

# **City of St. Helens**

## **Planning Commission**

### **July 12, 2016**

### **Agenda**

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1. **7:00 p.m. Call to Order and Flag Salute**
2. **Consent Agenda**
  - a. Planning Commission Minutes dated June 14, 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 at 264 N. Columbia River Hwy – Edward Kim
  - b. 7:30 p.m. - Historic Resource Review (Sign Permit) at 61 Plaza Square - Clark Signs
5. **Rules of Operation Text Amendment Discussion**
6. **Planning Director Decisions:** (previously e-mailed to the Commission)
  - a. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – 14<sup>th</sup> Annual Amani Center Luau & Auction Fundraiser
  - b. Site Design Review (Minor) at 514 & 516 Milton Way – Outdoor storage
  - c. Temporary Use Permit at 2295 Gable Rd. – Fireworks Stand
  - d. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – Columbia County Fair
7. **Planning Department Activity Reports**
  - a. June 28, 2016
8. **For Your Information Items**
9. **Next Regular Meeting: August 9, 2016**

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### **Adjournment**

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**City of St. Helens**  
**Planning Commission Meeting**  
**June 14, 2016**  
**Minutes**

**Members Present:**

Dan Cary, Chair  
Al Petersen, Vice Chair  
Greg Cohen, Commissioner  
Audrey Webster, Commissioner  
Kathryn Lawrence, Commissioner  
Russell Hubbard, Commissioner

**Members Absent:**

Sheila Semling, Commissioner

**Staff Present:**

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

**Councilors Present:**

Ginny Carlson, City Council Liaison

**Others Present:**

Brad Hendrickson  
Steve Alexander  
Andrew Niemi  
Teresa Dillon  
Sean Dillon  
Don Hibbs  
Bryan Garver  
Derrick Duehren  
James Smith

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

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**Consent Agenda**

**Approval of Minutes**

Vice Chair Petersen moved to approve the minutes of the May 10, 2016 Planning Commission meeting. Commissioner Webster seconded the motion. Commissioner Lawrence did not vote due to her absence from that meeting. Motion carried with all in favor. Chair Cary did not vote as per operating rules.

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**Topics From The Floor**

**Dillon, Teresa. 475 S. 2<sup>nd</sup> Street.** Dillon introduced the Commission to their new neighborhood group, Friends and Neighbors of Columbia River View. There are several members of the group in the audience. Dillon said the group consists of smart, capable families who want to actively participate and make St. Helens a better place. The group consists mostly South 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Street residents.

They formed the group because of their concerns about safety because of a recent home invasion and their concerns about land use and zoning in the immediate area. Dillon said they want feedback from the City about what their group can do to be involved and recognized as a neighborhood group in future decision making. They have a few ideas, like improving pedestrian staircase at either end of Tualitan Street and installing a pocket park. Overall, they want to be involved in city planning and volunteer.

Dillon asked a question about the Waterfront Redevelopment Overlay District (WROD) from 2009. City Planner Jacob Graichen said that the property was owned by Boise, not the City, when the WROD was developed. Graichen explained the adopted overlay district included a height restriction that decreased closer to the water. Height restrictions were included in the WROD because of public input about preserving views from residents in the bluff. Dillon said she has been participating in the waterfront redevelopment meetings and always comments about height, but it has never been addressed. Vice Chair Petersen encouraged that their group continue to participate because as the process moves further, height will be addressed. Dillon reiterated that they are invested property owners, not just visitors to the site.

**Dimsho, Jennifer. Assistant Planner.** Dimsho introduced the Commission to the Arts & Cultural Commission's Gateway Sculpture Project: Phase Two. She passed out handouts and explained the Kickstarter fundraising campaign through June and they are trying to raise \$16,000. They are 33 percent funded as of today.

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## **Public Hearing**

**Lower Columbia Engineering, LLC**

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

**134 N. River Street**

It is now 7:16 p.m. and Chair Cary continued the hearing for 134 N. River Street. Commissioner Lawrence was absent during the last meeting, but she has no ex-parte contacts, conflicts of interest, or bias in this matter. No one in the audience objected to her ability to make a fair decision in the matter.

Graichen entered the following items into the record:

- Staff report packet dated June 7, 2016 with attachments

Graichen introduced the Commission to the proposal and recommended conditions as presented in the staff report. He recommended that the Commission address the Access Variance before the Conditional Use Permit because denying the Variance will create problems for the Conditional Use Permit.

Chair Cary asked about Graichen's riparian buffer interpretation. Graichen said the intent of the riparian buffer is protect the integrity, function, and value of the resource. The Commission needs to decide if having vehicles this close to the Columbia River creates an additional impact. Graichen explained that in this case, the proposal is not disturbing native vegetation because there was not any to begin with. Chair Cary clarified that our code does not have any stipulations about improving the riparian buffer, but only requires maintenance of what is already existing. Graichen said yes, this is the conclusion he has come to over his tenure.

Commissioner Lawrence asked about the steep bank. Graichen said the applicant can address this.

Commissioner Cohen asked if they Commission has to be concerned about runoff of oils into the Columbia

River from vehicles and RVs. Graichen said that the code requires pavement (instead of gravel). The Commission can also consider a condition about addressing storm water carefully for runoff and having a collection device to separate oil and water, for example.

## **IN FAVOR**

**Alexander, Steve. Lower Columbia Engineering, LLC. Applicant.** Alexander said Graichen did a good job explaining the proposal. He feels this use is a good fit for the area because it is close to downtown, the park, marina activities, and it is walkable. He said River Street will gain an improved streetscape (street trees and landscaping) that continues from other proposals.

Vice Chair Petersen asked what elevation they have to build at to stay out of base flood elevation. Alexander believes it is 26.3 feet in this area. The sewer line must be above this elevation or flood proofed. Alexander also explained that there are street trees proposed along River Street and along the cul-de-sac side of the parking lot to meet the screening requirements.

Chair Cary asked what kind of trees would be planted. He would like to see larger species that can be used as wildlife habitat within the riparian area.

**Niemi, Andrew. Lower Columbia Engineering, LLC. Applicant.** Niemi wanted to address the stability of the site for RVs and vehicles and the protection of the embankment. Niemi explained that as engineers, they are required to do some test digging. Normally in St. Helens, there is an issue with too much rock. If they find the soils in this area are too sandy and unstable during the test digging, they will take that into consideration during the design process, which is the next step should the Commission approve the Conditional Use Permit. Niemi said bio-engineering bank stabilization will be included to address the sloughing off of the bank that some Commissioners and Graichen noted in the staff report. Niemi said part of the development process may include vegetative mats, native plantings, and possibly some woody debris to help establish native vegetation and limit erosion. Niemi said the property owner does not want to be dealing with erosion issues. He sees the proposed development as a chance to address and manage erosion properly, not worsen the bank conditions. They will work with DSL as needed through this process. He said they are currently working on four other bank stabilization projects and are well versed in coordinating with DSL through these projects. Vice Chair Petersen asked if they will be going through DSL to figure out what type of bio-engineering bank stabilization they will do. Niemi said they may not necessarily require a DSL permit for the work they are doing. They may apply for General Authorization (GA) or they may do work that does not require a GA. For example, Niemi explained if they remain outside of Ordinary High Water boundary, DSL does not need to be notified.

Chair Cary asked if there are any other developments this close to the Columbia River in St. Helens. He is concerned that there is no buffer between the proposal and the river. Cohen agreed that runoff from vehicles should be addressed. Chair Cary also noted that there are fourteen threatened or endangered species in the Columbia River. Niemi said the Commission has the authority to include a condition regarding runoff. He noted that the vehicles using the proposed parking area are no different than the marina facilities just south of the proposal. He also noted there is a spill kit at the adjacent boat ramp for these concerns.

Chair Cary said he wished that the applicant had come to the Commission with a complete plan for bank stabilization because plantings would help with runoff pollutants and would help address the issue that the proposal is within the riparian buffer. Niemi said with any land use permitting process, they must balance how far they design the proposal before receiving land use approval.



## **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**

Chair Cary asked about the protection zone along the river. Graichen said that from 75 feet from top of the bank is considered the protection zone. However, in this case, Graichen noted there are historical impacts to the area which are well within the 75 foot distance, such as the developed street.

