



PLANNING COMMISSION
Tuesday, May 12, 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**
 - 2.A. Planning Commission Minutes dated March 10, 2020
[03102020 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. Subdivision Prelim Plat and Variance at corner of N 6th St. and Columbia Blvd - LaGrande Townhomes
[Subdivision Variance V.12.20](#)
 - 4.B. 7:30 p.m. Conditional Use Permit & Variance at Matzen and Brayden Streets - MultiTech Engineering
[Conditional Use Permit CUP.2.20 & Variance V.2.20](#)
 - 4.C. 8:00 p.m. Variance for Lots 28, 37, 38, 66, 70, 71, 74, 76, &77 - Emerald Meadows
[Variances V.3.20 - V.11.20](#)
5. **Annual Report to Council**
 - 5.A. PC Report to Council (2020 Draft)
[PC Report to Council \(2020 DRAFT\)](#)

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6. Planning Commission Interview Committee Recommendation

7. Acceptance Agenda: Planning Administrator Site Design Review -

- a. *Site Design Review (Major) at 1955 Columbia Blvd – Restaurant sales in an existing commercial building*
- b. *Site Design Review (Major) at 58144 Old Portland Road – 12,500sf Warehouse building for an existing tenant*
- c. *Site Design Review (Minor) at 585 S. Columbia River Highway – CRPUD*
- d. *Scenic Resource Review for addition at 215 N River St. – AKAAN Architecture*

8. Planning Director Decisions -

- a. *Temporary Use Permit at 1810 Old Portland Rd – City of St. Helens*
- b. *Partition at 160 Belton Road – Schlumpberger*
- c. *Sign Permit at 1844 Columbia Blvd – Ramsay Signs*
- d. *Accessory Structure Permit (Shop) at 2660 Gable Road – Stansbury*
- e. *Accessory Structure Permit (RV Cover) at 2660 Gable Road – Stansbury*
- f. *Sign Permit at Matzen/Brayden Street – MultiTech Engineering*
- g. *Sign permit for secondary sign at 475 S Columbia River Hwy – Vancouver Sign Co.*
- h. *AMENDED Temporary Use Permit at 1810 Old Portland Rd – City of St. Helens*
- i. *Auxiliary Dwelling Unit at 374 N 15th St. – St. Helens School District*
- j. *AMENDED Partition at 160 Belton Road – Schlumpberger*
- k. *Temporary Use Permit – Renewal at 555 S Columbia River Hwy – Mucias*
- l. *Temporary Use Permit – Renewal at 35341 Fairfield Ct. – Richmond American*
- m. *Sensitive Lands Permit at 58144 Old Portland Rd – Port of Columbia County*
- n. *Temporary Use Permit at Milton Way North of St. Helens St. – US 30 Farmer's Market*
- o. *Temporary Sign Permit at 2100 Block of Columbia Blvd – Hometown Heroes*

9. Planning Department Activity Report

9.A. March Planning Department Report
[2020 MAR Planning Dept Rept](#)

9.B. April Planning Department Report
[2020 APR Planning Dept Rept](#)

10. For Your Information Items

11. Next Regular Meeting: June 9, 2020

12. Adjournment

Zoom Meeting Options -

Join Zoom Meeting

<https://zoom.us/j/95949525099>

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City of St. Helens Planning Commission

Draft Minutes

March 10, 2020

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

Members Present: Chair Hubbard
Vice Chair Cary
Commissioner Semling
Commissioner Lawrence
Commissioner Webster

Members Absent: Commissioner Cohen
Commissioner Stenberg

Staff Present: City Planner Graichen
Councilor Carlson
Community Development Admin Assistant Sullivan

Others:

Jennifer Pugsley	Jane Garcia	Julianne Cullen
MaryAnne Anderson	Don Parrett	Rachel Krager
Marcia Parrett	Al Petersen	Kannikar Petersen
Les Watters	Emilia Ponti	

2) Consent Agenda

2.A Planning Commission Minutes dated February 11, 2020

Commissioner Webster noted there were details missing from the minutes compared to previous examples.

Motion: Upon Commissioner Lawrence's motion and Vice Chair Cary's second, the Planning Commission unanimously approved Minutes Dated February 11, 2019. Commissioner Semling did not vote due to her absence from that meeting. [AYES: Commissioner Lawrence, Commissioner Webster, Vice Chair Cary; Nays: None]

3) Topics from the Floor: Limited to 5 minutes per topic (not on Public Hearing Agenda)

Petersen, Kannikar. Petersen lives at 101 St. Helens St. Petersen was representing Columbia County Habitat for Humanity. She presented her series of public forums on housing instability and homelessness in rural communities. She is hoping to raise awareness of the homeless crisis by bringing organizations together to discuss it and find ways to prevent it. She mentioned the City Council offered \$750 to support the cause. She wants to create a panel who will come and discuss the issue, while listening to the community to learn about what is going on with homelessness. She invited the commissioners to attend to the event.

4) Vagt Building Discussion - Matt Brown

City Planner Graichen began the discussion about the Bennett Building (the historic name for the Vagt Building) project where our Utility Billing Department is held. He mentioned it was in the Historic Riverfront District which has architectural review standards for buildings that are not official historic landmarks. Graichen discussed how the project started ahead of some of the process. He mentioned how the Commission asked for the person in charge of the project to come and discuss the project.

Brown, Matt. Assistant City Administrator Brown is the Project Manager of the Bennett Building improvements. He started the discussion with showing the improvements to the inside of the building. He explained that the building had a dropped ceiling before and that the windows above were never used. Once the ceiling was removed, they realized there was a lot of space. They were excited to see that they were able to use the windows. The windows were replaced with fiberglass that could be painted. He clarified they were not vinyl. He mentioned how the white on the windows was not the finished project.

Brown presented plans, after the windows were put in, to the City Planner with a rendition of what they would like the building to look like. He showed where the Planner had marked up the plans with what they could and could not do based on a brief review only hours before the meeting tonight, including colors and specific tile types. He discussed how they are trying to increase the façade outside and the space inside to make it more appealing to our community and the many visitors.

Commissioner Webster asked why they did not order windows that were historically correct. Brown mentioned the ordering was done by Public Works. Chair Hubbard asked when they hired an architect. Brown said it was started before, but not done until after the work was completed. He later mentioned that the architect was not hired until after a problem arose. He wanted to have something to show the Commission the intent or the final plan for the building. Brown mentioned the supplies they purchased were within the approved budget for the building. Brown said 50 Plaza Square was a great example of historic restoration, but the City did not have the same funds to do the same type of extravagant restoration. Brown said since there is only a guideline of what is supposed to be done when it comes to renovations, he did not feel it was fair to be punished because he did not do the same extensive renovations as another business did. Commissioner Webster said the Commission was not holding him to a different standard, just trying to hold him to the standard the City expects for everyone else.

Brown also mentioned the windows were put in before the permit was obtained. City Planner Graichen said when the permit was submitted, the staff should have seen the change and brought it before the Historic Landmarks Commission before any work occurred. This did not happen. Commissioner Webster asked when the white windows would be fixed. She said the money they spent on the architect should have been spent on a way to fix the window problem. Brown said he felt the rendering would help in explaining what the building would like in the future and be a more informative way to explain what the City was doing with the Bennett Building to the Commission. Vice Chair Cary asked if the fiberglass windows that were put into the building could be used on a different project the City has in order to save money from the mistake. Brown mentioned because of their specific measurements they would likely be declared surplus and sold to recoup the cost.

Commissioner Semling wanted to know why he did not come to the Commission first. City Planner Graichen explained to her this was the meeting she was absent for. He explained normally the building would have come before the Historic Landmarks Commission for a

recommendation. Graichen did say that ideally it should have come before the Commission before the work was done, but since it had already been started, the idea was to present the Commission with the plans in a formal setting to get a recommendation on how to proceed. Brown also mentioned incorrectly the main reason it was not brought before the Historic Landmarks Commission was because the Bennett Building was not listed on the Historic Landmark List.

Commissioner Webster asked why the Bennett Building was not considered historic. She said it has over 80 years of history. Graichen said when the Historic Landmarks Registry was created, the Bennett Building was never designated. Webster feels that it should have been added.

Commissioner Lawrence said she stopped by Brown's office to discuss the quality of the materials. She mentioned she had spoken with Brown about the product and felt that the windows looked cheap compared to what was previously there. She said that the material looked like it would need to be replaced in five years or less. Commissioner Lawrence mentioned that she did not think it was Brown's fault, but that she hoped there would be a resolution to fix the windows and make them historically correct.

Graichen said it was up to Chair Hubbard if public comment would be heard. He said in a normal circumstance there would not likely be as many comments or opinions on a project. Chair Hubbard said he felt that there were a lot of individuals there who wanted to have their opinions and comments heard, so he allowed for public comment. Chair Hubbard said once public comment was heard, they would come up with a solution.

Watters, Les. Watters is a representative of the Columbia County Museum Association. He mentioned the Bennett Building was built in 1929. It is listed in the Nationally Registered Historic District as secondary significant. He mentioned the date of construction is what determines that. Graichen interjected that the Nationally Registered Historic District is a separate from the local Historic Landmarks list. Anything that is within the Riverfront District is subject to the architectural guidelines. Watters said he was referencing Commissioner Webster's question about historic significance. Watters said he knows of the architectural guidelines as he had several buildings where he used them. Watters said he just wanted to clarify the historic significance of the Bennett Building. Watters said the Bennett building is within the Nationally Registered Downtown St. Helens Historic District, but not individually listed.

Petersen, Al. Petersen said he has an office at 101 St. Helens Street which is considered a secondary significant building. He said it was considered secondary because it was built after the fire of 1906. He said the buildings that did not burn down received a primary historic significance. Once they are on the Nationally Registered Historic District, they are considered historic. He said the City's secondary standard makes no difference on whether the building is historic or not. Petersen mentioned he was on the Historic Landmarks Commission when they went through the architectural design guidelines. When the guidelines were set for the Riverfront District, it was mentioned in the guidelines that if a business within those limits decides to make exterior improvements, they are required to come before the City Planner or to the Historic Landmarks Commission for recommendations. Petersen said that guideline is enforced strictly by the City. Petersen said he felt the City was trying to wiggle out of following those same guidelines. Graichen interjected explaining that this was a mistake. He wanted to clarify that this was not deliberate. It was an error; he wished it had not happened. Petersen said that this kind of mistake has happened before by the same entity. Petersen said he was not trying to point fingers. Citizens have been held to the higher standard than the

government. Petersen used the volcano as an example. He mentioned no one knew where it had come from, no one knew who approved it, and after the whole process, it was taken away. He said he spends his tax dollars in the hope that they will be spent in a thoughtful way so that his community ends up nicer. He said, in theory, these standards are meant to do that. Petersen said he was disappointed that in many cases the City does not follow the rules, and then when called out, instead of taking responsibility, fingers are pointed at others. He said he thinks the government should be trying to do better than the standards.

Pugsley, Jennifer. Pugsley is the owner of 50 Plaza Square. She mentioned how the Planning Commission set standards for her and the remodeling of her building. She said she did not feel that she went above and beyond but tried to match the historic design and requirements. She said the 1984 Historic District nomination for her building states that the Bennett Building was a good example of how she should renovate her façade. She said the City needs a do-over, and it would be tragic if the City did not remodel it the right way. She suggested stopping the work and reassessing how to move forward. She strongly opposed to the proposed rendering of the Bennett Building. She said she still had the prism glass that originally was removed from the Bennett building and would be happy to give it back.

Petersen, Kannikar. Petersen mentioned how fiberglass windows are not cheap. She said the fiberglass window is the same price as a solid wood window. She feels that the fiberglass window was a missed opportunity.

Chair Hubbard suggested the project be placed on hold and asked Brown and the City to come back to them with a better plan. Commissioner Webster mentioned there were measurements wrong on the windows. Commissioner Webster mentioned she is not expecting the windows to be like the ones at 50 Plaza Square, but that they should keep some historic resemblance. Chair Hubbard asked Brown to get some quotes on what restoring the windows to what they were. He asked to bring plans or a scope of work to the Commission for review. Vice Chair Cary said that this is how it should have been done first.

Brown asked what he should be presenting in his scope of work. Chair Hubbard asked Brown to go to a window company and ask for a quote on true divided light and separate windows and to hold off on replacing any tiles. Graichen said any exterior changes to a building that requires a building permit within the Riverfront District must be brought before the Historic Landmarks Commission for a recommendation on compliance with the architectural guidelines. He said if this was a listed Historic Landmark, there would very clear guidelines and standards to follow. Graichen said prior to the existing architectural guidelines, the guidelines were extremely vague and not effective. He said working with these newer guidelines over the years, most cases have been presented and approved without issue. Pointing fingers with this mistake causes frustration. Commissioner Webster said they are trying to get the building back to historically correct. Chair Hubbard took a vote on whether it was the process everyone was upset with or the window themselves. Most of the audience said the windows were the problem and should be replaced correctly.

5) Public Hearings (times are earliest start time)

5.A 7:20 p.m. Conditional Use Permit at 165 N 11th - Wildflower Play Collective

Chair Hubbard opened the Public Hearing at 8:08 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Chair Hubbard mentioned the applicant had called

about the fee for a Conditional Use Permit and that he had referred them to City Council. The applicant did attend a City Council meeting where the fee was waived.

Graichen entered the staff report dated March 3, 2020. Graichen introduced the proposal to the Commission as presented in the staff report. He talked about how the applicant is a nonprofit who will bring a play space and family resource center to the community. He clarified that it is not a daycare. He mentioned how the property is a former 1910 home. He said there is a dwelling unit in the upper level and the lower floor is not a residential space. Graichen said there is no off-street parking. There is a variety of uses both inside and outside the building. He discussed the recommended conditions of approval, as included in the staff report. Graichen discussed a fence plan to help them make the right decisions for the fence they will put up. He mentioned the vision clearance standard and its importance because the street is well traveled. He discussed that outdoor storage was not permitted unless specifically addressed with a Conditional Use Permit. He also talked about the condition of time restrictions to help not conflict with neighbors.

Krager, Rachel. Applicant. Krager was called to speak. Krager discussed that they had started the search for a grant through the St. Helens Economic Development Corporation (SHEDCO) to start this business. She said they ended up with a grant from Columbia Pacific Coordinated Care Organization to launch their program. She said there are no indoor play spaces in Columbia County. She shared that the play space is geared towards children under six years old. Krager is hoping their space will provide a place outside of the home to offer an array of activities for the children to play with their parents. Their grant mentions the applicant are supposed to have trauma-informed-care, so they are working with Columbia Community Mental Health, Community Action Team, and Columbia County Early Intervention. Krager said they will have a swap closet for gently used children's items. She mentioned their model is based on the St. Johns Swap and Play Organization.

Chair Hubbard mentioned he read an article in the Spotlight that they were declared a daycare. Krager said they would offer a space to run a small in-home business, but the parents would always be onsite. She also mentioned this was a small piece of the business model.

In Favor

Petersen, Al. Petersen was hoping to promote business on other City's Main Street. Petersen said they applied for the SHEDCO Business Plan competition and their proposal was well received. He said Wildflower Play Collective was asked to be in the final presentation, but the issue that SHEDCO had was their non-profit status. He did mention it is a fabulous location in the center of St. Helens with easy access. He does not think a fence should be required so that space can be open and seen by the public. He said being open draws in a crowd and if something bad was happening the public could help prevent it.

Neutral

Parrett, Don. Parrett is the landlord of the building next door to the property in question. Parrett was curious about the number of children and staff that would be present at one time. He also wanted to know the traffic impact. He was concerned about the parking designated for his property being impacted by the traffic this business would bring in. He asked for a plan to be put in place for the parking lot.

Graichen mentioned the parking congestion and that the parking is not well defined. He said there was a lot of street parking, but he does not feel a lot of people use it because, it is not well defined. Councilor Carlson said the Meriwether Place has told her to park across the street. She mentioned that they should let their members go across the street on Columbia Blvd.

In Opposition

No one spoke in opposition.

Rebuttal

Ponti, Emilia. Ponti is the applicant. She clarified the hours of operation would be 7 a.m. to 7 p.m. She said the number of people they are expecting based on the St. John's model was three to four families at a time. She does not feel they would be able to host very many families based on the size of the space. She did say there was a request to stripe the parking spots better. She also described the type of fence they were hoping to build which consisted of deer fence and wood.

End of Oral Testimony

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

Close of Public Hearing & Record

Deliberations

The Commission went through each condition and determined if it was needed. There was a long discussion about the fence and what should be used. They decided it should be up to the applicant what kind of fence is put up. The Commission did not want to limit them to landscaping. There was a small discussion on time constraints.

Motion: Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Conditional Use Permit as written. [Ayes: Commissioner Semling, Vice Chair Cary, Commissioner Lawrence, Commissioner Webster; Nays: None]

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

5.B 7:50 p.m. Development Code Amendments - Citywide - City of St. Helens

Chair Hubbard opened the Public Hearing at 9:20p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the staff report dated February 27, 2020.

Graichen introduced the proposal to the Commission as presented in the staff report. Graichen mentioned these amendments had been brought up in previous meetings. He said the accessory structure permit requirement would be increased from 120 square feet to 200 square feet to be in line with Building Code. He also discussed the flood plain amendment would

change the elevation that a building is required to be built, based on the base flood elevation. The residential standard had been one foot and nonresidential was at zero. The decision was to make it one foot for both. The flood rules are changing because they had a visit the Department of Land Conservation and Development (DLCD). The staff member said that the City's code was mostly compliance, but that there were changes from Oregon and FEMA's new model code, which required compliance by the City within six months. Graichen said that is what triggered a response to review and update the current code and required the changes mentioned.

There was a small discussion about the wording in the document and declaration and determination of wetlands. There was also a small discussion on accessory structures and the wording used to trigger a permit. Graichen mentioned verbiage can be updated or changed as they get further into this process.

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

6) Planning Commission Vacancy

Graichen mentioned that Commissioner Stenberg moved to Forest Grove. She put in her resignation. Graichen said they have four applicants, and would accept applications until Thursday, March 12, 2020. Graichen said the Commission needed to form an interview sub-committee. Commissioner Webster and Chair Hubbard volunteered, along with Councilor Carlson.

7) Review Ordinance 3250 - Adding a Historic Resource (Building) to the Designated Landmarks Register

7.A Ordinance 3250

City Planner Graichen presented the Ordinance to the Commission. He said he felt the Commission might want to view the Ordinance, so they were made aware of the maps and the list. Commissioner Webster suggested an update to the Designated Historic Landmarks List. Graichen said that there is a historic list and a candidate list.

8) Acceptance Agenda: Planning Administrator Site Design Review

Motion: Upon Commissioner Webster's motion and Vice Chair Cary's second, the Planning Commission unanimously approved the Acceptance Agenda: [AYES: Commissioner Lawrence, Commissioner Semling, Commissioner Webster, Vice Chair Cary; Nays: None]

9) 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

10) For Your Information Items

Chair Hubbard asked if the police station had determined a new location. Councilor Carlson said there were two sites. Chair Hubbard mentioned the site on 18th Street and Old Portland Road was in a floodplain. He said a public entity should not be compromised by a flood. He also said community policing was not happening at that location. He asked Councilor Carlson to take the information back to the Council. Graichen mentioned these concerns had been brought before the Council.

11) Next Regular Meeting: April 14, 2020

12) Adjournment

There being no further business before the Planning Commission, the meeting was adjourned 10:18p.m.

Respectfully submitted,

*Christina Sullivan
Community Development Administrative Assistant*

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

**Subdivision Preliminary Plat SUB.1.20
Subdivision Variance V.12.20**

DATE: May 5, 2020
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
 Jennifer Dimsho, AICP, Associate Planner

APPLICANT: La Grande Townhomes, LLC (c/o Dan Hatfield)
OWNER: La Grande Townhomes, LLC

ZONING: Mixed Use, MU and General Residential, R5
LOCATION: 4N1W-4AA-600; Lots 20-22, Block 60, St. Helens Subdivision
PROPOSAL: Replat of 3 existing lots to a 6 lot subdivision for attached single-family dwellings and Subdivision Variance for front setbacks (18' setback along private street and 12' setback along N. 6th Street)

The 120-day rule (ORS 227.178) for final action for this land use decision was waived by the applicant on April 13, 2020 (letter in record).

SITE INFORMATION / BACKGROUND

The site consists of three lots from the City's original St. Helens Subdivision. Most recently, these lots were developed as a car wash. The structures for the former car wash have since been removed, leaving the site vacant with most of the site paved with asphalt and concrete (except a portion of the northern lot which is unpaved). Topography is relatively flat, except the northern

lot is slightly sloped towards the northwest. The southern two lots are zoned Mixed Use, MU and the northern lot is zoned General Residential, R5. There are two undeveloped MU lots to the west, a church zoned MU across N. 6th Street to the east, and the remainder of the abutting lots are developed with detached single-family dwellings zoned R5. There are non-residential uses across Columbia Blvd.



Southern lot of the subject property from corner looking east along Columbia Blvd.



There are sidewalks and an existing driveway approach along Columbia Boulevard, but none along N. 6th Street. There is an existing driveway approach along N. 6th Street too.

*Northern lot of the subject property from N. 6th Street.
Existing approach can be seen on left.*

PUBLIC HEARING & NOTICE

Public hearing date as follows: May 12, 2020 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on April 23, 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 April 29, 2020.

AGENCY REFERRALS & COMMENTS

City Public Works: In addition to utilities within the two abutting rights-of-way (discussed later), there appears to be a functional sewer line that runs about 2 feet east of the west property line. There is no record of a recorded easement for this line. The size of the pipe remains undetermined. If it is greater than 6 inches, it is a public main line, and needs a minimum of 10 feet wide public sewer easement along the west property line. If it is a 4 inch line, it is not a public main line, and could potentially be used as a connection for one dwelling. If used, a private sewer lateral easement may be needed if it crosses adjacent lots to serve one of the new lots to be served in this subdivision. If an easement is needed, the applicant should hire a surveyor to locate the line and cleanout to determine the correct location to terminate the easement at the southern end.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS – SUBDIVISION PRELIMINARY PLAT

SHMC 17.136.040(1)

(1) The preliminary plat approval by the planning commission or final approving authority shall lapse if:

(a) A final plat (first phase in an approved phased development) has not been submitted within a one-year period; or

(b) The final plat does not conform to the preliminary plat as approved or approved with conditions.

Discussion: This is a standalone subdivision request. No phases are proposed.

Finding: This Subdivision preliminary plat approval shall be effective for a period of twelve (12) months from the date of approval per this section. Time extensions are possible per SHMC 17.136.040(1).

SHMC 17.136.060 – Approval standards – Preliminary plat.

(1) The planning commission may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

(a) The proposed preliminary plat complies with the city's comprehensive plan, the applicable sections of this code and other applicable ordinances and regulations;

(b) The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92[.090(1)];

(c) The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern; and

(d) An explanation has been provided for all common improvements.

Findings:

(a) The City's development code (SHMC Title 17) implements the Comprehensive Plan. The Development Code standards are addressed herein.

There are no known conflicts with the Comprehensive Plan.

Applicable provisions of the Development Code are addressed per Chapter as follows:

17.32 – Zones and Uses → The subject property is zoned Mixed Use, MU and General Residential, R5. When developing single-family dwellings (both attached and detached), the MU zone uses R5 standards. The minimum lot size for *attached* single-family dwellings is 2,500 square feet. Proposed lot sizes range from 2,500 to 3,900 square feet.

For attached single-family dwellings in the R5 zone, the minimum lot width required at the street and building line (i.e., the line that coincides with the front side of the principal building, which is the 20-foot required front yard or a greater front yard provided there is still reasonable building area) is 25 feet. Lot widths proposed range from 25 feet to 39 feet.

The lot size and width proposed only allows for attached single-family dwellings; other uses require a greater lot area and width.

The minimum required lot depth is 85 feet. All proposed depths are 100 feet.

No flag lot is proposed.

17.56 – Density Computations → There are no known sensitive lands on the site, so land deductions are not necessary. Total land size is 17,400 square feet. The minimum lot size for attached single-family dwellings is 2,500 square feet. Thus, the density calculation is as follows:

$$17,400 / 2,500 = 6.96$$

The 6 proposed lots meet the City's density requirements.

17.72 – Landscaping and Screening → Street trees are required per this Chapter because the site fronts a street for more than 100 feet.

Columbia Blvd. and N. 6th St. are both classified as Minor Arterials per the City's Transportation Systems Plan, which requires a landscape strip with street trees as part of the public street frontage improvements (curb, gutter, landscape strip, and sidewalk). There are curb-tight sidewalks already built along the Columbia Blvd. *See discussion of frontage improvements later in report. If sidewalks are not required to be rebuilt to current standards, street trees can be required along Columbia Blvd. within the PUE.* Along the North 6th Street, street trees will need to be incorporated into the design. There is existing overhead power along N. 6th Street. "Small" street trees should be planted along North 6th Street to prevent tree and overhead utility conflicts. There is no overhead power along Columbia Blvd.

17.84 – Access, Egress & Circulation → As Minor Arterial classified streets, the spacing standards between driveways and streets along Columbia Blvd. and North 6th St. is 200 feet or mid-block (measured from the center of the driveway and/or street).

A mid-block shared access along Columbia Blvd. is necessary in order to achieve the spacing standards for a Minor Arterial. Since it is serving over 2 dwellings, it must be a minimum of 24 feet wide, with a minimum paved area of at least 20 feet.

A second access along N. 6th Street for Lot 6 (the north lot) should meet the spacing standard between the driveway to Columbia Blvd. and between the abutting lot's driveway to the greatest extent possible, given that attached single-family dwellings have an inherently difficult ability to meet these spacing standards.

Also per SHMC 17.84.060(3):

In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley or local street.

Since the only street the subject property abuts two Minor Arterials, this matters. For the dwellings that access from the private street, if each dwelling has a paved off-street parking of at least 18' x 18', this standard is met for Lots 1-4. For Lot 5 and Lot 6, the

site plans submitted with building permits must accommodate adequate maneuvering room for vehicles enter the driveway head first and be able to exit head first.

17.132 – Tree Removal → A tree plan is required for a property with more than 10 trees or any tree over 2 feet in diameter at breast height (DBH). This chapter focuses on trees over 12" DBH. There are no existing trees on the site.

17.152 – Street & Utility Improvement Standards →

Where a development **abuts** or is **traversed** by an existing or proposed **arterial or collector street**, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design shall include any of the following:

- A parallel access street along the arterial or collector;
- Lots of suitable depth abutting the arterial or collector to provide adequate buffering with frontage along another street;
- Screen planting at the rear or side property line to be contained in a nonaccess reservation along the arterial or collector; or
- Other treatment suitable to meet these objectives.

The shared access proposed from Columbia Blvd. provides a parallel access street along the arterial from which the dwellings (Lots 1-5) have separated access. In addition, the frontage improvements, including street trees, and the extra wide Columbia Blvd. and N. 6th Street rights-of-ways, will help meet this requirement. *However, given the applicant's request for a reduction in front setbacks for Lots 1-5, it may be warranted include additional treatment to provide adequate protection from the arterial streets.*

Does the Commission think any other requirement, such as screen planting or fencing along the double frontage lots is necessary in this case? Also see Through Lots standards SHMC 17.136.060 (3) below.

Mailboxes are addressed by SHMC 17.152.030. This section requires a joint mailbox facility. This section also notes that:

- Joint mailbox structures shall be placed adjacent to roadway curbs;
- Proposed locations of joint mailboxes shall be designated on a copy of the preliminary plat or development plan, and shall be approved by the city engineer/U.S. Post Office prior to final plan approval;
- Plans for the joint mailbox structures to be used shall be submitted for approval by the city engineer/U.S. Post Office prior to final approval; and
- *There shall be at least one accessible route from the principal use(s) to the respective joint mailbox which...as located within a public right-of-way or public street, shall comply with SHMC 18.12.110 or as required by the City Engineer.*

Joint mailbox facility shall be included on engineering/construction plans per City standards and the USPS.

Easements. 8' wide public utility easements will be required along both street frontage of all lots unless a greater width is determined necessary by City Engineering. Moreover, other utility easements necessary, as identified on approved engineering/construction plans shall be included on the final plat. Approved engineering/construction plans will be required before submission of the final plat.

Frontage improvements (sidewalk, curb/gutter, landscape strip with street trees, and sidewalk) are required along N. 6th Street (minor arterial, typical) and Columbia Boulevard (minor arterial, two-way downtown) given their Minor Arterial classification.

N. 6th Street lacks frontage improvements. Construction to the City's typical Minor Arterial standards is clear.

However, what we do with Columbia Boulevard presents some variables for the Commission's consideration. In the past, the Planning Commission has not required reconstruction of sidewalks to the current classification standard if the existing sidewalks are in good shape. Since sidewalks have already been built along Columbia Blvd, the Commission can decide to not require sidewalks to be rebuilt at the City's current standard. In this case, if the sidewalk remains curb-tight, street trees can be accommodated in the PUE (on private property).

The difference with this project from previous one's the Commission considered under these circumstances, is about half of the existing linear footage of sidewalk along Columbia Boulevard will need to be replaced because it does not align with the proposed access easement. See attached existing sidewalk diagram and page 74 from the City's Corridor Master Plan (Ord. No. 3181). So does this necessary replacement of around 50% of the existing sidewalk warrant complete replacement to the corridor plan's standards? If replaced completely, street trees would be located within a landscape strip between the curb and sidewalk.

Water, sanitary sewer, and storm water system plans will be required in accordance with city requirements, as determined by City Engineering. Note that there is an existing sanitary sewer main located within the easement on the northeast corner of the north lot (Lot 6). There is another sanitary sewer structure that runs approximately 2 feet east of the west property line and terminates about 70 feet south of the northern-most property line. The size and location of this line should be verified to determine if it can serve one or more of these lots. Applicable easements are needed after verification of the size of the line and which lot it will serve, if any. There is also a sanitary sewer main within the N. 6th Street right-of-way. Sanitary sewer is available; connection location for the lots may vary.

