



PLANNING COMMISSION
Tuesday, February 11, 2020
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. Planning Commission Minutes dated January 14, 2020
[011420 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. - Annexation at the north end of Windy Ridge Road - Cinnera
[A.5.19 Staff Report](#)
 - 4.B. 7:30 p.m. - Variance at 2660 Gable Road - Stansbury
[V.1.20 Staff Report](#)
5. **Acceptance Agenda: Planning Administrator Site Design Review**
6. **Planning Director Decisions -**
 - a. Sign Permit at 155 N. Columbia River Highway - New wall sign on an existing building
 - b. Temporary Use Permit at 175 Bowling Alley Lane – five cart food truck pod
 - c. Temporary Sign Permit (Banner) at 2100 Block of Columbia Blvd – St. Helens Booster Club's Annual Auction
7. **Planning Department Activity Report**
 - 7.A. January 27, 2020

The St. Helens City Council Chambers are handicapped accessible. If you wish to participate or attend the meeting and need special accommodation, please contact City Hall at 503-397-6272 in advance of the meeting.

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For more information or for an application, stop by City Hall or call 503-366-8217.

2020 JAN Planning Dept Report

8. **For Your Information Items**
9. **Next Regular Meeting - March 10, 2020**
10. **Adjournment**

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City of St. Helens Planning Commission

Draft Minutes

January 14, 2020

Members Present: Chair Hubbard
Commissioner Cohen
Commissioner Lawrence
Commissioner Stenberg
Commissioner Webster
Vice Chair Cary

Members Absent: Commissioner Semling

Staff Present: City Planner Graichen
Associate Planner Dimsho
Councilor Carlson
Community Development Administrative Assistant Sullivan

Others: Jennifer Pugsley
Jane Garcia
Ruby Feather
Ryan Patrick
Windy Patrick
Jennifer Godsey
Les Waters

- 1) **7:00 p.m. - Call to Order and Flag Salute**
- 2) **Consent Agenda: Approval of Minutes**
2.A Planning Commission Minutes dated December 10, 2019

Motion: Upon Commissioner Webster's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved Minutes Dated December 10, 2019. [AYES: Commissioner Cohen, Commissioner Stenberg, Commissioner Webster; Nays: None]

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

There were no topics from the floor.

- 4) **Public Hearings (times reflect earliest start time)**
4.A 7:00 p.m. - Comprehensive Plan Amendment (Add property to the Historic Designated Landmarks Register) at 260 S. 2nd Street - Feather

Chair Hubbard opened the Public Hearing at 7:03 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Dimsho entered the staff report dated January 7, 2020 into the record.

Dimsho introduced the proposal to the Commission, as presented in the staff report. The applicant is requesting to have her property added to the Historic Designated Landmarks Register. Dimsho discussed her research on when the aforementioned list was made in the early 1980s. No properties have been added to it since the list was developed. The Planning Department of 1982 effort included review of 800 structures that were built before 1930 and narrowed it down to 34 primary historic structures and then from that list narrowed it down to 22. This is the list we have now. This list has remained untouched since 1982. This property is zoned Riverfront District, which doesn't allow for residential use on the bottom floor. This is the main reason the applicant wishes to add the property to the list. Dimsho discussed the criteria that is required to be added to the list. One, it must be at least 50 years old. Two, is the actual location. Dimsho mentioned the property was located near a barn where the original Henry Knighton house was first built. Three, the structure needs to be related to local history. Four, the architectural style is significant with the structure. She mentioned that it is the only remaining Italianate structure in the district. Dimsho said it also has pop culture reference because it was used in the Twilight 2008 movie.

Graichen discussed the non-conforming use rules and zoning of the property. He mentioned that moving the property to the historic list allows the applicant to follow rules and still use their property as a dwelling. In return, adding it to the historic list also allows the Commission to make sure the architecture stays true to its original design.

Dimsho went through the recommended conditions of approval, as identified in the staff report.

Feather, Ruby. Applicant. Feather is the property owner. She purchased the house at an auction and is excited about the inside of the home. She would like to bring it back to its original condition and make it a beautiful addition to the historic list.

In Favor

Waters, Les. Waters is a member of the Columbia County Museum Association. He mentioned the group who put together the Historic Designated Landmarks list was a group of volunteers who worked very hard but felt they missed a few properties. He mentioned the applicant's property was part of a walking tour of the district with thousands of viewers. He also mentioned it was part of a movie sites tour where thousands of people view it. He says the house is unusual and should be preserved. His group created a website for the property with all the historic information they found during their research of the property.

