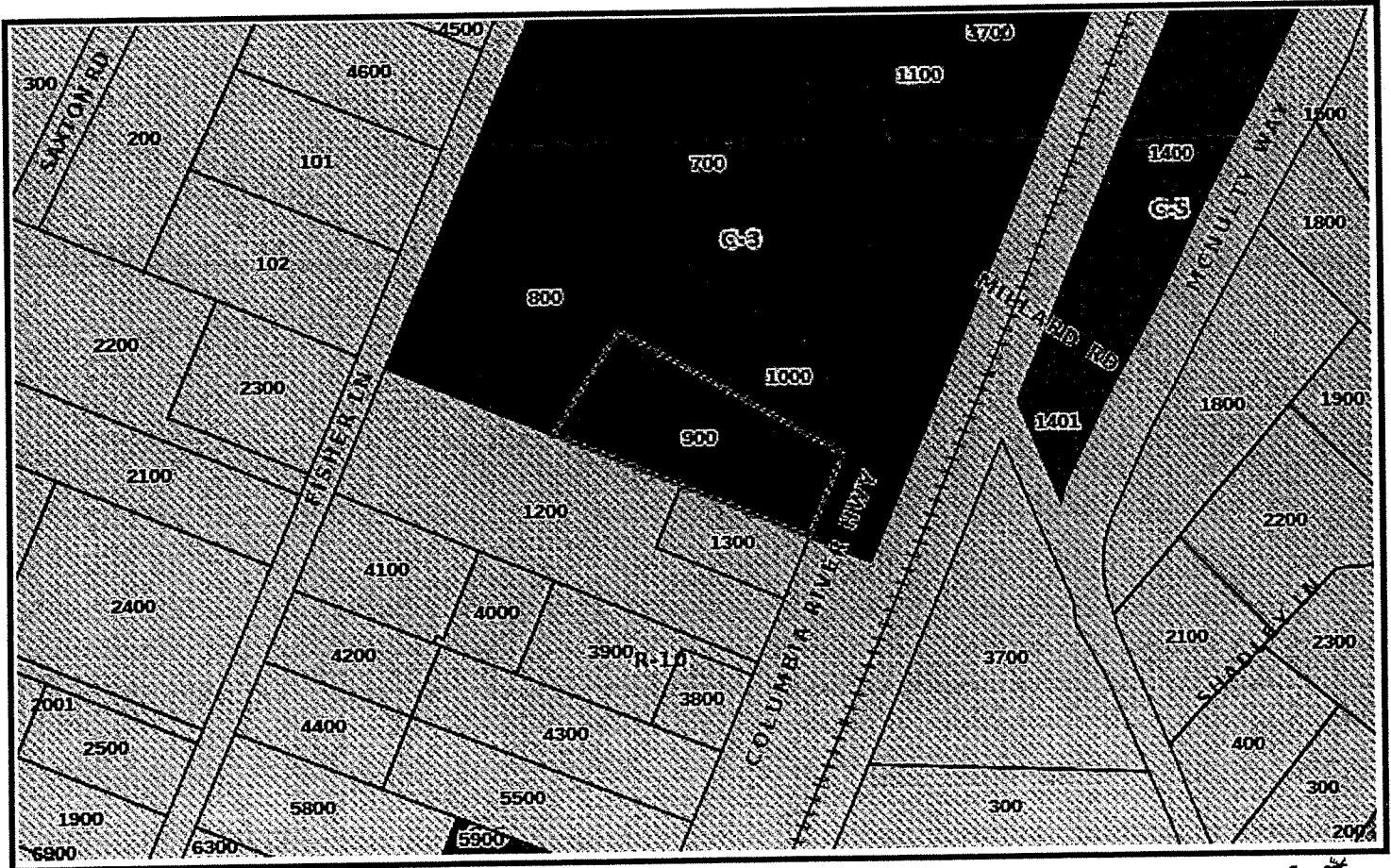
6. Describe how your proposal will not endanger the public health, safety and general welfare:

We are only building a standard home, there will be no
Changes to public health, general Welfare, but
Safety may go up when we move our home
away from cars / pedestrians (who steal mail) and
Items from my yard.

Please Provide:

1. ✓ An accurate plot plan, showing property lines, existing and proposed structures, roads and driveways, the location of your septic tank and drainfield, large natural features (e.g. streams, cliffs), etc.
2. ✓ A vicinity map.
3. ✓ The application fee.

NCU 19-02 Zoning Map



Columbia County



Oregon

Columbia County Web Maps

Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map.