All utilities shall be underground pursuant to SHMC 17.152.120. In this case, there is overhead power along N. 6th St. Overhead power may be utilized provided no new poles.

Development completion, financial guarantees, building permit timing, etc. Two options for completing the subdivision for the purpose of completing the final plat and

creating lots eligible for building permits are described: 1) the *HB 2306 method* and 2) the *full completion method*.

Developments require financial guarantees (e.g., bonds) of workmanship and guarantees of performance for public improvements, as determined by City Engineering. All public improvements shall be guaranteed (e.g., warranty bond) as to workmanship in a form and value as required by City Engineering.

The degree of various financial guarantees required of the developer will depend on whether or not they use the *HB 2306 method* or the *full completion method*.

The HB 2306 Method.

HB 2306 (effective January 1, 2020), as it pertains to subdivisions, disallows a City from denying a building permit for residential dwellings for a residential subdivision based on the conditions of a preliminary plat not being met, if “substantial completion” occurs and the remaining public improvements are secured with some type of financial guarantee such as a bond.

A City may still delay (deny) any certificate of occupancy for residential dwellings if the conditions of the development are not fully completed or the conditions for the release of the financial guarantee are not fulfilled.

“Substantial completion” means the city, county or other appropriate public body has inspected, tested and found acceptable under applicable code requirements, unless the parties agree to a lower standard: (A) The water supply system; (B) The fire hydrant system; (C) The sewage disposal system; (D) The storm water drainage system, excepting any landscaping requirements that are part of the system; (E) The curbs; (F) The demarcating of street signs acceptable for emergency responders; and (G) The roads necessary for access by emergency vehicles.

Building permits must be applied for based on lots that actually exist. The City of St. Helens views these requirements as when a final plat can be considered for review as it is the final part of the process before the land is divided into lots. This will be incorporated into the conditions for final plat review for this subdivision.

The Full Completion Method.

As an alternative to the HB 2306 method as described, in order to minimize financial guarantees, all public improvements shall be completed, in place and acceptable to the City prior to the final plat. The only exception to this is that portions of sidewalk that abut buildable lots created by this subdivision where there may be a driveway approach are often not built until the lot is developed. Though some portions of sidewalk will be required where there will be no driveway approach such as corners and along non-buildable tracts. For these portions of sidewalk allowed to be left unfinished for the final plat, a performance guarantee will be required prior as approved by City Engineering.

Required in all cases.

Before construction, **performance guarantees** will be required for storm drainage systems, grading and erosion control. This is necessary for public health, safety and welfare, because if this work is only partially done and the developer/owner abandons the project, these could have negative impacts on other property owners. Other improvements left unfinished (e.g., streets, water and sewer infrastructure) do not necessarily have the same impact to a neighboring property owner. This initial guarantee should not be encumbered by other “non-impact” issues as it complicates executing the security; thus, dealing with storm drainage systems, grading and erosion control specifically.

17.156 – Traffic Impact Analysis (TIA) → A TIA is not warranted per SHMC 17.156.030.

(b) This criterion requires that the proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92. The name “Haley’s Place” will need to be approved by the County Surveyor per ORS 92.090.

(c) This criterion requires that the streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the City determines it is in the public interest to modify the street or road pattern.

The proposed subdivision utilizes existing and developed rights-of-way along Columbia Blvd. and N. 6th Street. N. 6th Street is classified as Minor Arterial per the City’s Transportation Systems Plan. The minimum right-of-way width for Minor Arterial streets is 60 feet. The Corridor Master Plan (Ord. No. 3181) requires an 80 foot right-of-way for Columbia Blvd. The widths of both rights-of-way along the subject property are 80 feet. No dedications are needed.

(d) No common improvements are proposed. The proposal includes reciprocal access for Lots 1-5, therefore a maintenance agreement will be required.

SHMC 17.136.060(2) – Lot Dimensions

(a) Lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated, and:

(i) No lot shall be dimensioned to contain part of an existing or proposed public right-of-way;

(ii) The depth of all lots shall not exceed two and one-half times the average width, unless the parcel is less than one and one-half times the minimum lot size of the applicable zoning district; and

(iii) Depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Findings:

(i) No existing or proposed right-of-way is impacted. N. 6th Street exceeds the minimum width for Minor Arterial classified streets. Columbia Blvd. Meets the required minimum right-of-way width of 80 feet, based on the Corridor Master Plan (Ord. No. 3181). No additional right-of-way is needed.

(ii) The parcel sizes proposed are less than 1.5 times the minimum lot size for the zoning district, so this does not apply.

(iii) The property is neither commercial nor industrial.

SHMC 17.136.060(3) – Through Lots

(a) Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation, and:

(i) A planting buffer at least 10 feet wide is required abutting the arterial rights-of-way; and

(ii) All through lots shall provide the required front yard setback on each street.

Findings:

(a) A through lot is a lot having frontage on two parallel or approximately parallel streets. A through lot is proposed for Lots 1-5 to meet access standards along two Minor Arterial-classified streets.

(i) A planting buffer of at least 10 feet wide abutting the Minor Arterials is required. However, per SHMC 17.72.070(3) the director may approve alternative buffer area landscaping and screening, provided it affords the same degree of buffering and screening. Given that the applicant is requesting a variance along N. 6th Street to allow a 12' yard, if screen plantings were required, it would not leave much of a usable yard for Lots 1-5. **The Commission can consider requiring alternative screening, like a fence, to provide a similar degree of screening.** Note that there are also required street trees along N. 6th Street and Columbia Blvd., which will help with buffering. Also related to this discussion is Section 17.152 above for any required screen plantings.

(ii) The applicant has applied for a Subdivision Variance to allow a reduction in required front yard setback requirements abutting both streets (the private street and N. 6th Street). This criteria is met if the Subdivision Variance is granted. The criteria for granting a Subdivision Variance is discussed below.

SHMC 17.136.060(4) – Large Lots

(a) In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the approving authority may require that the lots be of such size and shape, and be so divided into building sites, and contain such site restrictions as will provide for the extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size, and:

(i) The land division shall be denied if the proposed large development lot does not provide for the future division of the lots and future extension of public facilities.

Findings: The proposed lots will be a size that the only possible use is for attached single-family dwellings. Individually, they are below the minimum lot size for detached single-family dwellings and other residential uses possible in the R5 zone.

SHMC 17.136.060(5) – Other Provisions

The planning commission may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations and may require:

(a) Reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.

Findings: (a) No new street is proposed to warrant reserve strips or similar access control measures.

(Other) Environmental: A Phase I, Phase II, and Supplemental Phase II environmental assessment were completed on this property during 2018 and 2019. Examination of soil and groundwater samples in targeted locations were triggered by this property's former use as a car wash and the abutting property's use as a former service/gas station also along Columbia Blvd. Both properties had previously decommissioned underground storage tanks removed with approval from the Department of Environmental Quality (DEQ) in the late 1980s and early 1990s. The results of the initial Phase II sampling on this property in 2018 indicated contamination of soil and groundwater that had likely spread from the abutting property's former underground storage tank, which was located very close to the shared property line. Supplemental Phase II sampling confirmed this was likely the reason for the contamination. The report concluded that as long as the area of contamination (the southwest corner of Lot 1 of this subdivision) was not disturbed below 14 feet in depth, and that the site is connected to a City water source (as opposed to a well) and is connected to City sewer (as opposed to a septic system), there would be no threats to human health and safety with residential development. It is unlikely digging for utility laterals would be at these depths.

The area of contamination is located directly under the proposed private street to be paved. The concentration of gasoline in the soils in the southwest corner do exceed DEQ's clean fill criteria. Therefore, there are limitations to reusing any disturbed soil in this area. Paving a private access street in this area will help ensure any future property owner would not dig in the area of what would have been a rear yard, exposing the soil and groundwater contamination.

* * * * *

APPLICABLE CRITERIA, ANALYSIS & FINDINGS – SUBDIVISION VARIANCE

Subdivision Variance, V.12.20

Given that Lots 1-5 are through lots (see SHMC 17.136.060(3) above), there are two required front yard setbacks. The front yard requirement for R5 zoning is 20 feet. The applicant is proposing an 18 foot yard along the private street for Lots 1-5, and a 12 foot yard along N. 6th Street.

SHMC 17.136.120 – Criteria for Granting a Variance

A variance may be approved, approved with conditions, or denied provided the planning commission finds:

- (a) There are special circumstances or conditions affecting the property which are unusual and peculiar to the land as compared to other lands similarly situated;
- (b) The variance is necessary for the proper design or function of the subdivision;
- (c) The granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to the rights of other owners of property; and
- (d) The variance is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this code.

Findings:

(a) It is unusual for a subdivision to abut two Minor Arterial-classified streets. In addition, since the applicant is developing attached single-family dwellings (which are an allowed use in R5 zoning), it becomes even more precarious to provide access to each lot with inherently narrow lot widths. The combination of these circumstances can be seen as a special circumstance specific to this property and this proposal.

(b) Given the required 24 foot reciprocal access easement which is required to consolidate access for Lots 1-5, the variance is necessary in order to provide a building envelope that is large enough to reasonably develop with attached single-family dwellings.

Proper design and function also includes adequate buffering and screening for privacy and livability of the property owners who end up owning the lots. Typically, yard requirements help maintain adequate buffering from noisy streets. **Since the applicant is suggesting a smaller yard requirement along N. 6th Street, the Commission should consider a condition requiring additional buffering and/or screening, such as a fence.**

(c) One reason yard requirements are enforced is in order to maintain light, space, and air between abutting properties. With a 24 access easement along the west property line for Lots 1-5, light, space, and air will still be preserved along the abutting properties along the west property line in perpetuity.

(d) Similar to (b), strict compliance with the front yard setbacks for through lots would result in a building envelope only 36 feet in length. This is a very narrow building length, especially for attached-single-family dwellings, which have a building width that already very narrow at 20 feet. Strict compliance of the code could result in significant hardship to the property owner.

CONCLUSION & RECOMMENDATION

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

1. **This Subdivision preliminary plat approval shall be effective for a period of twelve (12) months from the date of approval.** The approval shall become void if a final plat prepared by a professional registered surveyor in accordance with (1) the approved preliminary plat, (2) the conditions herein, and (3) the form and content requirements of the City of St. Helens Development Code (SHMC Title 17) and Oregon Revised Statutes is not submitted within the twelve (12) month approval period. **Note: two time extensions are possible per SHMC 17.136.040(2).**
2. **The following shall be completed prior to submission and the City's acceptance of a final plat application:**
 - a. Engineering/construction plans for all public and other applicable improvements shall be submitted to the City for review and approval in compliance with all City of St. Helens laws and standards and in accordance with the conditions herein. As specific conditions of approval, these plans shall include:
 - A. Easement for sanitary sewer line lying to the west of the subject property, following determination of its size (see Public Works comments in this report).
 - B. Modification of existing driveway approach along Columbia Boulevard as needed to align with and accommodate the proposed shared access and otherwise meet City standards. The current driveway approach location and width will not work for this.

((this assumes the Commission doesn't require reconstruction of the existing Columbia Boulevard frontage improvements to the "corridor plan" standards))
 - C. Joint mailbox facility(ies) shall be included per City and USPS (Postmaster) standards.
 - D. All proposed easements and improvements for access. "No parking" designation required.
 - E. Street frontage improvements to N. 6th Street per the City's minor arterial standards including street trees per Chapter 17.72 SHMC. Street trees shall be "small" per Chapter 17.72 SHMC due to existing overhead power.
 - b. Prior to or with submission of engineering/construction plans per **condition 2.a**, a drainage plan and full stormwater report shall be submitted that includes methods of downstream conveyance and pre and post conditions. The proposed development shall mitigate the increased stormwater flows from the site so that the increased runoff will not impact the downstream flows.

- c. *The Full Completion Method.* **All public improvements shall be completed, in place and acceptable to the City.** The only exception to this is that portions of sidewalk that abut buildable lots created by this subdivision where there may be a driveway approach are often not built until the lot is developed. Though some portions of sidewalk will be required where there will be no driveway approach such as corners and along non-buildable tracts. For these portions of sidewalk allowed to be left unfinished for the final plat, a performance guarantee will be required prior as approved by City Engineering. Completion includes providing final approved as-build plans to the City and any other guarantees (e.g., bonds) of workmanship or guarantees of performance for public improvements that may required;

Or

The HB 2306 Method. **All public improvements shall be “substantially completed,” in place and acceptable to the City.** “Substantial completed” means the city, county or other appropriate public body has inspected, tested and found acceptable under applicable code requirements, unless the parties agree to a lower standard: (A) The water supply system; (B) The fire hydrant system; (C) The sewage disposal system; (D) The storm water drainage system, excepting any landscaping requirements that are part of the system; (E) The curbs; (F) The demarcating of street signs acceptable for emergency responders; and (G) The roads necessary for access by emergency vehicles. The remaining public improvements are secured with some type of financial guarantee such as a bond. Other guarantees (e.g., bonds) of workmanship or guarantees of performance for public improvements may also be required. As-build plans shall be require unless insufficient work will be done per this “substantially completed” option, in which case the as-build plans shall be bonded.

- d. Does the Commission want to require a 6’ high fence along Columbia Boulevard as the “buffering and screening requirement” for the through-lots (i.e., Lot 1-5)? That condition, or a similar one could be added here.

Remember, we don’t want to forget about vision clearance standards for this.

This assumes the Commission is ok with an alternative buffering method along N. 6th Street due to the Variances proposed, or another reason the Commission deems appropriate.

3. **In addition to compliance with local, county, state and other requirements, the following shall be included on / with the final plat:**
- a. The County Surveyor shall approve the name of the plat.
 - b. 8’ wide public utility easements will be required along the public street frontage of all lots unless a greater width is determined necessary by City Engineering. Moreover, other utility easements necessary, as identified on approved engineering/construction plans shall be included on the final plat.
 - c. Access and utility easement for Lots 1-5 as depicted on the preliminary plat. All access easements shall include public utility easements.

- d. Maintenance agreements shall be required for all access easements. A notation shall be included on the final plat for this. **Agreements shall be recorded with the final plat.**

4. **Prior to any construction or development of the subject property:**

Performance guarantees (e.g., performance bond) as approved by City Engineering shall be required for storm drainage systems, grading and erosion control. In addition, engineering/construction plans shall be approved.

5. **The following requirements shall apply to the development of the lots of this Subdivision:**

a. **Only attached single-family dwellings are allowed for all lots of this Subdivision.**

The Development Code allows up to 5 units to be attached and at least two units need to be attached, since detached single-dwelling units are not allowed for these lots. In no case, shall a plan be approved that omits a lot (e.g., an end lot) from being able to be developed as an attached single-family dwelling. For example, if the 2nd and 3rd lot from an end are developed with a shared building wall between the two, the lot on the end would be included as well. Plans shall take this into account, including any easements between lots that would obstruct attached dwellings.

b. Street trees required to be planted along Columbia Boulevard for Lot 1.

((this assumes the Commission doesn't require reconstruction of the existing Columbia Boulevard frontage improvements))

c. Lots 1-5 shall not have direct street access. Access for Lots 1-5 shall be from the proposed shared access off Columbia Boulevard.

d. Lot 5's garage/parking area and driveway design shall allow enough area for sufficient maneuvering area such that vehicles can ingress head first and egress head first from the shared access off Columbia Boulevard.

e. Lot 6 may have direct access from N. 6th Street, but the driveway design shall meet all applicable City standards and prevent backing movements and other maneuvering within N. 6th Street.

f. If the "*HB 2306 Method*" is chosen under condition 2.c, certificate of occupancy for residential dwellings shall not be granted if **all public improvements are not completed, in place and acceptable to the City**. This includes providing final approved as-build plans to the City and release of any and all financial guarantees for improvements used to allow submission of the final plat or recordation of the final plat, before completion of said improvements.

g. Per this subdivision variance, the front "yard" for Lots 1-5 may be 12' along N. 6th Street and 18' along the proposed shared drive (as measured from the edge of access easement).

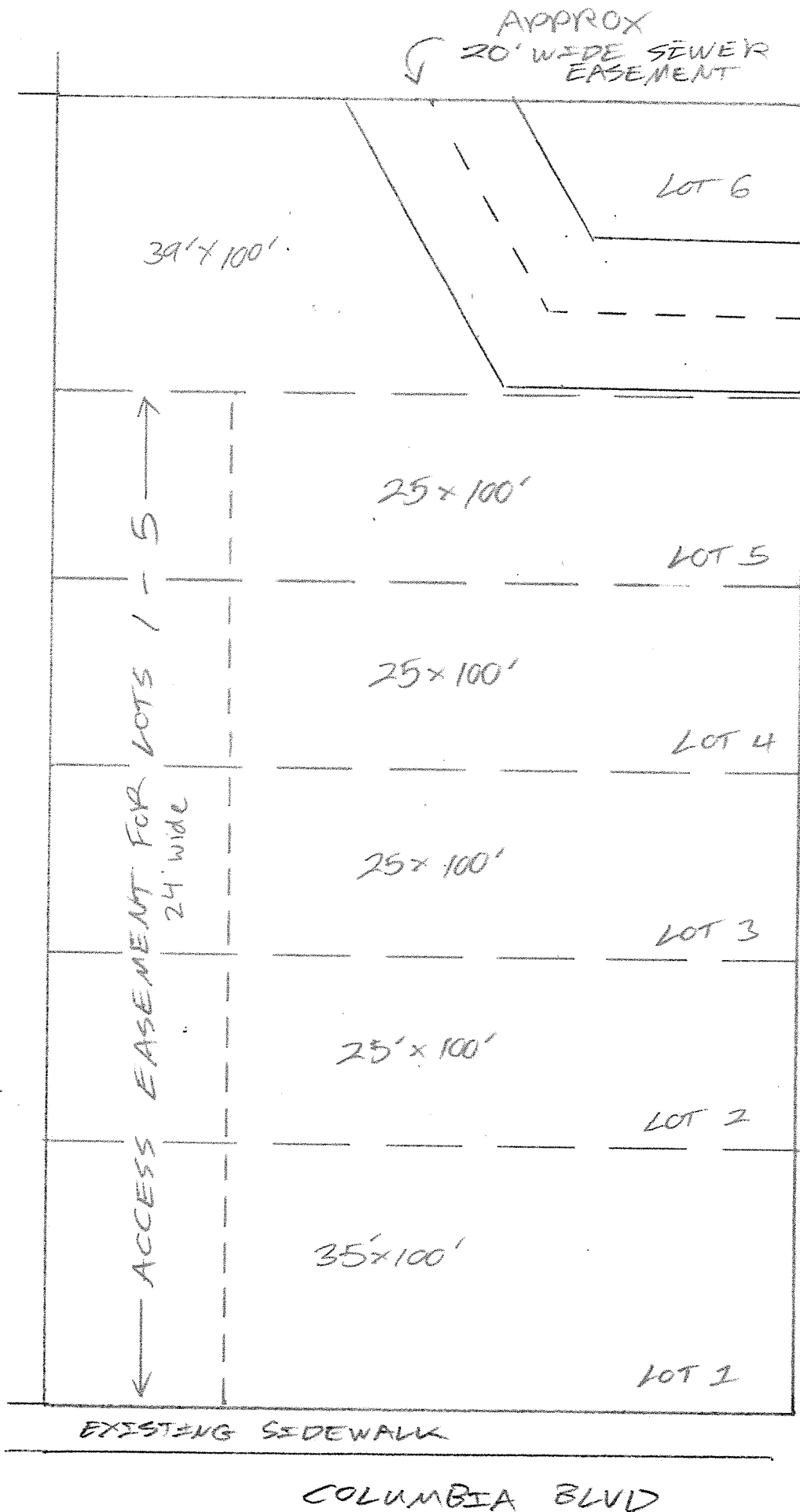
((this assumes the Commission grant the Variance as requested; the Commission could deny the Variance or allow a lesser amount))

6. Building permits for Lots created by this Subdivision cannot be accepted until the final plat is recorded.
7. **After completion of construction and City approval, all public improvements shall be guaranteed** (e.g., warranty bond) for at least two years as to workmanship in a form and value as required by City Engineering.
8. **Prior to recordation of the final plat**, the applicant/owner and City need to come to an agreement of how to distribute available System Development Charge credits of what was legally existing on the subject property for future development of the subdivision lots.
9. All new utilities shall be underground pursuant to SHMC 17.152.120. In this case, there is overhead power along N. 6th Street. Generally, overhead power may remain provided it doesn't result in additional poles.
10. Owner/Developer shall be solely responsible for obtaining all approvals, permits, licenses, and authorizations from the responsible Federal, State and local authorities, or other entities, necessary to perform land clearing, construction and improvement of the subject property in the location and manner contemplated by Owner/Developer. City has no duty, responsibility or liability for requesting, obtaining, ensuring, or verifying Owner/Developer compliance with the applicable State and Federal agency permit or other approval requirements. This land use approval shall not be interpreted as a waiver, modification, or grant of any State or Federal agency or other permits or authorizations.
11. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), **except for the subdivision variance allowed for reduced front yards.**

((this assumes the Commission approves the Subdivision Variance))

Attachments:

Preliminary Plat (Revised)
 Subdivision Variance Diagram
 Existing Sidewalk Diagram
 Page 74, Corridor Master Plan (Ord. No. 3181)



SCALE
1" = 20'

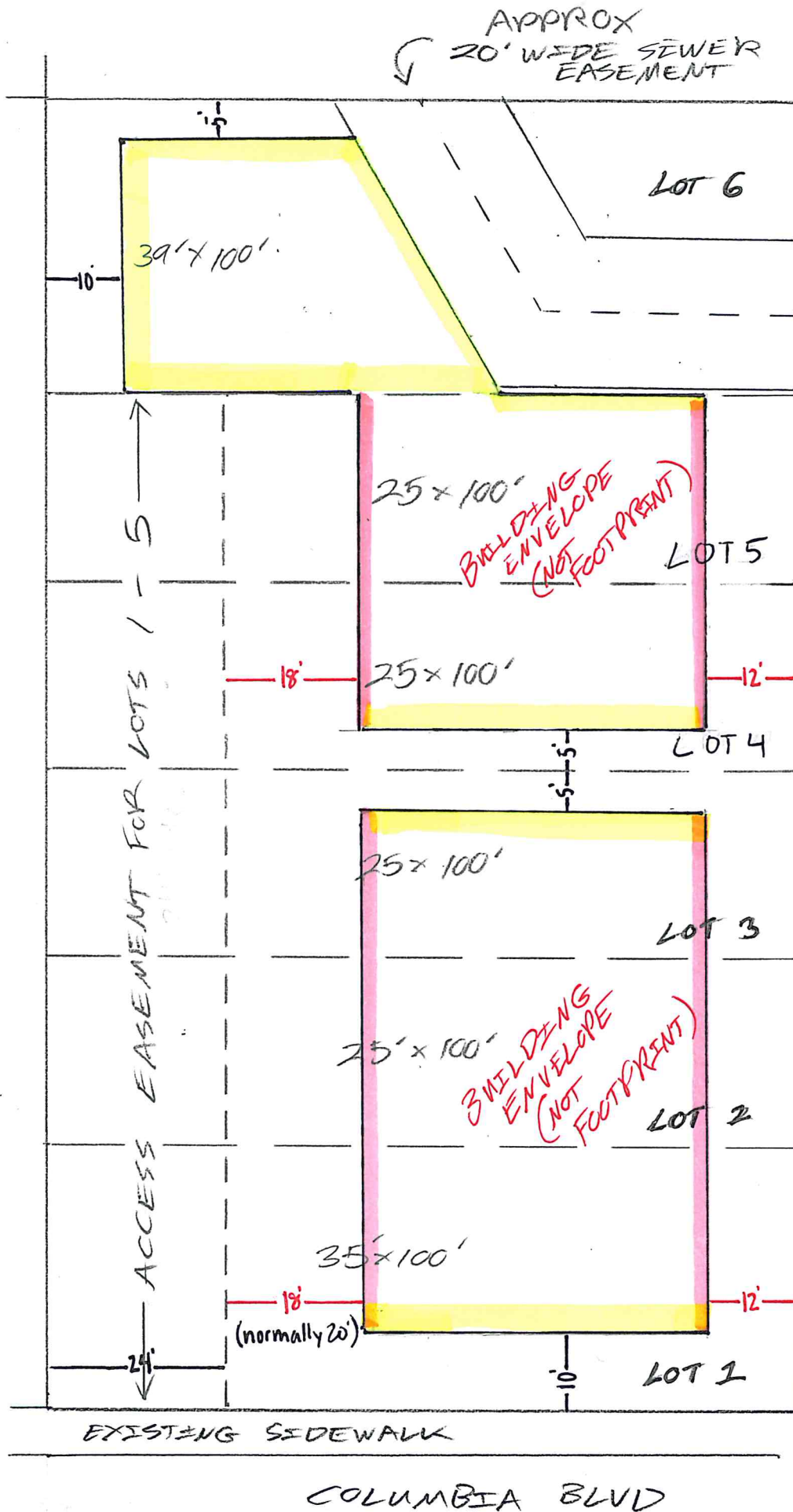


PRELIM.
REPLAT OF
LOTS 20-22,
BLOCK 60

N 6TH ST.

JAN.
2020
DN 1-15-2020

SUB. 1.20
Variance Diagram
SCALE
1" = 20'



PRELIM.
REVAT
REVAT OF
LOTS 20-22,
BLOCK 60
N 6TH ST.

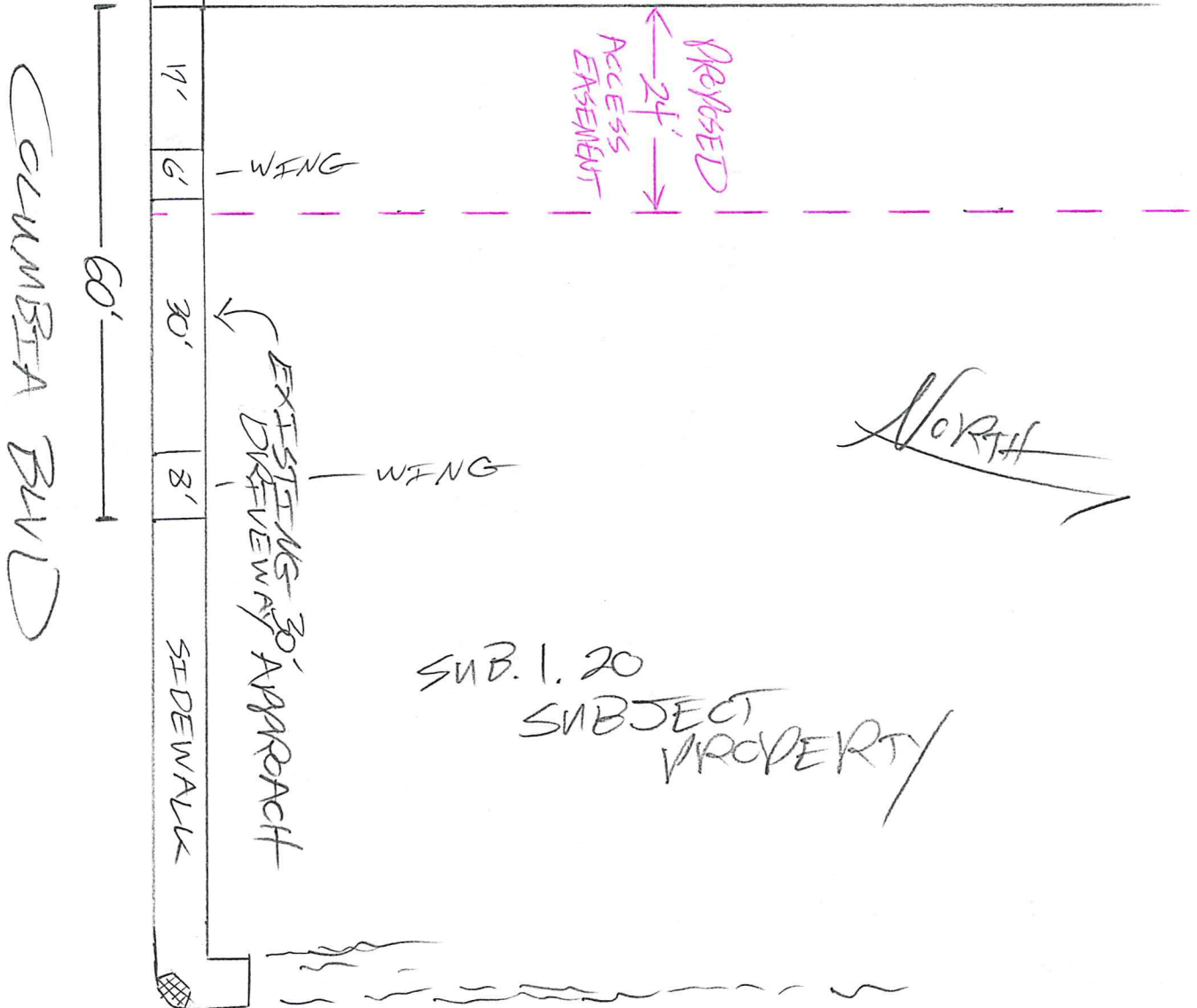
JAN.
2020
Q 1-15-2020

(normally 20')

EXISTING SIDEWALK

SCALE 1" = 20'

ADJACENT PROPERTY



N. 6TH STREET

D. RECOMMENDED CORRIDOR DESIGN OPTIONS: HOULTON & RIVERFRONT DISTRICT CORRIDOR SEGMENTS

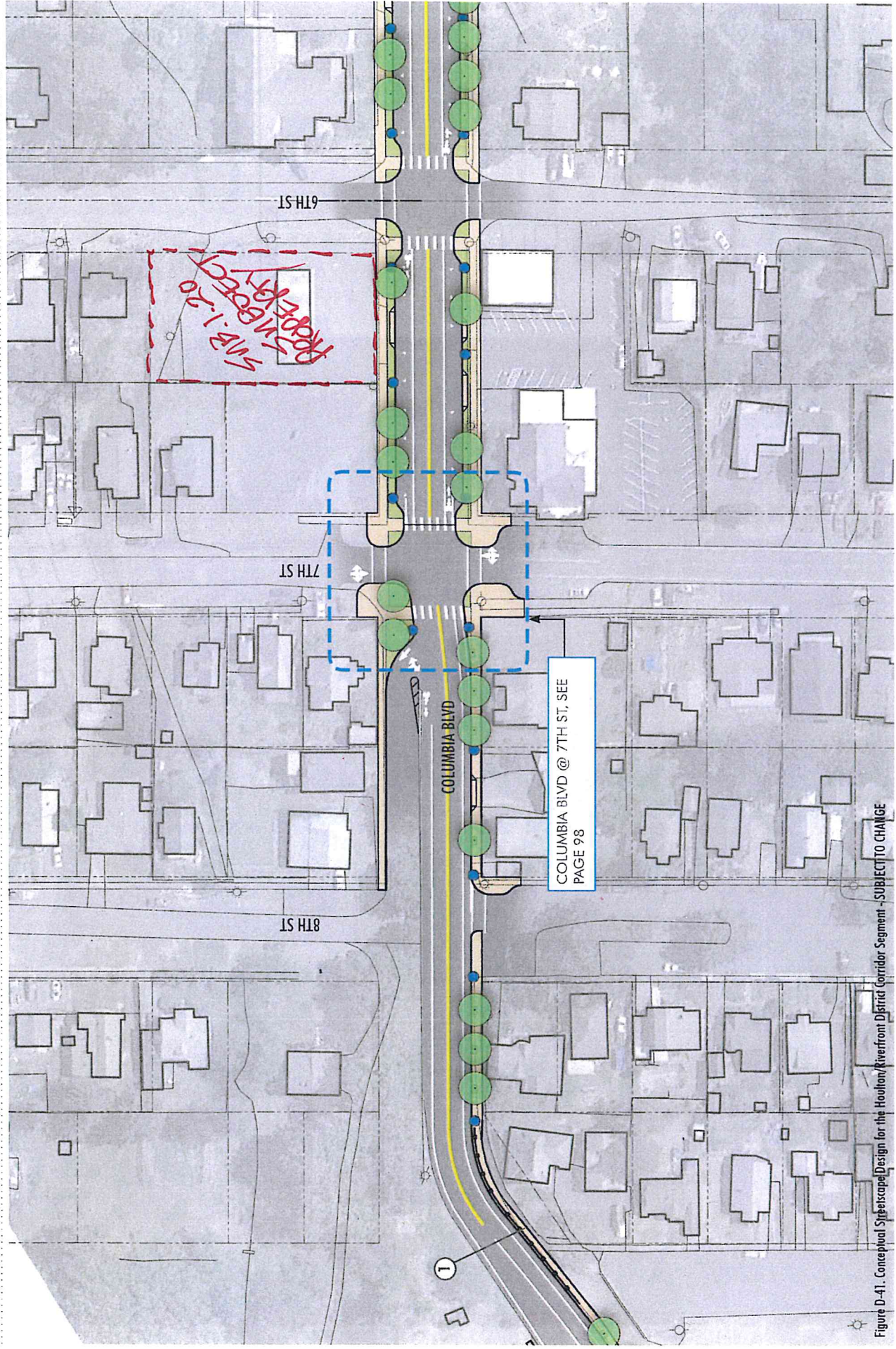


Figure D-41. Conceptual Streetscape Design for the Houlton/Riverfront District Corridor Segment - SUBJECT TO CHANGE

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Conditional Use Permit CUP.2.20 & Variance V.2.20**

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

APPLICANT: Jeff Bolton with Multi/Tech Consultants
OWNER: St. Helens Land, LLC

ZONING: General Commercial, GC (via Ord. No. 3248; took effect on Mar. 20, 2020)
LOCATION: 4N1W-5DD-704 and 2002; NE and SE corner of the Matzen Street / Brayden Street intersection
PROPOSAL: Storage facility related to an existing (in construction) multidwelling complex and an additional bicycle storage shelter and flag pole. The Variance is to allow an accessory structure (the storage facility) larger than the normal maximum size allowed.

