

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Conditional Use Permit, CUP.5.20**

DATE: December 1, 2020
TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner

APPLICANT: Willamette Boulevard Service Center, c/o Josh Harper
OWNER: Dolyniuk Family Trust

ZONING: Houlton Business District, HBD
LOCATION: 164 S. 15th Street; 4N1W-4AC-5701 & 5600
PROPOSAL: Establish auto repair with occasional vehicle sales in an existing commercial building

The 120-day rule (ORS 227.178) for final action for this land use decision is **February 20, 2021**.

SITE INFORMATION / BACKGROUND

The property is made up of two lots (one with a paved and striped parking lot and one with a shop building at approximately 3,200 square feet) which have been combined with a restrictive covenant (Record No. 2020-011531). The two lots total approximately 11,516 square feet. Most recently, the building was used as a brewing operation, which was approved via a 2013 Site Development Review (SDR.2.13). Prior to this use, the property was used as a transmission shop. In 1997, the site was approved for automotive repair, although it appears to have been used as automotive repair for longer than this. The property was zoned General Commercial (GC) until it was changed to Houlton Business District (HBD) in 2009.

The property has access from both S. 14th Street and S. 15th Street. There are roll-up doors on both sides of the building. There are sidewalks on both frontages, but on S. 15th Street, there are no curbs that delineate the street from the sidewalk or the driveway approach. On S. 14th Street, there are standard curbs and a delineated driveway approach.

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

December 8, 2020 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on November 18, 2020 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in The Chronicle on November 25, 2020.

AGENCY REFERRALS & COMMENTS

The Interim Fire Marshal noted the nearest fire hydrant was 145' away and had questions for the Building Official regarding occupancy type.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.100.040(1) - CUP Approval standards and conditions

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

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

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

Finding: There is no evidence that the approximately 3,200 square foot building and 11,516 square foot site is not adequate for the needs of auto repair. Off-street parking is addressed later in this report.

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

Finding(s): The parking lot accessed from S. 15th Street has a 25' wide area for vehicular maneuvering and is wide enough to accommodate two-way travel. There is a small planter along the building and property line and a utility pole. If the planter is replanted and/or replaced at a similar width, it should not conflict with two-way travel. The planter is addressed in the landscaping section later in the report.

Any requirements of the Building Official and/or Fire Marshal shall be met. This includes, but is not limited to, occupancy change of the building if warranted, and any building improvements that may be required for this change.

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

Findings: The site is connected to City water and sewer. The public sanitary sewer is located on the south of the building, just east of the property line that divides the parking lot from the building. City water comes from S. 15th Street. Both roadways are developed and have capacity to serve the site.

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

Findings: “Vehicle repair, service, and sales” is a conditionally permitted use in the HBD zoning. The applicant is not proposing any outdoor storage with this permit. If any outdoor storage related to vehicle repair, service, and sales, is required in the future, a separate Conditional Use Permit would be required.

The maximum lot coverage, including all impervious surfaces is 90 percent in the HBD zone. There shall be at least 10 percent pervious surface remaining on the lot. 10 percent of 11,516 square feet is 1,151 square feet. There is a long narrow strip of impervious area between the subject property and the lot to the south that meets this requirement.

Occasional vehicle sales are proposed with the repair work. Vehicle sales as a principal use is not allowed by this CUP. Vehicle sales shall be explicitly incidental to the primary use of auto repair. **Should the Commission require a numeric parameter, like one vehicle sale at a time, to be included as a condition?** See further discussion under the parking section below.

The specific CUP criteria for “Automotive and Equipment: Body Repairs, Light Equipment” include:

(i) Setbacks

- (A) A minimum of five feet of the perimeter setback shall surround all outdoor parking and storage area (See Chapter 17.72 SHMC);
- (B) Buffer screening shall be provided along the perimeter of all outdoor parking and storage areas as required in SHMC 17.72.080; and
- (C) All repair work shall be performed indoors.

Given the applicant is working with an already developed site, there is some flexibility with the 5’ buffering and screening from the outdoor parking lot. The landscaping along the south perimeter of the parking lot is at least 5’ in width, but some sections could use improvement (see right).

The Commission could decide to require a mix of low-lying shrubs and vertical planting along the approximately 5-10’ wide landscape strip separating the parking lot from the southern property line. This will improve what is currently a mix of grass and sparse vertical landscaping. Also note that in addition to this section, **new** parking



Landscape strip between parking lot and the abutting southern property

lots greater than 3 spaces require screening (as seen later in the report), which supports requiring additional vertical landscaping along the border.

Along the north, there is no existing landscaping, aside from the planter pictured right. The Commission could decide to require a new planter of equal or lesser width (planted with a mix of low-lying shrubs and vertical plants) to help address the screening requirement along the northern property line and the parking lot.

All repair work is required to be performed indoors and shall be a condition of approval.



Landscape planter along north property line

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

Findings: With regards to signs, any new sign or modified sign shall require a sign permit per Chapter 17.88 SHMC. Changing the content of the existing sign box will not require a permit.

With regards to site development review standards, as the site is developed and there are fewer substantial proposed improvements to the site to accommodate the proposed use (e.g., new development), many aspects do not apply. The noteworthy aspects are as follows:

Per Chapter 17.72 Landscaping and screening, since the parking lot is to be greater than three spaces, if it were brand new, it would be required to be screened. For screening in this case, the City usually requires landscaping along the perimeter that includes a balance of low lying and vertical shrubbery and trees. This requirement has been addressed in the report above.

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

Screening of refuse containers or refuse collection area is required for any refuse container or refuse collection area which would be visible from a public street parking lot, or commercial area. The applicant is proposing 5' high fencing along S. 14th Street and along the driveway aisle. 6' high screening is required per SHMC 17.92.060 (3) (c). This shall be a condition of approval.

Per Chapter 17.80 Off-street parking requirements:

Dimension and type. Standard spaces are a minimum of 9' x 18'. Two spaces (40% of 7 spaces) are allowed to be compact (8' x 15'), but must be signed accordingly. No compact spaces are proposed.

Accessible (disabled person) spaces. Required to comply with State and Federal Standards. 1 ADA parking space is required and already existing. For new parking lots, the accessible space is required to be located on the shortest route to an accessible pedestrian entrance. Though this is a building code issue, it is relevant to site design. Since the parking lot is existing and was striped to serve the abutting property, the location of the ADA space is not located at the shortest route to the building. **The Commission should decide if relocation and re-striping is warranted.**

Bicycle parking. 1 space for bike parking is required. This space can be accommodated on the site.

Number of off-street parking spaces required. Motor vehicle repairs requires one space for each 500 sq. ft. of gross floor area, but not less than three spaces for each establishment. The applicant is proposing 6 spaces, including 1 ADA space. With a 3,200 square foot building, a minimum of 7 spaces are required. However, there is room to stripe two additional spaces in an existing "smoker zone" pictured on the right. **SHMC 17.80.020 (11)** states that required parking spaces shall not be used for storage of vehicles in conducting the business or use. This means that since vehicle sales are proposed on occasion, **the Commission should decide whether to require the "smoker zone" be striped for two spaces. The Commission can also decide whether to limit the vehicle sales to one vehicle sale at a time, given the extra "vehicle sales" parking space.**



Aisle width. The aisle width is 25' wide, which is enough space for head-in parking and two-way traffic. There is an existing utility pole and landscape planter which should not conflict with maneuvering room.

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

Wheel stops. Wheel stops are required along the boundaries of a parking lot, adjacent to landscaping, and along pedestrian ways. The



existing wheel stops are not sufficient, so this shall be a condition of approval.

Drainage. Drainage plans will be required to prevent ponding, prevent water flow across pedestrian ways and to address pollutants from vehicles (e.g., oil/water separation). A drainage plan was provided as part of the application package. Any City Public Works requirements shall be met regarding stormwater runoff.

Per 17.84.050 Pedestrian access (interior walkways), walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards. Required walkways shall be paved with hard-surfaced materials such as concrete, asphalt, stone, brick, etc. There is an existing asphalt walkway of approximately 6 feet wide from the parking lot to the man door on the south façade of the building.

Crime prevention. There does not appear to be existing exterior lighting on the S. 14th Street side of the building, where the new trash enclosure is proposed. Lighting should be provided to sufficiently illuminate this area at night.

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

Discussion: In the applicant's narrative, the applicant notes economic goals and policies of the Comprehensive Plan are met by providing local employment opportunities (page 7-8).

The Comprehensive Plan designation of the portion of the property being used as outdoor storage is General Commercial. A policy of this designation per SHMC 19.12.070(2)(f) reads:

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

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

Finding: Storage as a principal use is not allowed in the HBD zoning district. This proposal complies with the applicable Comprehensive Plan policies, provided storage by itself is not allowed by this CUP.

