

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Conditional Use Permit CUP.2.23; Variances V.1.23, V.2.23, and V.3.23

DATE: March 14, 2023
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: James Casey McGuirl of McGuirl Designs & Architecture
OWNER: La Grand Townhomes, LLC

ZONING: Mixed Use, MU and General Residential, R5
LOCATION: 4N1W-4AA-600; NW corner of Columbia Boulevard/N. 6th Street intersection; Lots 20-22, Block 60, St. Helens Subdivision
PROPOSAL: Mixed use development consisting of 9 dwelling units and up to three commercial suites, all within a single three-story building.

SITE INFORMATION / BACKGROUND

The site consists of three lots from the City's original St. Helens Subdivision. Most recently, these lots were developed as a car wash. The structures for the former car wash have since been removed (around 2010), leaving the site vacant with most of the site paved with asphalt and concrete (except a portion of the northern lot which is unpaved). Topography is relatively flat, except the northern lot is slightly sloped towards the northeast. The southern two lots are zoned Mixed Use, MU and the northern lot is zoned General Residential, R5. There are two undeveloped MU lots to the west, a church* zoned MU across N. 6th Street to the east, and the remainder of the abutting lots are developed with detached single-family dwellings zoned R5. There are non-residential uses across Columbia Blvd.

*The church across the site from N. 6th Street is a designated landmark (i.e., official historic resource acknowledged in the Comprehensive Plan).

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission: March 21, 2023

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on February 28, 2023 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on March 8, 2023 in The Chronicle newspaper.

APPLICATION COMPLETENESS

This application was originally received and deemed complete on February 27, 2023.

The 120-day rule (ORS 227.178) for final action for this land use decision is June 27, 2023.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no agency referrals/comments have been received that are pertinent to the analysis of this proposal:

LUMEN: LUMEN has facilities within your proposed construction area. If plans were submitted, the estimated completion date of review is 3/24/2023.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

Permitting History: An application under the same owner for a 6-lot subdivision preliminary plat for attached single-family dwellings was approved by the Planning Commission in May of 2020, but this proposal has not been pursued.

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Zoning Compliance: The subject property is zoned Mixed Use, MU and General Residential, R5. The MU is the southern 2/3rds of the property with R5 the remaining northerly 1/3rd.

The proposed building is proposed on the southern 1/3rd of the property, with the remainder parking/access and other non-building site improvements.

In the MU zone, where the building and some of the parking/access and other non-building site improvements will be located:

- Dwellings above permitted uses is permitted. This is proposed.
- Various commercial uses are permitted. Some are conditionally permitted. Some ground level non-residential use is proposed but the specific use is not yet known.
- Dwellings on the same level as nonresidential use and multi-dwelling units (i.e., 3 or more DUs) are conditionally permitted and both are proposed.
- Shopping plaza is not listed as a permitted or conditionally permitted use. Chapter 17.16 SHMC defined this as:

“Shopping plaza” means a group (**two to seven business units**) of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements (also “mini mall”).

- Shopping center is listed as a conditionally permitted use. Chapter 17.16 SHMC defined this as:

“Shopping center” means a group (**at least eight business units**) of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements (also “mini mall”).

In the R5 zone where some of the parking/access and other non-building site improvements will be located:

- Mulidwelling units (i.e., 3 or more DUs) are conditionally permitted.
- Parking lots are not an allowed use.

Zoning and use discussion. For the R5 zoned portion, the parking lot and site improvements will be associated with the multidwelling development that is a component of this proposal. The commercial uses will not be specifically on the R5 portion, so the Conditional Use Permit can cover allowing the parking lot, etc. there. A standalone parking lot as principal use of itself would not be allowed there.

For the MU zone portion, there is one ground level dwelling unit and a total of more than three dwelling units, so the Conditional Use Permit is necessary.

There are many non-residential uses possible and the non-residential area can be included in the CUP. However, there is a question of the number of commercial suites allowed. Shopping plaza (2-7 business units) is not listed in the MU zone and technically not allowed, yet shopping center (8+ business units) is listed as a conditional use. **Staff is asking the Planning Commission's input on this. You could impose a condition that restricts the number of commercial suites to 1 or 8 or more, or you could determine that that makes no sense and does meet the intent of the MU zoning district based on the purpose state of the zone per SHMC 17.32.095:**

The MU zone is intended to provide for mixed uses in certain areas, generally between general commercial and residential zones. This method allows the market to mostly determine the uses.

Zoning specific standards.

In the MU zone, multidwelling development must comply with the Apartment Residential, AR zoning standards. Because the building will have 3+ dwelling units, it is considered multidwelling development.

Maximum building height is normally 45' in the MU zone, but 35' in the AR zone. **Just under 45' is proposed, which will require a Variance.**

Maximum lot coverage/minimum landscaping: 90%/10% for MU zone non-residential uses, but per the AR zone multidwellings require maximum building structure lot coverage of 50% with a minimum landscaping requirement per the Site Development Review Chapter 17.96 SHMC.

AR standards call for a 20' front yard, 10' side yards, and 10' rear yard. This applies to multidwelling development only, and only for ground level unit. The one ground level unit does not conflict with these standards, except a nearly zero foot yard is proposed to coincide with the commercial portion of the building. **This requires a Variance.**

Otherwise, there is not specific yard or setback from property line requirements in the MU zone except when abutting a residential zone. The proposed building is on the opposite side from the

abutting residential zoning to the North. There are setbacks specific to multidwelling proposals however—see below.

Density calculation. There are separate calculations based on the MU (which references the AR) zone and R5 zone. These break down as follows:

MU area: 11,600 s.f. → 7 DU's
R5 area: 5,800 s.f. → 2 DU's
9 dwelling units allowed. 9 proposed.

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

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Addition Yard Setback Reqs & Exceptions: When there is a yard (setback) eaves may be allowed within to a certain extent. This applies to the reduced front yard for the ground floor unit. The building is setback 1' from the abutting right-of-way property lines to avoid right-of-way encroachment by the eaves.

* * *

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

Columbia Blvd. and N. 6th St. are both classified as minor arterial streets per the City's Transportation Systems Plan, which requires a landscape strip with street trees between the curb and sidewalk as part of the public street frontage improvements.

However, if the Planning Commission allows Columbia Boulevard to remain with the curb-tight frontage improvements and approve the Variance for reduce front yard, there will be no room to trees, and the only street trees would be along N. 6th Street.

There is overhead utility lines along N. 6th Street, thus, street trees need to be "small" per this chapter. This requires a 20' spacing, which is depicted on the plans. Species is not identified; final landscape plans will be necessary.

Tree location shall also comply with requirements per 17.72.035(2)(d)-(l). This will need to be examined in more depth with final development plans.

There is a tree shown in close proximity to an existing utility pole along N. 6th Street. Features like utility poles will need to be included on the plans for proper tree layout.

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

Site abuts R5 zoned properties occupied by single-family dwellings on the entire north property line and along the northern 3rd of the west property line. The remaining abutting property to the west is vacant, but as Mixed Use, MU zone, could be commercial or residential. The normal requirement is:

- minimum 10' of buffer plus screening for attached dwelling units 2 stories or more
- minimum 10' of buffer plus screening for commercial use
- minimum 10' of buffer plus screening for a parking lot 4-50 feet

A 10' wide swath of landscaping is proposed along the north and west property lines, thus meeting the basic requirement. Concept provided by applicant is a good start; will need final landscaping plans demonstrating compliance with the buffering requirements of SHMC 17.72.080, except no trees over city utilities (there is sanitary sewer and storm sewer in certain areas).

Screening is also required, with the requirements detailed in SHMC 17.72.080(5). A 5 foot fence is proposed along the north side; fence post needs to be coordinated with underground utilities that cross this side, unless an alternative is proposed. 5' is the minimum screening fence height. Along the west side, due to a sanitary sewer main running along, screening methods will also need approval from city engineering. Final landscape plans will be necessary.

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

Because the parking lot will be greater than three spaces, it is required to be screened. For screening in this case, the city usually requires landscaping along the perimeter that includes a balance of low lying and vertical shrubbery and trees.

Landscaping area is available; more specific planting details will be necessary with final landscape plans.

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

The plans are in the early stages of development and such detail is not provided. This will be a requirement.

Refuse container or collection area are required to be screened (e.g., trash enclosure).

A trash enclosure is shown on the site plan but there are no elevation details (e.g., to show fence/wall height. Details needed as part of final plans.

Interior parking lot landscaping. When off-street parking lots have more than 20 spaces, landscape islands are required with trees. Rows of parking spaces are not to exceed 7 spaces, generally. The “islands” are required to be no less than 48 square feet in area and no dimension less than six feet. They are required to have a combination of groundcover and shrubs in addition to a tree, such that at least 50% of the island will be covered with living plants. They are also required to be protected from vehicular damage by some form of wheel guard or curb that is permanently fixed to the ground.

Parking exceeds 20 spaces and plan shows rows of parking spaces do not exceed 7.

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

Proposal shows no conflict with this chapter, subject to review of final plans.

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Off-Street Parking/Loading: Off street parking is required because this established a new use with new construction.

Dimension and type. There is a mix of standard spaces (min. size 9' x 18') and compact spaces (min. size 8' x 15').

Visitor Parking. Multidwelling complexes with more than 10 required spaces are required to have dedicated visitor parking. 15% is required to be visitor parking and that parking is required to be centrally located or evenly distributed. Of the parking spaces, 18 are associated with the multidwelling use. 15% of that is 3 and 3 spaces are shown in a logical location.

Location. Parking spaces are required to be within 200' of the building/use served. All spaces within this distance.

Accessible (disabled person) spaces. Required to comply with State and Federal Standards. A total of 21 parking spaces are proposed. Per the 2022 Oregon Specialty Code, this requires at least 1 accessible space, which is required to be van-accessible. A disabled person parking space is shown with the proper dimensions.

Also, accessible parking spaces are 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. Location is logical.

Bicycle parking. For the multidwelling use, one lockable bicycle space is required per dwelling unit. How this will be addressed is not addressed in the plans and will need to be with final plans.

For the commercial use 1 lockable space is required at a rate of 10% of vehicle spaces. Per below, if we assume 8 spaces for the nonresidential use, 10% is only 1 space. Lockable bike racks are proposed under balconies of the upper floors.

For all uses, bicycle spaces are required to be within 50' of primary entrances, under cover when possible, and not located in parking aisles, landscape areas, or pedestrian ways. Final plans will need to comply.

Number of off-street parking spaces required. For the multidwelling aspect of this proposal, each dwelling unit is 2-bedroom, which requires 2 spaces per unit. With 9 dwelling units proposed, that is 18 spaces.

21 spaces are proposed, leaving three spaces for the to-be-determined non-residential use(s). Approximately 3,000 square feet of commercial gross floor area is proposed. This leaves 1 space per 1,000 square feet, which is inadequate for most possible non-residential uses per SHMC 17.80.030. If there were 8 spaces for non-residential, it would be one space per 350' square feet of area, which accommodates most possible uses, generally. **So, what about the 5 spaces that do not exist?**

SHMC 17.80.020(6) provides a potential option, but the Planning Commission needs to find that this can apply:

(6) Shared Parking in Commercial Districts.

(a) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the peak hours of operation do not overlap;

(b) Satisfactory legal evidence shall be presented to the director in the form of deeds, leases, or contracts to establish the joint use; and

(c) If a joint use arrangement is subsequently terminated, or if the uses change, the requirements of this code thereafter apply to each separately.

(6) The Mixed Use zone can be considered a commercial district because the underlying Comprehensive Plan designation is General Commercial, GC. But note that the northern third of the property where some of the parking is at, is residential in both zoning and Comprehensive Plan Designation.

(a) Typically, residential and commercial demands have different peak parking needs, though, specific non-residential uses are to-be-determined.

(b) This is not necessary as it's the same property; entitlement would be via this CUP.

(c) Probably the only way to advance this criterion is a condition that creates a total parking capacity of uses for the site.

The plans show on-street parking. Both Columbia Boulevard and N. 6th Street is classified as minor arterial streets, which based on their *typical* Transportation Systems Plan standard, do not include on-street parking (**see attached TSP Figure 7-2**).