The 120-day rule (ORS 227.178) for final action for this land use decision is July 28, 2020.

SITE INFORMATION / BACKGROUND

The **0.48 acre subject property** is located east of Matzen Street and **south of Brayden Street**. The **7.73 acre property** is east of Matzen Street and **north of Brayden Street**; this is Lot 5 of the Matzen Subdivision. The applicant received Conditional Use Permit approval (CUP.2.18) for a multi-family development north of Brayden Street (on said Lot 5) in September 2018. This multi-family development is currently under construction. The subject property south of Brayden Street is currently utilizing a Temporary Use Permit (TUP.9.18) on the site for temporary storage of a construction-related trailer, materials, and equipment related to the multi-family development.

Last year, a Zoning and Comprehensive Plan Map Amendment (file CPZA.3.19) was approved to change the zoning from Moderate Residential, R7 to General Commercial, GC. This was successful. This way the zoning of the subject property matches the multidwelling developed property (700 Matzen Street) it is intended to serve. Thus, the storage facility (if approved) can be a legitimate accessory structure / use to the multifamily principle use across Brayden Street.

Surrounding uses to the west of Matzen Street are dominated by single-family dwellings. To the north of Brayden Street is the multi-family development under construction and more single-family dwellings. To the south of the subject property is one single-family dwelling and one undeveloped property. To the east between the subject property and Highway 30 are commercial uses, including a hotel.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: May 12, 2020 before the Planning Commission.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on April 23, 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 April 29, 2020.

AGENCY REFERRALS & COMMENTS

No comments as of the date of this report.

CONDITIONAL USE PERMIT APPLICABLE CRITERIA, ANALYSIS & FINDINGS

Deemed Complete Info: This application was originally received on February 10, 2020. Staff identified missing information or other aspects that rendered the application incomplete and notified the applicant of the issue pursuant to SHMC 17.24.050 on March 3, 2020. The applicant provided revised or new information and the application was deemed complete on March 30, 2020.

* * *

Permitting History: The subject property is undeveloped with no known prior uses. Recent activity includes the Temporary Use Permit and Zoning and Comprehensive Plan Map Amendment discussed in the Site Information / Background section above.

* * *

Zoning Compliance: The site is zoned General Commercial, GC. Multidwelling units are a conditionally permitted use.

Storage is not an allowed use in the GC zone. Storage / garage buildings were originally proposed with CUP.2.18, but the Planning Commission included a condition (condition 2.a.P of CUP.2.18):

Proposes garages as shown on the plans received July 19, 2018 shall be prohibited. Shall not be included.

The issue was that they wouldn't practically fit given other site development considerations and the dwelling unit density desired by the applicant. The applicant still desires storage amenities for the residents, thus these applications.

The proposed storage building has to be considered accessory structures. Accessory structures are required to meet the same yard requirements as principle buildings. When multidwelling units are proposed in the GC zone, the standards of the Apartment Residential, AR zone apply. Thus, the AR standards apply to this proposal.

As this property will have accessory structures related to a principle use on a property across the street, prevention of disparate ownership is paramount. Since storage is not allowed, it must remain an accessory use. **Does the Commission want to address this with a deed restriction (e.g., covenant to combine properties) or via platting (require that the subject property and the property with the associated multidwelling development be platted as one parcel)? The latter is the stronger bond, typically.**

The new bicycle shelter is an accessory structure too.

Minimum 20' yards (setback) are required along all public streets; plans comply.

Minimum 10' yard (setback) is required along the property lines that don't abut a public street; plans comply; plans comply.

Maximum building height is 35 feet. The proposed storage structure is about 28' high and the new bicycle shelter is only one-story.

Maximum lot coverage of buildings and structures is 50%. Size of the subject property (south side of Brayden Street) is 0.48 acres (approx. 21,000 s.f.). Building footprint is well below 50% of this area.

The subject property (north side of Brayden) has lot coverage allowance for the bicycle shelter.

For multifamily dwelling development, the standards of the AR zone defers to the Site Development Review chapter for minimum landscaping requirements; this is detailed further below.

All chapter of the Development Code apply. The applicable chapters are addressed herein.

* * *

Sensitive Lands: There are no known sensitive lands as identified in the Development Code.

* * *

Landscaping/buffering/screening: **Street trees will be required** as the property has more than 100' of street frontage.

There is not overhead utility lines along the abutting street(s) that would restrict tree size to "small" trees per the code; tree spacing will be based on tree size per 17.72.035(2)(a)-(c).

Landscape plan shows "medium" sized trees with an approximate 40' spacing along Matzen Street, which is the maximum spacing for "large" sized trees as defined by the code. Final landscaping plan that complies with code will be required.

Brayden Streets is classified as “local” per the City’s Transportation Systems Plan. As such, street trees will be behind the sidewalk. Matzen Street is classified as a “collector” street and will have a landscape strip (with street trees) between the sidewalk and curb (given street improvements).

Tree location shall also comply with requirements per 17.72.035(2)(d)-(l). Final development plans will need to include these details.

Some existing trees to be preserved will work as street trees given their location along Brayden Street.

Existing trees shall be incorporated into final landscape plans.

This chapter requires buffering. This applies in this case as follows:

- Site (south of Brayden Street) abuts R7 zoned properties occupied by a detached single family dwelling to the south. The normal requirement is minimum 10’ of buffer plus screening. There is a 30’ wide portion of the abutting property (predominately to the west) that extends along the south side of the property. This provides a buffer. Screening still required.

This chapter requires screening (unrelated to buffering above). This applies in this case as follows:

Because the parking lot will be greater than three spaces (or equivalent to such), it is required to be screened. For screening in this case, the City usually requires landscaping along the perimeter that includes a balance of low lying and vertical shrubbery and trees. This is proposed conceptually; this shall be required. Shall be included on final plans.

Service facilities and equipment (e.g., HVAC and other mechanical unit) visible from a public street, customer or residential parking area, any public facility or residential area are required to be screened whether they are ground, wall or roof mounted. In addition, rooftop facilities and equipment are required to be screened from street and adjacent properties.

There is no mention of other facilities and may not be proposed. Screening required in all cases.

Refuse container or collection area are required to be screened (e.g., trash enclosure). This was addressed for the multifamily development already.

Interior parking lot landscaping. When off-street parking lots have more than 20 spaces, landscape islands are required with trees. This doesn’t apply in this case (i.e. for the property south of Brayden Street).

Fencing. A six foot high sight-obscuring fencing is proposed on all sides of the property. Six foot height is acceptable normally except in vision clearance areas and front yards. The lot is a

corner lot; the code considers the front to be the narrowest street frontage, which in this case is Brayden Street.

The fence is shown honoring the vision clearance area along the south side, but is 6' in height in the front yard. **However, the Commission can allow this as a condition of approval to mitigate against potential adverse effects (SHMC 17.72.090). Staff supports this as the fence will be back from the edge of Brayden Street due to the extra wide right-of-way and for security reasons.**

* * *

Visual Clearance: Chapter 17.76 SHMC requires proper sight distances at intersections to reduce traffic hazard potential. The required area to maintain clear vision is greater for arterial streets.

This applies along the south side of the property (south of Brayden Street) and is shown on the plans.

* * *

Off-Street Parking/Loading: Off street parking is already provided on property developed with the multifamily buildings. There is no maximum parking requirement, so an additional 5 spaces as proposed is ok.

Dimension and type. The proposed parking spaces are parallel. The City's standard for parallel spaces is 22' x 8'. Spaces meet this.

Aisle width. One-way circulation is proposed. The most constrained area is on the east side of the storage building (property south of Brayden Street). Plans show 4' for walkway area (for people accessing storage bays) + 12' for one-way circulation related to parallel parking.

Markings. All interior drives and access aisles are required to be marked and signed to indicate direction flow. This will be necessary, especially given the one-way area circulation proposed.

Surface area. All areas used for parking, storage or maneuvering of vehicles (including things towed by vehicles) shall be paved. This is required.

Wheel stops. Wheel stops are required along the boundaries of a parking lot, adjacent to interior landscape area, and along pedestrian ways. Doesn't apply for the new parallel parking spaces.

Drainage. Drainage plans will be required to prevent ponding, prevent water flow across pedestrian ways and to address pollutants from vehicles (e.g., oil/water separation). Preliminary drainage plan provided. Will be a component of final plans.

Lighting. Required to be directed to avoid glare from surrounding residences and roads/streets. Lighting is proposed, so this is important and a requirement.

* * *

Public street access. All vehicular access and egress per Chapter 17.84 SHMC is required to directly connect to a public or private street approved by the City for public use. Moreover, vehicular access is required to be within 50' of principle entrances.

The site abuts the following streets:

Street/Road Name	Public or Private	Street Class (TSP)	Jurisdiction	Improved?
Matzen Street	Public	Collector	City of St. Helens	Yes, partial; no sidewalks or other frontage improvements on the side of the subject property (south of Brayden Street).
Brayden Street	Public	Local	City of St. Helens	Yes, partial (under construction), no sidewalks required on the south side of Brayden Street for CUP.2.18.

The site utilizes Brayden Street for access and brings vehicle access within the statutory distance of the storage building (property south of Brayden Street).

Vehicular access spacing, amount, etc. One access off Brayden is acceptable. It is >50' from Matzen Street as required.

For multidwelling development the minimum driveway width is 24' for two-way circulation (as proposed) with curbs and a minimum 5' wide walkway. The new drive for the storage building (south of Brayden Street) is 30 feet wide (an acceptable width). **Walkway will be required—see “conditional use” conditions below.**

Pedestrian access (interior walkways). Within all attached housing and multifamily developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities.

Pathways to the storage facility are required—see “conditional use” conditions below.

Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum six-inch vertical separation (curbed) or a minimum three-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards.

There is an approximate mid-block crossing proposed across Brayden Street that will need pedestrian crossing treatment per this section. This is in addition to the crosswalk at the Brayden Street/Matzen Street intersection.

Required walkways shall be paved with hard-surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways shall be required to be lighted and/or signed as needed for safety purposes.

* * *

Signs: A 45' high flag pole is proposed on the property (north of Brayden Street). Flags are addressed in the sign chapter.

Flags.

(a) Residential freestanding poles shall be limited to one per property and shall require a building permit if:

- (i) The pole will be greater than 20 feet in height; or
- (ii) The pole is located such that it could fall off site (i.e., the setback is less than the height of the pole).

(b) Nonresidential freestanding poles shall require a building permit regardless of height, and shall require the applicable land use permit(s) if greater than 30 feet in height.

Regardless of whether or not the flag pole is consider residential or not, the pole is large enough to require a permit. This Conditional Use Permit may act as the permit. Need certification from an engineer registered in the State of Oregon that the base proposed will handle the pole and flag (i.e., not become a falling or other hazard).

* * *

Site Development Review:

Crime prevention. Lighting and fencing is proposed for the storage building (property south of Brayden Street).

Multifamily landscaping. a minimum of 15 percent of the gross area including parking, loading and service areas shall be landscaped.

The subject property (south of Brayden Street) is 21,000 square feet in size. 15% of that is 3,150 square feet. Plans identify about 22% landscaping.

* * *

Conditional Use: Per SHMC 17.100.040(1):

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

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

(f) The use will comply with the applicable policies of the comprehensive plan.

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

The site is large, fairly square, and generally flat. This lends itself well to a project like this.

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

The site has good access and, given this proposal, will be a land use transition between the highway commercial lands and R7 lands to the west.

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

There is no evidence to the contrary.

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

The CUP chapter does not include additional requirements or exceptions specific to multidwelling proposals.

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

This is addressed herein.

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

There are no known conflicts with the Comprehensive Plan.

SHMC 17.100.040(3) - CUP Approval standards and conditions

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

- (a) Limiting the hours, days, place, and manner of operation;
- (b) Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
- (c) Requiring additional setback areas, lot area, or lot depth or width;
- (d) Limiting the building height, size or lot coverage, or location on the site;
- (e) Designating the size, number, location, and design of vehicle access points;
- (f) Requiring street right-of-way to be dedicated and the street to be improved;

- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- (h) Limiting the number, size, location, height, and lighting of signs;
- (i) Limiting or setting standards for the location and intensity of outdoor lighting;
- (j) Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- (k) Requiring and designating the size, height, location, and materials for fences; and
- (l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

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

Specifically for the Commission's consideration:

This storage facility (south of Brayden Street) is for the potential benefit of anybody who lives in the mutlidwelling complex (north of Brayden Street). As a large complex, it is reasonable to assume that people could walk to the storage facility from the east via Brayden Street, from within the site to Brayden Street, and from the north and west along Matzen Street.

The applicant shows a mid-block crossing and there will be a crosswalk across Brayden Street at Matzen Street. A walkway should be required south of Brayden Street to the gate for access for pedestrians.

* * *

Accessory Structures: The property is zoned General Commercial, GC, but the accessory structures are accessory to multi-dwelling units being reviewed by the Apartment Residential, AR standards. In the GC zone, multidwelling units fall under the AR standards. For CUP.2.18, the Commission determined that all accessory structures for this proposal shall be treated under the AR standards (as residential accessory structures). This applies here.

The proposed principle use is a 204 unit multidwelling complex as approved by CUP.2.18. This is considered an accessory structure for the multidwelling complex.

Maximum size allowed: Maximum *gross floor area* (GFA) allowed for an accessory structure in a residential zone depends on property size. The maximum GFA is 600 unless the property (lot or parcel) it is proposed on is at least 2½ acres in size. The property with the multidwelling development is approximately 7.73 acres in size, which if considered a part of the subject property at just under an half-acres in size, increases the maximum size allowed to 1,000 GFA (assuming it is treated as residential).

The proposed building is 36' x 130' (4,680 s.f. footprint) and two levels thus the total GFA is 9,360 s.f. and much larger than the 1,000 s.f. maximum. A Variance is necessary to allow this (see Variance discussion below).

Lot coverage: Accessory structures cannot exceed the coverage allowed combined with the principle structures/buildings. This looks ok.

Yard requirements: the yard (setback) requirements of the zoning district are required to be met. The accessory structures meet the proper yard requirements.

Architectural requirements: The style and exterior materials are required to be similar as the principle building and the roof pitch of the accessory building is required to be the same as the principle building if the accessory building exceeds 15 feet in height.

Both proposed accessory structures (buildings appear to meet this).

* * *

Tree Removal/Preservation: Chapter 17.132 SHMC addresses the preservation of trees with a diameter at breast height (DBH) >12 inches. Protection is preferred over removal per this Chapter and Site Development Review Chapter 17.96 SHMC.

No new tree impacts for the property north of Brayden Street.

For the property/area south of Brayden Street, about a dozen trees will be kept in addition to some in the right-of-way. Some tree replacement will be necessary. It is anticipated that street trees for this property and the total number of landscape trees per the approved landscaping for the property north of Brayden will make up for this.

A protection program by a qualified professional defining the standards and methods that will be used to protect the existing trees to be preserved is required. This shall be on or with the Building Permit plan set to ensure contractors and others follow the tree protection plan during site development.

* * *

Street/Right-of-Way Standards: Brayden Street is being developed as part of the whole project. For CUP.2.18 the requirement was for Brayden Street be built to local street standards; half street improvement plus a 12' travel lane. Being on the opposing side of the street, the Brayden Street frontage for the subject property can complete this section of Brayden.

For Matzen Street CUP.2.18 required it be improved to City standards including but not limited to pavement widening, bike lanes as identified in the City's Transportation Master Plan, curb, gutter, landscape strip, and sidewalk. This will apply in this case for the Matzen Street frontage abutting the subject property.

* * *

Utility Standards:

No utilities are proposed or involved except power and storm water. New utilities are required to be underground.

* * *

Trails/bikeways: There is no identified trail. As a Collector, Matzen Street is required to have a bike lane.

* * *

Traffic Impact Analysis: This proposal considers new accessory use / buildings related to the multifamily development approved per Conditional Use Permit CUP.2.18. A TIA was required for that development; this use is assumed to not result in additional vehicular trips as principle uses are not proposed to expand.

* * *

Other Considerations: Public trees, including those within public rights-of-way are protected. Pursuant to SHMC 8.12.090 no person shall remove trees within public places (including public rights-of-way) without first obtaining permission from the City.

There is “extra’ right-of-way between the subject property and the developed portion of Brayden Street. Trees within this area are public.

At their January 15, 2020 regular session when the Council considered the Comprehensive Plan and Zoning Map Amendment for the subject property (south of Brayden Street), they asked if the applicant could extend sidewalks to Sykes Road, perhaps in partnership with the City. We cannot require these off-site improvements being questionably justified, but we can ask.

* * * * *

VARIANCE APPLICABLE CRITERIA, ANALYSIS & FINDINGS

The Variance is to allow an accessory structure (storage building on property south of Brayden Street) larger than normally allowed.

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)-(e): As per the Commission. Note that the applicant sought property for storage as an amenity for its residents since the Planning Commission did not allow such for the original Conditional Use Permit (CUP.2.18). A multidwelling complex of this size can benefit with this amenity. The Commission can consider this if it thinks the storage site will not pose any problems for the neighborhood. As the use (south of Brayden Street) compared to the main area (north of Brayden Street) is not anticipated to be as active, it could be viewed as additional screening and buffering for the surrounding dwellings from the commercial lands beyond.

* * *

CONCLUSION & RECOMMENDATION

Based on the facts and findings herein, if the Planning Commission approves this Conditional Use Permit and Variance, staff recommends the following conditions:

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

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

((delete this if Variance is denied))

3. The following shall be required prior to any development or building permit issuance:

a. Staff recommends the condition that ties the property south of Brayden St. with the property north of Brayden Street be here. The separate property for an accessory structure to be built related to a principal use across the street warrants the bind before things get built. You could also put the condition as something required before occupancy (under condition 3 below).

Does the Commission want to address this with a deed restriction (e.g., covenant to combine properties) or via platting (require that the subject property and the property with the associated multidwelling development be platted as one parcel)? The latter is the stronger bond, typically.

- b. Final plans as submitted with any development or building permit(s) shall comply with the plans submitted with this Conditional Use Permit / **Variance** with the following additions and/or corrections:
 - i. All interior drives and access aisles are required to be marked and signed to indicate direction flow.
 - ii. Street crossing for mid-block crossing across Brayden Street needs pedestrian crossing treatment such as pavement markings, or contrasting pavement materials, as approved by the City.
 - iii. A walkway shall be required to the gate/access to the storage facility south of the Brayden Street southerly sidewalk (required to be constructed) to connect with the sidewalks and street crossings north of / beyond that.
 - iv. Street trees shall reflect city standards. For example see SHMC 17.72.035.
 - v. Existing trees to be preserved shall be incorporated in landscape and other plans.
 - vi. Perimeter landscaping along public streets shall include a balance of low lying and vertical shrubbery and trees.
 - vii. See condition **6** below.
 - c. Engineering construction plans shall be submitted for review and approval addressing all public improvements including but not limited to street improvements to the portions of Brayden Street and Matzen Street that abut the subject property that lies south of Brayden Street. Street improvements shall be based on the street's classification.
 - d. A drainage and stormwater plan certified by a registered professional engineer shall be submitted that addresses any increase in runoff from the site and how the potential impacts will be mitigated. Plans shall include oil/water separation.
4. The following shall be required **prior to** Certificate of Occupancy by the City Building Official / commencement of use:
- All improvements necessary to address the requirements herein, and in accordance with approved plans, shall be in place.
5. **The proposed storage building (on property lying south of Brayden Street) may be as large as indicated in the record of this file, which exceeds the normal maximum size for accessory structures.**
- ((planning commission must approve the variance for this one))**
6. A protection program by a qualified professional defining the standards and methods that will be used to protect the existing trees to be preserved is required. This shall be on or with the development and/or building permit plan set(s) to ensure contractors and others follow the tree protection plan during site development.
7. Pursuant to SHMC 8.12.090 no person shall remove trees within public places (including public rights-of-way) without first obtaining permission from the City.

8. Service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened, **regardless if such screening is absent on any plan reviewed by the City. This includes but is not limited to ground mounted, roof mounted or building mounted units.** See SHMC 17.72.110(2).
9. **Proposed fence may be 6' in height along the front yard (i.e., along Brayden Street).**

((planning commission needs to ok this as a condition of approval))
10. Any artificial lighting of the site shall be designed such that there will be no glare into nearby public rights-of-way or residences.
11. **Prior to flag pole installation**, certification from an engineer registered in the State of Oregon that the base proposed will handle the pole and flag (i.e., not become a falling or other hazard), shall be required.
12. Per the City Council at their January 15, 2020 regular session, the City requests that the applicant install sidewalks (frontage improvements) along Matzen Street to Sykes Road or partner with the City to do so. This is not a binding condition and has no bearing on site plan approval, attainment of occupancy, etc.
13. No plan submitted to the City for approval shall contradict another.
14. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), **except for the Variance granted herein.**

Attachment(s): Application narrative

- C1.1 Cover sheet
- C1.2 Existing Conditions
- C1.3 Site Plan
- C1.4 Site Plan Details
- C2.1 Site Grading and Drainage Plan
- C3.1 Water Improvement Plan
- L1.1 – L1.2 Landscape Plans
- A1.1 - A1.2 - STORAGE BUILDING ELEVATIONS
& FLOOR PLAN**

Storage Building (Accessory Structure) Conditional Use/Variance

Revised-March 24, 2020

SITE:

The subject property is located on the south side of Brayden Street and the east side of Matzen Street (040105DD/Tax Lot 2002).

VICINITY INFORMATION:

The surrounding properties are fully developed.

North:	GC; apartment development
East:	R7 and HC; existing single-family dwellings and commercial uses
South:	R7 and HC; existing single-family dwellings and commercial uses
West:	R7; existing single-family dwellings

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MAR 30 2020

CITY OF ST. HELENS

PROPOSAL:

The applicant is proposing the development of 0.48 acres of GC zoned property with a 9,360 square foot building containing 68 storage units, as shown on the site plans. The development of the storage building in the GC zone requires a Conditional Use Permit, because the proposed storage units are an accessory use to the multi-family dwellings (apartment complex) to the north.

The applicant is also proposing a flagpole on located within the apartment development to the north. The flagpole will be 45 feet in height where 30 feet in height is allowed.

There is also a gazebo located within the apartment development to the north that is an accessory structure.

Accessory Structures

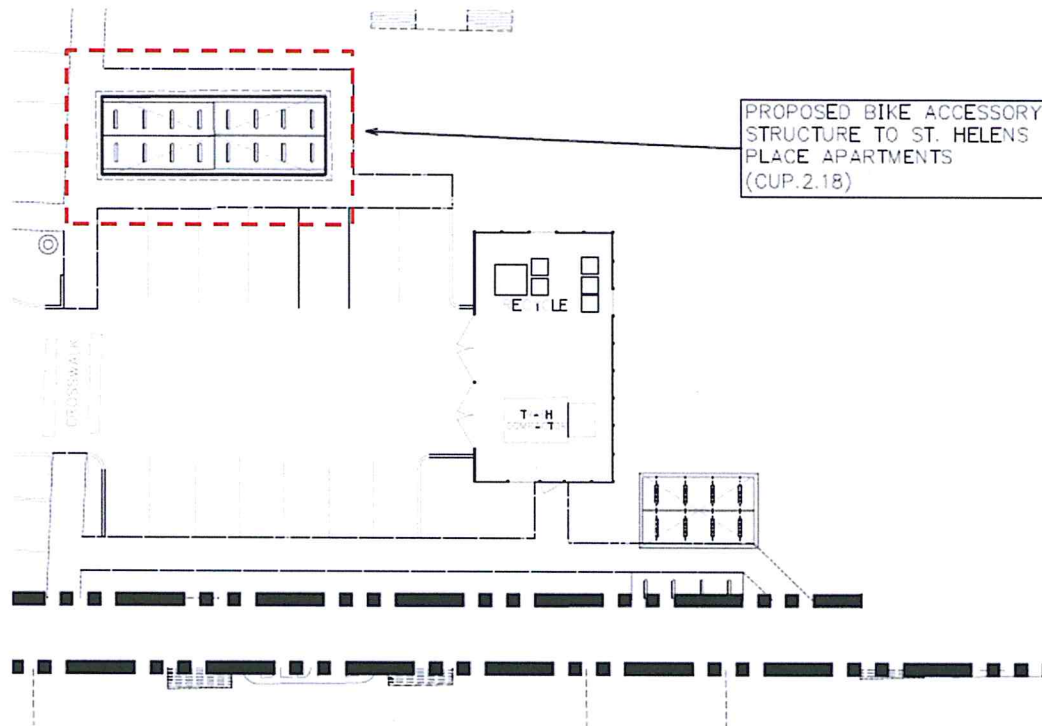
17.124.070 Approval criteria:

(1) Dimensional Approval Criteria.

- (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; and***
 - (iii) In no case shall the accessory building(s) and principal structure exceed the maximum lot coverage allowed by the base zone;***

Applicant Response: The subject property is 0.48 acres in size and the proposal is for a 9,360 square foot storage building, which will be accessory to the apartments located to the north. The subject property is not zoned residential; however, the proposed use is accessory to a residential use. Therefore, these standards apply. The size of the storage building exceeds the 600 square feet allowed. Therefore, the applicant has requested a variance as well.