Pugsley, Jennifer. Pugsley is the owner of 50 Plaza Square. She restored the building to its historic design. She hopes to create a movement to restore homes and structures. She says by adding this home to the list, it is saving a landmark that could have so easily been destroyed.

Neutral

No one spoke.

In Opposition

No one spoke in opposition.

Rebuttal

No one spoke in rebuttal.

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

Chair Hubbard agreed it was important to add these types of structures to the historic list. Commissioner Cohen also agreed. Hubbard mentioned that it is a huge financial commitment. There was a small discussion about different grants and funding that may work as incentives for historic resources.

Motion: Upon Commissioner Stenberg's motion and Commissioner Webster's second, the Planning Commission unanimously recommended to City Council approval of the Comprehensive Plan Amendment as written. [AYES: Commissioner Cohen, Commissioner Lawrence, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

4.A 7:30 p.m. – Annexation at 58865 Firlok Park Street – OHM Equity Partners LLC

Chair Hubbard opened the Public Hearing at 7:45 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the staff report dated January 7, 2020 into the record.

Graichen introduced the proposal to the Commission, as presented in the staff report. The applicant wants to annex to connect to City sewer. The property is already connected to City water. He mentioned they are on a STEP system or a pressured private line because it was developed on a property that has septic challenges. It may have been uninhabitable because of no sanitary service. He said the property is contiguous to city limits, which is a criteria for annexation. He said the zoning code says it is a high-density area. It will have a changed zone once it is annexed in.

Graichen went through the recommended conditions of approval, as identified in the staff report.

In Favor

No one spoke in favor

Neutral

Patrick, Ryan. Patrick lives across street from the applicant property. He is already set up to build a sand filter, but he is worried it will fail. He said the engineer said there was nothing to connect to and that the sewer was full. He was hoping they could answer how he would be able to connect.

Graichen said they could talk to Sue Nelson or the Public Works Department about using to the STEP system. But, historically STEP systems have only been allowed for already developed sites with failing on-site systems and not vacant properties. He also said they would need to go

to the Council with the same request. Commissioner Cohen recommended building their sand filter system.

Godsey, Jennifer. Godsey lives in Parkwood Estates behind the applicant's property. She wants more information on what will take place after the applicant's property is annexed in. She does not want the property to be cleared. Graichen said that the property is a wetland area and is protected. He said since it is a protected area, there are rules for building over it. Godsey said she didn't want to interfere with the applicant's request, just wanted to be aware.

In Opposition

No one spoke in opposition.

Rebuttal

No one spoke in rebuttal.

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

There were no deliberations.

Motion: Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission unanimously recommended to City Council approval of the Annexation as written. [AYES: Commissioner Cohen, Commissioner Lawrence, Commissioner Webster, Vice Chair Cary; Nays: None]

5) Chair/Vice Chair Selection

Motion: Upon Commissioner Cohen's motion and Commissioner Lawrence's second, the Planning Commission unanimously recommended approval of another term for Chair Hubbard and Vice Chair Cary. [AYES: Commissioner Cohen, Commissioner Stenberg, Commissioner Webster, Vice Chair Cary; Nays: None]

6) End of Year Summary Report

Graichen opened the discussion on the End of Year summary report. There was a small discussion about the different types of land use permits and how they have fluctuated.

7) Accessory Structure Breezeway Attachment Discussion

Graichen presented the accessory structure attachment. He discussed what an accessory structure is and the guidelines to have one. He also discussed the different type of breezeways that can be added. He mentioned the 70-foot breezeway that was now an enforcement issue

because they took it down immediately after finalizing the building permit. Graichen said this made him think they need to have clearer guidelines in the code on what defines a breezeway. He mentioned a roof or a man door on each end of the breezeway. He also mentioned adding some clear and objective dimensional standards. There was more discussion on suggestions to add to the code for breezeways. Commissioner Cohen questioned how many standards you add before it becomes overkill. There was more discussion about structural standards and what they would allow before needing a variance. The Commission was divided on changing the standards and the possibility of adding clearer guidelines to the code. They did not come to a conclusion and decided this topic should be discussed at a later date.

8) Planning Director Decisions

There were no comments.

9) Planning Department Activity Report

Graichen confirmed the Planning Commission's view on the proposed. Floodplan rules were discussed at their December meeting.