However, for Columbia Boulevard the 2015 Corridor Plan standards supersedes other standards and shows on-street parking (**see attached Corridor Plan Fig. D-41**). Probably no more than

three to four on-street parking spaces would be possible along Columbia Boulevard—parallel spaces are 22' long (plans show lesser lengths).

For N. 6th Street, there is a minor arterial (two-way downtown) standard that utilizes 80' wide right-of-way widths (instead of the normal 60') and includes on-street parking. Columbia Boulevard is a key link between uptown (Houlton) and downtown (Riverfront District) and the intersection with N. 6th Street is the only intersection of two arterial streets amongst both of these districts other than at US30. Since the N. 6th right-of-way is 80 feet, utilizing this standard is acceptable. Also, there is already on-street parking along 6th Street Park one-block to the north.

Given the proposed driveway and maintaining vision clearance, there is likely less opportunity for on-street parking (even though it is the longer side) along N. 6th, but it is reasonable to assume three properly sized spaces (parallel spaces are 22' long and plans show lesser lengths).

Abutting on-street parking, still subject to final design, should be able to provide at least the 5 spaces needed to make up for the off-street parking shortfall described above.

A note about the 1 space per 350 square foot of gross floor area parking requirement assumption above. Some uses, like a restaurant, amusement services and food and beverage retail sales exceed this, so we need a base number as a conditional of approval. A use with greater parking would need further consideration and pursuant to SHMC 17.96.070(2)(c), a major modification Site Development Review is required when there is:

(c) A change that requires additional on-site parking in accordance with Chapter 17.80 SHMC;

So based on all of this, is the Commission ok allowing the shared parking provisions? If not I'm not sure how you find the parking requirements are met without a Variance. On street parking technically only counts as off-street parking in the Houlton and Riverfront District Zones. And note SHMC 17.80.020(22):

(22) On-Street Parking. Parking spaces in a public street or alley shall not be eligible as fulfilling any part of the parking requirement except as otherwise provided in this code.

The code does not obligate you to incorporate on-street parking. Only the Houlton Business District and Riverfront District zonings have specific provisions that allow on-street parking to count towards the off-street parking requirement.

Aisle width. Minimum width for two-way traffic is 24'. There is more than this amount of area for all off-street parking spaces.

Markings. All interior drives and access aisles are required to be marked and signed to indicate direction flow. All parking spaces are required to be clearly marked.

Designations are shown on the plans and will need to be identified on final plans.

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

There is no proposal to the contrary.

Wheel stops. Wheel stops are required along the boundaries of a parking lot, adjacent to interior landscape area, and along pedestrian ways.

Plans show wheel stops fronting all off-street parking spaces.

Drainage. Drainage plans will be required to prevent ponding, prevent water flow across pedestrian ways and to address pollutants from vehicles (e.g., oil/water separation).

Drainage plans will be required. The majority of the site is paved from previous use (car wash facility).

Lighting. Required to be directed to avoid glare from surrounding residences and roads/streets.

Lighting plans will be needed with the final plan set.

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Access/egress/circulation: Public street access. All vehicular access and egress per Chapter 17.84 SHMC is required to directly connect to a public or private street approved by the city for public use. Moreover, vehicular access is required to be within 50' of principle entrances for commercial use or ground floor entrance or ground floor landing of stairways, etc. leading to residential units.

The site abuts the following streets:

Street/Road Name	Public or Private	Street Class (TSP)	Jurisdiction	Improved?
Columbia Boulevard	Public	Minor Arterial	City of St. Helens	Yes, includes curb-tight sidewalk
N. 6 th Street	Public	Minor Arterial	City of St. Helens	yes, partial; no sidewalks, curb (just an asphalt roadway)

The site utilizes N. 6th Street for access and brings vehicle access within the statutory distance of the primary entrance.

Vehicular access spacing, amount, etc. Abutting two minor arterial streets poses challenges. The spacing for driveways is 200 feet or midblock.

No access is proposed off Columbia Boulevard. There is an existing driveway approach that will need to be removed. That eliminates one of two existing access points.

Along N. 6th Street there is about 270' between the closest driveway midpoint to the north at 135 N. 6th Street and the midpoint of Columbia Boulevard. Because there is not 400', the minimum spacing is impossible to meet.

Creating a shared or potential future shared drive with the 135 N. 6th Street property is not recommended because it would put the sole access point directly over storm and sanitary sewer lines in the NE corner of the subject property. Major utility work could completely obstruct access to the properties. The proposed location maximizes the practical distance from Columbia Boulevard while somewhat avoiding the aforementioned utilities. As such, the proposed access location is probably the best practical scenario and acceptable for this proposal, especially given that one of two existing access points will be removed.

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 provide convenient connections between buildings in multibuilding commercial, institutional, and industrial complexes. Walkways also shall provide access to existing and planned transit stops adjacent to the development site. Unless impractical, walkways should be constructed between a new development and neighboring developments.

And...

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

The non-residential area has pedestrian access directly from the Columbia Boulevard public sidewalk and via private walkway to the N. 6th Street public sidewalk on the back side. That back-side private walkway also connects the residential units to the parking lot and associated open space.

Providing direct pedestrian access to a public sidewalk on this corner lot, provides the “shared” connections to neighboring development and transit stops, both of which are referenced in the Development Code.

Required walkways shall be paved with hard-surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways shall be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.

4'+ wide concrete walkways are proposed. Walkway to ground level residential unit is unclear. Lighting plan will be necessary.

Access requirements based on type and intensity of use. One access point, as proposed, is acceptable based on the number of dwelling units and off-street parking spaces proposed.

26' wide driveway approach, as proposed, is an acceptable width based on the use and size of parking lot.

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Signs: There is no existing signage, and no signs are proposed at this time. New signs will require permits per Chapter 17.88 SHMC.

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Solid Waste/Recyclables: Chapter 17.92 SHMC includes provisions for functional and adequate space for on-site storage and efficient collection of mixed solid waste and recyclables subject to pick up and removal by haulers.

Multidwelling uses with 6-10 units require an area 50 square feet in size.

The non-residential use requires 10 square feet plus 4 to 10 square feet depending on the use, which is not determined. There is approximately 3,000 square feet of nonresidential gross floor area.

$50 \text{ s.f.} + 10 \text{ s.f.} + (4 \text{ to } 10 \times 3) = 72 \text{ to } 90 \text{ square feet required.}$ Proposed enclosure is approximately 200 s.f.

Minimum 10' wide gate required, capable of being secured in an open or closed position, with minimum 6' high sight-obscuring wall or fence.

Dimensions ok. No detail on fence or wall proposed.

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Site Development Review:

Per SHMC 17.96.180(2)—Relationship to the Natural and Physical Environment:

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

There is no natural area; no trees. Most of the site is already paved from past uses of the site. There is some unpaved area along the north portion of the site, at least 10' is proposed as landscaping.

Per SHMC 17.96.180(3)—Exterior Elevations:

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

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

South elevation. The building is 90' long along Columbia Boulevard. Thus, at least three offsets are needed (with at least two types of offsets). There are four recesses at least 8 feet deep and an offset in the roof elevation of at least 3 feet that creates three “tiers.”

North elevation. Achieves compliance with four 8' deep balconies and the same roof lines at the south elevation.

East elevation. The building is about 50' along N. 6th Street. Thus, at least one offset is needed (with at least two types of offsets). It includes a 5' wide, 8' deep recess for the upper residential stories and a 3' roof offset.

West elevation. Achieved compliance like the east side, but the 8' deep recess is included with the ground floor too since that side has the proposed ground level residential unit.

Per SHMC 17.96.180(4)—Buffering, Screening, and Compatibility between Adjoining Uses:

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

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

The prescribed buffering as described above should be adequate.

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

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

No screening other than as described above is warranted.

Per SHMC 17.96.180(5)—Privacy and Noise:

(a) Structures which include residential dwelling units shall provide private outdoor areas for each **ground floor unit** which is screened from view by adjoining units as provided in subsection (6)(a) of this section;

(b) The buildings shall be oriented in a manner which protects private spaces on adjoining properties from view and noise;

(c) Residential buildings should be located on the portion of the site having the lowest noise levels; and

(d) On-site uses which create noise, lights, or glare shall be buffered from adjoining residential uses (see subsection (4) of this section);

(a) The ground level unit has the most direct access to on-site open space. Only one door for the unit facing Columbia Boulevard (south elevation) is proposed. **A door on the north or west elevation could provide better quality access and should be a consideration of the Commission.**

(b) The sole building is proposed on the opposite side of the abutting residential zoned area.

(c) The site is at an intersection of two arterial streets and not vast in size. Location change would not make much difference from a noise perspective.

(d) Buffering is addressed above.

Per SHMC 17.96.180(6)—Private Outdoor Area – Residential Use:

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

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

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

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

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

The upper story dwelling units have balconies that are 8' x 8' (64 square feet) on the north side and 8.75' x 7' (61.25 square feet) on the south side . They are covered. The south side provides good sun exposure.

Per SHMC 17.96.180(7)—Shared Outdoor Recreation Areas – Residential Use:

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

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

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

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

(i) It may be all outdoor space; or

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

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

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

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

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

With 9 two-bed dwelling units, 200 s.f. x 9 (1,800 square feet), of shared open space is required.

The overall landscaping proposed on site exceeds this. But how it is landscaped (e.g., grass v. shrubs) will determine usability. **The Planning Commission can mandate lawn as part of the final landscape plan or exempt the shared open space requirement based on SHMC 17.108.080(3) because both 6th Street Park and Godfrey Park are less than 1000' away.**

Per SHMC 17.96.180(8)—Demarcation of Public, Semipublic, and Private Spaces – Crime Prevention:

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

(b) These areas may be defined by:

- (i) A deck, patio, low wall, hedge, or draping vine;
- (ii) A trellis or arbor;
- (iii) A change in level;
- (iv) A change in the texture of the path material;
- (v) Sign; or
- (vi) Landscaping;

There is no evidence to the contrary.

Per SHMC 17.96.180(9)—Crime Prevention and Safety:

(a) Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants;

(b) Interior laundry and service areas shall be located in a way that they can be observed by others;

(c) Mail boxes shall be located in lighted areas having vehicular or pedestrian traffic;

(d) The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime; and

(e) Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes:

(i) Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet, which is sufficient to illuminate a person;

There are windows on all sides of the building, though the west side glazing is scant and the sole windows for dwelling units on this side are recessed. **The Commission should consider additional windows and/or ensure this area is illuminated as part of the lighting plan that will be required.**

Per SHMC 17.96.180(10)—Access and Circulation:

(a) The number of allowed access points for a development shall be as provided in SHMC 17.84.070;

(b) All circulation patterns within a development shall be designed to accommodate emergency vehicles; and

(c) Provisions shall be made for pedestrianways and bicycleways if such facilities are shown on an adopted plan;

- (a) This is addressed above.
- (b) The site is on a corner so emergency vehicle access is good. The parking area is not constrained.
- (c) Pedestrian and bicycleways are contemplated in the adopted standards for the abutting streets.

Per SHMC 17.96.180(11)—Distance between Multiple-Family Residential Structure and Other:

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

Only one building is proposed within the subject property.

- (c) Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within eight feet of the ground level:
 - (i) Driveways and parking lots shall be separated from windowed walls by at least eight feet; walkways running parallel to the face of the structures shall be separated by at least five feet; and
 - (ii) Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways running parallel to the face of the structure shall be separated by at least seven feet;

This only applies to the proposed ground unit; the upper units are 12' or more above grade. The parking lot is 10 away from the north side where there are bedroom windows. On the south side, the sidewalk is next to living room windows. **The one-foot separation as proposed is much less than the minimum seven feet and a Variance is needed for this.**

Per SHMC 17.96.180(12)—Parking:

All parking and loading areas shall be designed in accordance with the requirements set forth in SHMC 17.80.050 and 17.80.090; Chapter 17.76 SHMC, Visual Clearance Areas; and Chapter 17.84 SHMC, Access, Egress, and Circulation;

This is addressed above.

