

# City of St. Helens

## Planning Commission

### June 14, 2016

### Agenda

---

1. **7:00 p.m. Call to Order and Flag Salute**
  2. **Consent Agenda**
    - a. Planning Commission Minutes dated May 10, 2016
  3. **Topics from the Floor:** Limited to 5 minutes per topic (Not on Public Hearing Agenda)
  4. **Public Hearing Agenda:** (times are earliest start time)
    - a. **CONTINUED** 7:00 p.m. - Conditional Use Permit & Access Variance at 134 N. River Street – Lower Columbia Engineering, LLC
    - b. **CONTINUED** 7:30 p.m. – Conditional Use Permit at 264 N. Columbia River Hwy – Edward Kim
    - c. 8:00 p.m. – Conditional Use Permit and Variances (2) at 104 & 114 River Street – Lower Columbia Engineering, LLC
    - d. 8:30 p.m. – Conditional Use Permit at 2360 Gable Rd. – St. Helens Church of the Nazarene
  5. **Acceptance Agenda: Planning Administrator Site Design Review:**
    - a. Site Design Review (Minor) at 58646 McNulty Way – Parking lot expansion
    - b. Site Design Review (Scenic Resource) at 104 & 114 N. River Street – Construction of a four unit multidwelling building
  6. **Planning Director Decisions:** (previously e-mailed to the Commission)
    - a. Sign Permit at 131, 133, 135, 137 N. River Street (fourplex condo) - St. Helens Marina, LLC
    - b. Sensitive Lands Permit at 58646 McNulty Way – Parking lot expansion along McNulty Creek
    - c. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – St. Helens Kiwanis Parade
    - d. Sensitive Lands Permit at 104 & 114 N. River Street – Building in a floodplain
    - e. Home Occupation (Type I) at 59950 Isabella Lane – Mobile clothing boutique
    - f. Temporary Use Permit at 735 S. Columbia River Hwy – Fireworks stand
  7. **Planning Department Activity Reports**
    - a. May 24, 2016
  8. **For Your Information Items**
  9. **Next Regular Meeting: July 12, 2016**
- 

### Adjournment

---

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

Be a part of the vision...get involved with your City...volunteer for a City of St. Helens Board or Commission!  
For more information or for an application, stop by City Hall or call 503-366-8217.

# **City of St. Helens**

## **Planning Commission Meeting**

### **May 10, 2016**

### **Minutes**

**Members Present:**

Dan Cary, Chair  
Al Petersen, Vice Chair  
Greg Cohen, Commissioner  
Sheila Semling, Commissioner  
Audrey Webster, Commissioner  
Russell Hubbard, Commissioner

**Members Absent:**

Kathryn Lawrence, Commissioner  
Ginny Carlson, City Council Liaison

**Staff Present:**

Jacob Graichen, City Planner  
Jennifer Dimsho, Assistant Planner & Planning Secretary

**Councilors Present:**

Keith Locke, City Councilor

**Others Present:**

Brad Hendrickson  
Steve Alexander  
Andrew Niemi  
Edward Kim

The Planning Commission meeting was called to order by Chair Dan Cary at 7:00 p.m. Chair Cary led the flag salute.

**Consent Agenda**

**Approval of Minutes**

Vice Chair Petersen moved to approve the minutes of the April 12, 2016 Planning Commission meeting. Commissioner Semling seconded the motion. Motion carried with all in favor. Chair Cary did not vote as per operating rules.

**Topics From The Floor**

There were no topics from the floor.

## **Public Hearing**

**Lower Columbia Engineering, LLC**  
**Conditional Use Permit / CUP.3.16**  
**197 N. River Street**

It is now 7:01 p.m. and Chair Cary opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter. Commissioner Webster received a notice in the mail for the proposal, but it will not impact her ability to make a fair decision in the matter. No one in the audience objected to any of the Commissioners' ability to make a fair decision.

City Planner Jacob Graichen entered the following items into the record:

- Staff report packet dated May 3, 2016 with attachments

Graichen introduced the proposal to the Commission and discussed recommended conditions of approval as presented in the staff report. Commissioner Cohen asked if having only one entrance concerned the City as far as maneuverability. Graichen said yes, that is why conditions 2(a)(ii) and 6 are included. Condition 2(a)(ii) requires that a maximum size be posted at the entrance and condition 6 allows the City to restrict the size further if deemed necessary to protect the public, health, safety, and welfare.

Chair Cary asked if the steep slope was an issue for development. Graichen said the slope is something that can be worked out. City Engineering has had plans for a Wyeth Street connection between River Street and 2<sup>nd</sup> Street for some time. Graichen explained because this circumstance has limited space, there is some flexibility in design.

Graichen said Columbia River Fire & Rescue said there are not enough vehicle spaces in the proposal to warrant a second exit for vehicles, but an alternate pedestrian egress will be required. Graichen said that landscaping along the perimeter of the travel trailer park and the public right-of-way between Wyeth Street access improvements and the subject property will contain required vegetation and street trees.

### **IN FAVOR**

**Alexander, Steve. Lower Columbia Engineering, LLC. Applicant.** Alexander explained that RV sites are a growing commodity in the U.S. As baby boomers retire, sites like this are in demand across the United States. This is a great location because it is close to the park, downtown, the marina, and it is walkable. RV parks add to the economic mix of St. Helens. Alexander said they do not take any exception to the conditions Graichen included in the staff report. They will work with City Engineering to meet the Wyeth Street improvement access requirements.

**Niemi, Andrew. Lower Columbia Engineering, LLC. Applicant.** Niemi said the property owner already operates a small RV park in the area. It fits in well to the area and it is well managed. This proposal is only five spaces. The frequency for in and out traffic conflicts is pretty rare. Niemi explained that the steepest portion of the driveway is 16 percent. Columbia River Fire & Rescue said that 16 percent has been the threshold for slope if it is paved. They will be sensitive to ensure a gradual grade change to make sure RVs will not bottom out. They do not want RVs or trailers to scrape up the City's street.

Vice Chair Petersen asked what elevation the site will be. Niemi said he hopes to level the site off at around 35 feet, down from about 40 to 45 feet. There may be some changes, because the excavation crew has not come and done testing to see how workable the rock is.

Hubbard asked if there is a reason why they did not want to design the driveway as a hammerhead for easier maneuverability, particularly for parking space number one. Chair Cary had the same question. Niemi said the person who is going to deal with conflict the most if it is not designed appropriately is the property owner. They have played around with some hammerhead designs, but ultimately, the final design will be the one that creates the easiest maneuverability.

Commissioner Cohen asked if they considered vehicular visibility coming from down the hill. Niemi said it did not seem to be an issue because of the low speed and low traffic.

Vice Chair Petersen asked how the applicant will provide proof that turning radiuses will be met to satisfy the condition Graichen included. Niemi said if the maximum width for the spaces is 35 feet, they will do the calculations for this width. He also pointed out there is a sample 40-foot motor home turning radius provided on the site plan.

### **IN OPPOSITION**

No one spoke in opposition.

### **END OF ORAL TESTIMONY**

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

### **CLOSE PUBLIC HEARING & RECORD**

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

### **FURTHER QUESTIONS OF STAFF**

Vice Chair Petersen asked about condition 2(b)(i) which requires the applicant to connect the travel trailer park to River Street with a pedestrian connection. The City's conceptual drawing connecting River Street to 2<sup>nd</sup> Street shows a pedestrian path on one side. Vice Chair Petersen asked if the Wyeth Street improvement to 2<sup>nd</sup> Street should include the pedestrian way that is anticipated in the City's conceptual drawing. Graichen noted condition 2(b)(v) that says that the Wyeth street design shall not deter the ability to extend the street. The Commission decided this condition would also maintain the ability to extend the pedestrian path.

### **DELIBERATIONS**

Vice Chair Petersen thinks Graichen's conditions did a good job addressing the aspects of this proposal. He feels that the Commission's expressed concerns are addressed with the conditions provided in the staff report. Commissioner Webster agreed.

### **MOTION**

Vice Chair Petersen moved to approve the Conditional Use Permit as written. Commissioner Webster seconded. All in favor; none opposed; motion carries.

Commissioner Cohen moved for Chair Cary to sign the Findings and Conclusions once prepared. Vice Chair Petersen seconded. All in favor; none opposed; motion carries.





## **Public Hearing**

**Lower Columbia Engineering, LLC**

**Conditional Use Permit & Access Variance / CUP.4.16 & V.4.16**

**134 N. River Street**

It is now 8:03 p.m. and Chair Cary opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

Jacob Graichen entered the following items into the record:

- Staff report packet dated May 3, 2016 with attachments

Graichen said the applicant would like to continue the public hearing to the June 14 meeting. Graichen would like the applicant to provide an extension of 120 day rule. The applicant will provide a letter that the 120 days will be extended from August 18, 2016 to September 19, 2016.

### **MOTION**

Commissioner Webster moved to continue the hearing to the June 14 meeting at 7 p.m. Commissioner Hubbard seconded. All in favor; none opposed; motion carries.

□

## **Public Hearing**

**Edward Kim**

**Conditional Use Permit / CUP.5.16**

**264 N. Columbia River Hwy**

It is now 8:12 p.m. and Chair Cary opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter. Commissioner Webster said she was contacted by a property owner adjacent to the subject property, but did not discuss the proposal with her. No one in the audience objected to any of the Commissioners' ability to make a fair decision.

Graichen entered the following items into the record:

- Staff report packet dated May 3, 2016 with attachments

Graichen introduced the proposal to the Commission and discussed the approval criteria and recommended conditions, as discussed in the staff report. Graichen explained that the driveway access to this property requires crossing through ODOT right-of-way and through private property. Access from ODOT Rail was formally received on May 5. However, Bonnie Masterson, the current owner of the private property in which access is required to reach the subject property, is concerned about an increase of traffic that would impact her commercial tenants. Testimony from Masterson was received after packets were mailed out. Masterson's request is that Commission approval be withheld until a formal easement is secured or a new driveway is developed that will not impact her tenants. Graichen discussed a 20 foot access easement from a partition completed during the 1980s to benefit an adjacent flooring company, but this easement was not officially recorded. Graichen also showed the Commission a document the applicant provided that was signed by Bonnie Masterson which granted access to the subject property, but was not officially recorded.

Commissioner Cohen asked about security lighting. Graichen said the applicant proposed security cameras, so lighting could certainly be included. Commissioner Cohen also asked how odor will be monitored and

controlled. Graichen said there is a condition that states no odor is allowed outside of the property lines. He explained if there is a complaint, we have a condition that allows us to address it. Commissioner Cohen asked if this property was within 1,000 feet of a school. Graichen said that rule applies to retailers and dispensaries, not for facilities growing marijuana.

## **IN FAVOR**

**Wilner-Nugent, Bear. 620 SW 5<sup>th</sup> Ave. Suite 1008, Portland. Applicant's Lawyer.** Wilner-Nugent represents the applicant for this Conditional Use Permit. He commends Graichen for his thoroughness. Wilner-Nugent represents many applicants across the state and has many licenses pending before the OLCC for businesses like this proposal. He explained that local land use approval must be received before state approval. This is why they will not be filing an OLCC application until this decision is finalized. Wilner-Nugent said there are no buffers for grow facilities in either the state or local laws. He also clarified that the only proposed use is growing plants, not processing.

Wilner-Nugent explained the applicant is proposing to construct a septic system on site. The proposal is to grow plants in inside containers, so there will be no run-off into the wastewater system. It would be very counterproductive to the goal of growing marijuana if they had water runoff into the system. Wilner-Nugent said the only wastewater that will go into the septic system will be human waste.

In Wilner-Nugent's legal opinion, the contract regarding access conveys an easement. He said easements in Oregon are not required to be recorded or notarized, but it is certainly better when they are. There is also no evidence in the record before the Commission that abandoned the contract. Wilner-Nugent said the origin of the document was Carol Chan, who is the broker at John L. Scott real estate that assisted the property owner in purchasing the subject property. He believes she received the document from the title company, Ticor Title. If necessary, they are open to leaving the record open to do additional investigation.

Regarding lighting and security, OLCC administrative rules require that they install security cameras to record conditions at entrances (including windows and doors) and in all lighting conditions (infrared). OLCC is primarily concerned with limiting access to the facility and documenting any unauthorized access attempts. They also require that video surveillance footage is stored for up to a month. Wilner-Nugent believes this requirement addresses the Commission's concerns about security lighting.

Wilner-Nugent said that odor filtration is proposed and would mitigate any off-site impact.

Vice Chair Petersen asked about the legitimacy of the easement. Wilner-Nugent said it was originally created during the sale of the property in 2001 to the previous property owner, Aeries Landscaping. This issue was brought to Wilner-Nugent's attention only yesterday, and he reached out to Bonnie Masterson immediately, but she has not returned their phone calls.

**Kim, Edward. Applicant.** Commissioner Cohen asked about runoff water getting into the system. Kim said it is a soil-based plant, not hydroponic, so any extra water evaporates. Chair Cary asked if they have received a bid for installing the septic system because of shallow bedrock. Kim said they have received a quote and are confident that installation is not cost prohibitive. They anticipate only emptying the septic once a year because the amount of waste is so small.

**Yi, Eric. Applicant's Business Partner.** Yi said his business partner, Edward Kim, is very calculated and makes sure everything is done right. Yi said there were homeless camps and people trespassing on the subject property before they bought it. They put up surveillance cameras and made the location much more secure. Yi said they appreciate the opportunity to be in St. Helens.

## **IN OPPOSITION**

No one spoke in opposition.

## **FURTHER QUESTIONS OF STAFF**

Chair Cary asked if they should continue the hearing or require a condition that access be resolved. Graichen said there could be a condition that states access should be resolved before building permit issuance. Commissioner Cohen pointed out that the letter from Masterson specifically requested that the Commission not make a decision until access is resolved. Commissioner Webster is also uncomfortable making a decision without an access resolution. Graichen said the other option is to close the hearing tonight and re-open at a time and date certain.

## **END OF ORAL TESTIMONY**

The applicant is interested in continuing the hearing to the next Commission meeting and agreed to extend the 120-day rule by 30 days.

## **CLOSE PUBLIC HEARING & RECORD**

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

## **DELIBERATIONS**

The Commission would like more information about the source and legitimacy of the access agreement before making a decision. Vice Chair Petersen would like to continue the hearing until the June 14 Commission meeting.

## **MOTION**

Commissioner Cohen moved to re-open the public hearing and continue deliberations at the June 14 Commission meeting at 7:30 p.m. Commissioner Webster seconded. All in favor; none opposed; motion carries.

□

## **Planning Commission Annual Report to Council**

Graichen asked the Commission if anyone would like to present the annual report to Council on June 1 at 1:30 p.m. Councilor Locke said it is nice when Commissioners present instead of staff. Vice Chair Petersen said he would show up if he is available, but he may be out of town.

Graichen asked if there is anything the Council can do to support the Commission. Commissioner Cohen and Vice Chair Petersen said they would like Council to address marijuana production, manufacturing, and distribution facilities. Commissioner Cohen feels like other communities were more proactive about their rules. Commissioner Semling feels the City should address how many of these production, manufacturing, and distribution facilities will be allowed in St. Helens. Chair Cary would also like to see Council address where these facilities should be located.

Vice Chair Petersen also thinks that the development code should require documentation (drawing, photos,

etc.) of buildings in the historic district prior to demolition.

☐

### **Planning Director Decisions**

- a. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – Race Against Child Abuse
- b. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – Fly-In/Cruise-In Event
- c. Sensitive Lands Permit at 134 N. River Street – Lower Columbia Engineering, LLC
- d. Accessory Structure at 400 N. Vernonia Rd. - New storage shed
- e. Home Occupation (Type I) at 425 N. 9<sup>th</sup> Street - Home office for an equine massage business
- f. Sign Permit (Wall) at 31 Cowlitz Street – Tater Rental LLC
- g. Accessory Structure at 35889 Pittsburg Rd. – New detached garage

There were no comments.

☐

### **Planning Department Activity Reports**

There were no comments.

☐

### **For Your Information Items**

There were no for your information items.

☐

There being no further business before the Planning Commission, the meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Jennifer Dimsho  
Planning Secretary

### 2016 Planning Commission Attendance Record

*P=Present A=Absent Can=Cancelled*

Date	Petersen	Hubbard	Lawrence	Cohen	Cary	Semling	Webster
01/12/16	P	P	P	A	A	P	P
02/09/16	A	P	P	P	P	P	P
03/08/16	P	P	P	A	P	P	P
04/12/16	P	P	P	P	P	P	P
05/10/16	P	P	A	P	P	P	P
06/14/16							
07/12/16							
08/09/16							
09/13/16							
10/11/16							
11/08/16							
12/13/16							

**CITY OF ST. HELENS PLANNING DEPARTMENT**  
**STAFF REPORT**  
**Conditional Use Permit CUP.4.16**  
**Access Variance V.4.16**  
**Sensitive Lands Permit SL.2.16**

**DATE:** June 7, 2016  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT:** Lower Columbia Engineering, LLC  
**OWNER:** St. Helens Marina, LLC

**ZONING:** Marine Commercial, MC

**LOCATION:** 5N1W-34CD-900

**PROPOSAL:** Travel trailer park (CUP) within an Area of Special Flood Hazard (100 year floodplain) and within the immediate proximity of the Columbia River (SL), and with a driveway approach that exceeds city standards (V).

**The initial 120-day rule deadline (ORS 227.178) for final action for this land use decision was August 18, 2016.** To allow a public hearing continuance the applicant agreed to move the deadline to September 19, 2016.

**SITE INFORMATION / BACKGROUND**

The subject site (just south of the N. River Street terminus and Grey Cliffs Waterfront Park, and north of the St. Helens Marina boat ramp) is currently undeveloped, but has been used for dredge spoils and other interim passive uses, and most recently as a staging area for a construction operation. However, this specific area has never had a principle use, generally being idle open space of the St. Helens Marina.

The subject site for development is immediately adjacent to the banks of the Columbia River and is within a Special Flood Hazard Area (SFHA) as identified by FIRM Map No. 41009C0456D. The property is predominately covered by flood zone AE (100 year flood).

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows: May 10, 2016 before the Planning Commission. The public hearing was continued to June 14, 2016.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on April 21, 2016 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 27, 2016.

Given the immediate proximity to the Columbia River, staff also sent a Wetland Land Use Notification to the Oregon Department of State Lands on April 22, 2016.

## AGENCY REFERRALS & COMMENTS

As of the date of this staff report, the following agency referrals/comments have been received that are pertinent to the analysis of this proposal (applicable to revised plans dated May 31, 2016):

**City Building Official:** The proposed RV park will be reviewed for conformance with the requirements of OAR 918-650 and OESC Chapters 551 and 682.

---

### CONDITIONAL USE PERMIT APPLICABLE CRITERIA, ANALYSIS & FINDINGS

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

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

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

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

**Finding(s):** The site appears to be of a size and dimension that will accommodate 5 travel trailer/RV spaces and provide necessary circulation and maneuver room with 2 street access points. However, the spaces are designed for 30' travel trailers/RVs; this size restriction shall be a condition of approval. *This criterion is dependent on approval of the Access Variance.*

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

**Finding(s):** The characteristics of the site appear suitable. Given the proposed flow of traffic, signs or other markings will be necessary to alert people of the proper circulation as designed by the applicant. This shall be a condition of approval. *This criterion is dependent on approval of the Access Variance.*

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

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

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

**Discussion:** There are both zoning and CUP standards that apply. Findings are separated as such.

**Zoning District Finding(s):** The property is zoned Marine Commercial (MC). “Travel trailer park” is listed as a conditionally permitted use in this zoning district. The MZ zone includes the following standards:

- The maximum lot coverage including all impervious surfaces is 90%.
- The minimum landscaping required is 10% of the lot area.

The portion of subject property for this proposal is approximately 16,000 square feet in size. The unpaved areas shown on the plans exceeds 10% of this. Thus, given obtainment of a Conditional Use Permit, the specific standards of the MC zone are satisfied.

**Conditional Use Permit Finding(s):** SHMC 17.100.150(3)(m) establishes the CUP Chapter’s specific requirements for travel trailer parks. The standards are in Arial font and the findings in Times New Roman.

Travel Trailer Parks. In addition to the standards of the zone in which they are located and other references in this code, travel trailer parks shall comply to the standards of this subsection. If there is a conflict between the two standards, the standards of this subsection shall govern.

(i) Trailer parks shall be located on well-drained sites, and shall be so located that their drainage shall not endanger any life or property. All such trailer parks should be located in areas free from marshes, swamps, or other potential breeding places for insects or rodents;

The site is next to the Columbia River and drainage shouldn’t be a problem. There are some natural areas in the vicinity given the proximity to the River, but no evidence that insects or rodents will be a more of a problem at the specific site compared to other areas around the St. Helens Marina.

(ii) The area of the trailer park shall be large enough to handle: the designated number of trailer spaces, necessary streets and drives, off-street parking, service areas, recreation areas, and setbacks;



The site is barely large enough to handle 5 travel trailer/RV spaces and two street accesses for adequate vehicular circulation.

(iii) Each trailer space shall contain a minimum of 1,200 square feet, except that at the option of the owner, the minimum size may be 1,000 square feet if an area of 100 square feet for each trailer space is provided for recreation. Each trailer space shall be a minimum of 25 feet in width, and shall abut on a drive with unobstructed access to a street. Such spaces shall be clearly defined. Trailers shall be located in such spaces with a minimum of 15 feet between trailers, or between a trailer and any building;

The proposed spaces meet the size and dimensional standards. Note that a couple of the spaces are less than 1,200 square feet (but greater than 1,000 s.f.). Pursuant to SHMC 17.108.080(3)(a), an exception or reduction to recreation area is allowed if there is direct access via a pedestrian path within ¼ mile to public open space/recreation area. Since Grey Cliffs Waterfront Park is adjacent to the site, this can apply.

The design is such that street access is unobstructed. However, the design is based on a travel trailer/RV no longer than 30 feet in length.

(iv) No trailer shall be located less than five feet from a side or rear property line;

A 5 foot setback is included along the N. River Street frontage. Note that the setback is also measured from an easement (Inst. No. 1995-7372) where the subject property encroaches into N. River Street improvements, which is the appropriate method.

(v) No trailer shall be located less than 25 feet from any street or highway, or so that any part of such trailer will obstruct any drive or walkway;

No drive or walkway would be obstructed provided travel trailers/RVs are limited to 30' and passenger vehicles are parked per the plan.

(vi) No trailer shall remain in a trailer park unless a trailer space is available, and then only for a maximum of 30 consecutive days;

The length of time standard cannot be enforced due to ORS 197.493:

(1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

(a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;

(b) Occupied as a residential dwelling; and

(c) Lawfully connected to water and electrical supply systems and a sewage disposal system.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

However, no travel trailer/recreational vehicle shall remain in the facility unless a space is available.

(vii) Access drives shall be provided to each trailer space, shall be continuous, shall connect with a street, and shall have a minimum width of 20 feet, with a minimum total width of 36 feet for exterior connections;

A 20-foot-wide access drive is maintained as long as travel trailers/RVs are limited to 30 feet in length. A 36' wide driveway approach is included for access at the N. River Street cul-de-sac.

(viii) Improved walkways, not less than two feet in width, shall be provided from each trailer space to service buildings;

No service buildings are specifically proposed.

(ix) Access drives within the park shall be paved according to the city's developmental standards;

This shall be a condition of approval.

(x) Off-street parking shall be provided with a minimum of one and one-half parking spaces for each trailer space. Minimum width access drives shall not be considered in fulfilling this requirement;

5 travel trailer/RV spaces are proposed. This equates to 8 standard vehicular off-street parking spaces. 8 spaces are included.

(xi) Recreation areas which may be provided according to subsection (3)(m)(iii) of this section shall be suitably equipped, maintained and restricted to such uses. Such areas shall be protected from streets, drives and parking areas. The minimum size of each such recreation area shall be 2,500 square feet;

A large recreation area per this criterion is not proposed. However, per SHMC 17.108.080(3), the approval authority may grant an exception or deduction to shared recreational area requirements for a use that is permanent in nature if there is direct access by a pedestrian path, not exceeding ¼ mile from the proposed development to public open space or recreation areas which may be used by residents of the development.

In this case, travel trailers and RVs are mobile but the travel trailer park is permanent in nature. Grey Cliffs Waterfront Park, a public park owned by the City abuts the site to the

north. There is an existing sidewalk along N. River Street to the park. This exception can apply.

(xii) No permanent additions of any kind shall be built onto, nor become part of, any trailer. Skirting of trailers is permissible, but such skirting shall not attach the trailer to the ground;

This shall be a condition of approval.

(xiii) Permanent structures located within any trailer space shall be used for storage purposes only, shall have a maximum area of 25 square feet, shall be located not less than six feet from any trailer, and shall be subject to all applicable city building codes;

No permanent structure is proposed.

(xiv) Wheels of trailers shall not be removed, except temporarily when in need of repairs; the wheels or jacking system must be attached to the site only by quick disconnect type utilities and security devices; and

This shall be a condition of approval.

(xv) A sight-obscuring fence of not less than eight feet in height shall be provided along any lot line which abuts or faces a more restricted residential district;

It's possible that the R5 zoning to the north of the site could be consider a "more restricted zoning district." However in this case, it is developed with a public park as opposed to residential development that may warrant a sight-obscuring fence.

Unless the Commission finds otherwise, no fence is required.

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

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

**Site Development Review standards allows review of the relevant Chapters of the St. Helens Municipal Code. The applicable standards not mentioned above are as follows:**

- **Sensitive lands.** Addressed below.
- **Landscaping and screening.** Street trees are required.

Screening of parking areas larger than three spaces is required. The landscaping areas along the perimeter of the site could include vegetation to act as a screen. A landscape

plan shall be required which includes a balance of low-lying and vertical shrubbery and trees.

Screening of refuse containers/collection areas is required if visible from a public street, parking lot, residential area, commercial area or public facility. A trash enclosure area is included on the plans.

- **Visual clearance areas.** A visual clearance area is required at street/driveway intersections. This applies to permanent and mobile obstructions (such as automobiles and travel trailers/recreational vehicles) exceeding 3 feet in height as measured from the top of curb. If measured from edge of travel paths, the visual clearance standards are met.
- **Site Design Review.** Lighting is required as appropriate to deter crime. In this case, there is existing street lighting (two lamps) along the subject property area. The proposal may interfere with the location of these. Any existing street light impacted by this development shall be moved as approved by the city.
- **Access, Egress and Circulation.** The normal maximum driveway approach width allowed would be 24' feet. However, SHMC 17.100.150(3)(m)(vii) *suggests* that a driveway approach for a travel trailer park should be at least 36 feet wide. The applicant proposes two driveway approaches. One is 36' wide at the N. River Street cul-de-sac and the other is 30' approximately 200 feet back from the cul-de-sac.

If interpreted as suggested, the driveway approach is supposed to be at least 36' feet wide. If not interpreted in this way the maximum width is 24 feet.

In addition, for this type of development, the number of street accesses shall be minimized to protect the function safety and operation of streets and sidewalks.

The subject property (tax lot 900) currently has four separate street accesses. Two for the St. Heles Marina parking area, one for the marina's boat ramp to the river, and a fourth to access the undeveloped portion of the subject property (the subject site of this proposal).

The existing driveway approach to access the development site will need to be replaced with standard curb, thus as proposed, the site would end up with 5 approaches.

The applicant's proposed includes an Access Variance to justify the proposal.

- **Street and Utility Improvement Standards.** N. River Street along the subject property is already improved. Modifications are proposed and would require compliance with the City's standards for streets.

Note that the northwest corner of the subject property is within street and sidewalk improvements. An easement was recorded for this in 1995 (Columbia County Clerk Instrument No. 1995-07372). Staff believes this easement was recorded around the same

time the street was being improved (i.e., the encroachment was addressed at that time as a result of the street improvements).

All utilities servicing the site shall be underground.

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

**Finding(s):** The proposal does not appear to be contrary to any Comprehensive Plan policy.

\*\*\*

**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. A critical aspect is vehicular maneuvering. The applicant's design restricts travel trailer/RV size to 30 feet, so this is an important condition of approval. The site needs to be signed to alert users of this restriction.

In addition, both sides of the travel trailer park are not equal as to standard vehicular parking. To explain, travel trailer spaces on the river side of the site have one standard vehicular parking space and those spaces are to the side of the travel trailer space. Travel trailer spaces on the street side have multiple standard vehicular parking spaces and those spaces front the travel trailer space.

Because of these differences, it is important that the required 20-foot drive aisle is marked to avoid help encroachment. As such, it shall be delineated with “no parking” indicators. Moreover, paint may be used but other means shall be included too that have better permanency than paint. Paint alone in this case would be ineffective in the long run.

**Findings:** Travel trailers size restriction and signage indicating such shall be a condition of approval. Access drive and no parking indicators, using permanent methods (paint/asphalt marking along are insufficient) shall be a condition of approval.

---

#### SENSITIVE LANDS APPLICABLE CRITERIA, ANALYSIS & FINDINGS

**Type(s) of sensitive lands affected:** Flood zone AE (100 year flood). In addition, the riparian area of the Columbia River is considered. Endangered Species Act (EA) listed species and fish habitat are also potentially affected, but such is not proposed.

#### SHMC Chapter 17.40 – Wetlands and Riparian Areas

**Discussion:** Riparian areas are considered the area adjacent to a river, lake or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. This chapter normally requires an upland protection zone adjacent to all significant riparian corridors to protect their integrity, function and value. For the Columbia River, the required protection zone is 75 feet upland from the top of bank.

**Finding(s):** In this case, there is little vegetation or natural area on the flat portion of the site. Thus, because the area has already been impacted and there is no clear evidence the impact since these laws were adopted in 2003 was done illegally, especially given the high visibility of the site in the public eye, alteration of the site is possible given the intent of this Chapter provided the development doesn’t harm the riparian area’s integrity, function and value any more than was done prior to 2003.

Note that the City’s riparian inventory ranked this area as low in water quality and function due to the extent of impervious surface (e.g., existing streets) and lack of woody riparian vegetation. One measure of potential riparian area is the potential tree height of the dominant tree species at maturity. This measure is used because it represents a distance in which a tree can still directly affect the water resource such as shade and organic material. There are currently no trees or woody vegetation.

As such, the proposal could be construed as not resulting in greater harm of the riparian area’s integrity, function and value because of the lack of any significant vegetation (historic impact).

Note that staff observed bank erosion near the shoreline. Installation of a shoreline reinforcement could impact applicable sensitive lands. The application narrative notes that

the applicant intends on working with the Oregon Division of State Lands to implement bio-engineering bank stabilization.

The Planning Commission has the authority to review impacts to state and federal threatened and endangered species habitats. Salmonids of the Columbia River are listed as such. The applicant notes the intent of staying above the ordinary high water line, which is a method to avoid habitat impact. However, no details of bank stabilization are included with this proposal; this Sensitive Lands Permit doesn't grant habitat impact. A new and separate Sensitive Lands Permit would be required if such impacts were proposed or are evident.

#### **SHMC Chapter 17.44 – Sensitive Lands**

**Discussion:** The regulations of this chapter are intended to implement the comprehensive plan and the city's floodplain management program as required by the National Flood Insurance Program, and help to preserve natural sensitive land areas from encroaching use. All development within a floodplain or floodway or that may directly impact a floodplain or floodway shall follow the rules as stated in Chapter 17.46 SHMC.

Sensitive Lands permitting at the local (City of St. Helens) level is also required if fish and wildlife habitat or state and federal threatened/endangered species habitats are impacted. The applicant has not provided sufficient detail at this point to determine if this is the case, so it cannot be addressed here. Per this Chapter, impact to threatened/endangered species habitats requires review by the Planning Commission. This proposal could potentially impact essential salmonid habitat (for example, Chinook Salmon and other species of the Lower Columbia River are a listed species under the Endangered Species Act). Thus, if there is such impact, subsequent and additional Sensitive Lands permitting with the City of St. Helens would be required in addition to any permitting required by State and Federal agencies.

Specific regulations pertaining to this proposal's location in the floodplain are addressed in the Chapter 17.46 SHMC.

