

City of St. Helens

Planning Commission

January 10, 2017

Agenda

1. **7:00 p.m. Call to Order and Flag Salute**
2. **Consent Agenda**
 - a. Planning Commission Minutes dated December 13, 2016
3. **Topics from the Floor:** Limited to 5 minutes per topic (Not on Public Hearing Agenda)
4. **End of Year Summary Report**
5. **Chair/Vice Chair Selection**
6. **Framework Plan Discussion**
7. **Framework Plan & Historic Preservation Text Amendments Discussion**
8. **Acceptance Agenda: Planning Administrator Site Design Review:**
 - a. Site Design Review (Major) at vacant lot adjacent to the east side of 134 N. 2nd Street - Triplex on vacant lot
9. **Planning Director Decisions:** (previously e-mailed to the Commission)
 - a. Home Occupation (Type I) at 195 N. 5th Street - Transportation business
 - b. Lot Line Adjustment at 204 Crouse Way - Bells Drafting & Construction
 - c. Sign Permit at 745 S. Columbia River Hwy - Replace gas station pole sign
 - d. Home Occupation (Type I) at 733 Rockwood Dr. - Home-based house cleaning business
10. **Planning Department Activity Reports**
 - a. December 28, 2016
11. **For Your Information Items**
12. **Next Regular Meeting: February 14, 2017**

Adjournment

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

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

City of St. Helens
Planning Commission Meeting
December 13, 2016
Minutes

Members Present:

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

Members Absent:

None

Staff Present:

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

Councilors Present:

Ginny Carlson, City Council Liaison

Others Present:

Jeffrey Trinklein
Terry McGittigan

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

Consent Agenda

Approval of Minutes

Commissioner Semling moved to approve the minutes of the November 8, 2016 Planning Commission meeting. Vice Chair Petersen seconded the motion. Motion carried with all in favor. Chair Cary did not vote as per operating rules. Commissioner Cohen did not vote due to his absence from the meeting.

Topics From The Floor

There were no topics from the floor.

Public Hearing

Jeffrey Trinklein

Variance / V.9.16

325 N. 4th Street

It is now 7:01 p.m. and Chair Cary opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter. Commissioner Cohen said he viewed the site from the right-of-way. No one in the audience objected to any of the Commissioner's ability to make a fair decision.

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

- Staff report packet dated December 6, 2016 with attachments

Graichen said the applicant is proposing a setback reduction and an increase in lot coverage. He discussed the variance approval criteria and City Engineering's comments regarding sewer with the Commission, as presented in the staff report. He also mentioned SHMC 17.108.050 (4) which allows a 20 percent reduction in setback requirements and five percent increase in lot coverage for building additions without a variance. He explained that the applicant is proposing to connect the carport to the existing attached garage.

Commissioner Cohen asked how much of the lot would be left open with this proposal. Graichen explained that there will be approximately 53% not covered by structures. The R5 zoning district also requires 25% landscaping, which appears to be met.

Commissioner Lawrence asked if the existence of a new roofed structure will cause stormwater runoff issues for neighbors. Graichen said property owners were contacted about this proposal. He also noted that the proposal is still three feet from the property line. Commissioner Lawrence asked if the building department will also review the proposal. Graichen said yes, if the variance gets approval tonight.

IN FAVOR

Trinklein, Jeff, Applicant. Trinklein said this variance is to help with his ability to get vehicles into the existing garage. He said there is a large fir tree adjacent to his driveway, which requires the vehicles to be tarped. Regarding the sewer, it is located on his neighbor's property beyond the fence. When the City has done maintenance in the past, they have used his neighbor's yard on 5th Street. Trinklein said if the City did need to use his side to access the line, the structure he is proposing will not impede access because it will be open in the back. Trinklein said he is proposing to enclose the structure with a wall between his property and his neighbor. Regarding stormwater runoff, Trinklein said the property is sloped towards his house, not his neighbor. He also developed an extensive drainage system when he moved in because it is a very problematic area. He installed grates and underground pipes which direct stormwater to the back. On the structure itself, Trinklein said he will have a small eave, so the water will run onto the existing concrete from the roof and towards the drains next to the garage.

Commissioner Hubbard asked if the structure proposed looks like the one in the staff report. Trinklein said no. The structure will match the features of the home. Trinklein said he will modify the siding to match the home, but it will be open on the front and the back.

Commissioner Webster asked if he was going to block the existing garage door with the new structure. Trinklein said it will not be blocked, but it will have a roof structure over it. Commissioner Cohen asked why he chose to attach the structure to the existing garage. Trinklein feels it will be structurally sounder and it will not impact the existing garage door access. Commissioner Cohen asked what the height of the garage

will be. Trinklein said twelve feet so that he can store his ten-foot boat. There was discussion about changing the direction of the gable. Trinklein said this proposal was the least impact to his neighbor that he could come up with. Commissioner Webster pointed out that you do not see the existing garage from the street.

Commissioner Cohen asked why he wanted to attach the structure to the existing garage. Trinklein said freestanding structures have more wind issues and are not as structurally sound. Vice Chair Petersen asked if he built the existing garage. Trinklein said no, every structure was built prior to when he bought the home 22 years ago. Trinklein also wanted to add that his neighbors are not in opposition to the project.

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 is concerned that this proposal squeezes too many structures onto a small lot. He would rather see a structure that is open on all sides and not attached to existing structures.

Vice Chair Petersen said that he has similar concerns. When the original garage was built, it was probably difficult to maneuver cars into. He feels this difficulty cannot now be used as a reason to enlarge it.

Commissioner Webster noted that the applicant is not proposing to increase impervious surface. Vice Chair Petersen said that the applicant is still increasing lot coverage beyond the standard. Commissioner Cohen wants to maintain ample open space on lots. Commissioner Lawrence agrees.

Chair Cary said the Commission should think of the attached garage as part of the house since it is unusable as a garage. He suggested that the Commission think of the proposal as just the addition of a carport on the side of a building.

Commissioner Hubbard and Vice Chair Petersen have concerns about how storm drainage would work with the addition of a new attached structure.

MOTION

Commissioner Cohen moved to deny the variance permit. Commissioner Lawrence seconded. Commissioner Hubbard, Commissioner Cohen, Commissioner Lawrence, and Vice Chair Petersen voted in favor; Commissioner Webster opposed; motion carries.

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

□

2017 Planning Commission Meeting Schedule

Assistant Planner Dimsho asked if the Commission had any issue with meeting on February 14, 2017. The Commission decided that it would be fine to hold a meeting that day.

□

Review of Code Amendments for Framework Plan & Historic Preservation

Graichen said the Waterfront Framework Plan was adopted last week by City Council. There are a number of recommended next steps in that Plan, and adjusting the zoning code is one of them. Graichen said tonight is a general discussion about the upcoming code amendments. He is hoping that the first review of the text amendments will be next month with the public hearing and adoption the following month.

Graichen discussed the historic and current zoning of the waterfront, as presented in the memo. He discussed the proposed Riverfront District and the corresponding sub-districts on the zoning and comprehensive plan zoning map. Lastly, he asked the Commission if there are any standards to specifically call out in the Mill sub-district, aside from the three items listed in the memo.

Commissioner Lawrence asked about view corridors. Vice Chair Petersen said in his research of view corridor ordinances, he noticed that all view corridor ordinances benefit public views. However, St. Helens view protection code benefits only private views. Vice Chair Petersen feels that the City should quit regulating and protecting private views. He does not have a problem with the City protecting a public view, but not an imaginary private view.

Commissioner Cohen asked for the Commission to be de-briefed on the Framework Plan during the next meeting. It was decided to mail out a hardcopy Framework Plan to the Commission.

Chair Cary said the Architectural Design Guidelines would make sense on the Veneer property. He thinks the historic nature of the Riverfront District is what makes St. Helens unique. Commissioner Hubbard agrees that there should be some architectural guidelines in place. Commissioner Cohen is worried that you cannot re-create new historic structures. Vice Chair Petersen said the guidelines may be limiting with certain uses (like a hotel), but it would be possible. He noted that Washington D.C. is a good example of a city that applies historic architectural guidelines to new structures. Vice Chair Petersen suggested that the Commission re-read the Architectural Design Guidelines with new development in mind. Graichen noted that we have never had to use the Architectural Design Guidelines for a new building.

Commissioner Cohen asked if we want to have a new identity for the Veneer property or if we want to continue the existing historic district. He would like time to think about the answer to this question.

Graichen briefly described two more code changes that will be included in the upcoming batch of code amendments for next month: 1) a policy in the Comprehensive Plan that encourages the adaptive reuse of historic structures, and 2) requiring archival photos of historic buildings prior to moving the structure, major alterations, or demolition.

□

Acceptance Agenda: Planning Administrator Site Design Review

- a. Site Design Review at 1875 Old Portland Rd. - Mini storage facility

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

□

Planning Director Decisions

- a. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - St. Helens Police Department Donut Day
- b. Sign Permit at 305 Strand Street - Big River Bistro
- c. Accessory Structure at 1421 Tualitan Street - New storage shed
- d. Site Design Review (Scenic Resource) at vacant lot east side of 134 N. 2nd Street - Wayne Weigandt
- e. Partition at 755 N. Columbia River Hwy - ICDC II, LLC
- f. Sign Permit (x2 Wall) at 2298 Gable Road Suite 110 - Tube Art Group (Mod Pizza)
- g. Temporary Use Permit (Renewal) at 1300 Kaster Rd. - Cascades Tissue Group
- h. Home Occupation (Type II) at 59041 Welches Ct. - Online firearm sales

There were no comments.

□

Planning Department Activity Reports

There were no comments.

□

For Your Information Items

Dimsho said the Columbia County Museum has a special exhibit to celebrate the 90th anniversary of the opening of the St. Helens Pulp & Paper Mill. The museum is open Wednesdays and Thursdays from noon until 4 p.m. on the second floor of the old courthouse.

□

There being no further business before the Planning Commission, the meeting was adjourned at 9:11 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	P	P	P	P	P	P	P
08/09/16	CAN	CAN	CAN	CAN	CAN	CAN	CAN
09/13/16	P	P	P	P	P	P	P
10/11/16	P	P	P	P	P	P	P
11/08/16	P	P	P	A	P	P	P
12/13/16	P	P	P	P	P	P	P

Comparison of Land Use Actions by Year

Planning Commission Public Hearings & Planning Administrator Decisions

Land Use Action	2008	2009	2010	2011	2012	2013	2014	2015	2016
Accessory Structure	5	5	1	1	1	0	2	3	6
Amended Land Use Decision	0	0	0	1	2	5	0	2	0
Annexation (Processed)	2	7	1	1		0	2	0	1
Annexation (Submitted, Not Processed)				2	0	4	1	0	1
Appeals	1	0	0	1	0	2	0	1	1
Map/Text Ammendment	3	2	4	2	1	0	1	4	4
Conditional Use Permit	7	4	2	1	1	3	2	6	7
Conditional Use Permits/Minor Modif.	3	4	2	0	1	1	0	0	0
Development Agreement		1	0	0	0	0	0	0	0
Expedited Land Division	0	0	0	0	0	0	0	0	0
Extension of Time	3	2	2	0	0	0	1	2	1
Historic Site Review	0	4	0	0	0	0	0	0	1
Home Occupations, Type I	23	20	18	13	18	11	13	9	11
Home Occupations, Type II	8	6	6	5	9	5	6	1	4
Lot Line Adjustment	12	3	2	1	3	0	0	0	3
Non-Conforming Use Determination	0	0	1	0	0	0	0	0	0
Partition	8	2	0	0	0	0	0	2	2
Planned Development	0	0	0	0	0	0	0	0	0
Revocation	0	0	0	0	0	0	0	0	0
Sensitive Lands Permit	1	0	0	1	2	3	2	0	4
Sign Permit	21	22	30	31	34	35	32	35	24
Sign Exception/Variance	0	0	0	0	0	1	0	0	0
Site Design Review	4	1	4	2	4	5	2	6	4
Site Design Review (Minor)	7	14	10	15	11	9	6	5	6
Site Design Review (Scenic Resource)	1	0	0	1	0	3	1	1	4
Subdivisions	1	1	0	0	1	2	0	0	1
Subdivision Final Plat Approval	1	1	0	0	0	1	1	0	0
Variances	3	0	1	3	4	5	3	4	9
Temporary Use Permits	4	7	7	10	7	2	3	4	2
Tree Removal Permit				1	0	0	0	0	1
Other Public Hearing Subjects (i.e. Periodic Review)	0	0	0	0	0	0	0	0	0
Columbia County Referrals	3	3	6	4	3	3	0	0	0
Total Land Use Actions	121	109	97	96	102	100	78	85	97

2016 Year End Summary
Planning Commission & Planning Administrator Land Use Actions
Planning Commission Work Sessions, Discussions & Interpretations

Accessory Structure		Annexation	
1. Jason LaTour (N. Vernonia Rd.) 2. Koelzer Construction (Pittsburg Rd.) 3. Pamela Parsons (Oregon St.) 4. Robert Barnett (Oregon St.) 5. Robert Barnett (Oregon St.) 6. Mark Huggins (Tualitan St.)		1. Karl Keener (Old Portland Rd.)	
Appeal		Comprehensive Plan/Zone Map Amendment	
1. Jennifer Plahn (Columbia Blvd.)		1. Wayne Weigandt (Pittsburg Rd.) 2. Jeremy & Sherri Thompson (Bradley Ln.) 3. City of St. Helens (Various) 4. Melton & Coombs (Columbia Blvd.)	
Conditional Use Permit		Conditional Use Permits (Minor Modifications)	
1. G.O. Enterprises, LLC (Columbia Blvd.) 2. Restonate Church (S. 1st St.) 3. Lower Columbia Engineering (River St.) 4. Lower Columbia Engineering (River St.) 5. Edward Kim (N. Columbia River Hwy) 6. St. Helens Church of the Nazarene (Gable Rd.) 7. Lower Columbia Engineering (River St.)			
Extension of Time		Home Occupations, Type II	
1. Stanton Wirta (Sykes Rd.)		1. Debra Washington (S. 14th St.) 2. Michelle Wingert (S. 4th St.) 3. Cheri Elliott (Grey Cliffs Ct.) 4. Paul & Wendy Wilson (Welches Ct.)	
Home Occupations, Type I		Tree Removal Permit	
1. Lisa Sigler (Park Street) 2. Lorraine Brinkerhoff (S. 14th Street) 3. Christina Perry (N. 9th Street) 4. Melissa Kubitz (Isabella Lane) 5. Kimberly Carlson (S. 12th Street) 6. Sierra Koepfle (Noble Rd.) 7. Shawna Herron (Grey Cliffs Ct.) 8. Erynn Woods (Red Cedar St.) 9. Jaron & Maggie Clayton (Roberts Ln.) 10. Thomas Jordan (N. 5th St.) 11. Russell Morrone (Rockwood Dr.)		1. Alan Horton (S. Columbia River Hwy)	