## **DELIBERATIONS**

Vice Chair Petersen said that the one-way in and one-way out Access Variance proposal is a safer alternative than the previous proposal, which required nearly every vehicle back into the site. Chair Cary agreed, and he noted that the storm water outfall and boat ramp necessitate the Access Variance.

## **MOTION<sub>A</sub>**

Vice Chair Petersen moved to approve the Access Variance Permit as written. Commissioner Cohen seconded. All in favor; none opposed; motion carries.

## **DELIBERATIONS**

Regarding the Sensitive Lands Permit, Vice Chair Petersen said he feels the site has been impacted greatly, most recently with the dredge spoils and as a construction site for the storm drain outfall project. He is a little uncomfortable approving it with just a small note on the plan that mentions bank stabilization. Commissioner Lawrence is concerned about the safety of the site with the steep bank and the environmental concerns associated with the riparian area. Vice Chair Petersen summarized the two main concerns of the Commission: the erosion of the bank and improvement of the riparian area. Graichen said the Commission could include a condition about requiring a plan for bank stabilization and riparian flora which needs to be completed before development or occupancy.

## **MOTION<sub>B</sub>**

Vice Chair Cary moved to approve the Sensitive Lands Permit with the additional condition requiring a bank stabilization plan and riparian flora. Commissioner Lawrence seconded. All in favor; none opposed; motion carries.

## **MOTION<sub>C</sub>**

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**

**Edward Kim**

**Conditional Use Permit / CUP.5.16**

**264 N. Columbia River Hwy**

Graichen said the applicant's attorney requested to continue this hearing to the next meeting because they are making progress on acquiring legal access to the site. The applicant also waived the 120 day rule.

Commissioner Cohen moved to continue the public hearing to the July 12 meeting at 7 p.m. Vice Chair Petersen seconded. All in favor; none opposed; motion carries.

□

## **Public Hearing**

**Lower Columbia Engineering, LLC**

**Conditional Use Permit & Variances (2) / CUP.7.16, V.5.16, & V.6.16**

**104 & 114 River Street**

It is now 8:37 p.m. and Chair Cary opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

Graichen entered the following items into the record:

- Staff report packet dated June 7, 2016 with attachments

Graichen introduced the proposal to the Commission and the recommended conditions of approval as presented in the staff report. Regarding the Conditional Use Permit, he asked the Commission to consider whether or not the applicant met the approval standard related to exterior elevations on page six. Graichen also noted that in addition to the wide driveway approach, there are some design standards not met (on page ten) which rely on approval of the Access Variance.

Vice Chair Petersen asked how the wetlands and the Setback Variance were related. Graichen explained that rather than encroach onto the wetlands, the applicant's proposal stays within the already impacted area. Further, there is a rule that allows adjustment of a setback by up to 50 percent to avoid wetlands, riparian areas, or protection zones, which could be argued as helping to meet the "minimum necessary" setback variance criteria.

Regarding the Access Variance, Graichen noted that the applicant proposed a mountable curb to compensate for the wide driveway, which would help protect the safety of pedestrians on the driveway more than a standard approach.

## **IN FAVOR**

**Alexander, Steve. Lower Columbia Engineering, LLC, Applicant.** Alexander said that Graichen explained the objective of the proposal pretty well. Alexander said they wanted to preserve the green area adjacent to the river, while maximizing what they could get out of the lot. This is why the proposal is so

close to the right-of-way. Regarding exterior elevations, Alexander said the proposed recesses are six feet, not eight feet like the code requires, but he feels the intent to break up the exterior elevation is met.

**Niemi, Andrew. Lower Columbia Engineering, LLC, Applicant.** Chair Cary asked why they did not want to move the development further north. In the future, the applicant would like to preserve the ability to develop it in the future. Chair Cary said there is not a great argument to allow for a zero-foot setback on the northern property line, especially since they own the adjacent property and it is undeveloped. Graichen noted there is a requirement for shared outdoor recreation areas, and the projection on the north side of the development accommodates this.

Chair Cary noted concerns about the Ordinary High Water delineation because it had not been concurred with the Department of State Lands. He thinks the Ordinary High Water boundary is closer to 16 feet, not 12 feet.

## **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.

## **DELIBERATIONS**

Chair Cary noted that the right-of-way is one of the remaining areas along the river for public access. Vice Chair Petersen agreed, but feels that these discussions do not relate. There are two separate issues for the proposal: wetlands and side yard setbacks. Vice Chair Petersen feels this request for a setback variance is self-imposed. They designed large units and pushed them as far north as they could. He said the argument that it is protecting the open space north of the proposal does not mean much because it is still private property. Commissioner Cohen said it seems like the applicant is trying to squeeze too much into the existing footprint.

Chair Cary noted the two trees in the photos. If the buildings we pushed further north, the trees may not need to be taken out, which would help preserve riparian trees.

Regarding the Access Variance, Chair Cary thinks the applicant makes a good case for reducing bumps for pedestrians and bicyclists. Vice Chair Petersen asked why they are providing 13 parking spaces. Graichen said tandem parking is not something he has ever approved during his tenure because the spaces cannot act independent of each other. Chair Cary asked about including an additional landscaping median in the driveway. Commissioner Hubbard suggested proposing it in front of unit three.

## **MOTION<sub>A</sub>**

Vice Chair Petersen moved to deny the Setback Variance Permit. Commissioner Cohen seconded. All in favor; none opposed; motion carries.

## **MOTION<sub>b</sub>**

Commissioner Webster moved to approve the Access Variance Permit. Commissioner Lawrence seconded. Commissioner Cohen, Commissioner Webster, Commissioner Hubbard, and Commissioner Lawrence in favor; Vice Chair Petersen opposed; motion carries.

## **MOTION<sub>c</sub>**

Vice Chair Petersen moved to approve the Conditional Use Permit with the additional conditions to preserve trees greater than six inches in diameter (if development allows), to reduce the number of proposed off-street parking spaces by one, include an additional landscaping median (e.g., in front of unit 3), and to alter the language in condition 2(a)(iv) to address the denial of the Setback Variance. Commissioner Cohen seconded. All in favor; none opposed; motion carries.

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

□

## **Public Hearing**

### **St. Helens Church of the Nazarene Conditional Use Permit / CUP.6.16 2360 Gable Road**

It is now 10:01 p.m. and Chair Cary opened the public hearing. Vice Chair Petersen declared an ex-parte contact. Petersen met with Pastor Smith two times prior to this proposal about potentially hiring him to do design work, but he was not selected to do the work. No one in the audience objected to any of the Commissioners to make a fair decision in this matter.

Graichen entered the following items into the record:

- Staff report packet dated June 7, 2016 with attachments

Graichen introduced the proposal to the Commission and discussed the recommended conditions of approval as presented in the staff report. Commissioner Cohen asked how long the ODOT-funded grant for Gable Road pedestrian improvements is likely to stay open. Graichen said there is no consensus on the timeframe and that it is Columbia County managing the grant, not the City. Chair Cary asked if they could include a Waiver of Remonstrance instead of requiring frontage improvements. Graichen said yes. Commissioner Cohen asked if there are any existing sidewalks on that side. Graichen said no.

## **IN FAVOR**

**Smith, James. St. Helens Church of the Nazarene. Applicant.** James has been a pastor with the Church for 28 years and is very familiar with the surrounding area. Regarding storm water, he said that the Safeway loading dock parking lot next to their property is in a low spot and during storms, the water collects and runs onto their property. However, he also noted that the property just to the east of the church is owned by someone within their congregation and they have never seen standing water.

Smith said their congregation is growing and they would like to separate the assembly room from three separate educational facilities for children of various ages. Since the proposal was submitted originally, they

hired an architect and had building plans drawn up. These were passed out to the Commission.

James said he is in agreement with the condition that requires them to direct storm water from the roof to Gable Road. Smith said the access into the parking lot is about 60 percent on the Public Health Foundation's property and 40 percent on the Church's property.