#### **SHMC Chapter 17.46 – Floodplains & Floodways**

##### **--SHMC 17.46.040(3)(c) – Information to be obtained and maintained:**

(i) Where base flood elevation data is provided through the flood insurance study, FIRM, or as required in subsection (3)(b) of this section, obtain and record the actual (as-built) elevation (in relation to mean sea level based on the North American Vertical Datum of 1988 (NAVD 88)) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(ii) For all new or substantially improved floodproofed structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in subsection (3)(b) of this section:

(A) Verify and record the actual elevation (in relation to mean sea level based on the North American Vertical Datum of 1988 (NAVD 88)) to which the structure was floodproofed, and

(B) Maintain the floodproofing certifications required in subsection (1)(b)(iii) of this section.

(iii) Maintain for public inspection all records pertaining to the provisions of this chapter.

**Discussion:** Applicant submitted a “pre-construction” Elevation Certificate (EC) as required by the City to determine the exact Base Flood Elevation of the site. **The BFE is 26.3’ (based on the NAVD 1988 elevation datum).** A new EC will be required when construction of the project is complete (this is noted on the EC itself).

No structure or basement is proposed. Floodproofing (floodproof certificate) would not apply as no structure is proposed.

**Finding:** Utility connections are proposed to serve recreational vehicles. An EC will be required to confirm proper elevation of those.

**--SHMC 17.46.050(1) – Provisions for flood hazard reduction (applicable general standards)**

**General Standards.** In all areas of special flood hazard, the following standards are required:

- (a) Anchoring.
  - (i) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
  - (ii) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques).
- (b) Construction Materials and Methods.
  - (i) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - (ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - (iii) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Utilities.
  - (i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system
  - (ii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
  - (iii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

**Discussion:** The above are requirements of the National Flood Insurance Policy and the City of St. Helens. Given the proximity of the Area of Special Flood Hazard to the development site on the subject property, these provisions are applicable. An on-site waste disposal system is not proposed. An on-site waste disposal system is only allowed in very limited circumstances in the City; this property or development does not fit within those circumstances.

This Sensitive Lands Permit pertains to the development of the travel trailer park and not recreational vehicles on site for 180 or more days, which would require further permitting beyond this. Applicable at this time are the utility connections for the travel trailer/recreational vehicle spaces and their proper design in the floodplain.

**--SHMC 17.46.050(2) – Provisions for flood hazard reduction (applicable specific standards)**



**(c) Manufactured Homes.**

(i) The ground area reserved for the placement of a manufactured dwelling shall be a minimum of 12 inches above BFE unless the foundation walls are designed to automatically equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(B) The bottom of all openings shall be no higher than one foot above grade; and

(C) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters

(ii) The bottom of the longitudinal chassis frame beam in A zones shall be a minimum of 12 inches above BFE (see definition of "lowest floor" in the Manufactured Dwelling Specialty Code)

(iii) The manufactured dwelling shall be anchored to prevent flotation, collapse and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques); and

(iv) Electrical crossover connections (see Manufactured Dwelling Specialty Code) shall be a minimum of 12 inches above BFE.

**(d) Recreational Vehicles.** Recreational vehicles placed on sites are required to either:

(i) Be on the site for fewer than 180 consecutive days;

(ii) Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

(iii) Meet the requirements of subsection (2)(c) of this section and the elevation and anchoring requirements for manufactured homes.

**Discussion:** In some parts of the nation, campgrounds and recreational vehicle parks in the floodplain are evolving from camping and other short-term occupancies to permanent occupancies which can significantly increase risk to life and property and potential flood damages. The distinguishing feature between a recreational vehicle park and a manufactured home park is the permanency of the installations. Poured concrete pads, permanent utility hookups, mail delivery to the site, and permanently attached structures are characteristics of a permanent residence or a typical manufactured home park.

The best way to minimize flood damages is to ensure that recreational vehicle parks and campgrounds in the floodplain are limited to short-term occupancies, or, if they are not, to ensure that the units are adequately protected from flood damages through enforcement of floodplain management standards for manufactured homes.

A travel trailer park is proposed. Though no permanent buildings are proposed, recreational vehicles are considered "permanent" and subject to elevation and anchoring requirements if in place 180 or more days.

**Finding(s):** Conditions of approval shall apply to this proposal for recreational vehicles on site for fewer than 180 days. No recreational vehicle shall be allowed for 180 or more days without permitting as a manufactured home within the floodplain.

---

**ACCESS VARIANCE  
APPLICABLE CRITERIA, ANALYSIS & FINDINGS**

**17.84.150 Approval standards (for access variances).**

- (1) It is not possible to share access;
- (2) There are no other alternative access points on the street in question or from another street;
- (3) The access separation requirements cannot be met;
- (4) There are unique or special conditions that make strict application of the standards impractical;
- (5) No engineering or construction solutions can be applied to mitigate the condition;
- (6) The request is the minimum variance required to provide adequate access;
- (7) The approved access or access approved with conditions will result in a safe access and will not result in the degradation of operational and safety integrity of the transportation system;
- (8) The visual clearance requirements of Chapter 17.76 SHMC will be met; and
- (9) No variance shall be granted where such hardship is self-created.

**Findings:**

**(1) This criterion requires a finding that access cannot be shared.**

- The commission needs to determine if this is met to approve the variance or approve it with conditions.
- Staff comment(s): Development and topographic patterns could make this a challenge.

**(2) This criterion requires a finding that there are no other alternative access points.**

- The commission needs to determine if this is met to approve the variance or approve it with conditions.
- Staff comment(s): Two access seem necessary for adequate circulation. However, if the second approach seems problematic by the Commission, this proposal needs to be denied.

**(3) This criterion requires a finding that the access separation requirements cannot be met.**

- The commission needs to determine if this is met to approve the variance or approve it with conditions.
- Staff comment(s): There is not a separation issue since N. River Street is classified as a local street per the City's Transportation Systems Plan.

**(4) This criterion requires a finding that there are unique or special circumstances that make strict application of the standards impractical.**

- The commission needs to determine if this is met to approve the variance or approve it with conditions.

- Staff comment(s): Being along the shoreline and existing development patterns are good arguments. However, an important question is whether or not the type of development proposed keeps the driveway accesses to a minimum. Other uses of the area could have less access needs.

**(5) This criterion requires a finding that there are no engineering or construction solutions that could be used instead of the access variance.**

- The commission needs to determine if this is met to approve the variance or approve it with conditions.
- Staff comment(s): A solution could be a use other than a travel trailer park. The Commission needs to determine that the use is appropriate.

**(6) This criterion requires a finding that the required is the minimum variance necessary to provide adequate access.**

- The commission needs to determine if this is met to approve the variance or approve it with conditions.
- Staff comment(s): Other land uses could have lesser access needs. In this case, the size of vehicles used (i.e., travel trailers/recreational vehicles) necessitates the access and circulation design proposed. The Commission needs to determine that the use is appropriate.

**(7) This criterion requires a finding that the approved access, which can include conditions of approval, will result in safe access and not result in degradation of operational and safety integrity of the transportation system.**

- The commission needs to determine if this is met to approve the variance or approve it with conditions.
- Staff comment(s): Because other uses are possible that have less access needs, if the Commission believes the proposal will result in unsafe conditions, the proposed use and the permits to allow such need to be denied.

**(8) This criterion requires a finding that the visual clearance requirements of Chapter 17.76 SHMC will be met.**

- As noted above, this criterion is met.

**(9) The criterion requires a finding that the hardship is not self-created.**

- The commission needs to determine if this is met to approve the variance or approve it with conditions.
- Staff comments: The hardship is can be construed as self-created if the Commission feels that the proposed use and the necessary access for proper circulation and function is excessive for the area. In other words, another use that doesn't need such access needs.

---

## CONCLUSION & RECOMMENDATION

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

*\*Note: because the design and findings of this CUP are dependent on the Variance, the Variance request should be considered first. If the Variance request is denied or approved less than requested, the CUP decision will likely need to be altered if not outright denied.*

1. This **Conditional Use Permit** approval is valid for a limited time pursuant to SHMC 17.100.030.
2. The following shall be required prior to development/building permit issuance:
  - a. Materials including but not necessarily limited to a site plan shall be submitted to the City for review and approval demonstrating compliance with all applicable provisions of the Development Code (SHMC Title 17) and in accordance with the conditions herein. This/these material(s) shall specifically address and be subject to the following:
    - i. A landscape plan shall be required which includes a balance of low-lying and vertical shrubbery and trees along the perimeter of the travel trailer park. In addition, street trees are required along the subject property's street frontage (street frontage north of the St. Helens Marina boat ramp).
    - ii. Location of existing street lights and new location if the street lights will need to be moved as part of the approved site design.
    - iii. Any existing driveway approach along N. River Street (north of the St. Helens Marina boat ramp) that will not be used for this proposal shall be replaced by a standard sidewalk/curb.
    - iv. Traffic flow directional markings.
    - v. Signage at each driveway approach located to be clearly visible by motorists in N. River Street noting size restriction per condition 4.
    - vi. The required 20' wide drive aisle shall be delineated and include no parking designation. The means of doing this shall be physical and in such a fashion as to be permanent. For example, paint/pavement marking alone would be insufficient.
  - b. Engineering/construction plans shall be submitted for review and approval for public improvements.

3. The following shall be required prior to Certificate of Occupancy or final inspection (if no Certificate of Occupancy is required) by the City Building Official, or otherwise commencement of the proposal:
  - a. All improvements necessary to address the requirements herein, and in accordance with approved plans, shall be in place.
4. Travel trailer/recreational vehicle size shall be limited to 30 feet in length.
5. No travel trailer/recreational vehicle shall remain in the travel trailer park unless it is located in an approved travel trailer/recreational vehicle space.
6. All areas used for parking or maneuvering of vehicles shall be paved.
7. No permanent additions of any kind shall be built onto, nor become part of, any trailer. Skirting of trailers is permissible, but such skirting shall not attach the trailer to the ground.
8. Wheels of trailers shall not be removed, except temporarily when in need of repairs; the wheels or jacking system must be attached to the site only by quick disconnect type utilities and security devices.
9. All utilities servicing the site shall be underground.
10. No plan submitted to the City for approval shall contradict another. For example, engineering/construction plans shall not contradict the approved site plan. Otherwise revisions as applicable shall be necessary to remedy the contradiction. Applicant is responsible to notify the engineering, planning and building departments, individually, of such changes.
11. 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.
12. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17). In addition, this approval does not exempt the requirements of or act as a substitute for review of other City departments (e.g. Building and Engineering) or other agencies.

\* \* \* \* \*

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

1. This **Access Variance** approval is valid for a limited time pursuant to SHMC 17.84.140.
2. No driveway approached along the subject property shall be allowed north of the boat ramp, except the two shown on plans to serve the travel trailer park. Any existing driveway approach north of the boat ramp shall be rebuilt to standard curb and sidewalk.

\* \* \* \* \*

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

1. This **Sensitive Lands Permit** approval shall be valid for a one-and-one-half-year period from the date of approval pursuant to SHMC 17.44.030.
2. **Subject to the specification of and in addition to the requirements of the City Building Official, the following shall apply to the design and construction of the proposal:**
  - a. All new construction shall be constructed with materials and utility equipment resistant to flood damage.
  - b. All new construction shall be constructed using methods and practices that minimize flood damage.
  - c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - d. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
  - e. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
3. **The following shall be required prior to Certificate of Occupancy or final inspection (if no Certificate of Occupancy is required) by the City Building Official:**
  - a. A new Elevation Certificate (EC) shall be submitted confirming that utilities and such are built properly in accordance with law.
4. Any travel trailer/recreational vehicle using this travel trailer park shall not be on site more than 179 consecutive days. This Sensitive Lands Permit does not allow a longer time for any travel trailer/RV.

5. Any travel trailer/recreational vehicle using this travel trailer park shall be fully licensed and ready for public street use at all times and shall only be attached to the site by quick disconnect type utilities and security devices. Permanently attached additions are prohibited.
6. This Sensitive Lands permit does not allow impact to any state or federal listed threatened or endangered species. If such impacts are proposed or become evident, a Sensitive Lands Permit will be required in addition to any required permit(s) or authorization(s) by the State of Oregon or Federal Government.

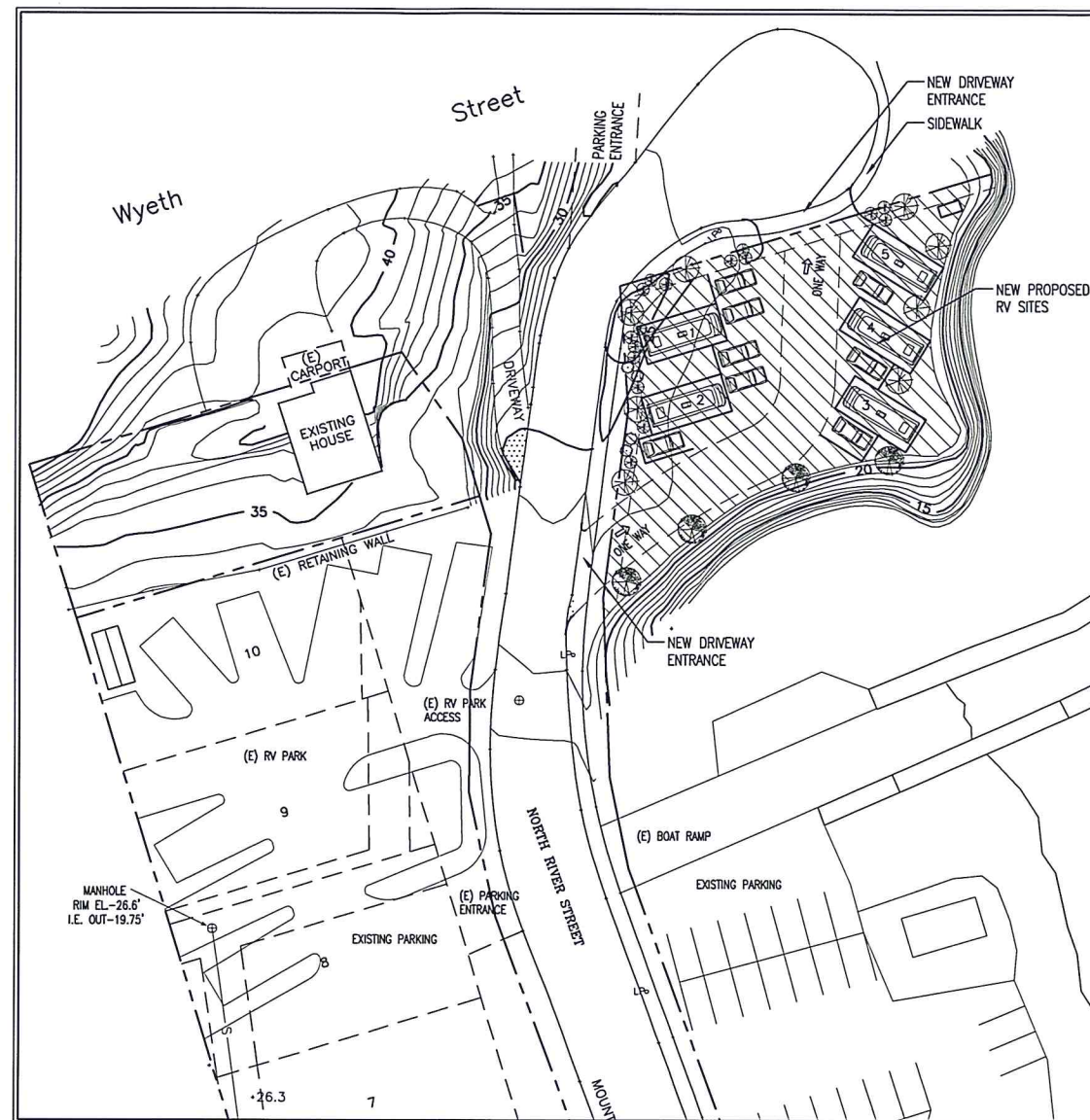
\* \* \* \* \*

**Attachment(s):**

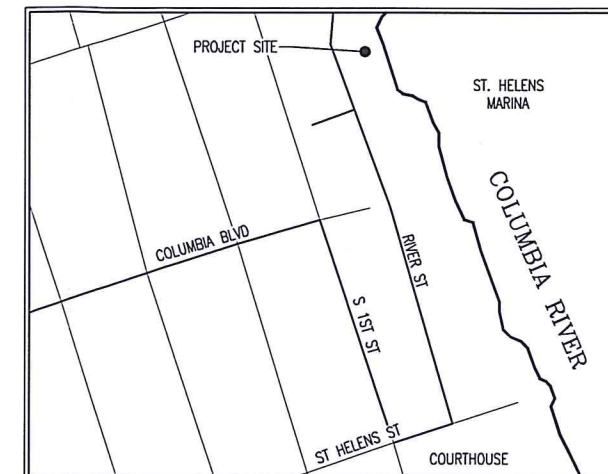
- Submitted plans
- Submitted CUP, Sensitive Lands, and Access Variance Narrative
- Recreational vehicle Classifications (showing variety of sizes)
- Columbia River Fire & Rescue letter dated April 26, 2016
- Oregon DSL Wetland Land Use Notification Response (DSL File No. WN2016-0164)
- Pictures attachment
- Copy of Instrument No. 1995-7372 (easement for right-of-way encroachment)



RECEIVED  
JUN 01 2016  
CITY OF ST. HELENS



PLOT PLAN  
NOT TO SCALE



VICINITY MAP  
SCALE: NTS



#### DRAWING INDEX

D-2355-1000-01	VICINITY MAP, PLOT PLAN & DRAWING INDEX
D-2355-1000-02	EXISTING CONDITIONS SITE PLAN
D-2355-1000-03	PROPOSED SITE PLAN
D-2355-1000-04	SITE DETAILS

DATE: 05/31/16  
REVISED PRINT  
VOID ALL PREVIOUS

DATE: 04/06/16  
PRELIMINARY  
NOT  
FOR CONSTRUCTION

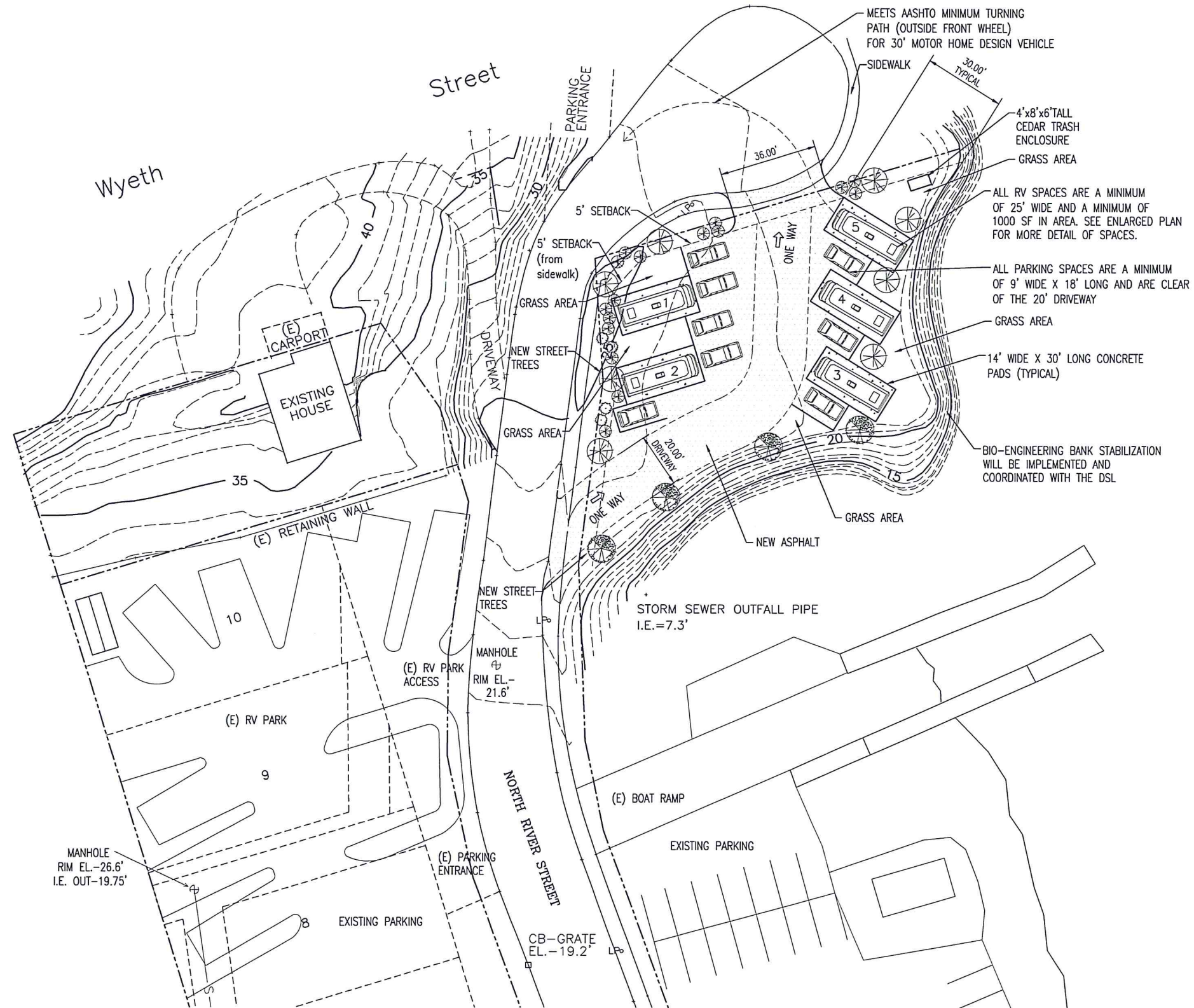
REV.	REVISION RECORD	DATE
A	REVISE PARKING LAYOUT	04/06/16
B	ADD MOUNTABLE CURB AT DRIVEWAY ENTRANCE	04/20/16
C	REVISE RV LAYOUT AND DRIVEWAY	05/26/16
D	REVISE NW CORNER OF RV SPACE	05/31/16



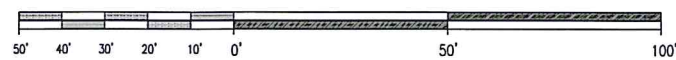
PROJ. NO.	2355	ST. HELENS MARINA
DWG. BY	SA	RIVER STREET RV PARK
APPR. BY		VICINITY MAP, PLOT PLAN & DRAWING INDEX
SCALE	NOTED	DATE 02/09/16 DWG. NO. D-2355-1000-01-D







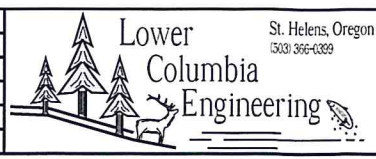
RECEIVED  
JUN 01 2016  
CITY OF ST. HELENS



PROPOSED SITE PLAN  
SCALE: 1"=20'-0"



REV.	REVISION RECORD	DATE
A	REVISE PARKING LAYOUT	04/06/16
B	ADD MOUNTABLE CURB AT DRIVEWAY ENTRANCE	04/20/16
C	REVISED RV LAYOUT	05/23/16
D	REVISE RV LAYOUT AND DRIVEWAY	05/26/16
E	REVISE RV LAYOUT IN NW CORNER	05/31/16

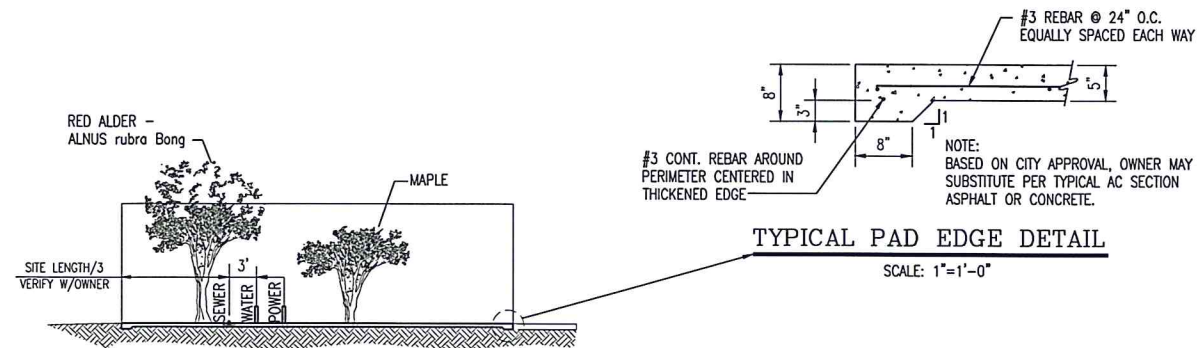


PROJ. NO.	2355	ST. HELENS MARINA
DWG. BY	SA	RIVER STREET RV PARK
APPR. BY		PROPOSED SITE PLAN
SCALE	NOTED	DATE 04/06/16
DWG. NO.	D-2355-1000-03-E	

DATE: 05/31/16  
REVISED PRINT  
VOID ALL PREVIOUS

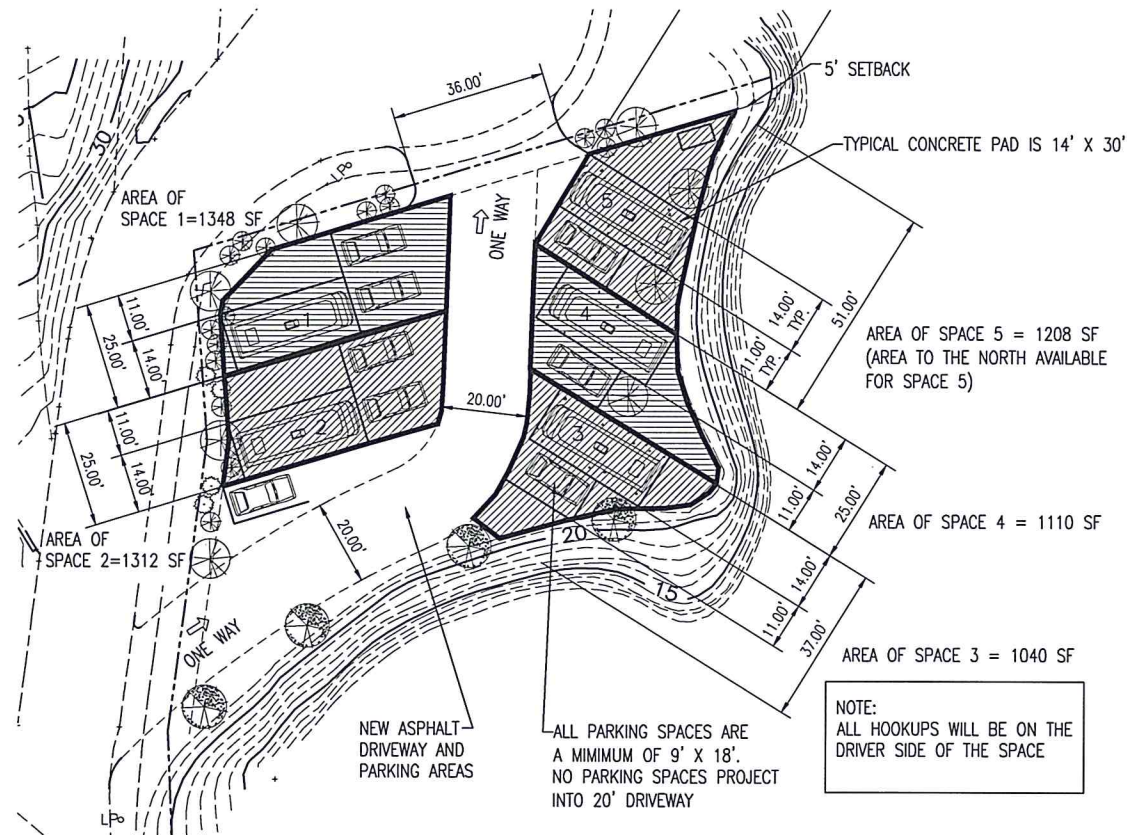
DATE: 04/06/16  
PRELIMINARY  
NOT  
FOR CONSTRUCTION





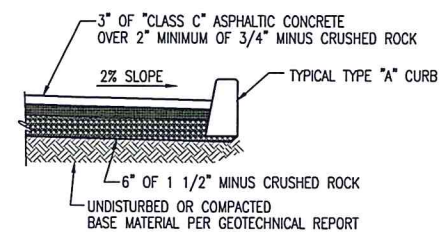
TYPICAL INTERIOR SITE PROFILE

SCALE: NTS



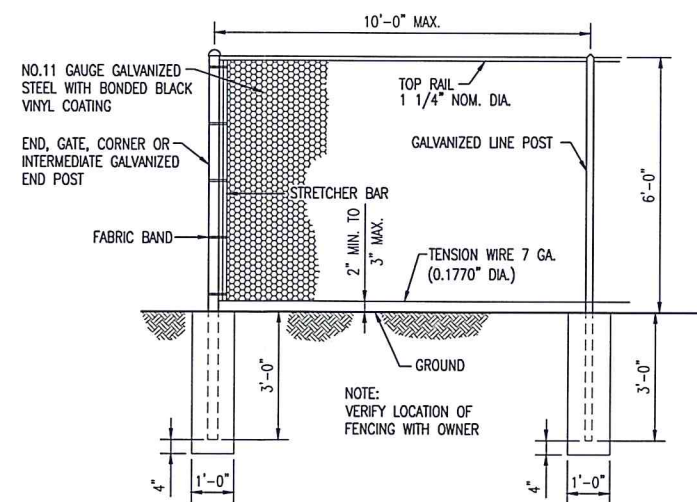
TYPICAL SITE LAYOUT

SCALE: 1"=20'-0"



TYPICAL AC SECTION

SCALE: 1/2"=1'-0"



CHAIN LINK FENCE DETAIL

SCALE: NTS

(AS REQUIRED)

RECEIVED  
JUN 01 2016  
CITY OF ST. HELENS

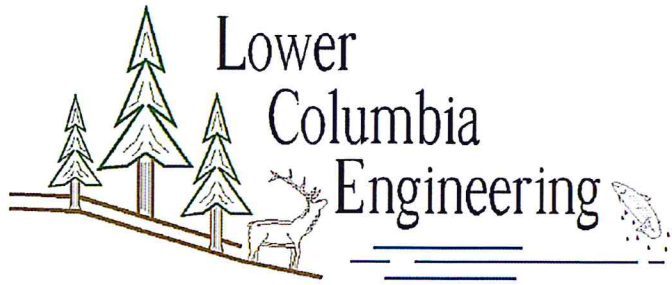
DATE: 05/31/16  
REVISED PRINT  
VOID ALL PREVIOUS

DATE: 04/06/16  
PRELIMINARY  
NOT  
FOR CONSTRUCTION

REV.	REVISION RECORD	DATE
A	REVISE PARKING LAYOUT	04/06/16
B	ADD MOUNTABLE CURB AT DRIVEWAY ENTRANCE	04/20/16
C	REVISE RV LAYOUT AND DRIVEWAY	05/26/16
D	REVISE RV LAYOUT IN SPACE 1 AND 2	05/31/16



PROJ. NO.	2355	ST. HELENS MARINA
DWG. BY	SA	RIVER STREET RV PARK
APPR. BY		SITE DETAILS
SCALE	NOTED	DATE 04/06/16
DWG. NO.	D-2355-1000-04-D	



58640 McNulty Way  
St. Helens, OR 97051

Phone: (503) 366-0399  
www.lowercolumbiaengr.com

May 26, 2016

Jacob Graichen, AICP  
City Planner  
City of St. Helens  
265 Strand Street  
St. Helens, Oregon 97051

RECEIVED  
MAY 26 2016  
CITY OF ST. HELENS

**Re: St. Helens Marina, LLC – River Street RV Park  
Revised Conditional Use Narrative**

**Summary of Proposed Development**

The proposed site is located adjacent to the St. Helens Marina. The Owner proposes to build (5) Recreational Vehicle (RV) sites on the lot. See attached Proposed Site Plan Drawing D-2355-1000-03.

**Existing Conditions**

The existing site is zoned Marine Commercial (MC). The site is located at 134 North River Street and within the City of St. Helens. The site consists of a graveled landing and an existing parking lot. See attached Existing Conditions Site Plan Drawing D-2355-1000-02.

**Conditional Use Requested**

SHMC Section 17.32.120 – Marine Commercial (MC), Subsection (3e) – Conditional Uses  
Travel trailer parks are permitted.