Lot Line Adjustment	Partition
1. KLS Surveying Inc. (Hankey Rd.) 2. Raymond Bell (S. 6th St.) 3. Raymond Bell (Crouse Way)	1. Reynolds Land Surveying, Inc. (S. 2nd St.) 2. ICDC II, LLC (N. Columbia River Hwy)
Sign Permit	Sensitive Lands Permit
1. Meyer Sign Co of OR (S. Columbia River Hwy) 2. Meyer Sign Co of OR (S. Columbia River Hwy) 3. Meyer Sign Co of OR (S. Columbia River Hwy) 4. Meyer Sign Co of OR (S. Columbia River Hwy) 5. Dianna Holmes (Columbia Blvd.) 6. St. Helens Sports Booster Club (Columbia Blvd.) 7. Pacific NW Works (Columbia Blvd.) 8. Amani Center (Columbia Blvd.) 9. Security Signs Inc. (S. 9th St.) 10. Northwest Antique Airplane Club (Columbia Blvd.) 11. Tater Rental, LLC (Cowlitz St.) 12. Steve Nguyen (Gable Rd.) 13. Clark Signs (River St.) 14. St. Helens Kiwanis Club (Columbia Blvd.) 15. Amani Center (Columbia Blvd.) 16. Clark Signs (Plaza St.) 17. Columbia County Fair (Columbia Blvd.) 18. Security Signs Inc. (S. Columbia River Hwy) 19. Dewey's Sign Service (S. Columbia River Hwy) 20. Columbia River Fire & Rescue (Columbia Blvd.) 21. St. Helens Police Department (Columbia Blvd.) 22. Tube Art Group (Gable Rd.) 23. Tube Art Group (Gable Rd.) 24. Dewey's Sign Service (S. Columbia River Hwy)	1. Lower Columbia Engineering, LLC (River St.) 2. Lower Columbia Engineering, LLC (River St.) 3. Comfort Construction (McNulty Way) 4. Lower Columbia Engineering, LLC (River St.)
Site Design Review (Major)	Unlisted Use
1. Lower Columbia Engineering, LLC (River St.) 2. OHM Equity Partners LLC (Renton Ave.) 3. Wayne Weigandt (N. 1st St.) 4. Aaron Stoddard (Old Portland Rd.)	
Site Design Review (Minor)	Nonconforming Use Determination
1. Integrate Arch & Planning (Gable Rd.) 2. Lower Columbia Engineering, LLC (Railroad Ave.) 3. Northwest Self Storage (Columbia River Hwy) 4. FDH - Velocitel (Milton Way) 5. Comfort Construction (McNulty Way) 6. American Tire Inc. (Milton Way)	

Variance	Temporary Use Permit
1. Ronald Schwirse (Vernonia Rd.) 2. Ronald Schwirse (Vernonia Rd.) 3. Ronald Schwirse (Vernonia Rd.) 4. Lower Columbia Engineering, LLC (River St.) 5. Lower Columbia Engineering, LLC (River St.) 6. Lower Columbia Engineering, LLC (River St.) 7. Robert & Martha Sipe (Whitetail Ave.) 8. Wayne Weigandt (N. 1st St.) 9. Jeffrey Trinklein (N. 4th St.)	1. Clyde Barlow (Columbia River Hwy) 2. TNT Fireworks (Gable Rd.)
Historic Resource Review	Columbia County Referral
1. Clark Signs (Plaza St.)	
Scenic Resource Review	Subdivision
1. LaGrand Townhomes, LLC (S. 2nd St.) 2. American Pride Const. Services, LLC (N. 1st St.) 3. Lower Columbia Engineering, LLC (N. River St.) 4. Wayne Weigandt (N. 1st St.)	1. 3J Consulting, Inc. (Elk Meadows Dr.)
Subdivision (Final Plat)	

underline words are added
~~words stricken~~ are deleted

CHAPTER 17.32 ZONED AND USES

Sections:

- 17.32.010 Classification of zones.
- 17.32.020 Zoning district map.
- 17.32.030 Determination of zoning boundaries.
- 17.32.040 Unlisted use – Authorization of similar use.
- 17.32.050 Suburban residential zone – R-10.
- 17.32.060 Moderate residential zone – R-7.
- 17.32.070 General residential zone – R-5.
- 17.32.080 Apartment residential zone – AR.
- 17.32.090 Mobile home residential zone – MHR.
- 17.32.095 Mixed use zone – MU.
- 17.32.100 Highway commercial – HC.
- 17.32.110 General commercial – GC.
- ~~17.32.120 Marine commercial – MC.~~
- 17.32.130 Light industrial – LI.
- 17.32.140 Heavy industrial – HI.
- 17.32.150 Public lands – PL.
- 17.32.160 Willamette Greenway – WG.
- 17.32.170 Riverfront district – RD.
- 17.32.171 Riverfront district – RD, Marina.
- 17.32.172 Riverfront district – RD, Plaza.
- 17.32.173 Riverfront district – RD, Mill.
- ~~17.32.172~~ RD guidelines adopted.
- ~~17.32.175~~80 Houlton business district – HBD.
- ~~17.32.180 Waterfront redevelopment overlay district – WROD.~~

17.32.010 Classification of zones.

All areas within the corporate limits of the city of St. Helens are divided into zoning districts. The use of each tract and ownership of land within the corporate limits is limited to those uses permitted by the zoning classification applicable to each such tract as designated in the following table. The zoning districts within the city of St. Helens are hereby classified and designated as follows:

Suburban Residential	R-10
Moderate Residential	R-7

General Residential	R-5
Apartment Residential	AR
Mobile Home Residential	MHR
Mixed Use	MU
Highway Commercial	HC
General Commercial	GC
Marine Commercial	MC
Light Industrial	LI
Heavy Industrial	HI
Willamette Greenway	WG
Public Lands	PL
Riverfront District	RD
Houlton Business District	HBD

[...]

17.32.050 Suburban Residential Zone – R10

[...]

- (5) ~~Additional Requirements. All Chapters of the Development Code apply.~~
- ~~(a) Residential density transition, SHMC 17.56.040.~~
 - ~~(b) Overlay districts chapters:~~
 - ~~(i) 17.148, Planned Development,~~
 - ~~(ii) 17.36, Historic Sites and Overlay District,~~
 - ~~(iii) 17.44, Sensitive Lands, and~~
 - ~~(iv) 17.48, Solar Access Requirements.~~
 - ~~(c) Supplemental provisions chapters:~~
 - ~~(i) 17.52, Environmental Performance Standards,~~
 - ~~(ii) 17.56, Density Computations,~~
 - ~~(iii) 17.60, Manufactured/Mobile Home Regulations,~~
 - ~~(iv) 17.64, Additional Yard Setback Requirements and Exceptions,~~
 - ~~(v) 17.68, Building Height Limitations—Exceptions,~~
 - ~~(vi) 17.72, Landscaping and Screening,~~
 - ~~(vii) 17.76, Visual Clearance Areas,~~
 - ~~(viii) 17.80, Off Street Parking and Loading Requirements,~~

- ~~(ix) 17.84, Access, Egress, and Circulation, and~~
- ~~(x) 17.88, Signs.~~
- ~~(d) Site development review, Chapter 17.96 SHMC.~~
- ~~(e) Development and administration chapters:~~
 - ~~(i) 17.100, Conditional Use,~~
 - ~~(ii) 17.104, Nonconforming Situations,~~
 - ~~(iii) 17.108, Variance,~~
 - ~~(iv) 17.116, Temporary Uses,~~
 - ~~(v) 17.120, Home Occupations,~~
 - ~~(vi) 17.124, Accessory Structures, and~~
 - ~~(vii) 17.132, Tree Removal.~~
- ~~(f) Land division chapters:~~
 - ~~(i) 17.136, Land Division — Subdivision,~~
 - ~~(ii) 17.140, Land Division — Land Partitioning — Lot Line Adjustment,~~
 - ~~(iii) 17.152, Street and Utility Improvement Standards, and~~
 - ~~(iv) 17.144, Expedited Land Divisions.~~

[...]

17.32.060 Moderate Residential Zone – R7

[...]

(3) Conditional Uses (See Chapter 17.100 SHMC). In an R-7 zone, the following conditional uses may be permitted upon application:

- (a) Auxiliary dwelling units.
- (b) Bed and breakfast, homestay, boarding house.
- (c) Children's day care/day nursery.
- ~~(d) Community recreation including structures facility.~~
- ~~(e) Cultural exhibits and library services.~~
- ~~(f) Duplex residential units.~~
- ~~(g) Neighborhood store/plaza.~~
- ~~(h) Elderly/convalescent home.~~
- ~~(i) Private park.~~
- ~~(j) Public facilities, major.~~
- ~~(k) Public safety facilities.~~
- ~~(l) Religious assembly.~~

[...]

(5) ~~Additional Requirements. All Chapters of the Development Code apply.~~

- ~~(a) Residential density transition, SHMC 17.56.040.~~
- ~~(b) Overlay districts chapters:~~
 - ~~(i) 17.148, Planned Development,~~
 - ~~(ii) 17.36, Historic Sites and Overlay District,~~
 - ~~(iii) 17.44, Sensitive Lands, and~~
 - ~~(iv) 17.48, Solar Access Requirements.~~

Commented [JG1]: "Community recreation facility" is a conditional use in the R7, R5, and AR zones. Listing in the R7 zone should be consistent with others.

Commented [JG2]: A conditional use in the R5 and R10 zone. The P. Commission felt this should be in the R7 zone too.

- (e) Supplemental provisions chapters:
 - (i) 17.52, Environmental Performance Standards,
 - (ii) 17.56, Density Computations,
 - (iii) 17.60, Manufactured/Mobile Home Regulations,
 - (iv) 17.64, Additional Yard Setback Requirements and Exceptions,
 - (v) 17.68, Building Height Limitations—Exceptions,
 - (vi) 17.72, Landscaping and Screening,
 - (vii) 17.76, Visual Clearance Areas,
 - (viii) 17.80, Off-Street Parking and Loading Requirements,
 - (ix) 17.84, Access, Egress, and Circulation, and
 - (x) 17.88, Signs.
- (d) Site development review, Chapter 17.96 SHMC.
- (e) Development and administration chapters:
 - (i) 17.100, Conditional Use,
 - (ii) 17.104, Nonconforming Situations,
 - (iii) 17.108, Variance,
 - (iv) 17.116, Temporary Uses,
 - (v) 17.120, Home Occupations,
 - (vi) 17.124, Accessory Structures, and
 - (vii) 17.132, Tree Removal.
- (f) Land division chapters:
 - (i) 17.136, Land Division—Subdivision,
 - (ii) 17.140, Land Division—Land Partitioning—Lot Line Adjustment,
 - (iii) 17.152, Street and Utility Improvement Standards, and
 - (iv) 17.144, Expedited Land Divisions.

[...]

17.32.070 General Residential Zone – R5

[...]

- (5) Additional Requirements: All Chapters of the Development Code apply.
 - (a) Residential density transition, SHMC-17.56.040.
 - (b) Overlay districts chapters:
 - (i) 17.148, Planned Development,
 - (ii) 17.36, Historic Sites and Overlay District,
 - (iii) 17.44, Sensitive Lands, and
 - (iv) 17.48, Solar Access Requirements.
 - (c) Supplemental provisions chapters:
 - (i) 17.52, Environmental Performance Standards,
 - (ii) 17.56, Density Computations,
 - (iii) 17.60, Manufactured/Mobile Home Regulations,
 - (iv) 17.64, Additional Yard Setback Requirements and Exceptions,
 - (v) 17.68, Building Height Limitations—Exceptions,
 - (vi) 17.72, Landscaping and Screening,

- (vii) 17.76, Visual Clearance Areas;
- (viii) 17.80, Off-Street Parking and Loading Requirements;
- (ix) 17.84, Access, Egress, and Circulation, and
- (x) 17.88, Signs.
- (d) Site development review, Chapter 17.96 SHMC.
- (e) Development and administration chapters:
 - (i) 17.100, Conditional Use,
 - (ii) 17.104, Nonconforming Situations,
 - (iii) 17.108, Variance,
 - (iv) 17.116, Temporary Uses,
 - (v) 17.120, Home Occupations,
 - (vi) 17.124, Accessory Structures, and
 - (vii) 17.132, Tree Removal.
- (f) Land division chapters:
 - (i) 17.136, Land Division—Subdivision,
 - (ii) 17.140, Land Division—Land Partitioning—Lot Line Adjustment,
 - (iii) 17.152, Street and Utility Improvement Standards, and
 - (iv) 17.144, Expedited Land Divisions.

[...]

17.32.080 Apartment Residential Zone – AR

[...]

- (5) ~~Additional Requirements. All Chapters of the Development Code apply.~~
- (a) ~~Residential density transition, SHMC 17.56.040.~~
- (b) ~~Overlay districts chapters:~~
 - (i) 17.148, Planned Development,
 - (ii) 17.36, Historic Sites and Overlay District,
 - (iii) 17.44, Sensitive Lands, and
 - (iv) 17.48, Solar Access Requirements.
- (c) ~~Supplemental provisions chapters:~~
 - (i) 17.52, Environmental Performance Standards,
 - (ii) 17.56, Density Computations,
 - (iii) 17.60, Manufactured/Mobile Home Regulations,
 - (iv) 17.64, Additional Yard Setback Requirements and Exceptions,
 - (v) 17.68, Building Height Limitations—Exceptions,
 - (vi) 17.72, Landscaping and Screening,
 - (vii) 17.76, Visual Clearance Areas,
 - (viii) 17.80, Off-Street Parking and Loading Requirements,
 - (ix) 17.84, Access, Egress, and Circulation, and
 - (x) 17.88, Signs.
- (d) ~~Site development review, Chapter 17.96 SHMC.~~
- (e) ~~Development and administration chapters:~~
 - (i) 17.100, Conditional Use,

- (ii) 17.104, Nonconforming Situations;
- (iii) 17.108, Variance;
- (iv) 17.116, Temporary Uses;
- (v) 17.120, Home Occupations;
- (vi) 17.124, Accessory Structures, and
- (vii) 17.132, Tree Removal.
- (f) Land division chapters:
 - (i) 17.136, Land Division—Subdivision;
 - (ii) 17.140, Land Division—Land Partitioning—Lot Line Adjustment;
 - (iii) 17.152, Street and Utility Improvement Standards, and
 - (iv) 17.144, Expedited Land Divisions.

[...]

17.32.090 Mobile Home Residential Zone – MHR

[...]

- (5) Additional Requirements. All Chapters of the Development Code apply.
 - (a) Residential density transition, SHMC 17.56.040.
 - (b) Overlay districts chapters:
 - (i) 17.148, Planned Development;
 - (ii) 17.36, Historic Sites and Overlay District;
 - (iii) 17.44, Sensitive Lands, and
 - (iv) 17.48, Solar Access Requirements.
 - (c) Supplemental provisions chapters:
 - (i) 17.52, Environmental Performance Standards;
 - (ii) 17.56, Density Computations;
 - (iii) 17.60, Manufactured/Mobile Home Regulations;
 - (iv) 17.64, Additional Yard Setback Requirements and Exceptions;
 - (v) 17.68, Building Height Limitations—Exceptions;
 - (vi) 17.72, Landscaping and Screening;
 - (vii) 17.76, Visual Clearance Areas;
 - (viii) 17.80, Off Street Parking and Loading Requirements;
 - (ix) 17.84, Access, Egress, and Circulation, and
 - (x) 17.88, Signs.
 - (d) Site development review, Chapter 17.96 SHMC.
 - (e) Development and administration chapters:
 - (i) 17.100, Conditional Use;
 - (ii) 17.104, Nonconforming Situations;
 - (iii) 17.108, Variance;
 - (iv) 17.116, Temporary Uses;
 - (v) 17.120, Home Occupations;
 - (vi) 17.124, Accessory Structures, and
 - (vii) 17.132, Tree Removal.
 - (f) Land division chapters:

- (i) 17.136, Land Division—Subdivision;
- (ii) 17.140, Land Division—Land Partitioning—Lot Line Adjustment;
- (iii) 17.152, Street and Utility Improvement Standards, and
- (iv) 17.144, Expedited Land Divisions.

[...]

17.32.095 Mixed Use Zone – MU

[...]