Per SHMC 17.96.180(13)—Landscaping:

- (a) All landscaping shall be designed in accordance with the requirements set forth in Chapter 17.72 SHMC; and
- (b) For residential use, in addition to the open space and recreation area requirements of subsections (6) and (7) of this section, a minimum of 15 percent of the gross area including parking, loading and service areas shall be landscaped;

Most landscaping requirements are addressed above, except the 15% requirement for residential use. The site is 17,400 square feet in size and 15% of that is 2,610 square feet. Overall landscaping area proposed exceeds this.

Per SHMC 17.96.180(14)—Drainage:

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

Drainage plans will be required.

Per SHMC 17.96.180(15)—Provision for the Handicapped:

All facilities for the handicapped shall be designed in accordance with the requirements pursuant to applicable federal, state and local law;

This will apply and incorporated via building and public improvements (streets) review.

Per SHMC 17.96.180(16)—Signs:

All sign placement and construction shall be designed in accordance with requirements set forth in Chapter 17.88 SHMC;

Any new signage will require a permit per the sign chapter.

Per SHMC 17.96.180(17):

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

There are Variances proposed, the need for which is noted above and the applicable approval criteria below.

* * *

Conditional Use: Pursuant to SHMC 17.100.040:

(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.

If the Commission is able to approve the Variances and find all other standards are met, it should be able to find that these criteria are met.

SHMC 17.100.150 has additional requirements for certain conditional use types. The proposal does not include any of these.

SHMC 17.100.040(3) provides “condition of approval guidance” as follows:

(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.

These are for the Commission’s consideration.

* * *

Variance: Three Variances are proposed as follows:

1. To allow the maximum height to be 45’ instead of 35’ that would normally apply to a multidwelling building
2. To allow a 0’ front yard (along Columbia Boulevard) instead of 20’ that would normally apply to multidwelling development (applicable to the ground residential unit)
3. To allow a 1’ separation from a walkway to a living room window instead of the normal 7’ (applicable to the ground level residential unit)

SHMC 17.108.050 (1) – Criteria for granting a Variance

(a) The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;

(b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;

(c) The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;

(d) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and

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

The Commission needs to find all these criteria (a) – (e) are met in order to approve the variances. If you think one of these is not met, you will need to address why.

Things to consider.

For the height, buildings as tall as 45' are possible in the MU zoning district, and thus contemplated in the MU zone. The technicality is that the building is consider non-residential but also a multidwelling as defined in Chapter 17.16 SHMC, which per the MU zone, includes the AR standards where the normal maximum height is 35 feet.

The other two Variances are triggered by the applicant's desire to have a ground level unit, which would need to normally meet the 20' front yard (along Columbia Boulevard). If 20' back, the window separation issue, would not exist. Consider that this is intended to be an accessible unit and if on the ground floor, prevents from needing an elevator.

Also, 20' of open space along an arterial road may not be ideal from an outdoor enjoyment standpoint. Having the ground unit along the property line and in line with the non-residential ground floor units allows more open space area away from the abutting arterial streets.

The intersection of two arterial streets is a unique circumstance of this property in the area. This is a prominent intersection as noted herein. Consider how this building proposed at the corner will be an anchor or landmark, especially across the street from a designated landmark (the church that is an official historic resource for the city).

The Commission can find all criteria are met based on the above and/or any other findings, or specify which criteria are not met and why as a basis for Variance denial.

* * *

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

There are no existing trees.

* * *

Street/Right-of-Way Standards: Both Columbia Boulevard and N. 6th Street are classified as minor arterial streets.

Columbia Boulevard is fully developed including curb and sidewalk. This does not meet the the 2015 Corridor Plan standards (see attached), but in previous decisions, the Planning Commission has allowed such preexisting improvements to remain when their state of repair does not require significant reconstruction. The curb and sidewalk are in good repair and the only change needed based on the proposal would be to replace an existing driveway approach with a standard sidewalk/curb. This is less than half of the existing sidewalk length. **Commission, you will need to confirm you agree with this.**

N. 6th Street is developed but lacks any frontage improvements. Thus, inclusion of frontage improvements with this proposal is warranted. The 2015 Corridor Plan does not extend into N. 6th Street, so the applicable 2011 Transportation Systems Plan standard would apply. The minor arterial (two-way downtown) standard that utilizes 80' wide right-of-way widths (instead of the normal 60') and includes on-street parking is the appropriate standard to use because: (1) the existing right-of-way is already 80 feet wide and, (2) the location in between uptown (Houlton) and downtown (Riverfront District). Columbia Boulevard is a key link between these two areas and N. 6th Street is the only intersection of two arterial streets amongst both of these districts other than at US30. This prominence warrants the downtown standard.

In all cases, any design depicted on the plans should be considered preliminary as review by city engineering as public improvements will be necessary.

* * *

Mailboxes: Per SHMC 17.152.030(22) joint mailbox facilities shall be provided in all residential developments. Location is subject to city and postmaster approval. Input from the local postmaster will be required as part of final plans.

* * *

Utility Standards:

Water: City water is available along both abutting streets.

Sanitary Sewer: Sewer is available. There is a sanitary sewer main along both abutting streets, and along portion of the north and west sides of the subject property. There is no known easement for the sewer line along the west side and the easement along the north side may not be large enough to incorporate all existing utilities. New easements required as needed.

The city adopted a new **Wastewater Master Plan (WWMP)** in November 2021 that identifies undersized trunk lines already operating at or above capacity that this development would depend on. The WWMP can be found here:

<https://www.sthelensoregon.gov/engineering/page/public-infrastructure-master-plans>

Sewer pipes are considered “at capacity” when peak flows exceed 85% of the full depth of the pipe in accordance with industry standards. This depth is based on the maximum depth of flow ratio (d/D), where “d” is the depth of flow and “D” is the pipe diameter. The WWMP includes

an exhibit—Figure 18—that shows that the sanitary sewer main between the subject property and N. 4th Street and the portion within N/S 4th Street are operating at or above 100%. This is much greater than the industry and city standard 85% “at capacity” flows and is a portion of the conveyance system between the subject property and the wastewater treatment plant.

Pipeline surcharging occurs as flows exceed the capacity of a full pipe, causing wastewater to back up into manholes and services. In addition to potentially backing up into homes and health risks associated with sanitary sewer overflows, Oregon DEQ prohibits all sanitary sewer overflows and can fine cities for allowing such and has done so to other jurisdictions. Examples of DEQ fines can be found here:

<https://www.oregon.gov/deq/Pages/enforcement-actions.aspx>

Given this issue, SHMC 17.152.090(4) must be considered:

Permits Denied. Development permits may be restricted by the commission or council (i.e., the applicable approval authority) where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

There is a current deficiency (undersized pipes for existing demand) of a widespread scale within the city per the WWMP including infrastructure this development would need to utilize that could result in surcharging, fines (e.g., for violation of Oregon DEQ standards) and public health risks.

The Commission finds this development can still be approved under these circumstances given this criterion based on the following findings or conditions of approval:

- The deficient conveyance infrastructure this development depends on for sanitary sewer is largely a priority 1 in the WWMP. Priority rankings include three categories. There is no priority 2 conveyance improvements. The difference between priority 1 and 3, is priority 1 includes areas that have been reported to have overflows or significant surcharging during wet weather events, whereas priority 3 areas are where there have been infrequent or no observations of historical overflows or surcharging.
- City Public Works and Engineering staff have already begun to address the necessary sanitary sewer infrastructure upgrades having already submitted an application to the State Revolving Fund Program (for below market rate loans) to Oregon DEQ to fund both priority 1 projects (in basins 4 and 5) and priority 3 projects in basin 6. Basin 5 is applicable to this proposal. City Public Works and Engineering indicate an anticipated 4-year timeframe (from October 2022, when DEQ approved a \$16.4 million loan) for completion of these upgrades.
- A condition of approval to require a fee per equivalent dwelling unit will be included. This is not a System Development Charge pursuant to ORS 223.299(4)(b); it is a temporary charge by order for development and land divisions proposed under these circumstances until the infrastructure is in order per the WWMP. The nexus is clear as it relates to the sewer conveyance deficiency and an amount has been determined based on calculations to

determine fair proportionality—see attached **St. Helens Wastewater Collection System New Sewer Connection Surcharge memo**.

For this project, the fee per equivalent dwelling unit is \$2,200, and this estimated amount is determined to be a fair share quantity for this proposal. It is based on October 2022 dollars, and inflation must be considered.

- Though denial of this proposal itself does not warrant a moratorium or public facilities strategy as there is no prior stoppage or restriction of permits, authorizations, or approvals*, the city recognizes that the sanitary sewer conveyance problems identified in the WWMP are widespread and denial could set a precedence of action that if continued for projects under similar circumstances, could be construed as a pattern or practice that at some point could warrant a moratorium or public facilities strategy.

*Per ORS 197.524 a local government is required to adopt a public facilities strategy under ORS 197.768 or a moratorium on construction or land development under ORS 197.505 to 197.540 when it engages in a pattern or practice of delaying or stopping the issuance of permits, authorizations or approvals necessary for land divisions or construction due to the shortage of public facilities (like sanitary sewer).

Storm Sewer: There is storm sewer infrastructure in the NE corner of the site. Existing easement in this area may not be large enough to incorporate all existing utilities. New easements required as needed.

Other: No trees over underground utilities (e.g., sewer and storm lines). Landscaping in these locations shall be restricted to ground cover or shrubs with shallow root systems.

Utilities are required to be underground, though existing overhead may remain as long as there are no new poles as a result of this proposal.

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

The area of contamination is located directly under a portion of the proposed building footprint and landscaping area. The concentration of gasoline in the soils in the southwest corner do exceed DEQ's clean fill criteria. Therefore, there are limitations to reusing any disturbed soil in this area. Applicant must comply with DEQ requirements.

* * *

Traffic Impact Analysis: TIA not warranted. However, non-residential uses are still to-be determined.

* * *

Other Considerations: The project is located on three lots that need to be consolidated to prevent disparate ownership for the life of the proposal.

* * * * *

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Conditional Use Permit and Variances, 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. The approval for the Variances are also valid for a limited time pursuant to SHMC 17.108.040.
2. The following shall be required prior to any development or building permit issuance:
 - a. Final plans as submitted with any development or building permit(s) shall comply with the plans submitted with this Conditional Use Permit/Variances with the following additions and/or corrections:
 - A. Per condition 4.
 - B. Trash enclosure details.
 - C. Show how each dwelling unit will have one lockable bicycle space under covered and per all other provisions of the Development Code.
 - D. Signage/markings plan for the parking lot to include direction arrows, striping, and how designated spaces (e.g., visitor and compact parking) will be labeled.
 - E. Each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities. Walkway to ground level residential unit was unclear in the plans submitted for land use approval.

- F. Does the Commission want to require a second door for the ground floor residential unit on the north or west side for better individual access to open space?
- G. Does the Commission want to require more windows on the west elevation? If so, the condition would be here. If you just want to focus on lighting (and not windows/glazing), see condition 2.J below.
- H. Joint mailbox facility location as approved by the Postmaster and per city standards.
- I. Final landscaping plans. Shall include:
 - i. Buffering requirements of SHMC 17.72.080, except no trees over city utilities (sanitary and storm sewer); plants in proximity of these utilities shall be shallow root (<24") or groundcover only. Fencing used for related and required screening shall also avoid these utilities to the maximum extent possible.
 - ii. The parking lot shall be "screened" by site perimeter landscaping that includes a balance of low lying and vertical shrubbery and trees.
 - iii. Does the Commission want to mandate lawn to meet the 1,800 square feet of shared open space require or just exempt the shared open space requirement given close proximity of 6th Street Park and Godfrey Park?
- J. Lighting plan that demonstrates:
 - i. Glare avoidance from surrounding residences and roads/streets.
 - ii. Illumination of all walkways and the approved mailbox location in additional to overall site illumination for crime prevention.
 - iii. Does the Commission want to specifically call out the west side of the building for lighting?
- b. Engineering construction plans shall be submitted for review and approval addressing all public improvements including but not limited to:
 - A. Street frontage improvements for Columbia Boulevard and N. 6th Street. N. 6th Street shall be based on the minor arterial (two-way downtown) standard that utilizes 80' wide right-of-way widths. Street trees shall be "small" per Chapter 17.72 SHMC and tree location shall comply with SHMC 17.72.035(2)(d)-(l). Columbia Boulevard may remain curb-tight but the existing driveway approach shall be replaced with standard curb (this assumes the Planning Commission does not require more improvements). All existing improvements including utility poles shall be shown.
 - B. On-street parking spaces shall be sized correctly.