10) For Your Information Items

Vice Chair Cary asked for an update on the Fifth Street Trail. Dimsho said a notice was sent out that they will have some high school students working to pull out invasives. Dimsho brought up the City Community survey and invited everyone to fill it out. She said they will be using the data to determine how our different departments are doing. She said the goal was 1,000 completed surveys. Chair Hubbard asked about the police station. Graichen said they are working on different sites. He said they have narrowed it down to two sites. He said they are putting some extra effort into examining how those locations will work for them.

11) Next Regular Meeting: February 11, 2020

12) Adjournment

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

Respectfully submitted,

*Christina Sullivan
Community Development Administrative Assistant*

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Annexation A.5.19

DATE: January 22, 2020
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
Jennifer Dimsho, AICP, Associate Planner
APPLICANT: Tammy Cinnera
OWNERS: Same
ZONING: Columbia County's Single-Family Residential (R-10)
LOCATION: North End of Windy Ridge Drive, 5N1W-32DC-2300
PROPOSAL: The property owner filed consent to annex because they desire to connect to City water.

SITE INFORMATION / BACKGROUND

The subject property is an undeveloped flag-shaped lot at 40,511 square feet or 0.93 acres. The lot was partitioned in 1999 via Partition Plat 1999-45 and again in 2002 via Partition Plat 2002-13. Partition Plat 1999-45 notes a 50 foot wide floodplain and riparian easement for Milton Creek in the rear of the property. The subject property is encumbered by two utility and access easements to Windy Ridge Drive benefitting the two properties south of the subject property.



"Flag" portion of subject property encumbered by access and utility easements for abutting parcels



Photo taken from the western edge of the property looking down sloped lot to Milton Creek

Windy Ridge Drive is a developed local classified street without frontage improvements (sidewalks, curb, and landscape strip) on either side. The parcel is sloped heavily to the back of the parcel, where Milton Creek runs through. City water is available in Windy Ridge Drive to

serve the property. The City's sanitary sewer is not easily accessible. It is located approximately 265 feet away and crosses two private properties.

Abutting Zoning

North - County's Single-Family Residential (R-10)

East - City's Moderate Residential (R7)

South - City's Suburban Residential (R10)

West - City's Suburban Residential & County's Single-Family Residential (R-10)

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

February 11, 2020 before the Planning Commission

February 19, 2020 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on January 21, 2020 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 January 29, 2020. Notice was sent to the Oregon Department of Land Conservation and Development on January 2, 2020 via e-mail.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no comments have been received from relevant agencies regarding this proposal.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.08.040 (1) – Quasi-judicial amendment and standards criteria

- (a) A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:
 - (i) The applicable comprehensive plan policies and map designation; and that the change will not adversely affect the health, safety, and welfare of the community; and
 - (ii) The applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197, until acknowledgment of the comprehensive plan and ordinances; and
 - (iii) The standards applicable of any provision of this code or other applicable implementing ordinance.
- (b) Consideration may also be given to:
 - (i) Any applicable evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

Discussion: (a)(i) The Comprehensive Plan designation for the subject property is Rural Suburban Unincorporated Residential (RSUR). Applicable designation and zoning district for annexation are discussed later.

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

There is no known conflict with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC.

There is no known conflict with the addendums to the Comprehensive Plan which includes Economic Opportunities Analysis (Ord. No. 3101), Waterfront Prioritization Plan (Ord. No. 3148), the Transportation Systems Plan (Ord. No. 3150), the Corridor Master Plan (Ord. No. 3181), the Parks & Trails Master Plan (Ord. No. 3191), the Riverfront Connector Plan (Ord. No. 3241), and the Housing Needs Analysis (Ord. No. 3244).

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

(a)(ii) The City's Comprehensive Plan has been adopted by the State, thus, the applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197 do not need to be analyzed per this section.

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

1. Property is within the UGB
2. Property will be subject to the City's Comprehensive Plan
3. Property is contiguous to the City limits or is separated by only a public right of way or body of water
4. Property conforms to all other City requirements

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

Other provisions applicable to this proposal are discussed elsewhere herein.

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

Finding: The quasi-judicial amendment and standards criteria are met.

SHMC 17.08.060 – Transportation planning rule compliance

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

Discussion: This section reflects State law regarding the Transportation Planning Rule (TPR): Transportation Planning Rule (TPR), OAR 660, Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility. **Current zoning of the property is Columbia County’s Single-Family Residential (R-10) and the City’s zoning options given annexation are Moderate Residential (R7) or Suburban Residential (R10).**

Generally, when comparing potential land use impact on transportation facilities, the *reasonable worst case scenario* for the existing and proposed designation/zone are considered. The potential land uses are very similar for both the City and County. The City’s zoning is comparable to the County with regards to the possible intensity of uses allowed and potential vehicular trips generated. Thus, this proposal will not affect an existing or planned transportation facility.