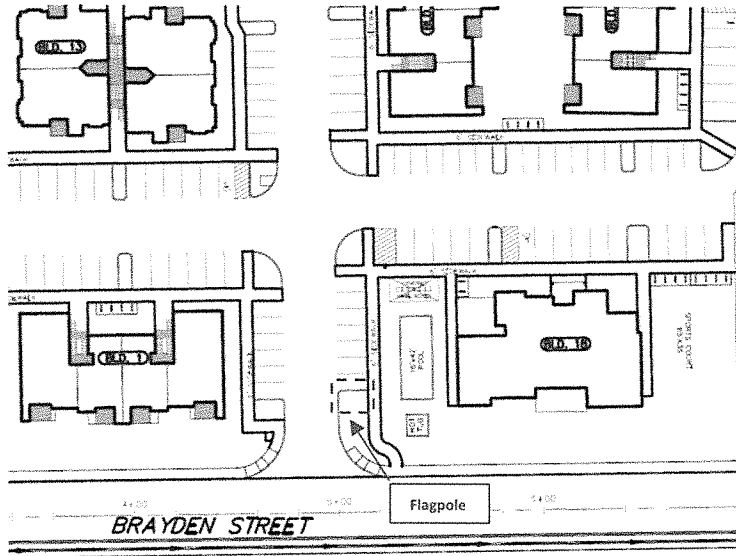
There is also a 560 square foot gazebo located within the apartment development to the north that is an accessory structure.



The gazebo is in compliance with the size and height requirements with in the code. See attached site plans and building elevations.

(c) All freestanding and detached towers, antennas, wind-generating devices and TV receiving dishes in residential zones shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscape planting screen, in accordance with Chapter 17.72 SHMC, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments; and

Applicant Response: Criteria (c) only applies to the proposed flagpole within the apartment development to the north. The proposed flagpole within the development adjacent the recreation building.



As shown on the site plans and the landscape plans, the flagpole will have adequate setbacks from Brayden Street to the south and landscaping.

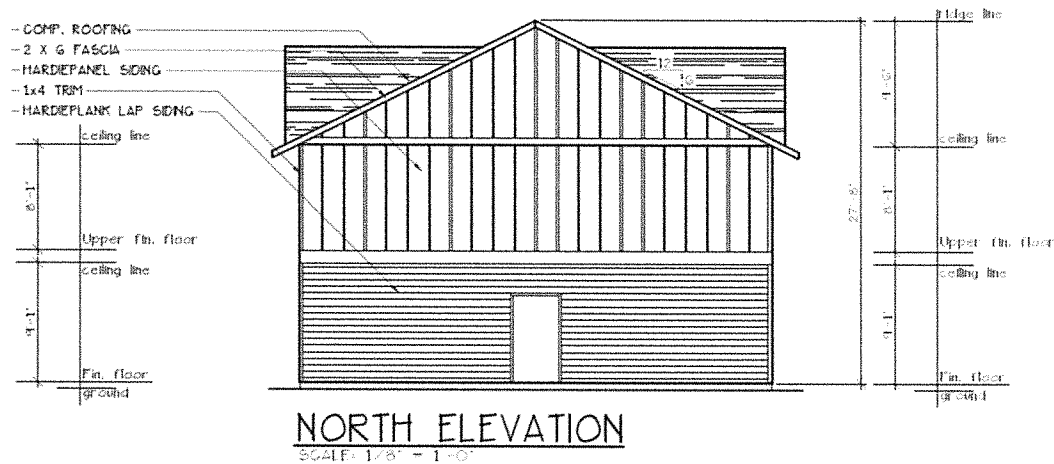
(2) Nondimensional Approval Criteria.

- (a) Accessory structures or buildings shall comply with all requirements for the principal structure, except where specifically modified by this chapter;**
- (b) If an application proposed for an accessory structure meets the following criteria, the director shall approve the application proposal:**
 - (i) No accessory building or structure shall be allowed in any required front yard;**
 - (ii) The applicant shall present documentation of the possession of any required license by any federal, state or local agency;**
 - (iii) Any accessory building or structure attached to the principal building or structure must comply with all setbacks of the zoning district ("attached" means wall-to-wall or any permanent roof attachment such as breezeways);**
 - (iv) No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including but not limited to streets, alleys and public or private easements;**
 - (v) Except for dishes less than 24 inches in diameter, TV receiving dishes may be erected upon the roof of a structure only within a commercial or industrial zone;**
 - (vi) All accessory structures shall be built in accordance with the applicable building code as administered by the building official;**
 - (vii) The style and exterior materials must be similar to the principal building; and**

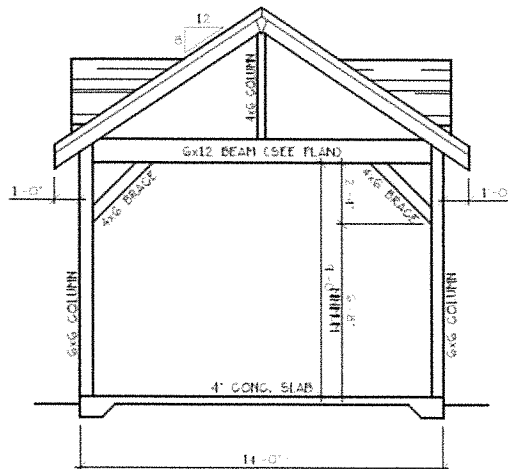
(viii) Roof pitch must be same as principal building if accessory building exceeds 15 feet in height;

Applicant Response To vii and viii: The storage buildings will be designed to be similar in style to the main use, the apartments. The same varied materials and textures are being used on the storage building façade, as used on the apartment buildings to the north. The applicant has provided building elevations to show how this is being complied with. The materials used on the front, rear, and sides of the storage buildings are similar to those used on the apartments; shake siding, trim board, lap siding, and stone around the pillars.

The proposed building will be 2-story in height (27.8 feet in height/measured to the peak) with more than adequate setbacks to provide a buffer from adjacent uses. The building height and setbacks meet the standards set out in the Code. These standards are established in order to minimize impacts to adjacent uses. The building design, height, and setbacks will help minimize any impacts to the surrounding properties.



The gazebo within the apartment development will be designed to be consistent with the character of the apartment buildings. See attached site plans and building elevations.



GAZEBO/BIKE STRUCTURE - CENTER + END ELEVATION
SCALE: NTS

Variance

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;*
 - (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.*

Applicant Response: The subject property is 0.48 acres in size and the proposal is for a 9,360 square foot storage building, which will be accessory to the apartments located to the north. The subject property is not zoned residential; however, the proposed use is accessory to a residential use.

The applicant is also proposing a flagpole on located within the apartment development to the north. The flagpole will be 45 feet in height where 30 feet in height is allowed. As shown on the site plans and the landscape plans, the flagpole will have adequate setbacks from Brayden Street to the south and landscaping.

According to Code, the size of the storage building exceeds the 600 square feet allowed. The variance is the minimum deviation necessary to make reasonable economic use of the property.

During the initial investigation of the property we, as a development team including planners, architects, engineers and our employees, undertook the task of finding the best possible opportunity to make this project a success. The variance allows the applicant to maximize the development and use of the site and allow a needed accessory use to the apartments to the north.

The applicant is only asking for a variance to allow the accessory structure to exceed the 600 square feet allowed. Since the applicant is providing greater than required setbacks and developing the building to be visually compatible with the apartments, the variance will have little to no impact to the area.

The storage unit accessory structure (Tax Lot 202) will be appurtenant to Lot #5 of the Matzen Subdivision and the St. Helens Place Apartment Site by Deed Restriction. The developer's Council will set up this document for City of St. Helens approval and eventual recording through Columbia County.

The applicant has analyzed the physical qualities of development and concludes that the development does not negatively impact the site or surrounding properties.

There is no evidence that the proposed negatively impacts any physical or natural systems. There are no significant topographical features on or adjacent to the subject property that will be impacted, including views, vegetation, hazard areas, historic, wetlands, other natural features, habitats, or ecologically sensitive features. The site will be excavated and graded for foundations, paved surfaces and landscaping. However, the physical disruption is only what is necessary to allow one new building, landscaping and irrigation, and construction that will be energy efficient.

The variance does not conflict with comprehensive plan. The proposed will add additional trees and be in compliance with the City tree ordinance and any replanting requirements. The proposal promotes and encourages an orderly extension of services by being located in an urbanizing area.

(2) The commission shall approve, approve with modifications, or deny an application for an access variance in accordance with the criteria set forth in SHMC 17.84.150.

Applicant Response: Not applicable to this request.

- (3) *The planning commission shall approve, approve with modifications, or deny an application for a subdivision variance subject to the criteria set forth in SHMC 17.136.120.*

Applicant Response: Not applicable to this request.

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

- (a) The reduction of the setback area or increase in lot coverage established by the applicable zoning district shall be necessary to allow for the enlargement or remodeling of an existing building, accessory structure, or auxiliary dwelling unit;*
- (b) The increase in lot coverage established by the applicable zoning district may also allow for new accessory structures or auxiliary dwelling units;*
- (c) The garage setback to the front property line satisfies the requirements of the applicable zoning district;*
- (d) The standards of Chapter 17.76 SHMC, Visual Clearance Areas, shall be satisfied;*
- (e) The proposed building, accessory structure, addition, or auxiliary dwelling unit shall not encroach upon any existing easements;*
- (f) When the proposed building or addition is within the rear yard, the setback adjacent to the rear property line shall be landscaped with sight-obscuring plantings in accordance with the standards set forth in SHMC 17.72.080, Buffering and screening requirements; and*
- (g) Setback, buffering and screening requirements that apply when commercial and industrial zones abut a residential zone shall be satisfied.*

Applicant Response: Not applicable to this request.

- (5) *Reasonable Accommodation.*

- (a) *This development code has been developed to achieve the policy set out in ORS 197.663 to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing within the city of St. Helens. Nevertheless, it may at times be necessary to make reasonable accommodations in land use and zoning policies or procedures to avoid discrimination against persons with disabilities.*

- (i) Upon request by an applicant, the director shall waive a requirement of this development code where the requested modification is reasonable and necessary to make a reasonable accommodation in compliance with the Federal Fair Housing Act. A requested modification shall be considered unreasonable when it would impose an undue*

burden or expense on the city or create a fundamental alteration in the zoning scheme.

Applicant Response: Not applicable to this request.

CONDITIONAL USE

Criteria:

a) The site size and dimensions provide adequate area for the needs of the proposed use;

Findings: The applicant is proposing the development of 0.48 acres of GC zoned property with a 9,360 square foot building containing 68 storage units, as shown on the site plans. The development of the storage building in the GC zone requires a Conditional Use Permit because of the type of use proposed. The proposed use will be storage units for the apartments complex located to the north of the site. This building will be an accessory use to the multi-family dwellings.

The applicant is also proposing a flagpole on located within the apartment development to the north. The flagpole is an accessory structure as well.

There is also a gazebo located within the apartment development to the north that is an accessory structure.

The size of the property provides adequate area to meet the minimum lot size requirements and provide more than sufficient setbacks and parking on the site.

(b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;

Findings: The proposed development benefits the residents to the north by providing storage. The site is narrow and only 0.48 acres in size. This use provides a narrow building which can meet the code requirements for setbacks and parking. The size, shape, and location of this site are the ideal location for the storage units, which will be an accessory use to the multi-family dwellings to the north. This proposal will also allow for the advantageous use of land that is currently serviced by public facilities. The proposed use will provide an excellent transition and a melding of the different types of housing and uses in the area, where there is existing well-established detached single family, multi-family dwellings, and commercial uses.

The proposal is suitable for the site and will take vacant land and develop it with commercial uses that will not affect the neighborhood. The proposed use will enhance an established neighborhood by providing commercial services for the residential uses to the north.

The proposed buildings will be 2-story in height (27 feet in height/measured to the peak) with more than adequate setbacks to provide a buffer from adjacent uses. The building height and setbacks meet the standards set out in the Code. These standards are established in order to minimize impacts to adjacent uses. The building design, height, and setbacks will help minimize any impacts to the surrounding properties.

(c) All required public facilities have adequate capacity to serve the proposal;

Findings: The submitted plans show that the proposed building can be serviced by the infrastructure to support the development and will be designed to City standards.

Prior to construction of the site, the applicant will provide plans that identify all existing and proposed utilities. The plans will show how all required utilities will be connected to existing or relocated to provide services to the proposed development.

The applicant will obtain all required permits prior to construction.

(d) The applicable requirements of the zoning district are met except as modified by this chapter;

Findings: As shown on the site plans, all applicable requirements of the zoning district have been met. No variances are required for development of the site.

(e) The supplementary requirements set forth in Chapter 17.88 SHMC, Signs; and Chapter 17.96 SHMC, Site Development Review, if applicable, are met; and

Findings: Site Development Review is not applicable to this development.

(f) The use will comply with the applicable policies of the comprehensive plan.

Findings: The applicant has requested a Comprehensive Plan Amendment from 'Residential' to 'Commercial'. The proposed development is consistent with the policies of the 'Commercial' comprehensive plan designation.

The intent of the comprehensive plan is to project the goal of the most desirable pattern of land use in the area taking into account various factors such as the transportation system, location of public facilities, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment. To ensure that the anticipated urban land use needs are met, the Plan map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed.

The subject property is designated as 'Residential' on the St. Helen's Comprehensive Plan Map.

The applicant has requested that the subject property be rezoned to GC with a "Commercial" comprehensive plan designation. The proposed use is for storage units affiliated with the multi-family dwellings to the north. The proposed use will consistent with the commercial comprehensive plan goals and policies.

The City's Comprehensive Plan Transportation Goal and Policies encourage a safe, convenient and economic transportation system. The major streets are in place due to previous development.

The City's adopted Comprehensive Plan designation and Transportation Goal and Policies require development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. All necessary and appropriate public services and

facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

The comprehensive plan encourages a mixture of housing types and commercial uses within a neighborhood that has access. The site as a whole will provide a commercial use consistent within existing uses in the area and will provide uses that are needed in this area for the apartments to the north.

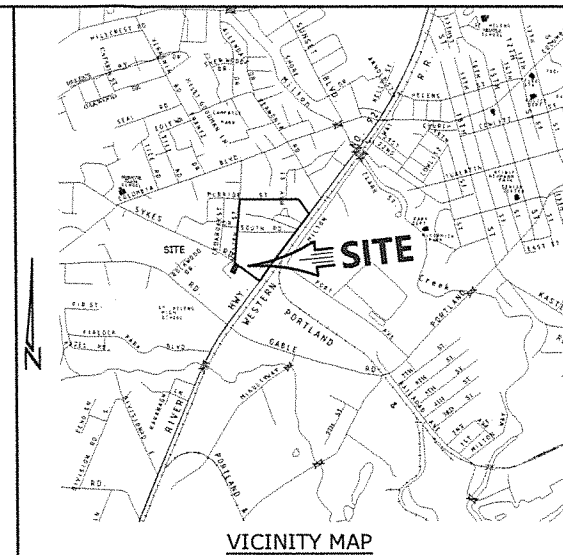
The request is in conformance with the comprehensive plan and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed.

Development of the subject property can meet the minimum standards of the zone code as shown on the site plans. The proposal complies with the Comprehensive Plan as addressed in this report. The applicant has presented evidence sufficient to prove compliance with these standards.

**9550 SE CLACKAMAS RD.
CLACKAMAS, OR 97015
(503) 655-7933
KARL@IECON.US**

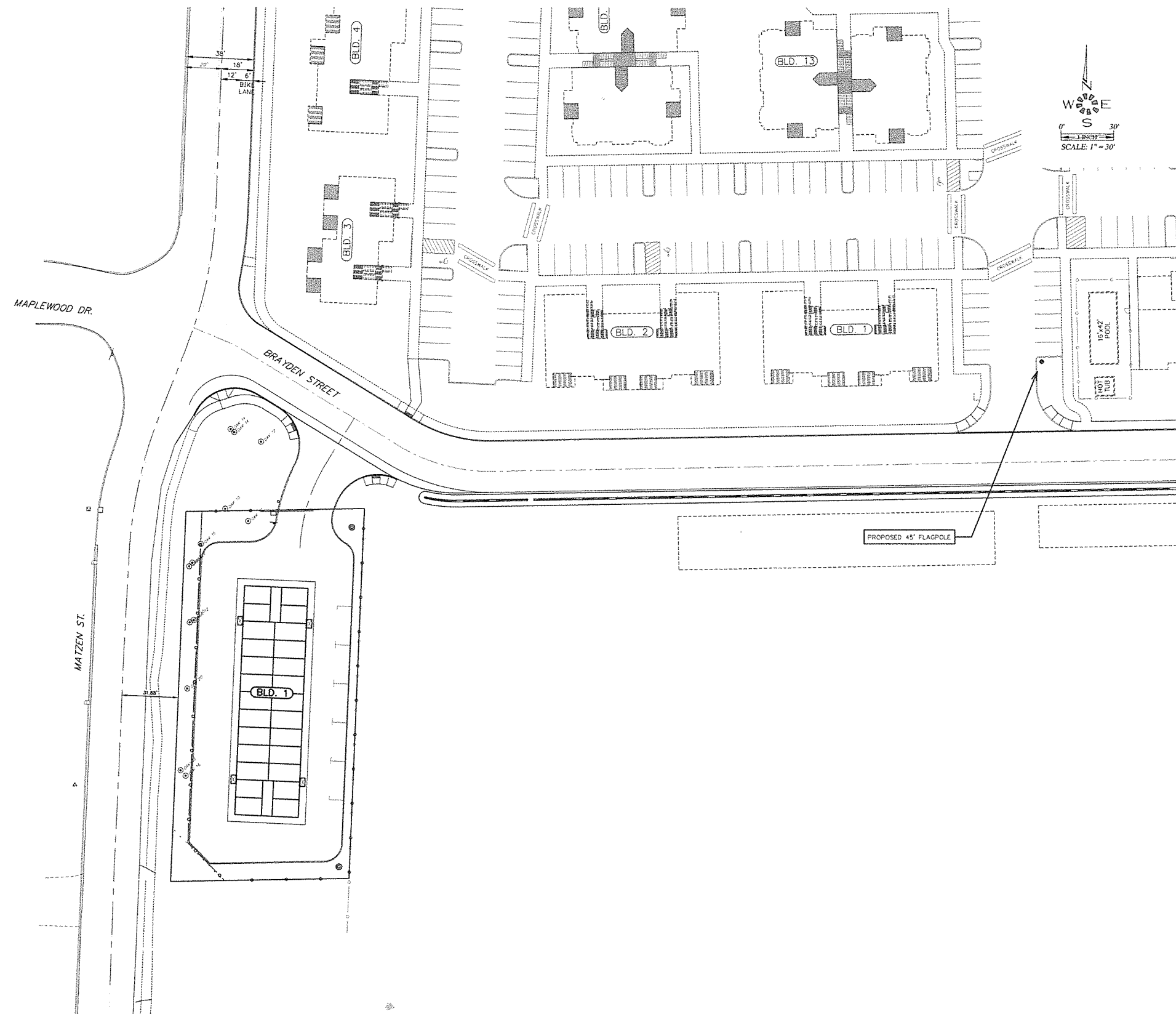
SEC. 5, T. 4 S., R. 1 W., W.M.
CITY OF ST. HELENS
COLUMBIA COUNTY, OREGON
TOTAL ACREAGE _____ 0.47 AC.
TOTAL SQUARE FEET _____ 21,175 S.F.

T.B.M. RD4218
LOCATED IN THE CITY OF ST. HELENS, OR
THE STATION IS A 4 INCH OREGON PRIMARY
GPS DISK STAMPED "HELEN 1989" SET IN
BEDROCK FLUSH WITH GROUND
ELEVATION 78.30 NAVD88.




C1.1 - COVER SHEET
C1.2 - EXISTING CONDITIONS PLAN
C1.3 - SITE PLAN
C2.1 - SITE GRADING AND DRAINAGE PLAN
C3.1 - WATER IMPROVEMENTS PLAN
C4.1 - EROSION CONTROL PLAN
C4.2 - EROSION CONTROL DETAILS & NOTES
C5.1 - DETAIL SHEET

L1.1 LANDSCAPE PLAN
L1.2 LANDSCAPE DETAILS & NOTES



AC.P.	ASPHALTIC CONCRETE	L.P.	LIGHT POLE
A.C.M.	ALUMINIZED CHP	M.	METER, MAIN
AS.C.	ASSEMBLY	M. H.	MANHOLE
B.O.	BLOW OFF	M.T.L.	METAL
B.F.V.	BUTTERFLY VALVE	O.H.	OVERHEAD
C & G	CURB & GUTTER	P.	POINT OF CURVE
C.B.	CABLE TELEVISION	P.C.	POINT OF CONTINUING CURVE
C.B.	CATCH BASIN	PED.	PEDESTAL
C.B.C.O.	CATCH BASIN CLEANOUT	P.R.C.	POINT OF REVERSE CURVE
C.B.I.N.	CATCH BASIN INLET	PROCP.	PROPOSED
C.L.	CENTRALINE	PT	POINT OF TANGENCY
CHP	CORRUGATED METAL PIPE	PUB.	PUBLIC
C.H.	CLEAR CUT	P.U.E.	PUBLIC UTILITY EXCAV.
CONC.	CONCRETE	P.V.C.	POLYVINYL CHLORIDE
CONST.	CONSTRUCT	P.V.T.	PRIVATE
D.	DUCTILE IRON	P.P.	POWER POLE
D.I.A.	DIAMETER	P.L.	PROPERTY LINE
DWG.	DRAWING	R.	RADIUS
E.F.H.T.	EASEMENT	R.D.	ROAD
E.G.	EXIST. GRADE / GROUND	RD	ROAD DRAIN
EOP, E.P.	EDGE OF PAVEMENT	R.O.W.	RIGHT-OF-WAY
E.L.	ELECTRIC	S.A.M.S. or S.S..	SANITARY SEWER
ELEV. or EL.	ELEVATION	S.	SLOPE
EX. or EXIST.	EXISTING	STA.	STATION
F.	FEET	STD.	STANDARD
F.F.	FINISH FLOOR	STL.	STEEL
F.G.	FINISH GRADE	STM.DRI. or S.D..	STORM DRAIN
F.H.	FIRE HYDRANT	S.	SEWER
F.M.	FORCE MAIN	S.W.	SIDEWALK
GUT. or GTR.	GUTTER	T.C.	TOP OF CURB
G.M.	GATE VALVE	T.E.	TELEPHONE
IMP.	IMPROVEMENT	TYP.	TYPICAL
INST.	INSERT	U.G.	UNDERGROUND
INV. or I-	INVERT	V.L.T.	VOLUME
L.	LENGTH, LINE	W.M.	WATER MAIN

EXIST, PROP.		EXIST, PROP.	
⊖	⊖ BLOW OFF ASSY.	②	② MANHOLE SAN, SEWER
⊖	⊖ CATCH BASIN	②	② MANHOLE STORM DRAIN
⊖	⊖ CATCH BASIN CLEANOUT	②	② 2' DIA. C.G. / M.H.
⊖	⊖ CATCH BASIN INLET	②	② MANHOLE TELEPHONE
⊖	⊖ CATV PED. / BOX	②	② MANHOLE WATER
⊖	⊖ CLEANOUT	▷	▷ REDUCER / INCREASER
⊖	⊖ ELEC. PED. / BOX	▷	▷ TEL. PED. / BOX
⊖	⊖ FIRE HYDRANT	▷	▷ TRAFFIC PED. / BOX
⊖	⊖ GAS LOCATION MARKER	▷	▷ UTILITY / POWER POLE
⊖	⊖ GAS VALVE	▷	▷ WATER METER
⊖	⊖ MAIL BOX	⊗	⊗ WATER VALVE
---	--- CABLE TELEVISION	---	--- SANITARY SEWER EXIST
---	--- CENTERLINE	---	--- SANITARY SEWER PROP.
---	--- DITCH C.L.	---	--- STORM DRAIN EXIST
---	--- ELECTRICAL LINE	---	--- STORM DRAIN PROP.
---	--- GAS MAIN	---	--- WATER MAIN EXIST
---	--- TELEPHONE LINE	---	--- WATER MAIN PROP.



MULTI/TECH

COVER SHEET

BRAYDEN STREET STORAGE

NO CHANGES, MODIFICATIONS
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MADE TO THESE DRAWINGS
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AUTHORIZATION FROM THE
DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE
PRECEDENCE OVER
GRAPHICAL REPRESENTATION.

67786 CL1-COV

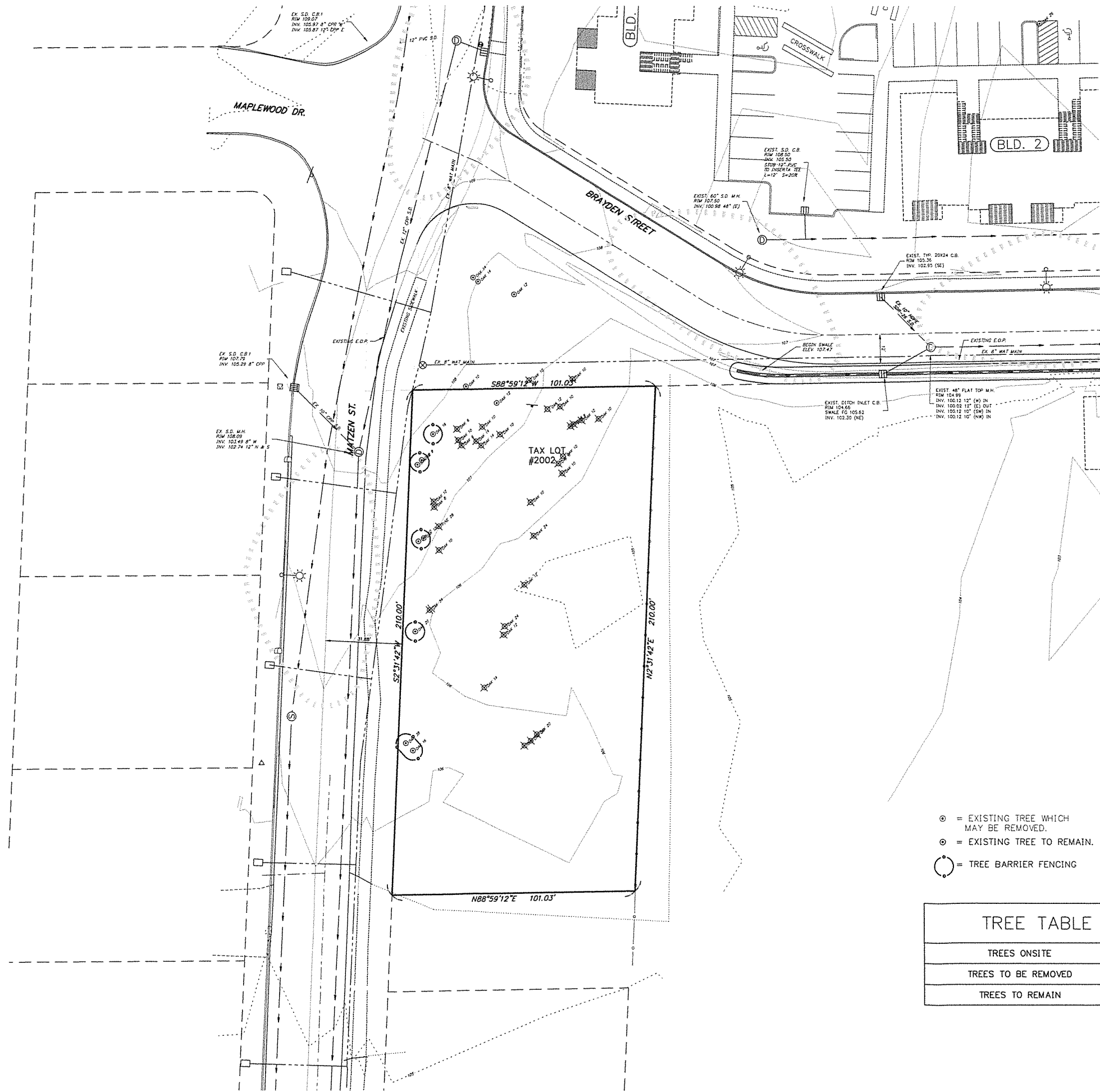
Design: M.D.G.
Drawn: C.D.S.
Checked: ---
Date: FEB.2019
Scale: AS SHOWN



TABLE 1

JOB # 6778

C1.1



- ⊙ = EXISTING TREE WHICH MAY BE REMOVED.
- ⦿ = EXISTING TREE TO REMAIN.
- = TREE BARRIER FENCING

TREE TABLE	
TREES ONSITE	45
TREES TO BE REMOVED	33
TREES TO REMAIN	12

EXISTING
CONDITIONS
PLAN

BRAYDEN STREET STORAGE

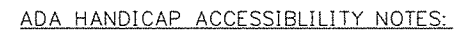
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6778 CL-10000

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Drawn: C.D.S.
Checked: ---
Date: FEB 2019
Scale: AS SHOWN

REGISTERED PROFESSIONAL
ENGINEER
MARK D. GOREN
OREGON
NO. 1978
EXPIRES 06-30-2021

JOB # 6778



1. ALL ON-SITE WALKWAYS, PEDESTRIAN CONNECTIONS TO THE PUBLIC SIDEWALK AND ROUTES TO BUILDING ENTRANCES ARE ACCESSIBLE WITH RUNNING SLOPES LESS THAN 5% AND CROSS SLOPE LESS THAN 2% MAX. ALL BOTTOM RAILING STAIRS AND EXIT FACE OF ENTRANCE DOORS SHALL HAVE A SLOPE IN THE DIRECTION OF TRAVEL NOT TO EXCEED 2%.
2. HANDICAP PARKING STALLS AND ACCESS AISLES ARE TO HAVE SLOPES IN ANY DIRECTION OF LESS THAN 2% MAX. GRAPHIC MARKINGS & SIGNAGE FOR HANDICAP AND VAN ACCESSIBLE STALLS WILL BE PER OSC 2010 CHPTR. 11 AND ORS. REQUIREMENTS.
3. HANDICAP ACCESSIBLE CURB RAMPS SHALL HAVE A RUNNING SLOPE NOT TO EXCEED 1:12 MAX. AND A CROSS SLOPE NOT TO EXCEED 1%.
4. THE COMMUNITY BUILDING & ON-SITE LAUNDRY FACILITIES WILL BE FULLY HANDICAP ACCESSIBLE IN ACCORDANCE WITH ANSI A117.1 AND CHAPTER 11 OF THE 2010 OSC.
5. 2% OF THE LIVING UNITS OR (3) UNITS WILL BE TYPE "A" HANDICAP ACCESSIBLE. THESE INCLUDE A 1, 2 AND 3 BEDROOM UNIT AS INDICATED ON THIS SITE PLAN. THE BALANCE OF THE GROUND FLOOR LIVING UNITS WILL BE TYPE "B" ADAPTABLE UNITS IN ACCORDANCE WITH ANSI A117.1.