- c. A drainage and stormwater plan certified by a registered professional engineer shall be submitted that addresses any increase in runoff from the site and how the potential impacts will be mitigated. Plans shall include oil/water separation.
 - d. An erosion control plan shall be reviewed and approved by City Engineering to prevent erosion of any new soil materials, unless waived by City Engineering.
 - e. All lots of the subject property (Lots 20-22 of Block 60) shall be combined such that they can only be transferred (change of ownership) together as a whole. This may be done by a Declaration of Covent to Bind Property prepared by the city or by a one-parcel land partition.
 - f. Easements required for all existing city utilities not within an easement currently. Applicant is responsible for legal descriptions.
 - g. An additional “fair share” fee shall be paid per equivalent dwelling unit (EDU) based on the portions of the city wastewater collection system between the subject property and the wastewater treatment plant, that this development depends on, that are at or above capacity as identified in the 2021 Wastewater Master Plan. Estimated per EDU cost is \$2,200 based on October 2022 dollars. Inflation adjustment to value at time of building permit issuance shall be included.
3. The following shall be required **prior to** Certificate of Occupancy by the City Building Official:
- All improvements necessary to address the requirements herein, and in accordance with approved plans, shall be in place.
- 4. 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).
 - 5. Any new sign requires a sign permit prior to installation, pursuant to Chapter 17.88 SHMC.
 - 6. **If the commission is concerned with the “shopping plaza” v. “shopping center” issue the restriction condition here would read: Under current zoning law, only one commercial suite shall be allowed because “shopping plaza” (2-7 business units) is not a possible use in the MU zone. If you finds this is ok, we can just omit this condition.**
 - 7. The off-street parking assumed for the non-residential aspect of this proposal is 1 space per 350 feet of gross floor area. Uses that exceed this are subject to Site Development Review, in addition to any other applicable requirements, in order to be allowed.

This assumes the commission is ok with the parking findings. As noted in the findings, some uses, like a restaurants, amusement services, and food and beverage retail sales exceed this, so we need a base number in the conditions.

8. Any new utilities shall be underground. Existing overhead utilities may remain above ground provided there are no new poles.
9. Applicant/owner is responsible for applicable requirement of the Oregon Department of Environmental Quality (DEQ).
10. Any requirement of the Fire Marshall as it applies to this proposal shall be met.
11. No plan submitted to the City for approval shall contradict another.
12. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variance(s) granted herein.

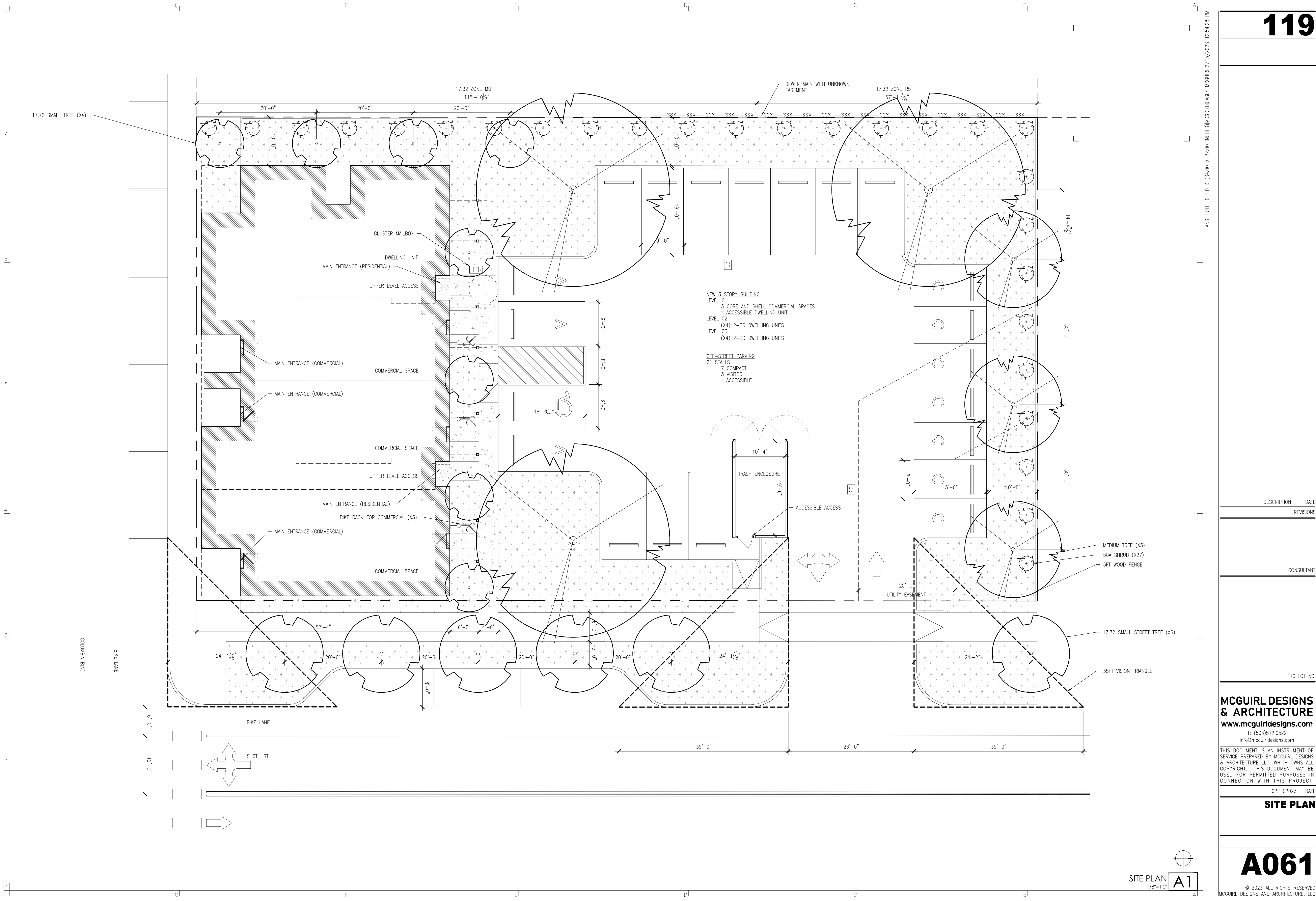
Attachment(s): Applicant's plans
Applicant's narrative

TSP Fig. 7-2 Arterial Design Standards

Corridor Plan Fig. D-41

St. Helens Wastewater Collection System New Sewer Connection Surcharge
memo (excerpts: pgs. 1-6, 17, and 25-26)

Supplemental Phase II environmental assessment dated October 11, 2019



DESCRIPTION	DATE
REVISIONS	

CONSULTANT

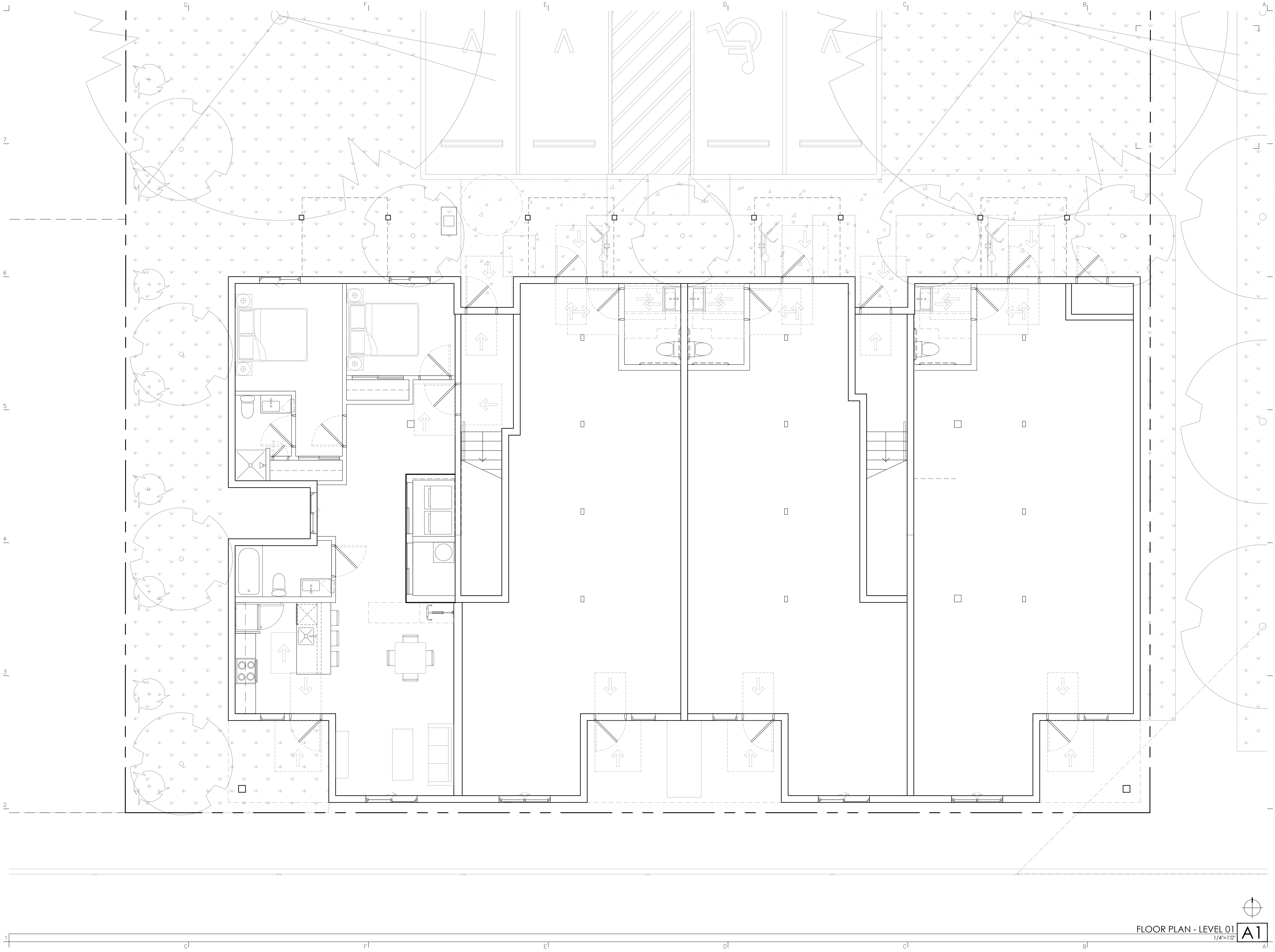
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SITE PLAN