Finding: No transportation facility will be significantly affected by this proposal. No traffic impact analysis is warranted.

SHMC 17.28.030 (1) – Annexation criteria

- (a) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
- (b) Comply with comprehensive plan amendment standards and zoning ordinance amendment standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and
- (c) Complies with state laws; and
- (d) Abutting roads must meet city standards or property owner will be required to sign and record an irrevocable consent to local improvement district; and
- (e) Property exceeding 10 acres in gross size must show a need on the part of the city for such land if it is designated residential (e.g., less than five years' supply of like designated lands in current city limits).

Discussion: (a)

Water - The site has access to connect to City Water. The City's current water capacity is 6 million gallons/day and the peak flow, usually in the summer, is 3 to 4 million gallons/day. Additionally, the City has the capacity of approximately 10 million gallons to meet future demands. Any additional uses that occur on the subject property can be accommodated by the City's municipal water system as infrastructure has substantial capacity available.

Sewer - The City's sanitary sewer is located approximately 265 feet away and crosses two private properties. Due to the difficulty of connecting through this route, the applicant will likely apply through Columbia County Land Development Services to develop a septic system. However, if the applicant desired to hook to City sanitary sewer, the City's waste water treatment plant currently has the capacity (physically and as permitted by DEQ) to handle 50,000 pounds of Biochemical Oxygen Demand (BOD), which is the "loading" or potency of the wastewater received by the plant. The average daily BOD is well below this at only 1,500 pounds. Thus, any potential uses that occur on the subject property can be accommodated by the City's sanitary sewer system as infrastructure is in place or can be upgraded and there is substantial capacity available.

Transportation - As described above, this proposal poses no significant impact on a transportation facility.

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

(b) There are no existing uses on the vacant property. The proposed use is a detached single-family dwelling. This use would be a permitted use in the corresponding zoning districts.

Finding: There is no known conflict with the Comprehensive Plan and implementing ordinances.

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

Pursuant to ORS 222.111(1), a City may only annex territory that is not within another City, and the territory must either be contiguous to the annexing City or be separated from the City only by a body of water or public right-of-way. The subject property is not within another City's jurisdiction and City of St. Helens corporate limits lies on the west side of the subject property. Although undertaking an annexation is authorized by state law, the manner in which a city proceeds with annexation is also dictated in the city charter. ORS 222.111(1) references a city's charter as well as other ORS. St. Helens' Charter requirements pertaining to annexations are noted above.

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

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

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

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

The City's Development Code is consistent with State law with regards to notification requirements. Pursuant to SHMC 17.20.080 at least one public hearing before the Planning Commission and City Council is required. Legal notice in a newspaper of general circulation is also required. The City has met these requirements and notified DLCD of the proposal.

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

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

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

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

City water and sewer capacities are adequate to serve the subject property. This is explained above. The existing development is adequately served.

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

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

Traffic impacts and the City's provisions that address the TPR are explained above. This proposal will not significantly affect an existing or planned transportation facility.

(d) The subject property abuts Windy Ridge Drive. Windy Ridge Drive is a local-classified developed street without frontage improvements (sidewalks, curb, and landscape strip) on either side. City standards require such improvements.

However, this property is not the subject of a current development land use review, which provides the legal nexus and proportionality to require such improvements. As such, the only option is for the property owner to be required to sign and record an irrevocable consent to local improvement district, though, the applicant could improve the frontages if desired.

The existing right-of-way width of Windy Ridge Drive is sufficient for the local street right-of-way width standard of 50 feet.

(e) The subject property is not greater than 10 acres in gross size. Thus a needs analysis is not necessary.

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

SHMC 17.28.030 (2) – Annexation criteria

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

Discussion: The Comprehensive Plan designation is currently Rural Suburban Unincorporated Residential (RSUR). The City's zoning options given annexation are Moderate Residential (R7)

or Suburban Residential (R10). The Comprehensive Plan designation would thus be Suburban Residential (Incorporated) (SR). **Staff recommends R10 zoning in this case to match all other properties accessed by Windy Ridge Drive.**

Finding: Upon annexation, the subject property's Comprehensive Plan designation shall be General Residential (Incorporated) and be zoned **Moderate Residential (R7) or Suburban Residential (R10), based on the determination of the Planning Commission and City Council.**

SHMC 17.112.020 – Established & Developed Area Classification criteria

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

Discussion: OAR 660-008-0005 classifies *buildable land* as:

Residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered “suitable and available” unless it:

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year flood plain; or
- (e) Cannot be provided with public facilities.