**Site Plan and Improvements**

The attached Proposed Site Plan Drawing D-2355-1000-03 shows the location of the proposed RV sites, improved driveway entrance, landscaping and off-street parking (see off-street parking paragraph below). The proposed RV Park meets the criteria in SHMC Section 17.100.150(3)(m). The size and shape of the site is adequate for the needs of the proposed use. The shape and topography of the site lend themselves to the proposed use.

Grading

The site is relatively flat where the proposed RV sites will be located. There will be a 1% to 2% slope on the driveway and concrete RV pads.

RV Spaces and Recreation Area/Landscaping

There is at the very minimum 100 square feet of recreation space provided for each trailer on site. In addition there is a public park in immediate proximity of the RV Park. See SHMC Section 17.108.080(3)(a)-Exceptions to Site Development Review Standards. Due to the recreation spaces mentioned above, per SHMC 17.100.150(3)(m)(iii) the minimum trailer space may be 1000 square feet.

All of the trailer spaces meet or exceed the minimum square footage. All trailer spaces meet the requirement of 25 feet in width. See attached Site Details D-2355-1000-04.

Off-Street Parking

Per SHMC Section 17.100.150(3)(m)(x) a minimum of one and one-half parking spaces need to be provided for each trailer space. Eight off-street parking spaces have been provided on the RV Park site for the five RV spaces. See Typical Site Layout Drawing D-2355-1000-04.

Bio-Engineering Bank Stabilization

There is some degradation of the existing banks. The Owner is aware of this and will coordinate with the DSL to implement bio-engineered bank stabilization strategies. Some of these strategies may include toe protection with logs and soil lifts with native vegetation. No removal or fill is planned below ordinary high water.

Utilities

All required public facilities have adequate capacity to serve the RV Park.

Sincerely,

A handwritten signature in cursive script that reads "Steve Alexander".

Steve Alexander

Attachments:

D-2355-1000-01 Vicinity Map, Plot Plan and Drawing Index

D-2355-1000-02 Existing Conditions Site Plan

D-2355-1000-03 Proposed Site Plan

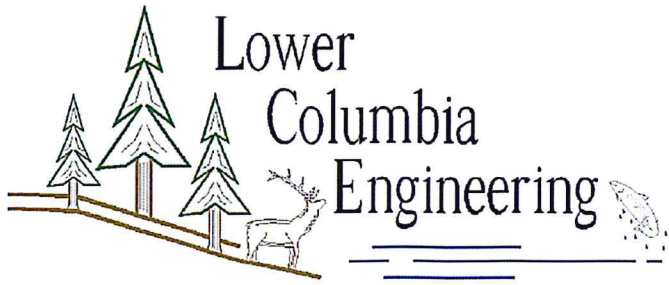
D-2355-1000-04 Site Details

Reynolds Survey dated April 2, 2016

Pre-Construction Elevation Certificate

Flood Insurance Rate Map





58640 McNulty Way  
St. Helens, OR 97051

Phone: (503) 366-0399  
[www.lowercolumbiaengr.com](http://www.lowercolumbiaengr.com)

April 8, 2016

Jacob Graichen, AICP  
City Planner  
City of St. Helens  
265 Strand Street  
St. Helens, Oregon 97051

**Re: St. Helens Marina, LLC – River Street RV Park  
Sensitive Lands Narrative**

**Summary of Proposed Development**

The proposed site is located at 134 North River Street. It is zoned Marine Commercial. There is an existing gravel landing and an existing parking lot on the site. The Owner proposes to build (6) Recreational Vehicle (RV) sites on the lot. See attached Proposed Site Plan Drawing D-2355-1000-03.

**Proposed RV Sites in Flood Plain**

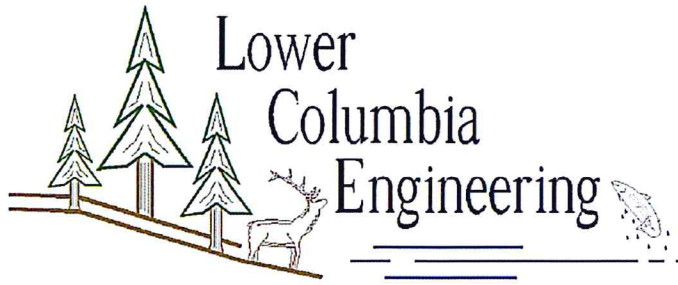
See attached Proposed Site Plan Drawing D-2355-1000-03 for RV site locations and see all attached plans as noted below. See attached Pre-Construction Elevation Certificate and Flood Insurance Rate Map. Please note that the base flood elevation is 26.3' NAVD 88, per FEMA FIS Columbia River Profile. It is the same base flood elevation on the new survey dated April 2, 2016 as the Elevation Certificate used for the Townhouses on the St. Helens Marina site.

Sincerely,

Steve Alexander

**Attachments:**

D-2355-1000-01 Vicinity Map, Plot Plan and Drawing Index  
D-2355-1000-02 Existing Conditions Site Plan  
D-2355-1000-03 Proposed Site Plan  
D-2355-1000-04 Site Details  
Reynolds Survey dated April 2, 2016  
Pre-Construction Elevation Certificate  
Flood Insurance Rate Map



58640 McNulty Way  
St. Helens, OR 97051

Phone: (503) 366-0399  
www.lowercolumbiaengr.com

May 26, 2016

Jacob Graichen, AICP  
City Planner  
City of St. Helens  
265 Strand Street  
St. Helens, Oregon 97051

RECEIVED  
MAY 26 2016  
CITY OF ST. HELENS

**Re: St. Helens Marina, LLC – River Street RV Park  
Revised Access Variance Criteria Narrative**

**Summary of Proposed Development**

The proposed site is located at 134 North River Street. It is zoned Marine Commercial. There is an existing gravel landing and an existing parking lot on the site. The Owner proposes to build (5) Recreational Vehicle (RV) sites on the lot. See attached Proposed Site Plan Drawing D-2355-1000-03.

**Requested Variance**

1. A new driveway entrance of 36 feet is proposed off the existing North River Street cul-de sac. Also, the existing driveway curb cut on the west side of the property (off North River Street) will be relocated further to the south. The two driveway access points will allow one-way flow of RV's and vehicles through the site, thus eliminating backing maneuvers of the RV's in North River Street.

**Access Variance Criteria Narrative (based on SHMC Section 17.84.150(1)-(9))**

*(1) It is not possible to share access;*

It is not possible to share access due to the physical location and constraints of the site. See Proposed Site Plan D-2355-1000-03.

*(2) There are no other alternative access points on the street in question or from another street;*

The only possible access points to the site are from North River Street on the west side of the property and the North River Street cul-de sac just to the north of the site. This is due to the physical constraints of the site and the existing North River Street R.O.W. and cul-de sac. See Proposed Site Plan D-2355-1000-03.

*(3) The access separation requirements cannot be met;*

The existing driveway curb cut to the lot is not sufficiently wide to accommodate the RV park. The proposed driveway entrance off the North River Street cul-de sac meets the 36' **minimum** driveway width requirement of SHMC Section 17.100.150(3)(m)(vii), which is the standard for Travel Trailer Park. The smaller additional driveway entrance off North River Street to the west allows for one way flow of RV's and vehicles onsite.

- (4) *There are unique or special conditions that make strict application of the standards impractical;*  
The proposed RV Park is at the north end of North River Street. It is sandwiched between the river/marina and North River Street. To the north of the site, there is an existing cul-de-sac at the termination of North River Street. The St. Helens Marina is to the east and south of the site and North River Street is to the west. The only access points are off North River Street. In order to eliminate maneuvering of RV's in the street and allow safe maneuvering of vehicles on site, two entrances and a one-way driveway have been proposed.
- (5) *No engineering or construction solutions can be applied to mitigate the condition;*  
The proposed construction of two driveways off North River Street and a one-way driveway onsite have been proposed.
- (6) *The request is the minimum variance required to provide adequate access;*  
The 36' foot entrance off the North River Street cul-de sac and the additional one-way entrance on the west side of the property are the minimum variance required for adequate safe access to the site and safe maneuvering of RV's.
- (7) *The approved access or access approved with conditions will result in safe access and will not result in the degradation of operational and safety integrity of the transportation system;*  
North River Street is considered a local residential street and has minimal traffic. The street terminates in a cul-de-sac which borders the north side of the proposed RV site. Due to the low traffic flow and low vehicle speeds as well as keeping RV maneuvering onsite, entering and exiting the site does not present a danger to vehicles or pedestrians.
- (8) *The visual clearance requirements of Chapter 17.76 SHMC will be met and;*  
Due to the low traffic flow, low vehicle speeds, proximity to the cul-de-sac, entering and exiting the site does present a danger to vehicles or pedestrians.
- (9) *No variance shall be granted where such hardship is self-created;*  
Per SHMC Section 17.100.150(3)(m)(vii), it is required that the RV Park entrance have a **minimum** total width of 36 feet at the connection to North River Street. The Owner has worked closely with the City to propose an access solution to the RV Park site that allows safe entry/exit to the site and promotes vehicle and pedestrian safety. We believe the proposed driveway entrances and one-way driveway through the site address the initial concerns expressed by the City staff.

Sincerely,



Steve Alexander

Attachments:

D-2355-1000-01 Vicinity Map, Plot Plan and Drawing Index  
D-2355-1000-02 Existing Conditions Site Plan  
D-2355-1000-03 Proposed Site Plan  
D-2355-1000-04 Site Details  
Reynolds Survey dated April 2, 2016  
Pre-Construction Elevation Certificate  
Flood Insurance Rate Map



# COURTESY RV SERVICE



Home

Services

Recalls

RV Classifications

Manufacturers

Testimonials

Contact Us

Links



## Recreational Vehicle Classifications

Type: Class A Motorhome

AVG Length: 25' to 40'

Typical Setup: Class A Motor homes are typically fully self contained. This means they have on board storage tanks for both fresh water and waste water. They also typically have large propane supplies, and also onboard generators. This makes these units great for extended stays at locations with no hookups.

Type: Class B Motorhome

AVG Length: 17' to 19'

Typical Setup: Class B Motor homes are street van with a raised roof. This class is the smallest class of motor home. Some of the newer models are self contained but typically the have a small galley with a potable toilet.



Type: Class C Motorhome

AVG Length: 20' to 30'

Typical Setup: Class C Motor homes are constructed on cutaway van chassis. They retain the front of the vans cab with both front doors. They typically offer all the amenities of a Class A, but most drivers find the Class B easier to maneuver.



Type: 5th Wheel Trailer

AVG Length: 32' to 45'

Typical Setup: 5th Wheels are some of the most desirable RV's. They offer all the amenities of typical RVs such as full kitchen, bathroom, master bedrooms, and some of the bigger models come with built in washer and dryers. Higher end models can have up to 3 slide outs making them the choice for most full time RVers. The only draw back is a 1 ton truck is required to pull the unit.



Type: Travel Trailer

AVG Length: 10' to 36'

Typical Setup: Travel trailers come in a variety of lengths. Some of the smaller models can be great for weekend campers due to the fact they can be pulled by a light truck and offer all the amenities of the bigger models. Some of the larger models offer a full galley, and bathroom. The size of the living quarters is governed by the overall length of the trailer. These trailers can sleep anywhere from 2 to 10 people depending on the size.



Type: Tent Trailer

AVG Length: 11'



**Typical Setup:** These models are great for beginners because of their lightweight. They are easily towed by mid-size cars or minivans. They typically have two double beds and the dining area converts in to a bed. They have a small 3 burners stove and an ice box, some models do have a refrigerator.



**Type:** Truck Campers  
**AVG Length:** 8' to 11.5'  
**Typical Setup:**

[Click Here To Sign Up For E-Statements](#)



**Good Sam Club**



© 2016 Courtesy RV Service



# Columbia River Fire & Rescue

Fire Chief's Office

270 Columbia Blvd \* St Helens, Oregon \* 97051

Phone (503)-397-2990x101 \* [www.crfr.com](http://www.crfr.com) \* FAX (503)-397-3198

April 26, 2016

Jennifer Dimsho, Planning  
City of St. Helens  
265 Strand Street  
St. Helens, OR 97051

RE: **Lower Columbia Engineering, LLC**  
**Conditional Use Permit & Variance (Access)/**  
**CUP.4.16 & V.4.16**  
**5N1W-34CD-900**  
**134 N. River Street**

Dear Jennifer:

I have reviewed this conditional use application and associated variance and note the following standard Fire Code-related items.

- The existing hydrants on North River Street should be sufficient to supply the required fireflow for the trailer park, so additional hydrants will not be specified.
- Access from North River Street for our apparatus appears to be good and there is a large turnaround area at the end of the street.
- Everything else should be noted in the City development code and the Oregon Structural Code and applicable Administrative Rules.

Regards,

*Jay M. Tappan*

Jay M. Tappan  
Chief/Acting Fire Marshal

cc: file





**WETLAND LAND USE NOTIFICATION RESPONSE**  
**OREGON DEPARTMENT OF STATE LANDS**  
775 Summer Street NE, Suite 100, Salem, OR 97301-1279  
Phone (503) 986-5200  
[www.oregonstatelands.us](http://www.oregonstatelands.us)

**DSL File Number: WN2016-0164**

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. Jacob Graichen from city of St Helens submitted a WLUN pertaining to local case file #: CUP.4.16.

**Activity location:**

township: 05S	range: 01W	section: 34	quarter-quarter section: CD
tax lot(s): 900			
street address: 134 N River St			
city: St Helens		county: Columbia	
latitude: 45.867801		longitude: -122.798804	

**Mapped wetland/waterway features:**

- ☒ The national wetlands inventory shows a wetland/waterway on the property.
- ☒ The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- ☒ The property includes designated essential salmonid habitat.

**Oregon Removal-Fill requirement (s):**

- ☒ A state permit is required for any amount of fill, removal, and/or other ground alteration in essential salmonid habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

**Your activity:**

- ☒ It appears that the proposed project may impact essential salmonid habitat and therefore requires a permit.

**Contacts:**

- ☒ For permit information and requirements contact DSL Resource Coordinator (see website for current list) [http://www.oregonstatelands.us/DSL/contact\\_us\\_directory.shtml#Wetlands](http://www.oregonstatelands.us/DSL/contact_us_directory.shtml#Wetlands) [Waterways](http://www.oregonstatelands.us/DSL/contact_us_directory.shtml#Waterways)
- ☒ For removal-fill permit and/or wetland delineation report fees go to [http://www.oregon.gov/DSL/PERMITS/docs/rf\\_fees.pdf](http://www.oregon.gov/DSL/PERMITS/docs/rf_fees.pdf)

- ☒ This is a preliminary jurisdictional determination and is advisory only.

Comments: Based on a review of the available information, it does not appear that there are jurisdictional wetlands or streams where the RV pads are planned. However, the Columbia River is Essential Salmonid Habitat. We recommend Best Management Practices for sediment and erosion control during the construction of the RV sites.

DSL will require a permit for any impact below Ordinary High Water.

We recommend hiring a professional consultant to determine the Ordinary High Water line and talking with Aquatic Resource Coordinator Richard Fitzgerald at (503) 986-5260 to determine if a permit will be needed for the proposed erosion control measures.

Response by: Christie Stevenson date: 05/02/2016





The subject property as seen from the Wyeth Street right-of-way (driveway to the existing dwelling at 197 N. River Street). Currently in use as a temporary construction staging site, this patch of earth appears to have had little undisturbed vegetation for years. This influences the applicability of the City's riparian/riparian protection zone standards.

Note the improved N. River Street, sidewalk and street lights in the foreground. The St. Helens Marina, Columbia River, and Sand Island can be seen in the background.



The south side of the area of the subject property. The St. Helens Marina boat ramp is to the right outside of the frame of this photograph.

N. River Street is just to the left outside of the frame of this photograph.



The shoreline side of the area of the subject property facing north (more-or-less). Note erosion of the bank; a concern if permanent improvements are established on the site.



1995 -  
07372  
Recorded AUG 30, 1995

# EASEMENT

The undersigned Grantor hereby donates, warrants and conveys to the City of St. Helens, a municipal corporation, a perpetual non-exclusive roadway, sidewalk and utility easement to use an area which is located as follows across the property of Grantor, to wit:

A portion of land located in Lot 11 of Block 2, St. Helens, Oregon, as recorded in Deed Book "O", page 166, on file in the office of the County Clerk, Columbia County, Oregon, and located in Section 3, Township 4 North, Range 1 West of the Willamette Meridian, being more particularly described as follows:

Beginning at the southwesterly corner of Lot 11; thence North 3° 54' West along the easterly right of way line of River Street a distance of 19.24 feet to a point, said point being the True Point of Beginning of the easement herein described; thence continuing North 3° 54' West along the right of way line a distance of 40.30 feet to the northwesterly corner of Lot 11; thence North 73° 02' 37" East along the southerly right of way line of Wyeth Street a distance of 21.82 feet to a point; thence South 21° 16' 18" West a distance of 49.98 feet to the True Point of Beginning.

The terms of this easement are as follows:

1. Grantee, its agents, independent contractor, and invitees shall use the easement for installation, operation, maintenance, replacement and repair of public roadway, sidewalk and utilities therein.
2. Grantee agrees to indemnify and defend Grantor from any loss, claim, or liability to Grantor arising in any manner out of Grantee's use of the easement and to hold harmless the Grantor from any and all expenses of construction and/or maintenance of the area within said easement.
3. Grantee, shall to the extent reasonably practicable, restore items disturbed by the exercise of the rights provided by this easement.
4. Grantor reserves the right to use the easement to construct driveways, paving, landscaping, and fill that will not interfere with the rights herein granted, and provided that Grantor shall not construct or maintain any building or structure on the easement.

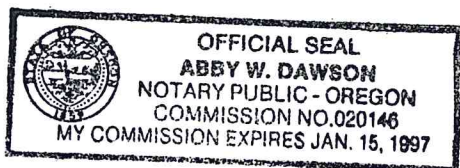
IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed this 15th day of JUNE, 1995.

Marion R. Calnon Revocable Living Trust  
by Marion R. Calnon Trustee

STATE OF OREGON )  
County of Columbia ) ss.

DATED June 15, 1995

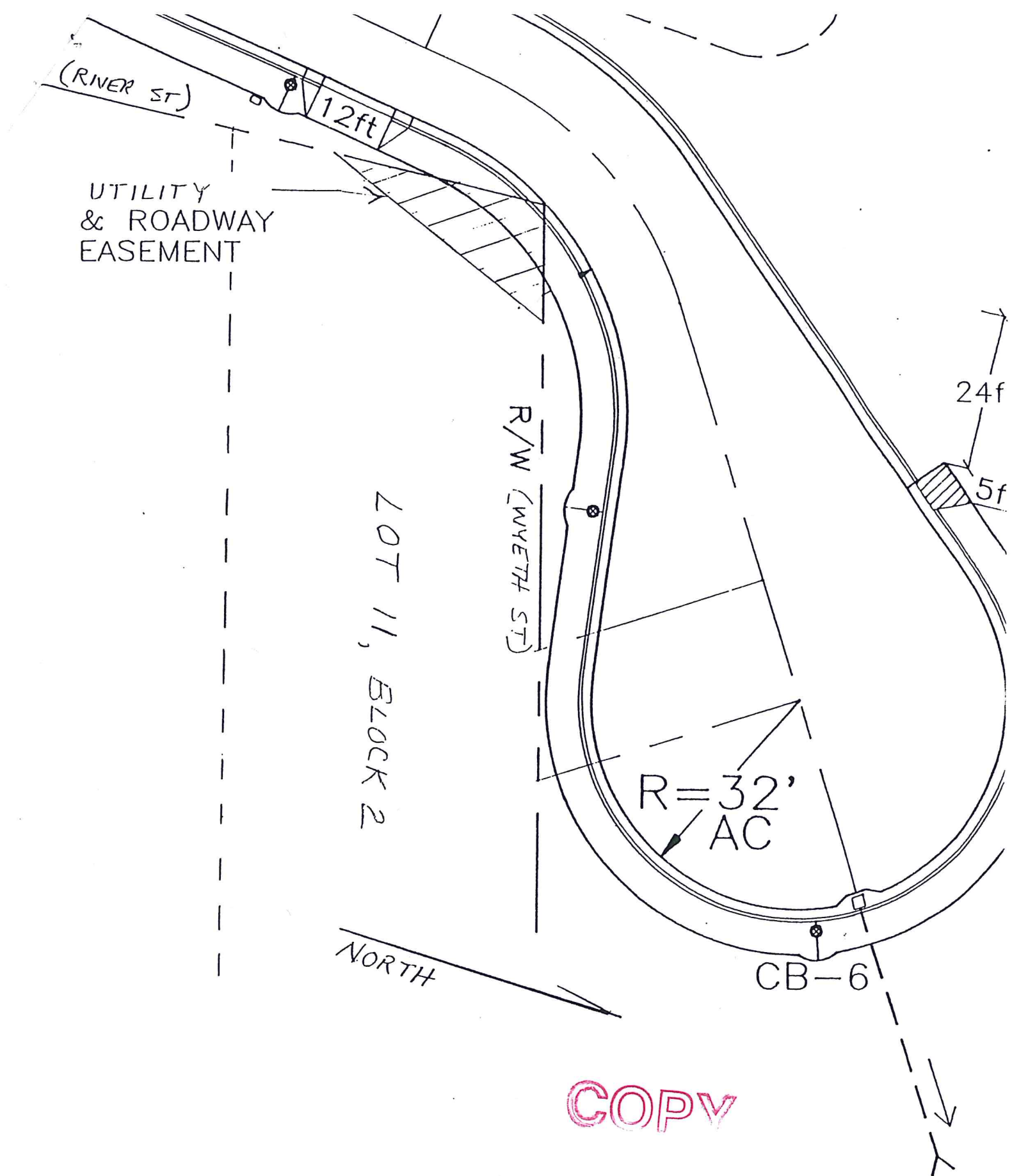
Personally appeared before me Marion R. Calnon Revocable Living Trust by Marion R. Calnon, Trustee, who acknowledged the foregoing instrument to be her voluntary act and deed.



Abby W. Dawson  
Notary Public for Oregon  
My Commission Expires: 1-15-97

After recording return to:  
City of St. Helens  
PO Box 278  
St. Helens, OR 97051

COPY



SKETCH OF CALNON

UTILITY AND ROADWAY EASEMENT

DRAWING NOT TO SCALE





## CITY OF ST. HELENS PLANNING DEPARTMENT

# MEMORANDUM

---

**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner  
**RE:** Conditional Use Permit CUP.5.16 at 264 N. Columbia River Hwy  
**DATE:** June 7, 2016

---

The initial public hearing for this proposal was at the Commission's May 2016 meeting. Last month, the public hearing was continued to June to provide the applicant time to try to solve the subject property's access problems. In addition, the applicant agreed to grant an extension to the 120-day rule (ORS 227.178) for the time between the two meetings (May 10 to June 14, 2016).

In regards to access, historically the site has been accessed from Columbia River Hwy via a driveway over railroad right-of-way. Around 2009 or so the railroad removed this access. Staff assumption is that it was removed because it was not ever permitted (despite being in place for decades).

With the direct highway access now closed, the only current physical access to the property is from St. Helens Street via private property and railroad right-of-way. On May 5, 2016 the applicant obtained permission from ODOT rail to use the RR row. But that agreement is dependent on use of a private driveway over parcels owned by Bonnie and Harry Masterson.

In 2001, Bonnie Masterson granted a private road use agreement for Aries Landscaping (the owner of the subject property prior to the current applicant) to use the private drive.

Upon notice of this Conditional Use Permit, Bonnie Masterson noted that she revokes the 2001 private use agreement. City staff checked with our legal counsel and they noted that the road use agreement is not an easement and, if not part of a land use approval or contract, is basically just a license that Masterson can revoke at any time. It appears that time is now.

Staff could not find any record of the access being a requirement that benefited other properties. There is a partition file from 1988 that talks about an "easement" to serve the properties being partitioned (today owned by Masterson), but it does not talk about access rights for other properties. In addition, whether or not an easement was even ever recorded is unknown.

At this time based on the information available, it appears the subject property of this Conditional Use Permit is landlocked.



This permit & right of entry agreement grants Mr. Kim permission to traverse the highlighted portion of the Property below to access his properties (TL 2601 & 2600).

Farmer Access From Highway

State-owned railroad corridor ("Property")

Properties owned by Edward Kim  
(Cap. 5.16 SUBJECT PROPERTY)



Copyright 2011 ORMAP. All rights reserved. Thu Mar 10 2016 03:42:21 PM

ST. HELENS STREET

THIS MAP IS NOT AN AGREEMENT  
BUT A COOPERATION  
BETWEEN THE  
PROPERTY OWNER  
AND THE APPLICANT



**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Conditional Use Permit CUP.5.16**

**DATE:** May 3, 2016  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT:** Edward Kim  
**OWNER:** same as applicant

**ZONING:** Houlton Business District, HBD  
**LOCATION:** 264 N. Columbia River Hwy; 4N1W-4BD-2601 & 2600  
**PROPOSAL:** Establish an indoor nursery (plants) in an existing building (on partially developed property). The intent is to produce marijuana.

**The 120-day rule (ORS 227.178) for final action for this land use decision is August 18, 2016.**

**SITE INFORMATION / BACKGROUND**

The subject property was acquired by the current property owner in October 2015 (with a deed correction in April 2016). The prior owner Aerie Landscape and Maintenance, Inc. (since 2001) apparently used the site for use incidental to its business.

The property's access is via ODOT Railroad right-of-way, which is accessed from St. Helens Street. There used to be direct highway access but that was removed by the Railroad authority several years ago. This is why the property has a Columbia River Highway address.

The property is partially improved with an existing building and mostly gravel area.

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows: May 10, 2016 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on April 21, 2016 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 27, 2016.

**AGENCY REFERRALS & COMMENTS**

**Columbia River Fire & Rescue:** See letter dated April 26, 2016 (attached).

**City Engineering/Public Works:** A wastewater management plan is required if the facility connects to City Sewer. For example, to see how waste and storm water is managed (and to prevent mixing of the two).

**Columbia County Environmental Service Specialist:** I have looked at this one. I did check with you guys [City Engineer and City Planner] about sewer availability and like you said it would require an easement to cross private property, so I went ahead and accepted an application. Bed rock is definitely an issue at this site and there was no way to install full system (tank and drainfield). I am not actually even sure that there is a "system" where it is indicated on their site plan—I only observed a tank. I did bring up the possibility of a holding tank, which could support a small commercial use like this. I have not received any plans for a permit as of yet, but I did encourage that they not totally count out connection to sewer if the neighbor is amenable to an easement.

If they do go septic, you may include a condition that they obtain a septic permit and a subsequent Certificate of Satisfactory Completion for sanitary purposes; I would be happy to provide a final sign off for your files. They also will need to submit some sort of disposal plan for excess nutrient or wastewater from the grow operation; they cannot discharge process wastewater into the septic system and they have to dispose in a certain way as identified by either DEQ or ODA. This material could be discharged into sewer though.

#### **APPLICABLE CRITERIA, ANALYSIS & FINDINGS**

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

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

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

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

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

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

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

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

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

**Finding(s):** The existing building is approximately 3,000 square feet in total size. The building should be able to accommodate the indoor nursery use. There is an outdoor storage/parking area of a reasonable size too.

There is no evidence that the site's size and dimensions are inadequate.



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

**Finding(s):** Because the site has a large enclosed area already, being able to accommodate vehicles related to the nursery operation and such without disturbance to surrounding properties (e.g., unsightliness and right-of-way obstruction, is possible).

The property's sole access is via railroad right-of-way. The applicant provided some documentation showing their progress on obtaining legal access. Legal right of access shall be maintained for the entire duration of the use. This is a necessary condition of approval.

The building may need work done in accordance with the Building and/or Fire Codes to accommodate the proposal. Any requirements of the Building Official and/or Fire Marshall shall be met.

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

**Finding(s):** The site is served by City Water, which is adequate.

It is not currently served by City Sanitary Sewer, having an on-site system, allegedly. There is a City sanitary sewer main to the east, but an easement would be necessary to cross private property. Prior to occupancy, the site needs to be connected to the City's Sanitary Sewer system or have an approved on-site system. If the applicant chooses the later, they will need to obtain a septic permit and a subsequent Certificate of Satisfactory Completion for sanitary purposes from Columbia County and provide proof of such to the City.

In addition, they also will need to submit some sort of disposal plan for excess nutrient or wastewater from the grow operation; they cannot discharge process wastewater into the septic system and they have to dispose in a certain way as identified by the applicable State agency (e.g., Department of Environmental Quality or Oregon Department of Agriculture). Note that staff contacted ODA and confirmed that they are the responsible agency for the discharge of process wastewater for indoor marijuana producers outside of a public sanitary sewerage system. ODA also notes there is no permitting process for this at this time. ODA is in the process of developing best management practices to assist people in proper discharge process water handling.

If the applicant elects to connect to the Sanitary Sewer system a wastewater plan shall be required. Wastewater and storm water are required to be separate (i.e., different pipes). City Engineering and Public Works needs to understand how waste water will be managed to ensure no conflicts.

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

**Finding(s):** The subject property is zoned Houlton Business District, HBD.

The following are listed as conditional uses in the HBD zone:

- Business with outdoor storage (those businesses permitted in permitted uses).
- Nurseries and greenhouses.

Note that storage by itself is not a permitted or conditional use in the HBD zone.

The Conditional Use Permit Chapter 17.100 SHMC, does not list any use-specific provisions for nurseries/greenhouses.

In the HBD zone, a maximum of 90% lot coverage including all impervious surfaces is allowed. The site improvements are nowhere near this. This is an existing and dedicated landscaping area near the site's RR right-of-way access.

In regards to screening and such:

The HBD notes that outdoor storage is required to be screened.

Having a large currently partly enclosed area, use of the area for storage is expected as it relates to the proposed business. Since parking areas and outdoor storage are supposed to be screened (Chapter 17.72 SHMC), the fence shall include sight obstruction. The applicant proposes to install fencing for security and screening as identified on the plan. Continuous screening shall be a condition of approval.

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

**Finding(s):** With regards to signs, any new sign or modified sign shall require a sign permit per Chapter 17.88 SHMC. There is no existing signage.

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

- Per Chapter 17.76 screening of refuse containers or refuse collection area is required. This use can potentially have need for large volume refuse collection. A trash area would be located within the proposed fenced "storage" area, if not the building itself. The screening requirement of the entire site will address this.
- Generally, the maximum height allowed for fences is 6 feet. However, for non-residential applications, a fence may be greater in height in order to mitigate against potential adverse effects (subject to approval by the Building Official). In this case, the applicant proposes a 6' fence with barbed wire atop. Security is an important aspect and thus, such increase in height can be permissible. Note that per SHMC 8.12.120 barbed wire is possible but only if atop a fence at least 6' in height.



- In regards to off-street parking there is ample area for the anticipated demand.

Per Oregon Administrative Rules OAR 845-025-1000 to 845-025-8590 there are a variety of marijuana related uses subject to OLCC licensing. As a plant nursery, this use would be considered a marijuana “producer” per these OARs. A “producer” cannot sell directly to citizens. This is relevant to off-street parking because off-street parking areas are usually required to be paved. However, per SHMC 17.80.050(10) gravel parking areas are possible for nonresidential and primarily nonpublic uses. As such additional parking area improvements needn’t be required, provided a condition of approval is included to emphasize that this approval is based a nonpublic use and that if the gravel surface results in problems per said section, paving would be required at that time.

- The Development Code requires one off-street parking space per 400 square feet of gross floor area, but not less than 4 spaces per establishment. At approximately 3,000 square feet, this equates to 8 spaces. This is relevant as to screening because screening of parking area larger than three spaces and loading areas larger than 400 square feet is required. The proposed sight-obscuring perimeter fence will address this.

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

**Discussion:** The Comprehensive Plan designation of the subject property is General Commercial. A policy of this designation per SHMC 19.12.070(2)(f) reads:

Preserve areas for business use by limiting incompatible uses within them.

This helps explain why storage is not a use allowed in commercial zoned property, because storage by itself can take up substantial commercial space better suited to an active business use.

**Finding(s):** Storage as a principle use is not allowed in the HBD and GC zoning districts. The Commission finds that the proposal complies with the applicable Comprehensive Plan policies, provided storage by itself is not allowed by this CUP.