SITE DEVELOPMENT

STORAGE UNITS:
BLD 1 68 UNITS 9,360 S.F.

LOWER LEVEL UNITS:
8 10' X 15'
18 10' X 18'

UPPER LEVEL UNITS:

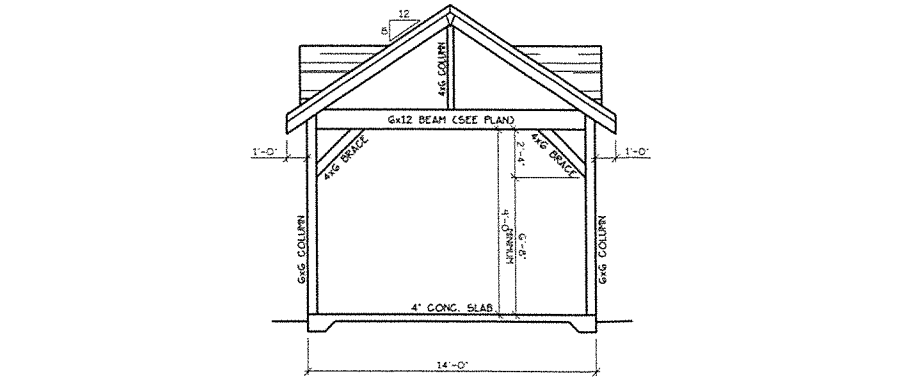
12	4' X 6'
12	5' X 10'
20	8' X 15'
8	7.5' X 11'

PARALLEL PARKING STALLS 5

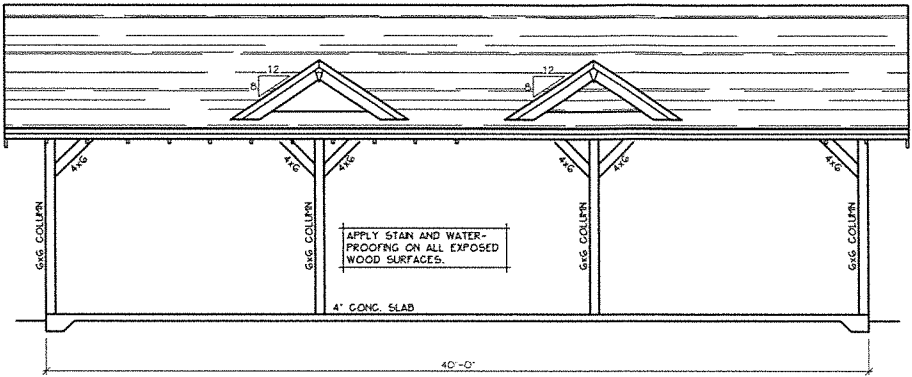
TOTAL SITE AREA:	21,175 S.F.	100.00%
LANDSCAPE AREA:	4,557 S.F.	21.52%
HARD SURFACE AREA:	11,938 S.F.	56.38%
BUILDING AREA:	4,680 S.F.	22.10%

- ☒ - WALL PACK LITE MOUNTED ON BUILDING
- ◎ - POST LIGHT MAXIMUM 5' TALL
- ◆ - 45' TALL FLAGPOLE

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GAZEBO/BIKE STRUCTURE - CENTER + END ELEVATION
SCALE: NTS



GAZEBO/BIKE STRUCTURE - SIDE ELEVATION
SCALE: NTS



Design: M.D.G.
Drawn: C.D.S.
Checked: ---
Date: FEB 2019
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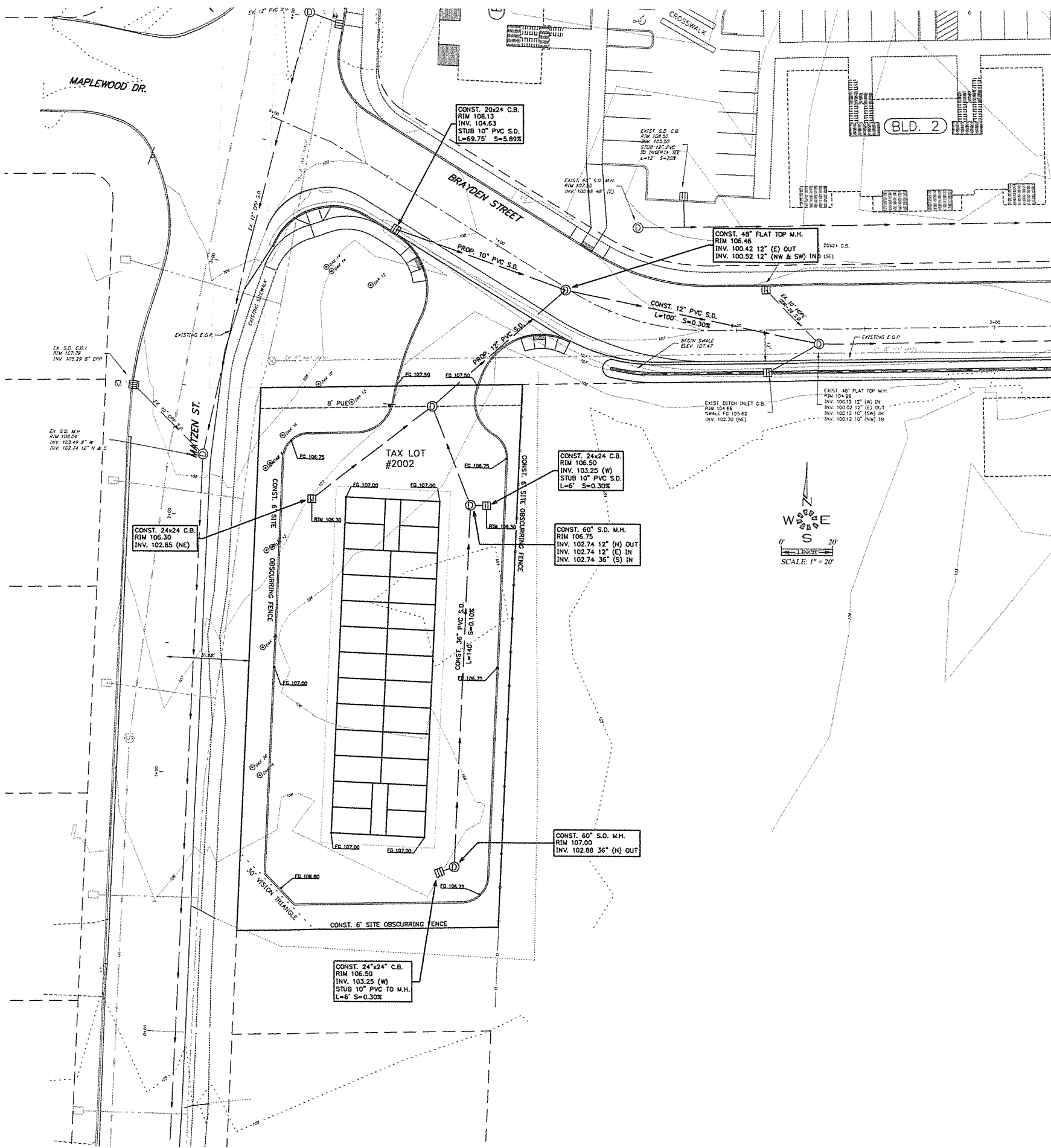
BRAYDEN STREET STORAGE

SITE PLAN DETAILS

MULTI/TECH

ENGINEERING SERVICES, INC.
11400 W. 11TH AVE., SUITE 100
PHILADELPHIA, PA 19136
PH: (215) 363-1227 FAX: (215) 364-1260
www.intelengineering.net office@intelengineering.net

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SITE GRADING AND
DRAINAGE PLAN

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Drawn: C.D.S.
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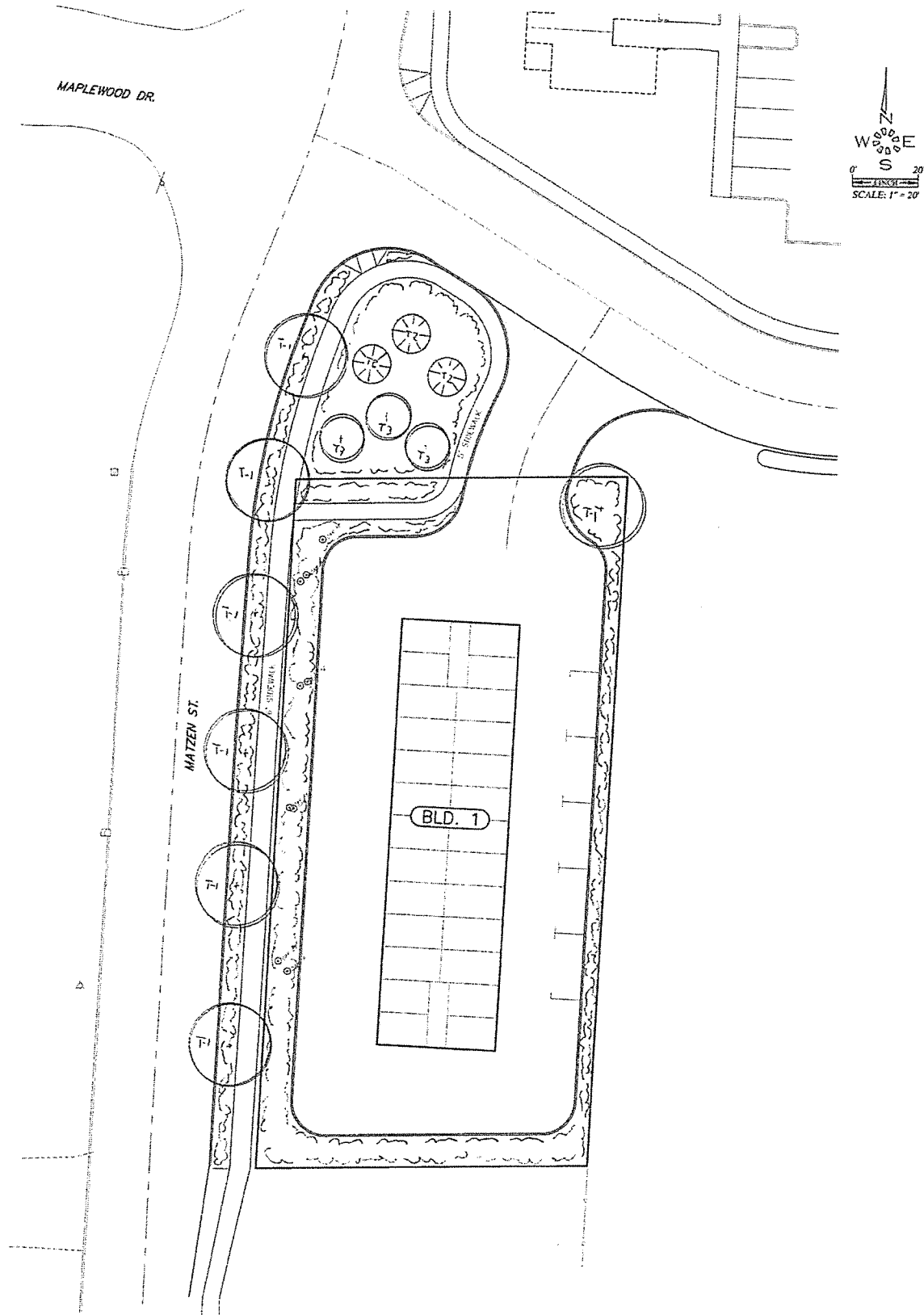
REGISTERED PROFESSIONAL
ENGINEER
MARK D. GARET
EXPIRES 06-30-2021
JOB # 6778

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PLANT PALETTE APARTMENTS						
QTY.	SYM	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
TREES						
T-1		Acer rubrum 'Bowhall'	Bowhall Red Maple	1 1/2" - 2" cal.	B & B	6' Standard
T-2		Chamaecyparis nootkatensis 'Green Arrow'	Green Arrow Alaska Cedar	6" - 8" Tall	B & B	Full/Natural
T-3		Prunus serrulata Amanagawa	Amanagawa Flowering Cherry	1 1/2" - 2" cal.	B & B	6' Standard
SHRUBS						
S-1		Arctostaphylos uva-ursi (Kinnikinnick)	Kinnikinnick	1 gal	cont.	Planted 3' o/c
S-2		Abelia grandiflora 'Ed Goucher'	Edward Goucher Abelia	2 gal	cont.	Full
S-3		Calamagrostis x acutiflora 'Avalanche'	Avalanche Feather Reed Grass	2 gal	cont.	Full
S-4		Euonymus fortunei Moonshadow	Moonshadow Euonymus	2 gal	cont.	Full
S-5		Festuca glauca Elijah Blue	Elijah Blue Festuca Grass	1 gal	cont.	Planted 3' o/c
S-6		Ligustrum japonicum Texanum	Texas Wax-Leaf Privet	5 gal	cont.	Full
S-7		Fernisectum atropurpureum Hameln	Dwarf Fountain Grass	2 gal	cont.	Full
S-8		Rhododendron 'Daphnoides'	Daphnoides Rhododendron	18"-24"	w/buds	Full
S-9		Spiraea japonica 'Double Pink'	Double Pink Spirea	2 gal	cont.	Full
S-10		Viburnum davidii	David's Viburnum	2 gal	cont.	Full
S-11		Viburnum tinus 'Spring Bouquet'	Laurestinus 'Spring Bouquet'	5 gal.	cont.	Full

CONTRACTOR TO VERIFY ALL QUANTITIES OF PLANT MATERIALS WITH LANDSCAPE DESIGN & CONSULTANTS PRIOR TO INSTALLATION
PLANT MATERIAL SUBSTITUTIONS MAY BE MADE BY THE OWNER FOR PLANT MATERIALS OF SIMILAR HABIT, FLOWERING CHARACTERISTIC
AND/OR STRUCTURE OF GROWTH DUE TO AVAILABILITY, WATER, SOIL, AND SUN REQUIREMENTS.

RECEIVED
FEB 10 2020
CITY OF ST. HELENS



LANDSCAPE & IRRIGATION DESIGN BY:
**LANDSCAPE DESIGN
&
CONSULTANTS LLC**
Doing business since 1985
1270 W. MAIN ST. SUITE 111, SALEM, OR 97302 PHONE: (503) 555-8300

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DESIGN ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER
GRAPHICAL REPRESENTATION.

DESIGN: M.D.G.
DRAWN: C.D.S.
CHECKED: FEB 2019
DATE: AS SHOWN
SCALE: AS SHOWN

REGISTERED PROFESSIONAL
ENGINEER
MARK D. GOSSEL
EXPIRES: 06-30-2019
JOB # 6778
L1.1

BRAYDEN STREET STORAGE

SCHEMATIC
LANDSCAPE
PLAN

MULTI/TECH
ENGINEERING SERVICES, INC.
1155 17TH ST. S.E. SALEM, OR, 97302
PH: (503) 303 - 9237 FAX (503) 304-1360
www.multiphase.com

GENERAL LANDSCAPE NOTES:

General:

1. All local, municipal, state, and federal laws regarding uses, regulations, governing or relating to any portion of the work depicted on these plans are hereby incorporated into and made part of these specifications and their provisions shall be carried out by the Contractor. The Contractor shall at all times protect the public throughout the construction process.
2. The Contractor shall carefully coordinate construction activities with earthwork contractor and other site development.
3. The Contractor shall verify drawing dimensions with actual field conditions and inspect related work and adjacent surfaces. Contractor shall verify the accuracy of all finish grades within the work area. The Contractor shall report to the Landscape Design & Consultants LLC (LDC) or Owner all conditions which prevent proper execution of this work.
4. The exact location of all existing utilities structures and underground utilities, which may not be indicated on the drawings, shall be determined by the Contractor. The Contractor shall protect existing structures and utility services and is responsible for their replacement if damaged.
5. Disturbance and impacts to existing native tree/shrubs shall be minimized to the greatest extent practicable.
6. The Contractor shall keep the premises free from rubbish and debris at all times and shall arrange material storage to not interfere with the operation of the project. All unused material, rubbish, and debris shall be removed from the site.
7. All plant material and planting supplies shall be warranted for a period of not less than one year from the completion date of installation. All replacement stock shall be subjected to the same warranty requirement as the original stock. Any damage due to replacement operations shall be repaired by the Contractor. At the end of the warranty period, inspections shall be made by LDC, Owner/General Contractor. All plant and lawn areas not in a healthy growing condition shall be removed and replaced with plants and turf cover of a like kind and size before the close of the next planting season.

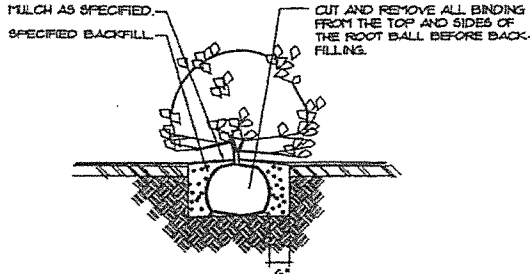
Grading / Erosion Control:

1. The design and placement of the building on the site tends toward to minimal slope conditions with positive drainage being maintained around the entire building. In this case standard landscaping procedures of topsoil, lawn, and a two inch layer of bark mulch on all planting beds will be sufficient to control erosion. In the event site conditions change or there are Slopes / Erosion / Detention Ponds on the project with slopes greater than 30% Poly light Jute Netting shall be installed with anchoring pins as per manufacturer's recommendations prior to planting. Recommend DeWitt PJH4218 Erosion Control Poly Jute Netting and DeWitt anchor pins or approved equal.
2. Seed recommendation is Pro Thru Low Profile or approved equal over the jute netting at a rate of 2 lbs. per 1000 sq. feet. The address of Pro Thru is 1712 SE Ankeny, Portland OR 97214. Phone 503-238-7518. Their email is info@prothru.com
3. The work limits shown on this plan shall clearly be marked in the field prior to construction. No disturbance beyond the work limits shall be permitted.
4. Grading shall be performed during optimal weather conditions.
5. Erosion control measures shall be constructed in conjunction with all clearing and grading activities, and in such a manner as to ensure that sediment and sediment-laden water does not enter the drainage system or violate applicable water standards.
6. Prior to the commencement of construction activities, Contractor shall place orange construction fencing around perimeters of construction impact areas, and sediment fencing at downhill portions of the site. Contractor is responsible for proper installation, maintenance, replacement, and upgrading of all erosion and sediment control measures, in accordance with local, state, and federal regulations.

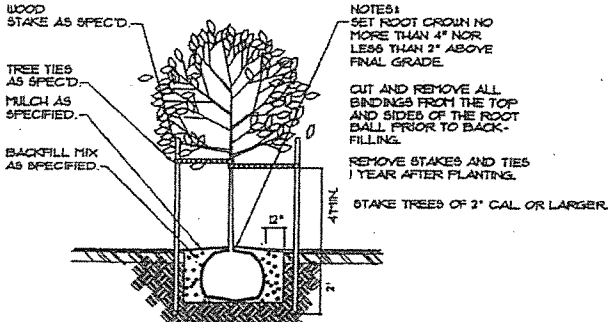
Plant Material:

1. Contractor shall verify all plant & tree quantities with LDC or Owner prior to construction.
 2. In the event of a discrepancy between plants materials listed on the drawings, the drawings shall govern the plant species and quantities required.
 3. Plant material shall be first quality stock and shall conform to the code of standards set forth in the current edition of the *American Standards for Nursery Stock* sponsored by the American Association of Nurserymen, Inc. (AAN).
 4. Species and variety as specified on the drawings and delivered to the site shall be certified true to their genus, species and variety and as defined within the current edition International Code of Nomenclature for Cultivated Plants.
 5. Obtain freshly dug, healthy, vigorous plants (nursery-grown) under climatic conditions similar to those in the locality for the project for a minimum of two years. Plants shall have been lined out in rows, annually cultivated, sprayed, pruned, and fertilized in accordance with good horticultural practice. All container plants shall have been transplanted or root pruned at least once in the past three years. Balled-and-burlapped (B&B) plants must come from soil which will hold a firm root ball. Rooted in plants and plants from cold storage are not acceptable.
 6. Planting stock shall be well-lanched and well-formed, sound, vigorous, healthy, free from disease, sun-scaled, windburn, distortion, and harmful insects or insect eggs, and shall have healthy, normal, undamaged root systems. Deciduous trees and shrubs shall be symmetrically developed, uniform habit of growth, with straight trunks or stems, and free from objectionable distortions. Evergreen trees and shrubs shall have well-developed symmetrical tops with typical spread of branches for each particular species and variety. Only vines and ground cover plants well-established shall be used. Plants budding into leaf or having soft growth shall be sprayed with an anti-desiccant at the nursery before digging.
 7. Contractor shall not make substitutions of plant materials. If required landscape material is not obtainable, submit proof of non-availability and propose for use of equivalent material. When authorized, adjustments of contract amount (if any) will be made by change order.
 8. Plant sizes and grading shall conform to the latest edition of American Standard for Nursery Stock as sponsored by the American Association of Nurserymen, Inc. (AAN).
 9. All vegetation shown on this plan shall be maintained in a healthy and vigorous growing condition throughout the duration of the proposed use. All vegetation not so maintained shall be replaced with new vegetation at the beginning of the next growing season.
- Planting:**
1. Planting shall be installed between February 1st and March 30th or between October 1st and November 15th. If planting is installed outside these time frames, additional measures may be needed to ensure survival and shall be pre-approved by the owner.
 2. Plant material shall be transported to the site in a timely manner to minimize on site storage. Where storage is required, all plants shall be kept moist and shaded.
 3. Plant stock shall be handled in a manner that will not break, scrape, or twist any portion of the plant. Protected plants at all times from conditions that can damage the plant (e.g., sun, wind, freezing conditions).
 4. Provide the following clearance for planting of trees where applicable:

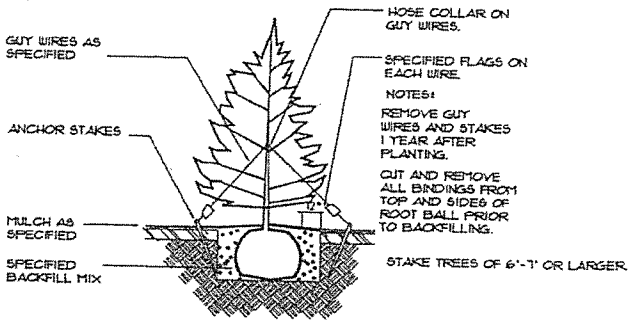
- Maintain 30 feet vision triangles at all intersections and corners
- 5 feet from all street/parking lot light standards
 - 10 feet from fire hydrants
 - 5 feet from all utility vaults, meter boxes, etc.
5. No trees or shrubs shall be planted on existing or proposed utility lines.
 6. All shrub beds shall receive a minimum 2" layer of bark mulch evenly applied immediately after planting is completed. All plant beds shall drain away from buildings.
 7. Excavate plant pits for shrubs and trees as follows:
 - Container stock: width = 2 times the container diameter, depth = container depth.
 - Bare root stock: width = 2 times the widest diameter of the root, depth = of root system.
 - B & B: width = 2 times ball diameter, depth = ball depth.Scatter sides and bottom of plant pits to roughen surfaces.
 8. Place plants plumb in the pit. Backfill with native soil or top soil mixture to the original plant soil line, and tap solidly around the ball and roots. Water plants immediately after planting if soil is not saturated to the surface.
- Top Soil Mixtures:**
1. A 2" to 4" layer of garden care compost, mushroom compost or similar material fertilized at 105 degrees Fahrenheit shall be incorporated into the existing soil prior to planting and seedling/lawn.
- Bark Mulch:**
1. All shrub beds shall receive a minimum 2" layer of fine hemlock or fir bark mulch evenly applied immediately after planting is completed. All plant beds shall drain away from buildings.



SHRUB PLANTING DETAIL
N.T.S.



DECIDUOUS TREE PLANTING AND STAKING DETAIL
N.T.S.

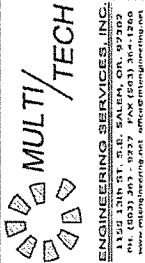


CONIFEROUS TREE PLANTING AND GUYING DETAIL
N.T.S.

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FEB 10 2020

CITY OF ST. HELENS



SCHEMATIC
LANDSCAPE
NOTES & DETAILS

BRAYDEN STREET STORAGE

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DIMENSIONS & NOTES TAKE
PRECEDENCE OVER
GRAPHICAL REPRESENTATION.

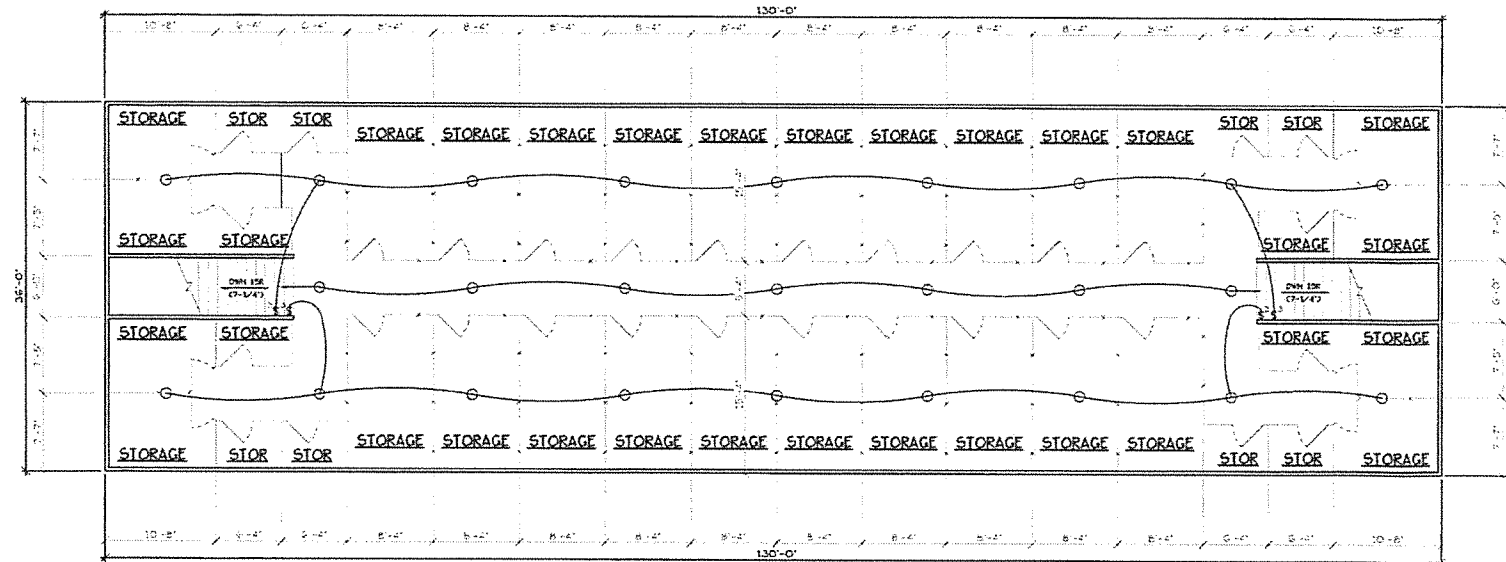
Design: M.D.G.
Drawn: C.D.S.
Checked: M.D.G.
Date: FEB. 2019
Scale: AS SHOWN



LANDSCAPE & IRRIGATION DESIGN BY:
**LANDSCAPE DESIGN
&
CONSULTANTS LLC**
Doing business since 1985

627 W. MAIN STREET, ST. HELENS, OR 97158 PHONE: (503) 351-4244

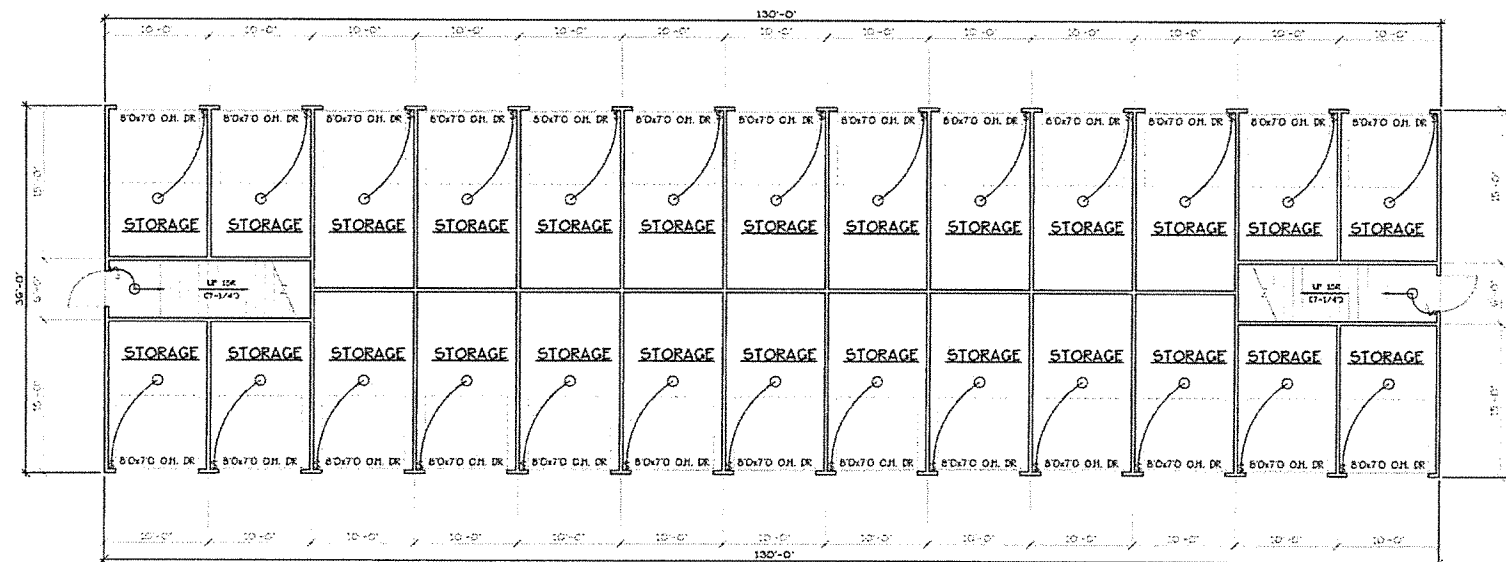
L1.2



UPPER FLOOR PLAN
SCALE: 1/8" = 1'-0"

40 STORAGE UNITS

NOTE: ALL WALLS TO BE
FRAMED WITH 2x4 STUDS.
UNLESS NOTED OTHERWISE.