This property is subject to natural resource protection measures under Goal 5, due to the presence of Riparian Corridor R-MI-26a with a 50 foot upland protection zone and a portion of which is within the 100-year flood plain. Therefore, this property is not considered buildable land under OAR 660-008-0005.

Finding: The subject property should be designated as “established” in accordance with SHMC 17.112.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Suburban Residential (Incorporated) SR, be zoned Suburban Residential (R10), and designated as “established” given the following condition:

Windy Ridge Drive frontage abutting the subject property shall be brought into compliance with City street standards (or) property owner(s) shall sign and record an irrevocable consent to a local improvement district.

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

Attachments: Aerial Map
Legal Description

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variance V.1.20

DATE: February 4, 2020
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Anthony and Samantha Stansbury
OWNER: same as applicant

ZONING: Moderate Residential, R7
LOCATION: 4N1W-5CC-2900 and 3000
PROPOSAL: Variance to allow an accessory structure larger than the normal maximum size allowed

The 120-day rule (ORS 227.178) for final action for this land use decision is May 16, 2020.

SITE INFORMATION / BACKGROUND

Property is developed with a detached single family dwelling. In 2018, a building permit (no. 13912) was applied for to build an addition. Those plans included a breezeway between the home and proposed shop (accessory structure). The project was finished in 2019 and final inspections completed. Shortly after, the breezeway was removed.

As a result, the City Planner sent the property owner a notice of violation letter dated January 6, 2020. The applicants subsequently submitted this Variance request.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: February 11, 2020 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 100 feet of the subject property(ies) on January 22, 2020 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 January 29, 2020.

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:

For residential applications an accessory structure permit is required for accessory structures. SHMC 17.124.030 (1)(a) and (b) identify two examples when an accessory structure does not require an Accessory Structure permit:

(a) Buildings or structures within residential zoning districts which are less than 120 square feet in gross floor area and 15 feet or less in height, measured from base to highest point of the structure;

(b) Accessory buildings or structures attached to the principal building or structure, as long as they use the same architectural features such as roof lines and exterior building materials. "Attached" means wall-to-wall or any permanent roof attachment such as breezeways. Said structures shall be considered as building additions and shall require building permits and compliance with the applicable setback standards for the principal building or structure;

If an Accessory Structure permit is required, there are several provisions that apply. The key provision for consideration in this case are per SHMC 17.124.070(1)(a)(i) and (ii):

(a) The following dimensions shall apply to all accessory structures:

(i) For parcels within a residential zone that are less than two and one-half acres in size, any accessory building within a residential zone shall have no more than 600 square feet of gross floor area;

(ii) For parcels within a residential zone that are two and one-half acres in size or larger, any accessory building shall have no more than 1,000 square feet of gross floor area;

The subject property is around 1 acre in size, thus the maximum accessory structure size is 600 s.f. GFA. Note that since the area maximum is based on GFA, multiple stories count.

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): The Commission should think about the intent or purpose of the City's accessory structure rules.

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

- See applicant's narrative.
- Staff comment(s): The property is large for the immediate area. Many surrounding residential lots are 6,000 s.f. or less in area.

Note that, as explained by the applicant in their narrative, the City did require lots to be combined for development purposes. Before the building permit, there were three properties. Two of those were required to be consolidated as the proposed shop was on a separate lot from the dwelling. Accessory structures need primary uses/structures to be in place to be allowed.

The third parcel was not required to be consolidated. Thus, the consolidated portion (with the dwelling and shop) is 0.92 acres.

(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): The shop is 36' x 48' or 1,728 square feet. As the normal maximum size allowed is 600 square feet, this variance request is to allow an accessory structure that is about 288% larger than normally allowed. That's big.

The Commission could consider that the shop could be a dwelling with different internal improvements while still looking similar as it does from the outside. The area and lots are there for that. If built as a dwelling, it possible that the view from the street would be similar.

(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): none

(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): I recall when the applicant first came into City Hall to inquire about building a shop (around 2017). As usually, staff noted the typical accessory structure rules including the maximum size allowed and that building additions (i.e., if attached to the dwelling) are not accessory structures. The applicant built the "breezeway" to allow the shop as a building addition.