- (5) Additional Requirements: All Chapters of the Development Code apply.
 - (a) Residential density transition, SHMC-17.56.040;
 - (b) ~~Overlay districts chapters:~~
 - (i) 17.148, Planned Development;
 - (ii) 17.36, Historic Sites and Overlay District;
 - (iii) 17.44, Sensitive Lands, and
 - (iv) 17.48, Solar Access Requirements.
 - (c) ~~Supplemental provisions chapters:~~
 - (i) 17.52, Environmental Performance Standards;
 - (ii) 17.56, Density Computations;
 - (iii) 17.60, Manufactured/Mobile Home Regulations;
 - (iv) 17.64, Additional Yard Setback Requirements and Exceptions;
 - (v) 17.68, Building Height Limitations—Exceptions;
 - (vi) 17.72, Landscaping and Screening;
 - (vii) 17.76, Visual Clearance Areas;
 - (viii) 17.80, Off-Street Parking and Loading Requirements;
 - (ix) 17.84, Access, Egress, and Circulation, and
 - (x) 17.88, Signs.
 - (d) Site development review, Chapter 17.96 SHMC;
 - (e) ~~Development and administration chapters:~~
 - (i) 17.100, Conditional Use;
 - (ii) 17.104, Nonconforming Situations;
 - (iii) 17.108, Variance;
 - (iv) 17.116, Temporary Uses;
 - (v) 17.120, Home Occupations;
 - (vi) 17.124, Accessory Structures, and
 - (vii) 17.132, Tree Removal.
 - (f) ~~Land division chapters:~~
 - (i) 17.136, Land Division—Subdivision;
 - (ii) 17.140, Land Division—Land Partitioning—Lot Line Adjustment;
 - (iii) 17.152, Street and Utility Improvement Standards, and
 - (iv) 17.144, Expedited Land Divisions.

[...]

17.32.100 Highway Commercial – HC

[...]

- (5) ~~Additional Requirements. All Chapters of the Development Code apply.~~
 - (a) ~~Residential density transition, SHMC 17.56.040.~~
 - (b) ~~Overlay districts chapters:~~
 - (i) ~~17.148, Planned Development,~~
 - (ii) ~~17.36, Historic Sites and Overlay District,~~
 - (iii) ~~17.44, Sensitive Lands, and~~
 - (c) ~~Supplemental provisions chapters:~~
 - (i) ~~17.52, Environmental Performance Standards,~~
 - (ii) ~~17.56, Density Computations,~~
 - (iii) ~~17.60, Manufactured/Mobile Home Regulations,~~
 - (iv) ~~17.64, Additional Yard Setback Requirements and Exceptions,~~
 - (v) ~~17.68, Building Height Limitations—Exceptions,~~
 - (vi) ~~17.72, Landscaping and Screening,~~
 - (vii) ~~17.76, Visual Clearance Areas,~~
 - (viii) ~~17.80, Off-Street Parking and Loading Requirements,~~
 - (ix) ~~17.84, Access, Egress, and Circulation, and~~
 - (x) ~~17.88, Signs.~~
 - (d) ~~Site development review, Chapter 17.96 SHMC.~~
 - (e) ~~Development and administration chapters:~~
 - (i) ~~17.100, Conditional Use,~~
 - (ii) ~~17.104, Nonconforming Situations,~~
 - (iii) ~~17.108, Variance,~~
 - (iv) ~~17.116, Temporary Uses,~~
 - (v) ~~17.120, Home Occupations,~~
 - (vi) ~~17.124, Accessory Structures, and~~
 - (vii) ~~17.132, Tree Removal.~~
 - (f) ~~Land division chapters:~~
 - (i) ~~17.136, Land Division—Subdivision,~~
 - (ii) ~~17.140, Land Division—Land Partitioning—Lot Line Adjustment,~~
 - (iii) ~~17.152, Street and Utility Improvement Standards, and~~
 - (iv) ~~17.144, Expedited Land Divisions.~~

[...]

17.32.110 General Commercial – GC

[...]

- (5) ~~Additional Requirements. All Chapters of the Development Code apply.~~
 - (a) ~~Residential density transition, SHMC 17.56.040.~~
 - (b) ~~Overlay districts chapters:~~
 - (i) ~~17.148, Planned Development,~~

- (ii) 17.36, Historic Sites and Overlay District,
- (iii) 17.44, Sensitive Lands, and
- (e) Supplemental provisions chapters:
 - (i) 17.52, Environmental Performance Standards,
 - (ii) 17.56, Density Computations,
 - (iii) 17.60, Manufactured/Mobile Home Regulations,
 - (iv) 17.64, Additional Yard Setback Requirements and Exceptions,
 - (v) 17.68, Building Height Limitations—Exceptions,
 - (vi) 17.72, Landscaping and Screening,
 - (vii) 17.76, Visual Clearance Areas,
 - (viii) 17.80, Off-Street Parking and Loading Requirements,
 - (ix) 17.84, Access, Egress, and Circulation, and
 - (x) 17.88, Signs.
- (d) Site development review, Chapter 17.96 SHMC.
- (e) Development and administration chapters:
 - (i) 17.100, Conditional Use,
 - (ii) 17.104, Nonconforming Situations,
 - (iii) 17.108, Variance,
 - (iv) 17.116, Temporary Uses,
 - (v) 17.120, Home Occupations,
 - (vi) 17.124, Accessory Structures, and
 - (vii) 17.132, Tree Removal.
- (f) Land division chapters:
 - (i) 17.136, Land Division—Subdivision,
 - (ii) 17.140, Land Division—Land Partitioning—Lot Line Adjustment,
 - (iii) 17.152, Street and Utility Improvement Standards, and
 - (iv) 17.144, Expedited Land Divisions.

[...]

~~17.32.120 Marine Commercial—MC~~

(1) Purpose. The MC zone is intended to encourage a wide range of water related activities both commercial and residential.

(2) Uses Permitted Outright. In the MC zone the following uses are permitted outright subject to the provisions of this code and especially the site development review chapter (Chapter 17.96 SHMC):

- (a) Boathouses.
- (b) Boat launching or moorage facilities and marine boat charter services.
- (c) Boat or marine equipment sales, service, storage, rental, or repair (including gas for marine vehicle use).
- (d) Dwellings located above permitted uses (use AR standards, except yard requirements, which are based on the use at ground level below the dwelling or dwellings).
- (e) Eating and drinking establishments including carry-out.
- (f) Home occupation in dwelling unit (per Chapter 17.120 SHMC).
- (g) Hotels and motels.

Commented [JG3]: This is deleted in this section, but not deleted from the code. Its moved to a different section as the Riverfront District's Marina sub-district

- (h) Houseboats.
 - (i) Parking lots.
 - (j) Public facility, minor.
 - (k) Public parks and public recreational facilities.
 - (l) Retail sale of sporting goods, groceries, and similar commodities required by marine recreationists.
 - (m) Retail sale of handicraft and tourist goods.
 - (n) Marine-related club facility.
- (3) Conditional Uses. In the MC zone the following uses may be permitted upon approval subject to the provisions of this code, especially those in Chapter 17.100 SHMC for conditional uses:
- (a) Commercial amusement and recreational facilities.
 - (b) Multidwelling units (must comply with AR standards and other applicable sections of this code).
 - (c) Private parks.
 - (d) Public facilities, major.
 - (e) Travel trailer parks.
- (4) Standards. In the MC zone the following standards shall apply:
- (a) The maximum building height shall be determined on a case by case basis (see SHMC 17.68.040).
 - (b) Outdoor storage abutting or facing a lot in a residential zone shall comply with Chapter 17.72 SHMC.
 - (c) The maximum lot coverage including all impervious surfaces shall be 90 percent.
 - (d) The minimum landscaping shall be 10 percent of gross land area associated with the use.
- (5) Additional Requirements:
- (a) Residential density transition, SHMC 17.56.040.
 - (b) Overlay districts chapters:
 - (i) 17.148, Planned Development,
 - (ii) 17.36, Historic Sites and Overlay District,
 - (iii) 17.44, Sensitive Lands, and
 - (iv) 17.48, Solar Access Requirements.
 - (c) Supplemental provisions chapters:
 - (i) 17.52, Environmental Performance Standards,
 - (ii) 17.56, Density Computations,
 - (iii) 17.60, Manufactured/Mobile Home Regulations,
 - (iv) 17.64, Additional Yard Setback Requirements and Exceptions,
 - (v) 17.68, Building Height Limitations—Exceptions,
 - (vi) 17.72, Landscaping and Screening,
 - (vii) 17.76, Visual Clearance Areas,
 - (viii) 17.80, Off-Street Parking and Loading Requirements,
 - (ix) 17.84, Access, Egress, and Circulation, and
 - (x) 17.88, Signs.
 - (d) Site development review, Chapter 17.96 SHMC.
 - (e) Development and administration chapters:
 - (i) 17.100, Conditional Use,

- (ii) 17.104, Nonconforming Situations;
- (iii) 17.108, Variance;
- (iv) 17.116, Temporary Uses;
- (v) 17.120, Home Occupations;
- (vi) 17.124, Accessory Structures, and
- (vii) 17.132, Tree Removal.
- (f) Land division chapters:
 - (i) 17.136, Land Division—Subdivision;
 - (ii) 17.140, Land Division—Land Partitioning—Lot Line Adjustment;
 - (iii) 17.152, Street and Utility Improvement Standards, and
 - (iv) 17.144, Expedited Land Divisions.

[...]

17.32.130 Light Industrial – LI

[...]

(4) Standards.

(a) The standards for the LI zone shall be determined by the proximity to residential zones and the anticipated off-site impacts. ~~Further standards shall be in accordance with the following:~~

- (a) Overlay districts chapters:
 - (i) 17.148, Planned Development;
 - (ii) 17.36, Historic Sites and Overlay District, and
 - (iii) 17.44, Sensitive Lands.
- (b) Supplemental provisions chapters:
 - (i) 17.52, Environmental Performance Standards;
 - (ii) 17.56, Density Computations;
 - (iii) 17.60, Manufactured/Mobile Home Regulations;
 - (iv) 17.64, Additional Yard Setback Requirements and Exceptions;
 - (v) 17.68, Building Height Limitations—Exceptions;
 - (vi) 17.72, Landscaping and Screening;
 - (vii) 17.76, Visual Clearance Areas;
 - (viii) 17.80, Off-Street Parking and Loading Requirements;
 - (ix) 17.84, Access, Egress, and Circulation, and
 - (x) 17.88, Signs.
- (c) Site development review, Chapter 17.96 SHMC.
- (d) Development and administration chapters:
 - (i) 17.100, Conditional Use;
 - (ii) 17.104, Nonconforming Situations;
 - (iii) 17.108, Variance;
 - (iv) 17.116, Temporary Uses;
 - (v) 17.120, Home Occupations;
 - (vi) 17.124, Accessory Structures, and
 - (vii) 17.132, Tree Removal.

~~(e) Land division chapters:~~

- ~~(i) 17.136, Land Division—Subdivision,~~
- ~~(ii) 17.140, Land Division—Land Partitioning—Lot Line Adjustment,~~
- ~~(iii) 17.152, Street and Utility Improvement Standards, and~~
- ~~(iv) 17.144, Expedited Land Divisions.~~

~~(f) (b) The maximum height within 100 feet of any residential zone shall be 35 feet.~~

~~(5) All Chapters of the Development Code apply.~~

[...]

17.32.140 Heavy Industrial – HI

[...]

(4) Standards. The standards for the HI zone shall be determined by the proximity to residential zones and the anticipated off-site impacts.

(a) No off-site impacts are permitted which exceed the standards of this code on lands permitting dwellings.

(b) The city noise ordinance and adopted DEQ regulations for locations near noise-sensitive uses such as dwellings, churches, schools and hospitals shall be the noise standard for off-site impacts.

(c) Vibrations that are continuous, frequent or repetitive and discernible to a person of normal sensibilities on nonindustrial zoned lands are prohibited except as listed below (continuous, frequent or repetitive vibrations shall not exceed 0.002g peak on nonindustrial lands):

(i) Vibrations from temporary construction and vehicles which leave the site, such as trucks, trains, and helicopters, are excluded. Vibrations from primarily on-site vehicles and equipment are included.

(ii) Vibrations of no more than five minutes in any one day shall not be deemed continuous, frequent or repetitive for this regulation.

(d) Glare shall not directly or indirectly from reflection cause illumination in excess of 0.5 foot candles on nonindustrial zoned lands. Glare is illumination caused by incandescent, fluorescent or arc lighting or from high temperature processes such as welding or metallurgical refining.

(e) No off-site impacts from odor, dust, smoke, gas or chemical contaminants shall exceed the applicable local, state or federal standards.

(f) The maximum height within 100 feet of any residential zone shall be 35 feet.

~~(5) Additional Requirements. All Chapters of the Development Code apply.~~

~~(a) Overlay districts chapters:~~

- ~~(i) 17.148, Planned Development,~~
- ~~(ii) 17.36, Historic Sites and Overlay District, and~~
- ~~(iii) 17.44, Sensitive Lands.~~

~~(b) Supplemental provisions chapters:~~

- ~~(i) 17.52, Environmental Performance Standards,~~
- ~~(ii) 17.56, Density Computations,~~

- (iii) 17.60, Manufactured/Mobile Home Regulations;
- (iv) 17.64, Additional Yard Setback Requirements and Exceptions;
- (v) 17.68, Building Height Limitations—Exceptions;
- (vi) 17.72, Landscaping and Screening;
- (vii) 17.76, Visual Clearance Areas;
- (viii) 17.80, Off-Street Parking and Loading Requirements;
- (ix) 17.84, Access, Egress, and Circulation; and
- (x) 17.88, Signs.
- (c) Site development review, Chapter 17.96 SHMC.
- (d) Development and administration chapters:
 - (i) 17.100, Conditional Use;
 - (ii) 17.104, Nonconforming Situations;
 - (iii) 17.108, Variance;
 - (iv) 17.116, Temporary Uses;
 - (v) 17.120, Home Occupations;
 - (vi) 17.124, Accessory Structures; and
 - (vii) 17.132, Tree Removal.
- (e) Land division chapters:
 - (i) 17.136, Land Division—Subdivision;
 - (ii) 17.140, Land Division—Land Partitioning—Lot Line Adjustment;
 - (iii) 17.152, Street and Utility Improvement Standards; and
 - (iv) 17.144, Expedited Land Divisions.
- (f) The maximum height within 100 feet of any residential zone shall be 35 feet.

[...]

17.32.150 Public Lands – PL

[...]

- (5) Additional Requirements. All Chapters of the Development Code apply.
 - (a) Overlay districts chapters:
 - (i) 17.148, Planned Development;
 - (ii) 17.36, Historic Sites and Overlay District; and
 - (iii) 17.44, Sensitive Lands.
 - (b) Supplemental provisions chapters:
 - (i) 17.52, Environmental Performance Standards;
 - (ii) 17.56, Density Computations;
 - (iii) 17.60, Manufactured/Mobile Home Regulations;
 - (iv) 17.64, Additional Yard Setback Requirements and Exceptions;
 - (v) 17.68, Building Height Limitations—Exceptions;
 - (vi) 17.72, Landscaping and Screening;
 - (vii) 17.76, Visual Clearance Areas;
 - (viii) 17.80, Off-Street Parking and Loading Requirements;
 - (ix) 17.84, Access, Egress, and Circulation; and
 - (x) 17.88, Signs.

- (e) Site development review, Chapter 17.96 SHMC.
- (d) Development and administration chapters:
 - (i) 17.100, Conditional Use,
 - (ii) 17.104, Nonconforming Situations,
 - (iii) 17.108, Variance,
 - (iv) 17.116, Temporary Uses,
 - (v) 17.120, Home Occupations,
 - (vi) 17.124, Accessory Structures, and
 - (vii) 17.132, Tree Removal.
- (e) Land division chapters:
 - (i) 17.136, Land Division—Subdivision,
 - (ii) 17.140, Land Division—Land Partitioning—Lot Line Adjustment,
 - (iii) 17.152, Street and Utility Improvement Standards, and
 - (iv) 17.144, Expedited Land Divisions.

[...]