\*\*\*

**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:** Much land use policy has to do with eliminating or minimizing the impacts of one use to other non-compatible uses. There are nearby residential and commercial uses with the potential of additional ones.

Certain impacts of this proposal could have a direct result on other uses. For example, air borne disturbances such as odor or particulates may cause discomfort to some or worse for those with allergies, for example. Thus, a condition that prohibits such is important. With such a condition, the improvements to the building for the proposed use can be designed to prevent such off-site impacts.

Also since this proposal is for an indoor nursery, the Commission doesn't have the opportunity to review outdoor nursery impacts and potential mitigation. As such, this approval is for indoor nursery operation only.

**Finding(s):** Controlling odor and mandating an indoor nursery (as opposed to outdoor) operation are important conditions to include to help ensure the proposed use is compatible with other uses in the vicinity.

## **CONCLUSION & RECOMMENDATION**

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

1. This Conditional Use Permit approval is valid for a limited time pursuant to SHMC 17.100.030.
2. The following shall be required prior to Certificate of Occupancy or final inspection (if no Certificate of Occupancy is required) by the City Building Official, or otherwise commencement of the proposal:
  - a. The site's handling of sanitary sewer shall be addressed. This can be achieved by connecting to the City's Sanitary Sewer system or installing an approved on-site system.



**If the applicant chooses to and is able to connect to the City's sanitary sewer system,** the connection shall be made with all required permits and authorizations obtained. In addition wastewater management plan shall be submitted to the city for review and approval.

**If the applicant chooses to have an on-site system,** they shall obtain a septic permit and a subsequent Certificate of Satisfactory Completion for sanitary purposes from Columbia County Land Development Services and provide proof of such to the City. In addition, the applicant shall provide a plan to demonstrate how they will comply with State of Oregon rules (Department of Environmental Quality / Oregon Department of Agriculture) and best management practices for the proper disposal of process wastewater, which would not be allowed in the on-site system.

- b. The applicant shall provide documentation that access via the railroad right-of-way is authorized by ODOT-Rail.
  - c. Improvements to achieve compliance with condition 4 shall be in place.
3. The applicant shall maintain legal access via railroad right-of-way.
  4. All outdoor activity (off-street parking, storage, etc.) shall be within a sight-obscuring (screened) area.
  5. This Conditional Use Permit is based on a use which does not allow or require public access. Any new or additional use that involves/invites public access will require a new land use permit as applicable.
  6. If there is documented evidence of adverse effects upon adjacent roadways, watercourses, or properties resultant from gravel use for the gravel parking areas proposed and allowed, use of that/those area(s) shall be improved with asphalt or concrete surfaces or similar type materials approved by the City.
  7. This Conditional Use Permit allows an indoor nursery only.
  8. **No air-borne off-site impact including but not limited to dust, particulates or odor shall be allowed outside of the property lines of the subject property.**
  9. This conditional use permit (CUP) does not allow storage as an independent land use on or within the subject property.
  10. Fence as proposed (topped with barbed wire) is allowed.
  11. Any new sign requires a sign permit prior to installation, pursuant to Chapter 17.88 SHMC.

12. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17). In addition, this approval does not exempt the requirements of or act as a substitute for review of other City departments (e.g., Building and Engineering) or other agencies (e.g., CRFR).

**Attachment(s):** Applicant narrative

Site plan

Floor plan

Pictures attachment

Letter dated April 26, 2016 from Columbia River Fire & Rescue

Oregon Department of Agriculture "Oregon Cannabis" outreach sheet



## Conditional Use Permit

**Date:** Friday, March 11, 2016

**Project Address:**

264 North Columbia River Hwy  
St. Helens, OR 97051

**Owner:**

Oregon Greenery LLC

Contact: Kim Edward Jusung

Cell: 847.942.8761      Email: eckiekjs@gmail.com

**Zoning:** Houghton Business District (HBD)

**Account Number:** 10439

**Property Class:** 201

**Existing Use:** Light Industrial

**Proposed Use:** Nursery

City of St. Helens,

The project being proposed, located at 264 North Columbia River Hwy, consists of remodeling the interior of an existing warehouse to create 4 indoor nursery use rooms for the growth, production, and cultivation of recreational cannabis, as well as office and professional consultation use. There is no retail or open sales to be done on property, all product growing is proposed indoors. The subject property is approximately 1 half-acre in size.

The project is located in the Houghton Business District, and is located at the end of a dead end street easement with no public access presence or public parking. Property is adjacent to the Portland & Western Railroad and access to property is through an existing easement with right of access granted by Oregon Department of Transportation. The property is currently secured from vehicular access by chain link fence and gate. A portion of property frontage along easement road has existing landscaping provided. The existing landscaping is limited by property driveway access, and property owned by ODOT and P&W Railroad.

The interior changes consist of 4 rooms made of wood framing, fire rated gypsum wall board, and fiberglass reinforced plastic wall covering. The HVAC and electrical systems will be upgraded to support and maintain the growth and cultivation of the cannabis plant.

Odor control, screening and security are of the upmost importance to the property owner.

- Odor control will be accomplished using industry standards for air purification and the Owner will be looking to constantly upgrade purification units as technology improves. Initial air purification units will be purchased from Ozone Environmental Technologies including the *UVonairCD* models and *Phresh* carbon filters scaled to appropriate volume of space serviced. Carbon filters and air purifiers are used in-line with each other and are expected to substantially reduce odor and particulates from entering the surrounding atmosphere.
- Site Screening will be accomplished with the proposed installation of a 6' perimeter chain link fence along the perimeter of property with opaque slats to obscure site and building from surrounding areas. *and topped with barbed wires. (EK)*

- Security will be accomplished by a new chain link perimeter fence, as well as repair of existing driveway gate to improve ability to restrict public and unwanted access to site. A cctv security camera system will be installed to maintain site security while also providing added security to neighboring ODOT Railway storage yard. Cameras will be positioned to obtain surveillance to all areas of building and site.

Existing roof drainage system daylights to property and natural drainage of property is adequate for the site, no change to this system proposed. Existing waste water system consists of a septic holding tank and is not connected to city or county systems. Owner has had this system inspected and has found this system to be in disrepair. Existing septic holding tank will be replaced, maintained, emptied and serviced regularly.

Upgrades to building electrical panel and system, in-kind replacement of existing septic holding tank, and new HVAC systems will be deferred submittals but will be a part of overall intent of property improvements.

All required public facilities have adequate capacity to serve the proposed project once new work has been completed.

No signage is proposed for this property, although Owner is aware that a project address needs to be provided and maintained to be visible from road.

We believe that our proposed solutions to the issues at this site meet the intent of the zoning code and meet the requirements of the OSSC, SHMC, ORS and Oregon Measure 91 for fire/life safety for building permit.

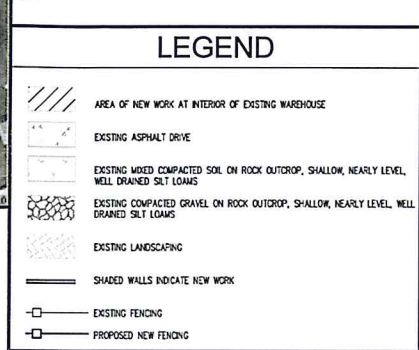
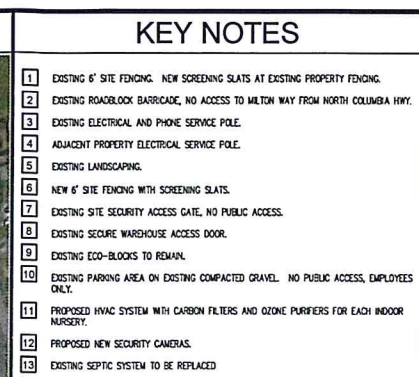
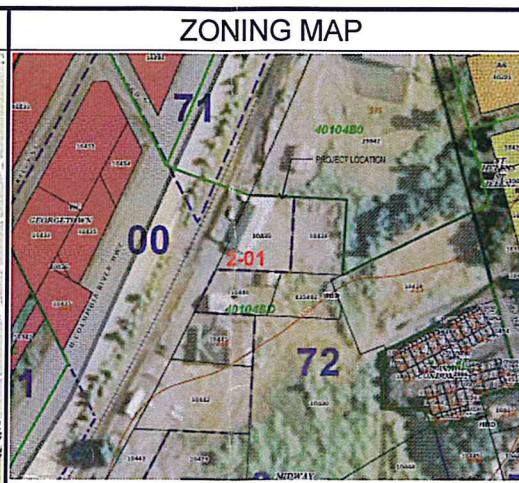
Once a preliminary review of the existing zoning/intent of use/right of access/ intended upgrades, and steps taken by the Owner to adhere to all requirements set forth by the City of St. Helens, Columbia County, and State of Oregon has been completed; we request consideration to apply for building permits. At such a time as deemed appropriate, we would ask for approval to proceed with construction and inspections onsite.

Our team is available anytime via email/phone or to come to meet in person with any and all departments as necessary to expedite preliminary review of this project.

Sincerely,

Daniel Jamerson  
dan@magellanarchitects.com  
**MAGELLAN ARCHITECTURE**  
8383 158th Ave NE, Suite 280  
Redmond, WA 98052  
Tel: (425) 885-4300  
Fax: (425) 885-4303  
[www.magellanarchitects.com](http://www.magellanarchitects.com)





**Copyright © 2016 Magellan Associates PLLC**  
All rights reserved. The documents prepared by the Architect are the sole property of the Architect. The Architect's services for this project shall terminate upon completion of the project. The plan may be copied, reproduced, or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the express written approval of Magellan Associates PLLC. No derivative works of this plan may be made without the express written approval of Magellan Associates PLLC. The use of this set of plans entitles the purchaser to use this set of plans for the purchase of the building. The use of this set of plans for the purchase of additional sets of plans does not entitle the purchaser to construct more than one building.

**Magellan**  
ARCHITECTURE  
8383 158th Avenue Northeast, Suite 280  
Redmond, Washington 98052  
Tel (425) 885-4300 Fax (425) 885-4303  
[www.magellanarchitects.com](http://www.magellanarchitects.com)  
Copyright © 2016 Magellan Associates, PLLC

**OREGON GREENERY LLC**  
**WAREHOUSE REMODEL**  
PROPOSED INDOOR NURSERY FOR THE PRODUCTION OF CANNABIS  
HOULTON BUSINESS DISTRICT  
264 NORTH COLUMBIA RIVER HWY  
ST. HELENS, OR 97051

REVISIONS		
NO.	DATE	BY
1		
2		
3		
4		
5		
6		

ISSUE DATES

DESIGN APPROVAL:

PERMIT SUBMITTAL:

PERMIT RECEIVED:

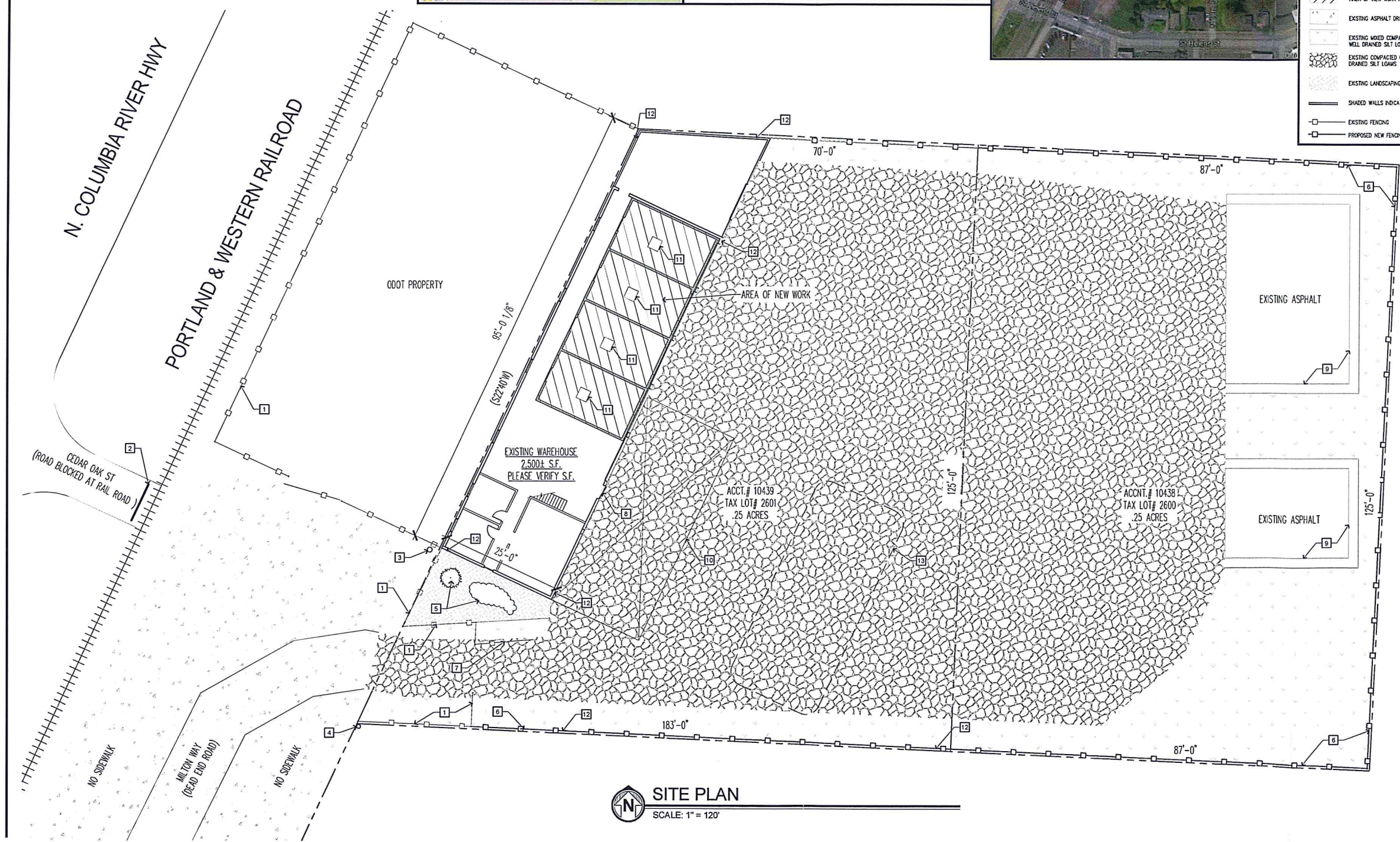
BID DOCS:

CONSTR. DOCS:

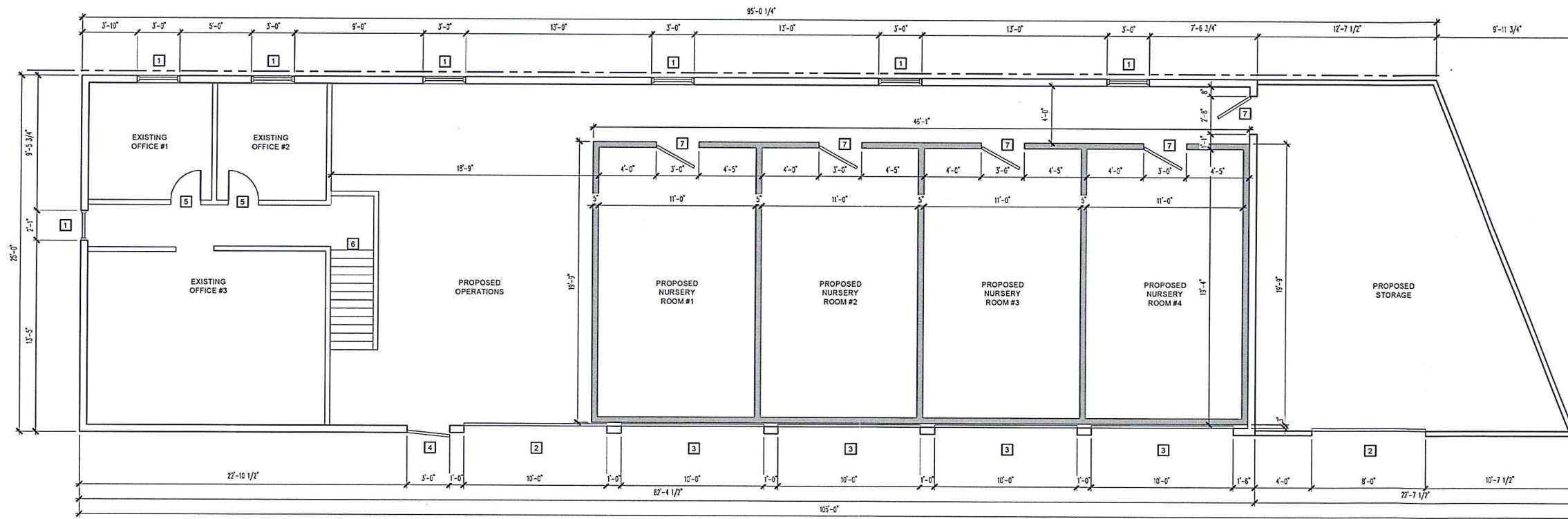
24"x36" SCALE:	AS NOTED
PLOT DATE:	03-23-2016
CAD FILE:	15-205_A1.1
JOB NUMBER:	15-205
CHECKED:	----
DRAWN:	DJ
STATUS:	SUBMIT FOR CUP

SITE PLAN

A1.1







**OVERALL FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

### KEY NOTES

- 1 EXISTING WINDOW
- 2 EXISTING OVERHEAD DOOR
- 3 EXISTING OVERHEAD DOOR TO BE LOCKED NOT TO BE OPERABLE
- 4 EXISTING MAN DOOR
- 5 EXISTING INTERIOR DOOR
- 6 EXISTING STAIRWAY
- 7 PROPOSED NEW INTERIOR DOOR

### LEGEND

SHADED WALLS INDICATE NEW WORK



Copyright © 2016 Magellan Associates PLLC  
All rights reserved. The documents prepared by the Architect are the property of the Architect and are not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Architect. The Architect assumes no responsibility for the construction of the project or for the safety of the project. The Architect's services are limited to the design and construction documents only. The Architect does not provide any other services, including but not limited to, engineering, geotechnical, environmental, or other specialized services. The Architect's office is located at 8383 158th Avenue Northeast, Suite 200, Redmond, WA 98052. Tel: (425) 885-4300 Fax: (425) 885-4303 www.magellanarchitects.com

**Oregon Greenery LLC**  
**WAREHOUSE REMODEL**  
PROPOSED INDOOR NURSERY FOR THE PRODUCTION OF CANNABIS  
HOULTON BUSINESS DISTRICT  
264 NORTH COLUMBIA RIVER HWY  
ST. HELENS, OR 97051

REVISIONS		
NO.	DATE	BY
1		
2		
3		
4		
5		
6		
ISSUE DATES		
DESIGN APPROVAL:		
PERMIT SUBMITTAL:		
PERMIT RECEIVED:		
BID DOCS:		
CONSTR. DOCS:		

24"x36" SCALE:	AS NOTED
PLOT DATE:	03-23-2016
CAD FILE:	15-205_A2.1
JOB NUMBER:	15-205
CHECKED:	---
DRAWN:	DJ
STATUS:	SUBMIT FOR OUP

FLOOR PLAN  
**A2.0**



The subject property (building to right) as seen from the RR right-of-way that provides access.

Note the barricade and stop sign to the right, a previous US30 access, closed by the railroad less than 10 years ago.

The fenced area in the foreground is within RR right-of-way and not part of the subject property.



The subject building. Access to the RR right-of-way is to the left.

Note that the existing fence lacks any sight obscuring features currently.



Within the subject property facing southeast, residential development (condos in this case) are visible from the subject property.

Note that the entire perimeter of the site doesn't current have fencing.





# Columbia River Fire & Rescue

Fire Chief's Office

270 Columbia Blvd \* St Helens, Oregon \* 97051

Phone (503)-397-2990x101 \* [www.crfr.com](http://www.crfr.com) \* FAX (503)-397-3198

April 26, 2016

Jennifer Dimsho, Planning  
City of St. Helens  
265 Strand Street  
St. Helens, OR 97051

RE: **Edward Kim**  
**Conditional Use Permit / CUP.5.16**  
**4N1W-4BD-2600 & 2601**  
**264 N. Columbia River Hwy**

Dear Jennifer:

I have done a preliminary review of the Kim application to place an indoor nursery in the specified building located at the end of Milton Way in St. Helens. This location appears to have adequate access for both fire apparatus access and water supply, but it would be good to know how much flow that hydrant will supply. It has been some time since I have been able to evaluate the building in question but I will work with the Building Official and the applicant on the project. Here are some of the areas I will be considering.

- Types of heat-producing appliances/ lamps and how they are arrayed.
- Storage of materials, especially flammable/combustible materials.
- Ventilation plan.
- Proposals for built-in fire detection (smoke alarms) as applicable.
- Electrical systems evaluation.
- Exiting details.
- Security provisions.

Smaller items like signage, lock box location, gate access, and fire extinguisher locations can be addressed prior to final occupancy.

Regards,

*Jay M. Tappan*

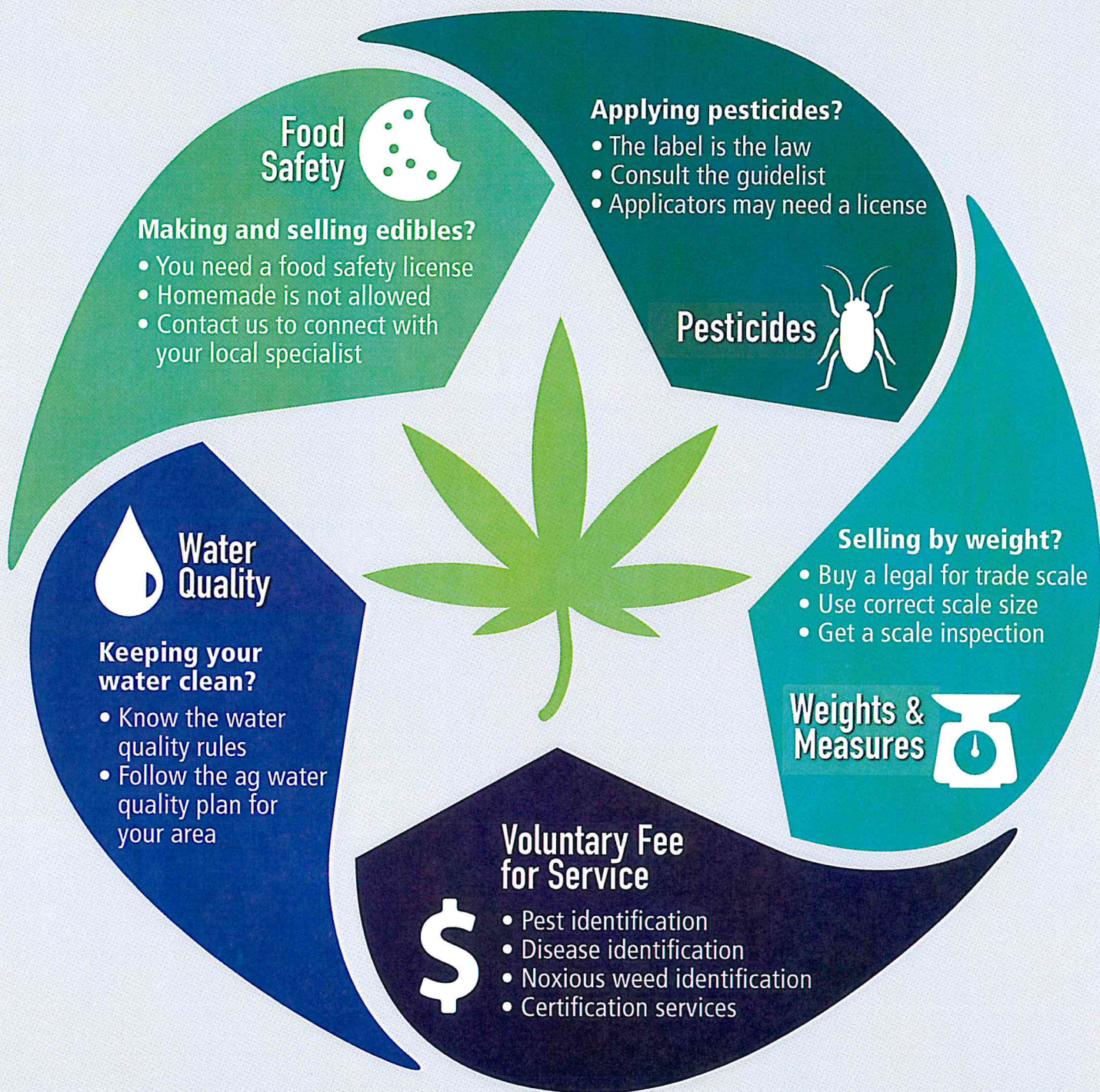
Jay M. Tappan  
Chief/Acting Fire Marshal

cc: file



# OREGON CANNABIS

Cultivate your business with the Oregon Department of Agriculture



The Oregon Department of Agriculture (ODA) administers many programs that affect agriculture producers and processors. These programs could apply to your cannabis business.



**Oregon**  
Department  
of Agriculture

**More info online: [bit.do/CannabisODA](http://bit.do/CannabisODA)**

**Sunny Jones, Cannabis Policy Coordinator: 503-986-4565**



**CITY OF ST. HELENS PLANNING DEPARTMENT**  
**STAFF REPORT**  
**Conditional Use Permit CUP.7.16**  
**Variance V.5.16**  
**Access Variance V.6.16**

**DATE:** June 7, 2016  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT:** Lower Columbia Engineering, LLC  
**OWNER:** St. Helens Marina, LLC & Brad R. Hendrickson

**ZONING:** Marine Commercial, MC  
**LOCATION:** 104 and 114 N. River Street; 5N1W-34CD-1000, 1100 & 1200  
**PROPOSAL:** Replace two existing detached single-family dwellings with a 4 unit multidwelling building. A Variance for a reduced side yard (setback) and an Access Variance for extra-wide driveway approach is also included.

**The 120-day rule (ORS 227.178) for final action for this land use decision is September 17, 2016.**

**SITE INFORMATION / BACKGROUND**

The site is developed with two detached single-family dwellings, which were built in the 1930's or 1940's based on County Assessor records. The site is accessed via N. River Street, a fully improved street, except sidewalks are lacking on the opposite side of the street than the subject property. The site also abuts Columbia Boulevard right-of-way, which is undeveloped. In addition, being along the shores of the Columbia River, there are sensitive lands aspects that pertain to the proposal (addressed separately from this Conditional Use Permit).

Marine Commercial zoning is on all sides of the subject property except to the southwest, where the zoning is Apartment Residential. The St. Helens Marina and related uses are to the north of the site, Dillard's Marina is to the south, there are residential uses to the west and the Columbia River on the east side.

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows: June 14, 2016 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on May 25, 2016 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on June 1, 2016.

## AGENCY REFERRALS & COMMENTS

As of the date of this staff report, the following agency referrals/comments have been received that are pertinent to the analysis of this proposal:

**Columbia River Fire & Rescue:** No objections or proposed additional requirements.

**City Engineering Manager:** Public utilities are readily available. Storm drainage can be discharged directly towards the river. No on-street parking will be allowed on either side of the street in front of the units because the width of the existing street and the length of the proposed driveway access.

## APPLICABLE CRITERIA, ANALYSIS & FINDINGS

### Conditional Use Permit—CUP.7.16

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

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

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

#### Findings:

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

The site size and dimensions appear adequate, provided the variances proposed are approved.

- (b) This CUP criterion requires that the characteristics of the site are suitable based on size, shape, location, topography, and natural features.**

The site appears to be suitable for the proposed use, given the variances proposed are approved. The design of the site avoids impact to surrounding natural area.

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

All public facilities should be able to serve the proposal.

**(d) This CUP criterion requires that the applicable requirements of the zoning district are met except as modified by the Development Code Conditional Use Permit (CUP) Chapter.**

The subject property is zoned **Marine Commercial, MC**. Multidwelling units are a listed conditional use, thus this Conditional Use Permit. Per the MC zone, such use is required to comply with the **Apartment Residential, AR** standards and other applicable sections of the Development Code.

**Apartment Residential, AR standards.** For four units as proposed, the minimum lot size required is 8,000 square feet. The subject property is approximately 41,000 square feet in size. No issue.

The minimum front yard (setback) is 20 feet. The building is shown 20 feet back from the N. River Street property line. The minimum rear yard (setback) is 20 feet. The proposal meets this.

Multidwelling units in the AR zone require a minimum 10 side yard (setback). This is met on the north side. The applicant proposes a 0' yard on the south side along the Columbia Boulevard right-of-way. **The applicant requests a Variance to allow this (see Variance criteria below).**

Maximum building height allowed is 35' (per AR standards) or per SHMC 17.68.040, which applies in this case. This necessitates a Site Design Review—Scenic Resource (SDRsv) application and the allowed height shall be the lesser of 35' or as determined by the SDRsv (a separate process). The proposed height is just under 35 feet (34'8").

Per the AR standards, buildings or structures shall not occupy more than 50% of the property. The proposed building is well below 50% of the total subject property size.

The minimum 25% landscaping of the AR zone does not apply to multidwelling units. As such, the 15% minimum landscaping requirement of the Site Design Review criteria applies. This landscape area requirement is exceeded based on the plan submitted.

Note that there is much open space proposed because the applicant is staying within the existing development footprint to avoid impacts to surrounding wetlands, riparian areas and related protection zone (addressed in a separate Sensitive Lands Permit).

**(e) This CUP criterion requires that the Development Code's Sign (Chapter 17.88 SHMC) and Site Development Review (Chapter 17.96 SHMC) requirements are met.**



The requirements for Site Design Review reference other applicable chapters of the development code. As such, those chapters that apply to this proposal are addressed in order here:

**17.40 – Wetlands and Riparian Area** → Being along the shoreline of the Columbia River, this Chapter applies. A Sensitive Lands Permit is required separate from this Conditional Use Permit and Variance request. Note that the applicant's intent is to avoid new impacts to these sensitive lands.

**17.46 – Floodplains and floodways** → The subject property is within an "area of Special flood hazard" (100 year floodplain) and a Sensitive Lands Permit is required, separate from this Conditional Use Permit and Variance request.

**17.72 – Landscaping and Screening** → Required landscaping shall be installed prior to Certificate of Occupancy by the Building Official.

All development projects fronting on a public are required to plant street trees in accordance with this Chapter. Street trees will be required. If the Access Variance is approved, area for street trees will be limited directly in front of the building (see site plan), but there is still some N. River Street frontage on the north side of the building, which lacks street trees currently. Revised plan/landscape plan shall be required showing street trees along the entire subject property's N. River Street frontage.

Landscaping in relation to off-street parking area is as follows:

- **Parking lot screening:** Per SHMC 17.72.110(1)(b), screening of parking areas larger than three spaces is required. Screening per this section is supposed to be via landscaping.

The parking area will be more than three spaces. However based on the design, which includes an Access Variance for an extra wide driveway approach, screening is generally impossible. The plan shows some areas where landscaping can be installed within or adjacent to the parking area. **Assuming the Access Variance is approved**, landscaping for screening *where possible* would be required with plants types that achieve a balance of low lying and vertical shrubbery and trees.

- **Interior parking lot landscaping:** Per SHMC 17.72.140 parking areas with more than 20 spaces shall provide landscape islands with trees to break up rows of not more than seven contiguous parking spaces.

The parking area does include a landscape island to meet this standard. The island also protects an existing street light.

All landscaping within or adjacent to the parking area shall be protected from vehicular damage by some form of wheel guard or curb permanently fixed to the ground. Revised plan required.

Per SHMC 17.72.110(2) & (4):

(2) Screening of Service Facilities. Except for single-dwelling units and duplexes, 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 from view by placement of a solid wood fence or masonry wall between five and eight feet in height or evergreens already to correct height minimums. All refuse materials shall be contained within the screened area.

(4) Screening of Refuse Containers Required. Except for one- and two-unit dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge.

Any exterior and visible service facility will need to be screened.

In regards to refuse areas, the applicant's plans show these within the garage. This shall be a condition of approval. Moreover, if other things end up in the garage that prevent an automobile (based on the City's dimensional standards for such) and trash containers from fitting, revised plans shall be required to address and no final occupancy shall be granted until an alternative is approved.