The breezeway was poorly planned. Note one of the photos the applicant provided. The breezeway is over grass (not a paved area for walking on) and doesn't lead to a doorway. Further, per the Building Official, the wood used for the "roof beams" are not pressure treated. Also, the support posts were stuck in the ground but not concreted.

Also, in addition to removing the breezeway without permits or any authorization, the applicant installed a carport for an RV which would have conflicted with the breezeway installed. This is evidence that the applicant's actions were premeditated.



Photos of the subject shop in early January. Note the unpermitted RV carport to the side of the subject shop. This would not have been possible with the "breezeway" in place and was installed around the same time the breezeway was removed.



If this Variance is denied, the applicant will have a few options to consider to legalize this building:

1. Convert to a principle detached single-family dwelling. Building permits will be required.
2. Remove the building. Demolition permit from the Building Department will be required.
3. Make it a building addition in compliance with law.

This will require a new building permit.

This will also require compliance with the development code. As noted above one, of the exemptions from an Accessory Structure permit are for attached structures (building additions) that:

...use the same architectural features such as roof lines and exterior building materials. "Attached" means wall-to-wall or any permanent roof attachment such as breezeways.

In addition note that in SHMC 17.124.020(1)-(3) in the definitions section of the Accessory Structure Chapter:

(1) "Accessory structure" means a subordinate structure located on the lot, the use of which is clearly incidental to and associated with the principal structure.

(2) Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall normally be considered as a part of the principal structure.

(3) Where an accessory structure is detached, it must comply with all the requirements of this chapter and code.

Does the originally proposed "breezeway" utilizing an unusually long arbor meet any of these standards? What are the similar roof lines and exterior building materials? There is no permanent roof attachment?

In their narrative the applicant admits the "breezeway" was an eye sore. The intent of the code is to prevent that.

Upon review of the final product the Development Code was not met. Thus, if this Variance is denied and the application chooses to attached the shop to the principle existing detached single-family dwelling, the original proposal will not be acceptable. Strict compliance with the Develop Code will need to be proven with any proposed plans.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, if the Commission approved this Variance, staff recommends the following conditions:

1. This Variance approval is valid for a limited time pursuant to SHMC 17.108.040.

2. An Accessory Structure permit for the subject accessory structure shall be applied for within 30 days that this Variance decision becomes final.
3. 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):

Site Plan

Applicant's narrative

Photographs provided by applicant (5)

03/01/18

30 #13912

APPROVED

J.D.

REVISED

RECEIVED

FEB 28 2018

CITY OF ST. HELENS

SUBJECT BUILDING VARIANCE V.I. 20 (ENL 2020)



PROPOSED WITH VARIANCE

PROPOSED WITH VARIANCE

PROPOSED WITH VARIANCE

Shop

PAVED AREA

EXISTING HOUSE

TO GABLE RD

APPROVED PLANS must be ON SITE for inspections

REVISED

RECEIVED

OCT - 2 2018

CITY OF ST. HELENS

THIS DOCUMENT IS PART OF THE APPROVED PLANS

OWNER COPY

Existing asphalt / concrete

Asphalt / concrete

Accepted 10/2/18 JD

January 16, 2020

Anthony and Samantha Stansbury
 Lot # 2900 and 3000
 2600 Gable Rd.
 St Helens, OR 97051

To the City of St. Helens:

We are writing to propose a variance for the address listed above. We are requesting to have a detached shop that is 36 feet by 48 feet. A bit of back information will be provided to explain our unique, specific circumstances.

In April of 2018, we received our permit for an add on to our existing home. At that time, our home was situated on three separate tax lots. Due to the size of the shop we wanted to build, and the three tax lots, we needed to build the shop as an addition to the structure that was already in place, our home. Also, in doing so, we combined two of the tax lots.

We wanted the shop to be an appealing addition to our home, and spent the extra time to side it, and paint it to match the current structure. On our plans, we created a breezeway that we believed would complement the new structure well. The breezeway was constructed to look like a pergola. However, once constructed, the breezeway appeared to be more of an eye sore, decreasing the curbside appeal of the home and also the neighborhood. What had appeared as two beautiful structures, now was just a big eye sore. As we plan to live in this home for many years, we want it to look aesthetically appealing, not only for ourselves, but for our neighbors, as well as the city of St. Helens.

Gable road is a busy street, and with the great improvements currently under construction, the traffic (by car and on foot) will only be projected to increase. The addition of new, safe sidewalks gives the surrounding homes a beautiful finished look. This variance will allow for two aesthetically appealing buildings, which are already in place. Creating no negative impact to any.