Smith said he is aware that all new accesses need to have sidewalks to the street or parking lot. There was discussion about having a second access leading to a special parking space, but it would not meet access standards. Smith said he would be okay with only having one driveway and constructing sidewalks. However, he noted that the estimated valuation of the addition at just under \$300,000 seemed high and that the estimated work for the sidewalks at \$6,000, seemed low. Graichen said the building addition value is from the International Code Council, which is a standard way to estimate building value. Graichen said the sidewalk estimate was provided by City Engineering and may not include engineering costs. Smith said the Church has estimated the cost project at about \$70,000, which includes some volunteer labor and free project management. Smith said if the Commission requires that he build sidewalks, he will budget for it and see if they can afford it. If not, the project will just be delayed. He is also open to sharing the cost with a future developer.

### **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.

### **DELIBERATIONS**

Commissioner Cohen suggested changing condition 2(b) to be a requirement that the applicant sign a Waiver of Remonstrance. Commissioner Cohen said there are no sidewalks adjacent to the property and it would be unfair to require one property owner to install them, especially with the ODOT grant. The Commission agrees.

### **MOTION**

Commissioner Cohen moved to approve the Conditional Use Permit with the change to condition 2(b) to require a signed Waiver of Remonstrance instead of requiring street frontage improvements. Commissioner Webster seconded. All in favor; none opposed; motion carries.

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

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## **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

Commissioner Cohen moved to accept the acceptance agenda. Commissioner Webster seconded. All in favor; none opposed; motion carries.

□

## **Planning Director Decisions**

- 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

There were no comments.

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## **Planning Department Activity Reports**

There were no comments.

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## **For Your Information Items**

Dimsho discussed the next Waterfront Redevelopment Open House on July 6 at the Columbia River Receptions & Events at Meriwether Place. Doors open at 5:30 p.m. with a presentation at 6 p.m. Staff and project consultants would like input on the preferred framework plan, specifically circulation design, land uses, amenities, and project phasing. Waterfront planning implementation, including potential funding and financing options, will also be discussed.

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There being no further business before the Planning Commission, the meeting was adjourned at 10:50 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	P	P	P	P	P	A	P
07/12/16							
08/09/16							
09/13/16							
10/11/16							
11/08/16							
12/13/16							



## 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)



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ST. HELENS STREET

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BUT A COOPERATIVE  
ARRANGEMENT



**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.

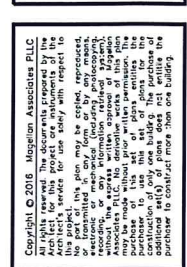
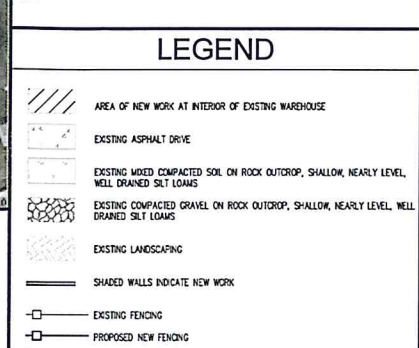
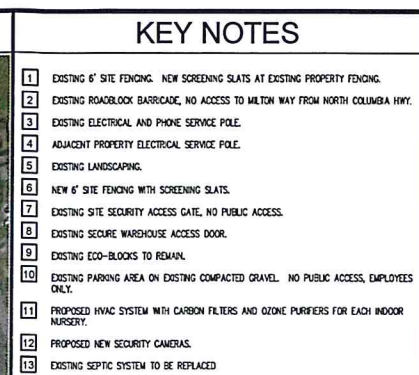
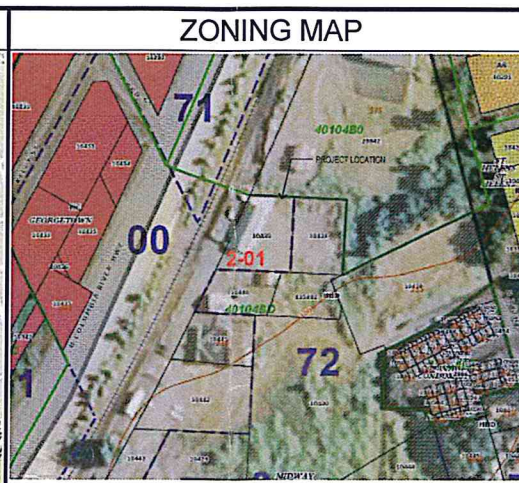
Once a preliminary review of the existing zoning/intent of use/right of access/ intended upgrades, and steps taken by the Owner to adhere to all requirements set forth by the City of St. Helens, Columbia County, and State of Oregon has been completed; we request consideration to apply for building permits. 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  
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Tel: (425) 885-4300  
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**OREGON GREENERY LLC**  
**WAREHOUSE REMODEL**  
 PROPOSED INDOOR NURSERY FOR THE PRODUCTION OF CANNABIS  
 HOULTON BUSINESS DISTRICT  
 264 NORTH COLUMBIA RIVER HWY  
 1ST, HELENS, OR 97051

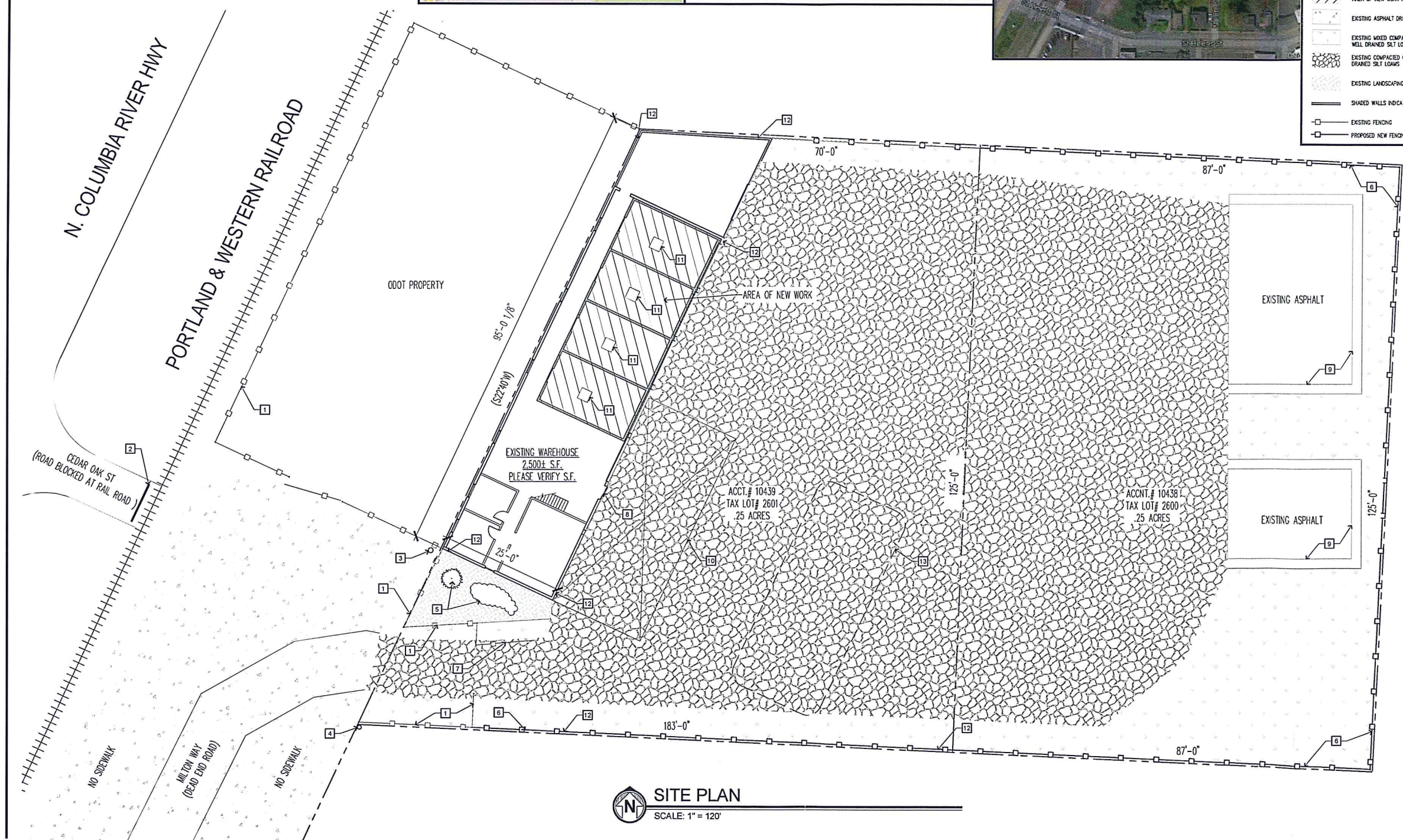
REVISIONS		
NO.	DATE	BY
1		
2		
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6		