GeoInfo

Printed 01/23/2019

Map

SITE PLAN

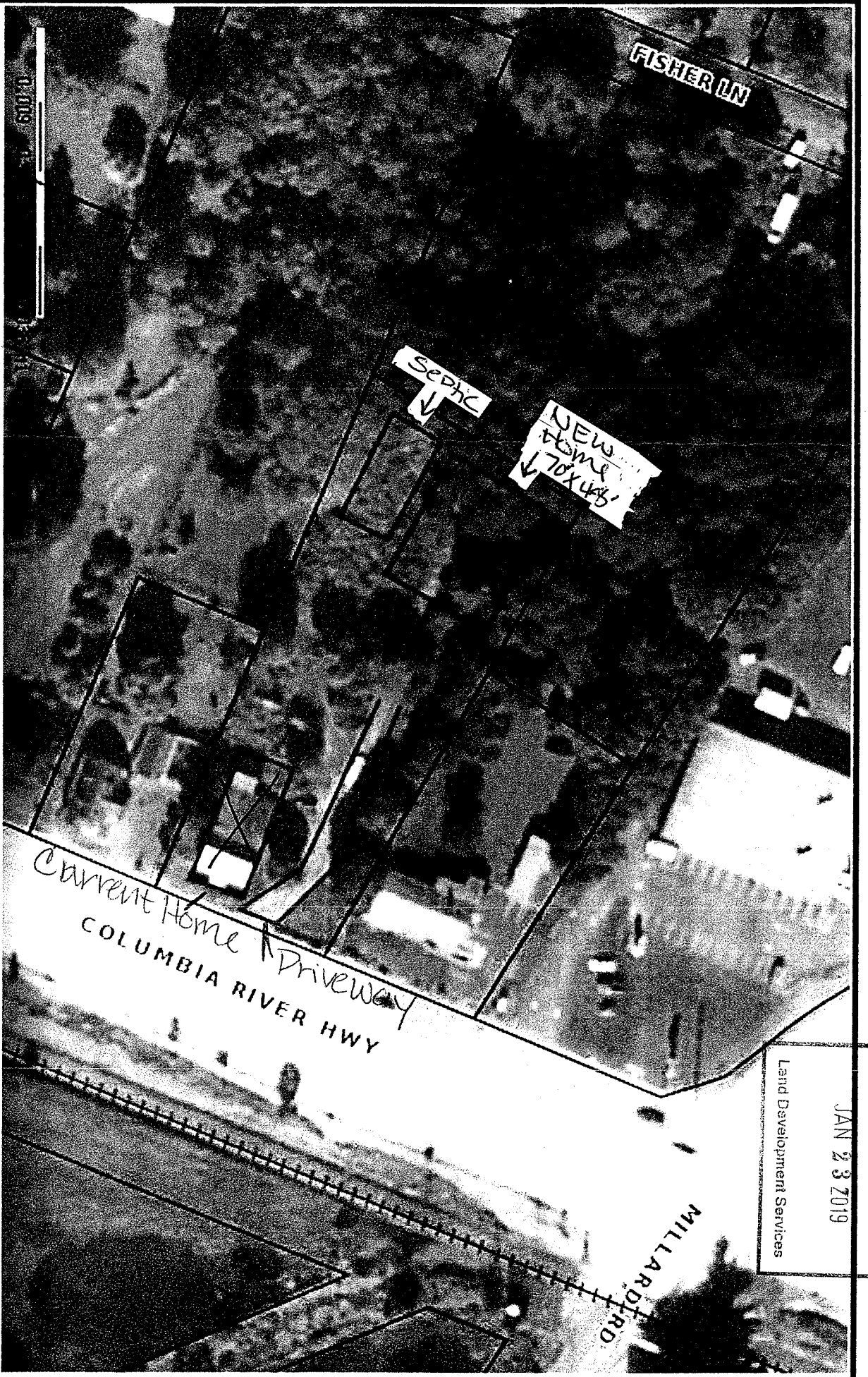
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19-02

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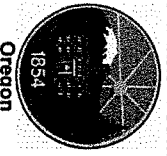
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Land Development Services