SHMC 17.100.040(3) - CUP Approval standards and conditions

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

(a) Limiting the hours, days, place, and manner of operation;

- (b) Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
- (c) Requiring additional setback areas, lot area, or lot depth or width;
- (d) Limiting the building height, size or lot coverage, or location on the site;
- (e) Designating the size, number, location, and design of vehicle access points;
- (f) Requiring street right-of-way to be dedicated and the street to be improved;
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- (h) Limiting the number, size, location, height, and lighting of signs;
- (i) Limiting or setting standards for the location and intensity of outdoor lighting;
- (j) Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- (k) Requiring and designating the size, height, location, and materials for fences; and
- (l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

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

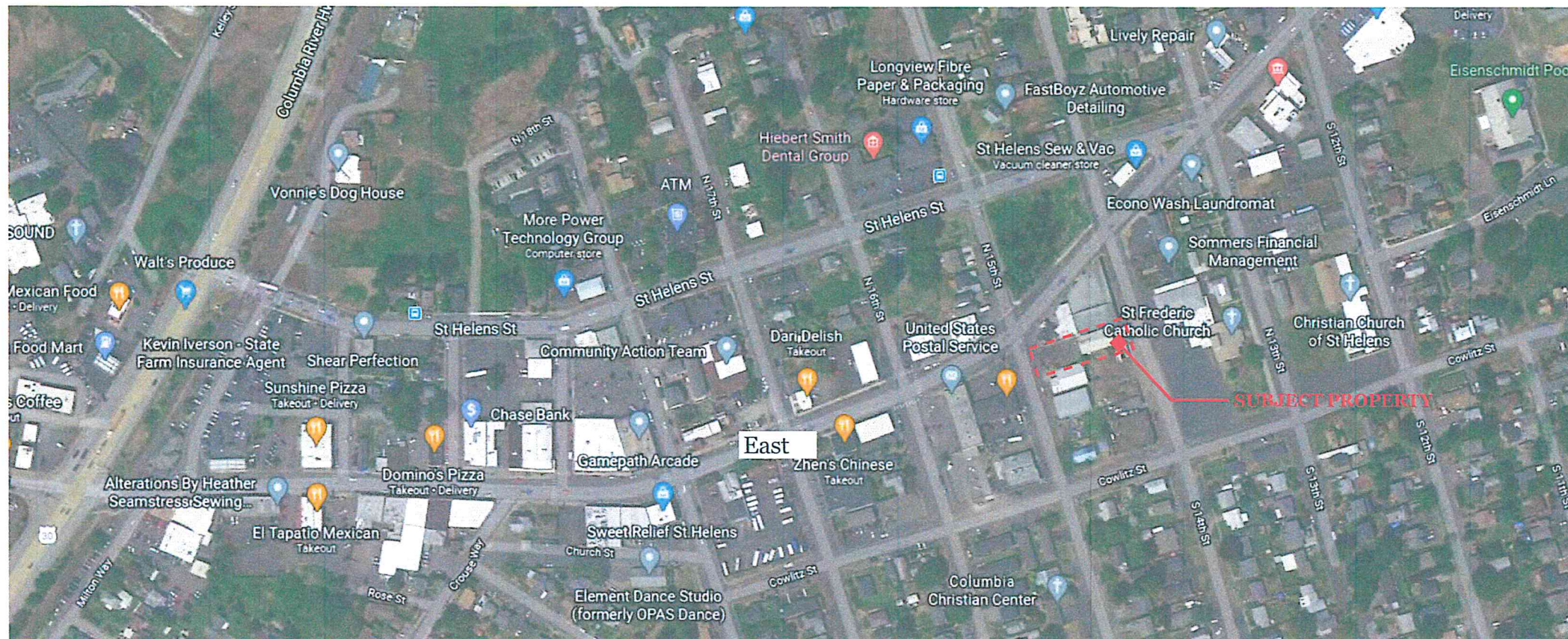
CONCLUSION & RECOMMENDATION

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

1. This **Conditional Use Permit** approval is valid for a limited time (to establish the use) pursuant to SHMC 17.100.030. This Conditional Use Permit approval is valid for 1.5 years. A 1-year extension is possible but requires an application and fee. If the approval is not vested within the initial 1.5 year period or an extension (if approved), this is no longer valid and a new application would be required if the proposal is still desired. See SHMC 17.100.030.
2. **The following shall be required prior to any work commencing or Building Permit issuance (if applicable):**
 - a. <<Revised parking plan if the Commission requires modifications to the ADA space.>>
3. **The following shall be required prior to Certificate of Occupancy by the City Building Official, or commencement of the proposal:**
 - a. <<If the Commission agrees with 8 spaces>> Two additional parking spaces shall be striped to replace the “smoker zone.”
 - b. Wheel stops (at least 4 inches high and 3 feet from the front of each parking stall) shall be provided for each space.
 - c. Trash enclosure shall be screened with a fence of 6 feet in height.
 - d. <<If modifications to the ADA space are required by the Commission>> The disabled person parking space shall comply with local, State, and Federal standards. See attached standards.
 - e. Lighting sufficient to illuminate the S. 14th Street side and trash enclosure shall be installed.
 - f. <<If the Commission would like to require additional landscaping>> A mix of low-lying shrubs and vertical planting along the approximately 5’ to 10’ wide landscape strip separating the parking lot from the southern property line shall be installed.

- g. <<If the Commission would like to require additional landscaping>> A new planter of equal or lesser width shall replace the existing one along the northern property line and be planted with a mix of low-lying shrubs vertical plants.
4. All auto repair work is required to be performed indoors.
5. **This approval does not approve two separate principal land uses.** This Conditional Use Permit approves auto repair with occasional auto sales. The occasional auto sales shall be an incidental use to the auto repair work. <<Should a numeric parameter like one vehicle sale at a time be included in this condition?>>
6. This CUP does not allow outdoor storage. If any outdoor storage related to vehicle repair, service, and sales, is required in the future, a separate Conditional Use Permit would be required to allow outdoor storage related to vehicle repair, service, and sales.
7. Any new service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened, **regardless if such screening is absent on any plan reviewed by the City. This includes but is not limited to ground mounted, roof mounted or building mounted units.** See SHMC 17.72.110(2).
8. A minimum of 10 percent of the property must remain landscaping/pervious.
9. Any requirements of the Building Official and/or Fire Marshal shall be met. This includes, but is not limited to, occupancy change of the building if warranted, and any building improvements that may be required for this change.
10. Any **new** sign requires a sign permit prior to installation, pursuant to Chapter 17.88 SHMC. Changing sign content of the existing sign box will not require additional permitting.
11. Storage as an independent/principal land use on or within the subject property is not allowed in the HBD zoning district.
12. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17).

Attachments: *Applicant's Plans (13), Applicant's Narrative (13), Standards for Accessible Spaces (August 2018)*



Application: Conditional Use Permit
Applicants: Josh & Larry Harper
Contact Name: Josh Harper
Contact Phone: (503) 396-3416
Contact Email: jdharper79@yahoo.com
Site Address: 164 S 15th Street
 St. Helens, OR 97051
Proposed Use: Classic Auto Restoration & Service
Zoning: HBD – Houlton Business District
Parcel Number: 4104-AC-05701
 5,820.82sf (0.13ac) [assessor]
 4104-AC-05600
 5,695.41sf (0.13ac) [assessor]
 Total Site Size: 11,516.23sf
Lot / Block: Lots #5 (5600) and #18 (5701) of Block #122
Tax ID: 10099, 10097

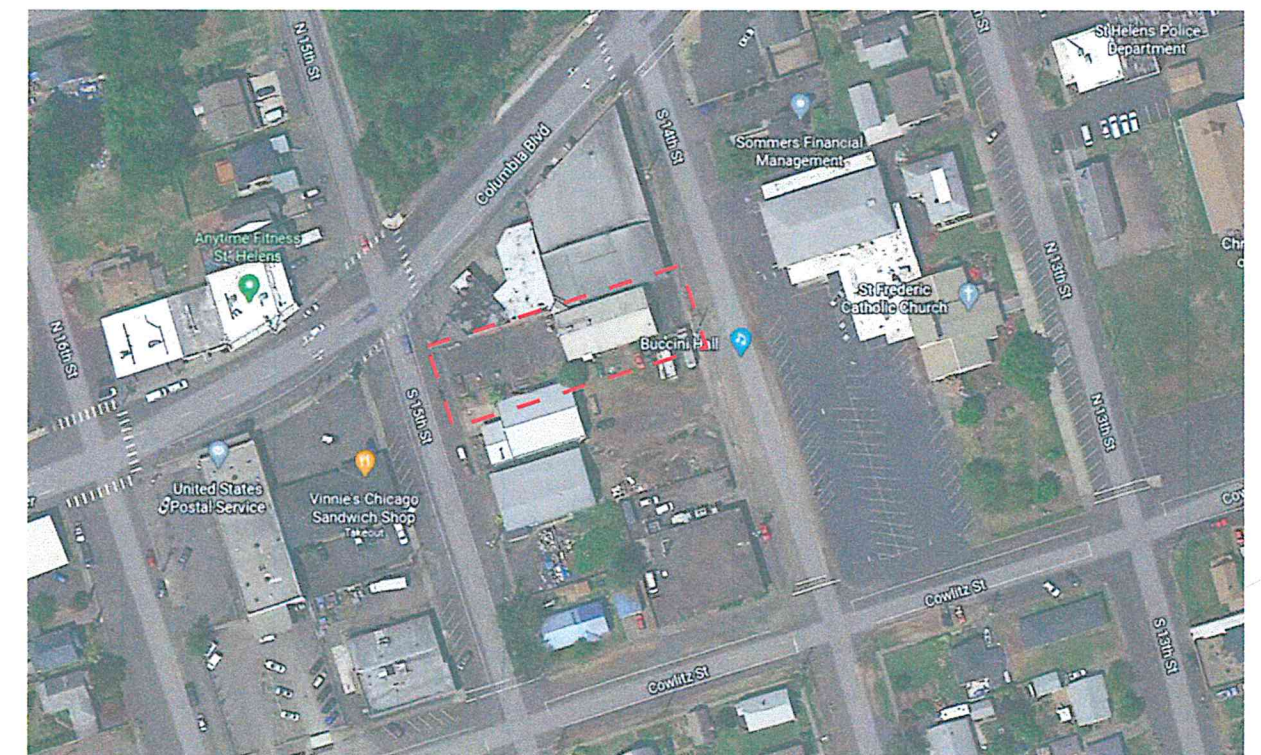
Location Description:

The subject property has existing road frontage on both South 15th and South 14th Streets. Parking is accessed off of S. 15th, an existing 80' right-of-way containing North and Southbound travel lanes, on-street parking in each direction, extruded curb/sidewalk on its West side and grade-level sidewalk on the East.

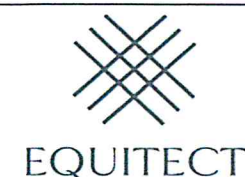
S. 15th Street is designated a collector street by the City of St. Helens and connects, one parcel to the subjects North, with East Columbia Boulevard in the City's Houlton Business District.

The site has historically been used as an automotive repair facility but some portion of it was reclassified for use as a brewery. The four adjacent parcels are presently (previously) an auto service facility, an agriculture and feed retail store, an undeveloped parcel and a catering/food service facility. All adjacent properties are vacant at the time of preparing this application.

The subject property is currently vacant, except for use as owner storage, and all brewery-related facilities have been dismantled and/or removed. The applicant proposes no construction or remodeling as part of this application with the only exception being a trash enclosure as required by the city's municipal code.

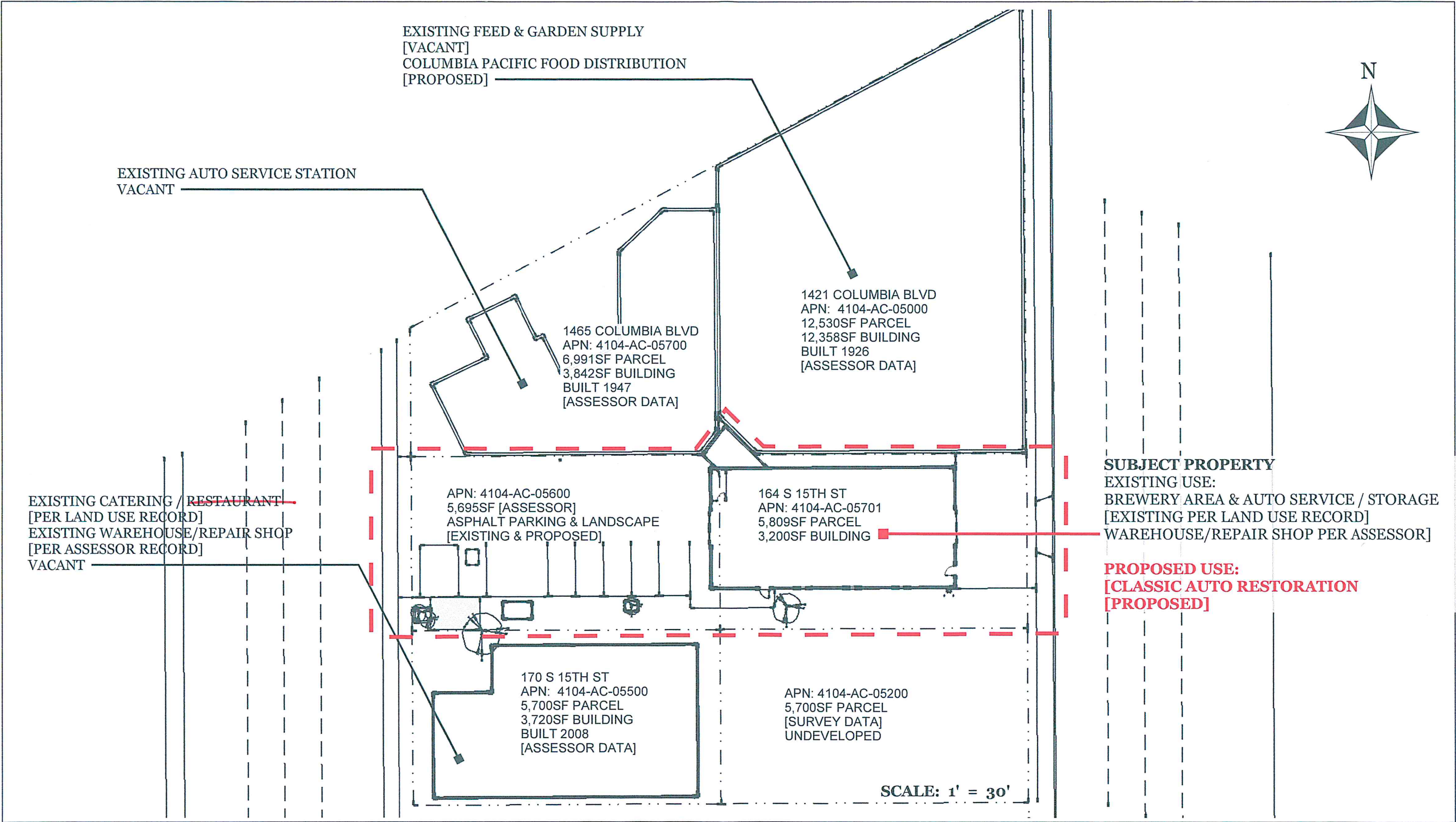


WILLAMETTE SERVICE CENTER



Equitect Ltd.
 Joseph R. Scharf, Real Estate Broker & Advisory
 503.319.0119
 js@equitect.com

October 19, 2020





SIGN - BOX [EXISTING]

WOOD ENCLOSURE
TO BE REMOVED

SECURITY LIGHTING [EXISTING]

ADDRESS SIGNAGE
[EXISTING & PROPOSED]

GAS METER

SCALE: 1/8" = 1'