17.32.170 Riverfront District – RD.

The Riverfront District represents the lands along the St. Helens waterfront that are not designated principally as industrial or residential. These lands provide a mix of uses and generally greater public access and interaction with the Columbia River or Multnomah Channel. The Riverfront District is divided into sub-districts as follows and as depicted by Ordinance No. ####, Attachment #.

<u>Marina</u>	<u>RD, Marina</u>	<u>SHMC 17.32.171</u>
<u>Plaza</u>	<u>RD, Plaza</u>	<u>SHMC 17.32.172</u>
<u>Mill</u>	<u>RD, Mill</u>	<u>SHMC 17.32.173</u>

17.32.171 Riverfront District – RD, Marina.

(1) Purpose. The Marina sub-district is intended to encourage a wide range of water-related activities both commercial and residential. This is the northernmost area of the Riverfront District and an area historically occupied by marinas and related uses.

(2) Uses Permitted Outright. In the Marina sub-district the following uses are permitted outright subject to the provisions of this code and especially the site development review chapter (Chapter 17.96 SHMC):

- (a) Boathouses.
- (b) Boat launching or moorage facilities and marine boat charter services.
- (c) Boat or marine equipment sales, service, storage, rental, or repair (including gas for marine vehicle use).
- (d) Dwellings located above permitted uses (use AR standards, except yard requirements, which are based on the use at ground level below the dwelling or dwellings).

Commented [JG4]: These rules are basically the “old” Marine Commercial zone.

- (e) Eating and drinking establishments including carry-out.
- (f) Home occupation in dwelling unit (per Chapter 17.120 SHMC).
- (g) Hotels and motels.
- (h) Houseboats.
- (i) Parking lots.
- (j) Public facility, minor.
- (k) Public parks and public recreational facilities.
- (l) Retail sale of sporting goods, groceries, and similar commodities required by marine recreationists.
- (m) Retail sale of handicraft and tourist goods.
- (n) Marine-related club facility.

(3) Conditional Uses. In the Marina sub-district the following uses may be permitted upon approval subject to the provisions of this code, especially those in Chapter 17.100 SHMC for conditional uses:

- (a) Commercial amusement and recreational facilities.
- (b) Multidwelling units (must comply with AR standards and other applicable sections of this code).
- (c) Private parks.
- (d) Public facilities, major.
- (e) Travel trailer parks.

(4) Standards. In the Marina sub-district the following standards shall apply:

- (a) The maximum building height shall be determined on a case by case basis (also see SHMC 17.68.040).
- (b) Outdoor storage abutting or facing a lot in a residential zone shall comply with Chapter 17.72 SHMC.
- (c) The maximum lot coverage including all impervious surfaces shall be 90 percent.
- (d) The minimum landscaping shall be 10 percent of gross land area associated with the use.

(5) All chapters of the Development Code apply except as modified herein.

Commented [JG5]: This section is changed from the original MC zone, which just lists the chapters of the Development Code. This is just much more concise.

17.32.172 Riverfront District – RD, Plaza.

(1) Purposes. The ~~RD-zone~~ Plaza sub-district is intended to provide an innovative and flexible zoning category that may be used to implement the St. Helens comprehensive plan economic goals and policies and the strategic plan goals and policies for economic development. The strategy is to provide opportunities for traditional neighborhood design and mixed residential and commercial uses in redeveloping riverfront district areas. The ~~RD-zone~~ Plaza sub-district is designed to preserve and revitalize older developed areas, by eliminating nonconformities, providing for more mixed use development in individual buildings, and other more flexible development regulations which acknowledge the developed nature of the properties involved. The ~~RD-zone~~ Plaza sub-district also allows for the establishment of special design and aesthetic standards for development, consistent with a community plan for redevelopment, preservation, and conservation. The location for the establishment of this

riverfront district zone shall be targeted for existing developed areas, such as the existing commercial downtown, which could benefit from revitalization in the form of specific long-range planning, mixed uses and innovative development options and community improvement programs. ~~The land use designations absorbed by the RD zone include general commercial (GC), mixed use (MU), apartment residential (AR), and public lands (PL).~~ This area is the commercial core of historic St. Helens.

(2) Uses Permitted Outright. In the ~~RD zone~~ Plaza sub-district, the following uses are permitted outright, subject to the modifications to development standards and conditions as specified herein and all other applicable provisions of this code as noted under additional requirements:

- (a) Historic residential structures with or without any auxiliary dwelling unit per Chapter 17.128 SHMC.
- (b) Residential Above Nonresidential Permitted Uses.
 - (i) Dwelling, single-family.
 - (ii) Dwelling, duplex.
 - (iii) Dwelling, townhouse.
 - (iv) Dwelling, multifamily.
 - (v) Other residential uses as per ORS Chapter [443](#).
- (c) Public and institutional uses.
- (d) Amphitheater public uses.
- (e) Historical and cultural exhibits.
- (f) Education and research facilities.
- (g) Library services.
- (h) Government administrative facilities/offices.
- (i) Lodge, fraternal and civic assembly.
- (j) Parking lots, public.
- (k) Public facilities, minor.
- (l) Public facilities, major.
- (m) Public or private park.
- (n) Public or private recreation facilities.
- (o) Public or private schools/colleges.
- (p) Public safety and support facilities.
- (q) Artisan workshops.
- (r) Art studios, galleries.
- (s) Amusement services.
- (t) Bars.
- (u) Bed and breakfast facilities.
- (v) Business and personal services, such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.
- (w) Eating and drinking establishments – all (e.g., restaurant, diner, coffee shop).
- (x) Offices – all (e.g., medical, business or professional).
- (y) Financial institutions.
- (z) Hardware stores, without outdoor storage.
- (aa) Health and fitness clubs.
- (bb) Hotels or motels.

- (cc) Kiosks.
- (dd) Pawn shops.
- (ee) Pet shop and supplies.
- (ff) Repair and maintenance facilities/shops for permitted retail products.
- (gg) Rental centers.
- (hh) Residential storage facilities (in conjunction with three or more dwelling units).
- (ii) Retail sales establishments – all.
- (jj) Small equipment sales, rental and repairs facilities/shops, without outside storage.
- (kk) Theaters, indoors.
- (ll) Trade and skilled services without outdoor storage, such as plumbing, HVAC, electrical, and paint sales/services facilities/shops.
- (mm) Type I and II home occupation in dwelling unit above nonresidential permitted uses.
- (nn) Used product retail (e.g., antique dealers, secondhand dealers, flea markets).
- (oo) Veterinary medical services, without outdoor facilities for animal housing.
- (pp) Transient housing.
- (qq) Watercraft sales, rental, charters, without outdoor storage.

(3) Conditional Uses. In the ~~RD-zone~~ Plaza sub-district, the following conditional uses may be permitted upon application, subject to provision of Chapter [17.100](#) SHMC and other relevant sections of this code:

- (a) Auction sales, services and repairs.
- (b) Broadcast facilities without dishes over 36 inches or transmitter/receiver towers.
- (c) Bus and train stations/terminals.
- (d) Business with outdoor storage (those businesses permitted in permitted uses).
- (e) Child care facility/day nursery.
- (f) Drive-up businesses and services (including those associated with food sales, pharmacies and such).
- (g) Funeral homes.
- (h) Hospitals, clinics, nursing homes, and convalescent homes.
- (i) Laundromats and dry cleaners.
- (j) Marijuana retailer and/or medical marijuana dispensary.
- (k) Religious assembly excluding cemeteries.
- (l) Parking lots/facilities, private.

(4) Standards Applicable to All Uses. In the ~~RD-zone~~ Plaza sub-district, the following standards and special conditions shall apply and shall take precedence over any conflicting standards listed in this code:

- (a) The maximum building height shall be 45 feet. Building height limitations of SHMC 17.68.040, Building height criteria for scenic resources, do not apply to ~~properties zoned RD~~.
- (b) The maximum lot coverage including all impervious surfaces shall be 90 percent; provided, however, for new construction or existing legally constructed buildings seeking new or revised development approvals, lot coverage may be increased up to 100 percent by payment of a lot coverage fee established by resolution of the city council. The lot coverage fee shall be deposited into the riverfront district community capital improvement account to offset loss of

landscaping in the RD zone.

(c) There is no minimum of lot size requirement.

(d) No minimum setback requirements applicable to all uses except for as required in Chapter 17.64 SHMC.

(e) The maximum front yard setback shall be zero feet. The maximum setback may be increased with the condition that 100 percent of the increased setback is used for pedestrian amenities with the building use, such as patio dining for restaurant, sidewalk cafe, plaza, or courtyard.

(f) Interior or Side Yard Setbacks. New buildings containing any nonresidential use abutting residential districts require one foot of setback for each foot of building wall height on the side abutting the residential zone, with a minimum setback of 10 feet. For yards abutting other nonresidential districts, no setback is required, subject to building code requirements.

Note: Where the ~~RD zone~~ Plaza sub-district abuts a residential zone and the uses are more than 30 feet above the proposed commercial use, then the height of the topography counts as part of the setback, e.g., 35-foot bluff behind a commercial building is same as 35-foot setback on that side.

(g) Rear Yard Setbacks. New buildings containing nonresidential uses abutting residential districts require one foot of setback for each foot of building wall height with a minimum setback of 10 feet (see above note). For yards abutting other nonresidential districts, no rear setback is required, subject to building code requirements.

(h) The minimum lot width at the street and building line shall be 20 feet.

(i) The minimum lot depth shall be 50 feet.

(j) Minimum open space shall be 10 percent, except when the lot coverage fee is paid as per subsection (4)(b) of this section.

(k) No maximum building size.

(l) No additional or new on-site parking is required for sites with existing development footprint coverage in excess of 50 percent of the site area (change of use or remodeling without a change to the existing footprint of existing development are also exempt).

(m) Except for subsection (4)(l) of this section, new development shall meet required on-site parking requirements with credit, on one-for-one basis of parking spaces in rights-of-way abutting the site. On-street parking (in rights-of-way) shall be based upon parallel parking, or existing; fractions do not count. Moreover, parking standards shall be for normal sized vehicles, for the purpose of the parking credit.

(n) New development can buy out of on-site parking requirements by paying into the RD community capital improvement account (a fund shall be designated for future RD located parking facilities) in an amount set by city council in a resolution.

(5) Special Conditions Permitted and Conditional Uses.

(a) All new construction and any changes to the exterior of structures within this district shall maintain the character of the existing buildings so that the heritage character remains (e.g., new-age architecture would not fit the heritage character while the lap-siding look or brick look with cornices and old style windows and doors should fit the character of the area).

(b) Residential Uses.

(i) Except for historic residential structures (listed in city's comprehensive plan and/or registered and recognized by the state or federal government), residential use is prohibited on the first floor of any building in the ~~RD zone~~ Plaza sub-district.

(ii) There is no minimum lot size requirement for residential use above permitted nonresidential uses.

(iii) Residential density above permitted uses shall be based on the standard of one dwelling unit for each full 500 interior square feet of non-residential use provided. Outdoor dining areas and similar permitted outdoor uses may only be included in the calculation when such areas are not located within a right-of-way.

(c) Outdoor storage of goods and materials must be screened.

(d) Outdoor display of goods and materials for retail establishments is permitted on private property in front of the retail establishment, provided such displays do not block safe ingress and egress from all entrances, including fire doors. In addition, outdoor display goods and materials shall be properly and safely stored inside during non-business hours. No outdoor display may block safe pedestrian or vehicular traffic. Outdoor displays shall not encroach in public rights-of-way, including streets, alleys or sidewalks, without express written permission of the city council.

(e) Kiosks may be allowed on public property, subject to the approval of a concession agreement with the city.

(6) Additional Requirements.

(a) Residential Density Transition. The residential density calculation and transition provisions of Chapter 17.56 SHMC shall not apply to the ~~RD-zone~~ Plaza sub-district for residential uses above permitted uses. Densities are determined for residential uses by the formula in subsection (5)(b)(iii) of this section.

(b) Overlay District. Chapter 17.148 SHMC, Planned Development, shall not apply to the ~~RD-zone~~ Plaza sub-district.

(c) The visual clearance area requirements of Chapter 17.76 SHMC do not apply to the ~~RD-zone~~ Plaza sub-district.

(d) Chapter 17.40 SHMC, Wetland and Riparian Corridor. The wetland and riparian corridor protective measures of Chapter 17.40 SHMC apply and are in full force and effect in the ~~RD-zone~~ Plaza sub-district except as modified herein:

(i) The provisions of this section control over the provisions of Chapter 17.40 SHMC.

(ii) Pursuant to SHMC 17.40.020(2), the director may waive the EA or statement requirements of the ordinance if the request is for a sensitive lands permit to place pedestrian paths, lighting fixtures or other amenities (such as public art), or other passive recreational improvements on public land or on lands to be conveyed to a public entity.

(iii) The exemption in SHMC 17.40.035(1)(l) is clarified to specifically contemplate shoreline stabilization and hardening measures to protect state, city, county, or other publicly owned lands, or interests or lands or interests to be acquired by public entities. Such project may also include associated boardwalks or pedestrian paths or walks within the protection zone, provided said paths, boardwalks or walks utilize materials or are so constructed so as to reduce unnecessary impervious area.

(e) Chapter 17.44 SHMC, Sensitive Lands, applies to the ~~RD-zone~~ Plaza sub-district, except as modified herein:

(i) The provisions of this section control over the provisions of Chapter 17.44 SHMC.

(ii) Pursuant to SHMC 17.40.020(2), the director may also waive the EA or statement requirements of the ordinance if the request is for a sensitive lands permit to place pedestrian paths, lighting fixtures or other amenities (such as public art), or other passive recreational

improvements on public lands or on lands to be conveyed to a public entity.

(f) ~~Supplemental Provisions Chapters. These standards shall apply except as modified herein. All Chapters of the Development Code apply except as modified herein.~~

- ~~(i) Chapter 17.52 SHMC, Environmental Performance Standards;~~
- ~~(ii) Chapter 17.56 SHMC, Density Computations;~~
- ~~(iii) Chapter 17.60 SHMC, Manufactured/Mobile Home Regulations;~~
- ~~(iv) Chapter 17.64 SHMC, Additional Yard Setback Requirements and Exceptions;~~
- ~~(v) Chapter 17.68 SHMC, Building Height Limitations—Exceptions;~~
- ~~(vi) Chapter 17.72 SHMC, Landscaping and Screening;~~
- ~~(vii) Chapter 17.76 SHMC, Visual Clearance Areas;~~
- ~~(viii) Chapter 17.80 SHMC, Off Street Parking and Loading Requirements;~~
- ~~(ix) Chapter 17.84 SHMC, Access, Egress, and Circulation;~~
- ~~(x) Chapter 17.88 SHMC, Signs;~~
- ~~(xi) Chapter 17.96 SHMC, Site Development Review;~~
- ~~(xii) Chapter 17.100 SHMC, Conditional Use;~~
- ~~(xiii) Chapter 17.104 SHMC, Nonconforming Situations;~~
- ~~(xiv) Chapter 17.108 SHMC, Variance;~~
- ~~(xv) Chapter 17.116 SHMC, Temporary Uses;~~
- ~~(xvi) Chapter 17.120 SHMC, Home Occupations;~~
- ~~(xvii) Chapter 17.124 SHMC, Accessory Structures;~~
- ~~(xviii) Chapter 17.132 SHMC, Tree Removal;~~
- ~~(xix) Chapter 17.136 SHMC, Land Division—Subdivision;~~
- ~~(xx) Chapter 17.140 SHMC, Land Division—Land Partitioning—Lot Line~~

~~Adjustment;~~

- ~~(xxi) Chapter 17.144 SHMC, Expedited Land Divisions;~~
- ~~(xxii) Chapter 17.148 SHMC, Planned Development;~~
- ~~(xxiii) Chapter 17.152 SHMC, Street and Utility Improvement Standards;~~
- ~~(xxiv) Chapter 17.36 SHMC, Historic Sites and Overlay District.~~

(7) Architectural Character Review.