18

Columbia County



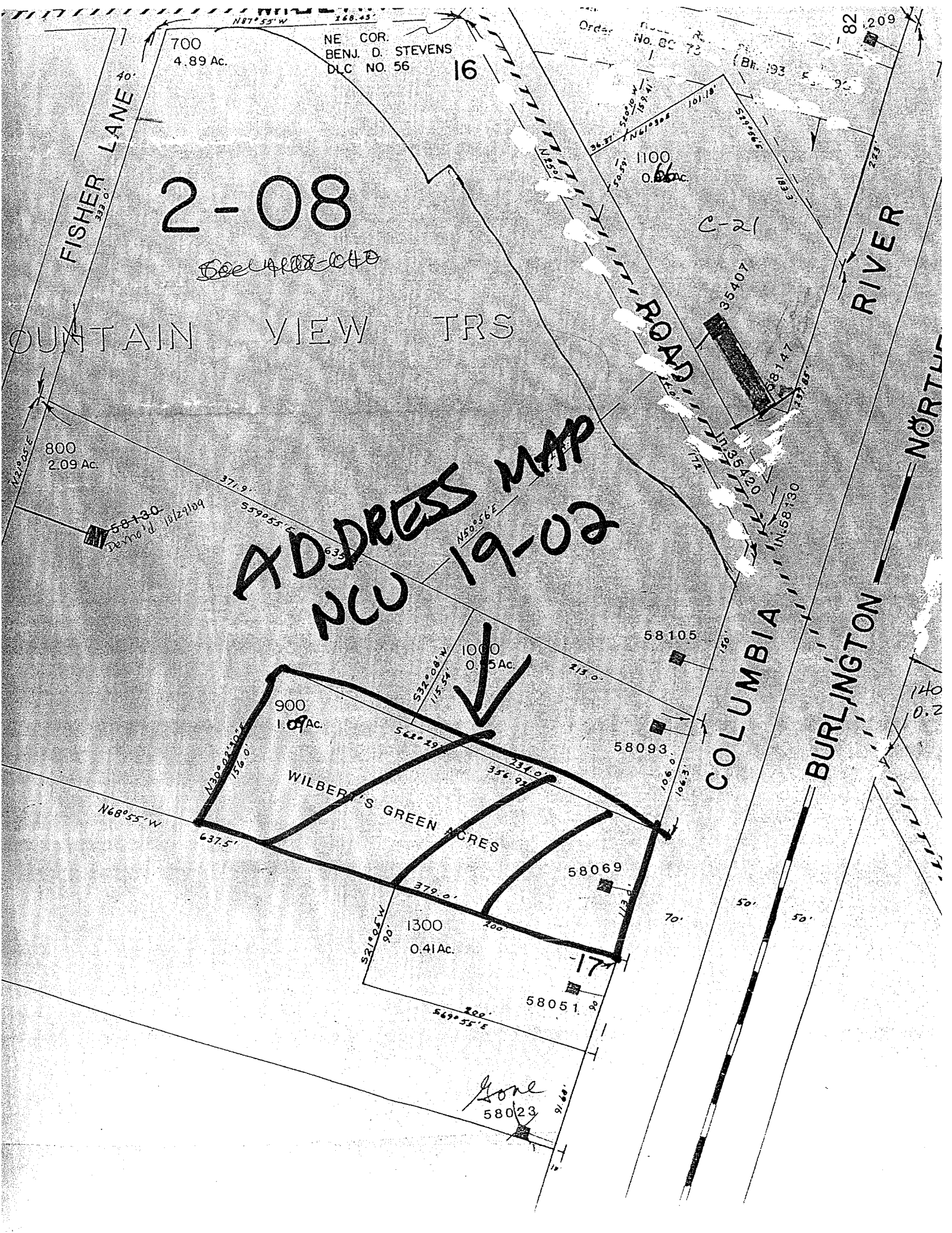
Oregon

Columbia County Web Maps

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