SW BUILDING ELEVATION - EXISTING & PROPOSED



EQUITECT

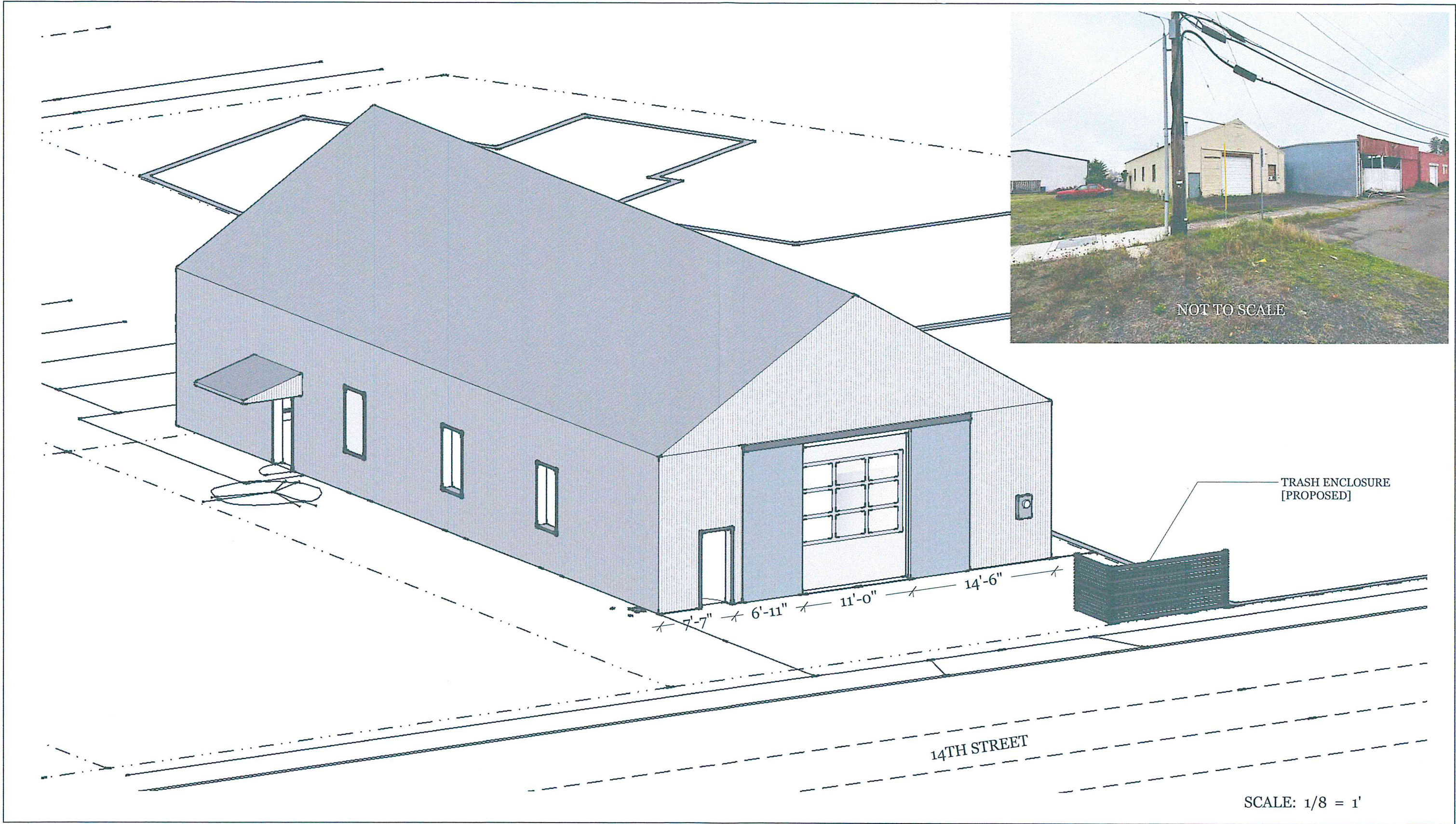
WILLAMETTE SERVICE CENTER

REVISIONS

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03

EC



SE BUILDING ELEVATION - EXISTING & PROPOSED



WILLAMETTE SERVICE CENTER

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EC 04



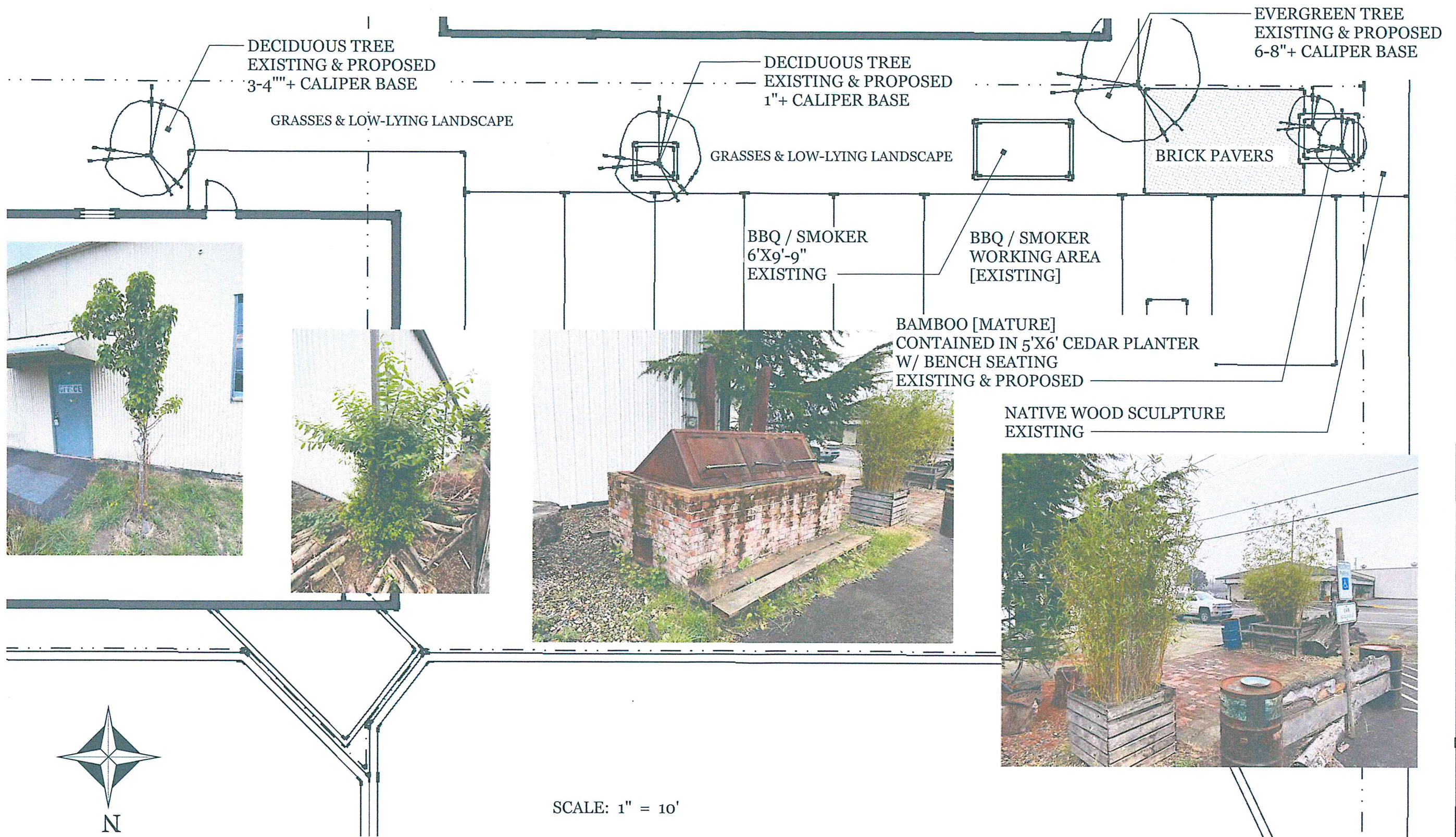
PARKING & CIRCULATION :: EXISTING & PROPOSED



EQUITECT

WILLAMETTE SERVICE CENTER

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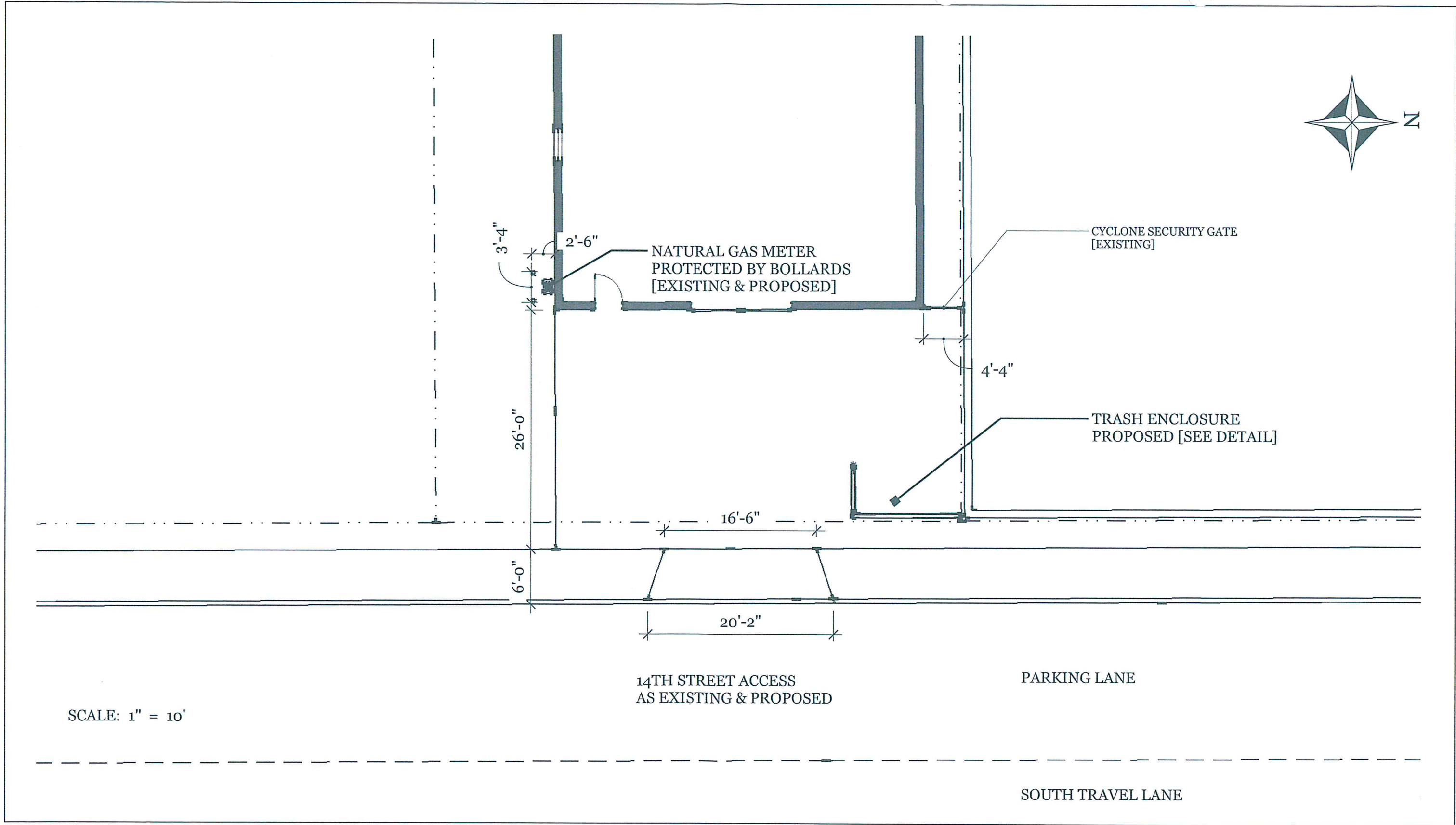
LANDSCAPE & BUFFER AREA :: PROPOSED