Per SHMC 17.72.120, areas where natural vegetation has been removed through grading and that are not affected by landscaping requirements, are required to re-vegetated.

**17.76 – Visual Clearance** → This requires clear vision at intersections (including driveway/street intersections). The requirements of this Chapter are met given proper landscaping.

**17.80 – Off-Street Parking and Loading Requirements** → One lockable bike space is required per dwelling unit. In this case, this can be assumed to be in the garage or storage area.

Minimum off-street parking required for multidwelling units is:

- (i) Studio – one space for each unit.
- (ii) One bedroom – one and one-half spaces for each unit.
- (iii) More than one bedroom per unit – two spaces for each.

Also, if more than 10 spaces are required, visitor parking is required

Floor plans show >1 bedroom units. Thus, at least 8 off-street parking spaces are required. The applicant shows 9 spaces.

All off-street parking spaces and maneuvering areas are required to be paved.

**17.84 – Access, Egress and Circulation** → The site abuts an improved street, pedestrian access to the street will be paved given the proposed driveways. The sidewalk is immediately in front of the project providing access to nearby transit stops and other improved streets and passageways.

A significant consideration in this case is the proposed driveway approach. Normally, for multidwelling development the number of street access points shall be minimized to protect the function, safety and operation of streets and sidewalks for all users. In addition, the maximum driveway approach width is 24 feet.

In this case, the applicant proposes a driveway approach along almost the entire width of the proposed building, except for one break (landscape island). This does not meet the above standard and requires an Access Variance (see below).

**17.88 – Signs** → Any new sign will be required to comply with city law, including the obtainment of Sign Permit as applicable.

**17.96 – Site Development Review** → Approval standards per this Chapter are addressed under SHMC 17.96.180. It references several chapters of the Development Code, which are addressed elsewhere in this report. The other criteria (2) – (17) are addressed here:

(2) Relationship to the Natural and Physical Environment.

(a) Buildings shall be:

- (i) Located to preserve existing trees, topography, and natural drainage in accordance with other sections of this code;
  - (ii) Located in areas not subject to ground slumping or sliding;
  - (iii) Located to provide adequate distance between adjoining buildings for adequate light, air circulation, and fire fighting; and
  - (iv) Oriented with consideration for sun and wind; and
- (b) Trees having a six-inch DBH (as defined by Chapter 17.132 SHMC) or greater shall be preserved or replaced by new plantings of equal character;

→ The applicant's proposal maintains the same development footprint, more-or-less, as the two existing detached single-family dwellings, except in the front yard (due to the proposed extra-wide driveway approach). In the existing front yard, there are a couple larger trees that will be lost but street/landscaping tree requirements will replace those.

(3) Exterior Elevations. Along the vertical face of single-dwelling units – attached and multiple-dwelling unit structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

- (a) Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of eight feet;
- (b) Extensions (decks, patios, entrances, floor area, etc.) of a minimum depth of eight feet, and maximum length of an overhang shall be 25 feet; and
- (c) Offsets or breaks in roof elevations of three or more feet in height;

→The relevant elevation in regards to this proposal is the N. River Street side. The applicant needs to choose two of the above. Here is the break down of what was submitted based on each standards (a), (b) and (c):

- **(a):** The N. River Street elevation includes man door entrance recess of 8 feet. It also includes a recessed upper deck, but only four feet.
- **(b):** The N. River Street elevation lacks any extension.
- **(c):** The applicant proposes gable roof features as an off-set in roof elevation. Note that this off-set is below the roof peak.

**!!!Does the Commission think this is enough to meet these standards?!!!**

**(4) Buffering, Screening, and Compatibility between Adjoining Uses (See Figure 13, Chapter 17.72 SHMC).**

(a) Buffering shall be provided between different types of land uses (for example, between single-dwelling units and multiple-dwelling units residential, and residential and commercial), and the following factors shall be considered in determining the adequacy of the type and extent of the buffer:

- (i) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
- (ii) The size of the buffer required to achieve the purpose in terms of width and height;
- (iii) The direction(s) from which buffering is needed;
- (iv) The required density of the buffering; and
- (v) Whether the viewer is stationary or mobile;

(b) On-site screening from view from adjoining properties of such things as service areas, storage areas, parking lots, and mechanical devices on rooftops (e.g., air cooling and heating systems) shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:

- (i) What needs to be screened;
- (ii) The direction from which it is needed;
- (iii) How dense the screen needs to be;
- (iv) Whether the viewer is stationary or mobile; and
- (v) Whether the screening needs to be year-round;

→Buffering is not warranted based on the nature of the proposal. Some screening may be required per Chapter 17.72 SHMC.

**(5) Privacy and Noise.**

- (a) Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view by adjoining units as provided in subsection (6)(a) of this section;
- (b) The buildings shall be oriented in a manner which protects private spaces on adjoining properties from view and noise;
- (c) Residential buildings should be located on the portion of the site having the lowest noise levels; and
- (d) On-site uses which create noise, lights, or glare shall be buffered from adjoining residential uses (see subsection (4) of this section);



→No ground floor unit is proposed. Units are divided vertically, not horizontally. Substantial covered deck area is proposed, particularly on the river side.

(6) Private Outdoor Area – Residential Use.

(a) Private open space such as a patio or balcony shall be provided and shall be designed for the exclusive use of individual units and shall be at least 48 square feet in size with a minimum width dimension of four feet, and:

(i) Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit; and

(ii) Required open space may include roofed or enclosed structures such as a recreation center or covered picnic area;

(b) Wherever possible, private outdoor open spaces should be oriented toward the sun; and

(c) Private outdoor spaces shall be screened or designed to provide privacy for the users of the space;

→Substantial covered deck area is proposed, particularly on the river side.

(7) Shared Outdoor Recreation Areas – Residential Use.

(a) In addition to the requirements of subsections (5) and (6) of this section, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:

(i) Studio up to and including two-bedroom units, 200 square feet per unit; and

(ii) Three- or more bedroom units, 300 square feet per unit;

(b) The required recreation space may be provided as follows:

(i) It may be all outdoor space; or

(ii) It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room;

(iii) It may be all public or common space; or

(iv) It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room and balconies on each unit; and

(v) Where balconies are added to units, the balconies shall not be less than 48 square feet;

(c) Shared outdoor recreation space shall be readily observable for reasons of crime prevention and safety;

→The site includes a water-ward projection of land along the north side of the proposed building that accommodates this.

(8) Demarcation of Public, Semipublic, and Private Spaces – Crime Prevention.

(a) The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semipublic areas and private outdoor areas are clearly defined in order to establish persons having a right to be in the space, in order to provide for crime prevention and to establish maintenance responsibility; and

(b) These areas may be defined by:

(i) A deck, patio, low wall, hedge, or draping vine;

(ii) A trellis or arbor;

(iii) A change in level;

(iv) A change in the texture of the path material;

(v) Sign; or

(vi) Landscaping;

→The public and non-public areas appear to be distinguishable.

(9) Crime Prevention and Safety.

- (a) Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants;
- (b) Interior laundry and service areas shall be located in a way that they can be observed by others;
- (c) Mail boxes shall be located in lighted areas having vehicular or pedestrian traffic;
- (d) The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime; and
- (e) Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes:
  - (i) Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet, which is sufficient to illuminate a person;

→The compact design and proposed windows should deter crime. There is an existing street light, which is proposed to remain and protected based on the plans submitted.

(10) Access and Circulation.

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

→This is addressed via Chapter 17.84 SHMC. There are no specific bike or pedestrian facilities planned for the area other than standard right-of-way improvements (sidewalk).

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

- (a) To provide privacy, light, air, and access to the multiple and attached residential dwellings within a development, the following separations shall apply:
  - (i) Buildings with windowed walls facing buildings with windowed walls shall have a 25-foot separation;
  - (ii) Buildings with windowed walls facing buildings with a blank wall shall have a 15-foot separation;
  - (iii) Buildings with opposing blank walls shall have a 10-foot separation;
  - (iv) Building separation shall also apply to buildings having projections such as balconies, bay windows, and room projections; and
  - (v) Buildings with courtyards shall maintain separation of opposing walls as listed in subsections (11)(a)(i), (ii) and (iii) of this section for walls in separate buildings;
- (b) Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be one foot for each 15 feet of building length over 50 feet and two feet for each 10 feet of building height over 30 feet;

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

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

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

→As only one building is proposed, much of this is not applicable, except (11)(c) which can't be met given the proposed extra-wide driveway, which also functions as a parking lot. This is acceptable provided the Access Variance is approved.

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

→These issues area addressed elsewhere herein.

(13) Landscaping.

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

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

→Landscaping is addressed elsewhere herein. Given the circumstances of the site, 15% landscaping area is met.

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

→Drainage will need to be addressed per City Engineering and Building Department requirements.

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

→This will addressed by the Building Code.

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

→Any new or altered sign required a sign permit prior to installation or alteration.

(17) All of the provisions and regulations of the underlying zone shall apply unless modified by other sections of this code (e.g., the planned development, Chapter [17.148](#) SHMC; or a variance granted under Chapter [17.108](#) SHMC; etc.).

→The zoning aspects are addressed elsewhere herein. A Variance and Access Variance is proposed as part of this proposal.

**17.132 – Tree Removal** → A couple of larger trees in the front yard will be lost, but replacement via street and landscape trees will make up the difference, as required per this Chapter.

**17.152 – Street and Utility Improvement Standards** → Streets that abut a development are required to be improved per City standards. In this case, N. River Street is improved but (given approval of the Access Variance) will need to be reconstructed in part.

Existing rights-of-way abutting the subject property meet or exceed the minimum width standard.

Utilities shall be underground. There are some overhead poles within the N. River Street and N. 1<sup>st</sup> Street rights-of-way. In no case shall new poles be added for utility extensions.

**17.156 – Traffic Impact Analysis (TIA)** → The proposal is not of such magnitude to warrant a TIA.

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

No conflict with the Comprehensive Plan has been identified.

\* \* \* \* \*

**Variance—V.5.16** (reduce south side yard/setback from 10' to 0')

**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.

**Discussion:** Some laws relevant to this request in addition to the minimum 10' side yard normally required.

**Per SHMC 17.64.050 (5)**

No building or portion thereof, regardless of size, shall be placed closer than three feet to a property line.

**Findings:**

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

- The Commission needs to find this criterion is met to approve this Variance.
- **Staff comments:** If the footprint of the building is on the property line, any projection (such as eaves) will encroach into the right-of-way. This Variance cannot allow right-of-way encroachment. If approved, this shall be a condition of approval and revised plans will be necessary.

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

- The Commission needs to find this criterion is met to approve this Variance.
- **Staff comments:** the presence of wetlands and riparian area is a consideration.

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

- The Commission needs to find this criterion is met to approve this Variance.

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

- The Commission needs to find this criterion is met to approve this Variance.

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

- The Commission needs to find this criterion is met to approve this Variance.
- **Staff comments:** Chapter 17.40 allows the approval authority to adjust a dimensional standard by up to 50% to remain upland (avoid wetlands, riparian areas, or the protection zones thereof). Thus, the setback could be considered a reduction from 5' to 0' (as opposed to 10' to 0'). This helps the "minimum necessary" argument.

\* \* \* \* \*

**Access Variance—V.6.16 (driveway approach exceeding City standards)**

**17.84.150 Approval standards (for access variances).**

- (1) It is not possible to share access;
- (2) There are no other alternative access points on the street in question or from another street;
- (3) The access separation requirements cannot be met;
- (4) There are unique or special conditions that make strict application of the standards impractical;
- (5) No engineering or construction solutions can be applied to mitigate the condition;
- (6) The request is the minimum variance required to provide adequate access;
- (7) The approved access or access approved with conditions will result in a safe access and will not result in the degradation of operational and safety integrity of the transportation system;
- (8) The visual clearance requirements of Chapter 17.76 SHMC will be met; and
- (9) No variance shall be granted where such hardship is self-created

**Discussion:** The proposed driveway approach differs from city law primarily because it exceeds the maximum width (24').

Also for multidwelling development the number of street access points shall be minimized to protect the function, safety and operation of streets and sidewalks for all users.

**Findings:**

**(1) This criterion requires a finding that access cannot be shared.**

- The Commission needs to find this criterion is met to approve this Access Variance.

**(2) This criterion requires a finding that there are no other alternative access points.**

- The Commission needs to find this criterion is met to approve this Variance.

**(3) This criterion requires a finding that the access separation requirements cannot be met.**

- The Commission needs to find this criterion is met to approve this Variance.

**(4) This criterion requires a finding that there are unique or special circumstances that make strict application of the standards impractical.**

- The Commission needs to find this criterion is met to approve this Variance.
- **Staff comments:** the presence of wetlands and riparian area is a consideration.

**(5) This criterion requires a finding that there are no engineering or construction solutions that could be used instead of the access variance.**

- The Commission needs to find this criterion is met to approve this Variance.

**(6) This criterion requires a finding that the required is the minimum variance necessary to provide adequate access.**

- The Commission needs to find this criterion is met to approve this Variance.

**(7) This criterion requires a finding that the approved access, which can include conditions of approval, will result in safe access and not result in degradation of operational and safety integrity of the transportation system.**

- The Commission needs to find this criterion is met to approve this Variance.
- **Staff comments:** The applicant proposes a mountable curb as opposed to a standard driveway approach ramp. This helps create a physical separation from vehicular traffic to help maintain safe pedestrian use of the sidewalk since the extra-wide driveway will increase sidewalk user exposure to moving vehicles.

There is an existing driveway approach along the subject property's N. River Street frontage outside of the proposed building profile. Given the extra wide driveway approach proposed, eliminating all others to be replaced with a standard curb is important and shall be a condition of approval.

**(8) This criterion requires a finding that the visual clearance requirements of Chapter 17.76 SHMC will be met.**

- The Commission needs to find this criterion is met to approve this Variance.

**(9) The criterion requires a finding that the hardship is not self-created.**

- The Commission needs to find this criterion is met to approve this Variance.

\* \* \* \* \*

## **CONCLUSION & RECOMMENDATION**

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

*\*Note: because the design and findings of this CUP are dependent on the Variances (the Access Variance in particular), the Variance requests should be considered first. If one or both of the Variance requests is denied or approved less than requested, the CUP decision will likely need to be altered if not outright denied.*



1. This **Conditional Use Permit** approval is valid for a limited time pursuant to SHMC 17.100.030.
2. The following shall be required prior to development/building permit issuance:
  - a. Materials including but not necessarily limited to a site plan shall be submitted to the City for review and approval demonstrating compliance with all applicable provisions of the Development Code (SHMC Title 17) and in accordance with the conditions herein. This/these material(s) shall specifically address and be subject to the following:
    - i. Street trees required along the entire subject property's (5N1W-34CD-1000, 1100 & 1200) N. River Street frontage. Where there is overhead power, tree species shall be appropriate to avoid conflicts.
    - ii. Landscaping for screening *where possible* with plants types that achieve a balance of low lying and vertical shrubbery and trees. Where there is overhead power, tree species shall be appropriate to avoid conflicts.
    - iii. All landscaping within or adjacent to the parking area shall be protected from vehicular damage by some form of wheel guard or curb permanently fixed to the ground. Plans shall be specific as to meeting this requirement.
    - iv. All revisions to address the condition of Variances V.5.16 and V.6.16.
    - v. <<any revisions to the building's architectural standards the Commission wants to address>>??
  - b. Engineering/construction plans shall be submitted for review and approval for public improvements.
  - c. A Site Design Review—Scenic Resource application per SHMC 17.68.040 shall be required with a final decision made including resolution of all appeals.
  - d. A Sensitive Lands Permit application shall be required with a final decision including resolution of all appeals.
3. The following shall be required prior to Certificate of Occupancy or final inspection (if no Certificate of Occupancy is required) by the City Building Official:
  - a. All improvements necessary to address the requirements herein shall be in place.
  - b. As per Condition 5.
  - c. If things end up in the garage that prevent an automobile (based on the City's dimensional standards for such) and trash containers from fitting (to meet condition 5), revised plans shall be required to address this and no final occupancy shall be granted

until an alternative is approved by the city and improvements necessary for such are in place.

4. Any refuse container or refuse collection area visible from a public street, parking lot, residential or commercial area, or any public facility (e.g., school or park) shall be screened or enclosed from view by a solid wood (or otherwise sight-obscuring) fence, masonry wall or evergreen hedge. **In this case, the applicant intends for the garage of each residential unit to meet this requirement.**
5. 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).
6. All areas used for the parking or storage or maneuvering of any vehicle, boat, or trailer shall be improved with asphalt or concrete surfaces or other similar type materials approved by the city.
7. Any new utilities shall be underground. Existing overhead utilities may remain above ground, but no new poles shall be allowed.
8. No plan submitted to the City for approval shall contradict another. For example, engineering/construction plans shall not contradict the approved site plan. Otherwise revisions as applicable shall be necessary to remedy the contradiction. Applicant is responsible to notify the engineering, planning and building departments, individually, of such changes.
9. 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.
10. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17). In addition, this approval does not exempt the requirements of or act as a substitute for review of other City departments (e.g. Building and Engineering) or other agencies.

\* \* \* \* \*

**Based upon the facts and findings herein, staff recommends approval of this, Variance for a reduced yard (setback), with the following conditions:**

1. This **Variance** approval is valid for a limited time pursuant to SHMC 17.108.040.
2. No right of way encroachment is allowed by this Variance. This includes but is not limited to architectural projections of the building such as eaves. **All revised plans shall demonstrate this.**

\* \* \* \* \*

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

1. This **Access Variance** approval is valid for a limited time pursuant to SHMC 17.84.140.
2. Only the approved driveway approach shall be allowed for the subject property (5N1W-34CD-1000, 1100 & 1200). Any other driveway approach shall be removed and replaced with standards curb prior to Certificate of Occupancy. **All revised plans shall show this.**

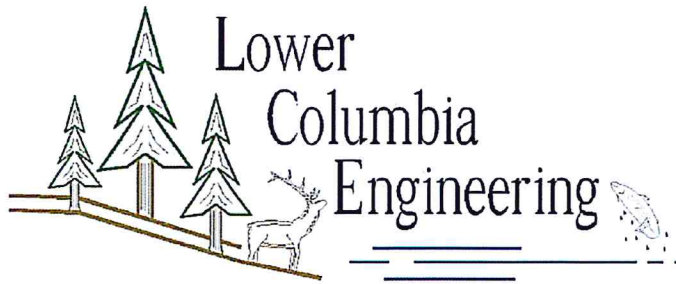
\* \* \* \* \*

**Attachment(s):** Applicant's narratives (for all three proposals)

Existing conditions topographic survey

Plans

Pictures attachment



58640 McNulty Way  
St. Helens, OR 97051

Phone: (503) 366-0399  
[www.lowercolumbiaengr.com](http://www.lowercolumbiaengr.com)

May 12, 2016

Jacob Graichen, AICP  
City Planner  
City of St. Helens  
265 Strand Street  
St. Helens, Oregon 97051

**Re: St. Helens Marina, LLC – River Street Townhouses Phase 2  
Conditional Use Narrative**

**Summary of Proposed Development**

The proposed site is located at 104 and 114 North River Street. It is zoned Marine Commercial. There is an existing residence on each existing site. The Owner proposes to demolish the two existing single family residences and build four residential units on the combined sites. The adjacent lot with the wetlands will be combined with the other two lots as required by the City. See attached Proposed Site Plan Drawing D-2075-1000-02.

**Conditional Use Requested – Multidwelling Units**

SHMC Section 17.32.120 – Marine Commercial (MC), Subsection (3b) – Conditional Uses  
Multidwelling Units are permitted.

**Site Plan and Improvements**

The attached Proposed Site Plan Drawing D-2075-1000-02 shows the proposed location of the building, driveways, additional off street parking, common areas and preliminary landscaping. The total building footprint is approximately 5,704 SF and the lot size is approximately 14,375 SF.

Grading

The proposed townhouses will be located in the same manner as the existing two houses. The site is relatively flat between North River Street and the west face of the townhouses. The site slopes at about 22% from the top of the site for about 50' to the east, then flattens out again at the base of the slope. See attached survey dated April 2, 2016. There will be very little disturbance of the site beyond the existing houses and decks due to the positioning of the new townhouses.

Landscaping

Street trees and landscaping have been added along the west side of the townhouses. The green area to the east of the townhouses (between the town houses and the river) has been left undisturbed. We have maximized the upland use of the property in order to minimize any disturbance to the area between the east face of the townhouses and the river.



#### Off-Street Parking

Per SHMC Section 17.80.030(1)(h)(iii) a minimum of two parking spaces need to be provided for each unit. Nine off-street parking spaces have been provided. See Proposed Site Plan D-2075-1000-02.

#### Lighting

Wall sconces will be installed on the west façade of the townhouses to provide parking lot lighting. The wall sconces will not spill light into North River Street.

#### Utilities

All required public facilities have adequate capacity to serve the townhouses.

#### Trash

Each unit will have trash and re-cycle containers in their own garage. It will be similar to the Phase 1 townhouses and no external refuse area is planned.

#### Floor Plans

There are four units proposed for the lot. There are living spaces on the main and upper level and a storage level below. These are two bedroom townhouses. There are garages provided for each unit as well as the required off-street parking. See Main Level Floor Plan D-2075-2000-01 and Upper Level Floor Plan D-2075-2000-02.

#### Exterior Elevations

The exterior elevations are shown on drawing sheets D-2075-2000-03 and D-2075-2000-04. The top of the proposed roof is below the zoning height requirement of 35'.

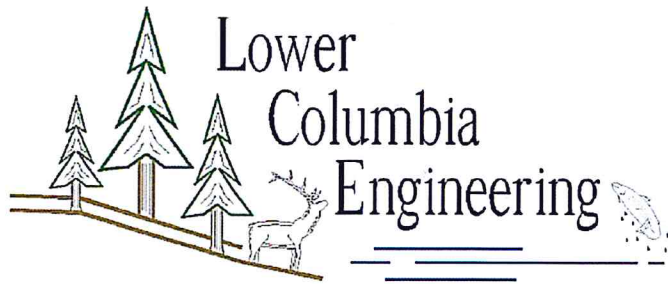
Sincerely,



Steve Alexander

#### Attachments:

D-2075-1000-01 Vicinity Map, Plot Plan and Drawing Index  
D-2075-1000-02 Proposed Site Plan  
D-2075-2000-01 Main Level Floor Plan  
D-2075-2000-02 Upper Level Floor Plan  
D-2075-2000-03 Exterior Elevations  
D-2075-2000-04 Exterior Elevations  
D-2075-2000-05 Building Sections  
D-2075-2000-06 Building Sections  
Reynolds Survey dated April 2, 2016  
Pre-Construction Elevation Certificate  
Flood Insurance Rate Map



58640 McNulty Way  
St. Helens, OR 97051

Phone: (503) 366-0399  
[www.lowercolumbiaengr.com](http://www.lowercolumbiaengr.com)

May 12, 2016

Jacob Graichen, AICP  
City Planner  
City of St. Helens  
265 Strand Street  
St. Helens, Oregon 97051

**Re: St. Helens Marina, LLC – River Street Townhouses Phase 2  
Variance Criteria Narrative**

**Summary of Proposed Development**

The proposed site is located at 104 and 114 North River Street. It is zoned Marine Commercial. There is an existing residence on each existing site. The Owner proposes to demolish the two existing single family residences and build four residential units on the combined sites. The adjacent lot with the wetlands will be combined with the other two lots as required by the City. See attached Proposed Site Plan Drawing D-2075-1000-02.

**Requested Variance**

1. A reduction in the side yard setback from 10 feet to 0 feet on the south property line which is adjacent to the 80' Columbia Blvd. (Willamette Street) R.O.W.

**Variance Criteria Narrative (based on Section 17.108.050)**

- (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 in its consequences to other properties in the same zoning district or vicinity.*

There is no change in permitted uses or zoning for the existing site due to this requested variance. The granted variance will have no impact on the Comprehensive Plan nor violate any other provision of the Marine Commercial zone or any other applicable policies and standards of the code.

- (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.*

There are two existing homes on the subject site. It is the Owner's intent to preserve the area that is to the east of the existing homes. The new townhouses will not extend beyond the existing building faces and decks. There are existing wetlands to the east between the existing buildings and the river. It is the Owner's intent to protect these areas by maximizing upland use of the property. The variance would allow an additional 10' expansion to the south property line adjacent to the 80' Columbia Blvd. R.O.W.

- (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;*

The proposed development will meet these criteria.

- (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;*

There are no adverse physical affects to the existing site or adjacent properties due to this requested variance. The granted variance will have no impact on the Comprehensive Plan nor violate any other provision of the Marine Commercial zone or any other applicable policies and standards of the code, nor will it have any different physical affect on the property than if the development were located as specified in the code.

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

The Owner's intention is to protect the existing wetlands and green area between the new townhouses and the river by maximizing the upland use of the property. Expansion toward the south allows expansion that will not impact areas to the east and minimizes impact to the north. Since there is no building development that can occur in the 80' Columbia Blvd. R.O.W., there is no reason related to public safety which would require the 10 foot setback. The setback restricts the ability of the Owner to develop the property to its maximum upland potential and to protect the wetlands to the east.

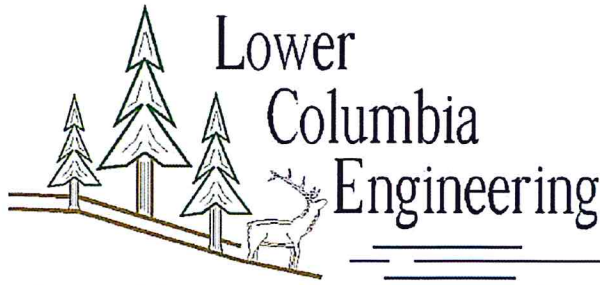
Sincerely,



Steve Alexander

Attachments:

D-2075-1000-01 Vicinity Map, Plot Plan and Drawing Index  
D-2075-1000-02 Proposed Site Plan  
D-2075-2000-01 Main Level Floor Plan  
D-2075-2000-02 Upper Level Floor Plan  
D-2075-2000-03 Exterior Elevations  
D-2075-2000-04 Exterior Elevations  
D-2075-2000-05 Building Sections  
D-2075-2000-06 Building Sections  
Reynolds Survey dated April 2, 2016  
Pre-Construction Elevation Certificate  
Flood Insurance Rate Map



58640 McNulty Way  
St. Helens, OR 97051

Phone: (503) 366-0399  
[www.lowercolumbiaengr.com](http://www.lowercolumbiaengr.com)

May 12, 2016

Jacob Graichen, AICP  
City Planner  
City of St. Helens  
265 Strand Street  
St. Helens, Oregon 97051

**Re: St. Helens Marina, LLC – River Street Townhouses Phase 2  
Access Variance Criteria Narrative**

**Summary of Proposed Development**

The proposed site is located at 104 and 114 North River Street. It is zoned Marine Commercial. There is an existing residence on each existing site. The Owner proposes to demolish the two existing single family residences and build four residential units on the combined sites. The adjacent lot with the wetlands will be combined with the other two lots as required by the City. See attached Proposed Site Plan Drawing D-2075-1000-02.

**Requested Variance**

1. A driveway entrance width of approximately 110 feet.

**Access Variance Criteria Narrative (based on SHMC Section 17.84.150(1)-(9))**

- (1) *It is not possible to share access;*

It is not possible to share access due to the physical location and constraints of the site. See Proposed Site Plan D-2075-1000-02.

- (2) *There are no other alternative access points on the street in question or from another street;*

The only possible access point to the site is from North River Street on the west side of the property. This is due to the physical constraints of the site and the existing North River Street R.O.W. See Proposed Site Plan D-2075-1000-02.

- (3) *The access separation requirements cannot be met;*

We cannot meet the access separation requirements and accommodate the required off-street parking. It would require a series of four separate driveway entrances and proper slopes on the sidewalks between each entrance to make the transition from driveway to driveway. The sidewalk would have to transition up and down as you progressed along the sidewalk. It would be kind of a “washboard” effect. However, the transitions between driveways would not meet proper sidewalk slope requirements and not all the driveways could meet the standard entrance requirements.



- (4) *There are unique or special conditions that make strict application of the standards impractical;*  
Due to the natural constraints of the site, it is necessary to maximize the upland development in order to limit the impact on the wetlands. This creates limited flexibility in the locations available for the required off street parking and for meeting the standard access width parameters. It is nearly impossible to create a series of driveway accesses that meet the standard access criteria. The proposed design consolidates the driveways and in conjunction with the mountable curb and landscaping, creates a safe and viable solution.
- (5) *No engineering or construction solutions can be applied to mitigate the condition;*  
Due to the fact that the Owner is trying to maximize the use of the upland property in order to protect the land to the east and north of the townhouses, there are limited engineering or construction options that can be utilized to mitigate the condition. However, mountable curbs will be utilized to provide physical barriers that increase pedestrian safety. Also, we believe leaving the existing sidewalk at the same level is a preferable solution to a series of driveway entrances which would require the sidewalk to move up and down. There is not sufficient space to provide adequate transition of the sidewalk.
- (6) *The request is the minimum variance required to provide adequate access;*  
The requested access variance is the minimum width required in order to accommodate the number of off-street parking spaces to serve the four townhouse units.
- (7) *The approved access or access approved with conditions will result in safe access and will not result in the degradation of operational and safety integrity of the transportation system;*  
North River Street is considered a local residential street and has minimal traffic. The street terminates in a cul-de-sac. Due to the low traffic flow, low vehicle speeds, visual clearance and mountable curb, entering & exiting the site does not present a danger to vehicles or pedestrians or negatively impact the integrity of the transportation system.
- (8) *The visual clearance requirements of Chapter 17.76 SHMC will be met and;*  
We believe the visual clearance requirements are met. The street trees have been moved a bit to the east to allow a clear view to traffic on North River Street. The landscape plantings will be low growing species to allow adequate visual clearance. Due to the low traffic flow, low vehicle speeds, good visibility and the mountable curb, we do not believe entering and exiting the site presents a danger to vehicles or pedestrians.
- (9) *No variance shall be granted where such hardship is self-created;*  
Due to the natural constraints of the site, it is necessary to maximize the upland development in order to limit the impact on the wetlands. This creates limited flexibility in the locations available for the required off street parking and for meeting the standard access width parameters. It is nearly impossible to create a series of driveway accesses that meet the standard access criteria. The proposed design consolidates the driveways, keeps the sidewalk at the existing level and in conjunction with the mountable curb and landscaping, creates a safe and viable solution.

Sincerely,



Steve Alexander

Attachments:

D-2075-1000-01 Vicinity Map, Plot Plan and Drawing Index

D-2075-1000-02 Proposed Site Plan  
D-2075-2000-01 Main Level Floor Plan  
D-2075-2000-02 Upper Level Floor Plan  
D-2075-2000-03 Exterior Elevations  
D-2075-2000-04 Exterior Elevations  
D-2075-2000-05 Building Sections  
D-2075-2000-06 Building Sections  
Reynolds Survey dated April 2, 2016  
Pre-Construction Elevation Certificate  
Flood Insurance Rate Map





Subject property's N. River St. frontage facing north.



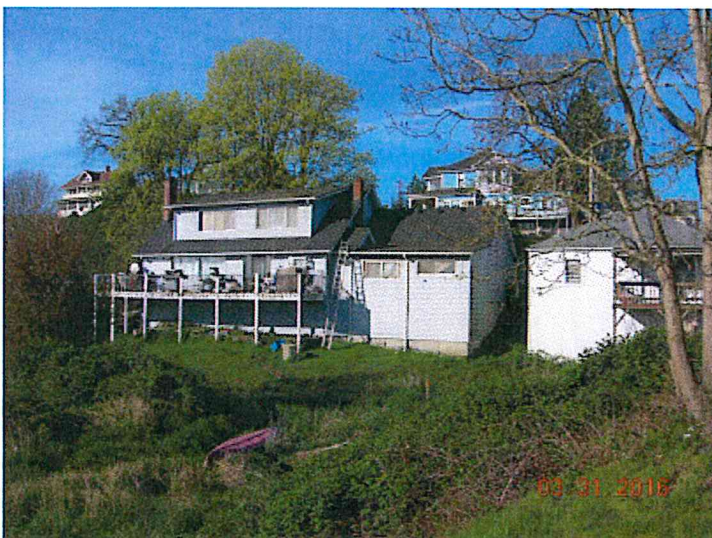
Subject property's N. River St. frontage facing south.