- a. The proposed shop will still meet all city code requirements and policies. It will not be detrimental to the code, or surrounding areas. It will not have impact on any neighboring homes. Due to the appearances and scale of the accessory structure, the building could actually be a home. From the street, it actually appears to be two separate homes with a shared driveway.
- b. The property mentioned is within city limits, however, the property is comprised of two (originally three) separate tax lots. Lot 2900 is 41,382 square feet, and Lot 3000, which is 11,326 square feet, together equaling 1 ¼ acre within city limits. The size of the lots are unique compared to the surrounding homes, where the shop will not make the lots look cramped or overdeveloped. The amount of land is also unique for its location, right off of Gable road, where many homes are in subdivisions.

- c. The proposed shop, will still meet all city code requirements and policies, with the exception that it is larger than the currently allowed 600 square feet.
- d. No natural systems will be adversely affected by the size of the shop, as it was already approved to be an addition to the current structure. The shop is already in place, and every effort was maintained in minimizing impact to surrounding areas during construction.
- e. The hardship of this shop was not one that was self-imposed. When the plans were created and reviewed with the city, the breezeway appeared to be aesthetically appealing. However, once constructed, the breezeway quickly became an eye sore for the neighborhood. It became the talk of the town, with onlookers noting that it looked “like a roller coaster” or the “world’s longest set of monkey bars”. During the Gable Road construction, many city workers asked what was being built, and stated they had made bets on the hideous structure. The breezeway was a detriment to the aesthetics of the home and surrounding homes. The shop itself, has been crafted following all city requirements/codes. Due to the layout and finishing touches, the shop appears to be an additional home on the land. Where the size of the building looks appropriate given the lot size. When driving past the home, it appears as if there are two separate homes, with appropriate building to lot size ratios, with a shared driveway. Additionally, there is not a functional use for the breezeway. Due to the sloping of the land, the breezeway connects at the back of the home, at the basement level. The breezeway creates an unfinished appearance, as if the home is currently under construction. We are asking for variance to be able to remove this breezeway structure and allow for an accessory structure larger than normally allowed.

Thank you for your time and consideration in this matter. I have attached pictures of the attached breezeway, which meets all codes and regulations. It is easy to see how this structure takes away from the appeal of both structures.

Yours,

Anthony and Samantha Stansbury

Before Breezeway Construction











CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: 1.27.2020

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.

DEVELOPMENT CODE ENFORCEMENT

In my October 2019 report, I mentioned the hemp drying and storage business at 514 Milton Way. The draying part created an odor that is enough to require a Conditional Use Permit. Spoke to them again this month; they are just drying and may apply for a CUP if the hemp industry is such that drying makes sense. It sounds like there is an oversupply of hemp, so the economics of it are finicky.

A garage/shop addition was recently completed for a detached single-family dwelling developed property along Gable Road. It was attached to the home with an extra long breezeway that was removed shortly after final inspection. Enforcement letter sent early this month. Variance application subsequently submitted.

An ongoing issue for a couple of years, a living in RV on church property complaint, has finally been resolved. This church is along Gable Road. I made first contact with them in mid-2018 (I think) and Code Enforcement made occasional subsequent contacts. Church leadership kept open communication with us, and though it took some time, we were able to resolve the issue (concern from neighbor) without having to get too aggressive. The RV has inhabited by the assistant pastor.

PLANNING COMMISSION (& *acting* HISTORIC LANDMARKS COMMISSION)

January 14, 2020 meeting (outcome): The commission made a recommendation of approval of an annexation of property along Firlok Park Road (or Boulevard).

As the Historic Landmarks Commission, they recommended approval of adding 260 S. 2nd Street to the City's official historic resource inventory (i.e., the Designated Landmarks Register).

The Commission discussed breezeway attachments for residential accessory structures. No clear consensus. Staff pitched some ideas to potentially include in the text amendments that staff will officially begin. The window of opportunity (time to dedicated to things like text amendments) is essentially over, so if this comes up again, it won't be for several months at least.

The Commission reviewed the end of year summary report. A spike in lot line adjustments this year was noted.

The Commission considered Chair and Vice Chair positions and decided to make no changes for 2020 from 2019.

February 11, 2020 meeting (upcoming): The Commission has two public hearings. One for annexation of property of Windy Ridge Drive and another for an accessor structure variance for property along Gable Road.