EQUITECT

WILLAMETTE SERVICE CENTER

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SCALE: 1" = 10'

EAST ACCESS & SITE DESCRIPTION :: EXISTING & PROPOSED



EQUITECT

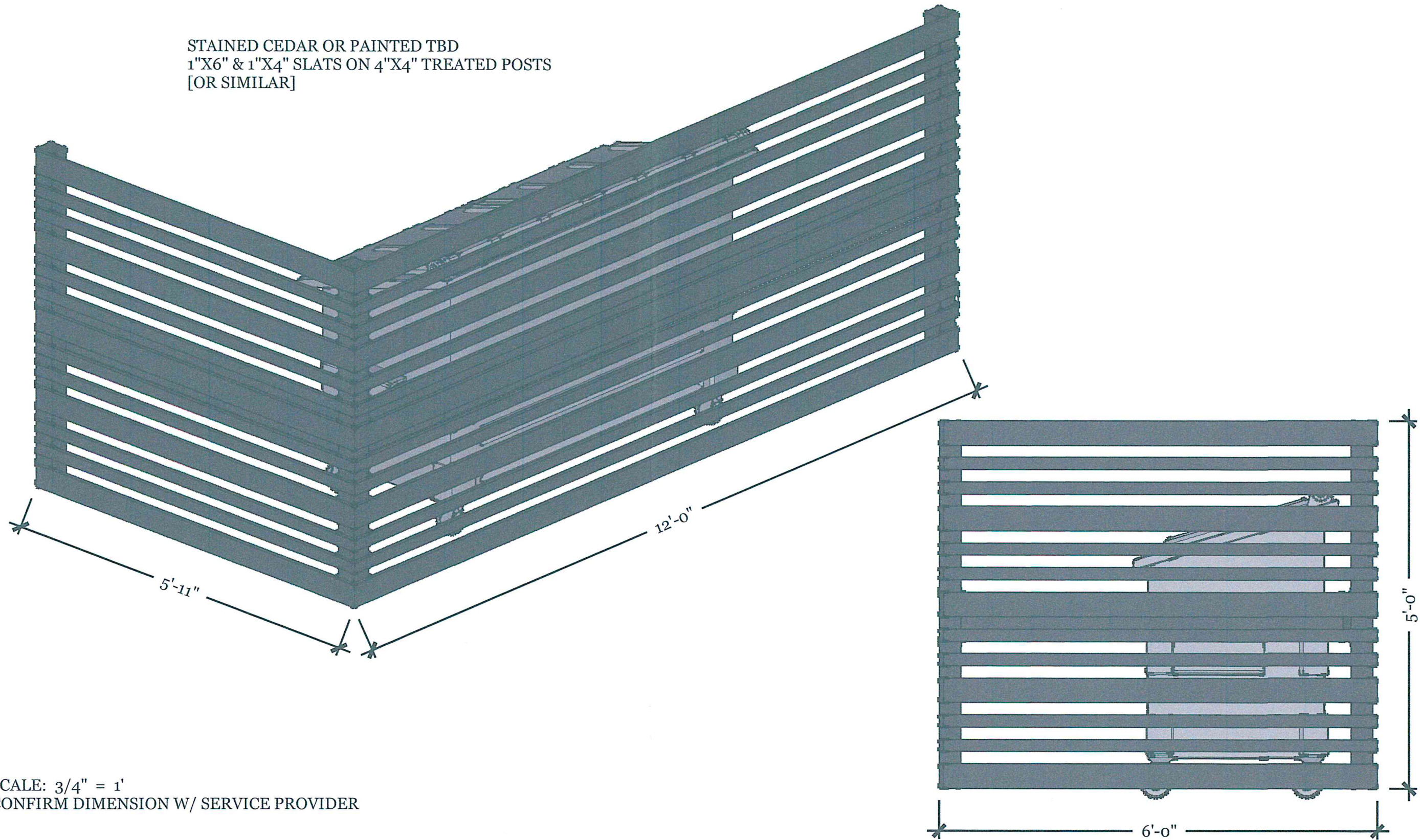
WILLAMETTE SERVICE CENTER

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EC 07

STAINED CEDAR OR PAINTED TBD
1"X6" & 1"X4" SLATS ON 4"X4" TREATED POSTS
[OR SIMILAR]



SCALE: 3/4" = 1'
CONFIRM DIMENSION W/ SERVICE PROVIDER



NOT TO SCALE

ZONING MAP



EQUITECT

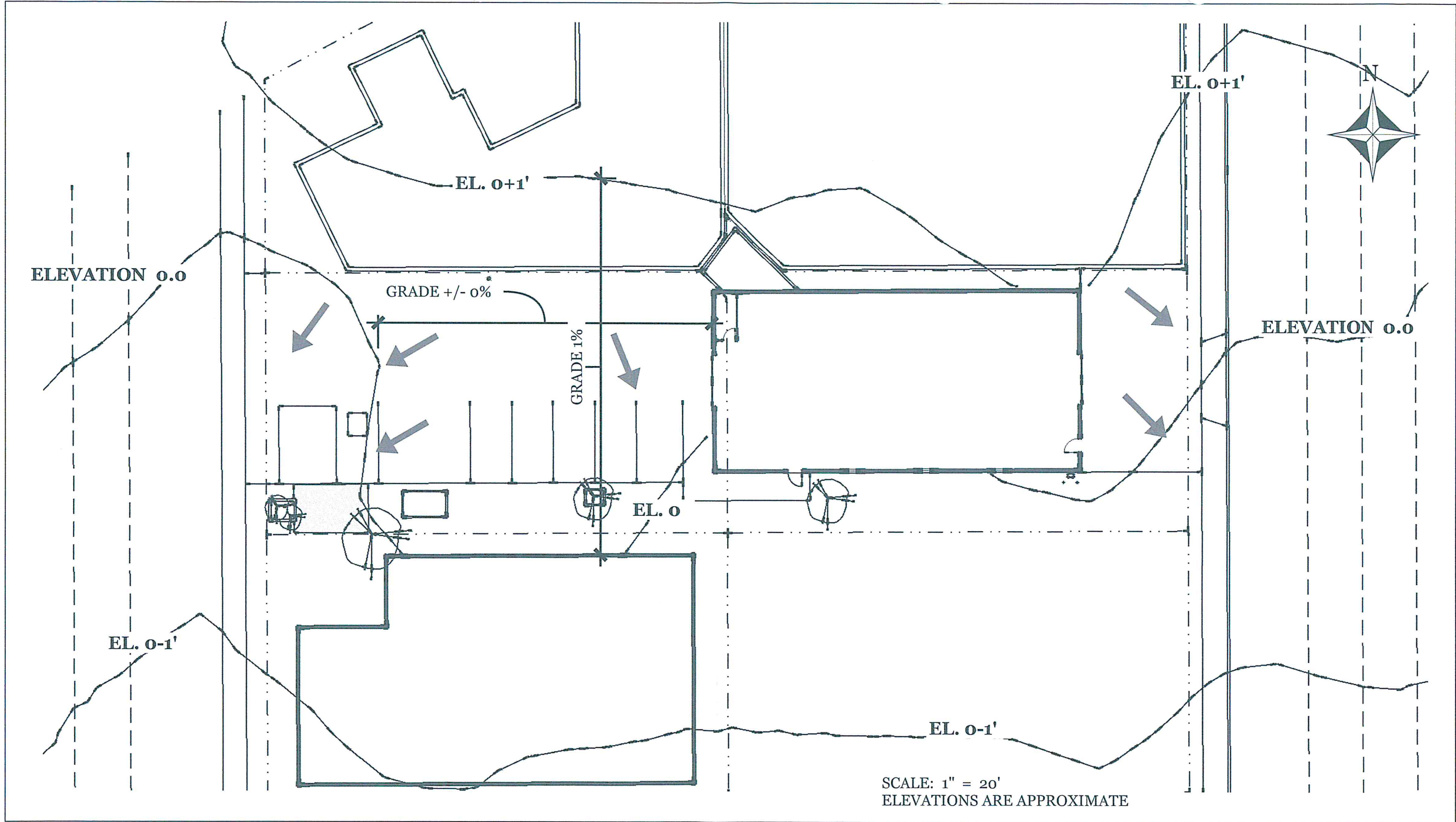
WILLAMETTE SERVICE CENTER

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09

EC



SITE COUNTOURS & DRAINAGE PATTERN - EXISTING



EQUITECT

WILLAMETTE SERVICE CENTER

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IMPERVIOUS SURFACES



WILLAMETTE SERVICE CENTER

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DEVELOPMENT FOOTPRINT (EXISTING)
~9,433SF (82% of TOTAL SITE AREA)