The current detached single family dwelling—114 N. River St.



The current detached single family dwelling—104 N. River St.



The subject property's side between the existing dwellings and Columbia River. Note the existing footprint of the two existing detached single family dwellings. The applicant intends on staying within this footprint for the multidwelling building to avoid impacts to surrounding sensitive lands.



St. Helens Marina LLC  
Topographic Survey  
Sited in Blocks 2 & 13  
City of St. Helens  
Section 34,T.5N.,R.1W.,W.M.  
Columbia County, Oregon  
January 22, 2016  
February 22, 2016  
April 2, 2016

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 26, 1985  
DAVID E. REYNOLDS  
2157

REYNOLDS  
Land Surveying, Inc.  
32990 Stone Road  
Warren, Oregon 97143  
(503) 397-5516

CF:13008S  
SF:13009S10  
FB:116

Scale: 1"=40'

RENEWAL DATE: 12-31-2016

**Notes**  
Elevations are based on Oregon Dept. of Transportation Bench Mark "Helen", PID RD4218, a brass disc near the intersection of 6th Street and Plymouth Street in St. Helens, OR  
Datum: NAVD 88  
Contour Interval=1'

The 100 Year Base Flood Elevation for the vicinity is 26.3' NAVD 88, per FEMA FIS Columbia River Profile.

Underground utilities as shown, were marked via the Oregon Utility Notification Center - Ticket No. 16010908.

Ordinary High Water and Wetland Delineation were done by Wetland Solutions Northwest, LLC.

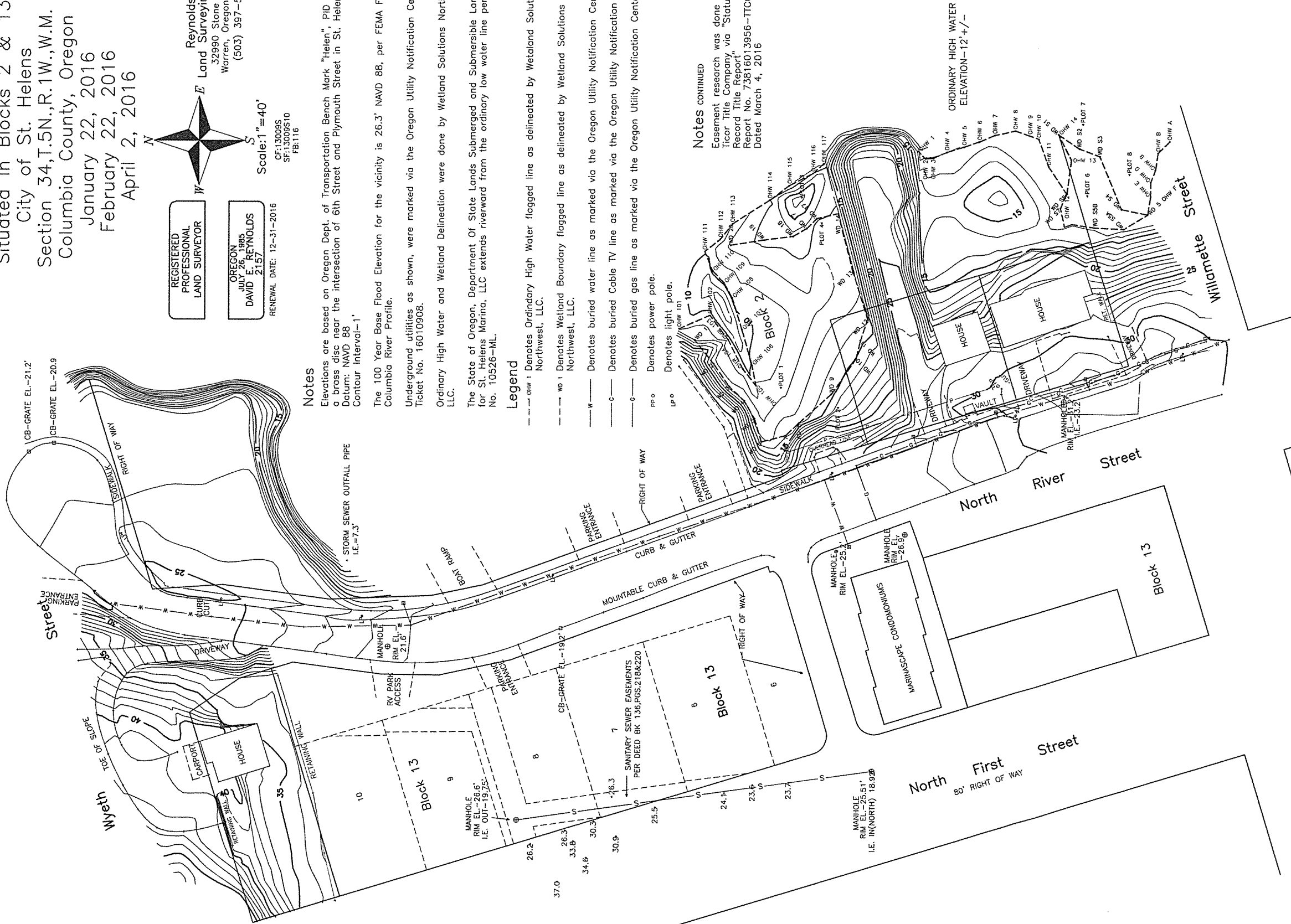
The State of Oregon, Department Of State Lands Submerged and Submersible Land Lease for St. Helens Marina, LLC extends riverward from the ordinary low water line per Lease No. 10526-ML.

**Legend**

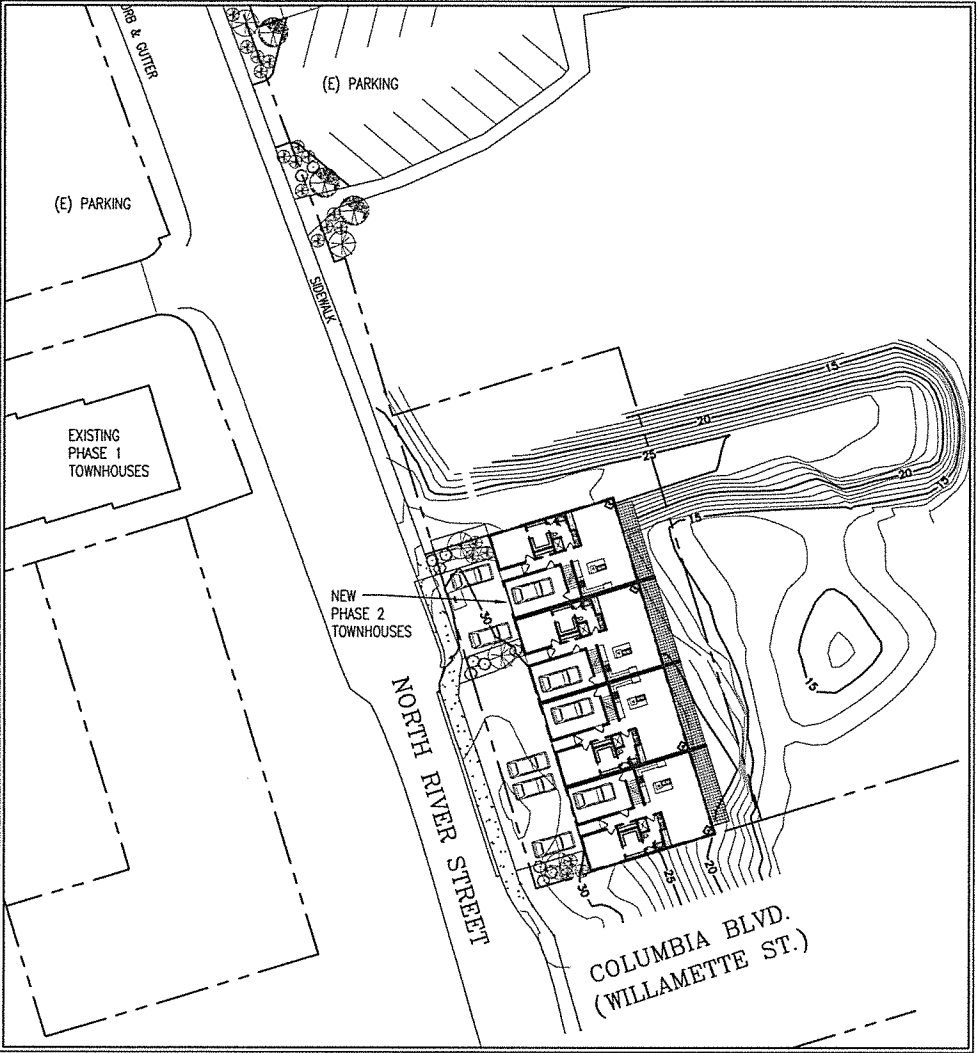
- OHW : Denotes Ordinary High Water flagged line as delineated by Wetland Solutions Northwest, LLC.
- WD : Denotes Wetland Boundary flagged line as delineated by Wetland Solutions Northwest, LLC.
- W : Denotes buried water line as marked via the Oregon Utility Notification Center.
- C : Denotes buried Cable TV line as marked via the Oregon Utility Notification Center.
- G : Denotes buried gas line as marked via the Oregon Utility Notification Center.
- FP 9 : Denotes power pole.
- LP 9 : Denotes light pole.

**Notes CONTINUED**

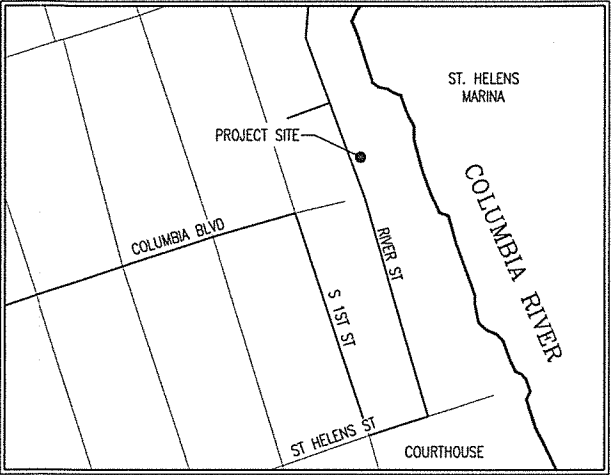
Easement research was done by Tior Title Company, via "Status of Record Title Report", Report No. 73816013956-ITC0L07 Dated March 4, 2016







PLOT PLAN  
SCALE: 1"=30'-0"



VICINITY MAP  
SCALE: NTS



DRAWING INDEX

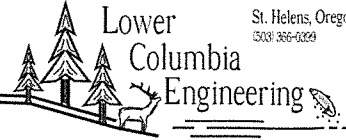
D-2075-1000-01	VICINITY MAP, PLOT PLAN AND DRAWING INDEX
D-2075-1000-02	PROPOSED SITE PLAN
D-2075-2000-01	MAIN LEVEL FLOOR PLAN
D-2370-2000-02	UPPER LEVEL FLOOR PLAN
D-2075-2000-03	EXTERIOR ELEVATIONS
D-2075-2000-04	EXTERIOR ELEVATIONS
D-2075-2000-05	BUILDING SECTIONS
D-2075-2000-06	BUILDING SECTIONS

ST. HELENS MARINA  
RIVER STREET TOWNHOUSES PHASE 2  
MAY 2016

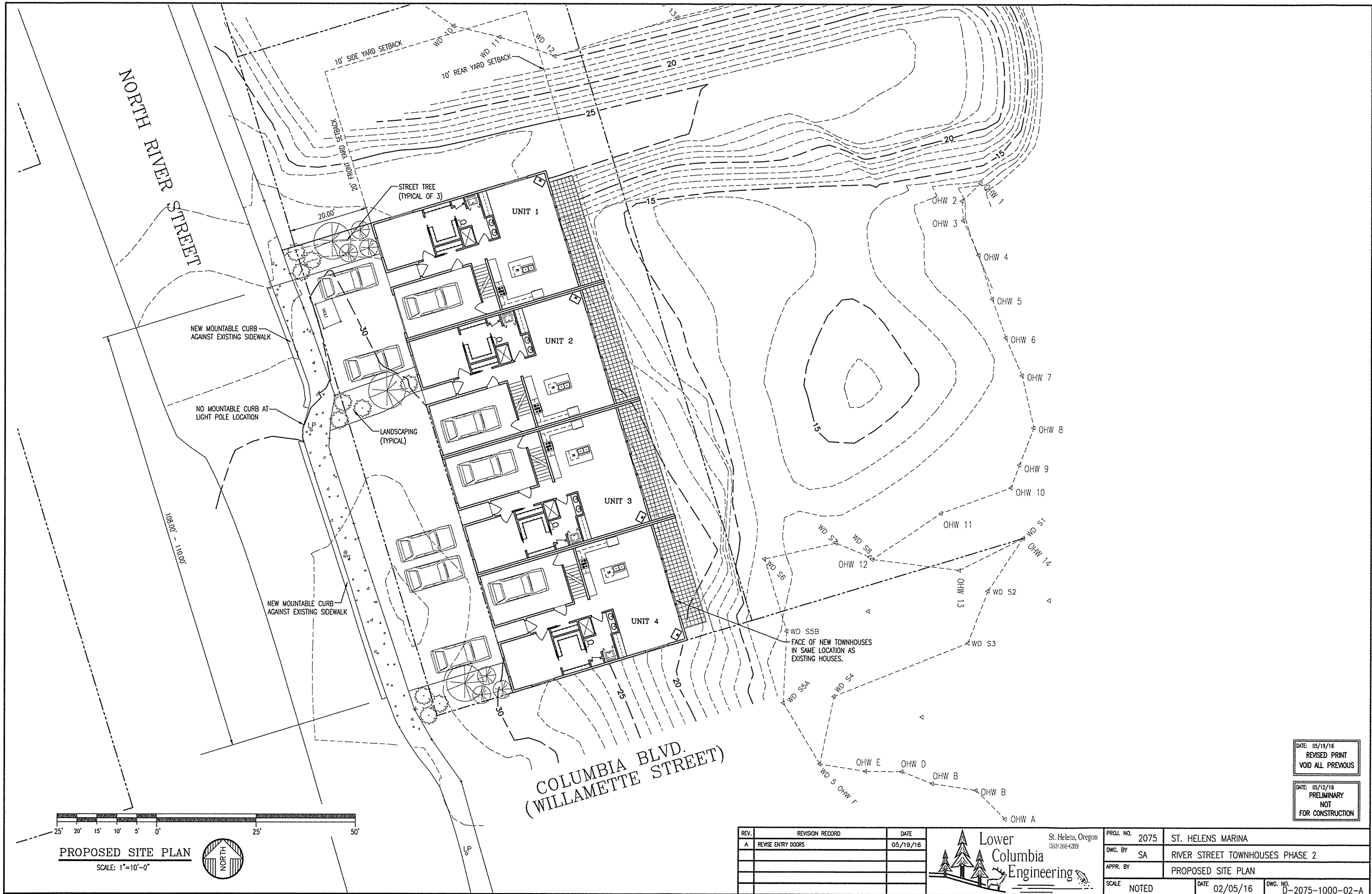
DATE: 05/19/16  
REVISED PRINT  
VOID ALL PREVIOUS

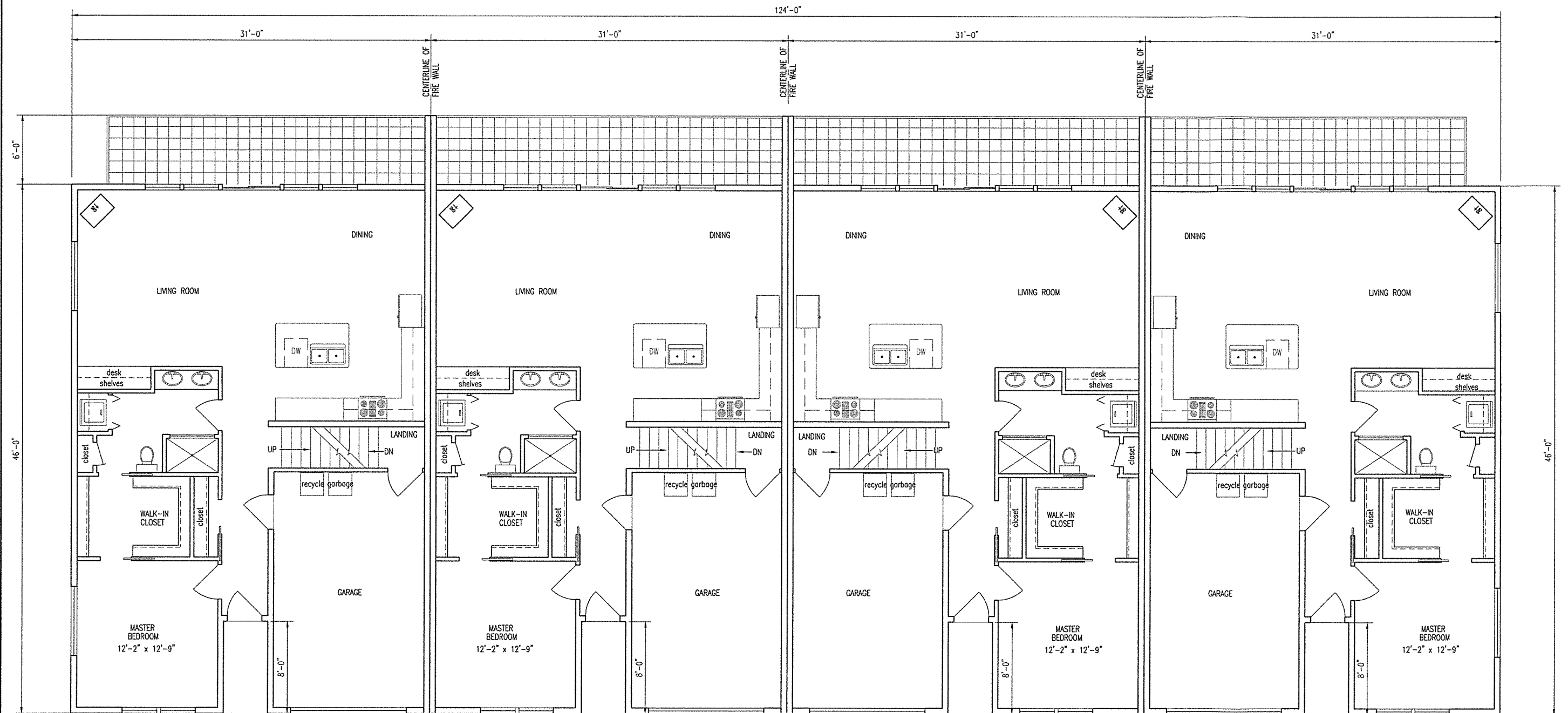
DATE: 05/12/16  
PRELIMINARY  
NOT  
FOR CONSTRUCTION

REV.	REVISION RECORD	DATE
A	UPDATE PLAN	05/19/16



PROJ. NO.	2075	ST. HELENS MARINA
DWG. BY	SA	RIVER STREET TOWNHOUSES PHASE 2
APPR. BY		VICINITY MAP, PLOT PLAN & DRAWING INDEX
SCALE	NOTED	DATE 05/12/16 DWG. NO. D-2075-1000-01-A



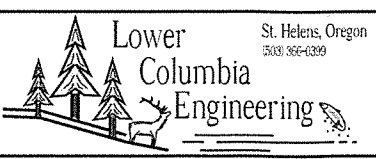


1 MAIN LEVEL FLOOR PLAN  
01 SCALE: 1/4"=1'-0"

DATE: 05/18/16  
REVISED PRINT  
VOID ALL PREVIOUS

DATE: 05/12/16  
PRELIMINARY  
NOT  
FOR CONSTRUCTION

REV.	REVISION RECORD	DATE
A	REVISE ENTRY DOOR	05/18/16



PROJ. NO.	2075	ST. HELENS MARINA
DWG. BY	SA	RIVER STREET TOWNHOUSES PHASE 2
APPR. BY		MAIN LEVEL FLOOR PLAN
SCALE	NOTED	DATE 02/8/16 DWG. NO. D-2075-2000-01-A



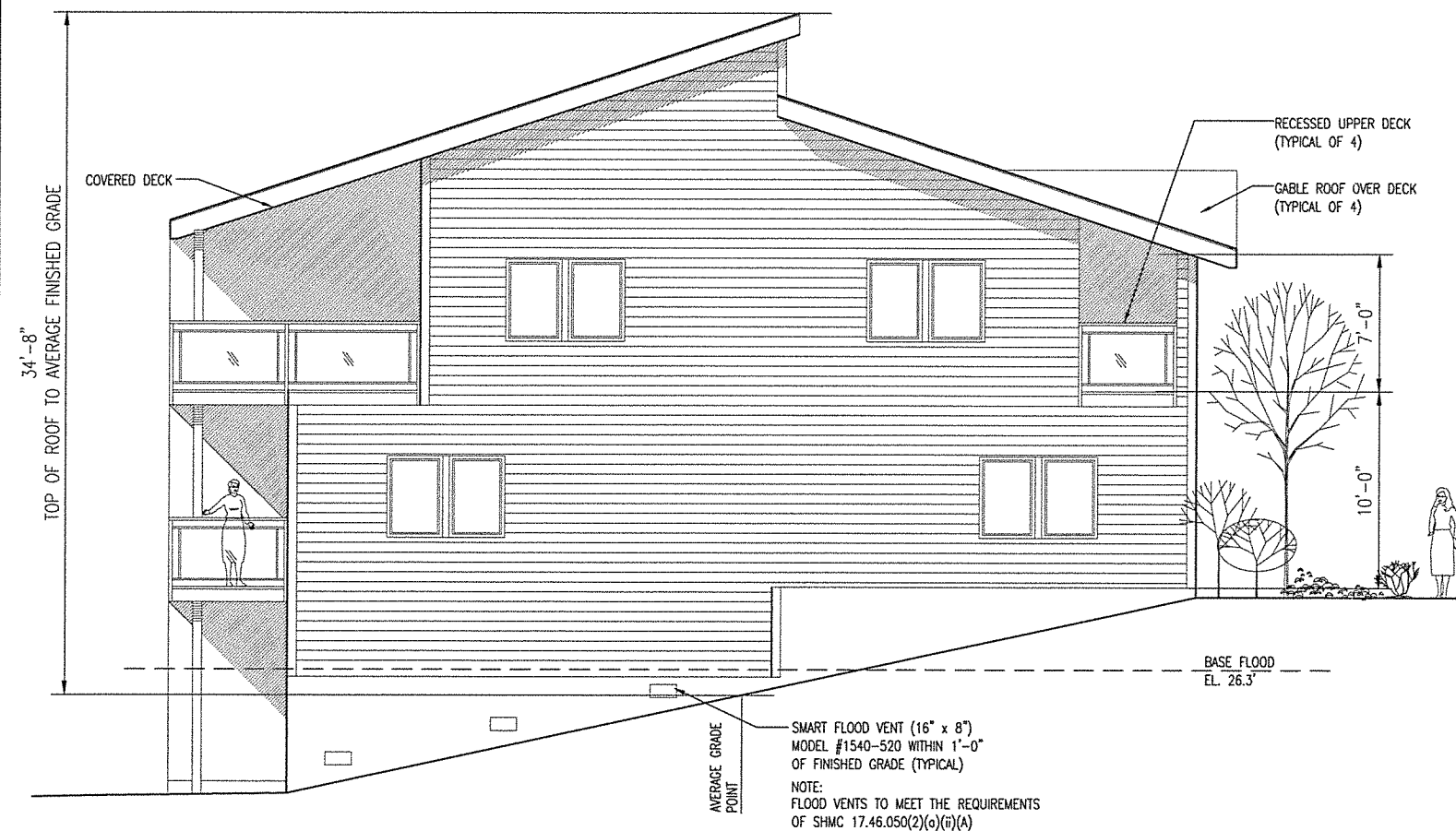


RECESSED ENTRY  
(TYPICAL OF 4)

1  
03

### NORTH RIVER STREET EXTERIOR ELEVATION

SCALE: 1/4"=1'-0"



RECESSED UPPER DECK  
(TYPICAL OF 4)

GABLE ROOF OVER DECK  
(TYPICAL OF 4)

BASE FLOOD  
EL. 26.3'

AVERAGE GRADE  
POINT

SMART FLOOD VENT (16" x 8")  
MODEL #1540-520 WITHIN 1'-0"  
OF FINISHED GRADE (TYPICAL)

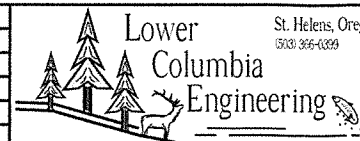
NOTE:  
FLOOD VENTS TO MEET THE REQUIREMENTS  
OF SHMC 17.46.050(2)(o)(iv)(A)

2  
03

### NORTH EXTERIOR ELEVATION

SCALE: 1/4"=1'-0"

REV.	REVISION RECORD	DATE
A	REVISE ROOF HEIGHT	05/18/16

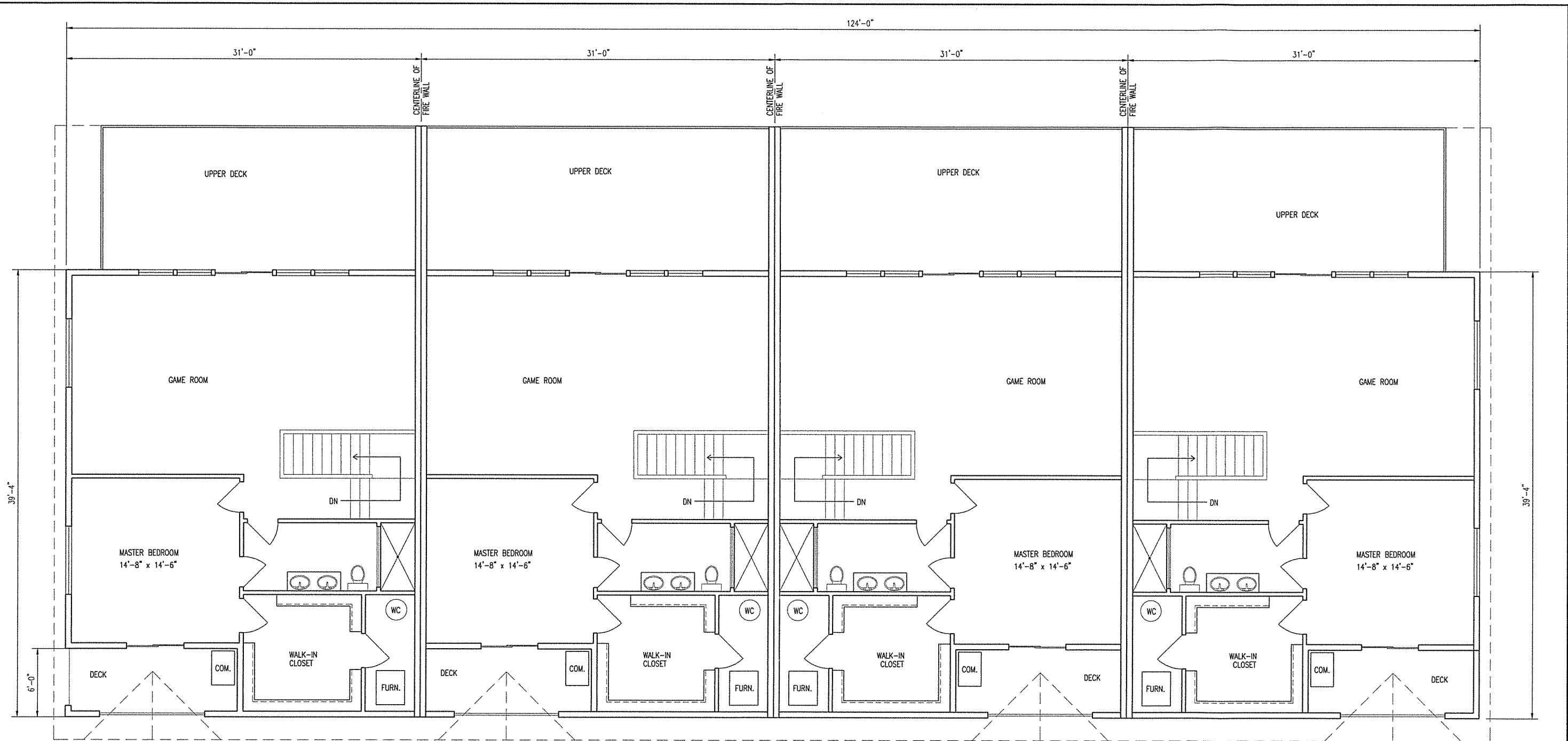


St. Helens, Oregon  
(503) 366-0339

PROJ. NO.	2075	ST. HELENS MARINA
DWG. BY	SA	RIVER STREET TOWNHOUSES PHASE 2
APPR. BY		EXTERIOR ELEVATIONS
SCALE	NOTED	DATE 02/8/16
DWG. NO.	D-2075-2000-03-A	

DATE: 05/18/16  
REVISED PRINT  
VOID ALL PREVIOUS

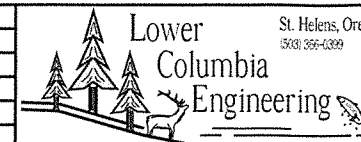
DATE: 05/09/16  
PRELIMINARY  
NOT  
FOR CONSTRUCTION



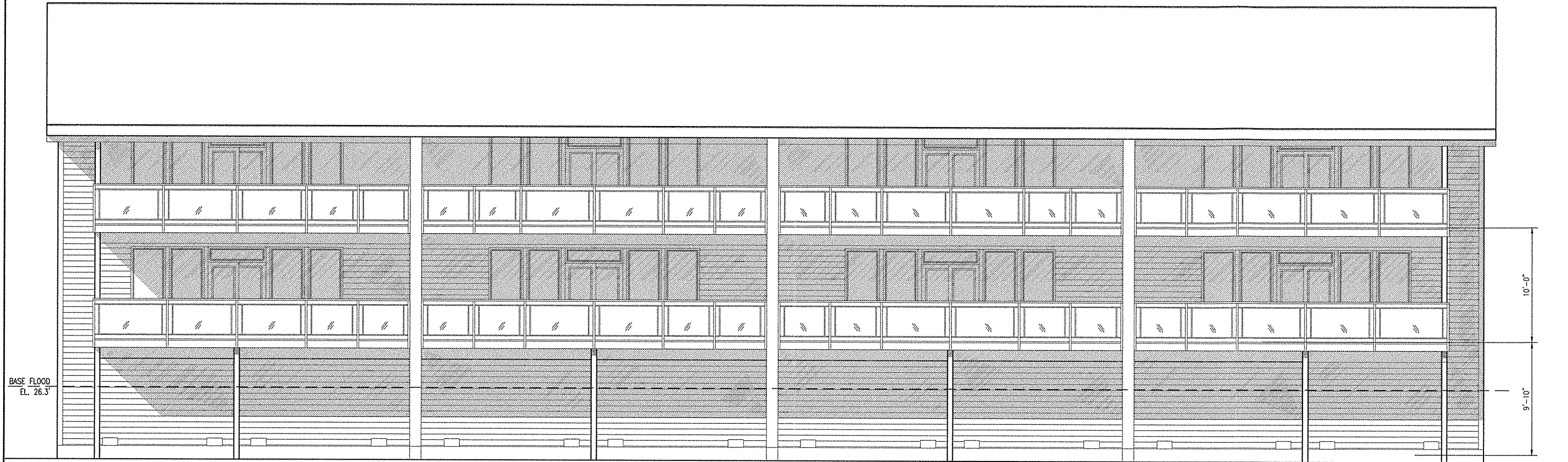
1 UPPER LEVEL FLOOR PLAN  
02 SCALE: 1/4"=1'-0"