Geotitles

Printed 01/23/2019

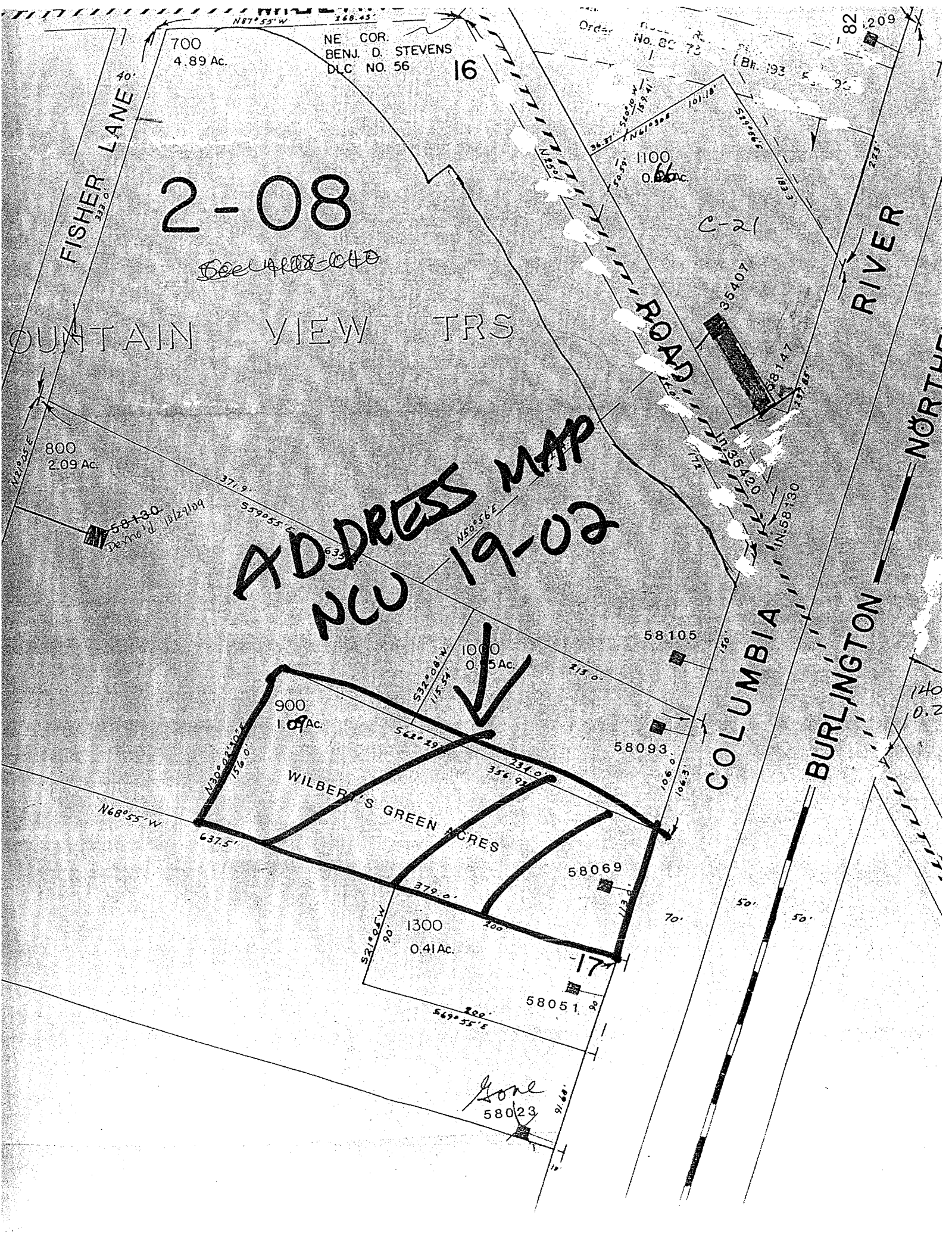
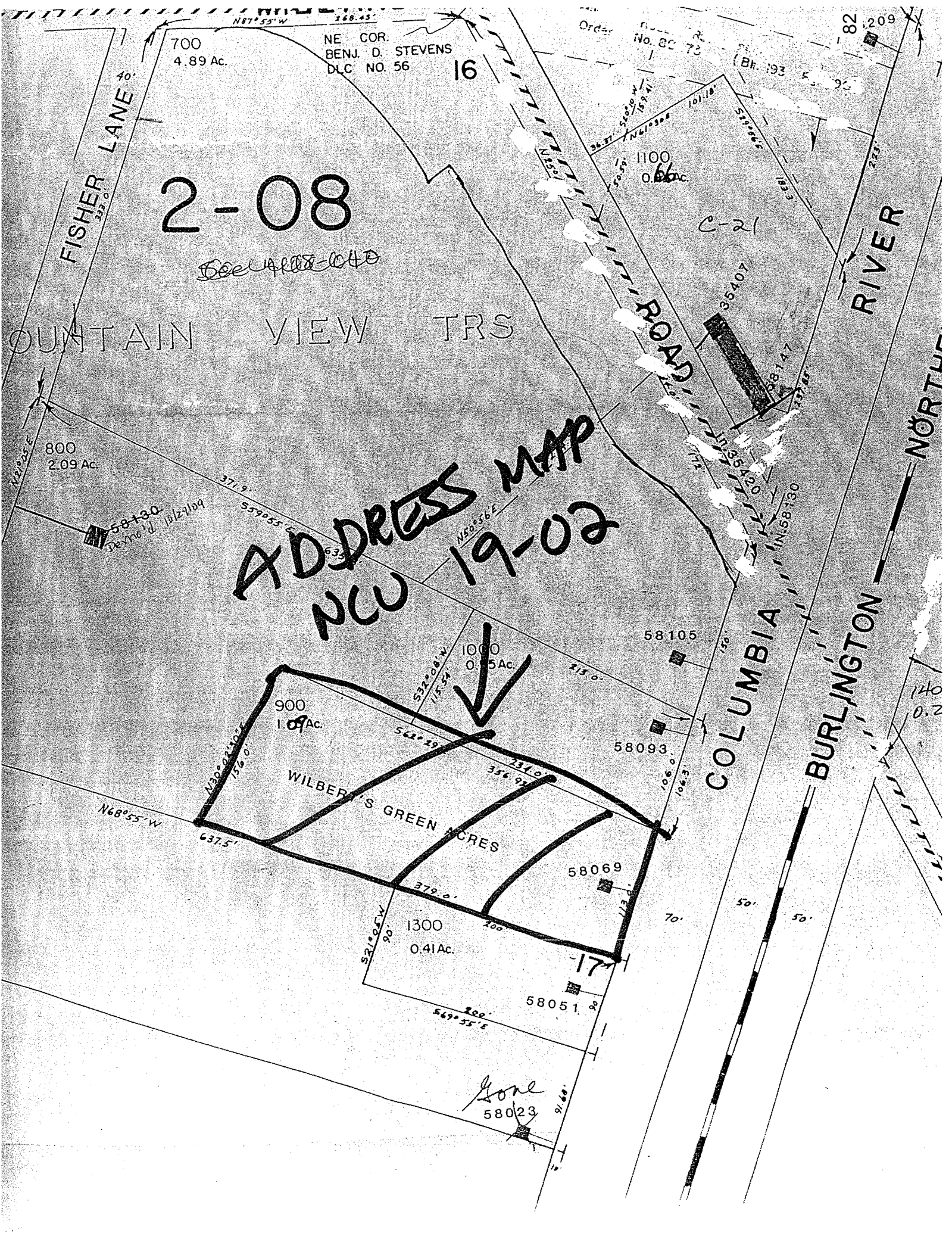