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







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*

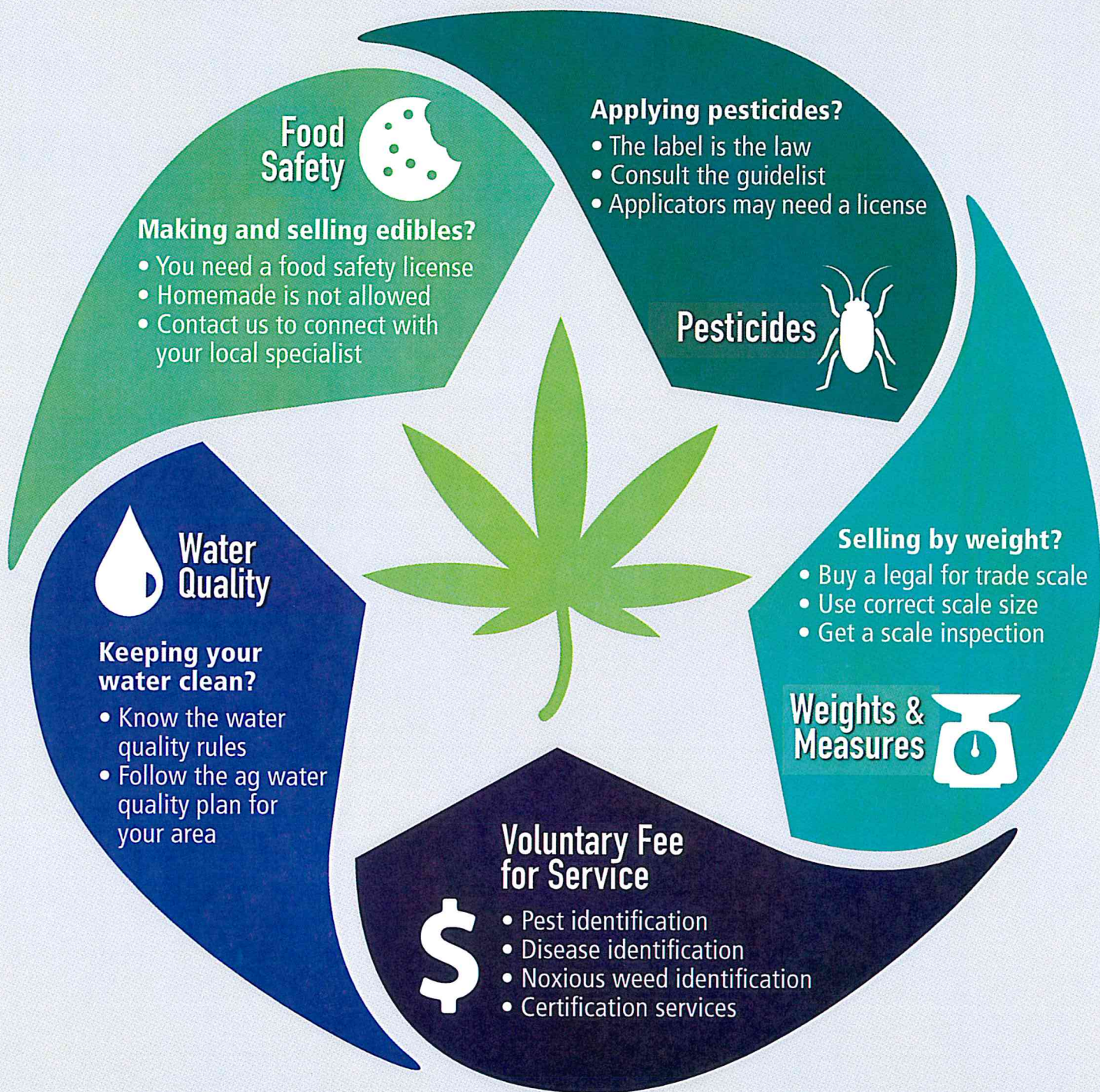
Jay M. Tappan  
Chief/Acting Fire Marshal

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  
HHR.1.16 & S.12.16**

**DATE:** July 5, 2016  
**TO:** Planning Commission acting as the **Historic Landmarks Commission**  
**FROM:** Jennifer Dimsho, Assistant Planner  
Jacob A. Graichen, AICP, City Planner

**APPLICANT:** Clark Signs  
**OWNER:** 61 Plaza Incorporated

**ZONING:** Riverfront District, RD  
**LOCATION:** 61 Plaza Square/260 South 1<sup>st</sup> Street; 4N1W-3BA-1500  
**PROPOSAL:** Remove two existing wall signs and replace with a 13.03 sq. ft. non-illuminated wall sign

**The 120-day rule (ORS 227.178) for final action for this land use decision is October 13, 2016.**

**SITE INFORMATION**

Historically, 61 Plaza Square (also known as 260 S. 1<sup>st</sup> Street) was the location of the Christ Episcopal Church. It was originally built in 1897, but has had significant alterations since then. It is listed as a primary significant structure in the National Register of Historic Places, because it was built before 1904. Today, 61 Plaza Square is the location of what was formally the Pieper Ramsdell Insurance Agency. Pieper Ramsdell Insurance Agency recently changed their name and requires new signage to reflect the new ownership.

The proposed wall signage faces the Columbia Courthouse Plaza. This greenspace is owned by Columbia County and consists of grass, ornamental shrubs, about eight deciduous trees, benches, commemorative plaques and stepping stones with a central circular concrete pad. The Columbia Courthouse Plaza is noted as being of secondary significances on the National Register (built after 1904, but not later than 1933).

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows:

July 12, 2016 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on June 17, 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 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:

**Public Works Engineering Director:** I have no comments regarding this proposal.

**City Building Official:** No exception taken.

#### APPLICABLE CRITERIA, ANALYSIS & FINDINGS

##### SHMC 17.36.040(3)

In order to approve an application for the alteration of a designated landmark or historic resource of statewide significance, the commission must find that the proposal meets the following standards:

- (a) The purpose of the historic overlay district as set forth in SHMC [17.36.010](#).
- (b) The provisions of the comprehensive plan.
- (c) A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- (d) The historic character of a property shall be retained and preserved. The removal or relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
- (e) A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.
- (f) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
- (g) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- (h) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible (including environmental considerations), materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
- (i) Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- (j) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- (k) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible in appearance with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- (l) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



**Discussion:** (a) The purpose of this Chapter is noted under Section 17.36.005. Generally, as it specifically pertains to this project, the purpose of the chapter is to protect the City's heritage and respective historical resources. This HRR is intended to implement such purpose.

(b) The Comprehensive Plan includes a policy as follows: "subject proposed remodeling of the City's historic resources to design review to encourage preservation of the structure's historical assets." This is that procedure. Though this is not "remodeling" in the literal sense, it is an alteration to a historic resource.

(c) This proposal is not changing the use of the property.

(d) The historical character of the property is not changing with the removal and installation of a smaller wall sign.

(e) The proposed sign will not include a false sense of historical development.

(f) There are no known changes to the property that have acquired historic significance.

(g) This proposal does not remove any distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize this property, provided the sign replacement does not damage or significantly alter the siding of the building.

(h) There is no specific deteriorating historical feature of importance being replaced.

(i) This is not applicable to this proposal.

(j) There are no known archeological resources on the site.

(k) The sign proposal will not destroy historic features, particularly because the existing sign was larger than what is proposed with this application.

(l) If the proposed sign were removed, the essential form and integrity of the historic property and its environment would be unimpaired.

**Finding:** These criteria are met as presented by the applicant.

#### **SHMC 17.36.040(4)**

If alteration of the historic resource is intended, a condition of approval shall be that, insofar as feasible and as funds are available, the Columbia County Museum shall obtain:

- (a) A pictorial and graphic history of the resource; and
- (b) Artifacts from the resource it deems worthy of preservation.