NOT TO SCALE

EXISTING DEVELOPMENT FOOTPRINT



EQUITECT

WILLAMETTE SERVICE CENTER

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PROJECT SUMMARY

Applicant:	Josh Harper Willamette Boulevard Service Center 6845 N Willamette Blvd. Portland, OR 97203
Owner:	Dolyniuk Family Trust Sandra Dolyniuk, Trustee 33417 SW Holland Dr. Scappoose, OR 97056
Site Location:	164 S 15 th Street St. Helens, OR 97051
Site Size:	11,516.23SF Per Assessor GIS Record
Parcel Info:	4104-AC-05701 [SEE ALSO: 5200 A1] [5,820.82sf (0.13ac) per assessor GIS record] 4104-AC-05600 [5,695.41sf (0.13ac) per assessor GIS record]
Zoning:	HBD – Houlton Business District
Zoning Adjacent:	HBD – Houlton Business District
Existing Structures:	(1) Building, 3,200SF [per assessor]
Request:	Conditional Use Permit to utilize the property as an auto service and restoration facility with the periodic retail sale of restored classic vehicles.
Project Contact:	Josh Harper Willamette Boulevard Service Center 6845 N Willamette Blvd. Portland, OR 97203 (503) 396-3416 Jdharper79@yahoo.com



Introduction

This application includes a narrative and plans in support of an application for conditional use for the relocation of the Willamette Boulevard Service Center onto the subject property. Willamette is a business that services passenger automobiles and restoration of classic Land Cruiser (or similar) vehicles with some limited retail of restoration projects.

The applicant proposes no construction or remodeling of the facility currently existing at the subject property except for the erection of a small screen to shield view of trash receptacles as required by city municipal code, restoring existing landscaped areas and general maintenance of the vacant facility.

Details of existing property improvements for the subject and neighboring properties are included in the site design documentation.

Narrative and Compliance

The following narrative addresses all identified Land Use and Development Code and Comprehensive Plan goals applicable to the proposed Conditional Use application. In the sections below, applicable code or goal provisions are shown in italic, with response in standard type.

Chapter 17.32.180 Houlton business district – HBD.

(1) Purpose. 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....

.....

(3) Conditional Uses. In the HBD zone, the following conditional uses may be permitted upon application, subject to provisions of Chapter 17.100 SHMC and other relevant sections of this code:

.....

(q) Vehicle repair, service, and sales.

Comment: The applicant proposes to utilize the property for vehicle repair, service and sales. The proposed use, explained further in the summary pages of this report, is allowed as a conditional use pursuant to this Section 17.32.180(3)(q) of the SHMC. All applicable provisions of Chapter 17.100 and other relevant sections of the code are addressed in the following pages.

(4) Standards Applicable to All Uses. In the HBD zone, 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.

Response: The existing building is approximately 26' in height and no new buildings are proposed;

(b) The maximum lot coverage including all impervious surfaces shall be 90 percent;



Response: The impervious surface area as existing and proposed is approximately 9,144 square feet, or 79% of the total lot coverage. See Site Plan Page EC-11 for impervious surface calculations.

.....

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

Comment: Chapter 17.64, pertaining to additional yard setbacks in cases wherein the proposed development fronts certain collector or arterial streets not adequately improved and/or located within a right-of-way less than required in the transportation system plan (TSP). Both abutting streets are larger than required by the TSP – see comments specific to this chapter in the following pages. Chapter 17.64 does not apply;

(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.

Response: this application proposes no new structure and those existing pre-date this requirement. The applicant respectfully suggests that this provision does not apply.

(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.

.....

(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 note in subsection (4)(f) of this section). For yards abutting other nonresidential districts, no rear setback is required, subject to building code requirements.

Response: No new construction is being proposed and the property is surrounded only by others within the subject's commercial-use Houlton Business District zoning. 17.32.180(4) (f-g) do not apply. See Site Plan page EC-09 for zoning of the subject and surrounding properties.

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

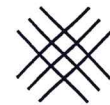
Response: the existing lot(s) are 57' in width and no modifications are proposed. This section is met.

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

Response: the existing lot is approximately 200' deep and no modifications are proposed. This section is met.

(j) Minimum open space shall be 10 percent.....

Response: Proposed open space amounts to approximately 2,206 square feet, existing primarily along the South site setback. The total site area is 11,516 square feet per the Columbia County Assessor GIS record as of the date of this application. The proposed open space equals just over 19% of the overall site area. Refer to the applicants site design submittal **Page EC-11**. This standard is met.



.....

(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 is also exempt).

.....

(5) Special Conditions Permitted and Conditional Uses.

.....

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

(c) 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 nonbusiness 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.

.....

Summary Response: The applicant has no particular use or request for outdoor storage goods or materials. No outdoor storage areas are proposed, and no screening required pursuant to the HBD municipal code (5.b.) above.

The applicant does retail classic Land Cruiser auto's to collectors and enthusiasts from time to time though this business is transacted primarily online and not by means typically described as dealership. Should the occasion arise for the temporary display of retail goods it will be done only as provisioned in SHMC 17.32.180 (5.c.) above.

↑ 5.c ONLY APPLIES TO RETAIL ESTABLISHMENTS - DOES N'T APPLY TO THIS PROPOSAL

Chapter 17.64

ADDITIONAL YARD SETBACK REQUIREMENTS AND EXCEPTIONS

11.30.2020

.....

17.64.020 Additional setback from centerline required.

(1) To ensure improved light, air, and sight distance and to protect the public health, safety, and welfare, structures in any zoning district which abut certain arterial and collector streets shall be set back a minimum distance from the centerline of the street.

(2) Where the street is not partially or fully improved, the measurement shall be made at right angles from the centerline or general extension of the street right-of-way:

.....



(b) Collector Streets. The required setback distance for buildings on collector streets as classified by the transportation system plan is the setback distance required by the zoning district plus 25 feet measured from the centerline of the street.

(3) The minimum yard requirement shall be increased in the event a yard abuts a street having a right-of-way width less than required by its functional classification on the city's transportation plan map and, in such case, the setback shall be not less than the setback required by the zone plus one-half of the projected road width as shown on the transportation map.

(4) The minimum distance from the wall of any building (except fences or other structures allowed in this code) to the centerline of an abutting street, however, shall not be less than 25 feet plus the yard required by the zone. This provision shall not apply to rights-of-way of 60 feet or greater in width.

Response: N 15th Street is classified as a "Collector" in the St. Helens Transportation System Plan with a proposed 36' pavement width in a 60' right-of-way. S. 14th Street is classified as a "Local Street". Public records describe both the S. 15th and S. 14th Street rights-of-way existing at 80' in width. With functional classifications of "Collector" (60') and "Local Street" (50') respectively, both exceed their required width. This section does not apply.

17.64.030 No yard required – Structure not on property line.

In zoning districts where a side yard or a rear yard setback is not required, a structure which is not to be built on the property line shall be set back from the property line by a distance in accordance with the applicable building code (as administered by the building official) requirements. (Ord. 3164 § 3 (Att. B), 2012; Ord. 2875 § 1.104.030, 2003)

Response: this application proposes no new structure and those existing pre-date this requirement. The applicant respectfully suggests that this provision does not apply. However, should any future improvement which qualifies as a "structure" according to the municipal code(s), at any point be required as a condition or proposed by the applicant, it shall be done under the local building official's administration.

.....

Chapter 17.72

LANDSCAPING AND SCREENING

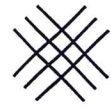
17.72.010 Purpose.

The purpose of this chapter is to establish standards for landscaping, buffering, and screening of land use within St. Helens in order to enhance the aesthetic environmental quality of the city:

.....

17.72.015 Applicability

(1) The provisions of this chapter shall apply to all development where landscaping is required by this code including the construction of new structures (see SHMC 17.96.020, Applicability of provisions), and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements...[.]



Response: the applicant proposes no “development” as it is defined in SHMC Land Use Definitions. This application is for a “change of use” to one only allowed by conditional use permit (the application).