DESCRIPTION	DATE

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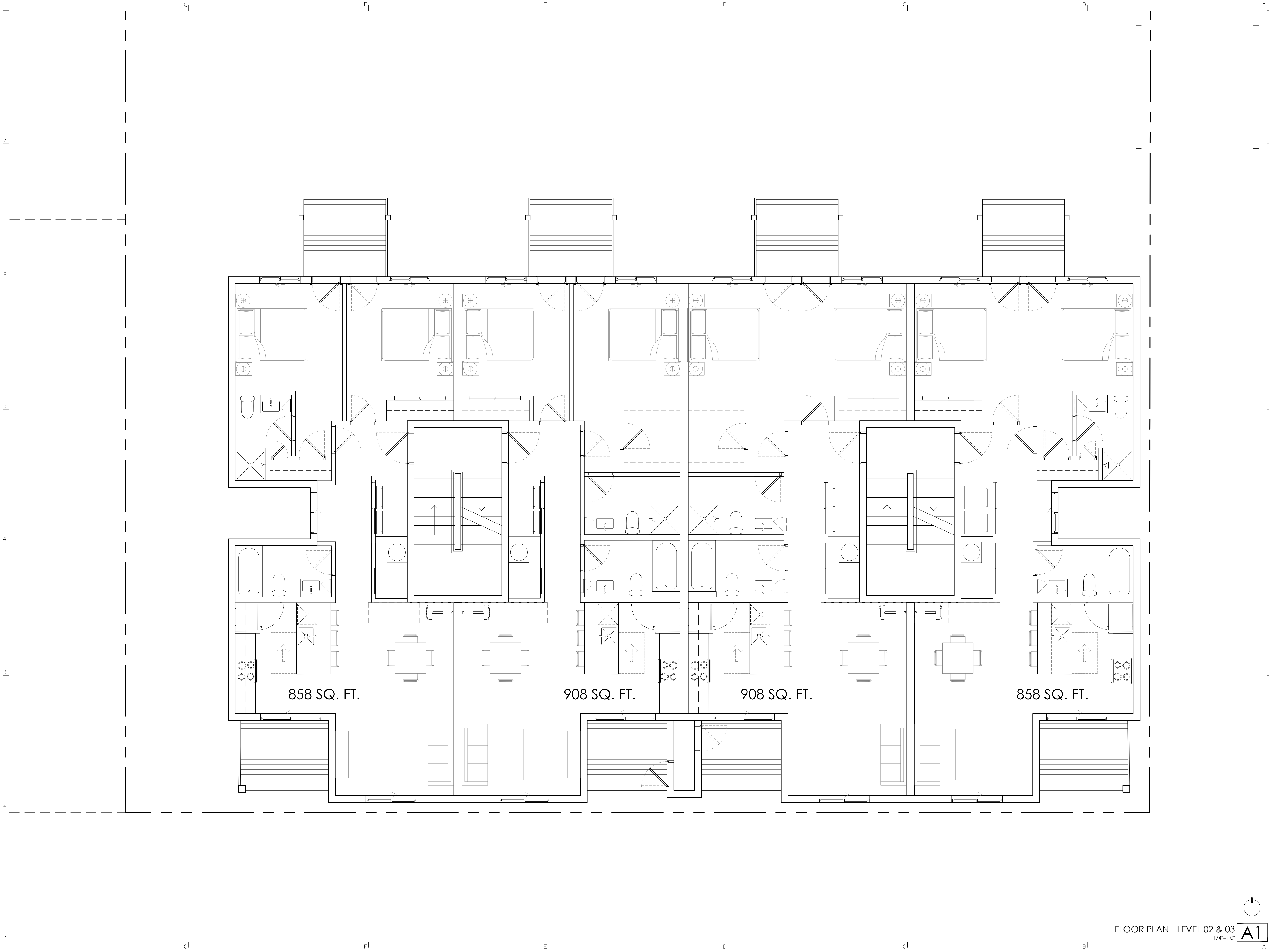
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02.13.2023 DATE

**FLOOR PLAN -
LEVEL 01**



119

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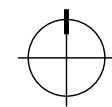
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02.13.2023 DATE

**FLOOR PLAN -
LEVEL 02 & 03**

A102

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FLOOR PLAN - LEVEL 02 & 03
1/4"=10'

A1

ANSI FULL BLEED D (34.00 X 22.00 INCHES)MCGUIRL/13/2023 125433 PM



BUILDING ELEVATION - SOUTH
1/8"=1'0" **D4**



BUILDING ELEVATION - NORTH
1/8"=1'0" **D1**



BUILDING ELEVATION - EAST
1/8"=1'0" **A4**



BUILDING ELEVATION - WEST
1/8"=1'0" **A1**

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02.13.2023 DATE

**BUILDING
ELEVATIONS I**

February 20, 2023

MDA Narrative

Conditional Use Permit Application with Variances	Project Address: NWC/ 6 th Street & Columbia Blvd St. Helens, OR 97051
---	--

17.32 ZONES AND USES

Site is split zoned with the southern portion designated MU and the northern R5. The proposed project has 3 commercial businesses, yet to be determined, on the ground floor. Above them are multi-family dwelling units, and a single dwelling unit on the ground floor to meet accessibility code requirements. We are requesting a conditional use permit to allow the single dwelling unit on the ground floor.

We are also requesting either a variance or a conditional use permit to allow for two to 7 commercial space to be allowed. Due to SHMC definitions, 2-7 attached businesses is considered a "shopping plaza" and is not explicitly allowed in the MU zone. However, 8 businesses as considered a "shopping center" is allowed through a conditional use.

17.72.035 LOCATION OF STREET TREES

1. N/C
2. Small trees provided on 6th Street due to overhead power lines. Spaced no more than 20ft apart, and maintains a 20ft clearance from vehicular intersections.
3. N/C

17.72.070 BUFFERING AND SCREENING – GENERAL PROVISIONS

1. N/C
2. N/C
3. We are seeking a variance to not use trees along the western edge of the parking lot. An unrecorded easement for a city sewer main prevents the installation of trees within the proposed buffer zone. We propose 2 large trees spaced 73' apart to assist in the tree buffer requirement.

17.72.80 BUFFERING AND SCREENING REQUIREMENTS

1. N/C
2. N/C
3. N/C
4. Small trees placed along the western side of the building. Medium and large trees added around parking lot. See 17.72.070(3) for alternate approval along the western parking lot buffer.
5. Screening along western and north lot lines achieved with a 5FT tall fully site obscuring wooden fence.
6. N/C
7. N/C
8. N/C
9. N/C

17.72.130 BUFFER MATRIX

1. N/C
2. The building has Attached Dwelling Units – 2 stories or more, utilizing a 10ft buffer along the Western yard that abuts a Commercial Use. The parking lot has 21 spaces, utilizing a 10FT buffer along the western and northern yards that abut the existing Detached Single-Family R zones. Trees per 17.72.080(4). Screening per 17.72.080(5).

17.80.020 OFF-STREET PARKING GENERAL PROVISIONS

1. Parking dimensions provided for standard and compact spaces. Accessible parking stall provided.
2. N/C
3. N/C
4. N/C
5. N/C
6. The required parking for the residential use is 18 (x2 per 2BD dwelling unit) and for the commercial uses have yet to be determined. 21 stalls have been proposed on site, with the potential creation of ~8 on-street stalls. We would like the opportunity to utilize a shared parking joint use agreement between the residential and commercial spaces per 17.80.020(6).
7. Visitor parking identified near the building entrances
8. N/C
9. See SHMC 17.80.020(6)
10. N/C
11. N/C
12. See SHMC 17.72
13. N/C
14. Compact stalls designated
- 15.

17.96.180 APPROVAL STANDARDS

1. N/C
2. Existing site is located at the northwest corner of 6th and Columbia. It is mainly an existing impervious lot that is relatively flat with the southeast corner being the highest point. The building has been located at the southeastern corner, oriented towards the south.
3. Southern elevation utilizes recessed balconies and a roof line offset. Eastern elevation utilizes a building recess on the multi-family levels and a roof line offset. Northern elevation utilizes extended balconies and a roof line offset. Western elevation utilizes building recess and roof line offset.
4. Circulation between the multi-family portion and commercial portion have been separated with the dwelling unit main entrances occurring on the north side of the building and the commercial main entrances on the south. Regarding the sound buffer between the required ground floor accessible dwelling unit and the adjacent commercial space, the wall sound rating is intended to be STC 60 which is a substantial improvement to the standard required STC 50. The parking lot area has perimeter landscaping along all edges of the lot. The trash enclosure is covered as a visual barrier from the upper floor dwelling units and has additional landscaping between the enclosure and the street.

MCGUIRL DESIGNS & ARCHITECTURE

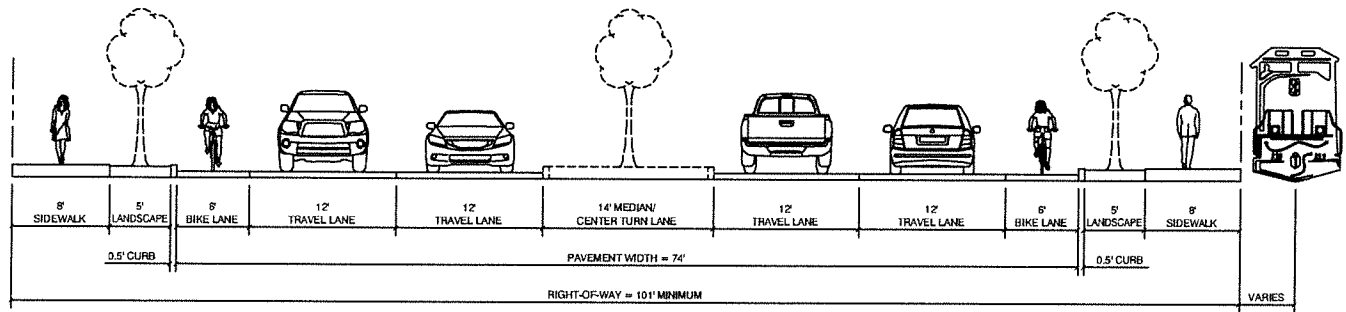
811 E Burnside #211 | Portland, OR 97214

5. The required accessible ground floor unit has its own secured outdoor space in the west yard, and is protected from view and noise. The building dwelling unit layouts, has located the bedrooms on the north side, away from Columbia. There also is a landscape buffer between the parking lot to the north.
6. All the upper level dwelling units have their own private outdoor balconies, and the required accessible ground floor dwelling unit has a private yard which all have access to southern exposures.
7. The outdoor area between the building and the parking lot provides a minimum of 1800sf of outdoor area for the (x9) 2BD dwelling units. Understanding that this area may not be "usable" per the intent of the code, we request the approval of use of Godfrey Park, 6th Street Park, Eisenschmidt Pool, which are located within .25miles from the building per SHMC 17.108.080(c) to satisfy this requirement.
8. The building is located on the southern property line with an enclosed fence to the west.
9. Windows from all dwelling units and commercial spaces are overlooking the parking area/open space. The deep articulations per 17.96.180(c) have been eliminated at the ground level on the eastern street side where there are no main entrances, and minimized on the north side where the main entrances to the dwelling units are located.
10. N/C
11. The distance between the building and trash enclosure is ~58'6". For the required accessible ground floor dwelling unit, the parking lot is located a minimum 10ft from the unit, with the walkway ~8ft from the closest window.
12. N/C
13. Landscaping provided per SHMC 17.72 with approximately 28% landscaped area.
14. N/C
15. Site accessibility to be met. Ground floor residential unit required to meet code.
16. N/C

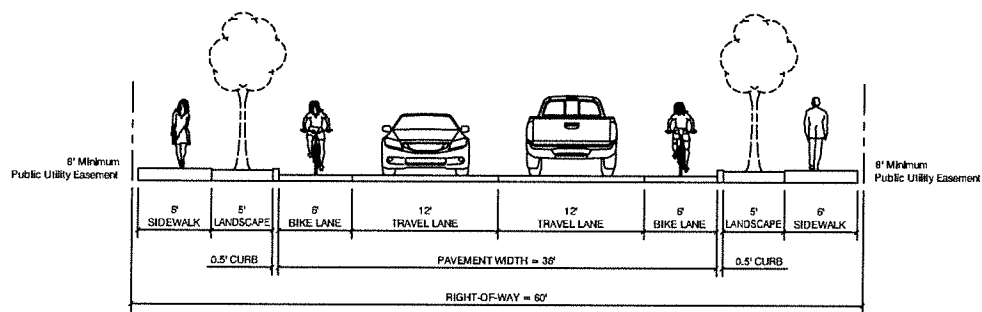
17.108 VARIANCES

We are requesting variances for 3 requirements.