2-08

See 4108-040

ADDRESS MAP
NW 19-02

C-21



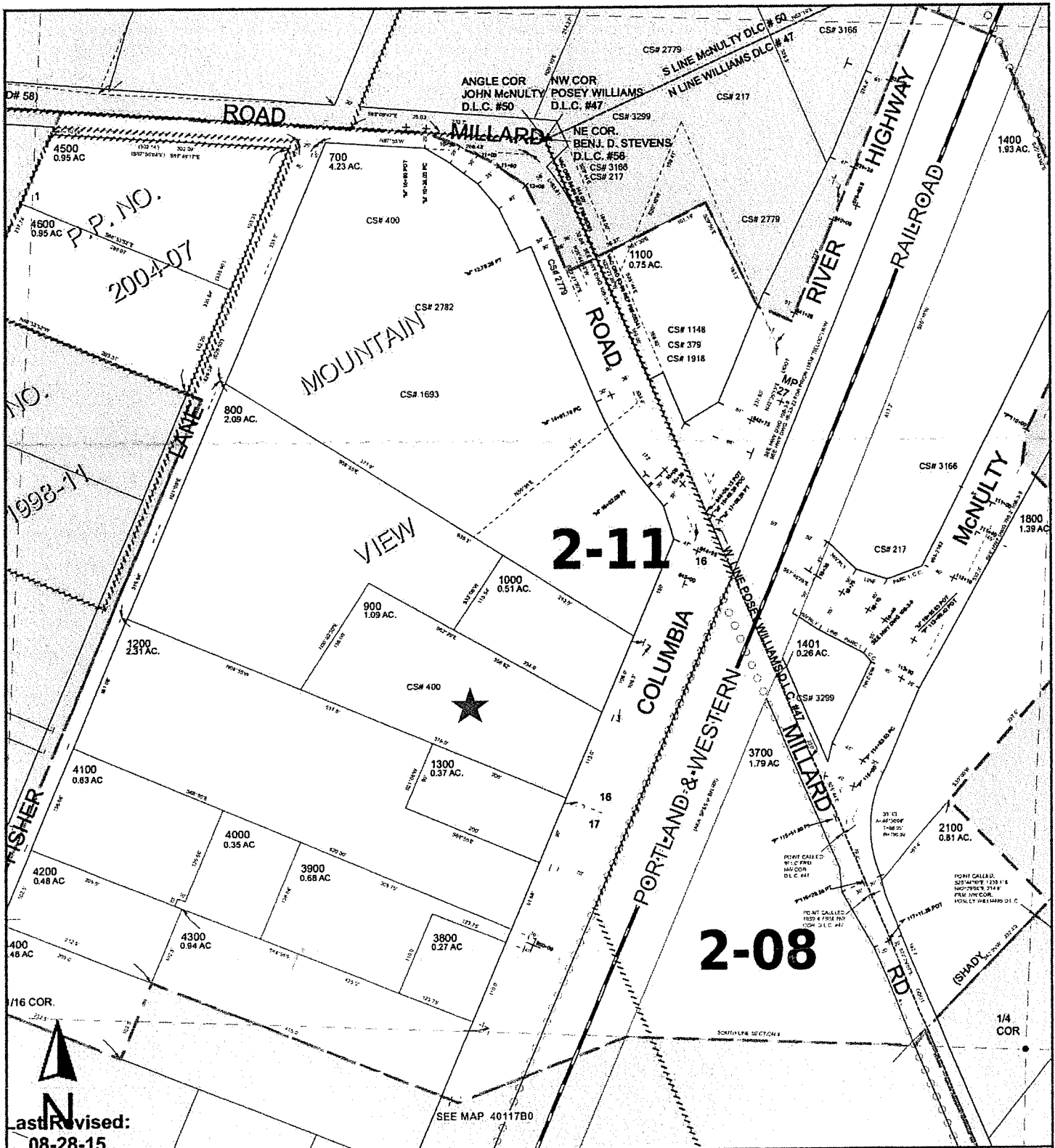
Columbia River Hwy

30

Columbia River Hwy

Fibers & Stitches





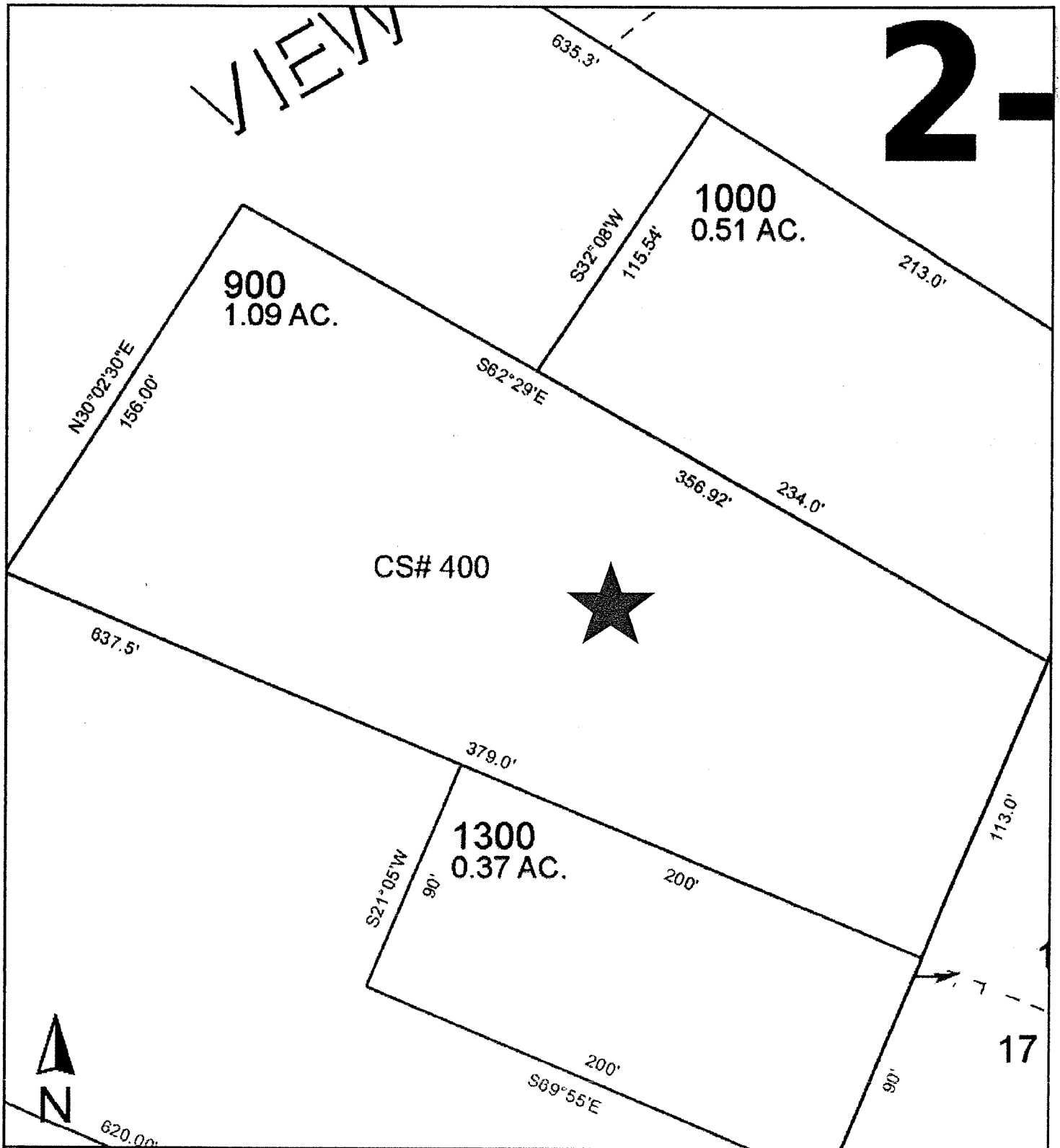