(a) In the ~~RD-zone~~ Plaza sub-district, permanent exterior architectural changes to buildings (including new construction and signs) and freestanding signs that are not designated landmarks or historic resources of statewide significance as defined and otherwise governed by Chapter 17.36 SHMC shall comply with the architectural design guidelines, attached to Ordinance No. 3164 as Attachment A, except:

- (i) For ordinary maintenance not requiring a building permit.
- (ii) Painting of buildings except when painting previously unpainted masonry or stone.

(b) The historic landmark commission as established by Chapter 17.36 SHMC shall advise the approving authority on the character of permanent exterior architectural changes to all buildings within the ~~RD-zone~~ Plaza sub-district that are not designated landmarks or historic resources of statewide significance as defined and otherwise governed by Chapter 17.36 SHMC.

(c) The historic landmark commission shall make a recommendation to the approving authority as to whether the commission believes any proposed permanent exterior architectural changes to buildings, including new construction, per subsections (7)(a) and (b) of this section comply with the architectural design guidelines. Such recommendation shall be prior to any such

applicable decision being made, including but not limited to limited land use decisions of the planning commission or director, and other authorizations of the director such as building permit approval.

17.32.173 Riverfront District – RD, Mill.

[editor's note – see edits under the WROD per 17.32.180 below]

17.32.1729 RD guidelines adopted.

(1) The city hereby adopts the architectural design guidelines for the ~~riverfront district~~ Plaza sub-district, attached to the ordinance codified in this section as Attachment A and made part of this chapter by reference.

Commented [JG6]: Add Mill sub-district???

(2) The city hereby adopts the St. Helens Waterfront Framework Plan for the Mill sub-district, attached to the ordinance codified in this section as Attachment ~~##~~ and made part of this chapter by reference.

17.32.17580 Houlton business district – HBD.

(1) Purposes. The HBD zone is intended to provide an innovative and flexible zoning category that may be used to implement the St. Helens comprehensive plan economic goals and policies and the strategic plan goals and policies for economic development. The strategy is to provide opportunities for traditional neighborhood design and mixed residential and commercial uses in the redeveloping Houlton area. The HBD zone is designed to preserve and revitalize older developed areas by eliminating certain nonconformities, providing for more mixed use development in individual buildings, and other more flexible development regulations which acknowledge the developed nature of the properties involved. The location for the establishment of the HBD zone shall be targeted for existing developed areas, such as the existing commercial uptown, which could benefit from revitalization in the form of specific long-range planning, mixed uses and innovative development options and community improvement programs. ~~The land use designations absorbed by the HBD zone include general commercial (GC) and mixed use (MU). This is the commercial core of what was once a town known as Houlton that was separate from St. Helens.~~

[...]

(6) Additional Requirements.

(a) Residential Density Transition. The residential density calculation and transition provisions of Chapter 17.56 SHMC shall not apply to the HBD zone for residential uses above permitted uses. Densities are determined for residential uses by the formula in subsection (5)(a) of this section.

(b) The visual clearance area requirements of Chapter 17.76 SHMC do not apply to the Houlton business district.

(c) Overlay district Chapter 17.148 SHMC, Planned Development, shall not apply to the HBD zone.

(d) ~~Supplemental Provisions Chapters. These standards shall apply except as modified herein.~~ All Chapters of the Development Code apply except as modified herein.

- (i) Chapter 17.36 SHMC, Historic Sites and Overlay District;
- (ii) Chapter 17.44 SHMC, Sensitive Lands;
- (iii) Chapter 17.52 SHMC, Environmental Performance Standards;
- (iv) Chapter 17.60 SHMC, Manufactured/Mobile Home Regulations;
- (v) Chapter 17.64 SHMC, Additional Yard Setback Requirements and Exceptions;
- (vi) Chapter 17.68 SHMC, Building Height Limitations—Exceptions;
- (vii) Chapter 17.72 SHMC, Landscaping and Screening;
- (viii) Chapter 17.80 SHMC, Off-Street Parking and Loading Requirements;
- (ix) Chapter 17.84 SHMC, Access, Egress, and Circulation;
- (x) Chapter 17.88 SHMC, Signs;
- (xi) Chapter 17.96 SHMC, Site Development Review;
- (xii) Chapter 17.100 SHMC, Conditional Use;
- (xiii) Chapter 17.104 SHMC, Nonconforming Situations;
- (xiv) Chapter 17.108 SHMC, Variance;
- (xv) Chapter 17.116 SHMC, Temporary Uses;
- (xvi) Chapter 17.120 SHMC, Home Occupations;
- (xvii) Chapter 17.124 SHMC, Accessory Structures;
- (xviii) Chapter 17.132 SHMC, Tree Removal;
- (xix) Chapter 17.136 SHMC, Land Division—Subdivision;
- (xx) Chapter 17.140 SHMC, Land Division—Land Partitioning—Lot Line

Adjustment;

- (xxi) Chapter 17.144 SHMC, Expedited Land Divisions;
- (xxii) Chapter 17.148 SHMC, Planned Development;
- (xxiii) Chapter 17.152 SHMC, Street and Utility Improvement Standards.

[...]

17.32.180 Waterfront redevelopment overlay district – WROD.

[editor's note – this section represents code for the Mill sub-district under 17.32.173 above)]

(1) Purpose. The waterfront redevelopment overlay district (WROD) is established to provide an alternative zoning and development option that may be used to implement the St. Helens comprehensive plan economic goals and policies, and the strategic plan goals and policies for economic development. The WROD allows for a traditional downtown neighborhood design including a horizontal and vertical mix of residential, commercial and limited industrial manufacturing uses, thereby providing for a variety of employment-generating uses in close proximity to a mix of residential housing types. The WROD is available for use in existing underutilized industrial areas that are suitable for redevelopment. Appropriate locations for the establishment of the WROD include waterfront properties with an industrial designation. The WROD introduces a mix of commercial and residential uses into areas with industrial designations while maintaining supplies of industrial-designated lands.

(1) Purpose. The Mill sub-district is to provide an alternative zoning and development option

Commented [JG7]: This section is being deleted, to be replaced by the Riverfront District's Mill sub-district.

that may be used to allow for flexibility of possible land uses and standards while ensuring maximum public access along and to the waterfront to compliment other land uses that develop in the district. Development of this site is intended to provide a complimentary extension of the historic commercial core in use and form and facilitate transportation connections. This area was an important industrial site from the founding of St. Helens until the early part of the 21st century, when industrial development ceased with the Great Recession.

~~(2) Implementation. The provisions of the WROD can be implemented with an approved development agreement. A development agreement is a voluntarily negotiated agreement between the city and the property owner(s) consistent with ORS chapter 94 and any local implementing ordinance. The underlying zoning district and land use regulations of that zone remain in full force and effect unless and until the WROD is implemented with the approval of a development agreement. Upon such approval, the development agreement and WROD supersede the underlying zoning district and land use regulations normally applicable to development on the subject property.~~

Conversely, should the development agreement be terminated, revoked or otherwise become void prior to completion, the WROD is no longer in effect and the underlying zone and the land use regulations of that zone return. The following apply to development agreements pursuant to this section in addition to the requirements of ORS chapter 94, and other provisions of the city of St. Helens development code (SHMC Title 17), but is not intended to be an all encompassing list, limiting the city's ability to set forth terms and conditions in the development agreement necessary to ensure the health, safety and welfare of its citizenry for said development:

(a) ~~Development Plan.~~ Development agreement shall include a development plan or plans that has/have been approved through a site development review and/or conditional use permit and that has/have been revised as necessary to comply with city standards and applicable conditions of approval. Applicant bears responsibility for the development plan(s).

(b) ~~Legal Description.~~ Development agreement shall include a legal description of the entire property subject to the agreement, which shall be prepared by a licensed surveyor. The legal description shall include the total area, all separately described parcels, easements, and other pertinent instruments or exceptions of record. Applicant bears responsibility for the legal description.

(c) ~~Executed Title Certification.~~ Development agreement shall include the names of the legal and equitable owner(s) of the property subject to the agreement and be signed by said legal and equitable owner(s). As such, an executed certification from an attorney or title company that the record title to the subject property is in the name of the person, persons, corporation or other entity entering into the agreement shall be submitted to the city. Applicant bears the responsibility for the executed title certification.

(d) ~~Covenant of Unified Control.~~ Development agreement shall include a covenant of unified control requiring all property subject to the agreement to be held under single (unified) ownership, which property shall not be transferred, conveyed, sold, or otherwise divided in any other unit other than its entirety. An executed covenant shall be recorded in the public records with the executed development agreement. Applicant bears the responsibility of the covenant of unified control. The covenant may provide for specified conveyances, including but not limited to the following (but transfer of ownership of a portion of a property eligible for the WROD shall not occur without a completed land partition or subdivision):

(i) Conveyance of fully constructed lots or parcels, if any, to individual purchasers

Commented [JG8]: We can leave the Development Agreement as an option but not the be-all end-all substitute for zoning uses and standards. It was listed here as a floating zone. The Mill sub-district is not a floating zone.

The reasons for not mandating a development agreement and using as a substitute for uses allowed and applicable standards are:

- 1) If the only need is shared expense, a simpler private contract outside of ORS Chapter 94 isn't necessary.
- 2) If the city develops its own property, it can't have a Development Agreement with itself.
- 3) A development agreement could pose a challenge if there is a third part involved.
- 4) In order to comply with the Fair Housing Act, residential standards need to be clear and objective.

after approval of a final plat for the applicable lots or parcels when all applicable requirements contained in the agreement, including the timetable and special conditions, have been met.

(ii) If the development is designed and planned to be constructed in phases, conveyance of a phase, if the phase has complied with the applicable requirements contained in the agreement, including the timetable and special conditions. A phase may be conveyed separately, only after final plat approval for that phase.

(iii) Conveyance of other portions of the property, subject to the agreement, that will be used or maintained by governmental, environmental, charitable or other organizations or agencies for such purposes as the city council may deem appropriate after compliance with all applicable requirements of the agreement.

(e) **Timetable of Development.** Duration of the development agreement shall be consistent with the timetable of development, which is an exhibit of the agreement. The timetable of development shall include dates for individual or phased final plat approval(s) (if applicable), construction commencement, as well as phase and project completion. Applicant is responsible for submitting proposed timetable of development. The following provisions apply to the timetable of development:

(i) If not phased, development shall be completed within two years of approval of the agreement, including final plat approval (if applicable).

(ii) If phased, the actual construction time for any phase including final plat approval (if applicable) shall not exceed two years. No phase shall be completed out of order; each phase shall be completed consecutively.

(iii) Regardless of the number of proposed phases, no timetable for development shall exceed six years.

(iv) In the event an extension of the commencement date or completion date is sought, the amendment can be approved only if there is demonstrated compliance with all current laws and regulations.

(v) The deadlines as set forth in a development agreement are independent of and do not supersede those of the applicable land use applications (e.g., site development review, conditional use, land partition, and subdivision).

(vi) In the event the project has not complied with the construction commencement date, the development agreement shall cease to be effective and the development shall cease to be authorized.

(vii) Notwithstanding subsections (2)(e)(i) and (ii) of this section, one additional year may be added to each phase without modification to the development agreement provided the delay is a direct result of a government agency's, other than the city of St. Helens, review process, and clearly not a fault of the applicant.

(3) **Compliance with Other Standards.** All applicable regulations of the St. Helens Community Development Code (SHMC Title 17) and adopted engineering standards (SHMC Title 18) remain in full force and effect except as specifically modified in the applicable development agreement and WROD. In the case of a conflict with the requirements of this section, such conflicting requirements are superseded by those of this section and the approved development agreement to the extent of such conflict.

(4) **Properties Eligible for the WROD.** For a property to be eligible for the WROD, a legislative action pursuant to Chapter 17.20 SHMC, Procedures for Decision Making—

Legislative, is required. The following properties are officially eligible for the WROD:

~~(a) Property identified as Tax Lot 100, Section 3, T4N—R1W, Willamette Meridian, Columbia County, Oregon (as of December 2008), said property being more particularly described and shown on the exhibit(s) of Ordinance No. 3107.~~

~~(5) (2) Uses Permitted Outright. The following uses are permitted outright, subject to all provisions of the SHMC including specifically the modifications to development standards and conditions specified in this section and the applicable approved development agreement. Moreover, the applicable provisions of Chapter 17.96 SHMC, Site Development Review, apply, except those modified by this chapter. Note: letters in parentheses [e.g., (a)] following the type of use refer to special conditions pursuant to subsection (9) of this section.~~

- (a) Residential (a).
 - (i) Single dwelling units, attached (five units maximum together).
 - (ii) Multidwelling units.
- (b) Residential above Nonresidential Permitted Uses (a).
 - (i) Dwelling, single family.
 - (ii) Congregate care facility.
 - (iii) Single dwelling units, attached (five units maximum together).
 - (iv) Multidwelling units.
 - (v) Residential care facility.
 - (vi) Timeshare.
- (c) Public and Institutional Uses (b) (c).
 - (i) Amphitheater public uses.
 - (ii) Historical and cultural exhibits.
 - (iii) Education and research facilities.
 - (iv) Library services.
 - (v) Government administrative/office.
 - (vi) Lodge, fraternal and civic assembly.
 - (vii) Parking lots, public.
 - (viii) Public facility, minor.
 - (ix) Public facility, major.
 - (x) Public or private park.
 - (xi) Public or private recreation facilities.
 - (xii) Public or private school/college.
 - (xiii) Public safety and support facilities.
- (d) Manufacturing (b) (c).
 - (i) Artisan workshop.
 - (ii) Art studios, galleries.
 - (iii) Laboratories and research facilities.
- (e) Commercial (b) (c).
 - (i) Amusement services.
 - (ii) Animal sales and services, without outdoor kennels.
 - (iii) Medical facilities such as clinics, out-patient services, health care facility, etc.
 - (iv) Bed and breakfast facilities.
 - (v) Business and personal services, such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.

Commented [JG9]: Need to re-number

Commented [JG10R9]:

Commented [JG11]: Will just make section 9 general standards; will need to remove letters in parentheses following listed uses.

- (vi) Eating and drinking establishments – all (e.g., restaurant, diner, coffee shop).
- (vii) Financial institutions.
- (viii) Offices – all (e.g., medical, business or professional).
- (ix) Hardware store, without outdoor storage.
- (x) Health and fitness club.
- (xi) Hotels or motels.
- (xii) Kiosks (d).
- (xiii) Parking lots, commercial.
- (xiv) Pawn shop.
- (xv) Pet shop/supplies.
- (xvi) Plumbing, HVAC, electrical and paint sales and services, without outdoor storage.
- (xvii) Repair and maintenance of permitted retail products.
- (xviii) Rental center.
- (xix) Residential storage facility (in conjunction with three or more dwelling units).
- (xx) Retail sales establishments – all.
- (xxi) Small equipment sales, rental and repairs, without outside storage.
- (xxii) Theaters, indoors.
- (xxiii) Trade and skilled services.
- (xxiv) Type I and II home occupation (per Chapter 17.120 SHMC).
- (xxv) Used product retail (e.g., antique dealer, secondhand dealer, and flea market).
- (xxvi) Veterinary medical services (with no kennel).
- (f) Marine Commercial (b) (c) (d).
 - (i) Houseboat(s), also known as floating homes.
 - (ii) Boathouse(s).
 - (iii) Boat launching, moorage facilities and marine boat charter services.
 - (iv) Boat or marine equipment sales, service, storage, rental or repair.
 - (v) Retail sale of handicraft and tourist goods.
 - (vi) Watercraft sales, rental, charters, without outdoor storage.
 - (vii) Bait and tackle shops.
 - (viii) Accessory marine related uses.
 - (ix) Marina.
 - (x) Docks.