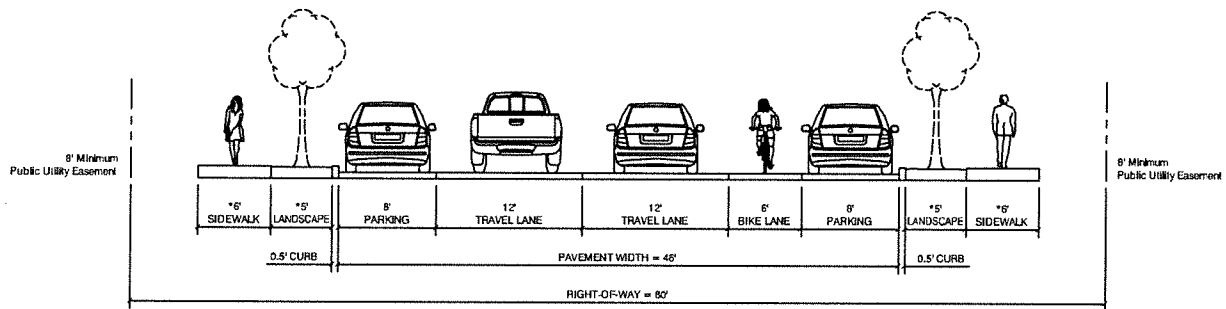
- 17.96.180(11)(c)(ii) requires a buffer between the sidewalk and living room of ground floor dwelling units. This standard applies to one dwelling unit on the ground floor that is a requirement for accessibility purposes.
- 17.32.080(4)(b) requires a 20 foot front yard. The standards of the AR code is triggered when multi-family use is proposed within the MU zone.
- 17.32.080(4)(i) requires multifamily buildings height limit of 35FT. The proposed variance for reducing the front yard



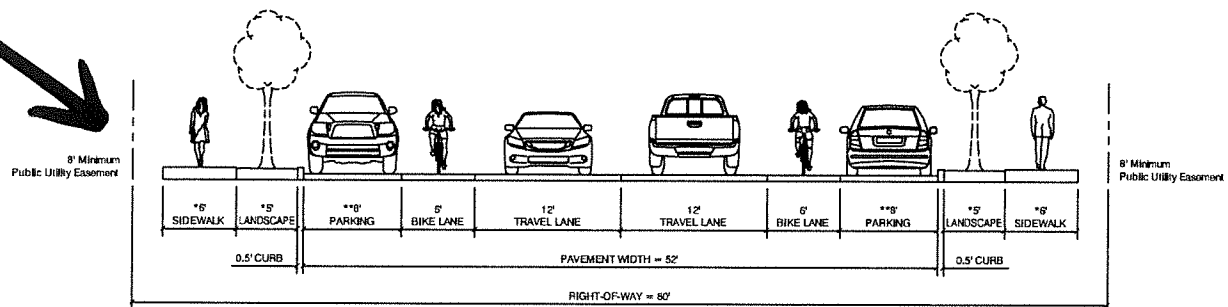
Major Arterial (US 30)*



Minor Arterial (Typical)



Minor Arterial (One-Way - Columbia Boulevard/
St Helens Street - US 30 to 13th Street)



Minor Arterial (Two-Way Downtown)

**On-street parking may be reduced to allow for installation of a left-turn lane where needed.

LEGEND



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

*The US 30 Cross-Sections are shown to be consistent with ODOT Standards. Specific roadway designs will be developed through a refinement plan or project development process. Design and future improvements to US 30 must also address ORS 366.215 (Reduction in Vehicle Carrying Capacity) on this national freight network facility.



STANDARD CROSS SECTIONS
ST. HELENS, OREGON

FIGURE
7-2

H:\profile\10639 - St. Helens TSP Update\dwgs\figs\draft TSP\10639fig7-1.dwg Jul 25, 2011 - 2:59pm - jsmmerville Layout Tab: Fig7-2

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

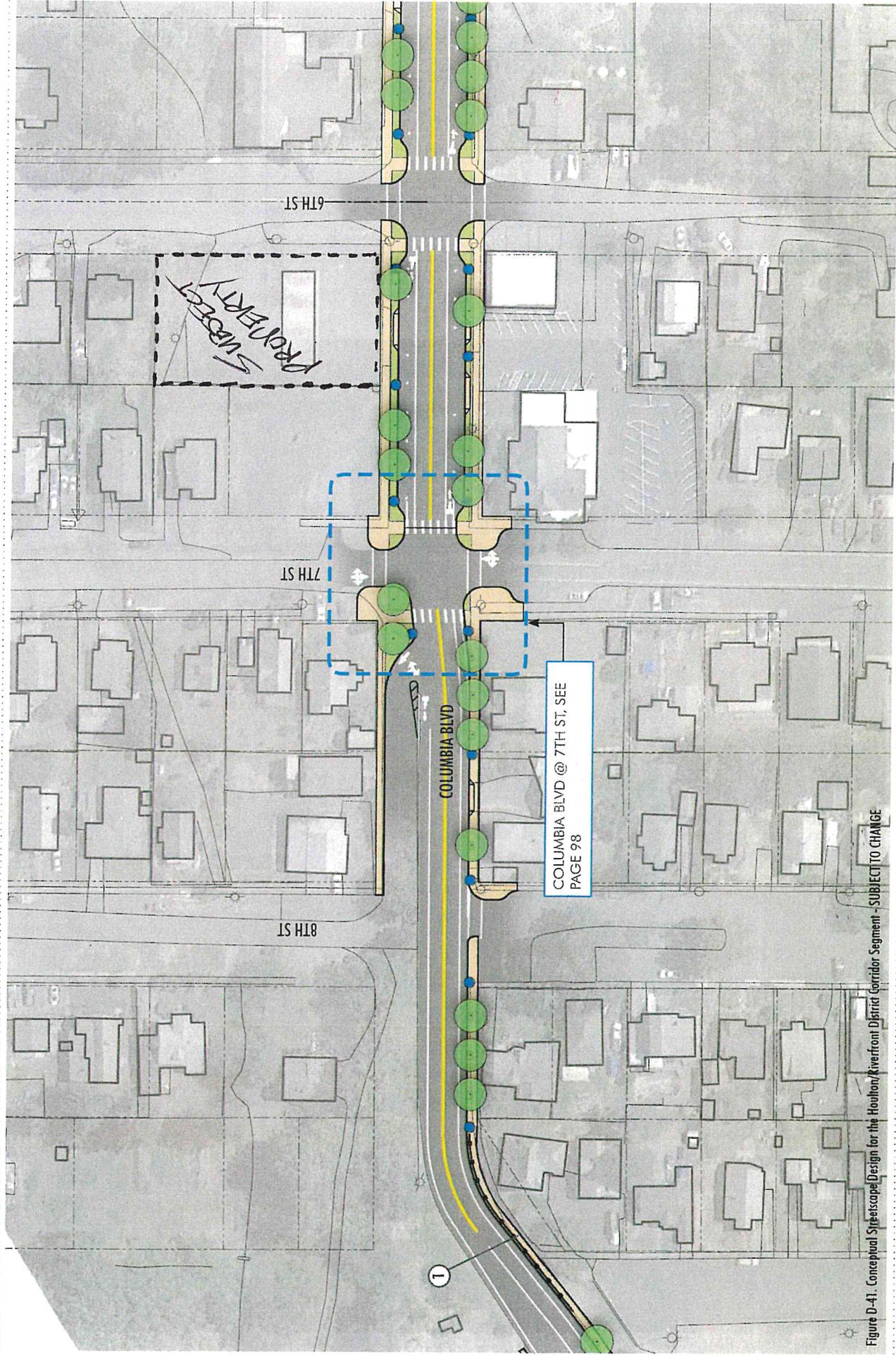


Figure D-41. Conceptual Streetscape Design for the Houlton/Riverfront District Corridor Segment - SUBJECT TO CHANGE



EXCERPTS
FOR
C.V.P. 2.23

St. Helens Wastewater Collection System New Sewer Connection Surcharge

December 1, 2022
Revision 01

CITY OF ST. HELENS
265 STRAND STREET | ST. HELENS, OREGON 97051
503.397.6272 | WWW.STHELENSOREGON.GOV

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SECTION 1 – BACKGROUND

1.1 Wastewater Masterplan 2021 Update

The City of St. Helens provides sanitary sewer collection services to businesses and residences within the City limits. The sanitary sewer collection system is a combination of over 60 miles of gravity and force mains, 9 lift stations, and over 1,700 sanitary sewer manholes, vaults, and cleanouts. The sewer pipes in the City range from 6-inches to 48-inches in diameter, with the majority of the pipes being 8-inch. All sewage flows are conveyed to the City's wastewater treatment facility.

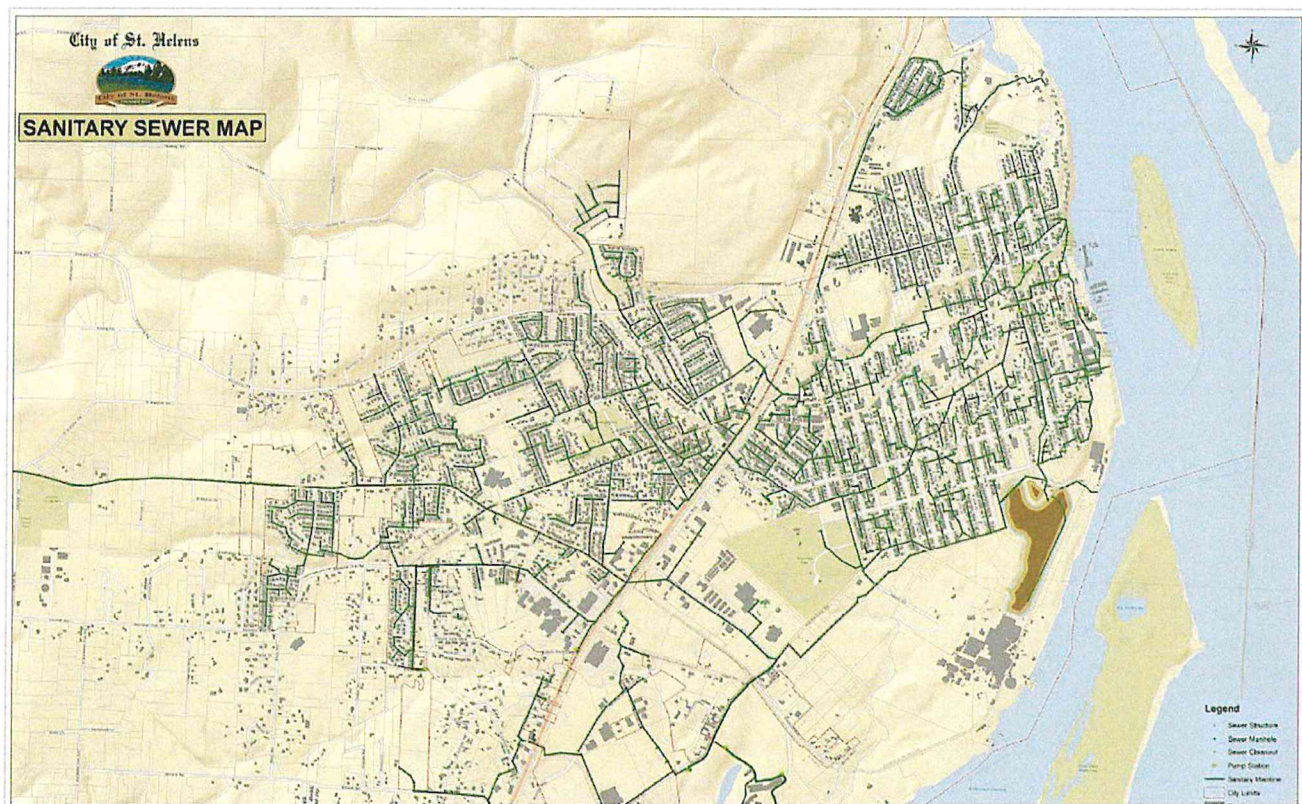


Figure 1.1.A St. Helens Sanitary Sewer Map

On November 17, 2021, the St. Helens City Council adopted the updated Wastewater Master Plan (WWMP) under Resolution No. 1940. This update to the City's WWMP is the first complete study done on the entire sewer collection system since 1989. The population was 7,500 at the time. Since then, the population of St. Helens has grown to over 14,500 – almost double. With this added population, more load is added to the public sewer system. Meanwhile, the size of the sewers have not been increased.

After 33 years of growth, the WWMP revealed that the majority of the City's sewer trunklines are at operating at or above capacity. This means that the greater portion of the City's public sewer system is inadequate to serve a growing population. Without

increasing the sizes of the trunklines, there is an increased risk of sanitary sewer overflows in the collection system.