LOWER FLOOR PLAN
SCALE: 1/8" = 1'-0"

26 STORAGE UNITS

NOTE: ALL WALLS TO BE
FRAMED WITH 2x4 STUDS.
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FLOOR
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BRAYDEN STREET
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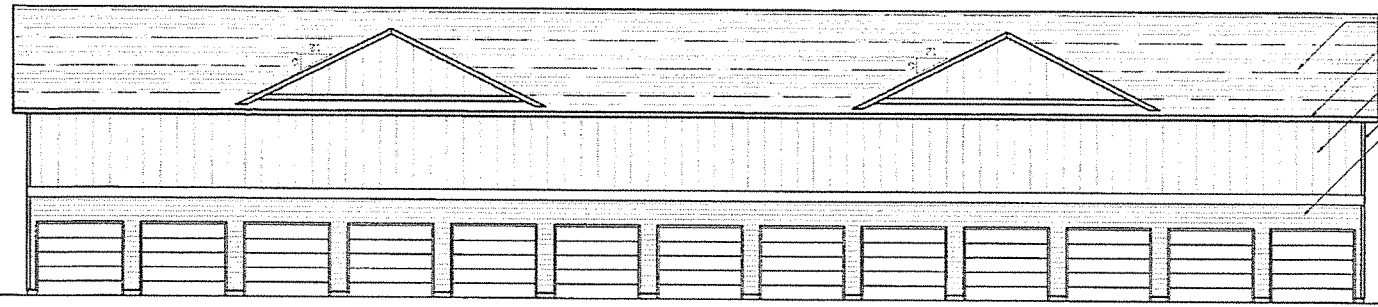
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Drawn: G.D.G.
Checked: M.D.G.
Date: JUNE 2019
Scale: AS SHOWN

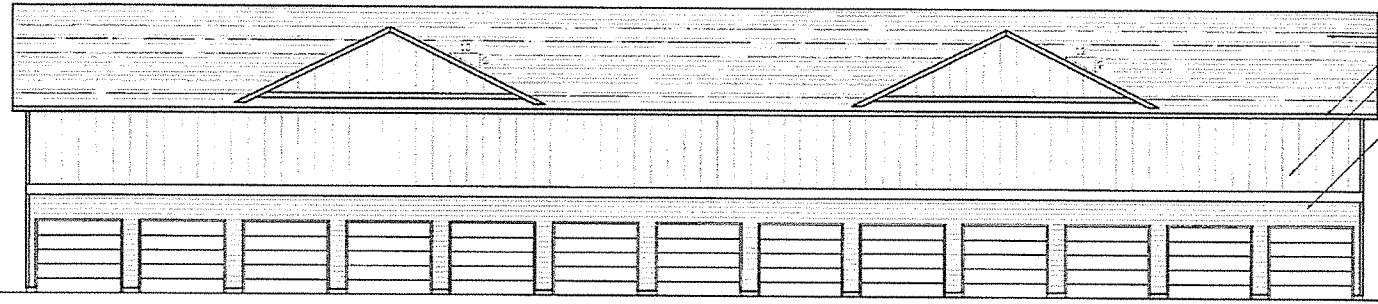
JOB # 6776

REGISTERED PROFESSIONAL
ENGINEER
JUNE 14, 2019
JERRY D. GREGG
FEB 28, 2019

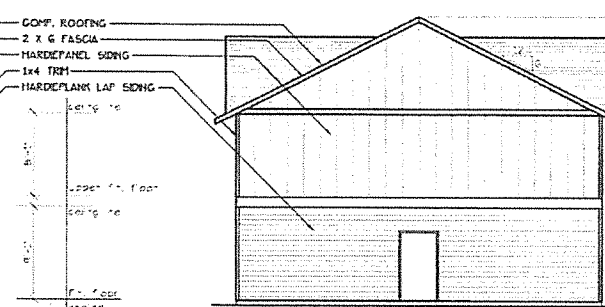
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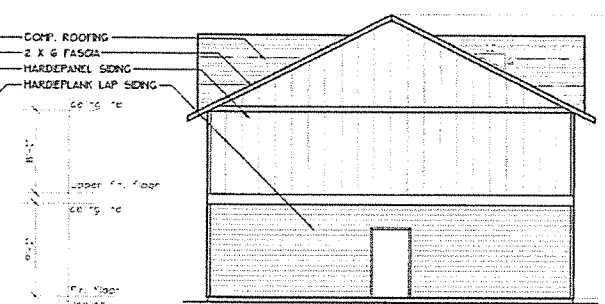
EAST ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

MULTI/TECH
CONSULTANTS
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ST. HELENS, OR 97148
503.325.1234

BUILDING
ELEVATIONS

BRAYDEN STREET
STORAGE

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Drawn: G.J.D.
Checked: M.D.G.
Date: JUNE 2019
Scale: AS SHOWN
JOB # 6776



A1.2

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variances V.3.20 – V.11.20**

DATE: May 4, 2020
To: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
 Jennifer Dimsho, AICP, Associate Planner

APPLICANT: Lennar Northwest, LLC
OWNER: 1771 Columbia Blvd, LLC

ZONING: General Residential, R5
LOCATION: Lots 28, 37, 38, 66, 70, 71, 74, 76, and 77 of the Emerald Meadows Subdivision
PROPOSAL: Increase the maximum structure/building coverage per lot allowed (35%) by as much as 7.5%. Increase requested varies depending on the specific lot.

The 120-day rule (ORS 227.178) for final action for this land use decision is **July 4, 2020**.

SITE INFORMATION / BACKGROUND

The final plat for the Emerald Meadows Subdivision was recorded on November 20, 2018 (files SUB.2.17, AP.1.17 and SUBfp.2.18). 44 of the 77 lots were purchased by Richmond American and building permits have been trickling in. The applicant, Lennar Northwest, indicated that they are in escrow with 1771 Columbia Blvd, LLC to purchase lots 24-28, 30-40, and 70-77 of the remaining lots, with an option to purchase 41-44 and 65-69. This totals 33 lots. They are requesting variances for 9 of these 33 lots, which is about 27% of the lots they would like to purchase. The lot coverage variance requests range from 0.9% to 7.5%.

In March 2019, Richmond American was granted 12 lot coverage variances (varying from 3% to 7%) from the Planning Commission which also totaled about 27% of the lots they own (files V.2.19 through V.13.19). Since then, Richmond has developed 3 of these lots *without* utilizing the lot coverage variance, 4 lots have been developed or have building permits issued utilizing the lot coverage variance, and 5 lots remain undeveloped.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: May 12, 2020 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on April 23, 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 April 29, 2020.

AGENCY REFERRALS & COMMENTS

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

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

DISCUSSION:

Why nine 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 reviewed 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 9 lots in the Emerald Meadows Subdivision. The amount varies based on the lot and house model (i.e., Carlton or Trenton) that Lennar Northwest, LLC offers.

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. Pgs. 5 – 13
- Staff comments: 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 include: 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 Carlton and Trenton heights are approximately 17 feet and 18 feet, respectively (per the applicant's elevations). Typically two-story dwellings range from 24 to 28 feet, and 35 feet for a three-story dwelling. The code is not designed to allow a reduced building height for an increase in lot coverage ordinarily. This is why Variances are necessary.

Regarding detriment to other properties in the same zoning district and properties within the vicinity of the variance requests, the applicant has provided a streetscape section which shows the view from the street. The front and side setbacks will remain the same, so the appearance from the street is not detrimental to the surrounding properties. In addition, there are other properties in the vicinity which have been granted similar lot coverage variances. It can noted that the R5 zoning allows attached single-family dwellings outright with a 50% maximum lot coverage.

Regarding the comprehensive plan policies, the City's General Housing Goals & Policies (SHMC 19.08.050) states that one of the policies is to encourage and cooperate with all efforts to provide housing for those with *special needs*. The applicant narrative on pages 9 and 10 provide an explanation for why single-level housing meets the needs of those with mobility issues.

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

- See applicant's narrative. Pgs. 13 – 14
- 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. 14

- Staff comment(s): No use variance is proposed. The issue is Lennar Northwest only has limited floorplans. They do not have single-story floorplans/models that work with the Emerald Meadows lots, which were created based on the R5 standards.

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

1. Acknowledge that the Variances are only for 27% of the lots potentially owned by Lennar Northwest, LLC.
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, it is possible that the applicant could get the Variances and then sell the lots. To prevent any future buyer from using the Variance for any house model, this condition is necessary.
3. Per SHMC 17.108.050, lot coverage standards can be increased by 5% without a variance for new accessory structures or auxiliary dwelling units **and** enlargements/remodels of existing buildings, accessory structures, or auxiliary dwelling units. Therefore, it is reasonable that a 5% lot coverage Variance is still maintaining standards to the greatest extent possible if the Planning Commission chose to cap the request at 40% lot coverage (a 5% lot coverage Variance). If a 40% lot coverage cap were selected, the applicant could utilize 7 of the 9 variances requested.

(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. Pg. 15
- Staff comment(s): The variance only applies to building and structure lot coverage. All other front, side and rear setbacks apply. Compliance with utility and access easements is still necessary.

(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. 15 – 16
- 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 was aware of this standard when entering into escrow with the current owner.

In regards to the “minimum necessary” aspect of this proposal, the Commission can consider the Carlton and Trenton models, and do one of the following:

1. Grant the Variances in full, which would be the % coverage to allow the Carlton and Trenton models on all subject lots as described on Table 2 (revised), Page 8 of the Applicant’s Narrative; or
2. Grant the Variances but with a cap. For example, grant Variances which do not exceed 40% lot coverage. This would allow 7 of the 9 requested Variances, and exclude one Carlton model and one Trenton model which exceed 40% lot coverage.

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 Table 2 (revised) on Page 8 of the Applicant’s Narrative**, specific to the detached single-family dwelling model listed (i.e., Carlton & Trenton).

<<if approved, this is a key condition. As written, it approves the nine Variances as requested. You could also grant the variances but with a cap of 40% as described above in the report.>>

<<note that staff anticipates attaching the table on page 8 of the applicant’s narrative to the final decision. That table with Variance File numbers added is shown below>>

	Lot	Lot Size (SF)	Plan	Footprint (SF)	% Coverage	Variance Request
V.3.20	28	5,075	Carlton	2,027	39.9%	4.9%
V.4.20	37	5,507	Trenton	2,339	42.5%	7.5%
V.5.20	38	5,648	Carlton	2,027	35.9%	0.9%
V.6.20	66	5,080	Carlton	2,027	39.9%	4.9%
V.7.20	70	5,931	Trenton	2,339	39.4%	4.4%
V.8.20	71	5,056	Carlton	2,027	40.1%	5.1%
V.9.20	74	5,237	Carlton	2,027	38.7%	3.7 %
V.10.20	76	5,120	Carlton	2,027	39.6%	4.6%
V.11.20	77	6,164	Trenton	2,339	37.9%	2.9%
	<i>Average</i>	<i>5,468</i>		<i>2,131</i>	<i>39.3%</i>	<i>4.3%</i>

3. These Variances shall only apply to the Carlton or Trenton 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.
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.

Attachments:

- Emerald Meadows Subdivision Exhibit – All Variances Proposed/Approved
- Applicant's Narrative
- Lennar's Streetscape Exhibit for Lots 73-77
- Carlton Elevations/Floor Plan
- Trenton Elevations/Floor Plan

72
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CITY OF ST. HELENS

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: March 31, 2020

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

Legal Owner: 1771 Columbia Blvd, LLC (See deed at Exhibit 1)

Representative: Lennar Northwest, Inc. (Applicant)
Shelly Nelson
11807 NE 99th St, Suite 1170
Vancouver, WA 98682
Phone: (360) 258-7889
Fax: (360) 258-7901
shelly.nelson@lennar.com

Homesite and Tax Lot, (all in Emerald Meadows)	Lot 28, Tax Lot # 7515	4105-BC-07515	4N1W-5BC-7515	①
	Lot 37, Tax Lot # 7524	4105-BC-07524	4N1W-5BC-7524	②
	Lot 38, Tax Lot # 7525	4105-BC-07525	4N1W-5BC-7525	③
	Lot 66, Tax Lot # 7533	4105-BC-07533	4N1W-5BC-7533	④
	Lot 70, Tax Lot # 7537	4105-BC-07537	4N1W-5BC-7537	⑤
	Lot 71, Tax Lot # 7538	4105-BC-07538	4N1W-5BC-7538	⑥
	Lot 74, Tax Lot # 7541	4105-BC-07541	4N1W-5BC-7541	⑦
	Lot 76, Tax Lot # 7543	4105-BC-07543	4N1W-5BC-7543	⑧
	Lot 77, Tax Lot # 7544	4105-BC-07544	4N1W-5BC-7544	⑨

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 City of St Helens did not require a preapplication hearing with the applicant. The applicant has had multiple conversations via phone & email to review the submittal requirements and go over the variance process.

III. Summary of Request & and Facts.

The applicant, Lennar Northwest, Inc. seeks the ability to develop, subject to market demand, a maximum of 9 of the 33 lots that that the applicant purchased in Phase 2 of the 78-lot Emerald Meadows subdivision with single-story dwellings. Exhibit 2 ^{Richmond granted 12 variances of 44 lots (27%)} wants to purchase 27%.

To meet the demand of the market, the applicant's goal is to provide what is expected to be an unmet housing need for single-level, four-bedroom dwellings, and to add to the diversity of housing choices offered in this subdivision. Due to the lot coverage maximum of 35% as stated in the City's municipal code, the applicant is applying for a lot coverage variance to build two single-level plans, the "Carlton" and the "Trenton." 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 9 of the 33 lots.

Lennar is committed to building high-quality homes at a good value. Lennar offers high quality homes at value prices because it limits the number of floorplans 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 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 Carlton, American Elevation 1 of 3

*E. MEADOWS HAS
NO PLATTED
PHASES*

The rationale for seeking a variance for 9 of the lots in Emerald Meadows is to increase the maximum lot coverage standard to allow construction of more of Lennar’s single-level “Carlton” and “Trenton” house plans. These plans are both more affordable than the two-story counterparts offered by Lennar, and they meet an acute demand for this type of single-level product desired by an older home-buyers and families with young children. This demand was evident in the first sale Richmond American homes had in phase 1 of the Emerald Meadows community on lot 1 which was a single level. In addition, Lennar has consistently seen a strong demand for single story homes in all communities throughout the Portland-metro area.



The Trenton, American Elevation 1 of 2

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
- covered porches and patios, 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

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 consulted with the City’s Planning Team, and was advised 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 9 different variances, seeking to go from 35% lot coverage to varying amounts from 35.9% to 40.7%. The applicant does not propose to intrude on any of the applicable setbacks or landscaping requirements.

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 Lennar Northwest, Inc. who is in escrow with 1771 Columbia Blvd, LLC, to purchase recorded lots #24-28, 30-40, and 70-77 of Emerald Meadows Phase 2 with an option to purchase lots 41-69.

41-44 +
65-69

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, very few lots in the second phase of Emerald Meadows can accommodate the “Carlton” or “Trenton” plan, whereas if this application is successful, that total would be up to 9 out of 33 homesites.

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 its 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 home plans offered by Lennar Homes, the “Carlton” and “Trenton,” have far less overall massing than their two-story counterparts. The larger of the two, one-story plans, the “Trenton,” has 1,659 s.f. of living space, a two-car garage of 462 s.f., covered front porch of 122 s.f. and rear porch of 96 s.f. for a total 2,339 s.f. While the smaller plan, the “Carlton,” has 1,574 s.f. of living space, a two-car garage of 424 s.f. and covered porch of 29 s.f. for a total 2,027 s.f. 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.

Table 1

	Sq. footage (livable)	STD Footprint	Height	Width	Depth
Carlton	1,574 sq. ft.	2,027 sq. ft.	17.6 ft	35 ft	60 ft
Trenton	1,659 sq. ft.	2,339 sq. ft.	18.7 ft	40 ft	60 ft

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Although the structure will be slightly closer to abutting lots to the rear, the 10-foot minimum 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.

Table 2 summarizes the percentage need for the variances on each of the 9 lots. The variance request for the 9 lot ranges from 0.9%-7.5%, with an average of 4% for the Carlton and 4.9% for the Trenton.

Table 2

Lot	Lot Size (SF)	Plan	Footprint (SF)	% Coverage	Variance Request
28	5,075 5,077	Carlton	2,027	39.9%	4.9%
37	5,507 OK	Trenton	2,339	42.5%	7.5%
38	5,648 OK	Carlton	2,027	35.9%	0.9%
66	5,080 OK	Carlton	2,027	39.9%	4.9%
70	5,931 5,932	Trenton	2,339	39.4%	4.4%
71	5,056 OK	Carlton	2,027	40.1%	5.1%
74	5,237 OK	Carlton	2,027	38.7%	3.7 %
76	5,120 OK	Carlton	2,027	39.6%	4.6%
77	6,164 OK	Trenton	2,339	37.9%	2.9%
Average	5,468		2,131	39.3%	4.3%

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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 9 one-story dwellings in the second phase of Emerald Meadows. Lennar 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 solid 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. Single level 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 costlier 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.

E. MEADOWS
HAS NO
ACTUAL
PHASES

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. In Phase 1 of Emerald Meadows where a previous variance was granted on lot coverage for Richmond American homes, single story homes have sold between \$341,987 to \$369,950. Our homes come with many amenities already included in the price. For these two well-appointed homes, the planned price point is for the Carlton and the Trenton fits within the market price point that Richmond American homes has already established.

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

Lennar 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.

SHMC 17.108.050 (a). 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 harm, 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 Pittsburgh 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 applicant 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 Richmond American Homes, and that home builder also applied for a variance on the 35% lot coverage standard since it effectively precluded 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.

7,000

6,000

As for aesthetic harmony with the existing neighborhoods, the artist diagram of the proposed model home indicates, the new Lennar 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 Pittsburgh 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 will match well with the Richmond American homes in the neighborhood. Overall, it 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 monotone 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 the lot coverage variance request will have no negative effect on traffic, drainage, dramatic landforms, or parks. If the variance is approved, the applicant will be allowed to build single story dwellings on the 9 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.

★not true★
attached -
single family
dwellings
allowed at
50% lot
coverage

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

Applicant's Response: In regard to lot coverage, 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 “Carlton” or “Trenton” house plans on the lots specified in Table 2.

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CITY OF ST. HELENS

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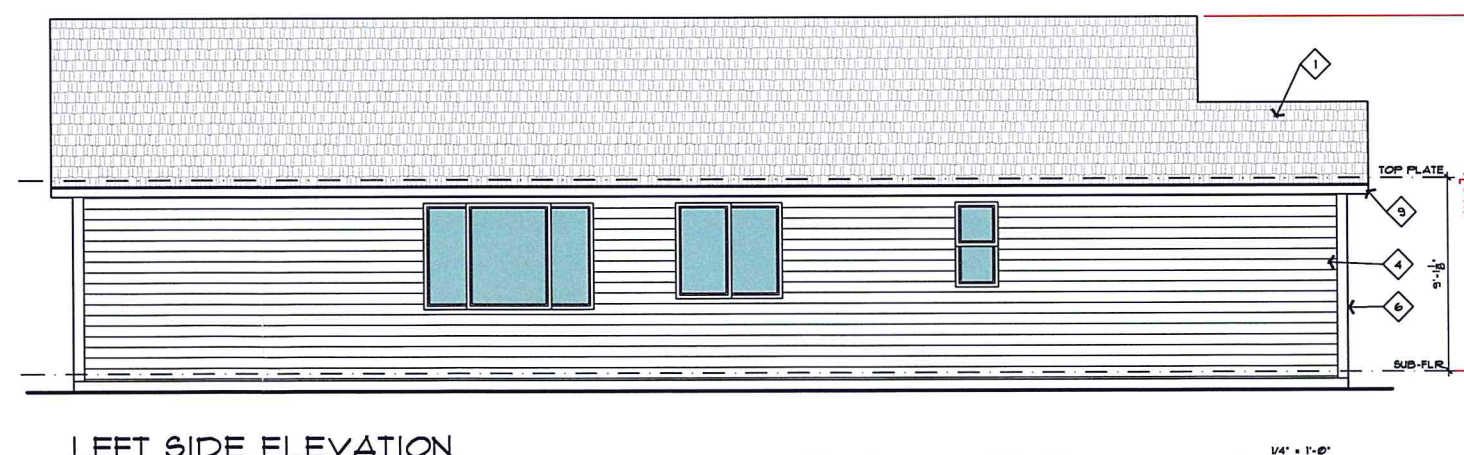
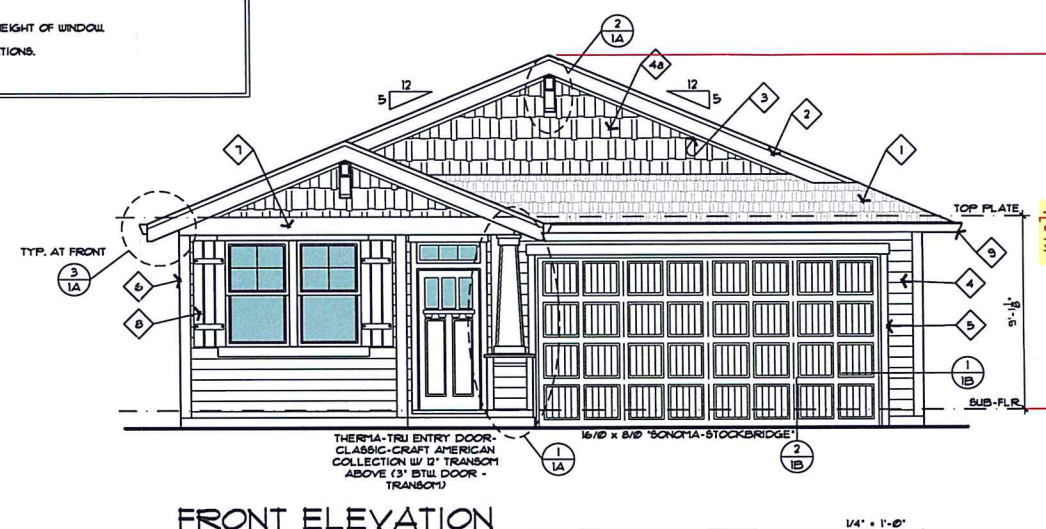


EMERALD MEADOWS STREETSCAPE (LOTS 73-77)

ST. HELENS, OREGON

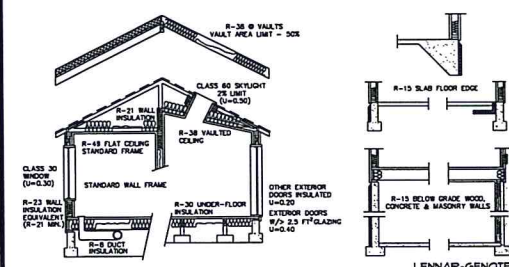


1. ROOFING (TYPICAL) ARCHITECTURAL FIBERGLASS COMPOSITION SHINGLES.
2. VERGE BOARD (TYPICAL) RS B3 TRIM ON 2x10 VERGE BOARD AND DQ ON 2x6 VERGE BOARD AT REAR ELEVATION.
3. SHADOW BOARD (TYPICAL) 5/4x6 TRIM BOARD AT FRONT AND 3/4x2 AT SIDES AND REAR PLACE FLAT ON WALL AND BUTT TO UNDERSIDE OF ROOF SHEATHING.
4. SIDING (WHERE SHOWN) HORIZONTAL HARDIE LAP SIDING W/ 1" EXPOSURE OVER 7/8" OSB WALL SHEATHING.
- 4A. HARDIE SHINGLES W/ 8" EXPOSURE OVER OVER 7/8" OSB WALL SHEATHING.
5. WINDOW AND DOOR TRIM (FRONT ONLY) 5/4x6 AT HEAD AND BILL W/ 5/4 x 4 TRIM AT EACH LEG (EXTEND THE 6" HEAD AND BILL TRIM 1' BEYOND THE 4" LEG TRIM AT EACH SIDE) NO TRIM AT SIDES AND REAR ELEVATIONS.
6. CORNER TRIM (TYPICAL) 5/4x6 TRIM.
7. HORIZONTAL TRIM: 5/4x10 WITH 26 GA. 2" FLASHING OVER TOP OF TRIM AND INTEGRATE W/ WRB.
8. (3) 6" BOARDS 18" WIDE SHUTTERS x HEIGHT OF WINDOW.
9. GUTTERS (TYPICAL): PER SPECIFICATIONS.
10. KEYNOTE NOT USED.



LEFT SIDE ELEVATION

- ENVELOPE ENHANCEMENT MEASURE 5: AIR SEALING HOME AND DUCTS
- CONSERVATION MEASURE 'A': HIGH EFFICIENCY HVAC SYSTEM



f. Continuous air barrier. Additional requirement for sealing of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material (example: gypsum board to wood stud framing).