~~(6) (3) In the WROD, the following conditional uses may be permitted upon application, subject to the provisions of Chapter 17.100 SHMC, Conditional Use, and other relevant sections of this code, except those modified by this chapter. Note: letters in parentheses [e.g., (a)] following the type of use refer to special conditions pursuant to subsection (9) of this section.~~

- (a) Auction sales, services and repairs.
- (b) Broadcast facilities without dishes over 36 inches in diameter or transmitter/receiver towers.
- (c) Bus stations/terminals.
- (d) Businesses with outdoor storage (for businesses that are permitted uses only) (b).
- (e) Child care facility/day nursery.
- (f) Funeral homes.
- (g) Hospitals, nursing homes, and convalescent homes.

Commented [JG12]: Need to re-number

Commented [JG13]: Will just make section 9 general standards; will need to remove letters in parentheses following listed uses.

- (h) Postal services.
- (i) Communication services.
- (j) Laundromats and dry cleaners.
- (k) Religious assembly.
- (l) Boat building (d) (e).

(7) (4) Standards Applicable to All Uses. The following standards and special conditions shall apply to all uses in the ~~WROD~~ Mill sub-district:

(a) ~~There is no maximum building height. The maximum building height varies within the WROD.~~ The building height limitations of SHMC 17.68.040, Building height criteria for scenic resources, do not apply in the Mill sub-district. ~~in the WROD. Building height standards are specific to each property eligible for the WROD, pursuant to subsection (8) of this section.~~

(b) Landscaping Required. Landscaping shall comply with Chapter 17.72 SHMC.

(i) ~~Screening shall be in accordance with Chapter 17.72 SHMC, Landscaping and Screening. Landscaping used for screening may be included in the required landscaping pursuant to subsection (7)(b)(iii) of this section.~~

(ii) ~~See subsection (7)(i) of this section. Landscaping used for this purpose may be included in the required landscaping pursuant to subsection (7)(b)(iii) of this section.~~

(iii) ~~Landscaping shall be provided in conjunction with each building, proportional to each building's size. The minimum landscape area required shall be based on the following calculation: (building width x building length x height) x 0.02. Location of landscaping is subject to city approval. Landscaping plants and materials used are subject to city approval and shall provide a minimum 50 percent coverage at maturity. Areas that will not be covered by landscaping vegetation shall include bark dust or similar nonvegetative ground cover.~~

(iv) ~~Required landscaping pursuant to subsection (7)(b)(iii) of this section may be replaced on a one to one area basis, not to exceed 10 percent of the total minimum landscape area required, for any green roof utilized in a development.~~

(c) There is no minimum lot size requirement. Lots or parcels shall be of sufficient size to accommodate all applicable development standards for intended or potential land uses.

(d) No required yard (setbacks) from rights-of-way.

(e) Interior Setbacks. New buildings containing any nonresidential use abutting a residential zoning district require one foot of setback for each foot of wall height with a minimum setback of 10 feet. For yards abutting nonresidential districts, no interior setback is required, subject to building code requirements. Note: this setback may be reduced proportionately when the residential zoning district is topographically above the base level of new construction.

(f) The minimum lot width at the street and building line shall be 20 feet.

(g) The minimum lot depth shall be 50 feet.

(h) No maximum building size.

(i) ~~Parking lots shall not front on S. 1st Street and The Strand. Parking lots with three or more spaces visible from public streets shall include landscaping in addition to the other landscape requirements of this chapter and the SHMC, such that there is a minimum area six feet wide and length as necessary to visually soften the entire parking lot from public streets. Minimum improvements within these landscaping areas shall be pursuant to SHMC 17.72.080(4).~~

(j) Required Usage Ratio. The following ratio shall apply to each development proposal. Net usable land (less nonbuildable areas such as wetlands, public park/dedicated public open space, and public rights of way) shall have a maximum residential to commercial use ratio of four to

Commented [JG14]: Residential zones are 35'. Its 45' in the General Commercial and current Riverfront District zones. 40' for Highway Commercial.

For comparison, the Muckle Building is about 42 feet to the very top of the original roof. The top of the elevator shaft is 55 feet.

Commented [JG15]: Many zoning districts rely on Chapter 17.72 and a minimum amount required. For example, the MU, HC, GC, MC, HBD and RD zone is 10%.

Chapter 17.72 requires landscaping for screening/buffering (which may or may not apply), street trees, and landscaping for parking lots. Sometimes these "performance landscaping standards" will meet the base min. landscaping.

Because of the Riverwalk, open space provided by the river, nearby Nob Hill nature park, there will be a lot of open space already.

Two simple options are just to call out Chapter 17.72 or go with 10% like the majority of other non-industrial and non-residential zones.

Commented [JG16]: This would apply to the AR zone, which abuts some of the Mill sub-district, but is also generally atop the bluff.

one or a commercial to residential use ratio of four to one. In no case shall a development have a usage ratio that favors residential or commercial use more than four to one. This usage ratio is based on the sum of use(s) in buildings(s) and those not in buildings. The use(s) within buildings is based gross floor area, whereas the use not in buildings is based on net usable land as previously described. For the purpose of this section, the term “commercial” includes the industrial and institutional uses possible in the WROD.

(8) Building height standards for each property eligible for the WROD shall be determined during the process where a property becomes eligible for the WROD pursuant to subsection (4) of this section. Building height standards for each property eligible for the WROD are as follows:

(a) For the property identified by subsection (4)(a) of this section, the maximum building height is based on the following height zones:

(i) The first height zone is the area west of the centerline of the S. 2nd Street right-of-way (if it was extended in a straight line as platted in the St. Helens Subdivision in a southeasterly direction), where the maximum building height shall be 70 feet (standard “building height” definition).

(ii) The second height zone is the area between the centerlines of the S. 2nd Street and S. 1st Street rights of way (if they were extended in a straight line as platted in the St. Helens Subdivision in a southeasterly direction), where the maximum building height shall be 70 feet above mean sea level.

(iii) The third height zone is the area between the centerlines of the S. 1st Street and The Strand rights of way (if they were extended in a straight line as platted in the St. Helens Subdivision in a southeasterly direction), where the maximum building height shall be 60 feet above mean sea level.

(iv) The fourth height zone is the area east of the centerline of the The Strand right-of-way (if it was extended in a straight line as platted in the St. Helens Subdivision in a southeasterly direction), where the maximum building height shall be 50 feet above mean sea level.

(v) Notwithstanding the other height zones pursuant to this subsection (8)(a), the area 75 feet upland from the top of bank of the Columbia River shall have a maximum building height of zero feet (standard “building height” definition).

(vi) The maximum building height on the Columbia River shall be 25 feet (standard “building height” definition).

(9) Special Conditions. In general, where letters appear enclosed in parentheses following a given permitted or conditionally permitted use of the WROD, the corresponding lettered conditions below shall apply and constitute an approval criterion, clarification or restriction for the particular use listed.

(a) There is no maximum residential density is not based on the density computations of Chapter 17.56 SHMC, but rather the usage ratios of this chapter and design requirements (e.g., off street parking, landscaping, access areas, etc.).

(b) Outdoor storage of goods and materials as an independent use not in conjunction with another use is prohibited. Outdoor storage is allowed for conditional uses in this zone only when said storage is completely screened from the street and adjacent properties.

(c) Outdoor display of goods and materials for retail establishments is permitted on

Commented [JG17]: Need to re-number

Commented [JG18]: These should be incorporated into general standards (current section 10 below).

Commented [JG19]: Usage ratio stuff proposed to be deleted (see above).

Need to change to general standard; not a condition standard.

private property in front of the retail establishment, provided such displays do not block safe ingress and egress from all entrances and exits including those specifically for emergency use, block safe pedestrian or vehicular circulation areas, block required parking areas, block emergency accessways, interfere with landscape areas such that those areas will be prone to damage, or otherwise create a hazard. In addition, outdoor display of goods and materials shall be properly and safely stored inside during nonbusiness hours. Moreover, outdoor displays shall not encroach in public rights-of-way, including but not limited to streets, alleys or sidewalks, without express written permission of the city council as reflected in an executed temporary license, release and hold harmless agreement. License agreements shall require safe, sturdy and secure outdoor displays and may be subject to an annual fee determined by resolution of the St. Helens city council.

~~(d) Water uses cannot exceed 50 percent of water rights area (shoreline) fronting a given property.~~

~~(e) The following criteria shall be in addition to the other approval standards necessary to approve, approve with conditions, or deny an application for a conditional use:~~

~~(i) Use shall include restrictions determined necessary to prevent conflicts with existing or potential nearby residential uses. Examples include but are not limited to restrictions addressing hours of operation, noise, vibration, external lighting and emissions (odor and particulates).~~

~~(ii) Use shall be located in an area determined by the commission to be the edge of non-industrial development for the foreseeable future.~~

(10) Additional Requirements and Standards.

(a) All chapters or sections of the Development Code shall apply to the Mill sub-district, except the following, which do not apply:

(i) Chapter 17.56 SHMC, Density Computations;

(ii) Chapter 17.40 SHMC, Protective Measures for Significant Wetlands, Riparian Corridors, and Protection Zones;

(iii) Building height limitations of SHMC 17.68.040, Building height criteria for scenic resources;

(iv) Chapter 17.76 SHMC, Visual Clearance Areas; and

(iv) Chapter 17.148 SHMC, Planned Development.

~~(a) The residential density calculation and transition provisions of Chapter 17.56 SHMC shall not apply to the waterfront redevelopment overlay district. Rather, density is controlled in accordance with subsection (9)(a) of this section.~~

~~(b) The planned development overlay per Chapter 17.148 SHMC shall not apply to the waterfront redevelopment overlay district.~~

~~(c) The historic sites and overlay district provisions of Chapter 17.36 SHMC do not apply to the waterfront redevelopment overlay district.~~

~~(d) The architectural character review provisions of riverfront district, RD zone, pursuant to SHMC 17.32.170(7) shall apply to the waterfront redevelopment overlay district.~~

~~(e) The sensitive lands requirements of Chapter 17.40 SHMC apply to the waterfront redevelopment overlay district. Where development in or on the water fronting a development is for a public use or direct public benefit, then protection zone averaging provisions of that chapter are allowed.~~

~~(f) The visual clearance area requirements of Chapter 17.76 SHMC do not apply to the~~

Commented [JG20]: Need to re-letter; need to edit uses lists

Commented [JG21]: Already covered, more-or-less, by the CUP process.

Commented [JG22]: Need to renumber

Commented [JG23]: If this is kept, needs to be edited for correct section reference, etc.

waterfront redevelopment overlay district.

(g) Any new development within 100 feet of the top of bank/shoreline of the Columbia River shall include the lands between zero and 100 feet as part of the development. In addition, a bicycle/pedestrian facility shall be dedicated within this area for public use, of such width and design to sufficiently accommodate bicyclists and pedestrians as a multi-use pathway, and in accordance with the applicable city standards. Such bicycle/pedestrian facility shall connect to an adjacent public right-of-way, another bicycle/pedestrian facility or public park for connectedness. As part of any development, division of land, lot line adjustment, replat and such, a minimum 50-foot width measured from the top of bank/shoreline of the Columbia River landward, shall be dedicated for public access. Dedication may be by easement or right-of-way dedication. This is in addition to the requirements of SHMC 17.152.110.

(h) Supplemental Provisions Chapters:

(i) Chapter 17.40 SHMC, Protective Measures for Significant Wetlands, Riparian Corridors, and Protection Zones:

(ii) Chapter 17.44 SHMC, Sensitive Lands:

(iii) Chapter 17.46 SHMC, Floodplains and Floodways:

(iv) Chapter 17.52 SHMC, Environmental Performance Standards:

(v) Chapter 17.60 SHMC, Manufactured/Mobile Home Regulations:

(vi) Chapter 17.64 SHMC, Additional Yard Setback Requirements and Exceptions:

(vii) Chapter 17.72 SHMC, Landscaping and Screening:

(viii) Chapter 17.80 SHMC, Off-Street Parking and Loading Requirements:

(ix) Chapter 17.84 SHMC, Access, Egress, and Circulation:

(x) Chapter 17.88 SHMC, Signs:

(xi) Chapter 17.92 SHMC, Mixed Solid Waste and Recyclables Storage in New

Multi-Unit Residential and Nonresidential Buildings:

(i) Site Development Review, Chapter 17.96 SHMC:

(j) Development and Administration Chapters:

(i) Chapter 17.100 SHMC, Conditional Use:

(ii) Chapter 17.104 SHMC, Nonconforming Situations:

(iii) Chapter 17.108 SHMC, Variance:

(iv) Chapter 17.116 SHMC, Temporary Uses:

(v) Chapter 17.120 SHMC, Home Occupations:

(vi) Chapter 17.124 SHMC, Accessory Structures:

(vii) Chapter 17.132 SHMC, Tree Removal:

(k) Land Division Chapters:

(i) Chapter 17.136 SHMC, Land Division—Subdivision:

(ii) Chapter 17.140 SHMC, Land Division—Land Partitioning—Lot Line

Adjustment:

(iii) Chapter 17.144 SHMC, Expedited Land Divisions:

(iv) Chapter 17.152 SHMC, Street and Utility Improvement Standards:

(?) In addition to other applicable standards, all development, division of land, lot line adjustment, replat and such subject to review by the city shall also comply with the St. Helens Waterfront Framework Plan, attached to Ordinance ##### as Attachment ##.

(?) A Disposition and Development Agreement (DDA) per ORS Chapter 94 may be used

Commented [JG24]: If this is kept, need to re-number

Commented [JG25]: This was done before there was a plan that detailed public access, which the Waterfront Framework Plan does. It was also before the city owned the property.

Note that this is a trail identified in the Parks and Trails Master Plan adopted in 2015. It listed as a "regional trail." This is already supported by SHMC 17.152.110. However, the Waterfront Framework Plan (page 25) calls for a minimum width of 50 feet, which is more than we can get from SHMC 17.152.110. So we need to add something to ensure that width.

Commented [JG26]: "development" and "division of land" are defined by Chapter 17.16 SHMC.

Commented [JG27]: "development" and "division of land" are defined by Chapter 17.16 SHMC.

to modify or exempt provisions of the Mill sub-district, provided the approval authority can find that the proposal still complies with the St. Helens Waterfront Framework Plan, attached to Ordinance ##### as Attachment ##.

Commented [JG28]: We could also say, exempt any provision of the entire code, but would need to note things that cannot be changed such as the floodplain rules.

[...]

CHAPTER 17.36 HISTORIC SITES AND OVERLAY DISTRICT

[...]

17.36.020 Historic Landmarks Commission

[...]

(6) The commission has the following powers and duties:

[...]

(i) The commission shall make recommendations for architecture character review pursuant to SHMC 17.32.170(7).

[...]

Commented [JG29]: This section reference will need to be changed. Will wait to do so once we figure out what kind of specific architectural review would apply to the Riverfront District's Mill sub-district. This already applies to the Plaza sub-district.

17.36.040 Criteria for alteration.

[...]

Commented [JG30]: Alteration means an addition, removal, or reconfiguration which significantly changes the character of a historic resource. Painting is not included.

Alterations of official historic resources require a permit from the Historic Landmarks Commission.

(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.~~

Prior to alteration, current photographs and/or drawings of all elevations affected shall be provided to the City for its public records. Photographs and drawings shall be archival quality; proof of such shall be provided with the photographs and/or drawings.

[...]

17.36.050 Additional criteria and conditions for relocation or demolition.

[...]

Commented [JG31]: Relocation or demolition of official historic resources require a permit from the Historic Landmarks Commission.