Section 17.32.180 (4)(I) provides that *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 is also exempt)*. Furthermore, this section takes precedence over any conflicting standards in the code according to 17.32.180(4).

The existing development footprint equals approximately 82% of the total site area, exceeding the 50% requirement to qualify for the 17.32.180(4)(I) exemption and does not require loading (see 17.80 on following pages). The applicant respectfully suggests that 17.72 does not apply. The calculated development footprint can be found in the site plan page EC-12.

Chapter 17.80

OFF-STREET PARKING AND LOADING REQUIREMENTS

.....

17.80.015 Applicability of provisions.

(1) *The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (see SHMC 17.96.020) and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.*

Response: the applicant proposes no development, construction or remodeling. This application is for a “change of use” to one only allowed by conditional use permit (the application). The proposed change of use does not increase the on-site parking, loading or access requirements according to SHMC 17.32.180, again described in the following paragraph, and therefor does not meet the applicability provisions of this chapter. The applicant respectfully suggests that, although the existing site conditions meet the standards set in this chapter, it does not apply to the application.

Comment: although the Off-Street Parking and Loading ordinance does not apply to this conditional use / change of occupancy application, the applicant acknowledges the importance of providing adequate services for both potential customers, employees, the general public and neighborhood. With this in mind, we have investigated the existing parking conditions and suggest that the site meets or exceeds all of the requirements of this chapter. See the applicants site plan page EC-05 for existing parking conditions.

Chapter 17.100

CONDITIONAL USE

17.100.010 Purpose.

The purpose of this chapter is to provide standards and procedures under which conditional use may be permitted, enlarged or altered if the site is appropriate and if other conditions can be met. (Ord. 2875 § 1.140.010, 2003)

17.100.020 Administration and approval process.

COVERAGE ONLY APPLIES TO
BIDS, WHICH IS < 50%
OF TOTAL LAND SIZE.
PARKING EXEMPTION
DOES NOT APPLY
JG 11.30.2020



(1) The applicant of a conditional use proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.

Response: the applicant is under contract with the owner of the subject property for its purchase. The provisions of that contract include a contingency for the buyer (applicant) obtaining entitlements to relocate the proposed business onto the property. The contract for purchase also contains provisions allowing the applicant to do so.

17.100.040 Approval standards and conditions.

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

- (a) The site size and dimensions provide adequate area for the needs of the proposed use;*
- (b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;*
- (c) All required public facilities have adequate capacity to serve the proposal;*
- (d) The applicable requirements of the zoning district are met except as modified by this chapter;*

Response: the applicant suggests that, among other factors, the subject property was originally developed as an automotive service facility and remains mostly in the configuration that has proven adequate for the proposed use for many years. With the exception of those years between approximately 2015 and 2019 the subject property has been an automotive service facility for nearly 70 years. — ?

The property is well-served by all necessary public facilities with no faults identified throughout the applicant's investigations and the proposed use meets all applicable requirements of the Houlton Business district zoning as explained in that section of this narrative.

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

Response: The applicant proposes no new signage at this time. Should modification to the existing, or new signage be proposed in the future, it will be pursuant to those Chapters 17.88 & 17.96.

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

Response: the preparer of this application narrative has read the city's comprehensive plan and identified no goal or policy to which the proposed use might conflict. It is the opinion of the preparer that the proposed use most definitely complies with the few policies that may be determined to apply, most notably the following:

19.08.020 Economic goals and policies.

.....

(2) Goals.

(a) To maintain favorable conditions for a growing, healthy, stable and diversified business and industrial climate.



(b) *To encourage the expansion of employment opportunities within the urban area so residents can work within their communities rather than commute to jobs outside the county.*

Response (cont.):

The Willamette Boulevard Service Center was founded in 1973 by Larry Harper who, along with his son Josh, is the applicant. It its current location at 6845 N. Willamette Boulevard in Portland, OR since the beginning, the Harper's are considering the relocation partly as a means of diversifying away from a region proving less favorable a business climate but even more as their show of support to a community in which we believe to hold promise and much of the family calls home.

Though not a large employer by most standards at 3-5 employees the business has proven longevity and the undeniable support of their customers, partners and clientele both past and present.

If their use is ultimately supported by the commission, the applicants are purchasing the subject property as a long-term investment (among others they own in St. Helens) and home to an ever-evolving family enterprise.

For over 50 years Larry Harper's Willamette Service Center has maintained a sterling reputation for reliable service to both the everyday commuter and, more recently, the quickly expanding classic Toyota Land Cruiser enthusiast community to which his son Josh has been a steadfast member of for much of his own career of 25+. This classic auto segment of the business is a primary driver to relocating the business to a larger facility removed from some of the distractions to growing a business in their current location and the applicant hopes to remain here as an active supporting member of the business community.

The applicant suggests that reopening the subject property, which was for a short time used for brewing beer by Columbia County Brewing but shuttered upon untimely and unfortunate founder circumstances in 2017, absolutely contributes to the city's chartered goal of *"promoting favorable conditions for a growing, healthy, stable and diversified business and industrial climate."* On a city block that is approximately 63% vacant or undeveloped at the time of this application we suggest that locating a proven business such as the applicants roundly supports the city's stated goals for the community.

17.100.070 Application submission requirements.

(1) All applications shall be made on forms provided by the director and shall be accompanied by:

(a) Copies (number to be determined at the preapplication conference) of the site development plan(s) and necessary data or narrative which explains how the development conforms to the standards:

(i) Conditional use site plan(s) shall be drawn on sheets preferably not exceeding 18 inches by 24 inches;

(ii) The scale for a site plan shall be an engineering scale; and

(iii) All drawings of structure elevations shall be a standard architectural scale, being one-fourth-inch or one-eighth-inch; and

(b) The required fee.

(2) The required information may be combined and does not have to be placed on separate maps.

(3) The conditional use plan, data, and narrative shall include the following:

(a) Existing site conditions, SHMC 17.100.080;

Response: See site plan Pages EC-01 through EC-07



(b) A site plan, SHMC 17.100.090;

Response: See site plan Page EC-02

(c) A grading plan, SHMC 17.100.100;

Response: the applicant proposes no excavation or grading, this sub-section (c) does not apply.

(d) A landscape plan, SHMC 17.100.120;

Response: See site plan Page EC-06

(e) Architectural elevations of all structures, SHMC 17.100.110;

Response: See site plan Pages EC-04 through EC-05

(f) A sign plan, SHMC 17.100.130; and

Response: the applicant proposed no signage and all signs related to ADA and building identification are existing in conditions meeting current criteria. See existing conditions pages of the site plan.

(g) A copy of all existing and proposed restrictions or covenants. (Ord. 2875 § 1.140.070, 2003)

Response: the subject site is not encumbered by any restrictions or covenant pertaining to use or title.

17.100.080 Site conditions.

The site analysis drawings shall include:

- (1) A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops, and utility locations;*
- (2) The site size and its dimensions;*
- (3) Contour lines at two-foot intervals for grades zero to 10 percent and less and five-foot intervals for grades over 10 percent;*
- (4) The general location of drainage patterns;*

Comment: See Site Plan page EC-10 for approximate site contours and drainage patterns.

(5) The general location of natural hazard areas including:

- (a) Floodplain areas (100-year floodplain and flooding);*
 - (b) Slopes in excess of 25 percent;*
 - (c) Unstable ground (areas subject to slumping, earth slides or movement);*
 - (d) Areas having a high seasonal water table within zero to 24 inches of the surface for three or more weeks of the year;*
 - (e) Areas having a severe soil erosion potential; and*
 - (f) Areas having severe weak foundation soils;*
- (6) The general location of natural resource areas as shown on the comprehensive plan map inventory data;*



Response: Neither natural hazards nor natural resources have been identified on the subject site or in its proximity. Sub-sections (5a-f & 6) do not apply, and none have been included on the site plans.

(7) The general location of site features including:

(a) Rock outcroppings; and

Comment: no rock outcroppings are present, none identified.

(b) Trees with six-inch caliper or greater measuring four feet from ground level;

.....

Response: There is one tree measuring approximately 6" at 4' located on or near the property line between the subject and south neighboring property. The applicant proposes no removal or alteration and it is shown on the existing and proposed landscape pages within the site plans.

(8) The location of existing structures on the site and proposed use of those structures; and

(9) The location and type of noise sources on the site or on adjoining property such as traffic ways, mechanical equipment, or noise-producing land uses. (Ord. 2875 § 1.140.080, 2003)

Response: all adjoining properties are vacant, no noise-producing land uses have been identified. The applicant will produce some reasonable amounts of noise during business hours related to light-duty fabrication or servicing of automobiles though we suggest the amount of noise will be much lower than an average auto service provider. There are no permanent equipment installations proposed and none are identified in the existing or proposed site plans.