TICOR TITLE COMPANY

ParcelID: 17093

58069 Columbia River Hwy

Warren, OR 97051

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

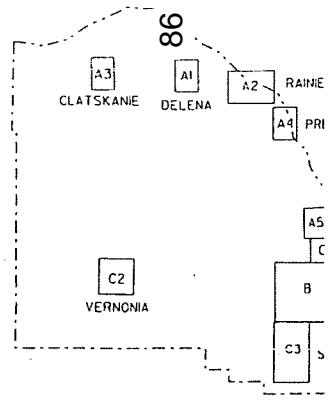
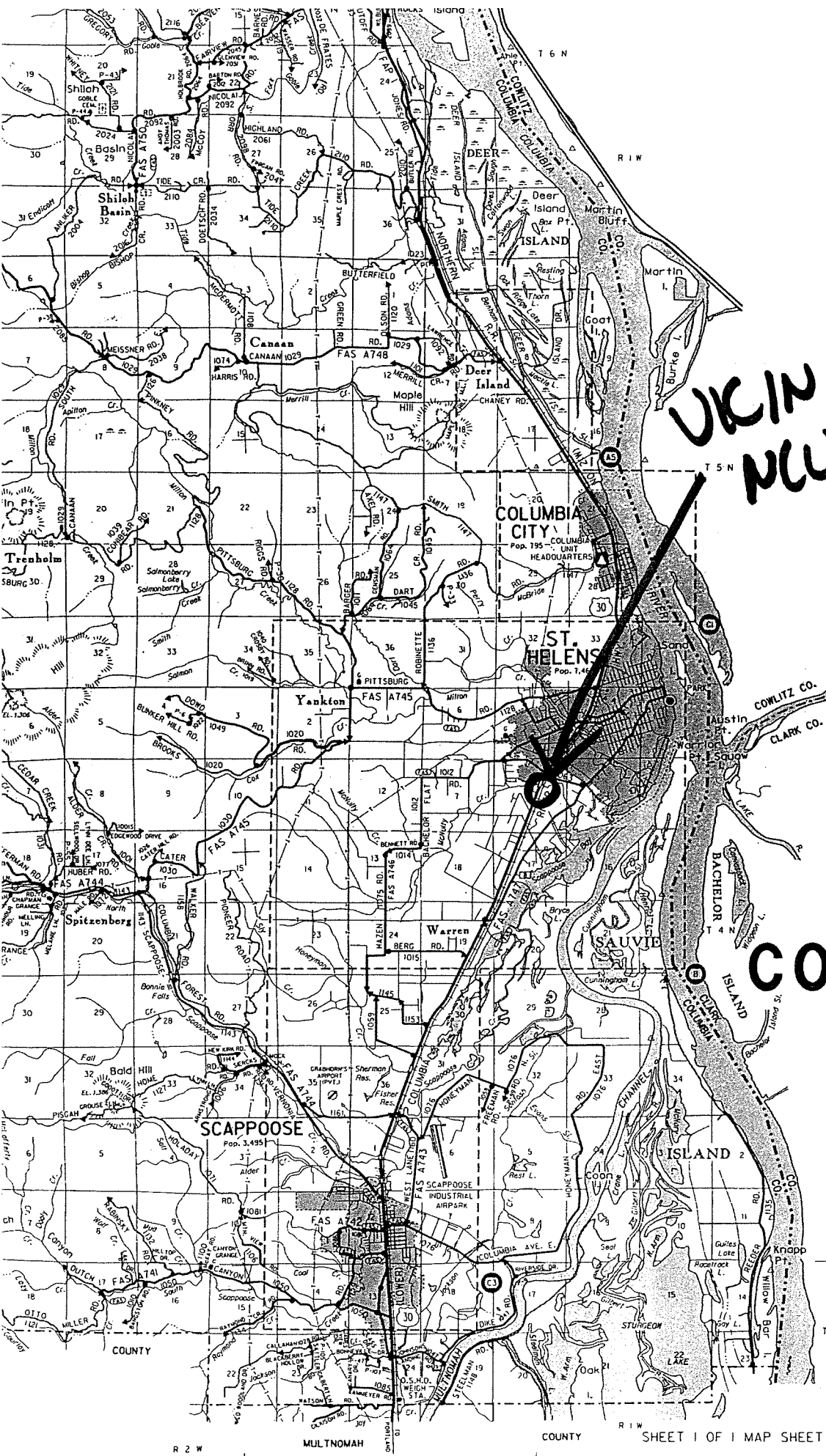


TICOR TITLE COMPANY

ParcelID: 17093

**58069 Columbia River Hwy
Warren, OR 97051**

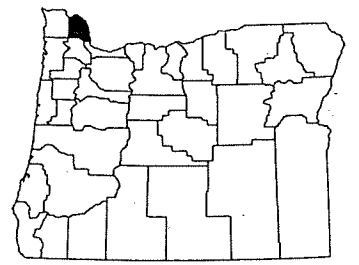
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UKINIM MAP
NW 19-02