(3) ~~In approving an application for the demolition of a designated landmark or historic resource of statewide significance, the commission may impose the following conditions:~~

- ~~(a) Photographic, video, or drawn recordation of the property to be demolished; and/or~~

- (b) ~~Salvage and curation of significant elements; and/or~~
- (c) ~~Other reasonable mitigation measures.~~

Prior to ~~demolition~~, current photographs and/or drawings of all elevations shall be provided to the City for its public records. Photographs and drawings shall be archival quality; proof of such shall be provided with the photographs and/or drawings. In addition, the commission may require:

- (a) Salvage and curation of significant elements or artifacts; and/or
- (b) Other reasonable mitigation measures.

[...]

CHAPTER 17.88 SIGNS

[...]

17.88.060 Commercial/industrial sign district

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed subject to the requirements of this chapter:

(1) Permitted Sign Types, Number, and Area. Signs within the commercial/industrial sign district are limited as follows and require the issuance of permits under SHMC 17.88.130.

[...]

(b) Pole Signs.

(i) For principal uses, one freestanding single- or double-faced pole sign shall be permitted on lots that have a minimum of 40 feet of street frontage and no pole sign can be closer together than 80 feet in addition to other limitations. Sign area shall not exceed 100 square feet for each sign face. Any shopping plaza cannot exceed 150 square feet per face and any shopping center cannot exceed 200 square feet per face and no sign can exceed twice per face size.

(ii) Notwithstanding subsection (1)(b)(i) of this section, pole signs shall not be allowed in the RD zoning district.

[...]

17.88.070 Architectural design review.

Signs within the RD zoning district are subject to SHMC 17.32.170(7).

[...]

CHAPTER 19.08 GENERAL GOALS AND POLICIES

Commented [JG32]: Note that relocation is not included. Should documentation of place be included in such cases? Or something...

Commented [JG33]: Something that needs to be discussed. The sign code includes three types of freestanding signs: monument, ground mounted and pole. Preventing pole signs helps keep tall signs along the riverfront. No proposed change at this time, but possible depending on how the adoption process goes.

Commented [JG34]: We'll need to change this to the Riverfront District's Plaza sub-district and maybe the Mill sub-district too. The section reference will also need to be changed, once that gets figured out.

[...]

19.08.060 Natural factors and local resources goals and policies.

[...]

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

[...]

(k) Subject proposed alteration of the city's historic resources to design review to encourage preservation of the ~~structure's~~ particular resource's historical assets.

(l) Devise a program for attempting to preserve those historic resources that are threatened with demolition.

(m) Encourage adaptive reuse of historic resources.

~~(n)~~ (n) Utilize zoning, buffer zones, and design review procedures to protect noise-sensitive areas from noise-producing areas.

~~(o)~~ (o) Institute design review procedures to protect the area's archaeological resources.

~~(p)~~ (p) Comply with applicable state and federal environmental regulations.

~~(q)~~ (q) Revise all land development standards to encourage solar access, establish criteria for approval of energy facilities, remove obstacles to energy-efficient design, and require energy-efficient development when ownership is to be transferred to the city upon completion.

~~(r)~~ (r) Develop protection programs for the following St. Helens significant resources: wetlands, riparian corridors, wildlife habitats, groundwater resources, natural areas, wilderness areas, mineral and aggregate resources, energy sources, and cultural areas.

[...]

CHAPTER 19.12 SPECIFIC LAND USE GOALS AND POLICIES

[...]

19.12.070 General commercial category goals and policies.

[...]

(1) Goals. To establish commercial areas which provide maximum service to the public and are properly integrated into the physical pattern of the city.

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

(a) Encourage new commercial development in and adjacent to existing, well-established business areas taking into account the following considerations:

(i) Making shopping more convenient for patrons,

(ii) Cutting down on street traffic,

(iii) Maximizing land through the joint use of vehicular access and parking at commercial centers, and

Commented [JG35]: Historical resources include more than just structures (e.g., buildings, sites, objects...)

Commented [JG36]: The entire section is included because not only is it being amended but this is the underlying comprehensive plan designation for the Riverfront District zone.

This is an important section to analyze as part of review of the changes proposed by file CPZA.3.16.

(iv) Encouraging locations that enjoy good automobile access and still minimize traffic hazards.

(b) Designate sufficient space for business so that predictable commercial growth can be accommodated and so that an adequate choice of sites exists.

(c) Ensure that all commercial enterprises maintain sufficient off-street parking to accommodate their patrons, workers and loading requirements.

(d) Emphasize and support existing town centers as business places. When areas are developed adjacent or next to existing town centers, ensure that the new development is compatible with and will complement existing development.

(e) Improve the general appearance, safety and convenience of commercial areas by encouraging greater attention to the design of buildings, parking, vehicle and pedestrian circulation, and landscaping through a site design review procedure.

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

(g) Encourage a variety of retail shopping activities to concentrate in the core commercial areas to enhance their attractiveness for a broad range of shoppers; additionally, encourage in this area the development of public spaces such as broad sidewalks, small squares, etc., to facilitate easy, safe, pleasant pedestrian circulation. When located along the waterfront, such public spaces shall facilitate public access to and enjoyment of the Columbia River and Multnomah Channel to the maximum extent possible.

(h) Encourage in-filling of vacant lands within commercial areas.

(i) Encourage redevelopment of waterfront property that is not designated industrial and can be integrated with existing nearby commercial areas.

94.265 [Formerly 91.569; renumbered 100.535 in 1989]
94.270 [Formerly 91.572; renumbered 100.540 in 1989]
94.275 [Formerly 91.576; renumbered 100.545 in 1989]
94.280 [Formerly 91.578; 1983 c.615 §6; 1989 c.595 §23; renumbered 100.550 in 1989]
94.285 [Formerly 91.581; renumbered 100.555 in 1989]
94.295 [Formerly 91.584; 1989 c.595 §24; renumbered 100.600 in 1989]
94.300 [Formerly 91.587; 1989 c.595 §25; renumbered 100.605 in 1989]
94.305 [Repealed by 1971 c.478 §1]
94.306 [Formerly 91.591; 1989 c.595 §26; renumbered 100.610 in 1989]
94.310 [Repealed by 1971 c.478 §1]
94.312 [Formerly 91.593; 1989 c.595 §27; renumbered 100.615 in 1989]
94.315 [Repealed by 1971 c.478 §1]
94.318 [Formerly 91.596; 1989 c.595 §28; renumbered 100.620 in 1989]
94.320 [Repealed by 1971 c.478 §1]
94.322 [1983 c.615 §8; renumbered 100.625 in 1989]
94.324 [Formerly 91.599; 1985 c.760 §1; repealed by 1987 c.459 §41]
94.325 [Repealed by 1971 c.478 §1]
94.330 [Amended by 1969 c.591 §278; repealed by 1971 c.478 §1]
94.331 [Formerly 91.602; 1987 c.459 §20; 1989 c.595 §29; renumbered 100.635 in 1989]
94.333 [1987 c.459 §22; renumbered 100.015 in 1989]
94.335 [Repealed by 1971 c.478 §1]
94.336 [Formerly 91.606; repealed by 1987 c.459 §41]
94.340 [Repealed by 1971 c.478 §1]
94.342 [Formerly 91.608; 1987 c.459 §29; renumbered 100.645 in 1989]
94.345 [Repealed by 1971 c.478 §1]
94.348 [Formerly 91.611; 1987 c.459 §30; renumbered 100.650 in 1989]
94.350 [Repealed by 1971 c.478 §1]
94.351 [1987 c.459 §24; 1989 c.595 §30; renumbered 100.655 in 1989]
94.353 [1987 c.459 §25; renumbered 100.640 in 1989]
94.354 [1987 c.459 §23; renumbered 100.670 in 1989]
94.355 [Repealed by 1971 c.478 §1]
94.356 [1987 c.459 §26; renumbered 100.660 in 1989]
94.357 [1987 c.459 §27; renumbered 100.675 in 1989]
94.358 [1987 c.459 §28; renumbered 100.680 in 1989]
94.359 [Formerly 91.614; 1987 c.459 §31; renumbered 100.700 in 1989]
94.360 [Repealed by 1971 c.478 §1]
94.365 [Repealed by 1971 c.478 §1]
94.366 [Formerly 91.617; repealed by 1987 c.459 §41]
94.370 [Repealed by 1971 c.478 §1]
94.372 [Formerly 91.621; repealed by 1987 c.459 §41]
94.375 [Repealed by 1971 c.478 §1]
94.378 [Formerly 91.623; repealed by 1987 c.459 §41]
94.380 [Repealed by 1971 c.478 §1]
94.384 [Formerly 91.626; 1987 c.459 §32; 1989 c.171 §12; 1989 c.595 §31; renumbered 100.705 in 1989]
94.385 [Repealed by 1971 c.478 §1]
94.390 [Repealed by 1971 c.478 §1]
94.391 [Formerly 91.629; 1987 c.459 §35; renumbered 100.710 in 1989]

94.395 [Repealed by 1971 c.478 §1]
94.400 [Formerly 91.631; renumbered 100.720 in 1989]
94.405 [Repealed by 1971 c.478 §1]
94.406 [Formerly 91.634; renumbered 100.725 in 1989]
94.410 [Repealed by 1971 c.478 §1]
94.412 [Formerly 91.637; 1989 c.595 §47; renumbered 100.730 in 1989]
94.415 [Repealed by 1971 c.478 §1]
94.418 [1981 c.647 §24; renumbered 100.735 in 1989]
94.420 [Repealed by 1971 c.478 §1]
94.424 [Formerly 91.641; 1989 c.595 §32; renumbered 100.740 in 1989]
94.425 [Repealed by 1971 c.478 §1]
94.430 [Repealed by 1971 c.478 §1]
94.431 [Formerly 91.646; 1987 c.459 §36; renumbered 100.745 in 1989]
94.435 [Repealed by 1971 c.478 §1]
94.437 [Formerly 91.649; renumbered 100.750 in 1989]
94.440 [Repealed by 1971 c.478 §1]
94.445 [Repealed by 1971 c.478 §1]
94.448 [Formerly 91.652; renumbered 100.770 in 1989]
94.454 [Formerly 91.656; renumbered 100.775 in 1989]
94.460 [Formerly 91.658; renumbered 100.780 in 1989]
94.465 [Formerly 91.661; 1989 c.595 §33; renumbered 100.785 in 1989]
94.470 [Formerly 91.664; 1983 c.696 §7b; 1989 c.706 §7; renumbered 100.900 in 1989]
94.475 [Formerly 91.667; renumbered 100.905 in 1989]
94.480 [Formerly 91.671; renumbered 100.910 in 1989]

DEVELOPMENT AGREEMENTS

94.504 Development agreements; contents; duration; effect on affordable housing covenants. (1) A city or county may enter into a development agreement as provided in ORS 94.504 to 94.528 with any person having a legal or equitable interest in real property for the development of that property.

(2) A development agreement shall specify:

- (a) The duration of the agreement;
- (b) The permitted uses of the property;
- (c) The density or intensity of use;
- (d) The maximum height and size of proposed structures;
- (e) Provisions for reservation or dedication of land for public purposes;
- (f) A schedule of fees and charges;
- (g) A schedule and procedure for compliance review;
- (h) Responsibility for providing infrastructure and services;
- (i) The effect on the agreement when changes in regional policy or federal or state law or rules render compliance with the agreement impossible, unlawful or inconsistent with such laws, rules or policy;

(j) Remedies available to the parties upon a breach of the agreement;

(k) The extent to which the agreement is assignable; and

(L) The effect on the applicability or implementation of the agreement when a city annexes all or part of the property subject to a development agreement.

(3) A development agreement shall set forth all future discretionary approvals required for the development specified in the agreement and shall specify the conditions, terms, restrictions and requirements for those discretionary approvals.

(4) A development agreement shall also provide that construction shall be commenced within a specified period of time and that the entire project or any phase of the project be completed by a specified time.

(5) A development agreement shall contain a provision that makes all city or county obligations to expend moneys under the development agreement contingent upon future appropriations as part of the local budget process. The development agreement shall further provide that nothing in the agreement requires a city or county to appropriate any such moneys.

(6) A development agreement must state the assumptions underlying the agreement that relate to the ability of the city or county to serve the development. The development agreement must also specify the procedures to be followed when there is a change in circumstances that affects compliance with the agreement.

(7) A development agreement is binding upon a city or county pursuant to its terms and for the duration specified in the agreement.

(8) The maximum duration of a development agreement entered into with:

(a) A city is 15 years; and

(b) A county is seven years.

(9) ORS 94.504 to 94.528 do not limit the authority of a city or county to take action pursuant to ORS 456.270 to 456.295. [1993 c.780 §1; 2005 c.315 §1; 2007 c.691 §7]

Note: 94.504 to 94.528 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 94 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

94.505 [Repealed by 1971 c.478 §1]

94.508 Approval by governing body; findings; adoption. (1) A development agreement shall not be approved by the governing body of a city or county unless the governing body finds that the agreement is consistent with local regulations then in place for the city or county.

(2) The governing body of a city or county shall approve a development agreement or amend a development agreement by adoption of an ordinance declaring approval or setting forth the amendments to the agreement. Notwithstanding ORS 197.015 (10)(b), the approval or amendment of a development agreement is a land use decision under ORS chapter 197. [1993 c.780 §2; 2005 c.22 §74; 2007 c.354 §27]

Note: See note under 94.504.

94.510 [Repealed by 1971 c.478 §1]

94.513 Procedures on consideration and approval. (1) A city or county may, by ordinance, establish procedures and requirements for the consideration of development agreements upon application by, or on behalf of, the owner of property on which development is sought or another person having a legal or equitable interest in that property.

(2) Approval of a development agreement requires compliance with local regulations and the approval of the city or county governing body after notice and hearing. The notice of the hearing shall, in addition to any other requirements, state the time and place of the public hearing and contain a brief statement of the major terms of the proposed development agreement, including a description of the area within the city or county that will be affected by the proposed development agreement. [1993 c.780 §3]

Note: See note under 94.504.

94.515 [Repealed by 1971 c.478 §1]

94.518 Application of local government law and policies to agreement. Unless otherwise provided by the development agreement, the comprehensive plan, zoning ordinances and other rules and policies of the jurisdiction governing permitted uses of land, density and design applicable to the development of the property subject to a development agreement shall be the comprehensive plan and those ordinances, rules and policies of the jurisdiction in effect at the time of approval of the development agreement. [1993 c.780 §4]

Note: See note under 94.504.

94.520 [Repealed by 1971 c.478 §1]

94.522 Amendment or cancellation of agreement; enforceability. (1) A development agreement may be amended or canceled by mutual consent of the parties to the agreement or their successors in interest. The governing body of a city or county shall amend or cancel a development agreement by adoption of an ordinance declaring cancellation of the agreement or setting forth the amendments to the agreement.

(2) Until a development agreement is canceled under this section, the terms of the

development agreement are enforceable by any party to the agreement. [1993 c.780 §5]

Note: See note under 94.504.

94.525 [Repealed by 1971 c.478 §1]

94.528 Recording. Not later than 10 days after the execution of a development agreement under ORS 94.504 to 94.528, the governing body of the city or county shall cause the development agreement to be presented for recording in the office of the county clerk of the county in which the property subject to the agreement is situated. In addition to other provisions required by ORS 94.504 to 94.528, the development agreement shall contain a legal description of the property subject to the agreement. [1993 c.780 §6]

Note: See note under 94.504.

94.530 [Repealed by 1971 c.478 §1]

TRANSFERABLE DEVELOPMENT CREDITS

94.531 Severable development interest in real property; transferable development credit. (1) The governing body of a city or county is authorized to recognize a severable development interest in real property. The governing body of the city or county may establish a system for the purchase and sale of development interests. The interest transferred shall be known as a transferable development credit. A transferable development credit shall include the ability to establish in a location in the city or county a specified amount of residential or nonresidential development that is different from development types or exceeds development limitations provided in the applicable land use regulations for the location. All development authorized or approved using transferable development credits shall comply with the land use planning goals adopted under ORS 197.225 and the acknowledged comprehensive plan.