COUNCIL ACTIONS RELATED TO LAND USE

At their January 15, 2020 work session:

1. the Council consented to staff's floodplain development and accessory structure (120 to 200 s.f. permit exemption) text amendments. In regards to the floodplain development amendments, the Council voted 4-1 to increase the freeboard for non-residential development to 1 foot instead of 0.
2. The Council discussed the Chase Road access easement to the Millard Road property. The grantor, Pam Rensch, was present and verbally agreed to a 2-year time extension. Current deadline in that agreement from 2009 is March 2020 to vest the easement with development.
3. The Council discussed the Millard Road property zoning. After consideration of the potential park master plan for portions of the site and previous discussions, the Council directed staff to proceed with Mixed Use zoning for the entire property. This aligns with the Planning Commission's consensus from May 14, 2019.

ST. HELENS INDUSTRIAL PARK WETLAND DELINIATION EFFORTS

Our wetland consultant provided updated information to Oregon DSL staff as they continue to work on the wetland concurrence.

Army Corps of Engineers got back to be after inquiring about status last month. We at least know, that don't need to do any more site visits and continue to work on the jurisdictional determination request.

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

Jacob Graichen

From: Jennifer Dimsho
Sent: Tuesday, January 21, 2020 10:02 AM
To: Jacob Graichen
Subject: January Planning Department Report

Here are my additions to the January Planning Department Report.

GRANTS

1. **DLCD's 2019-2021 Technical Assistance Program** – 1/15/20 Council meeting – Grant contract with DLCD authorized to prepare a *Boise White Paper Industrial Site Master Plan* which will include a parcelization framework and an infrastructure finance planning for the former mill site. Personal Services Agreement executed with consultant. Kickoff and site visit planned for the week of February 10th.
2. **OPRD - Local Government Grant – Campbell Park Improvements** (\$187k) includes replacement of four existing tennis courts and two basketball courts with two tennis flex courts and one flex sport court, adds a picnic viewing area, improves natural stormwater facilities, expands parking, and improves ADA access. Grant deadline is October 2021. Initial cost estimations received from 3-4 companies.
3. **Oregon Community Foundation – Nike Impact Fund – 5th Street Trail Project** (19k) to install approximately 1,000 feet of new off-street trail and a small boardwalk in the undeveloped 5th Street right-of-way. Met CRYC project leader on site and discussed scheduling, tools needed, etc. Flagged entire route. Notice letters to sent to abutting property owners. Vegetation and trash removal by CRYC is anticipated from 1/15-2/15, and trail construction 2/1– 3/15. Exact extent of boardwalk over wetland TBD. Contacted DSL regarding potential wetland.
4. **Travel Oregon - Medium Grants Program (100k)** – Ramsay Signs to replace of the three vehicular panels so that the mileage is more legible this month. They will also be replacing a few other bicycle/pedestrian panels covered on warranty. This work is covered under warranty. PW installed final bicycle route signs. Working on final budget and reimbursement documentation.
5. **EPA – CWA Grant Program** – Council update on 11/20. 50 Plaza Square eligibility received. Work plan in process of development. South 80 follow up work needed to close the loop with DEQ.
6. **CDBG- Columbia Pacific Food Bank Project** – Design/Architectural meeting at Lower Columbia on 12/18. Sub-contract for mechanical and plumbing work initiated. Construction bidding and procurement timeline proposed. Reviewed conceptual site plan and provided feedback.
7. **Certified Local Government – Historic Preservation Grant Program** - Columbia Theater work plan approved through SHPO and met NEPA requirements. Given notice to proceed on new marquee/signage installation!
8. **Safe Routes to School - Columbia Blvd. Sidewalk Project** – Prepared quarterly report due 12/4. Discussed applicability of Sensitive Lands Permit.

MISC

9. **Columbia View Park Amphitheater** - Prepared memo of research of various outdoor amphitheater and open air band shell contractors to compile a list of options/contractors. Presentation to Council on 1/15/20.
10. Training continued for Community Development Administrative Assistant Christina Sullivan for land use file creation, issuing decisions, and running PC meetings, and preparing PC minutes.
11. **Millard Road Property** –1/15/20 Council discussion regarding zoning, parks inventory, etc.
12. Prepared **2020 Annual Boundary & Annexation Survey (BAS)** for the US Census. This annual survey is especially important this year because the City limits data will be used in the 2020 Census count.
13. Did some file destruction based on our retention schedule, and re-organized planning files in Jacob's office.
14. Trip to Thailand January 23 – February 4!