**Finding:** Pictorial record is not warranted for this alteration. This criterion is met.

### **CONCLUSION & RECOMMENDATION**

**Based upon the facts and findings herein, staff recommends approval of this Historic Resource Review.**

\*\*\*

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

#### **Sign Permit - S.12.16**

A Sign Permit application can be approved if the application complies with all of the applicable provisions of this chapter, and any other objective requirement imposed by law. No standard shall be applied to deny a permit if the operation of that standard violates a constitutional right of the applicant.

#### **Findings:**

- **Applicable sign district (SHMC 17.88.050):** commercial/industrial
- **Type of sign proposed:** wall sign on the Plaza Square face of the building
- **Applicable standards of sign district:** The side of the building facing the Plaza Square is considered a “primary frontage” having an entrance/exit open to the general public. Total wall signage allowed on a primary frontage is 8%, with a max individual sign size of 120 square feet. The existing sign is proposed to be removed. There are no other signs on this building.

The proposed sign for this elevation is 28” x 67” or 13.03 square feet. 13 is approximately 8% of 163 and this building face is much greater than 163 square feet in area.

- **Standards specific to type of sign:** Wall sign cannot be more than 12” from the wall it’s attached to. It cannot project above a roof line, or the top of a parapet wall, whichever is higher. No external braces, guy wires or similar external (visible) mounting systems shall be used.

Proposed sign(s) appear to comply with these provisions.

No marquee or mansard roof is involved, which would include other standards.

- **Illumination standards:** No illumination is proposed.
- **Other requirements/issues:** The proposed sign is located within the Riverfront District zoning district, which means that the Architectural Design Guidelines apply. The Guidelines note that signs should be scaled, durable, and consistent with surrounding signage. It also lists appropriate materials for new construction of signs. Generally, it appears the proposed sign complies with the guidelines. Does the Commission agree?
- In addition, the property is listed as a Primary Significant Landmark. As such, this sign permit requires a Historic Resource Review (HRR.1.16), discussed above.

**Conclusion:** The proposed sign meets the applicable standards of development code, subject to the Commission's decision regarding the Historic Resource Review (HRR.1.16) above.

### CONCLUSION & DECISION

Based upon the facts and findings herein, the City Planning Administrator recommends approval of this **Sign Permit for a permanent sign**, with the following conditions:

1. This approval shall be valid for six months from the date of approval pursuant to SHMC 17.88.130. The sign permit shall be void if installation is not completed within this period or if the sign does not conform to the approved permit.
2. The planning director may revoke this sign permit if the director finds that there was a material and misleading false statement of fact in the permit application.

**Please note, this is a *land use* approval and other permits (e.g. building and electric permits) may be required *in addition* to this Sign Permit.**

**Attachment(s):** *Sign Location, Sign Plans (3)*  
*Architectural Guidelines - Sign Excerpt (2 pages)*





Client:  
NFP  
340 Madison Avenue  
New York, NY 10173

Location Address:  
NFP  
61 Plaza Square  
St. Helens, OR 97051

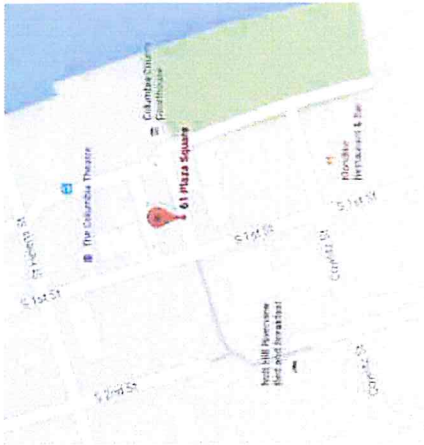
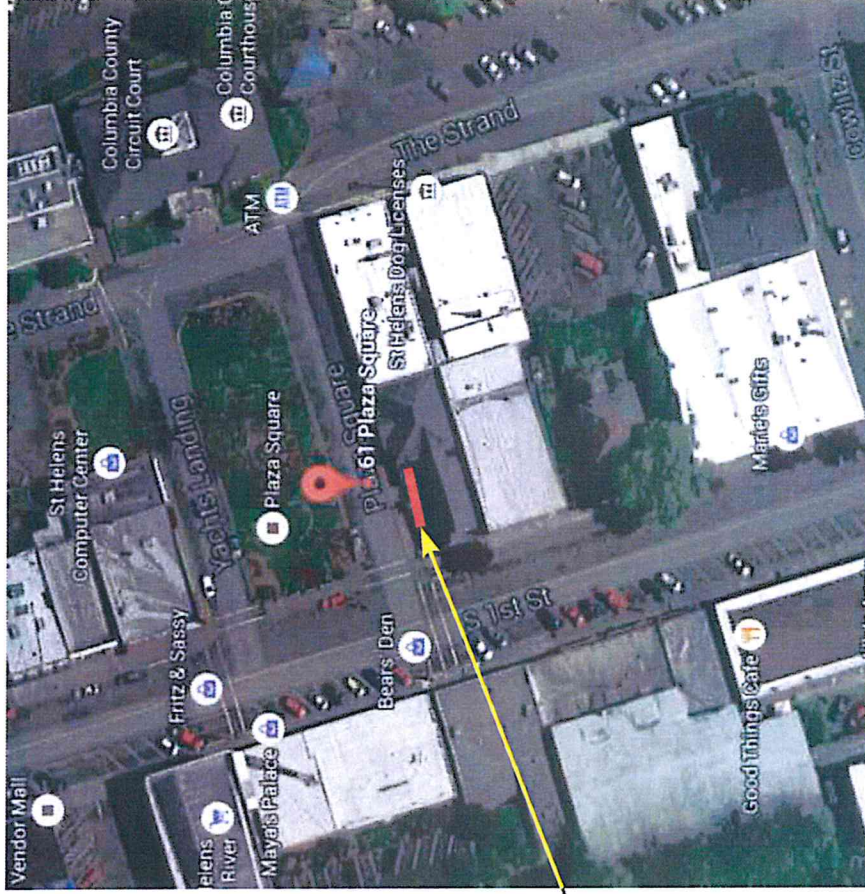
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Vicinity Map  
Site and Sign Location Plan  
Sign Matrix

Color Key:

Layout Date:  
03/31/2016

Revision Date:  
04/06/2016  
04/11/2016  
05/06/2016  
06/03/2016

File Name:  
19745\_St. Helens.pdf  
Project Number: 19745



VICINITY MAP:



SIGN MATRIX:

SIGN ID:	SIGN TYPE:	Ext/Int:	ILLUMINATION:	AREA:	QTY:
A	Exterior Wall Sign	Exterior	NO	13 sq. ft.	1

Site & Sign Location Plan:



Scale: NTS

522 Willow Street, Reading, PA | (Toll Free): 844-460-6631 | (Fax): 610-478-1332 | [www.egansign.com](http://www.egansign.com)

This design/engineering proposal will remain the exclusive property of Egan Sign until approved and accepted through purchase by client named directly on drawing and may not be duplicated by other parties or design fee will apply @ \$95 per hour.



Sign Management Made Simple



Exterior

66"

27  $\frac{3}{4}$ "

pieper -  
ramsdell  
agency inc.