FOR ALL STRUCTURAL
INFORMATION REFER
TO THE (S) SHEETS

FILE

5/4/77 NEW PLAN PLAN
7/6/77 PLAN CHANGE 1 IMPLEMENTED
10/23/77 PLAN CHANGE 2 IMPLEMENTED
11/2/77 PLAN CHANGE 3 IMPLEMENTED
10/24/78 PLAN CHANGE 4 IMPLEMENTED
6/4/79 PLAN CHANGE 5 IMPLEMENTED
1/20/80 PLAN CHANGE 6 IMPLEMENTED
10/6/80 PLAN CHANGE 7 IMPLEMENTED

ENZAR[®]

1574A
CARLTON
AMERICAN
GARAGE RIGHT

MAIN LEVEL: 1574 6Q FT

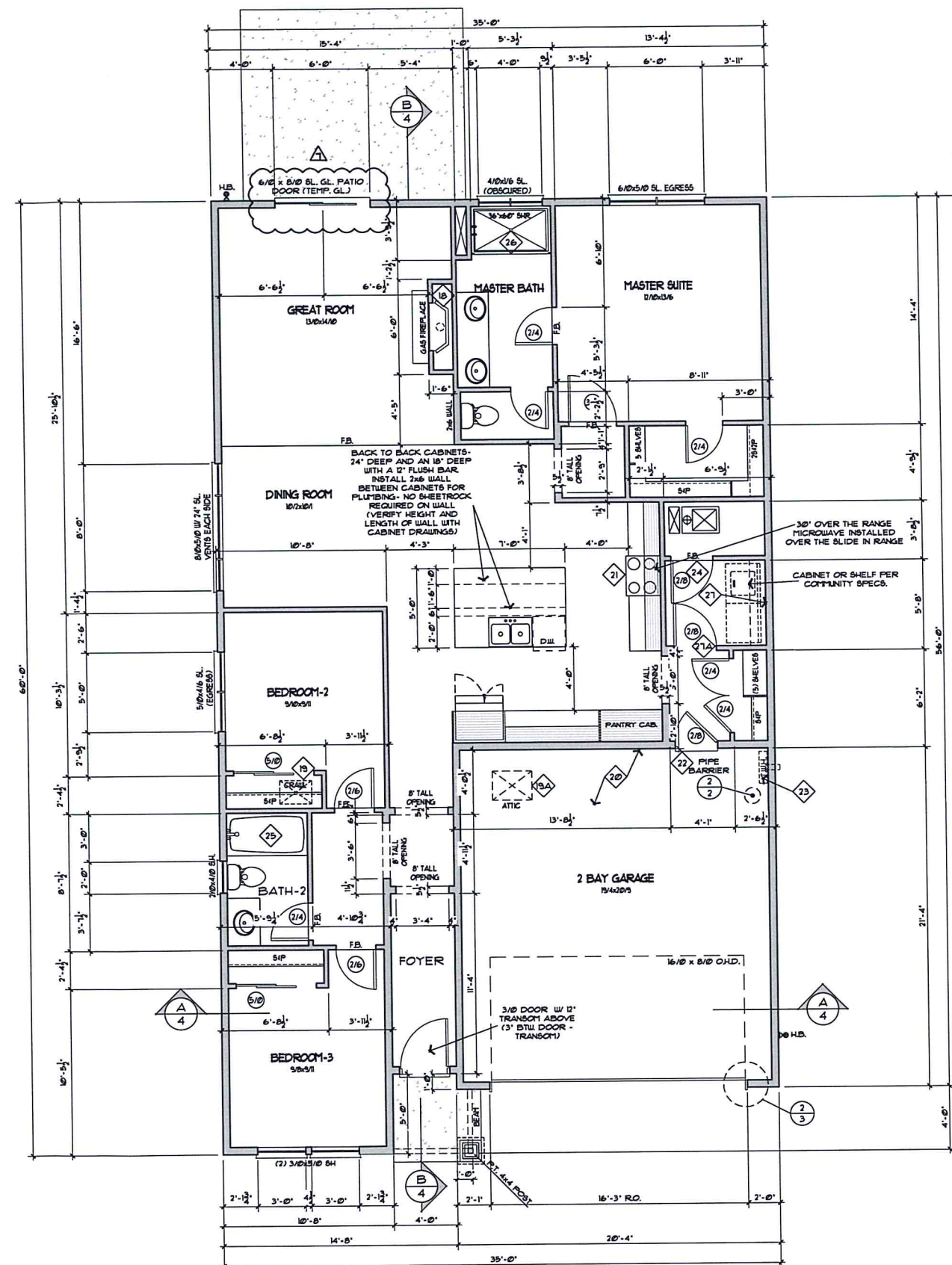
GRAND TOTAL: 1574 SQ FT

GARAGE: 424 SQ FT
FRONT COVERED PORCH: 79 SQ FT

3

NOTE:

FOR ALL STRUCTURAL
INFORMATION REFER
TO THE (S) SHEETS



◇ FLOOR PLAN KEYNOTES

18. MANUFACTURED DIRECT VENT, GAS, U/L, LISTED METAL FIREPLACE. INSTALL ACCORDING TO MANUFACTURER'S SPECIFICATIONS. INSTALL 12" DEEP, FLUSH HEARTH AS SHOWN.
19. PROVIDE MINIMUM 18"x24" CRAWL SPACE ACCESS.
20. PROVIDE MINIMUM 22"x36" ATTIC ACCESS THROUGH CEILING IN GARAGE.
21. APPLY 1/2" GYPSUM BOARD TO ALL WALLS AND 5/8" TYPE "X" GYPSUM BOARD TO CEILING IN GARAGE. FINISH W/FIRE TAPE 4 PRIME. WRAP EXPOSED BEAMS.
22. MICRO HOOD OR RANGE HOOD SHALL VENT TO THE OUTDOORS. CLEARANCES FROM COOKTOP TO HOOD SHOULD BE AT LEAST 24". DIRECT VENT.
23. DOOR GOING FROM GARAGE INTO HOME SHALL BE A SOLID CORE, 20 MINUTE FIRE RATED DOOR.
24. WALL MOUNTED, GAS TANKLESS WATER HEATER. LOCATE BOTTOM OF TANKLESS WATER HEATER 54" MIN. ABOVE FINISHED FLOOR (IF APPLIES-OPEN TO PER 2012 WA STATE ENERGY CODE)
25. INSTALL MINIMUM 95% (AFUE) EFFICIENT GAS FURNACE W/ COMBUSTION AIR DIRECTLY FROM OUTDOORS.
26. INSTALL STANDARD 32"x60" FIBERGLASS TUB WITH SHOWER.
27. INSTALL CLAMP FRAMED SLIDING THERFERED GLASS DOOR AND PARTITION AT 60"x36" TILE SHOWER W/ FIBERGLASS PAN.
28. INSTALL RECESSED WASHER/DRYER HOOKUP.
29. INSTALL 100 SQUARE INCH VENT THROUGH THE WALL FOR DRYER EXHAUST MAKEUP AIR. SHEETROCK AND TAPE PENETRATION THROUGH WALL AND

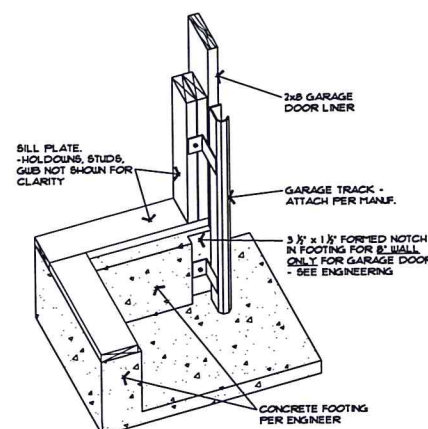
FLOOR PLAN NOTES:

2. // // // INDICATES INTERIOR BEARING WALLS.
- * PROVIDE FULL BEARING MINIMUM AT BEAM SUPPORTS (UNLESS NOTED OTHERWISE).
 - * PROVIDE AT ALL EXTERIOR DOOR AND WINDOW HEADERS (PER STRUCTURAL) DOUBLE 2x6 TOP PLATE AND BLOCKING AT BOTTOM (UNLESS NOTED OTHERWISE) INSTALL RIGID INSULATION IN CAVITY.
 - * PROVIDE 2x6 STUDS AT 16" O.C. WITH R-23 BATT INSULATION AT ALL EXTERIOR WALLS (NO INSULATION AT GARGE WALLS UNLESS NOTED OTHERWISE).
 - * PROVIDE 2x4 STUDS AT 16" O.C. AT ALL INTERIOR WALLS UNLESS NOTED OTHERWISE.
 - * IN ALL VERTICAL AND 6" DIA. DOORS TO BE VERTICAL 2x4x10 AND 10" DIA. IN 6" DIA. NOTED OTHERWISE.

ABBREVIATIONS
FB: = FLOOR COVERING
FB: = FLOOR BREAK

MAIN FLOOR PLAN

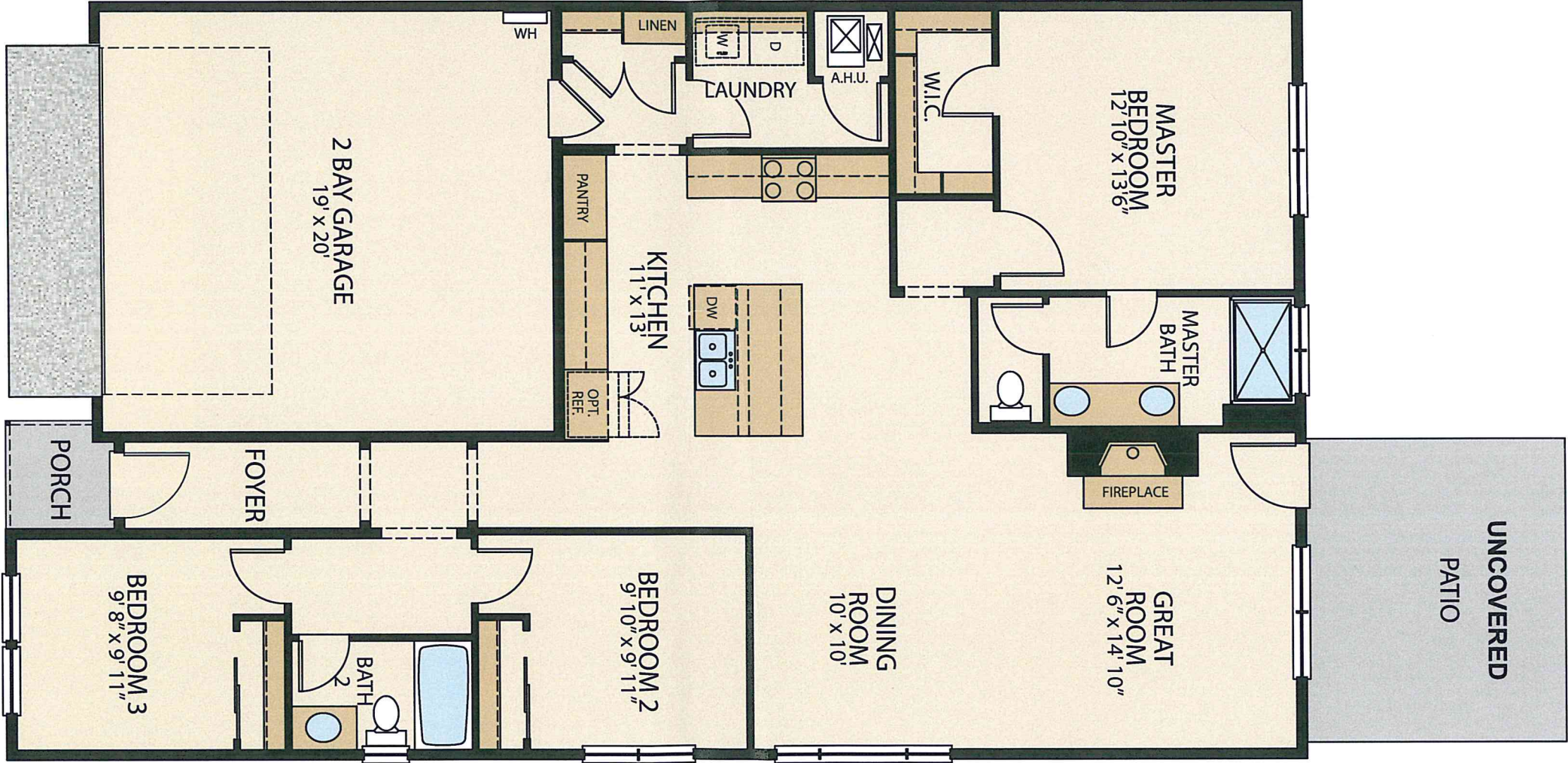
14. 15.



2 NOTCH @ 8' PORTAL FRAME STEM WALL SCALE: 1" =

CALTON

FILE



FIRST FLOOR

5/4"x BEAM WRAP

2X COLLUPN CAP (FLASH OVER TOP AND BEHIND BEAM WRAP)

2X BLOCKING @ (AS REQUIRED)

7/16" MASONRY PANEL SIDING WITH WOOD GRAIN TEXTURE

BEAM PER STRUCTURAL

RS 1x4 TRIM

POST CAP PER STRUCTURAL

9'

P.T. POST, SEE PLAN FOR SIZE

1 1/4' CORNER TRIM (4 CORNERS)

CAULKING

RS 1x6 TRIM

2X BLOCKING AS REQ'D

FLASHING

5/4"x SLOPED BILL

1'-3"

1'-3"

POST BASE PER STRUCTURAL

4' CONC. SLAB

3'-6" (VERIFY W/ ELEVATIONS)

P.T. 2x4 STUDS

SIDING PER ELEVATIONS OVER 7/16" OSB PLYWOOD

FINISH GRADE

CONCRETE FOOTING PER PLAN SEE ENGINEER'S SPECS.

SEE STRUCTURAL SHEETS FOR CONC. FOOTING SIZE AND REINFORCEMENT

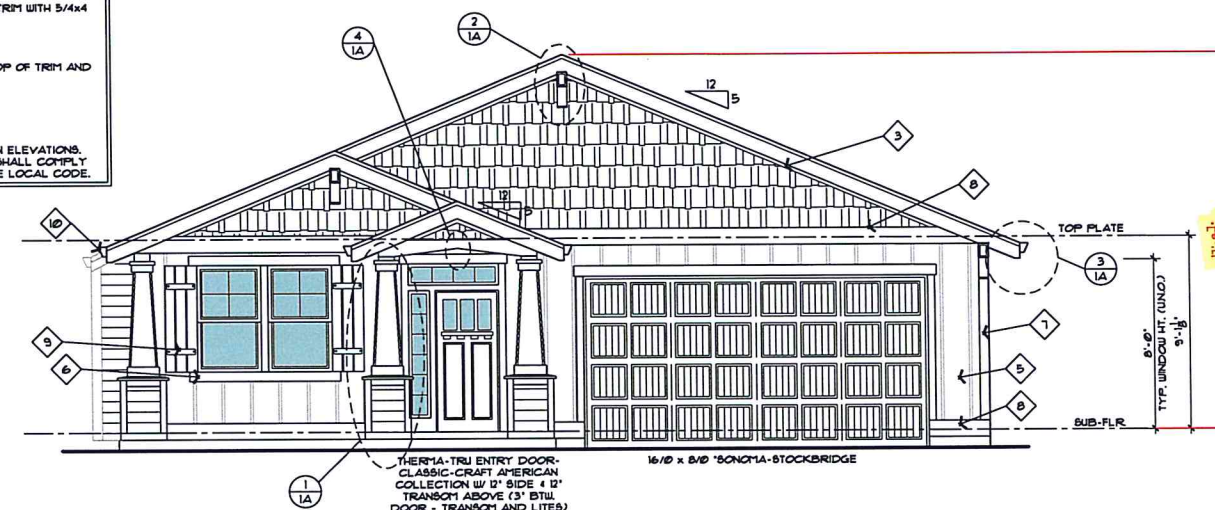
SEE STRUCTURAL SHEETS FOR POST CAP AND POST BASE TYPE

Technical drawing of a window frame assembly. The drawing shows a cross-section of the frame with various dimensions and material specifications. Key components and dimensions include:

- P.T. 6x8**: Point of termination for the top horizontal member.
- PRE-FINISHED METAL CAP FLASHING • ALL EXPOSED BEAM ENDS • EXTEND 3" MIN. INSIDE FASCIA**: Specification for the metal flashing on the top beam ends.
- 3/4"x3/4" BEVELED EDGE ALL AROUND**: Specification for the beveled edge of the glass or panel.
- P.T. 2x6**: Point of termination for the vertical member on the right.
- P.T. 4x6**: Point of termination for the bottom horizontal member.
- 1" Ø**: Dimension for the diameter of the vertical member.
- 3"**: Dimension for the thickness of the bottom horizontal member.
- 1'-0"**: Dimension for the height of the vertical member.
- 1'-0"**: Dimension for the width of the top horizontal member.

1. ROOFING (TYPICAL) ARCHITECTURAL FIBERGLASS COMPOSITION SHINGLES.
2. VERGE BOARD (TYPICAL AT FRONTS) RS 1/2 TRIM ON 2x10 VERGE BOARD AND 1/2 ON 2x8 VERGE BOARD AT REAR ELEVATION.
3. SHINGLE SIDING (WHERE SHOWN) HARDIE SHINGLES W/ 1" EXPOSURE.
4. SIDING (WHERE SHOWN) HORIZONTAL HARDIE LAP SIDING OVER 1/8" OSB WALL SHEATHING.
5. SIDING (WHERE SHOWN) HARDIE PANEL WITH 1/2 BATTENS AT 16" O.C.
6. WINDOW DOOR TRIM (FRONT ONLY) 5/4 x 6 BILL, 4 HEADER TRIM WITH 5/4x4 SURROUND. NO TRIM AT SIDES AND REAR ELEVATIONS.
7. CORNER TRIM (TYPICAL) 5/4x6 TRIM.
8. HORIZONTAL TRIM: 5/4x10 WITH 26 GA. 2" FLASHING OVER TOP OF TRIM AND INTEGRATE W/ WRDS.
9. (3) BOARD 18" WIDE SHUTTERS @ HEIGHT OF WINDOW.
10. GUTTERS (TYPICAL): PER SPECIFICATIONS.

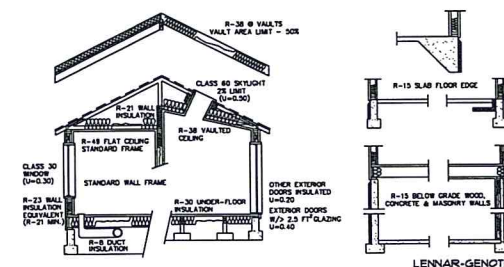
IT CULTURED STONE VENEER, PROVIDE BILLSTONE AS SHOWN ON ELEVATIONS. INSTALL PER MANUFACTURER'S SPECIFICATIONS. INSTALLATION SHALL COMPLY WITH THE PROVISIONS OF THE LATEST ADOPTED EDITION OF THE LOCAL CODE.



FRONT ELEVATION (NO STONE) 1/4" = 1'-0"

- ## LENNAR GENERAL NOTES AND SPECIFICATIONS
- CONSTRUCTION SHALL FULLY COMPLY WITH THE CURRENT 2021 OREGON RESIDENTIAL SPECIALTY CODE AND ALL ADDITIONAL LOCAL CODE REQUIREMENTS PER LATEST ADOPTED EDITION.
 - WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. PLEASE NOTIFY THE HOME DESIGNER OF ANY VARIATIONS FROM THESE DRAWINGS.
 - ANY DEFECT DISCOVERED IN THE CONSTRUCTION DOCUMENT SHALL BE BROUGHT TO THE ATTENTION OF THE HOME DESIGNER BEFORE PROCEEDING WITH WORK.
 - THESE DOCUMENTS ARE COPYRIGHT PROTECTED AND MAY NOT BE REUSED, REPRODUCED, TRACED OR REPRODUCED WITHOUT WRITTEN PERMISSION FROM LENNAR HOMES.
 - INSTALL APPROVED FOAM TYPE INSULATION AT FLOOR AND PLATE LINES, OPENINGS IN FLATES, CORNER STUD CAVITIES AND AROUND DOOR AND WINDOW ROUGH OPENING CAVITIES.
 - INSTALL WATERPROOF GYPSUM BOARD N AND ABOVE ALL SHOWER AND TUB AREAS TO FINISH FLOOR.
 - CONSULT THE CERTIFIED ENGINEER'S DRAWINGS FOR BEAM SIZES AND LATERAL ENGINEERING INFORMATION.

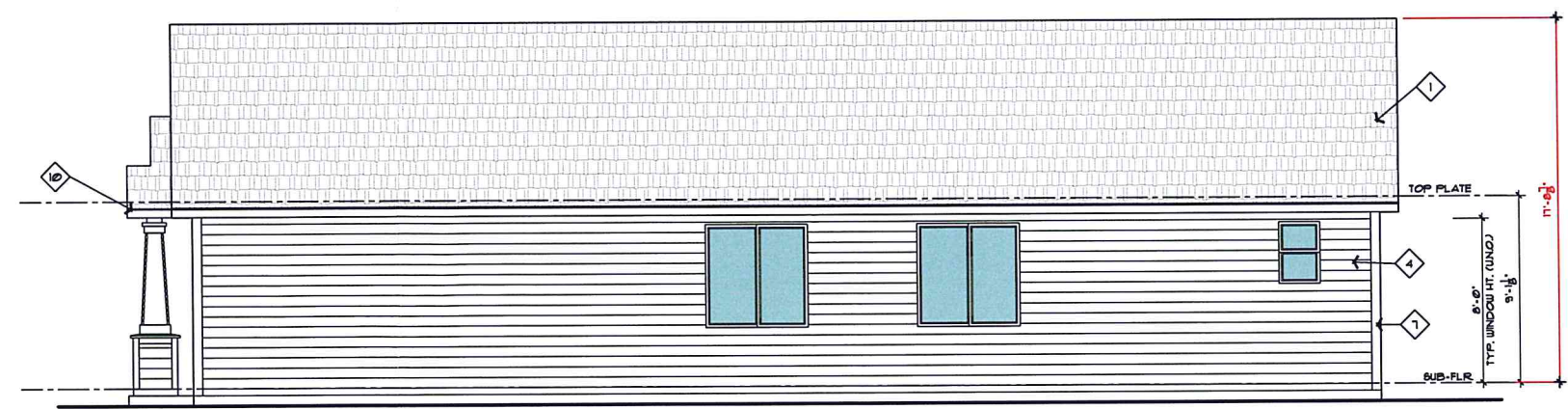
- ENVELOPE ENHANCEMENT MEASURE 5: AIR SEALING HOME AND DUCTS
- CONSERVATION MEASURE 'A': HIGH EFFICIENCY HVAC SYSTEM



Mandatory air sealing of all wall coverings at top plate and air sealing checklist^f, and
Mechanical whole-building ventilation system with rates meeting M1503 or
ASHRAE 62.2, and
All ducts and air handlers contained within building envelope^d or
All ducts sealed with mastic^b

High Efficiency HVAC System:
Gas-Fired furnace or boiler AFUE 94%, or
Air source heat pump HSPF 9.5/15.0 SEER cooling, or
Ground source heat pump COP 3.5 or energy Star rated

- b. All duct joints and seams sealed with listed mastic; tape is only allowed at appliance or equipment connections (for service and replacement). Meet sealing criteria of Performance Tested Comfort Systems program administered by Bonneville Power Admin. (BPA)
- d. A total of 5% of an HVAC system's ductwork shall be permitted to be located outside of the conditioned space. Ducts located outside the conditioned space shall have insulation installed as required in this code.
- f. Continuous air barrier. Additional requirement for sealing of all interior vertical wall covering to top plate framing. Sealing with foam gasket, caulk or other approved sealant listed for sealing wall covering material (example: gypsum board to wood stud framing)



RIGHT ELEVATION (NO STONE)

1/4" x 1/4"

FOR ALL STRUCTURAL
INFORMATION REFER
TO THE (S) SHEETS

5/3/13 NEW PLAN L
8/6/13 PERMIT SET D
8/23/13 PLAN CHANGE 1 IMPLEMENTED
3/24/14 OPEN 1ST FLOOR JOISTS ADDED
7/24/17 PLAN CHANGE 2 J
9-5-11 PLAN CHANGE 3 IMPLEMENTED
6-4-8 PLAN CHANGE 4 IMPLEMENTED

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†

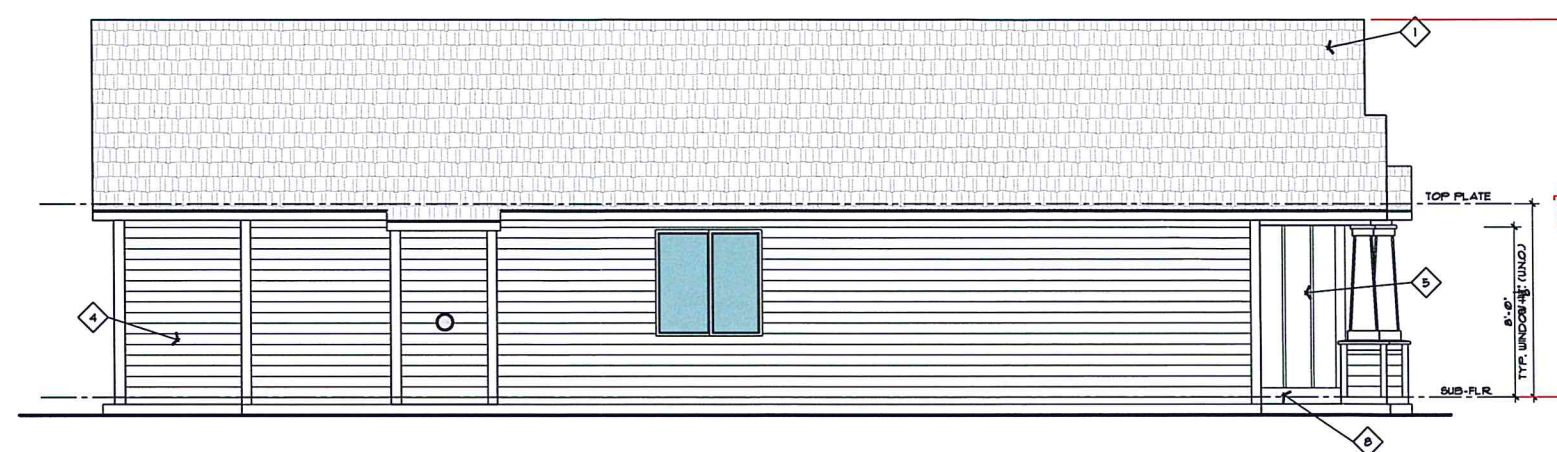
PLAN 1659A
TRENTON
AMERICAN
GARAGE RIGHT

MAIN LEVEL: 1,659 SQ FT

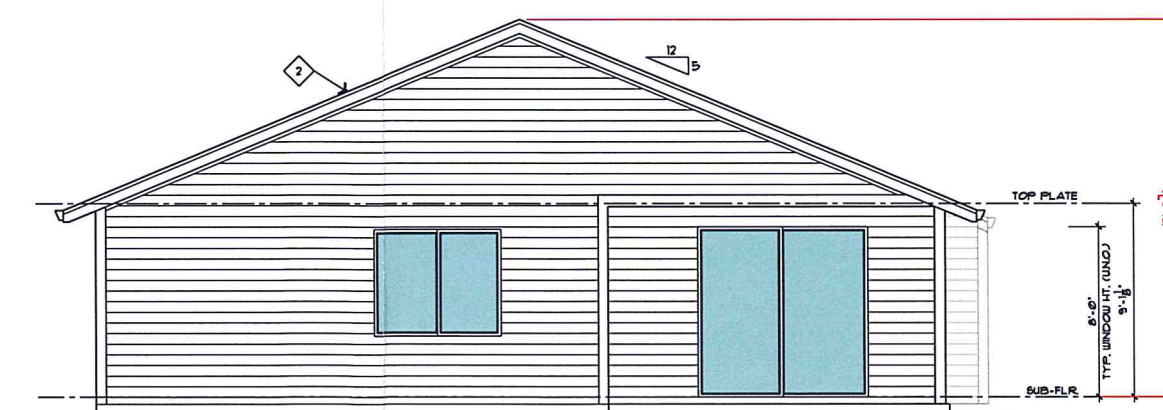
TOTAL: 1,659 SQ FT

GARAGE: 462 SQ FT
FRONT COVERED PORCH: 171 SQ FT

1A



LEFT ELEVATION (NO STONE)

 $\frac{1}{4} \cdot \frac{1}{2} = \frac{1}{8}$ 

REAR ELEVATION

44. P. 100

1. ROOFING (TYPICAL) ARCHITECTURAL FIBERGLASS COMPOSITION SHINGLES.
2. VERGE BOARD (TYPICAL AT FRONT) R5 b2 TRIM ON 2x10 VERGE BOARD AND 2x10 VERGE BOARD AT REAR ELEVATION.
3. SHINGLE SIDING (WHERE SHOWN) HARDIE SHINGLES W/ 1" EXPOSURE.
4. SIDING (WHERE SHOWN) HORIZONTAL HARDIE LAP SIDING OVER 7/16" OSB WALL SHEATHING.
5. SIDING (WHERE SHOWN) HARDIE PANEL WITH b2 BATTENS AT 16" O.C.
6. WINDOW DOOR TRIM (FRONT ONLY) 5/4 x 6 BILL 4 HEADER TRIM WITH 5/4x4 SURROUND. NO TRIM AT SIDES AND REAR ELEVATIONS.
7. CORNER TRIM (TYPICAL) 5/4x6 TRIM.
8. HORIZONTAL TRIM: 5/4x10 WITH 26 GA. 2" FLASHING OVER TOP OF TRIM AND INTEGRATE W/ WRD.
9. (3) BOARD 18" WIDE SHUTTERS x HEIGHT OF WINDOW.
10. GUTTERS (TYPICAL) PER SPECIFICATIONS.

11. CULTURED STONE VENEER: PROVIDE SILLSTONE AS SHOWN ON ELEVATIONS. INSTALL PER MANUFACTURER'S SPECIFICATIONS. INSTALLATION SHALL COMPLY WITH THE PROVISIONS OF THE LATEST ADOPTED EDITION OF THE LOCAL CODE.