Population of Columbia County 1986 Es

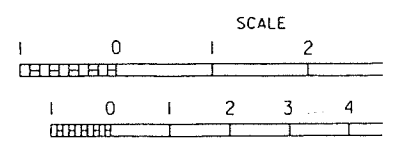
KEY TO COUNTIES



ROAD INDEX COLUMBIA C OREGON

PREPARED BY THE
OREGON DEPARTMENT OF TRAN
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPC
FEDERAL HIGHWAY ADMINIST

1987



State Plane Coordinate on Lambert
Oregon North Zone in Thousands

SHEET 1 OF 1 MAP SHEET AND 3 SUPPLEMENTAL SHEETS

COMPUT

COLUMBIA C



Jacob Graichen

From: Jennifer Dimsho
Sent: Monday, February 25, 2019 1:48 PM
To: Jacob Graichen
Subject: February Planning Department Report

Here are my additions to the February Planning Department Report.

GRANTS

1. Received final grant contract for ODOT's Safe Routes to School Project – \$322,536, \$80,634 match. To construct 1,100 feet of sidewalk along Columbia Blvd. between Sykes and Gable Road. Improve pedestrian visibility at the crosswalks of Columbia Blvd. & Sykes Rd. in front of McBride Elementary and at Gable/Columbia by 2023. Attended grantee instructional webinar on 2/28.
2. Travel Oregon - Medium Grants Program (100k) – Finalized kiosk map/narrative content. Worked through shop drawing revisions of sign and kiosk content. Applied for a Historic Resource Review with the Historic Landmarks Commission for the 2/12 meeting. Attended County Commissioner meeting 2/6 to explain plaza kiosk request and receive property owner approval.
3. OPRD – Veterans Memorial Grant – Prepared revised budget for project to include monuments that were taken out. Continued to work through insurance claim details and budget needs.
4. TGM – Riverfront Connector Plan –City Council/PC Joint Work Session scheduled for February 20 at 6 p.m. Created meeting minutes based on notes.
5. EPA – CWA Grant Program – Public Meeting #1 scheduled for 2/6. Prepared eligibility form for a Phase II on a site on Columbia Blvd. Submitted Q4-2018 Progress Report. Answered questions from multiple property owners about interest in Phase I/Phase IIs.
6. Housing Needs Analysis – Reviewed and commented on draft Buildable Land Inventory (BLI). Planned for and attended AC Meeting #2 on 2/12. Reviewed final Housing Needs Projection Memo. Prepared for AC Meeting #3 by creating press release and updating project website.
7. CDBG- Columbia Pacific Food Bank Project - RFQ for grant administration services deadline for submittal 2/21. Reviewed and selected Grant Administrator. Check-in call with CDBG Project Manager.
8. Researched National Parks Service Historic Revitalization Sub-grant Program (HRSP) – Due 4/1/19. Potential for 100k-750k for use in 2-3 years. Worked with County to begin preparation for an application for rehabilitation work on the Courthouse.
9. Discussion with County about Travel Oregon's RCTP guidelines for potential recreational trails application planning for the City's tree farm property (Salmonberry Lake). Met with County & tourism consultant to discuss application process. Helped complete application on behalf of our County RCTP – CCET.
10. Continued research for OPRD's Local Government Grant Program (LGGP) for Campbell Park improvement package.
11. Completed Certified Local Government (CLG) Grant application (non-competitive) for \$11,500 to use as a pass-through Historic Preservation Grant for eligible properties within our nationally designated historic district. Deadline is 2/22 for complete application. Historic Landmarks Commission reviewed plan during 2/12 meeting.
12. Submitted an Office of Emergency Management (OEM) Grant application through the State Preparedness and Incident Response Equipment (SPIRE) Program for the St. Helens PD to acquire a drone. Prepared a letter of support from the Sheriff's office. Grant request due March 1.

MISC

13. Continued coordination with ODOT/ODOT Rail/P&W about entrance sign location at Millard Road intersection. Received application, timeline estimate, and worked on preparing accurate site plan of location to submit.
14. Responded to the U.S. Census Bureau's annual Boundary & Annexation Survey (BAS) for annexations that occurred during 2018.

15. Responded to a Public Records Request for all land use files on a certain property
16. Kickoff meeting/site tour for the Godfrey Park nature playground and site plan
17. Kickoff meeting/site tour for Campbell Park site planning work. Site plan to inform the OPRD LGGP application.
18. Worked on Oregon Records Management training software. Developed a draft land use application retention schedule based on state archive/retention laws.
19. Prepared an "Urban Trail Map" for the Parks & Trails Commission's efforts.

Jenny Dimsho

Associate Planner

City of St. Helens

(503) 366-8207

jdimsho@ci.st-helens.or.us