17.100.090 The site plan.

The proposed conditional use plan shall be at the same scale as the site conditions and shall include the following information:

- (1) The proposed site and surrounding properties;
- (2) Contour intervals (see SHMC 17.100.080(3));
- (3) The location, dimensions and names of all:
 - (a) Existing streets; and
 - (b) Proposed streets;
- (4) The location and dimensions of:
 - (a) Entrances and exits on the site;
 - (b) Parking and circulation areas;
 - (c) Loading and services areas, if applicable;
 - (d) Pedestrian and bicycle circulation, if applicable;
 - (e) Outdoor common areas, if applicable; and
 - (f) Above ground utilities;
- (5) The location, dimensions, and setback distances of all:
 - (a) Existing structures, improvements, and utilities which are:



- (i) Located within 25 feet of the site and are on adjoining property; and
- (ii) To remain on site;
- (b) Proposed structures, improvements, and utilities on the site;
- (6) The location of areas to be landscaped;
- (7) The location of proposed utility lines;
- (8) The location of mailboxes;
- (9) The location of all structures and their orientation; and
- (10) The location and type of outdoor lighting considering crime prevention techniques. (Ord. 2875 § 1.140.090, 2003)

Response: see the applicants site plans detailing existing improvements that conform to most applicable requirements for the proposed use. There is only a trash receptacle screen proposed to be constructed and that is also detailed within the site plans.

17.100.100 Grading plan.

The site development plan shall include a grading plan at the same scale as the site analysis drawings and shall contain the following information:

- (1) Requirements in SHMC 17.100.080 and 17.100.090;*
- (2) The location and extent to which grading will take place, indicating general contour lines, slope ratios, and slope stabilization proposals; and*
- (3) A statement from a registered engineer supported by factual data substantiating:*
 - (a) The validity of the slope stabilization proposals; and*
 - (b) That all problems will be mitigated and how they will be mitigated. (Ord. 2875 § 1.140.100, 2003)*

Response: the applicant proposes no excavation or grading, this sub-section (c) does not apply.

17.100.110 Architectural drawings.

The conditional use plan proposal shall include:

- (1) The square footage of all structures proposed for use on site; and*
- (2) Preliminary elevation drawings of each structure. (Ord. 2875 § 1.140.110, 2003)*

Response: No additional structures are being proposed and all existing elevations are described on the applicants site plan.

17.100.120 Landscape plan.

(1) The conditional use plan proposal shall include:

- (a) The general location of fences, buffers, and screenings;*
- (b) The general location of play areas and common open spaces;*
- (c) The general location of existing and proposed plant materials; and*
- (d) Location of underground sprinkler heads where applicable.*



(2) The landscape plan shall include a narrative which addresses:

(a) Soil conditions; and

(b) Erosion control measures that will be used. (Ord. 2875 § 1.140.120, 2003)

Response: see site plans page EC-6 for existing landscape proposed to remain with some restoration or replacement as required.

17.100.130 Sign drawings.

Drawings indicating sign location shall be submitted in accordance with Chapter 17.88 SHMC. (Ord. 2875 § 1.140.130, 2003)

Response: no new signs are proposed. Existing signage containing the street address are located on the building and described in the site plans.

.....

17.100.150 Additional requirements for conditional use types.

.....

(3) The additional dimensional requirements and approval standards for conditional use are as follows:

.....

(b) Automobile and Equipment: Sales/Rental (Farms, Heavy and Light Equipment).

(i) Setbacks. A minimum of five feet of the perimeter setback shall be used for landscaping and screening purposes (see Chapter 17.72 SHMC);

Response: the applicant is primarily an auto service provider and classic auto restoration company. Although the business involves the periodic retail sale of an auto it is not by means typically associated to an auto dealer. Sales are conducted primarily online or by direct sale to collectors and enthusiasts. The applicant proposes no specific area within the parking area or site to display autos for retail sale and suggests that the additional screening and setback provisions will not apply to the applicants proposed use.

(c) Automotive and Equipment: Body Repairs, Light Equipment.

(i) Setbacks.

(A) A minimum of five feet of the perimeter setback shall surround all outdoor parking and storage areas (see Chapter 17.72 SHMC);

(B) Buffer screening shall be provided along the perimeter of all outdoor parking and storage areas as required in SHMC 17.72.080; and

Response: no outdoor storage is being proposed. No outdoor parking of vehicles except those uses for commute to/from the site by customers and employees are proposed. The applicant suggests that this provision would apply particularly to storage/parking of autos for repair or sale and none of these are being proposed by this application.



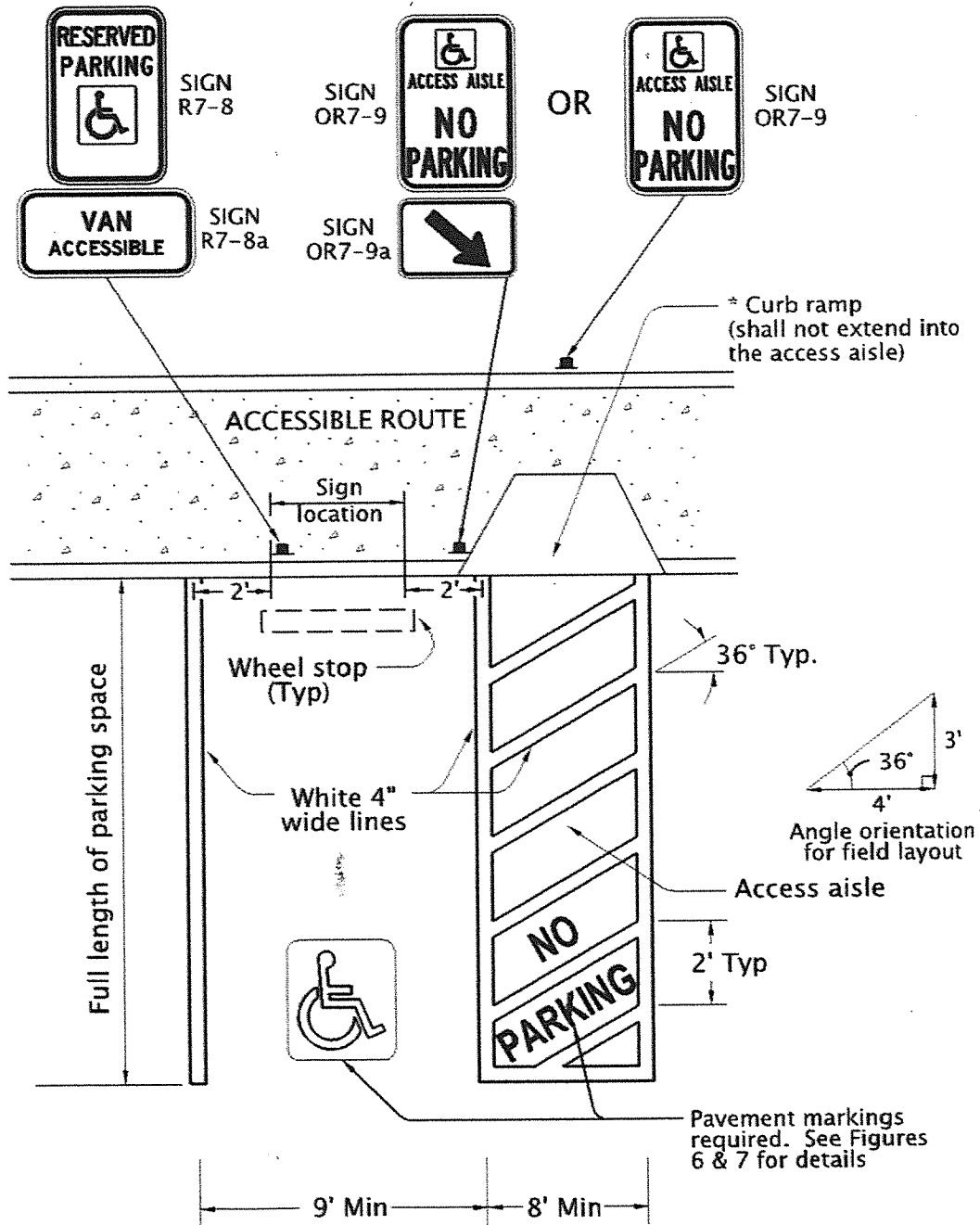
Although not required (or proposed) at present there is adequate site area that could be screened while maintaining parking or other outdoor land use requirements. Should an outdoor storage area become useful in the future, then an outdoor area will be screened and permitted according to applicable standards in a separate application.

(C) All repair work shall be performed indoors;

Response: all repair work will be performed indoors as required and the existing facility building is beyond suitable to contain the applicants business with future growth accounted for.

OREGON TRANSPORTATION COMMISSION
Standards for Accessible Parking Places
August 2018

MINIMUM STANDARD
SINGLE-ACCESSIBLE PARKING SPACE
(VAN-ACCESSIBLE DESIGNATION REQUIRED)



* Detectable warning surface required if curb ramp is located within public right-of-way

Figure 1