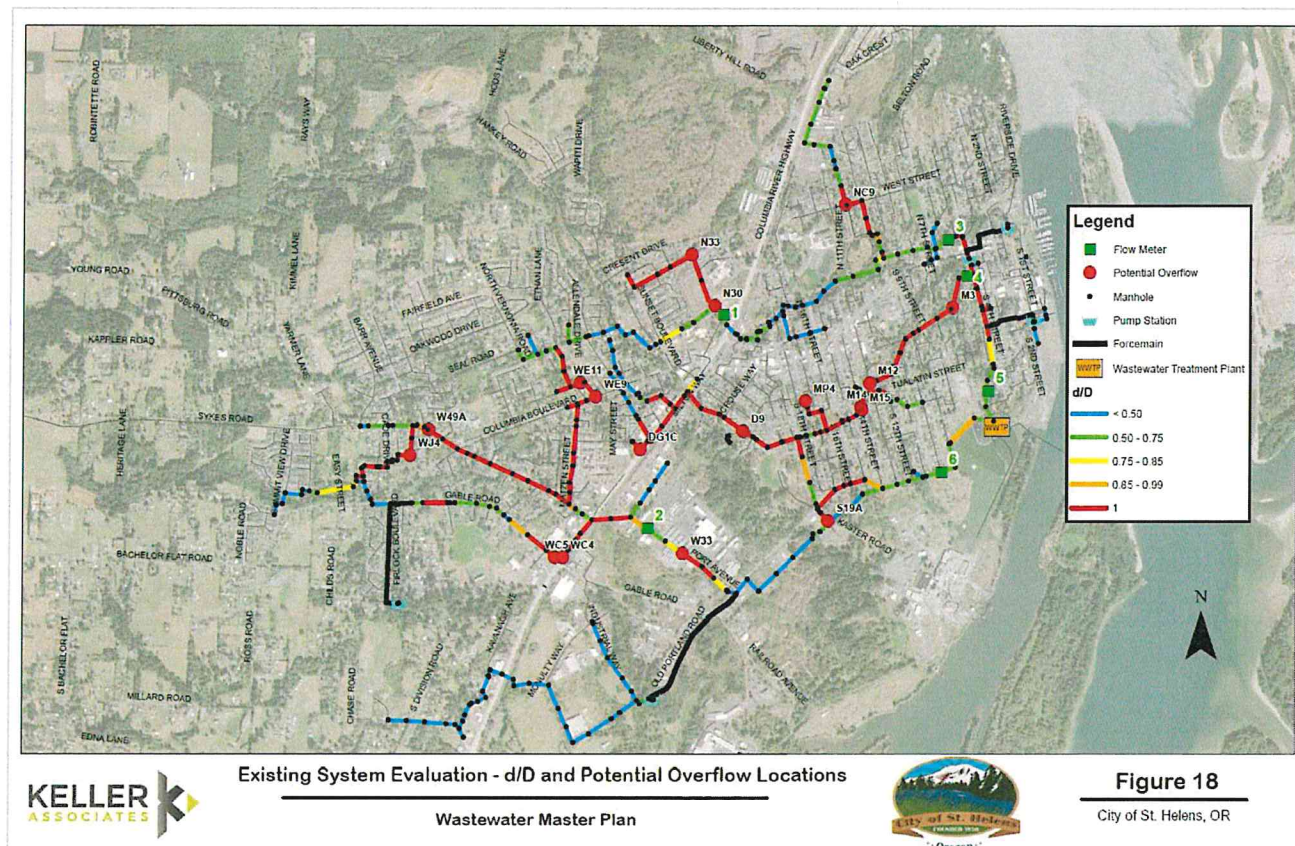


Figure 1.1.B Existing Sanitary Sewer Evaluation Map (2021 WWMP)

1.2 New Development Sewer Surcharge

To assess the impacts of future development on the public sewer system and how the City could pay for the costly capital improvements identified in the WWMP, Keller Associates performed an assessment of a sewer charge based on the shared of costs that new upstream Equivalent Dwelling Units (EDUs), as identified in the 2019 Housing Needs Analysis, would pay to complete the downstream CIP improvements along trunk lines that convey their sewage flows. The costs per EDU were based on the CIP project costs broken down by trunkline.

This sewer surcharge assessed per EDU is to fund capacity upgrades to the public sewer system and will be levied on those properties and developments requiring connection to the sewer trunklines identified in the 2021 WWMP update as "at or above" capacity. These fees will allow the City to recover a fair portion of the infrastructure improvements made by the City to accommodate new users and be used solely for public sewer capacity improvements. Equivalent Dwelling Units conversion details for sewer charges for multifamily dwellings, commercial, and industrial land uses may be found in Section 4 – EQUIVALENT DWELLING UNIT CONVERSION.

2.1 Sanitary Sewer Trunk Basins Methodology

[illegible]

The delineation of CIP projects was simplified and where major portions of a Capital Improvement Project (CIP) spanned more than one basin, projects were split by basin. Basin delineation generally reflects existing conditions, except the Pittsburg basin, which is largely undeveloped and is anticipated to discharge to the North-11th basin.

5

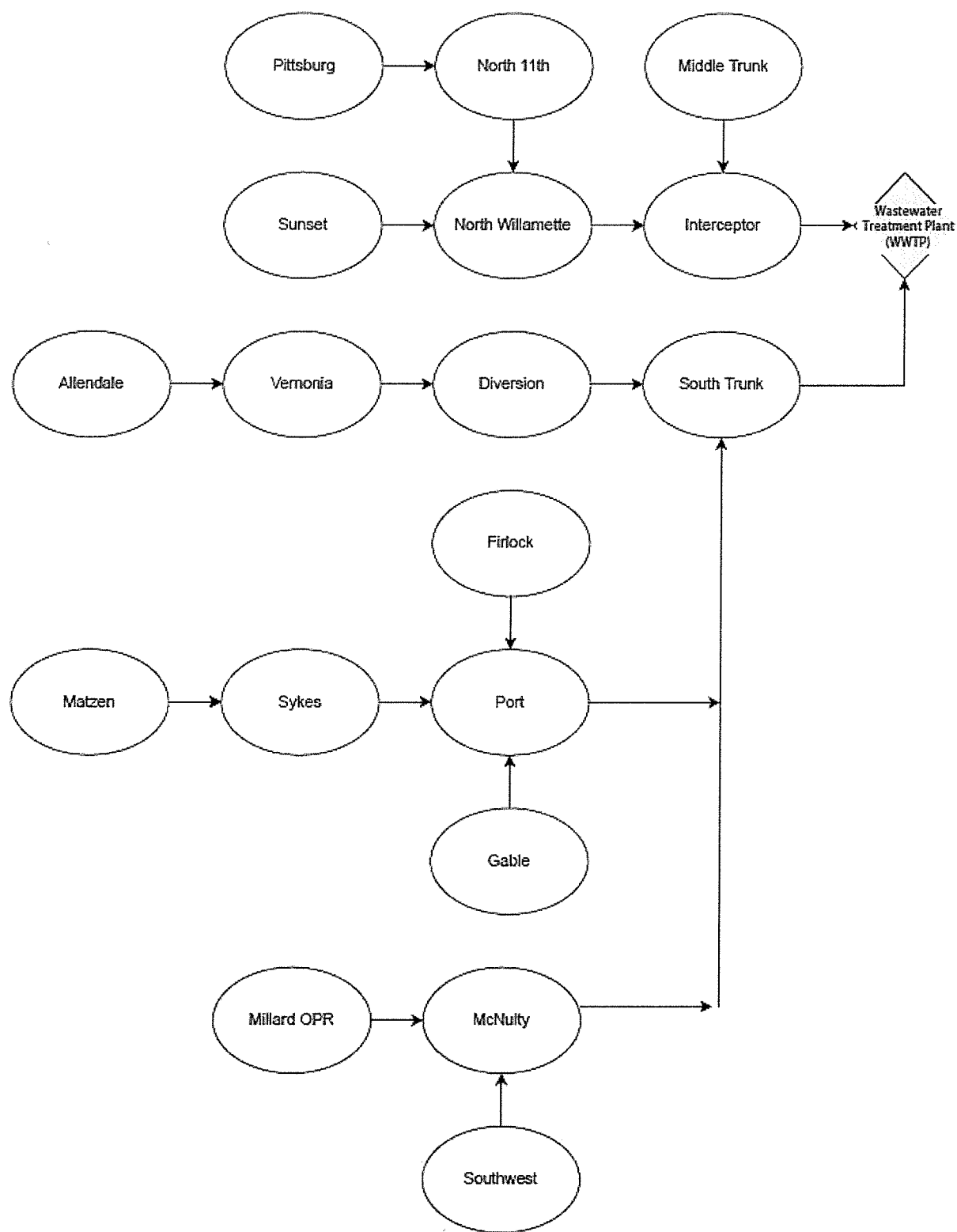


Figure 2.1.B St. Helens Sanitary Sewer Trunkline Basin Flow Paths

2.12 North Willamette Sewer Basin

The North Willamette sewer basin area has 134 new In-Basin EDUs.

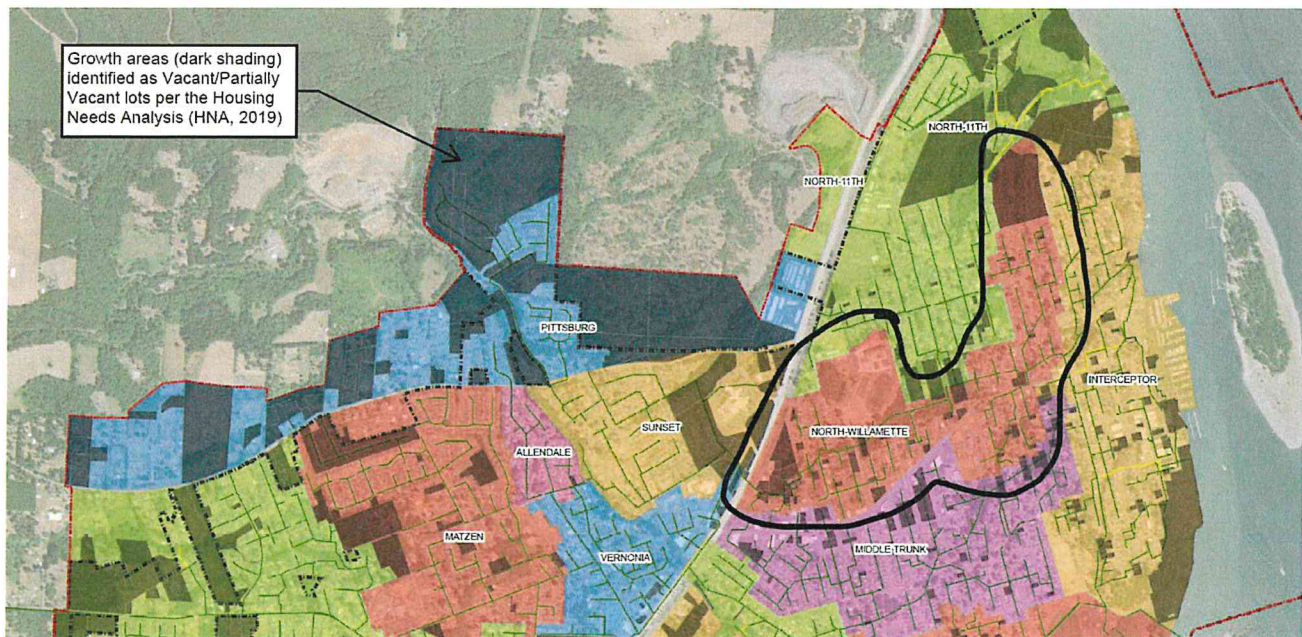


Figure 2.12.A North Willamette Sanitary Sewer Basin

The allocation of the North Willamette sewer basin's downstream CIP share per new upstream EDU, which consists of North Willamette, and the interceptor basins, is \$2,200.