(2) The ability to develop land from which credits are transferred shall be reduced by the amount of the development credits transferred, and development on the land to which credits are transferred may be increased in accordance with a transfer system formally adopted by the governing body of the city or county.

(3) The holder of a recorded mortgage encumbering land from which credits are transferred shall be given prior written notice of the proposed conveyance by the record owner of the property and must consent to the conveyance before any development credits may be transferred from the property.

(4) A city or county with a transferable development credit system shall maintain a registry of all lots or parcels from which

credits have been transferred, the lots or parcels to which credits have been transferred and the allowable development level for each lot or parcel following transfer.

(5) A city or county, or an elected official, appointed official, employee or agent of a city or county, shall not be found liable for damages resulting from any error made in:

(a) Allowing the use of a transferable development credit that complies with an adopted transferable development credit system and the acknowledged comprehensive plan; or

(b) Maintaining the registry required under subsection (4) of this section. [1999 c.573 §1]

Note: 94.531 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 94 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

94.534 Policy on transferable development credit systems. (1) The Legislative Assembly finds that:

(a) Working farms and forests make vital contributions to Oregon by:

(A) Providing jobs, timber, agricultural products, tax base and other social and economic benefits;

(B) Helping to maintain soil, air and water resources;

(C) Reducing levels of carbon dioxide in the atmosphere; and

(D) Providing habitat for wildlife and aquatic life.

(b) Natural resources, scenic and historic areas and open spaces promote a sustainable and healthy environment and natural landscape that contributes to the livability of Oregon.

(c) Population growth, escalating land values, increasing risks due to wildfire and invasive species and changes in land ownership and management objectives, with a resulting increase in conflict caused between resource uses and dispersed residential development, require that new methods be developed to facilitate the continued management of private lands zoned for farm use, forest use and mixed farm and forest use for the purposes of:

(A) Agricultural production and timber harvest; and

(B) Preservation of natural resources, scenic and historic areas and open spaces for future generations.

(2) The Legislative Assembly declares that transferable development credit systems:

(a) Complement the statewide land use planning system in Oregon and encourage

effective local implementation of the statewide land use planning goals.

(b) Provide incentives for private landowners, local, regional, state and federal governments and other entities to permanently protect farm land and forestland, including a land base for working farms, ranches, forests and woodlots, significant natural resources, scenic and historic areas and open spaces.

(c) Benefit rural land owners, including owners of working farms, ranches, forests and woodlots, that voluntarily provide stewardship of natural resources on private lands.

(d) Provide voluntary and effective methods to help improve the livability of urban areas and to mitigate and adapt to global climate change. [2009 c.504 §1]

Note: 94.534, 94.536 and 94.538 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 94 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

94.536 Definitions for ORS 94.536 and 94.538. As used in this section and ORS 94.538:

(1) "Conservation easement" has the meaning given that term in ORS 271.715.

(2) "Governmental unit" means a city, county, metropolitan service district or state agency as defined in ORS 171.133.

(3) "Holder" has the meaning given that term in ORS 271.715.

(4) "Lot" has the meaning given that term in ORS 92.010.

(5) "Parcel" has the meaning given that term in ORS 92.010.

(6) "Receiving area" means a designated area of land to which a holder of development credits generated from a sending area may transfer the development credits and in which additional uses or development, not otherwise allowed, are allowed by reason of the transfer.

(7) "Resource land" means:

(a) Lands outside an urban growth boundary planned and zoned for farm use, forest use or mixed farm and forest use.

(b) Lands inside or outside urban growth boundaries identified:

(A) In an acknowledged local or regional government inventory as containing significant wetland, riparian, wildlife habitat, historic, scenic or open space resources; or

(B) As containing important natural resources, estuaries, coastal shorelands, beaches and dunes or other resources described in the statewide land use planning goals.

(c) "Conservation Opportunity Areas" identified in the "Oregon Conservation Strategy" adopted by the State Fish and Wildlife Commission and published by the State Department of Fish and Wildlife in September of 2006.

(8) "Sending area" means a designated area of resource land from which development credits generated from forgone development are transferable, for uses or development not otherwise allowed, to a receiving area.

(9) "Tract" has the meaning given that term in ORS 215.010.

(10) "Transferable development credit" means a severable development interest in real property that can be transferred from a lot, parcel or tract in a sending area to a lot, parcel or tract in a receiving area.

(11) "Transferable development credit system" means a land use planning tool that allows the record owner of a lot, parcel or tract of resource land in a sending area to voluntarily sever and sell development interests from the lot, parcel or tract for purchase and use by a potential developer to develop a lot, parcel or tract in a receiving area at a higher intensity than otherwise allowed.

(12) "Urban growth boundary" has the meaning given that term in ORS 195.060.

(13) "Urban reserve" has the meaning given that term in ORS 195.137. [2009 c.504 §2; 2010 c.5 §1]

Note: See note under 94.534.

94.538 Transferable development credit systems. (1) One or more governmental units may establish a transferable development credit system, including a process for allowing transfer of development interests from a sending area within the jurisdiction of one governmental unit to a receiving area within the jurisdiction of another governmental unit.

(2) If the transferable development credit system allows transfer of development interests between the jurisdictions of different governmental units, the process must be described in an intergovernmental agreement under ORS 190.003 to 190.130 entered into by the governmental units with land use jurisdiction over the sending and receiving areas and, for purposes of administration of the process, the Department of Land Conservation and Development. The intergovernmental agreement may contain provisions for sharing between governmental units of the prospective ad valorem tax revenues derived from new development in the receiving area authorized under the system.

(3) A transferable development credit system must provide for:

(a) The record owner of a lot, parcel or tract in a sending area to voluntarily sever and sell development interests of the lot, parcel or tract for use in a receiving area;

(b) A potential developer of land in a receiving area to purchase transferable development credits that allow a higher intensity use or development of the land, including development bonuses or other incentives not otherwise allowed, through changes to the planning and zoning or waivers of density, height or bulk limitations in the receiving area;

(c) The governmental units administering the system to determine the type, extent and intensity of uses or development allowed in the receiving area, based on the transferable development credits generated from severed and sold development interests; and

(d) The holder of a recorded instrument encumbering a lot, parcel or tract from which the record owner proposes to sever development interests for transfer to be given prior written notice of the proposed transaction and to approve or disapprove the transaction.

(4) A transferable development credit system must offer:

(a) Incentives for a record owner of resource land to voluntarily prohibit or limit development on the resource land and to sell or transfer forgone development to lands within receiving areas.

(b) Benefits to landowners by providing monetary compensation for limiting development in sending areas.

(c) Benefits to developers by allowing increased development and development incentives in receiving areas.

(5) The governmental units administering a transferable development credit system must:

(a) Designate sending areas that are chosen to achieve the requirements set forth in this section and the objectives set forth in ORS 94.534.

(b) Designate receiving areas that are chosen to achieve the requirements set forth in this section and the objectives set forth in ORS 94.534.

(c) Provide development bonuses and incentives to stimulate the demand for the purchase and sale of transferable development credits.

(d) Require that the record owner of development interests transferred as development credits from a sending area to a receiving area cause to be recorded, in the deed records of the county in which the sending area is located, a conservation easement that:

(A) Limits development of the lot, parcel or tract from which the interests are severed consistent with the transfer; and

(B) Names an entity, approved by the governmental units administering the system, as the holder of the conservation easement.

(e) Maintain records of:

(A) The lots, parcels and tracts from which development interests have been severed;

(B) The lots, parcels and tracts to which transferable development credits have been transferred; and

(C) The allowable level of use or development for each lot, parcel or tract after a transfer of development credits.

(f) Provide periodic summary reports of activities of the system to the department.

(6) A receiving area must be composed of land that is within an urban growth boundary or, subject to subsection (7) of this section, within an urban reserve established under ORS 195.137 to 195.145 and that is:

(a) Appropriate and suitable for development.

(b) Not subject to limitations designed to protect natural resources, scenic and historic areas, open spaces or other resources protected under the statewide land use planning goals.

(c) Not within an area identified as a priority area for protection in the "Oregon Conservation Strategy" adopted by the State Fish and Wildlife Commission and published by the State Department of Fish and Wildlife in September of 2006.

(d) Not within a "Conservation Opportunity Area" identified in the "Oregon Conservation Strategy" adopted by the State Fish and Wildlife Commission and published by the State Department of Fish and Wildlife in September of 2006.

(7) Land within an urban reserve:

(a) May be the site of a receiving area only if:

(A) The receiving area is likely to be brought within an urban growth boundary at the next periodic review under ORS 197.628 to 197.651 or legislative review under ORS 197.626; and

(B) Development pursuant to the transferable development credits is allowed only after the receiving area is brought within an urban growth boundary.

(b) That is selected for use as a receiving area may be designated for priority inclusion in the urban growth boundary, when the urban growth boundary is amended, if the land

qualifies under the boundary location factors in a goal relating to urbanization.

(8) The governing body of a governmental unit administering a transferable development credit system may, directly or indirectly through a contract with a nonprofit corporation, establish a transferable development credit bank to facilitate:

(a) Buying severable development interests from lots, parcels or tracts of resource land in a sending area.

(b) Selling transferable development credits to potential developers of lots, parcels or tracts in a receiving area.

(c) Entering into agreements or contracts and performing acts necessary, convenient or desirable to achieve the requirements set forth in this section and the objectives set forth in ORS 94.534.

(d) Managing funds available for the purchase and sale of transferable development credits.

(e) Authorizing and monitoring expenditures associated with the system.

(f) Maintaining records of the transactions, including dates, purchase amounts and locations of severed development interests and development pursuant to transferred development credits, that are sufficient to manage and evaluate the effectiveness of the system.

(g) Providing periodic summary reports of activities of the system to the governing body of a governmental unit administering the system.

(h) Obtaining appraisals of development interests and transferable development credits as necessary and pricing transferable development credits for purchase or sale.

(i) Serving as a clearinghouse and information source for buyers and sellers of transferable development credits.

(j) Accepting donations of transferable development credits.

(k) Soliciting and receiving grant funds for the implementation of this section and ORS 94.536.

(9) A holder of a conservation easement shall hold, monitor and enforce the conservation easement to ensure that lands in sending areas do not retain development credits transferred under this section and ORS 94.536. [2009 c.504 §3; 2010 c.5 §2]

Note: See note under 94.534.

94.540 [Repealed by 1971 c.478 §1]

PLANNED COMMUNITIES

(General Provisions)

94.550 Definitions for ORS 94.550 to 94.783. As used in ORS 94.550 to 94.783:

(1) "Assessment" means any charge imposed or levied by a homeowners association on or against an owner or lot pursuant to the provisions of the declaration or the bylaws of the planned community or provisions of ORS 94.550 to 94.783.

(2) "Blanket encumbrance" means a trust deed or mortgage or any other lien or encumbrance, mechanic's lien or otherwise, securing or evidencing the payment of money and affecting more than one lot in a planned community, or an agreement affecting more than one lot by which the developer holds such planned community under an option, contract to sell or trust agreement.

(3) "Class I planned community" means a planned community that:

(a) Contains at least 13 lots or in which the declarant has reserved the right to increase the total number of lots beyond 12; and

(b) Has an estimated annual assessment, including an amount required for reserves under ORS 94.595, exceeding \$10,000 for all lots or \$100 per lot, whichever is greater, based on:

(A) For a planned community created on or after January 1, 2002, the initial estimated annual assessment, including a constructive assessment based on a subsidy of the association through a contribution of funds, goods or services by the declarant; or

(B) For a planned community created before January 1, 2002, a reasonable estimate of the cost of fulfilling existing obligations imposed by the declaration, bylaws or other governing document as of January 1, 2002.

(4) "Class II planned community" means a planned community that:

(a) Is not a Class I planned community;

(b) Contains at least five lots; and

(c) Has an estimated annual assessment exceeding \$1,000 for all lots based on:

(A) For a planned community created on or after January 1, 2002, the initial estimated annual assessment, including a constructive assessment based on a subsidy of the association through a contribution of funds, goods or services by the declarant; or

(B) For a planned community created before January 1, 2002, a reasonable estimate of the cost of fulfilling existing obligations imposed by the declaration, bylaws or other governing document as of January 1, 2002.

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: 12.28.2016

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

Assistant Planner and I attended the annual Legal Issues for Planners workshop in Portland.

Conducted a pre-application meeting for a potential nursery at 1899 Old Portland Road.

Conducted a pre-application meeting for a potential storage site at a property just north of 1875 Old Portland Road.

Worked on preparing code amendments and related items as they relate to code amendments for the St. Helens Waterfront Framework Plan.

December and January are usually "slow" months where we can get ahead on projects because the day-to-day stuff is less demanding. This isn't the case this December. Others at City Hall feel the same.

DEVELOPMENT CODE ENFORCEMENT

Sent letter regarding unfulfilled conditions for a storage use at 516 Milton Way. Some potential movement on a land use issue.

Assisted with a fence complaint on the 100 block of N. 11th Street. Building Dept. taking lead.

PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)

December 13, 2016 meeting (outcome): The Commission denied a yard (setback) and lot coverage Variance request for 325 N. 4th. The Commission also discussed preliminary zoning changes related to the St. Helens Waterfront Framework Plan.

January 10, 2017 meeting (upcoming): The Commission will discuss preliminary zoning changes related to the St. Helens Waterfront Framework Plan, the plan itself and, if staff can draft a preliminary draft in time, related code text amendments.

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Software updates; provided to other GIS users.

MAIN STREET PROGRAM

RARE program staff met with the Mainstreet/Community Coordinator and I as a routine part of the program.

A bit of dialogue this month from SHEDCO members about the role of the Mainstreet Coordinator. This involved reaching out to the RARE program itself.

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

See attached.

Jacob Graichen

From: Jennifer Dimsho
Sent: Friday, December 16, 2016 1:55 PM
To: Jacob Graichen
Subject: December Planning Department Report

GRANTS

1. McCormick Picnic Shelter Grant (16k grant, 30k project) – Confirmed delivery of shelter for January. Received building permit approval
2. Travel Oregon Grant – Organized review of 7 received proposals with a 6-member selection committee. Consultant selected and notified all firms. Drafted contract for approval at Dec 21 Council. Branding & Wayfinding Master Plan work to begin ASAP
3. Reviewed, helped prepare, and submitted EPA Community-Wide Assessment (CWA) Grant Application (Deadline: Dec. 22) using the grants.gov system. Award potential is 300k for petroleum and hazardous substance assessment. Included 15-page application narrative, required attachments, and letters of support from over 10 local and state agencies
4. Researched Oregon Community Foundation's Community Grants Program (Deadline Jan 15. Awards from 5k-50k) for ACC Salmon Tree Cycle Project. Verified eligibility and began application preparation
5. Researched OPRD's Veterans War Memorials Grant Program for McCormick Park memorial expansion to include recent conflicts (Deadline: Feb 17)

EPA AWP

6. Helped prepare Framework Plan adoption materials

URBAN RENEWAL

7. Kept urban renewal webpage up-to-date with materials. Reviewed projects list, handout, boundary, etc.
8. Organized one-on-one meetings with affected taxing districts

MISC

9. Attended E-permitting information session for Building Department on Dec. 1
10. Attended OAPA Legal Issues in Portland on Dec. 2
11. Reviewed CAT's Housing Needs Analysis Committee materials (goals, minutes, existing conditions report, timeline)
12. Columbia County Year of Wellness (YoW) Debrief– Attended final YoW meeting on Dec 15. Group with merge with Columbia Health Coalition (CHC)
13. Updated various trackers and other Planning Department and Planning Commission files for 2017

Jenny Dimsho

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