FOR ALL STRUCTURAL
INFORMATION REFER
TO THE (S) SHEETS

PLAN 1659A
TRENTON
AMERICAN
GARAGE RIGHT

MAIN LEVEL: 1659.62 FT

TOTAL:	1,659.60 FT
--------	-------------

GARAGE: 462 SQ FT
FRONT COVERED PORCH: 172 SQ FT

1B

LENNAR®
2123 NE 125th STREET
SUITE 100
VANCOUVER, WASHINGTON 98686
OFFICE PHONE: (360) 250-7500

FILE

5/9/13 NEW PLAN LMF
6/6/13 PERMIT SET DSC
6/20/13 PLAN CHANGE 1 IMPLEMENTED DSC
3/24/14 OPENED FLOOR JOISTS ADDED JBG
7/24/17 PLAN CHANGE 2 JBG
5-8-17 PLAN CHANGE 3 IMPLEMENTED DSC
6-4-18 PLAN CHANGE 4 IMPLEMENTED JBG

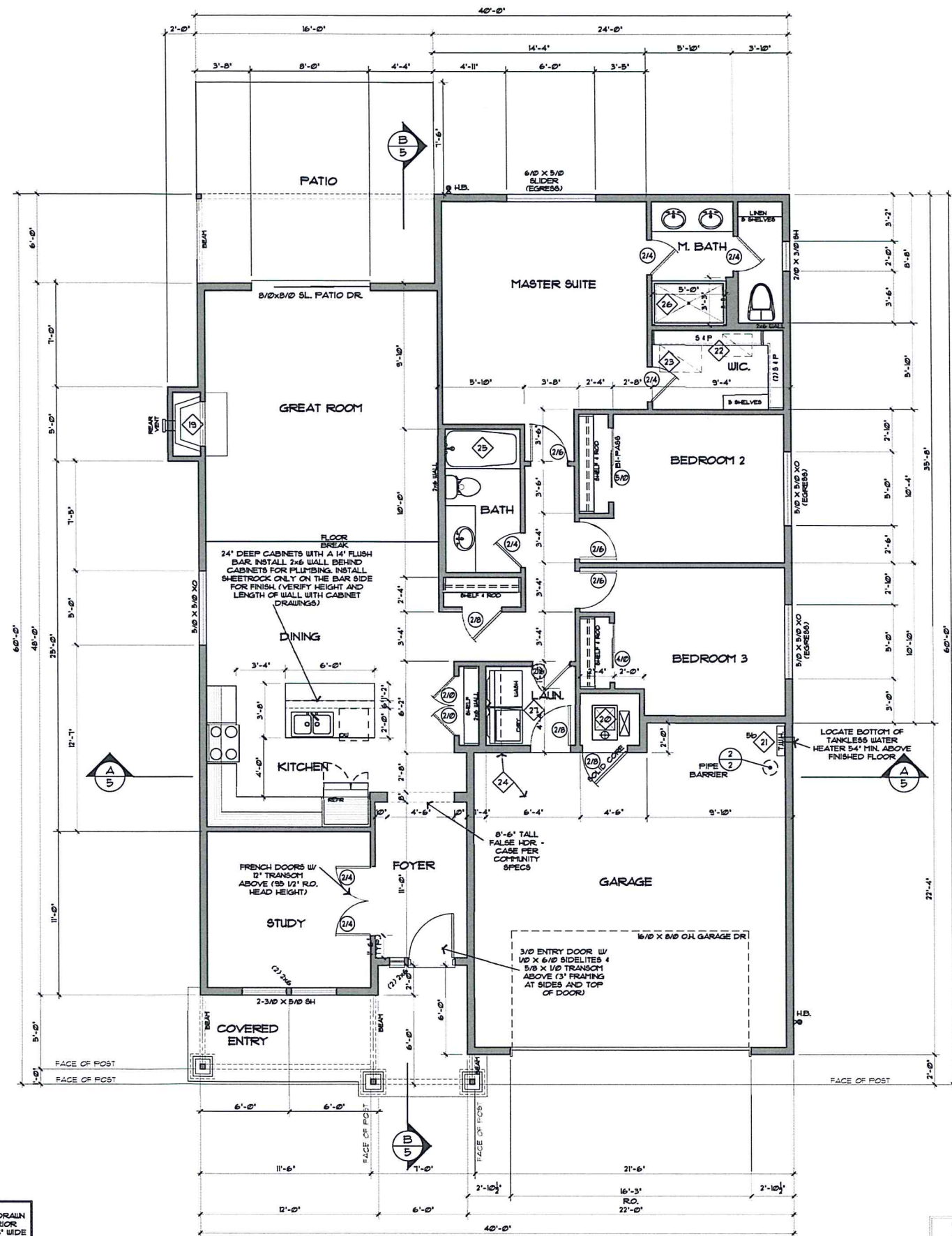
LENNAR®

PLAN 1659A
TRENTON
AMERICAN
GARAGE RIGHT

MAIN LEVEL: 1,659 SQ FT
TOTAL: 1,659 SQ FT
GARAGE: 462 SQ FT
FRONT COVERED PORCH: 52 SQ FT
REAR COVERED PORCH: 56 SQ FT

3

NOTE:
FOR ALL STRUCTURAL
INFORMATION REFER
TO THE (S) SHEETS



MAIN FLOOR PLAN

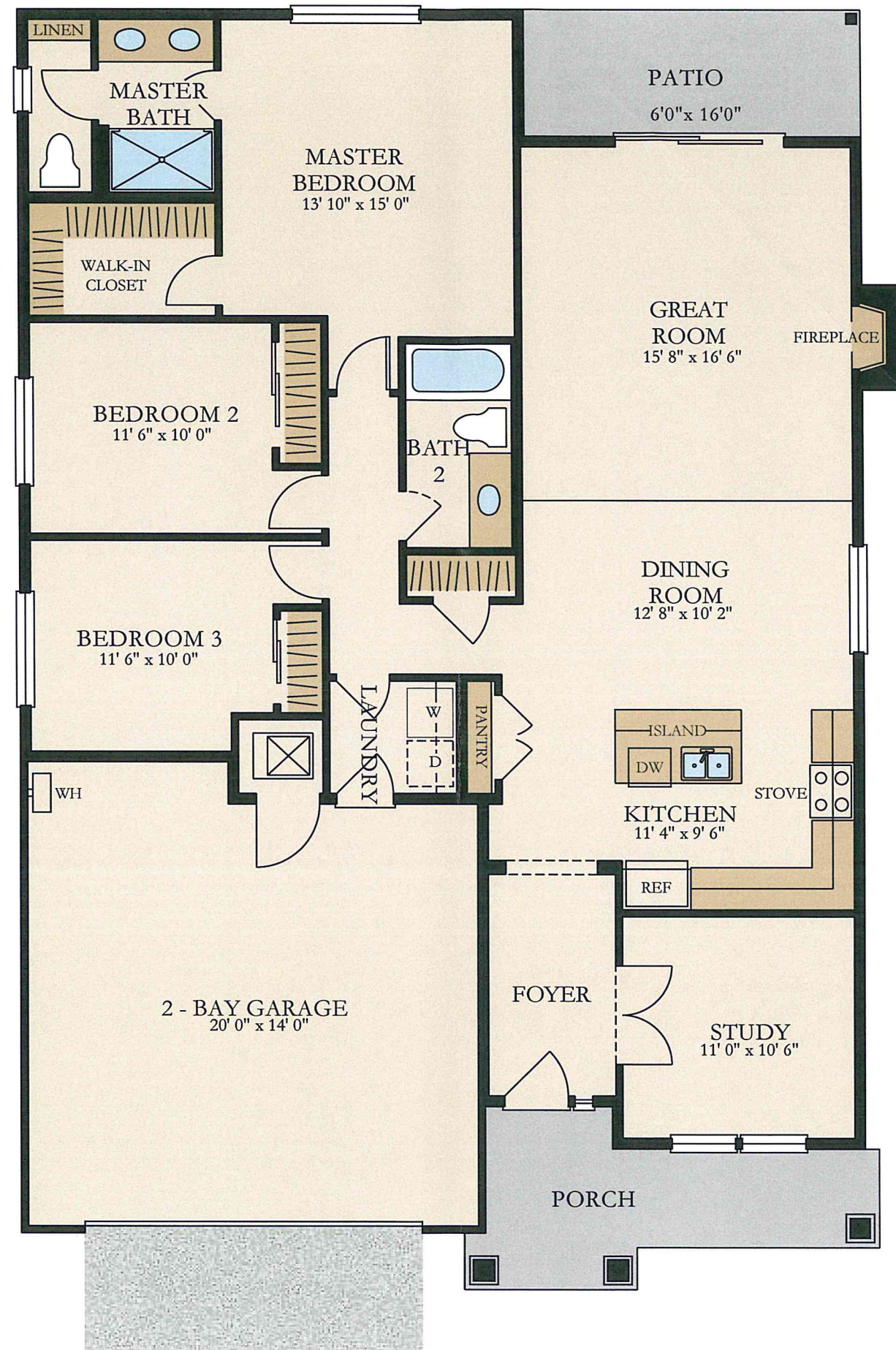
1/4" = 1'-0"

MAIN FLOOR KEYNOTES

19. MANUFACTURED DIRECT VENT, GAS, UL LISTED METAL FIREPLACE. INSTALL ACCORDING TO MANUFACTURER'S SPECIFICATIONS. INSTALL 18" WIDE, FLUSH HEARTH AS SHOWN.
20. INSTALL MINIMUM 95% (AFUE) EFFICIENT GAS FURNACE W/ COMBUSTION AIR DIRECTLY FROM OUTDOORS.
21. WALL MOUNTED, GAS TANKLESS WATER HEATER. LOCATE BOTTOM OF TANKLESS WATER HEATER 54" MIN. ABOVE FINISHED FLOOR. (IF APPLIES-OPTION 50 PER 2012 WA STATE ENERGY CODE)
22. PROVIDE MINIMUM 18"x24" CRAWL SPACE ACCESS.
23. PROVIDE MINIMUM 22"x30" ATTIC ACCESS W/ INSULATED COVER.
24. APPLY 1/2" GYPSUM BOARD TO ALL WALLS AND 5/8" TYPE 'X' GYPSUM BOARD TO CEILING IN GARAGE. FINISH W/FIRE TAPE & PAINT. WRAP EXPOSED BEAMS.
25. INSTALL STANDARD 32"x60" FIBERGLASS TUB WITH SHOWER.
26. INSTALL TRANSLUCENT FRAMELESS SLIDING TEMPERED GLASS DOOR AND PARTITION AT 60"x36" FIBERGLASS SHOWER.
27. INSTALL RECESSED WASHER/DRYER HOOKUP.

NOTE:
EXTERIOR WALLS ARE DRAIN
AT 6" WIDE AND INTERIOR
WALLS ARE DRAIN AT 4" WIDE
(UNLESS NOTED OTHERWISE)

TRENTON
FILE





CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: City Council
FROM: Jacob A. Graichen, AICP, City Planner
RE: Planning Commission Annual Report
DATE: May 5, 2020

DRAFT FOR PC REVIEW

DRAFT FOR PC REVIEW

This report covers Planning Commission activities from June 2019 through May 2020. The Planning Commission discussed this report at their May 12, 2020 meeting.

Number of meetings: 10 (last year 11)

Note that April 2020 was not cancelled due to nothing for the agenda, rather, as a reaction to the COVID-19 epidemic and social distancing efforts.

Number of public hearings (a continued hearing is counted separately): 18 (last year 20)

Acceptance Agenda Items: 12 (last year 22)

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

Planning Director Decisions: 54 (last year 72)

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

Note that Type I Home Occupations went away towards the end of 2018. Last year's report included some of 2018 when we were still processing Type I's. The comparison of last years number to this year's is reflective of that.

Discussion Items/Workshops: 11 (last year 10)

Items included (in no particular order): CLG Historic Preservation grant funding and scoring criteria discussion, development code amendments, term expirations, chair/vice chair selection, end of year summary report, accessory structures, Bennett Building (City owned) façade work, and review of ORD No. 3250 for historic landmarks, annual report to Council, and Planning Commission Interview Committee recommendation.

Architectural review: 2 (last year 2)

Certain proposals within the Riverfront District require architectural review.

Projects in process: The Commission discussed the floodplain and accessory structure amendments that are currently in process.

Future projects/plans: The Commission is largely reactionary in that it reviews things as they come. Code amendments for housing and related issues are anticipated to be issues on the Commission's horizon.

****What can the Council do to support the Commission?*** **Commission have any comments this year?**

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: 03.24.20

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—MISC.

The Planning Commission Interview Committee was going to interview four applicants for the Planning Commission vacancy, but it was postponed due to covid-19 issues.

Performance evaluation completed for Associate Planner.

Staff has answered several questions over the last month or so from Lennar Homes who is interested in most of the Emerald Meadows Subdivision lots that Richmond American Homes didn't purchase.

DEVELOPMENT CODE ENFORCEMENT

Sent letter for a complaint based enforcement action for an unauthorized building addition/eave/overhand addition/expansion along S. 4th Street.

PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)

March 10, 2020 meeting (outcome): The Commission approved a Conditional Use Permit for the Wildflower Play Collective at N 11th and Columbia Boulevard. They also considered code amendments as they relate to floodplains and accessory structures and recommended approval to the Council.

The Commission formed a Planning Commission Interview Committee to interview applicants for a vacated position.

As the Historic Landmarks Commission. Matt Brown, Assistant City Administrator, attended the meeting per the Planning Commission's request last month to discuss the exterior changes to the Bennett Building as they relate to the Riverfront District's architectural standards. It was an update and public testimony was received, but a conclusion and recommendation from the Commission will occur at a future meeting once more details are worked out.

The Commission also reviewed Ordinance No. 3250 to add a historic resource to the designated landmarks register, as an FYI.

April 14, 2020 meeting (upcoming): This meeting has been cancelled given the disruptions of the covid-19 epidemic. We are hoping the State/League of Oregon City's can provide public hearing and other guidance on land use matters.

FLOODPLAIN MANAGEMENT (NFIP)

FEMA updated the Elevation and Floodproofing Certificates. These are a ubiquitous and important tool for floodplain management. These get updated periodically; the last update was in 2016.

FEMA and Endangered Species Act issues. This has been a discussion for several years. Interim implementation (including ESA consideration in Floodplain management decisions) was supposed to occur by April of 2018, but was delayed by FEMA. FEMA is working with NOAA Fisheries and Oregon DLCDC to finish implementation options and resources by the end of this year, notwithstanding covid-19 virus epidemic delays. We will eventually need to change our code and practices; just a matter of when. Best guess now is 2021-2022. Note that we received correspondence from FEMA last year that stated Oct. 5, 2021 is the magic number.

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Managed annual software maintenance for Planning, Engineering and Public Works.

Data updates.

ST. HELENS INDUSTRIAL PARK WETLAND DELINIATION EFFORTS

We have the Army Corps of Engineers has Approved Jurisdictional Determination (AJD) finally. Last month we got Oregon DSL concurrence. This project is done.

MILLARD ROAD PROPERTY

Staff continues to prepare materials to go through the zone change to change to property to Mixed Use. We will likely wait to see what happens with the covid-19 issue before scheduling hearings (notwithstanding other technical issues that need to be addressed in the staff report).

Continue working with our legal counsel and Pam Rensch (grantor) to draft a two year extension of the 2009 access easement agreement to the property from Chase Road. Things are progressing ok.

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

Jacob Graichen

From: Jennifer Dimsho
Sent: Tuesday, March 24, 2020 4:28 PM
To: Jacob Graichen
Subject: March Planning Department Report

Here Here are my additions to the March Planning Department Report (COVID-19 edition).

GRANTS

1. **DLCD's 2019-2021 Technical Assistance Program** – 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. GIS data and plans provided to consultants about existing conditions and potential users. Kickoff call with sub-consultant EcoNW who will be doing the market update and infrastructure funding plan.
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. Project on hold as we work on two OPRD and BUILD grant applications due in April and May.
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. CRYC finished trail construction before COVID shut school district down. Public Works has placed the foundation boardwalk segments, but not yet decked the boardwalk as of 3/24. Decking and low railing coming soon.
4. **Travel Oregon - Medium Grants Program (100k)** – Ramsay still going to replace an incorrect sign and a damaged sign. Waiting for nice weather to take final photos for report.
5. **EPA – CWA Grant Program** – Project to be closed out by September 2020. 50 Plaza Square Work Plan in process of approval. Follow up South 80 sampling week of 2/24. Report to come in late April.
6. **CDBG- Columbia Pacific Food Bank Project** – Construction documents complete. Buidling Permit application submitted week of 3/24. Procurement document to be sent to legal counsel for review in April. Planned bid period is final week of April unless revised because of pandemic.
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 in April.
8. **Safe Routes to School - Columbia Blvd. Sidewalk Project** – Engineering contract with David Evans authorized for signature on 2/19. Student transportation surveying postponed until next school year for pre-construction data.
9. **Trail Blazers Foundation Fund through Oregon Community Foundation** – Researched guidelines/eligibility for 20k grant (up to 40k over 2 years) for the SHPR program. Deadline is April 30. Will assist Recreation Program as needed on application review.
10. **UDOT BUILD Grant** cycle re-opened. Deadline is mid-May. Attended debrief conference call with USDOT 2/27. We will be focusing our ask on the 1st Street and Strand extension to Plymouth Street, and utilize state recreation funding for the Riverwalk/Trail component. Review scope of work/budget for utilizing Kittelson & Associates for application materials assistance. Large undertaking to update the 15 pages of narrative, budget, site plans, Cost-Benefit Analysis, and ~20 letters of support. Assistance from Rachael is expected for review.
11. **OPRD - Local Government Grant** - Deadline moved from April 1 to April 10. Will submit application for approximately 500k as matching grant to fund the St. Helens Riverwalk Phase I which is approximately 220 feet of cantilevered boardwalk at 10' wide with another 250' of concrete path and landscaping ranging from 8' to 12' wide. Total project cost is approximately 1.5 million. City to contribute approximately 500k in-kind and

cash funding. Application includes 4 letters of support, 4-5 state/federal agency referral reviews, a site plan, narrative, budget, timeline, and will include a presentation to the OPRD board. Used Alta Planning & Design for a small update to the boardwalk scope of work, cross section, and budget that was submitted with the previous BUILD Round 2 application.

12. **OPRD - Land and Water Conservation Fund Grant** - Deadline April 13. Will submit application for approximately 500k as matching grant to fund the same project and application materials as listed above.

MISC

13. **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. Follow up research is on hold until I have capacity to continue to work on this project.
14. As of March 19, 2020, in order to limit exposure to myself and others at City Hall, I have been semi-working-from-home, going into the office to bring back approved plans, pick up more plans, save and download more files to work on from home. We have been testing ZOOM mobile meetings during this time as well. I am grateful to have been provided this tele-work flexibility in this changing, and often scary, time.

Thank you,

Jenny Dimsho, AICP
Associate Planner
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(503) 366-8207
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CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: 04.27.2020

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.

PLANNING ADMINISTRATION—PREAPPLICATIONS MEETINGS

Conducted a pre-application meeting for a potential expansion of Rainshadow Labs at 200 and 200 Port Avenue. This is a Port of Columbia County project for their tenant Rainshadow Labs.

PLANNING ADMINISTRATION—MISC.

The proposed 238 unit apartment complex along Gable Road by Columbia River Highway the Planning Commission approved (via Conditional Use Permit) last September is seeking state funds from Oregon Housing and Community Services (OHCS) for this “affordable housing” project. I needed to sign a form for them for this.

For the first time since March of 2012, I updated the City’s political sign sheet. The change wasn’t prompted by a change on sign code, rather, updates to things like weblinks and the city no longer having a PO box. **See attached.**

The regional ODOT planner reached out to me (and the County Planning Department) to sign a Land Use Compatibility Statement for the Millard Road and Bennett Road intersection projects. They are in advance stages of plan preparation and construction is anticipated next year. This gave us an opportunity to remind ODOT about our proposed gateway.

Associate Planner Dimsho had been reminding ODOT project managers about this, but there have been many of those on this project. Also, the ODOT planner I spoke to seemed to remember something, but had forgot. Now he is on board and we provided necessary information to help reserve a spot.

Note: future permitting with ODOT will still be required and, due to federal funding, no signage or gateway feature can be shown on the plans. So its absence on any plans is not an indication that ODOT is ignoring this issue.

The ODOT Millard and Bennett Roads project website is located here. It has high-level information on the project: <https://www.oregon.gov/odot/projects/pages/project-details.aspx?project=21459>

The Planning Commission interview committee conducted three interviews for four applicants for a vacancy. One was a no-show. Of the other three, the committee was unanimous one their selection. In addition, the other two are still interested in keeping their name “in the hat” for

consideration at the end of the year, where we have to members terms expiring, both who have served at least two terms.

DEVELOPMENT CODE ENFORCEMENT

We received some concerns about a neighbor on S. 4th Street (by the John Gumm School). Have had some dialogue about potential Variances and such at this point.

PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)

April 14, 2020 meeting (outcome): This meeting was cancelled due to the COVID-19 epidemic.

May 12, 2020 meeting (upcoming): Three public hearings have been scheduled: 1) 6 lot subdivision at Columbia Boulevard and N. 6th Street, 2) A Conditional Use Permit to add a storage facility and other minor changes to the approved St. Helens Place Apartments, and 3) Variances for 9 lots of the Emerald Meadows Subdivision to allow a larger lot coverage than normal.

The Commission will also discuss the annual report to the Council and recommendations from the Planning Commission interview committee for a vacant position on the group.

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Purchased new licenses for Planning, Engineering and Public Works. This is done annually.

Data updates. In my February report, I mentioned some changes the County made to their taxlot information. When I started doing this in 2007, the only change was instead of getting the data from Joe Flori with the Assessor Department, being able to download the data from the County's website. Until January of this year, it was a matter of joining one table (of 6 in the geodatabase) to the taxlots shapefile. Now there are more than a dozen tables in the geodatabase and we have to join four of them to the taxlots shapefile. The change shouldn't be too much more effort, other than the time spent this month to figure out the changes.

Software updates this month.

Worked with IT folks for the APO data (GIS borne) for the building permit e-permitting effort.

ST. HELENS INDUSTRIAL PARK PARTITION

This is the partition to carve off the ACSP (industrial agriculture business) on the former Boise White Paper site. Our surveyors have set monuments and provided the final plat documents to be executed and recorded. However, on our preliminary plat (based on what the County Assessment maps showed) and the first couple draft versions of the final plat (from AKS Engineering & Forestry) a portion of the railroad right-of-way along the south side of the "ACSP

parcel” showed 100 feet width. On later versions of the final draft, the 100’ wide section was not shown. We didn’t notice this change (wasn’t brought to our attention by AKS nor was it expected) until we got the final version. We asked AKS to look into this; they inquired with ODOT Rail and pulled a chain of title to be sure; the 50’ width is accurate.

This changes things a bit for access purposes. And there are other things still required from the original decision. **See attached.**

MILLARD ROAD PROPERTY

We have finished working out a 2-year extension to the Chase Road easement agreement. Anticipate this for the Council’s May 6th meetings.

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



265 Strand Street
St. Helens, Oregon
97051

SIGNS AND POLITICAL CAMPAIGNS IN THE CITY OF ST. HELENS

Political signs do not require a Sign Permit from the City, but are required to comply with the following standards

- Maximum size: 32 square feet.
- Maximum height: 8 feet.
- Time period allowed: 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.
- Must be on private property (**not allowed within a public right-of-way**). Please get consent from the landowner before placing the sign on a property.

In addition to the regulations above, the following is prohibited:

- Illumination of political signs.
- Any political sign within a public right-of-way or on City owned property.
- Any political sign that may be confused with or construed as a traffic control device, or which hides a traffic control device from view.
- Any political sign that will obstruct access to any fire escape or other entrance/exit from a building or exit corridor.
- Any political sign that could impede vehicular or pedestrian traffic on any street, alley, sidewalk, bikeway or similar travel way.
- Any political sign attached to a tree or a plant, a fence or a utility pole.
- Any sign that violates clear vision rules (Chapter 17.76 St. Helens Municipal Code). Basically this means blocking visibility at intersections (including driveways).

Political signs erected contrary to City regulations may be removed by the City with or without notice. Noncompliant signs may also result in violations to be remedied in the St. Helens Municipal Court.

The standards explained above apply to what are typically considered “political signs.” There are many more sign regulations for permanent and temporary signs, but they generally apply to signs intended for other uses. For more information about the City’s sign regulations please contact the City Planning Department or review Chapter 17.88 of the St. Helens Municipal Code online, at City Hall or at the Library.

To contact the City Planning Department call 503-397-6272 or email jacobg@ci.st-helens.or.us. The City’s website is <http://ci.st-helens.or.us>. Also the St. Helens Municipal Code can be reviewed online at <https://www.codepublishing.com/OR/StHelens/>.


This is a guide only and not intended to be a substitute for actual law. Sign content is generally not regulated by the City. The term “political sign” is used here as a common term for explanation purposes only.

April 2020



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: John Walsh, City Administrator
 FROM: Jacob A. Graichen, AICP, City Planner 
 RE: St. Helens Industrial Park Partition for ACSP
 DATE: April 13, 2020

We recently received the final plat to be signed and recorded from AKS. There was some question about railroad right-of-way width (we thought it was wider), but AKS looked into it and confirmed it is only 50' as shown on the final plat. Before we sign and provide to the County Surveyor there are some things to be completed first.

A good place to start is the last page of the final plat, which includes a plat notes and restrictions section. This is shown here:

PLAT NOTES & RESTRICTIONS

1. THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF ST. HELENS PLANNING DEPARTMENT IN CASE FILE NO. PT.1.18.
2. THIS PLAT IS SUBJECT TO AN AGREEMENT PER INSTRUMENT NUMBER _____, WHICH DEFINES USE AND MAINTENANCE RELATED TO THE EXISTING MILLS PRIVATE WATER, SANITARY SEWER, AND STORM SEWER SYSTEMS.
3. THIS PLAT IS SUBJECT TO PRIVATE UTILITY AGREEMENT PER INSTRUMENT NUMBER _____, FOR THE BENEFIT OF PARCEL 2.
4. THIS PLAT IS SUBJECT TO THE FOLLOWING EASEMENTS, WHICH ARE LOCATED WITHIN PARCEL 1 OF THIS PLAT.
 - AN EASEMENT FOR SLOPES BEYOND RAILROAD RIGHT-OF-WAY LINES PER BOOK 55, PAGE 55, NOT MAPPABLE
 - A 20' WIDE POWER LINE EASEMENT AND/OR RIGHT-OF-WAY PER BOOK 124, PAGE 474.
 - A POWER LINE EASEMENT AND/OR RIGHT-OF-WAY PER BOOK 126, PAGE 162.
 - AN ELECTRICAL SUBSTATION EASEMENT PER BOOK 165, PAGE 905.
 - AN ELECTRICAL SUBSTATION EASEMENT PER INSTRUMENT NUMBER 96-03843, PREVIOUS EASEMENT PER BOOK 165, PAGE 905 IS MERGED INTO THIS EASEMENT.
 - AN AERIAL ELECTRIC LINE AND SUBSTATION SITE EASEMENT PER INSTRUMENT 2013-008857.
 - RESTRICTION, INCLUDING THE TERMS AND PROVISIONS THEREOF PER INSTRUMENT NUMBER 2015-008180.
5. 50.00' PRIVATE ACCESS AND PUE FOR THE BENEFIT PARCEL 2, SUBJECT TO MAINTENANCE AGREEMENT AS RECORDED PER INSTRUMENT NUMBER _____

There are some things required to be recorded with the final plat per the PT.1.18 decision. These are referenced under the plat notes and restrictions. The applicable comments related to the notes above:

2. This is an agreement required for the ACSP parcel's (Parcel 2) use of the Mill's utility facilities because things are so intertwined. This agreement would be recorded with the partition and the instrument number written on the line provided under this note.
3. This agreement is for the ACSP parcel's (Parcel 2) access to the variety of utilities and services that cross the Parent Parcel (Parcel 1). For example, communication and power. The issues are varied locations and the unknown. This is recorded with the final plat with the instrument number written on the plat.
5. This is for the access and utility easement that connects the ACSP Parcel (Parcel 2) to the Kaster Road right-of-way as shown on the final plat. The City's code requires maintenance agreements for shared accesses. As with the others, this is recorded with and notated on the final plat.

In addition, the land partition decision requires that the agreement have amendment provisions to change the location at the City's discretion.

Note that AKS provided a legal description (Exhibit A) and depiction (Exhibit B) of the easement to use as exhibits for the maintenance agreement.

6. **NEW!** There is no number 6, but I recommend an **access and utility easement for the City along the south side of Parcel 2**. The narrower railroad right-of-way width from what was on the preliminary plat and the earlier drafts of the final plat was not expected. We want to ensure practical access to the area east of Parcel 2.

The existing improved roadway along the RR right-of-way is partially within the RR right-of-way and partially outside of it. There is about 20' to the toe of the South 80 landfill on Parcel 2, thus **at least** 20' width is recommended—see area for this easement on the next page. City may want to consider more width for future access needs, but the South 80 landfill starts to be included then.

Technically, there should be a maintenance agreement for this too.

We may need AKS to provide a legal description and depiction of the easement to use as exhibits for this maintenance agreement.

This can be written as note 6 on the plat like the other agreements mentioned above.

Jacob Graichen

From: Jennifer Dimsho
Sent: Monday, April 27, 2020 10:04 AM
To: Jacob Graichen
Subject: April Planning Department Report

Here are my additions to the April Planning Department Report (COVID-19 edition v.2.0).

GRANTS

1. **DLCD's 2019-2021 Technical Assistance Program** – 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. Scheduled May 18 for a check-in call to review draft plans.
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. Project on hold as we work on two OPRD and BUILD grant applications due in April/May.
3. **Oregon Community Foundation – Nike Impact Fund – 5th Street Trail Project** – Aside from signage, this project has been completed thanks to Public Works and the Columbia River Youth Corps! Once all invoices processed, I will see what funds of the grant remain, and work on getting appropriate signage with the remainder of the funds. Final project report due in June.
4. **Travel Oregon - Medium Grants Program (100k)** – Final project report/reimbursement due in July.
5. **EPA – CWA Grant Program** – Project to be closed out by September 2020. 50 Plaza Square . Follow up South 80 sampling week of 2/24. Report forthcoming. 50 Plaza Square drilling scheduled for April 28. Final project to be completed by September 2020.
6. **CDBG- Columbia Pacific Food Bank Project** – Construction documents complete. Building Permit application submitted week of 3/24. Procurement document to be sent to legal counsel for review in April. Planned bid period is final week of April unless revised because of pandemic.
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 planned for week of May 18.
8. **Safe Routes to School - Columbia Blvd. Sidewalk Project** – Engineering contract with David Evans authorized for signature on 2/19. Student transportation pre-construction commute surveying determined not needed by USDOT in light of COVID-19.
9. **UDOT BUILD Grant** – Deadline is May 18. Working with Kittelson & Associates for application materials assistance. Preliminary cost estimates put the project in the 8 million request, with a 2 million match. Worked with Rachael and John to update 15 pages of narrative, budget, site plans, timeline, Cost-Benefit Analysis, and ~20 letters of support.
10. **OPRD - Local Government Grant** – Submitted application for 500k as matching grant to fund the St. Helens Riverwalk Phase I which is approximately 350 feet of cantilevered boardwalk at 10' wide alongside an 8' concrete path, + 80' of concrete path at 12' wide. Project includes landscaping, shoreline restoration and riparian plantings, an overlook feature, interpretive signage, furnishings, guard railing, and lighting. Total project cost is approximately 1.5 million. City to contribute approximately 500k in-kind/cash funding. Application included 4 letters of support, 5 state/federal agency referral reviews, a site plan, narrative, budget and timeline. Presentation to OPRD board forthcoming. Used Alta Planning & Design for site plan design, cross section, and budget assistance. Rachael and John assisted with grant narrative.
11. **OPRD - Land and Water Conservation Fund Grant** – Submitted an identical 500k request for the project listed above. OPRD grant review committee digital presentation due May 1 and GoToMeeting presentation scheduled for May 5 or 6.

MISC

12. I have been settling into limited office hours since the March 19. Generally, I am in the office 2 days a week and teleworking the remaining 3 days a week. We tested a ZOOM PC meeting, and have been making preparations to host 3 digital PC public hearings in May. I have been assisting Christina with the media notification and notice mailing process since going digital with meetings.
13. The Millard Road signalization ODOT project is moving forward with a project schedule. Jacob, Sue, and I have been working on incorporating the entrance sign into their design, or at a minimum, getting the sign materials and a location approved by ODOT/ODOT rail.
14. Working with Tiberius Solutions to update our URA revenue projections by listing potential private investments within the URA boundary. Thanks to Heidi for providing building permit value estimations for a number of these projects.

Thank you,

Jenny Dimsho, AICP
Associate Planner
City of St. Helens
(503) 366-8207
jdimsho@ci.st-helens.or.us