DATE: 05/12/16  
PRELIMINARY  
NOT  
FOR CONSTRUCTION

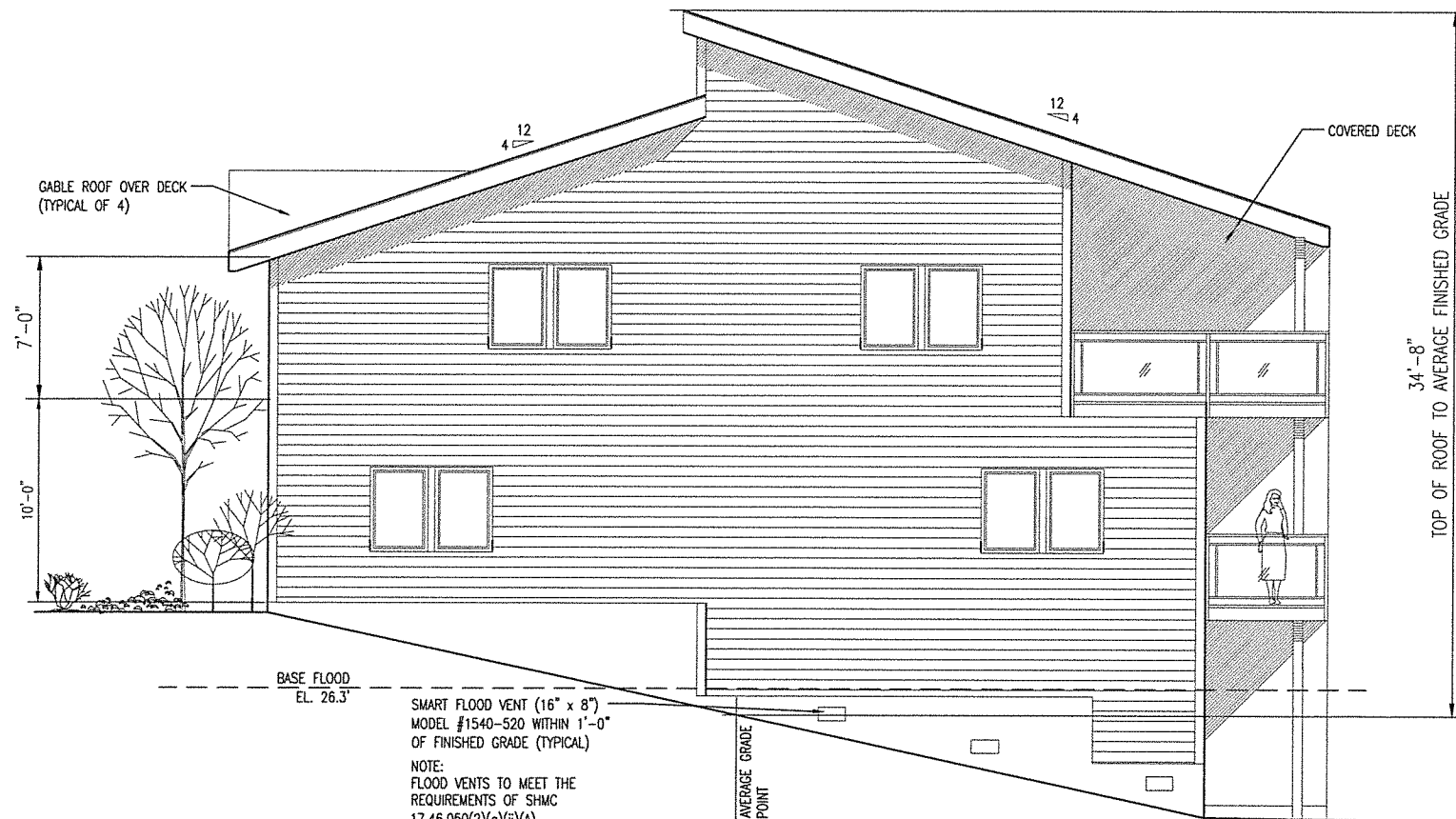
REV.	REVISION RECORD	DATE



PROJ. NO.	2075	ST. HELENS MARINA
DWG. BY	SA	RIVER STREET TOWNHOUSES PHASE 2
APPR. BY		UPPER LEVEL FLOOR PLAN
SCALE	NOTED	DATE 02/8/16 DWG. NO. D-2075-2000-02

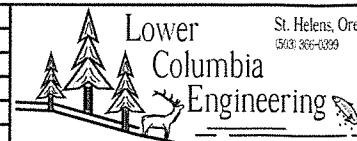


1 EAST EXTERIOR ELEVATION  
04 SCALE: 1/4"=1'-0"



2 SOUTH EXTERIOR ELEVATION  
04 SCALE: 1/4"=1'-0"

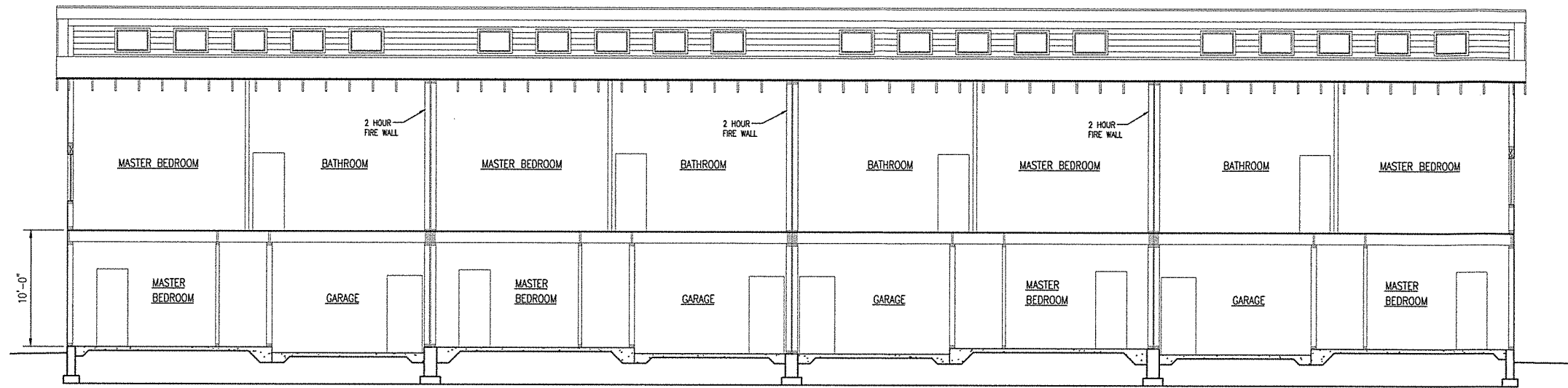
REV.	REVISION RECORD	DATE
A	REVISE ROOF HEIGHT	05/18/16



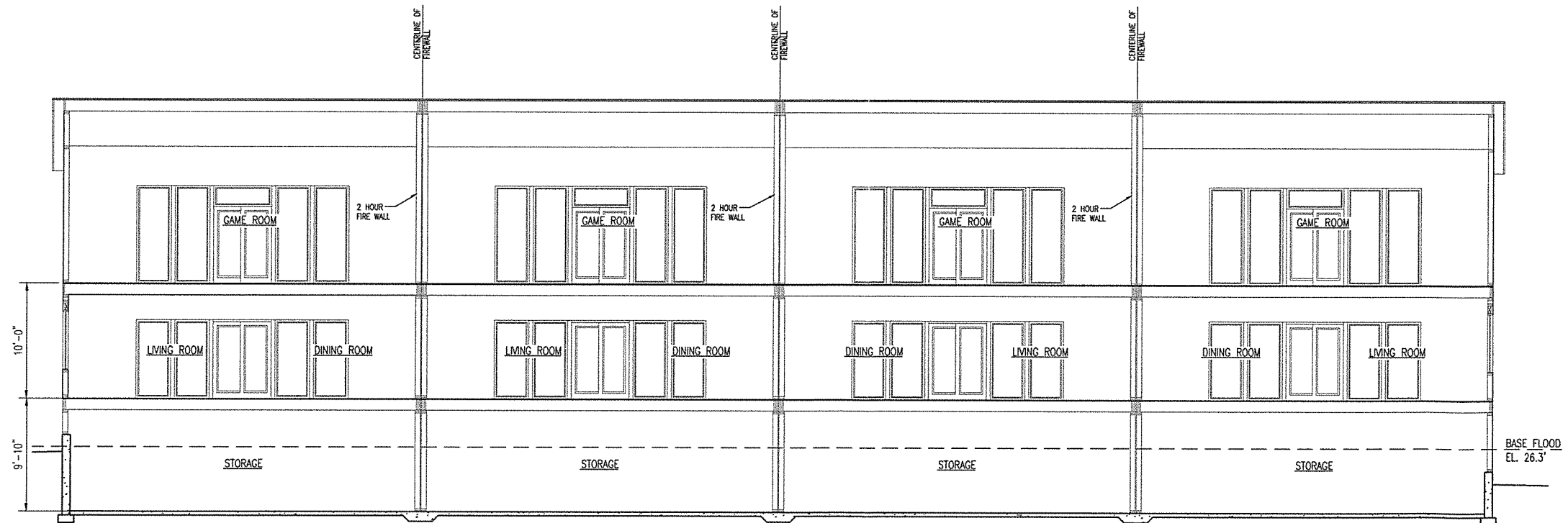
PROJ. NO.	2075	ST. HELENS MARINA
DWG. BY	SA	RIVER STREET TOWNHOUSES PHASE 2
APPR. BY		EXTERIOR ELEVATIONS
SCALE	NOTED	DATE 02/8/16
DWG. NO.	D-2075-2000-04-A	

DATE: 05/18/16  
REVISED PRINT  
VOID ALL PREVIOUS

DATE: 05/09/16  
PRELIMINARY  
NOT  
FOR CONSTRUCTION



**A**  
05 BUILDING SECTION  
SCALE: 3/16"=1'-0"

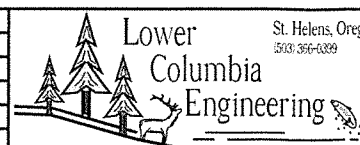


**B**  
05 BUILDING SECTION  
SCALE: 3/16"=1'-0"

DATE: 05/19/16  
REVISED PRINT  
VOID ALL PREVIOUS

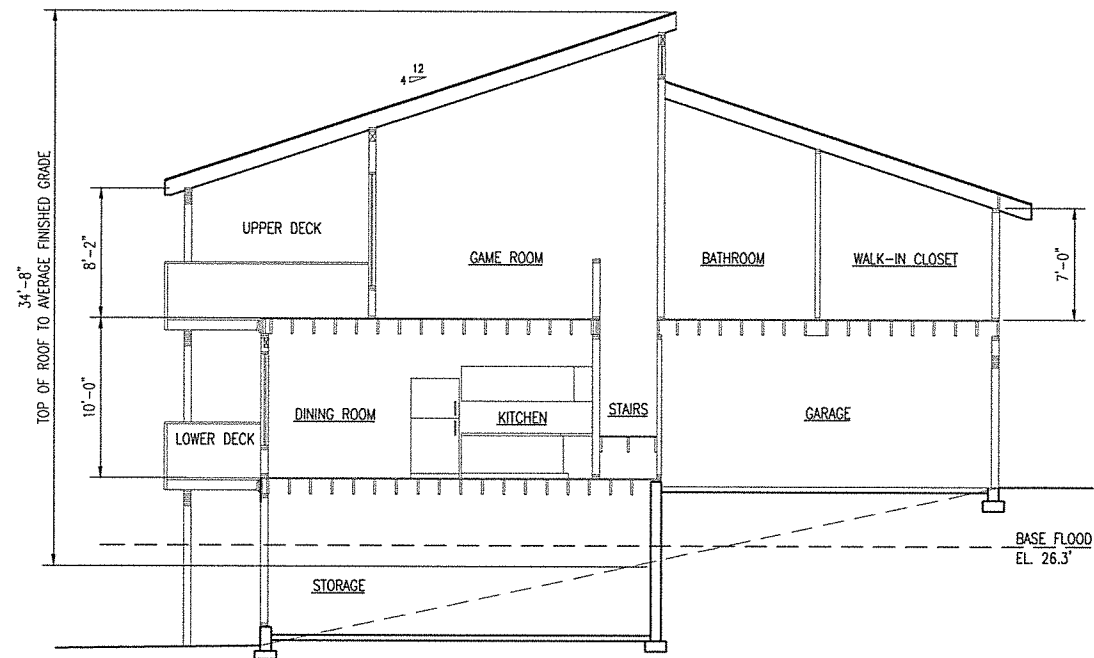
DATE: 04/26/16  
PRELIMINARY  
NOT  
FOR CONSTRUCTION

REV.	REVISION RECORD	DATE
A	REVISED ROOF HEIGHT	05/19/16

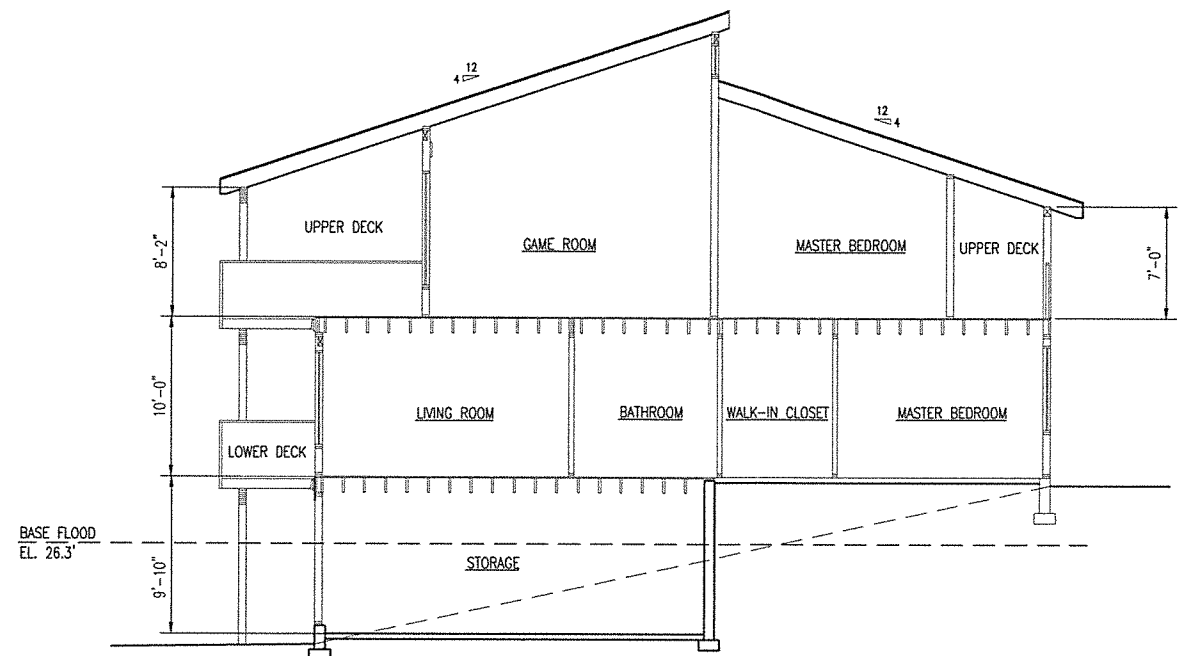


PROJ. NO.	2075	ST. HELENS MARINA
DWG. BY	MLA	RIVER STREET TOWNHOUSES PHASE 2
APPR. BY		BUILDING SECTIONS
SCALE	NOTED	DATE 02/8/16
DWG. NO.	D-2075-2000-05-A	





**C BUILDING SECTION**  
 06 SCALE: 3/16"=1'-0"

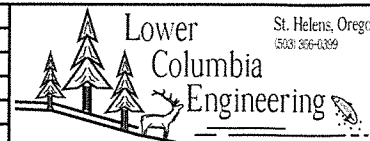


**D BUILDING SECTION**  
 06 SCALE: 3/16"=1'-0"

DATE: 05/18/16  
 REVISED PRINT  
 VOID ALL PREVIOUS

DATE: 05/11/16  
 PRELIMINARY  
 NOT  
 FOR CONSTRUCTION

REV.	REVISION RECORD	DATE
A	REVISED ROOF HEIGHT	05/18/16



PROJ. NO.	2075	ST. HELENS MARINA
DWG. BY	MLA	RIVER STREET TOWNHOUSES PHASE 2
APPR. BY		BUILDING SECTIONS
SCALE	NOTED	DATE 02/8/16 DWG. NO. D-2075-2000-06-A

**CITY OF ST. HELENS PLANNING DEPARTMENT**  
**STAFF REPORT**  
**Conditional Use Permit CUP.6.16**

**DATE:** June 7, 2016  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner  
Jennifer Dimsho, Assistant Planner

**APPLICANT:** The St. Helens Church of the Nazarene c/o James Smith  
**OWNER:** Oregon Pacific District Church of the Nazarene

**ZONING:** Highway Commercial, HC  
**LOCATION:** 2360 Gable Rd.  
**PROPOSAL:** 1,932 sq. ft. addition to an existing church (religious assembly)

**The 120-day rule (ORS 227.178) for final action for this land use decision is August 6, 2016.**

**SITE INFORMATION / BACKGROUND**

This site was originally developed with a single-family dwelling. In 1989, the building was converted to a 1,650 sq. ft. church. The proposal is to add an approximately 1,932 sq. ft. sanctuary addition to the rear of the building. The church is adjacent to the Public Health Foundation of Columbia County (PHFCC), which is owned by Columbia County. In 2014, the church recorded an access and parking easement with Columbia County for shared use of a total of 26 spaces with the PHFCC. 14 spaces are on church property and 12 are on the PHFCC's property. The driveway access to the parking lot is on the PHFCC's property. The site is accessed from Gable Road which does not have frontage improvements (sidewalks, gutter, landscaping & curb) on the church (north) side. There are sidewalks and a curb in front of the St. Helens High School across the street.



Front of church from parking lot looking towards Highway 30 along Gable Rd.



Back of church looking towards Gable Rd.

## PUBLIC HEARING & NOTICE

Hearing dates are as follows:

June 14, 2016 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on May 25, 2016 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on June 1, 2016.

## AGENCY REFERRALS & COMMENTS

**Columbia River Fire & Rescue:** I find no areas of fire and life safety concern at this time. Both water supply for firefighting purposes and access to the proposed addition look good. I will follow the Building Official's lead on the construction and approvals.

**City Engineering:** Storm drainage for the proposed addition will have to be carefully addressed. The commercial property to the east experiences flooding during most rain events, with much of the runoff coming from the land directly west, including portions of the Church's property. All storm runoff from the new addition shall be discharged to the Gable Road right-of-way. They may be required to construct sidewalk.

## APPLICABLE CRITERIA, ANALYSIS & FINDINGS

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

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

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

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

The church owns two lots that are just under 28,100 square feet, so there is ample space for expansion of their facilities.

**Finding(s):** There is no evidence that the site's size and dimensions are inadequate.



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

**Finding(s):** The building addition will need to be done in accordance with the Building and/or Fire Codes to accommodate the proposal. Any requirements of the Building Official and/or Fire Marshall shall be met.

There is no evidence that the characteristics of the site are not suitable for the proposed use.

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

**Finding(s):** The site is served by City water and sewer, which is adequate. City Engineering notes that storm drainage will have to be carefully managed to prevent increased runoff to surrounding properties. A stormwater plan and related improvements shall be included as a condition of approval. Off-street parking is addressed in Section (e).

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

**Finding(s):** The subject property is zoned Highway Commercial, HC. Religious assembly is listed as a conditional use in the HC zone.

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

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

**With regards to site development review standards,** the noteworthy aspects are as follows:

**With regards to off-street parking,** the required parking for religious assembly is calculated at 1 space per 50 sq. ft. of assembly area floor space. The existing assembly area is approximately 672 sq. ft. which would require 14 spaces. The proposed sanctuary is 1,932 sq. ft. which would require 39 spaces. Chapter 17.80.020 (2) (a) Existing and New Uses states:

In the case of enlargement of a building or use of land existing on the date of adoption of the ordinance codified in this code, the number of additional parking and loading spaces required shall be based only on floor area or capacity of such enlargement.

This means we subtract the existing sanctuary requirement from the enlargement requirement, leaving a total of 25 spaces required. The church has a recorded access and parking easement with Columbia County for shared use of a total of 26 spaces. 2 spaces are ADA in front of the church. Therefore, unless the shared access and parking easement is terminated, no new parking spaces shall be required for this proposal. This shall be included as a condition of approval.

**With regards to frontage improvements,** the estimated valuation of the building addition is around \$289,450 (estimate from International Code Council). According to City Engineering, the cost of street frontage improvements (without landscaping), is around \$6,000. This is about 2



percent of the estimated valuation of the building addition. Therefore, staff recommends including street frontage improvements as a condition of approval. The driveway approach is entirely on the PHFCC's property and staff feels that the proposal does not warrant requiring the church to install this off-site improvement.

**With regards to access**, all new proposed ground floor entrances and exits shall connect to the street with required pedestrian walkways per 17.84.050.

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

**Finding(s):** The Comprehensive Plan designation of the subject property is Highway Commercial. The proposal does not appear to be contrary to any Comprehensive Plan policy.

\*\*\*

### **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.

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

## CONCLUSION & RECOMMENDATION

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

1. This Conditional Use Permit approval is valid for a limited time pursuant to SHMC 17.100.030.
2. The following shall be required prior to development/building permit issuance:
  - a. Prior to development/building permit issuance, a revised plan shall be submitted for review and approval that, in addition to compliance with all applicable standards of the Development Code, addresses the following:
    - i. Pedestrian access with required walkways connecting all new proposed ground floor entrances and exits in accordance with the standards of the Development Code.
    - ii. Plans shall reflect the required improvements per condition 2.b and 2.c.
  - b. Engineering/construction plans shall be submitted for review and approval. This shall include public right-of-way frontage improvements (e.g., sidewalk, curb and landscape strip) for the subject property along Gable Road, and all other public infrastructure proposed or required. Design of street frontage improvements shall conform with the City's standards for Collector classified streets.

Note that as a County Road, coordination with Columbia County will be required too for the Gable Road frontage improvements.
  - c. A drainage plan shall be reviewed and approved by City Engineering. All new storm water runoff shall be discharged to Gable Road.
3. The following shall be required prior to Certificate of Occupancy or final inspection (if no Certificate of Occupancy is required) by the City Building Official:
  - a. All improvements necessary to address the requirements herein, and in accordance with approved plans, shall be in place.
4. Any new sign requires a sign permit prior to installation, pursuant to Chapter 17.88 SHMC.
5. Approval of this Conditional Use Permit is based on the use meeting the City's minimum off-street parking standards. These standards are being met based on a shared parking and access agreement with a neighboring adjacent property. Should the agreement be terminated or become otherwise invalid, the applicant/owner shall be required to meet the parking and access standards in accordance with the design standards and permitting requirements in effect at that time.
6. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17). In addition, this approval does not exempt the requirements of or act as a substitute for

review of other City departments (e.g., Building and Engineering) or other agencies (e.g., CRFR).

**Attachment(s):** *site plan*

*existing building floor plan,*

*proposed building floor plan*

*building elevations*

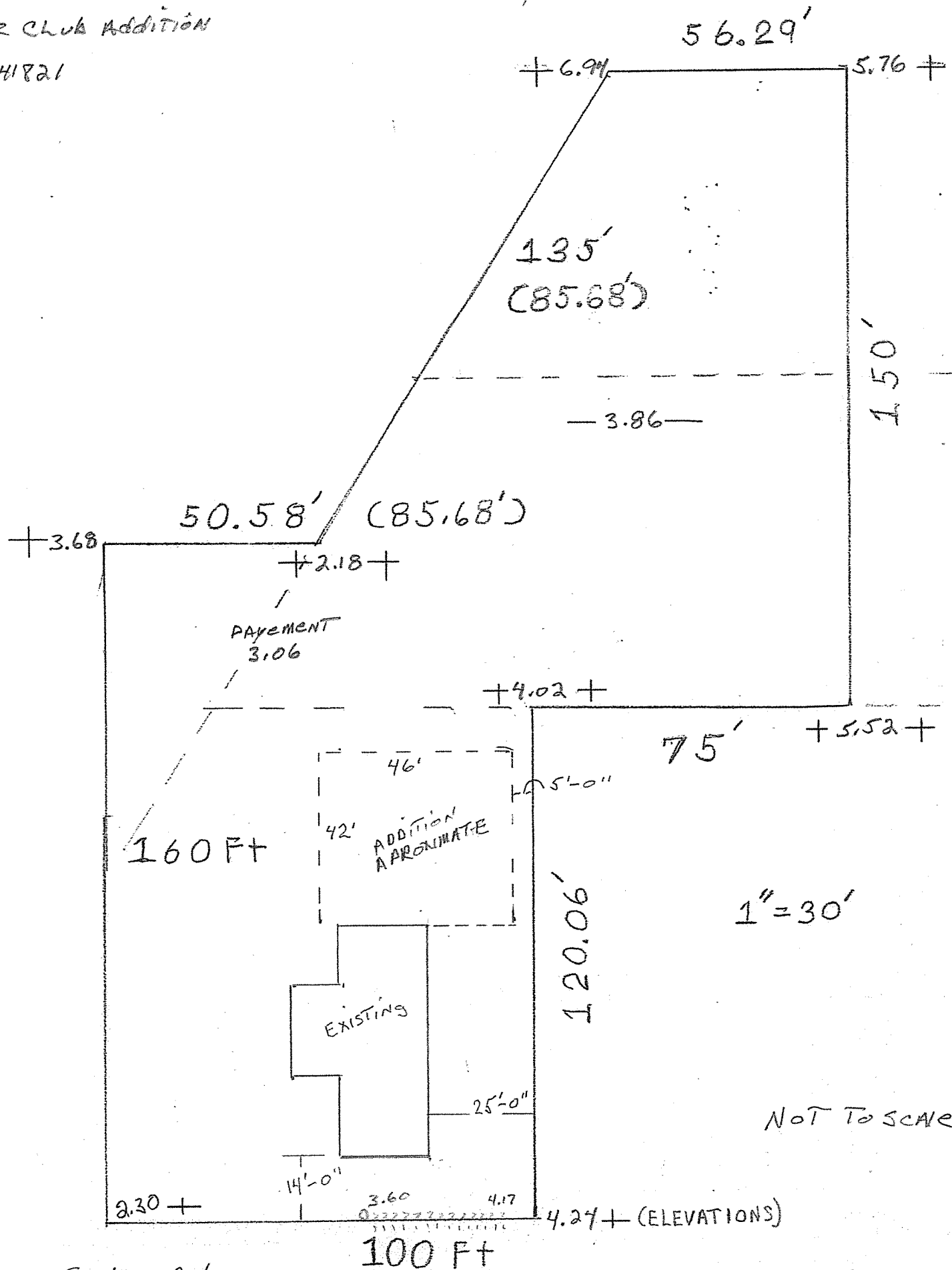
*existing parking plan*

*property survey*

*access & parking easement*

*St. Helens Transportation Systems Plan Fig. 7-3 showing Collector Street*

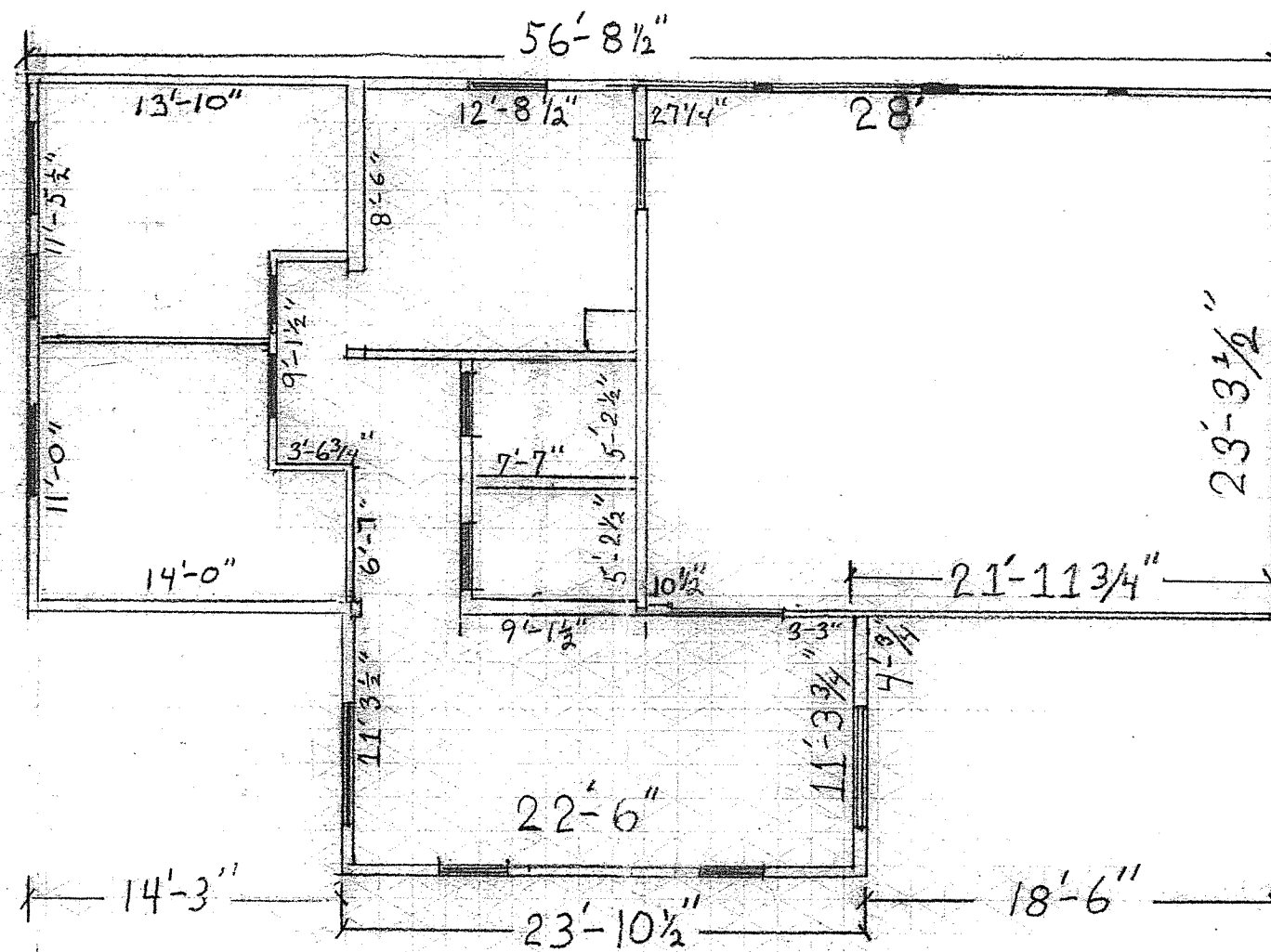
ST. HELENS CHURCH OF THE NAZARENE  
PASTOR JAMES (J.M) SMITH  
503-543-7616(H); 503-702-1120(C)





ST. HELENS CHURCH OF THE NAZARENE  
2360 GABLE RD  
ST. HELENS, OR. 97051

PASTOR JIM SMITH  
503-543-7616  
503-702-1120



SCALE: 1/8" = 1'

EXISTING

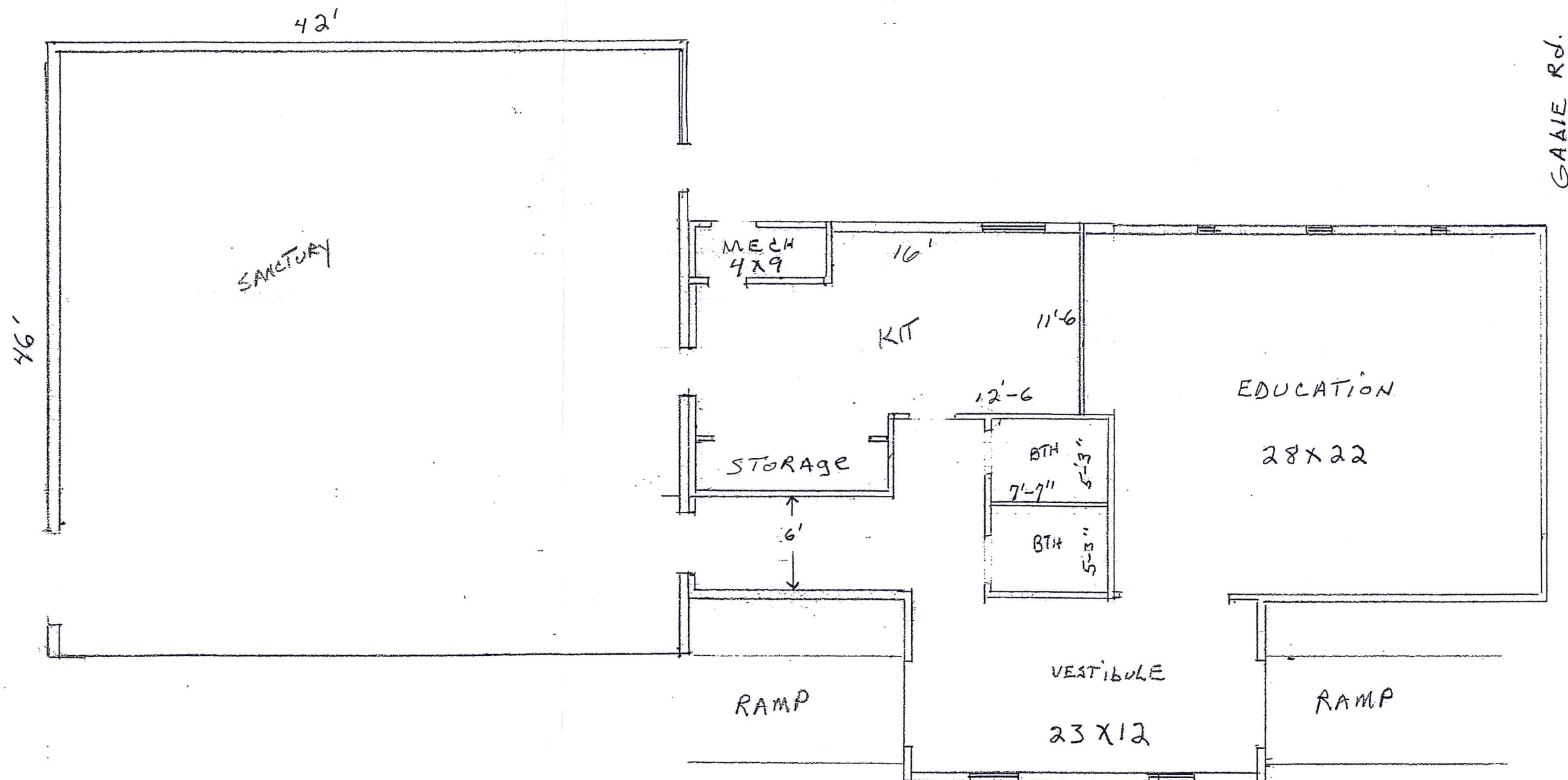
GABLE RD.