12.72 ft

5"

12"

insurance  
Auto • Business • Health • Life

5.5 ft

18.22 ft TOTAL

66"







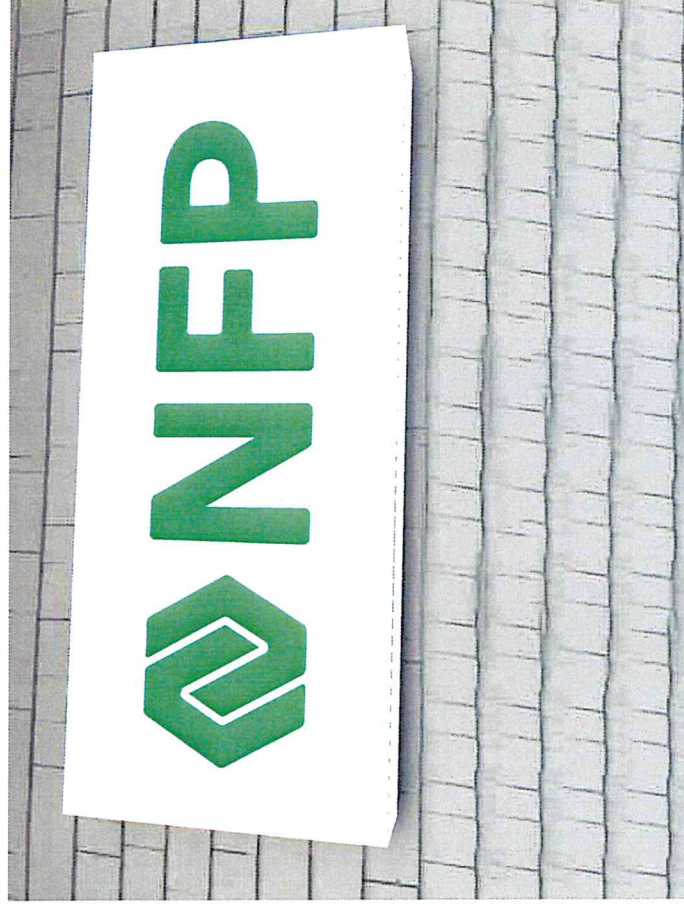
Existing

Sign Sizes:  
Top - 27.75" h x 67.875" w  
Bottom - 11.75" h x 66.75" w

## Non-Illuminated Pan Face Sign: Vinyl Logo

A

13 square feet.



Proposed



**Client:**  
NFP  
340 Madison Avenue  
New York, NY 10173

**Location Address:**  
NFP  
61 Plaza Square  
St. Helens, OR 97051

**Description:**  
Non-Illuminated Pan Face Sign  
(13 square feet):  
Manufacture (1) new 28" h x 67" w  
x 2" aluminum pan face sign w/  
vinyl logo overlay  
**Note: Measurements need to be  
verified prior to production.**

**Color Key:**  
■ PMS 363 C  
□ White

**Layout Date:**  
03/31/2016

**Revision Date:**  
04/06/2016  
04/11/2016  
05/06/2016  
06/03/2016

**File Name:**  
19745\_St. Helens.pdf  
**Project Number:** 19745

Sign Management Made Simple

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**EGAN**  
SIGN





**Client:**  
NFP  
340 Madison Avenue  
New York, NY 10173

**Location Address:**  
NFP  
61 Plaza Square  
St. Helens, OR 97051

**Description:**  
Non-illuminated Pan Face Sign  
(13 square feet)

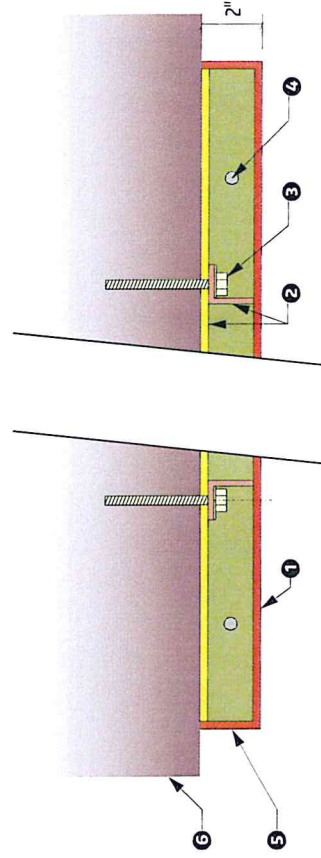
Manufacture (1) new 28" h x 67" w  
x 2" aluminum pan face sign w/  
vinyl logo overlay

**Color Key:**  
■ PMS 363 C  
□ White

**Layout Date:**  
03/31/2016

**Revision Date:**  
04/06/2016  
04/11/2016  
05/06/2016  
06/03/2016

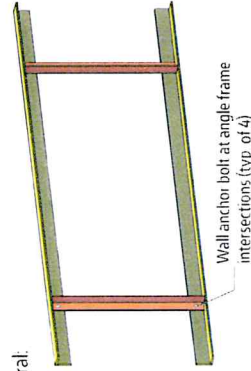
**File Name:**  
19745\_St. Helens.pdf  
**Project Number:** 19745



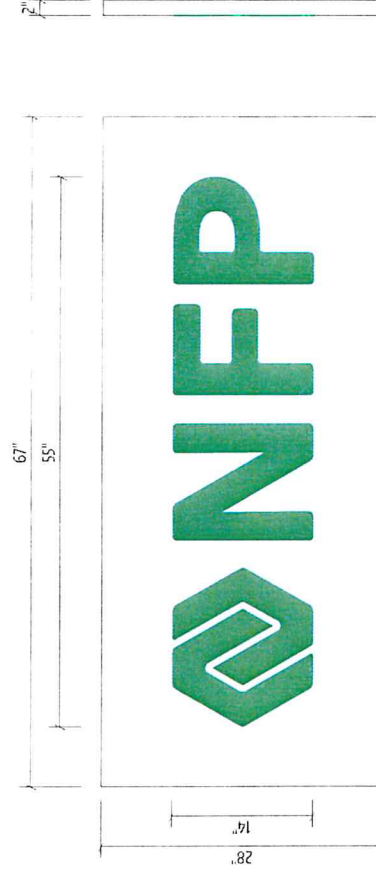
**Attachment Detail - Plan View:**  
SCALE 3" = 1'-0"

- SECTION DETAILS:**
- 1 0.090" Alum non-illuminated pan face sign panel w/ vinyl logo & edge to match
  - 2 2" x 2" (1/4" t) Fabricated alum. angle framing fastened to exterior wall
  - 3 Stainless steel attachment fastener per existing masonry wall structure and site conditions
  - 4 S.S. countersink machine screws (min of 3 per clip angle)
  - 5 Paint to match sign face
  - 6 Existing masonry wall (no change)

Structural:



Rendering:



**FRONT ELEVATION:**  
SCALE 1" = 1'-0"

**Attachment Detail - Section View:**  
SCALE 3" = 1'-0"

Non-Illuminated Pan Face Sign:  
Vinyl Logo  
OPTION-2

13 square feet

A2

522 Willow Street, Reading, PA | (Toll Free): 844-460-6631 | (Fax): 610-478-1332 | [www.egansign.com](http://www.egansign.com)

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Sign Management Made Simple



## 4. SIGNAGE

**Signage that creates visual delight is preferred.**

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

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



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

### 4.2 GENERAL GUIDANCE

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

- Signs should not obscure important architectural details.
- Signs should align with other signs on the block to create a pattern of horizontal and vertical façade features.
- Signs should be positioned to emphasize special shapes or details of the façade, draw attention to the shop entrance, or emphasize a display window.
- Buildings should use signs that are appropriately scaled, durable, and consistent with other signage in Olde Towne. Signs should be good neighbors within a block.

• Wall signs should be well positioned and appropriately sized within architectural features, such as the panels above storefronts on the primary or secondary building front, on the transom, or flanking doorways.

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

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

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

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



The Strand looking south c. 1913



### 4.3 EXISTING BUILDINGS

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

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

### 4.4 NEW CONSTRUCTION

Sign materials should be durable and easy to maintain.

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

- The light source should be shielded from pedestrian view.

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

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

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

### 4.5 FREESTANDING SIGNS

The standards herein shall apply to freestanding signs as applicable.

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





## CITY OF ST. HELENS PLANNING DEPARTMENT

# MEMORANDUM

---

**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner  
**RE:** Proposed Planning Commission meeting operational rules into the Municipal Code  
**DATE:** July 5, 2016

---

Currently, there are a few sources we can look at for Planning Commission operational rules. These include Chapter 2.08 of the St. Helens Municipal Code, January 2000 Planning Commission minutes, and the Oregon Attorney General's Public Records and Meetings Manual.

If you recall, we ran into a quorum versus majority vote issue last September for a Conditional Use Permit. Correcting that issue lead us to the Attorney General's Manual mentioned above, which provides information about how many concurrent votes are required based on the size of the commission.

The January 2000 PC minutes reflect recommendations from a rules committee, which the Commission adopted. It's now been 16+ years that staff and the Commission have relied on a copy of the minutes to recall the Commission's decision on these.

The purpose of these amendments is to add operational rules to the Planning Commission section of the Municipal Code so all the important details are in one easy to find place.

I'm hoping to get the Commission's approval of these amendments, to present an ordinance to the City Council for adoption at a later date.

Attached: Proposed Amendments  
Page 13 of January 25, 2000 Planning Commission minutes  
Excerpt from the Oregon Attorney General's Public Records & Meetings Manual (2014)

## CHAPTER 2.08 PLANNING COMMISSION

[...]

### 2.08.070 Meetings.

(1) A majority of the members appointed to the planning commission shall constitute a quorum. The commission shall meet at least once a month. Meetings of the commission shall be open to the public. Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records. The chairman upon his own motion may, or at the request of three members of the commission shall, by giving notice to members of the commission, call a previously unannounced special meeting of the commission for a time not earlier than 24 hours after the notice is given. Notice of a previously unannounced meeting shall be telephoned to the newspaper, posted at the St. Helens City Hall and, to the extent feasible, provided to interested persons at least 24 hours prior to the meeting.

#### (2) Rules of Operation.

(a) A majority of the members appointed to the Planning Commission shall constitute a quorum. A vacancy is not considered an appointed position when determining a majority quorum.

(b) The chairman's role is to facilitate discussion. As such, the chairman or the commissioner presiding over the meeting in the chairman's absence, only votes in the following circumstances:

(i) To break a tie vote; or

(ii) When there are not enough concurring votes to meet the minimum number required to make a decision per the Table below.

(c) When the chairman is absent or must abstain from a meeting's agenda item, the vice chair shall preside over the meeting or the particular agenda item. When neither the chairman or vice chair can participate, the Commission shall elect a present commissioner to serve as temporary chairman.

(d) The following table shows the number of concurring votes (affirmative or negative) required to pass or reject a motion. Assuming a quorum is present, the number of concurring votes required varies according to the number of members voting.

Number of appointed Commissioners (vacant positions don't count)	Minimum number present needed for a majority quorum	No. of members actually voting / the no. of required concurring votes.							
		Note that an abstention is not counted as a concurring vote, except per (e) below; but an abstaining member is still counted for quorum purposes. An "X" indicates no action can be taken (insufficient votes).							
3	2	1/X	2/2	3/2					
4	3	1/X	2/2	3/2	4/3				
5	3	1/X	2/2	3/2	4/3	5/3			
6	4	1/X	2/X	3/3	4/3	5/3	6/4		
7	4	1/X	2/X	3/3	4/3	5/3	6/4	7/4	

(e) An abstention on a motion shall be considered a silent vote; a silent vote shall be considered an affirmative vote. An abstention on a motion means a commissioner participates in the process (public hearing, testimony, deliberations, etc.) and then abstains from the vote. This does not include abstaining from an entire process for reasons such as a conflict of interest or personal bias. This also does not include abstaining due to absence from a meeting (e.g., approving minutes for a previous meeting not attended).

## **PLANNING COMMISSION NOTIFICATION OF PLANNING ADMINISTRATOR'S DECISIONS**

The Commissioners' packets included copies of Planning Administrator decisions made during the previous two-week period. There were no questions or comments other than an observation about the large number of home occupation applications. Baker explained that the end-of-the-year business license renewals triggered the push for requiring that the home occupation requirement of the new Development Code be enforced.

---

### **INFORMATIONAL UPDATES**

Planning Administrator Baker announced that the **K.F.C. Site Development Review** will include a Planning Commission public hearing, to be held on February 22, 2000, in accordance with the Council's prior commitment (made during the Olson 1997 Partition on this site) to inform some of the nearby residents about developments on this property (South Vernonia Road, on the former McBride Elementary School property).

---

### **PLANNING COMMISSION OPERATING RULES**

Commissioner Roth moved to adopt the following additional operating rules for the Planning Commission, as listed in Planning Administrator Baker's memo dated January 21, 2000:

1. Chair will only vote to break a tie vote or in matters of necessity.
2. An abstention (on a motion) shall be considered to be a silent vote, and a silent vote shall count as an affirmative vote.

Commissioner Nichols seconded the motion, and it was passed unanimously with four in favor (as Chair, Amos did not vote per the operating rules).

There was a brief discussion regarding "seconds," which are used as a means to bring a motion to vote and do not necessarily indicate agreement with the motion.

Amos requested that the abstention rule be clarified to state that an abstention at the beginning (i.e., because of a conflict of interest) is not considered an affirmative vote. In addition, Baker reminded the Commission that abstentions from voting on items such as Findings or Minutes due to absence from a meeting, are not considered affirmative votes, either. The abstention/silent/affirmative issue is meant for instances in which a member goes through the process (hearing testimony, deliberations, etc.) and then abstains from the vote.

If such procedures are used, an agency should consult its assigned attorney about the possibility of ratifying its prior invalid action.

#### F. VOTE TABLES

Two tables follow which show the minimum number of concurring votes necessary to pass or reject a motion. Table I illustrates the application of ORS 174.130, i.e., when no quorum is otherwise specified for a board or commission. By intersecting the number of members on a board with the number of members voting on an issue, the table shows how many concurring votes are needed to pass or reject a motion.

Table II applies to boards and commissions with special statutes that designate a quorum but do not specify the number of votes required for action. It assumes that the quorum is set at majority of the members. It may, however, be used for boards with a different number required for a quorum: simply ignore the far left-hand column and find the number that the applicable statute designates for a quorum in the column named "Minimum Number Present to Form Quorum."

EXCERPT  
FROM  
OREGON  
ATTORNEY  
GENERAL'S  
PUBLIC RECORDS  
& MEETINGS  
MANUAL

PART II -  
PUBLIC  
MEETINGS

NOV. 2014



TABLE II

**Boards and Commissions Covered by Statutes Specifying Quorum Requirements**

Number of Members on Board	Minimum Number Present to Form Quorum	NUMBER OF MEMBERS VOTING																			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
3	2	X	2	2																	
4	3	X	2	2	3																
5	3	X	2	2	3	3															
6	4	X	X	3	3	3	4														
7	4	X	X	3	3	3	4	4													
8	5	X	X	3	3	3	4	4	5												
9	5	X	X	3	3	3	4	4	5	5											
10	6	X	X	X	4	4	4	4	5	5	6										
11	6	X	X	X	4	4	4	4	5	5	6	6									
12	7	X	X	X	4	4	4	4	5	5	6	6	7								
13	7	X	X	X	4	4	4	4	5	5	6	6	7	7							
14	8	X	X	X	X	5	5	5	5	5	6	6	7	7	8						
15	8	X	X	X	X	5	5	5	5	5	6	6	7	7	8	8					
16	9	X	X	X	X	5	5	5	5	5	6	6	7	7	8	8	9				
17	9	X	X	X	X	5	5	5	5	5	6	6	7	7	8	8	9	9			
18	10	X	X	X	X	X	6	6	6	6	6	6	7	7	8	8	9	9	10		
19	10	X	X	X	X	X	6	6	6	6	6	6	7	7	8	8	9	9	10	10	
20	11	X	X	X	X	X	6	6	6	6	6	6	7	7	8	8	9	9	10	10	11

**Key to Table II**

1. The far left column shows the number of members on the board or commission.

2. The second column from the left shows the minimum number of members required to be present to form a quorum, assuming a statute fixes a quorum as a majority of the members of the board.

3. The numbers across the top represent the number of members voting at a meeting. These include affirmative and negative votes but do not include abstentions.

4. The number found by intersecting 1 and 2 with 3 is the minimum number of concurring votes (affirmative or negative) that must be cast in order to pass or reject a motion.

5. An abstention is not counted as an affirmative or negative vote to make up the minimum number of concurring votes required to pass or reject a motion. If a member abstains, but is present, he or she is still counted for quorum purposes.

6. An "X" indicates that no action may be taken because the number voting represents less than the minimum number of concurring votes required to effect action.

7. Assuming a quorum is present, the minimum number of concurring votes required to pass or reject a motion varies according to the number of members voting.

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



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

**Date:** 6.28.2016

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**

SHSD is starting to work on a "large school district" master plan per ORS 195.110 <http://www.oregonlaws.org/ors/195.110>. This will involve some city involvement at some point.