ST HELENS CHURCH  
OF THE NAZARENE  
2360 GABLE RD.  
ST HELENS, OR. 97051

PASTOR JIM SMITH  
503-573-7616  
503-702-1120

proposed addition

SCALE: 1/8"=1'



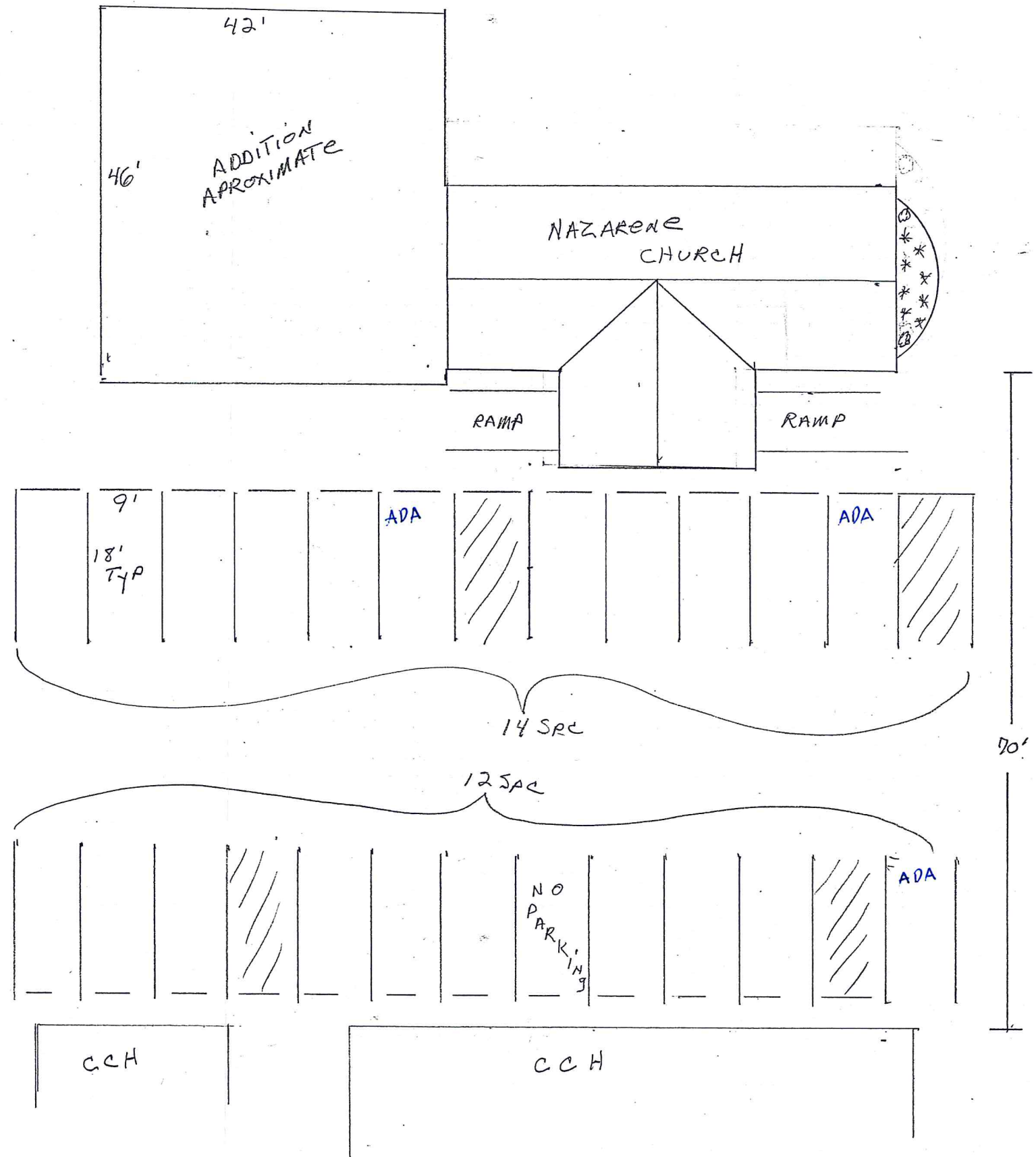
# ST. HELENS CHURCH

OF THE NAZARENE  
2360 Gable Rd

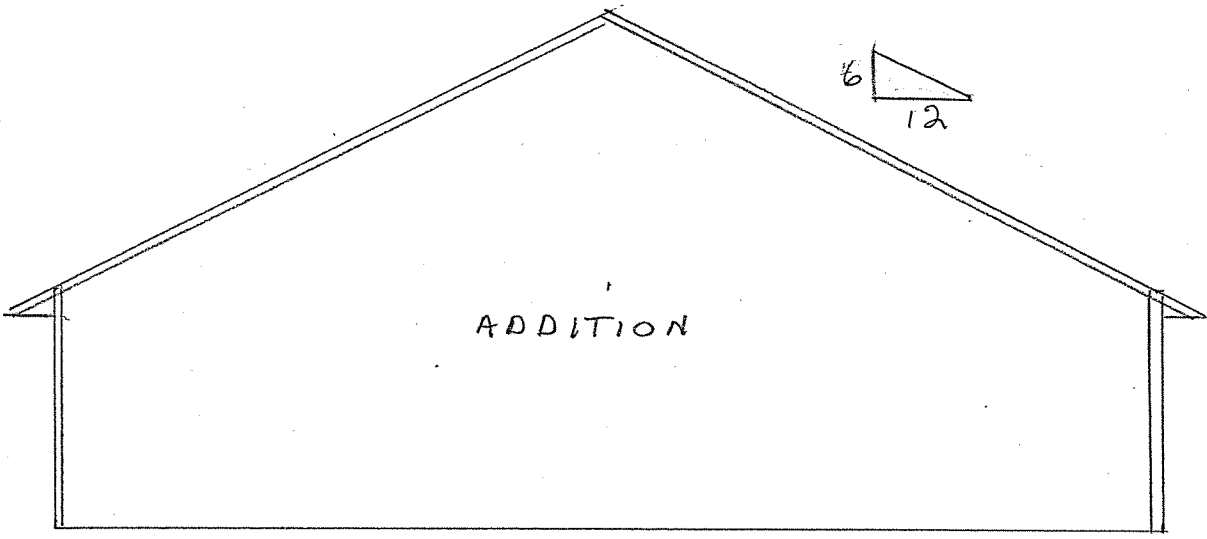
ST HELENS, OR. 97056

PASTOR JIM SMITH  
503-543-7616; 503-702-1120

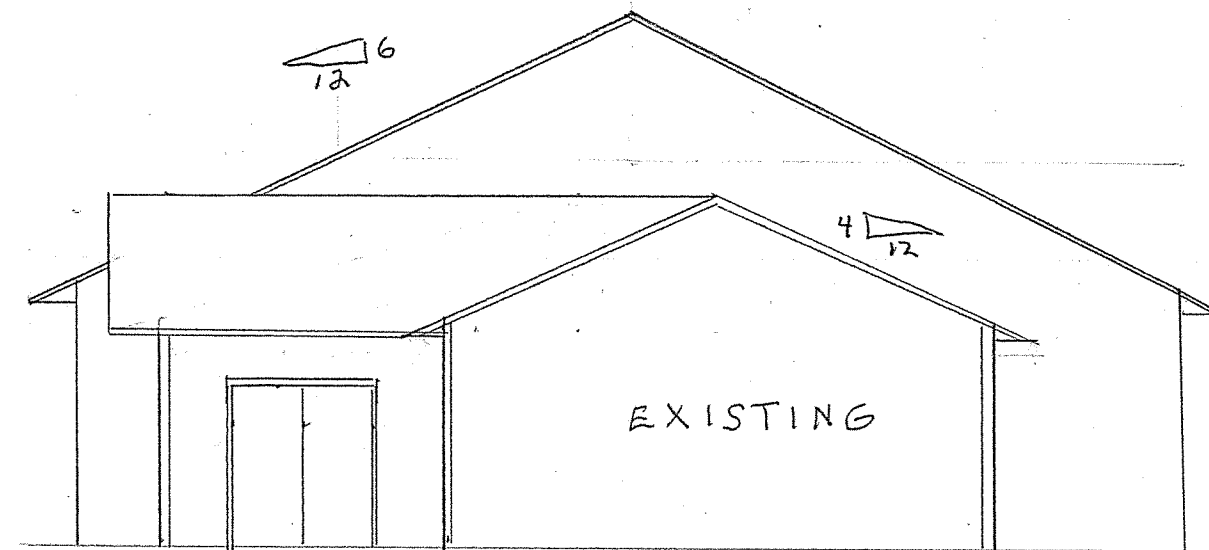
Existing parking



ST HELENS CHURCH  
OF THE NAZARENE  
2360 GABLE RD  
ST HELENS, OR 97056  
PASTOR JIM SMITH  
503-543-7616; 503-702-1120

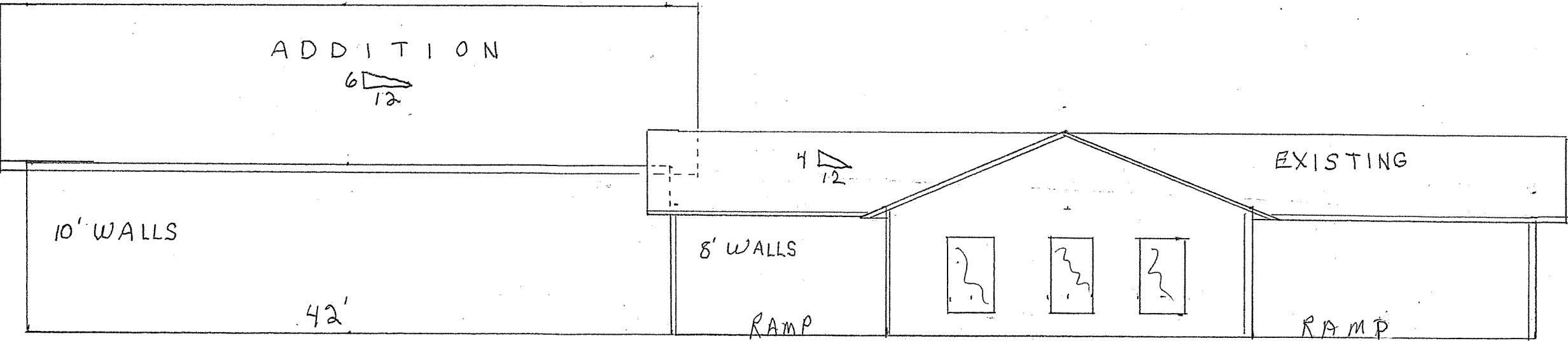


NORTH ELEVATION



46'  
ADDITION  
GABLE RD.  
SOUTH ELEVATION

SCALE: 1/8" = 1'



WEST ELEVATION

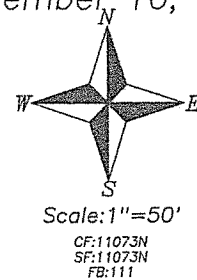


CS 5832

Record of Survey  
For Church Of The Nazarene  
Situated In "Greenwood Acres"  
And "Golf Club Addition To St. Helens"  
In The N.E. 1/4 Of Section 8  
T.4N.,R.1W.,W.M.

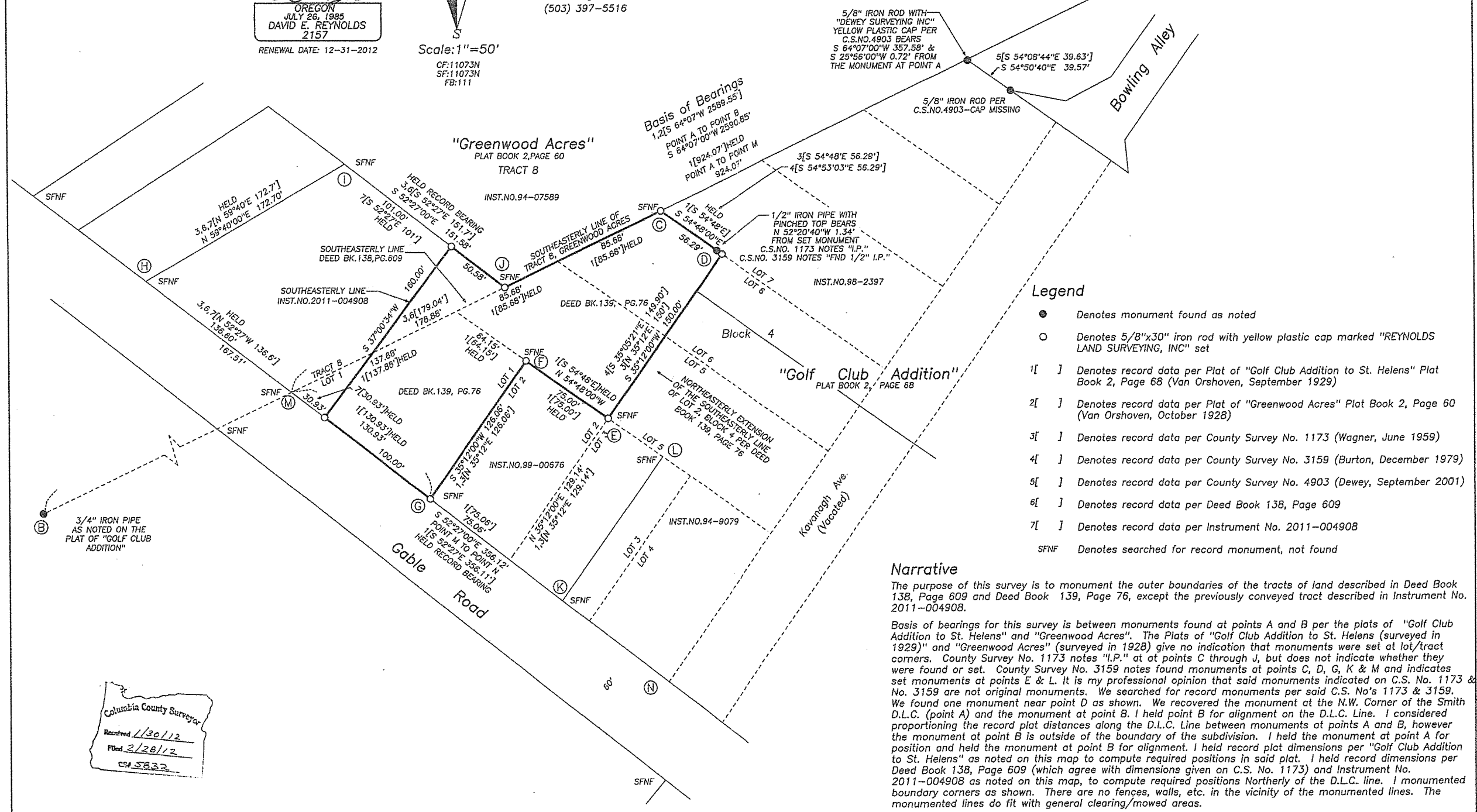
City of St. Helens Columbia County, Oregon  
December 16, 2011

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*D.E.R.*  
OREGON  
JULY 26, 1985  
DAVID E. REYNOLDS  
2157  
RENEWAL DATE: 12-31-2012



Reynolds  
Land Surveying, Inc.  
32990 Stone Road  
Warren, Oregon 97053  
(503) 397-5516

N.W. Corner  
Smith D.L.C. No. 40  
5/8" IRON ROD WITH  
"COLUMBIA COUNTY SURVEYOR"  
YELLOW PLASTIC CAP AS NOTED  
IN BEARING TREE BOOK  
"CSBT", PAGE 314



Columbia County Surveyor  
Recorded 1/30/12  
Filed 2/28/12  
CS 5832

CS 5832

CS 5832

**GRANTOR'S NAME AND ADDRESS:**

Columbia County, by and through its  
Board of County Commissioners  
230 Strand, Room 331  
St. Helens, OR 97051

**AFTER RECORDING, RETURN TO GRANTEE:**

St. Helens Church of the Nazarene  
Post Office Box 996  
St. Helens, OR 97051

COLUMBIA COUNTY, OREGON 2014-003841  
DEED-EAS 06/24/2014 09:29:47 AM  
Cnt=1 Pgs=4 HUSERB  
\$20.00 \$11.00 \$20.00 \$5.00 \$10.00 = \$66.00



00186559201400038410040041

I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon  
certify that the instrument identified herein was recorded in the Clerk  
records.

Elizabeth E. Huser - County Clerk

**ACCESS AND PARKING EASEMENT**

In consideration of the sum of One Dollar (\$1.00) in hand paid, COLUMBIA COUNTY, a political subdivision of the State of Oregon, (hereinafter "Grantor") conveys to ST. HELENS CHURCH OF THE NAZARENE, an Oregon corporation, its heirs, successors and assigns (hereinafter "Grantee"), a nonexclusive appurtenant easement to use the property of Grantor which is described as follows:

The easternmost 40 feet of the following-described property:

BEGINNING at a point in Tract No. 8 in GREENWOOD ACRES, Columbia County, Oregon, that is North 64 degrees 07' East, 33.5 feet from the Southerly corner of Tract 8;

Thence North 52 degrees 27' West 136.6 feet; Thence North 59 degrees 40' East, 172.7 feet;

Thence South 52 degrees 27' East, 101 feet to a point;

Thence Southeasterly on a straight line to a point on the Southerly line of Lot 1, Block 4, GOLF CLUB ADDITION to St. Helens, Columbia County, Oregon, which is South 52 degrees 27' East, 30.93 feet from the TRUE POINT OF BEGINNING;

Thence North 52 degrees 27' West, 30.93 feet to THE POINT OF BEGINNING.

The terms of this easement are as follows:

**PURPOSE:**

1. Grantee, its officers, agents, employees, invitees, or guests, shall use the easement area for purposes of ingress and egress and for parking for the benefit of the tract of land Grantee owns abutting said easement for so long as the property is used for a church. The property benefitted by the easement for access is described in Exhibit 1, which is attached hereto and incorporated herein by this reference.

2. This easement is non-exclusive. In addition, Grantor reserves the right to use,

construct, reconstruct and maintain the parking area located upon the easement for any purpose. The parties shall cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the others; however, in case of conflict, Grantor's right of use shall be dominant.

3. The parties agree to mediate any conflicts that arise out of the shared use of the easement area. Costs shall be shared equally.

4. Maintenance of the easement area and costs of repair of the easement shall be the responsibility of both parties, equally.

5. Grantee may pave the easement area, but Grantee shall not excavate, drill, install, erect or permit to be excavated, drilled, installed, erected or built any buildings, fences, structures, wells foundations, improvements or obstructions of any type upon, over or under the easement, or make changes in grade, elevation or contour of the easement without the prior written consent of Grantor.

6. Grantee shall pay any and all ad valorem property taxes on the easement area, if any.

7. Grantee acknowledges that it has inspected the easement area and has found the easement area to be completely acceptable and safe for Grantee's intended use. Grantor makes no warranty, guarantee or averment of any nature whatsoever concerning the physical condition of the easement or the presence of any utilities, and it is agreed that Grantor will not be responsible for, and Grantee hereby releases Grantor, its officers, agents, and employees, from any loss, damage or costs which may be incurred by Grantee by reason of any such physical condition.

8. Grantee agrees to indemnify, defend and hold harmless Grantor, its officers, agents, and employees from any loss, claim or liability to Grantor arising in any manner out of Grantee's, its officers, agents, employees, invitees or guests' use of the easement. Grantee assumes all risk arising out of its use of the easement area and Grantor shall have no liability to Grantee or others for any condition existing thereon.

9. Grantee agrees to provide a certificate of insurance in an amount of not less than \$2,000,000 per occurrence of commercial general liability insurance to protect County, its officers, agents, and employees. Grantee shall provide County a certificate or certificates of insurance in the amount described above which names Columbia County, its officers, agents and employees as additional insureds in advance of any use by Grantee of the easement area. Such certificate or certificates shall be accompanied by an additional insured endorsement containing the same language. Grantee shall notify County immediately upon notification to Grantee that any insurance coverage required by this paragraph will be canceled, not renewed or modified in any material way.

10. This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the parties hereto but also their respective heirs, executors, administrators, assigns and successors in interest.

11. This access easement shall continue until such time as the dominant parcel is no longer used as a church or the access is not used by Grantee or Grantee's successors in interest for a period of three consecutive years, in which case the easement shall be considered abandoned,

whichever is sooner.

12. Grantor may terminate this Access and Parking Easement for misuse or non-use.

13. Upon termination of the easement, Grantee agrees to execute a recordable release or reconveyance in a form acceptable to the Grantor.

14. This easement is granted subject to all prior easements or encumbrances of record.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written below.

ST. HELENS CHURCH OF THE NAZARENE

By: James B. Smith  
James B. Smith  
(Print Name)

Pastor

(Title)

Dated: 05-27-2014

By: Ann Schock  
Ann Schock  
(Print Name)

Board Secretary

(Title)

Dated: 5/27/14

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: Anthony Hyde  
Anthony Hyde, Chair

By: Henry Heimuller  
Henry Heimuller, Commissioner

By: Earl Fisher  
Earl Fisher, Commissioner

Dated: 6/11/14

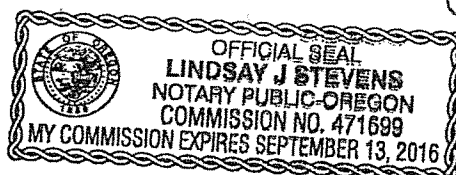
State of Oregon )  
County of Columbia )

ss.

CHURCH ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 27 day of May, 2014, by James Smith, as Pastor (title) of Oregon Pacific District, Church of the Nazarene, upon whose authority and on whose behalf this instrument is signed.

Lindsay J Stevens  
Notary Public for Oregon



State of Oregon )

ACCESS EASEMENT

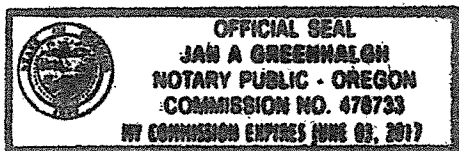


County of Columbia ) ss.

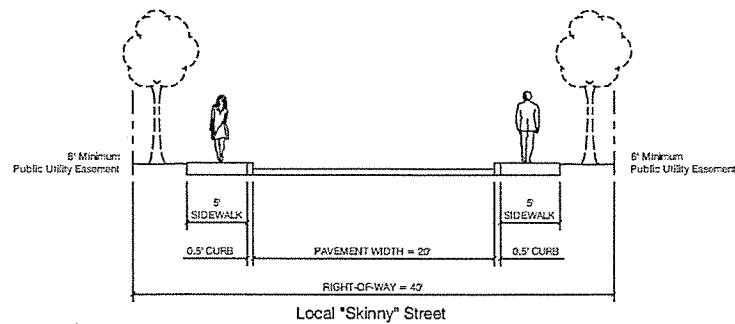
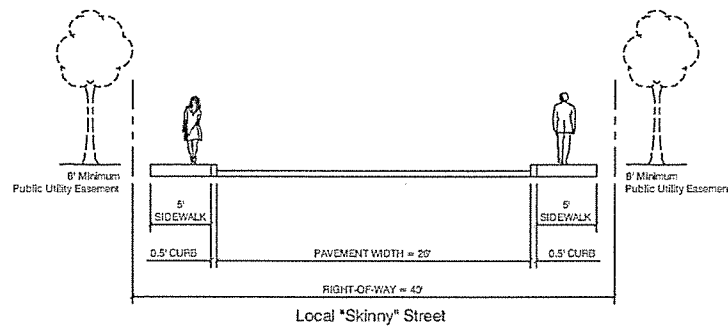
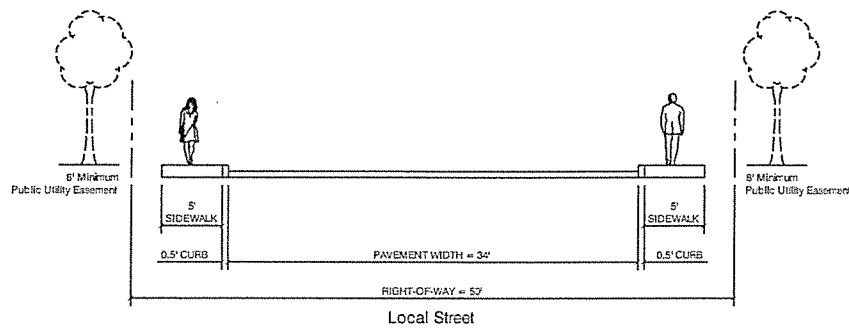
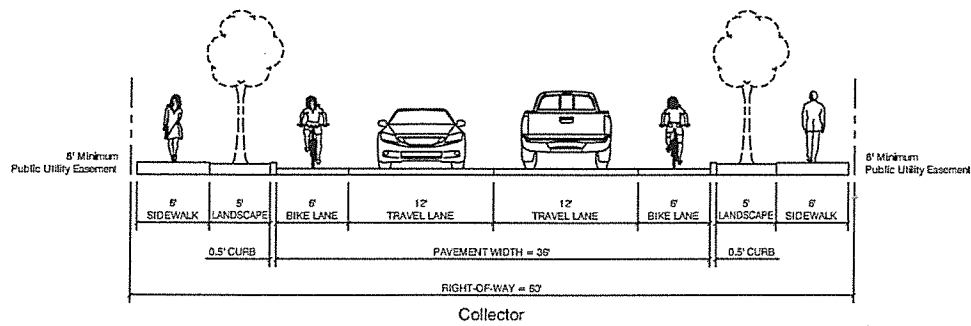
COUNTY ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of June, 2014, by

Anthony Hyde, Henry Heimuller and Earl Fisher County Commissioners for Columbia County, a political subdivision of the State of Oregon.



Jan A. Greenhalgh  
Notary Public for Oregon



LEGEND



TREES TO BE PROVIDED AS APPROPRIATE PER CITY CODE AND LOCATION SPECIFIC CONSIDERATIONS



STANDARD CROSS SECTIONS  
ST. HELENS, OREGON

FIGURE  
7-3

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



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

**Date:** 5.24.2016

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**

As part of USAD partial funded renovations of the Woodland Trails Apartments (345 N. 16<sup>th</sup> Street) and Norcrest Apartments (184 Bradley Street), the owner wants to remove some trees. I walked the sites with the project superintendent to evaluate the trees to be removed. Some will be replaced based on assumptions of past land use decisions (the projects pre-date good land use records) and proximity to wetlands (Woodland Trails only).

Conducted a pre-application meeting with Lower Columbia Engineering in regards to multiple projects at or around the St. Helens Marina area.

Had a preliminary Q&A meeting regarding potential development of the vacant property south of Columbia Commons (500 N. Columbia River).

## **DEVELOPMENT CODE ENFORCEMENT**

In regards to the latest issue with the disc golf course in McCormick Park as described in last month's department activity report, the city executed an agreement with Oregon DSL and has completed the work and final report per that agreement.

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

May 10, 2016 meeting (outcome): Three public hearings were scheduled. The Commission conditionally approved a Conditional Use Permit for an RV park by the St. Helens Marina. A second Conditional Use Permit for an RV park by the St. Helens Marina was continued to the June meeting due to design concerns of staff. A Conditional Use Permit for a marijuana production facility in the Houlton area was continued to the June meeting due to unresolved access issues.

The Commission discussed its annual report to Council.

June 14, 2016 meeting (upcoming): The Commission has two public hearings continued from May. There will be two additional new public hearings. One is for an expansion of the Nazarene Church along Gable Road across from S.H. High School. The other is for a Conditional Use Permit and a couple Variances for a four-plex by the St. Helens Marina.

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

Routine data updates. Showed Assistant Planner method for updating taxlot data.

Created draft urban review district for consultants to help evaluate urban renewal for the city.

## **MAIN STREET PROGRAM**

I attended the SHEDCO Board of Directors meeting on May 17, 2016 at the Chamber of Commerce.

As of 3/28/2016, this year's coordinator has completed **1063.5** hours or **62.56%** of their RARE AmeriCorps term of service.

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

**See attached.**

## Jacob Graichen

---

**From:** Jennifer Dimsho  
**Sent:** Monday, May 23, 2016 1:21 PM  
**To:** Jacob Graichen  
**Subject:** May Planning Department Report

Here are my additions to the May Planning Department Report.

### GRANTS

1. Travel Oregon's Tourism Matching Grants Program –Wayfinding Master Plan Project – Submitted Project Idea Worksheet for May 23 Deadline. 40k request, 30k hard match, 10k in-kind match. Submitted tourism fund budget request for hard match.
2. TGM Grant Application Due June 10 – Prepared draft application narrative, cover sheet, 3 letters of support, drafted & received council's resolution to apply. Attended meeting at MFA on 5/23 to discuss alignment/intersection options and scope.

### EPA AWP

3. April 27 Open House debrief
4. Uploaded updated waterfront website materials
5. Discussed incorporating a potential urban renewal agency study as part of the grant-funded implementation plan with EconW and MFA

### MISC

6. Website Design – Responded to design questions from aHa
7. Attended 4th meeting for the 2016 Columbia County Year of Wellness on May 19
8. Project P.2's Kickstarter Sub-Committee meeting on May 2, and May 13 – Attended May 24 ACC meeting. Kickstarter Launch Date is JUNE 1. Fundraising goal is 16k. Submitted Kickstarter page for review. Finalized video, website, promotional handouts, rewards, press release, social media posts, and other marketing materials. Purchased sample rewards. Reached out to non-profits for outreach support. Awarded CCCC grant to prepare postcard kits. Promoted the Kickstarter campaign (distributed handouts, spoke at events).
9. Attended Oregon Brownfields Conference in Sunriver, OR May 16-17.
10. Attended "Messages that Matter" half day workshop hosted by the CCCC on May 9.
11. Attended Travel Oregon's Town Hall Meeting in Scappoose on May 11.

### Jennifer Dimsho

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