After a long wait, there is movement of the FEMA and ESA listed species issue. We've been waiting for a Biological Opinion for literally years. This will impact St. Helens to some degree because we have floodplains. Ultimately, our floodplain law will change to better minimize impact to ESA listed species and this will likely make any development in a floodplain more complicated. A letter sent by FEMA this month (the first page attached only) notes a series of deadlines. The first deadline (April 2018) are for interim measures preceding permanent changes. We'll be dealing with these changes for several years to come.

## **DEVELOPMENT CODE ENFORCEMENT**

The shed issue (164 N. 3<sup>rd</sup> Street) noted in the April 2016 activity report has been resolved.

Per the attached letter from DSL, the latest McCormick Park disc golf issue is officially resolved.

Sent notice to a couple property owners for building and right-of-way encroachments between Church Street and S. 19<sup>th</sup> Street.

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

June 14, 2016 meeting (outcome): There were four public hearings, two continued from the previous month. One of those was continued again to July (due to unresolved access issues). Decisions were made on the other three issues. The Commission approved a travel trailer park just south of Grey Cliff Waterfront Park, this included an Access Variance. The Commission approved a 4-plex to replace a couple of existing homes at 104 and 114 N. River Street. This proposal included an Access Variance (approved) and a Variance for a reduced setback (denied).

July 12, 2016 meeting (upcoming): The Commission has a public hearing continued from June. They also have a Historic Resource Review for a sign proposal at 260 S. 1<sup>st</sup> Street/61 Plaza. We will also discuss codifying the Commissions operational rules; this matter will eventually go to the Council.

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

Annual software updates this month.

## **MAIN STREET PROGRAM**

St. Helens has once again been selected to host a Resource Assistance for Rural Environments (RARE) AmeriCorps participant for the 2016-2017 term of service. This participant will fill the role of the City Mainstreet/Community Coordinator.

This means staff needed to prepare a full application to RARE this month. Interviews for potential candidates will take place in July.

RARE staff noted something important: "*This year we definitely need to talk about post-RARE for St. Helens.*" RARE has hinted at this before, but as we continue to use this sort of program (subject to increasing demand across the state) for the City's Main Street program, we need to understand that this will not last forever. It's possible this will be the last.

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

RECEIVED

JUN 16 2016

CITY OF ST. HELENS

U.S. Department of Homeland Security  
FEMA Region 10  
130 - 228<sup>th</sup> Street, SW  
Bothell, Washington 98021



**FEMA**

June 13, 2016

Honorable Mayor Randy Peterson  
PO Box 278 St Helens  
St. Helens , OR 97051

Dear Honorable Mayor Peterson,

In 2009, the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) was sued by the Audubon Society of Portland, the National Wildlife Federation, the Northwest Environmental Defense Center, and the Association of Northwest Steelheaders for failure to consult under Section 7 of the Endangered Species Act (ESA) with respect to the effects of the implementation of the National Flood Insurance Program (NFIP) on certain ESA-listed species in the state of Oregon. On July 12, 2010, the United States District Court, District of Oregon at Salem, required FEMA to consult with the National Marine Fisheries Service (NMFS) on impacts the NFIP was having on ESA listed species. FEMA complied by submitting a Biological Assessment in July of 2011 to NMFS, which concluded the NFIP may affect, but does not adversely affect, the ESA-listed species considered in the assessment.

On April 14, 2016, NMFS provided a Biological Opinion in which they concluded that the implementation of the NFIP in Oregon jeopardizes the continued existence of 18 ESA listed species and adversely modifies their critical habitat. Federal agencies are prohibited by the ESA from causing jeopardy to ESA-listed species or adversely modifying the designated critical habitat of such species. Although the NMFS Biological Opinion's determination is written for FEMA, the Endangered Species Act (ESA) applies to everyone, whether a federal agency, state agency, local jurisdiction, or individual. We all have a legal responsibility to ensure our actions do not cause a take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) to threatened or endangered species. Under Section 9 of the ESA, actions or decisions enacted by you and your officials are subject to this take prohibition regardless of federal involvement. Additionally, any person can be subject to criminal or civil penalties for causing a take of threatened or endangered species. NMFS considers the issuance of floodplain development permits that do not avoid or compensate for detrimental impacts on ESA-listed species or their critical habitat as noncompliant with the Endangered Species Act. NMFS identifies certain private floodplain development activities as harmful to listed species, including the addition of fill, structures, levees and dikes, the addition of impervious surfaces, removal of vegetation, and bank armoring. NMFS has determined that these activities impair natural floodplain functions and thereby negatively impact the survival and recovery of ESA-listed species.

With a jeopardy determination, NMFS is obligated to provide a Reasonable and Prudent Alternative (RPA), which are program changes to the NFIP that will allow the program to be implemented in a manner that avoids jeopardy to ESA-listed species and adverse modification





# Oregon

Kate Brown, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

RECEIVED

JUN 15 2016

June 2, 2016

RF600/7700-ENF

CITY OF ST HELENS LAND USE PLANNING

ATTN JACOB GRAICHEN

PO BOX 278

ST HELENS OR 97051

CITY OF ST. HELENS

State Land Board

Kate Brown

Governor

RE: Closure of Enforcement File No. 7700-ENF  
No further action required

Jeanne P. Atkins  
Secretary of State

Dear Mr. Graichen:

Ted Wheeler  
State Treasurer

The Department recently received information regarding your property T. 04N, R. 01W, Section 4C, Tax Lot 100 located in Columbia County. Based on this information, we have determined that you have fulfilled the terms of Consent Agreement 7700-ENF dated May 4, 2016. As a result, we are closing the above-referenced enforcement file at this time.

Thank you for your cooperation in this matter. If you have any further questions, please contact Richard Fitzgerald at (503) 986-5260.

Sincerely,

Lori Warner-Dickason  
Aquatic Resource Manager  
Aquatic Resource Management  
Oregon Department of State Lands

RF:tld

cc: Tom Murtagh, Oregon Dept. of Fish and Wildlife  
Danielle Erb, US Army Corps of Engineers, Portland Office  
Cynthia Zemaitis, Columbia County, St. Helens, OR 97051  
Jared Fischer, 9020 Washington Square Road Ste. 505, Portland, OR 97223

## Jacob Graichen

---

**From:** Jennifer Dimsho  
**Sent:** Wednesday, June 15, 2016 2:08 PM  
**To:** Jacob Graichen  
**Subject:** June Planning Department Report

Here are my additions to the June Planning Department Report.

### GRANTS

1. TGM Grant Application: Due June 10 – Submitted 7 page application narrative, cover sheet, 2 letters of support, resolution to apply, project map, and other required attachments.
2. Reminded CLG applicants of the August 10 deadline for submitting reimbursement paperwork
3. Completed and submitted Travel Oregon Matching Grant Application (Due June 30). \$80k for 1 to 1 matching grant for branding and a Wayfinding Master Plan. If successful, City contribution would be \$30k cash and \$10k soft match (in-kind)

### EPA AWP

4. Planned for 2nd Waterfront Redevelopment Open House: July 6, 5:30-8pm– Venue, Catering, Project materials online, press materials. Attended check in and planning meeting with MFA on June 14. Reviewed draft presentation materials.

### MISC

5. Attended Columbia Health Coalition Visioning/Strategic Vision Planning Meeting on June 6
6. Attended 5th meeting for the 2016 Columbia County Year of Wellness on June 16
7. **Gateway Sculpture Project P.2's Kickstarter LAUNCHED on JUNE 1!** [www.tinyurl.com/salmontree](http://www.tinyurl.com/salmontree) **Fundraising goal is 16k by JUNE 31.** Purchased some rewards and packaging. Photographed reward samples. Reached out to non-profits and organizations for social media outreach support. Distributed handouts, spoke at events (Kiwanis, Elks, Commissions, etc.) Met with potential donors, scheduled social media posts, monitored KS page, updated backers, created mini goals.
8. Attend Parks Commission on June 13 to discuss parks maintenance funding strategies
9. Attended Arts & Cultural Commission Meeting on June 28 to discuss Kickstarter and fundraising methods
10. New Aha City Website training on June 29, 8:30am-12

### Jennifer Dimsho

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