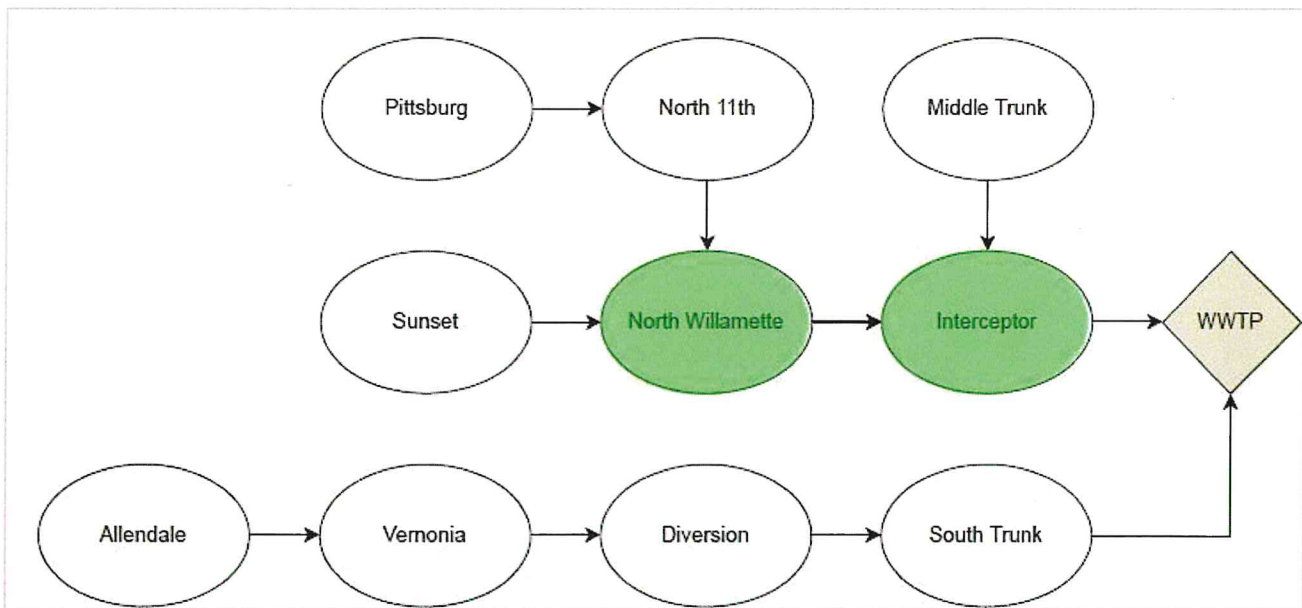


Figure 2.12.B North Willamette Sewer Basin Flow Path to WWTP

SECTION 3 – SEWER SURCHARGE CHART

Sewer Trunkline Basin	Downstream CIP Share per New Upstream EDU	New-In Basin EDU	Sewer Surcharge per EDU*
Allendale	\$104,900	1	\$15,000 (max.)
Diversion	\$104,900	1	\$15,000 (max.)
Firlock	\$7,600	0	\$7,600
Gable	\$7,900	589	\$7,900
The Interceptor	\$2,200	512	\$2,200
Matzen	\$12,700	430	\$12,700
McNulty	\$3,200	144	\$3,200
Middle Trunk	\$41,400	91	\$15,000 (max.)
Millard-OPR	\$3,200	806	\$3,200
North 11th	\$3,400	340	\$3,400
North Willamette	\$2,200	134	\$2,200
Pittsburg	\$3,400	731	\$3,400
Port	\$3,800	36	\$3,800
South Trunk	\$1,800	124	\$1,800
Southwest	\$3,200	748	\$3,200
Sunset	\$7,900	321	\$7,900
Sykes	\$6,600	500	\$6,600
Vernonia	\$104,900	30	\$15,000 (max.)

* Estimated Sewer Surcharge cost per EDU is based on the US dollar at the time this document was published. Inflation adjustment to value at time of building permit issuance shall be included.

SECTION 4 – EQUIVALENT DWELLING UNIT CONVERSION

Land Use	EDU Conversion
Single Family Residential	1.00 EDU per unit
Multi Family (Duplex)	0.80 EDU per unit
Multi Family (3 or more Dwelling Units)	0.77 EDU per unit

Residential EDU conversion rate based on the City of St. Helens adopted Sewer Utility Rates and Charges.

EDU conversion rates for sewer surcharges for commercial, industrial, and other land uses not covered under Single Family Residential, Multi Family (Duplex), or Multi Family (3 or more Dwelling Units) shall be based on City of St. Helens wastewater rate classifications for water meter size(s).	
3/4-inch meter	1.00 x Sewer Surcharge
1-inch meter	1.67 x Sewer Surcharge
1.5-inch meter	3.33 x Sewer Surcharge
2-inch meter	5.33 x Sewer Surcharge
3-inch meter	10.00 x Sewer Surcharge
4-inch meter	16.67 x Sewer Surcharge
6-inch meter	33.33 x Sewer Surcharge
8-inch meter	53.33 x Sewer Surcharge

October 11, 2019
Project No. 0830.05.01

John Walsh
City Administrator
City of St. Helens
265 Strand Street
St. Helens, Oregon 97051

Re: Supplemental Phase II environmental site assessment for the Semling Family LLC
Property

Dear Mr. Walsh:

At the request of the City of St. Helens (the City), Maul Foster & Alongi, Inc. (MFA) conducted a supplemental Phase II environmental site assessment (ESA) on August 30, 2019, at the Semling Family LLC property located at 600 Columbia Boulevard, St. Helens, Oregon (the Property) (see Figure 1). The additional investigation set out to further delineate petroleum impacts in soil located in the southwest corner of the Property (associated with an adjacent former service station) and to assess impacts to soil vapor and evaluate potential vapor intrusion into buildings for consideration during redevelopment of the Property.

The site is privately owned and comprises approximately 0.4 acre of land, including Columbia County tax lot #4N1W04AA00600. The Property is bound by Columbia Boulevard to the south, North Sixth Street to the east, a residential property to the north, and a residential property and a vacant lot to the west.

The supplemental Phase II ESA was conducted consistent with the sampling and analysis plan (SAP) (MFA, 2019b) and the quality assurance project plan (QAPP) (MFA, 2018) prepared for the City.

BACKGROUND

The Property is currently vacant and undeveloped. The Property, which contains no buildings, is predominantly capped with asphalt and concrete, with an unpaved portion on the north end. The City initiated characterization of the site under a U.S. Environmental Protection Agency (USEPA) Community, Wide Assessment Grant for sites with suspected petroleum contamination.

The southeast corner of the Property was occupied by a small service station from at least 1937 to the mid-1950s. After the service station was demolished in the mid-1950s, the Property remained vacant until the mid-1960s when a four-stall, self-service car wash facility was

constructed on the central portion of the Property. The car wash was demolished in 2010, but the concrete car wash pad and decommissioned catch basins remain on site. The Property has been vacant since the car wash was demolished in 2010.

The vacant lot immediately west of and upgradient of the Property (670 Columbia Boulevard) operated as a service station and auto repair shop from at least 1957 to approximately 1991. The Oregon Department of Environmental Quality (DEQ) refers to this property as the "Quality Service" property. A leaking underground storage tank (UST) was discovered at the Quality Service property during the decommissioning of four fuel tanks in 1991. Quality Service received a No Further Action letter from the DEQ in 1996, after the completion of the tank removal and a soil matrix cleanup.

PREVIOUS INVESTIGATIONS

On March 26, 2019, Pacific Geophysics conducted a geophysical survey using electromagnetic and ground penetrating radar on the Property to scan for possible USTs and disturbed soil that could indicate former locations of USTs that may have been removed from the Property. The survey found no evidence of USTs. The survey suggested that while the soil was disturbed throughout the entire Property, one small area near the southeast corner of the site (at the location of the former on-Property service station) appeared to be slightly more disturbed than anywhere else (indicative of a possible area from which USTs had been excavated).

A Phase II ESA conducted on May 22, 2019, provided information on the chemicals of interest (COIs) in soil and groundwater at the site (MFA, 2019a). COIs include petroleum, polycyclic aromatic hydrocarbons (PAHs), and lead. Two operable units were identified at the Property, based on historical use, and four locations were selected for boring advancement by direct-push drilling methods (see Figure 2). Analytical results from the investigation indicated petroleum impacts at the Property, in Operable Unit 1, associated with the former off-Property service station. Impacts were primarily gasoline-range hydrocarbons detected in GP-02 near the soil-groundwater interface (at 14 feet below ground surface [bgs]) at a concentration exceeding the DEQ risk-based concentrations (RBCs) for vapor intrusion into residential and urban residential buildings (DEQ, 2017). A lead detection in GP-04 also exceeded the RBCs for residential and urban residential direct contact (ingestion and inhalation). However, this exceedance was observed at 13 feet bgs, and residential RBCs for direct contact are limited to contact within the top 3 feet of soil. Therefore, this is currently considered an incomplete pathway, and this status will continue if impacted soils are left undisturbed or remain below 3 feet bgs. In addition, all borings had at least one exceedance of DEQ Clean Fill criteria for lead and/or PAHs in samples from depths ranging from 2 to 14 feet bgs.

Additional borings were needed to assess the extent of petroleum impacts in the southwest corner (Operable Unit 1) and to evaluate the potential for vapor intrusion into future buildings on the Property. Therefore, a supplemental Phase II ESA was conducted on August 30, 2019.

The investigation consisted of advancing three borings and collecting and analyzing three soil samples, three groundwater samples, and two soil vapor samples (see Figure 2).

FIELD ACTIVITIES

On August 30, 2019, MFA contracted with Pacific Soil and Water, Inc., a driller licensed in Oregon, to complete three direct-push borings (GP-05, GP-06, GP-07) and two Post Run Tubing (PRT) soil vapor borings (SV-1 and SV-2) (see Figure 2).

Prior to field activities, a public utility locator (i.e., Underground Utility Notification Center) checked the Property for the presence of subsurface utilities. MFA also coordinated with a private subsurface utility locator (Applied Professional Services, Inc.) to locate subsurface utilities and structures (e.g., pipes).

Soil and Groundwater Borings

Three borings were advanced to 20 feet bgs (see Figure 2) under the observation of an MFA geologist, who collected samples, documented soil types, and used a photoionization detector (PID) to screen for potential organic vapors. Boring logs are included in Attachment A.

A slight hydrocarbon-like odor was observed in soil directly below the asphalt and at 14.5 to 20 feet bgs in GP-05. PID readings in all borings ranged from 0 parts per million (ppm) to 50.4 ppm. No other indications of petroleum contamination were observed in soil cores. One soil sample was collected at each boring location, using a 5-foot-long macrocore soil sampler. Each sample was collected in laboratory-provided containers.

Groundwater was collected at each boring location, using a temporary, 0.75-inch-diameter polyvinyl chloride well with a 10-foot machine slotted screen. Groundwater samples were placed in an iced container following sample collection. Samples were collected consistent with the SAP (MFA, 2019b) and the QAPP (MFA, 2018).

The boreholes were backfilled with bentonite chips hydrated with potable water from the bottom of each boring to 3 inches bgs and then with asphalt from 3 inches bgs to the ground surface to match the surrounding surface material.

The downhole drilling equipment was pressure-washed with hot, potable water before and after each use. The soil and the groundwater extracted, but not collected for sampling, were containerized for disposal pending characterization.

PRT Soil Vapor Borings

MFA collected two PRT soil vapor samples (SV-1 and SV-2) from 5 feet bgs. The samples were collected by installing a temporary sampling port through the soil. The gap between the

sampling port and the soil was filled with a bentonite seal. The soil vapor samples were collected in laboratory-supplied, depressurized, 6-liter Summa® canisters for analytical testing. As a leak-check test, a shroud filled with helium was placed over the sample train. The sample train was purged with a peristaltic pump.

The downhole drilling equipment was pressure-washed with hot, potable water before and after each use. The soil and the groundwater extracted, but not collected, for sampling were containerized for disposal pending characterization.

SITE GEOLOGY AND HYDROGEOLOGY

According to the Columbia County Web Maps tool, shallow soil in the area consists of well-drained silty loams and loams underlain by basalt bedrock. The soil observed during the investigation generally consisted of sandy silts, silts, and sands with gravel observed from the surface to 20 feet bgs, the maximum depth explored (see boring logs in Attachment A).

Groundwater was observed in soil cores during drilling at approximately 13 feet bgs during the August 2019 investigation. Field sampling data sheets for groundwater samples are included in Attachment B. Groundwater flow direction at the site is unknown; however, the inferred regional groundwater flow direction is east-northeast, toward the Columbia River.

ANALYTICAL METHODS

All soil and groundwater samples collected by MFA were submitted to Apex Laboratories, LLC, under standard chain-of-custody procedures and were analyzed for the following:

- Diesel-range and residual-range organics by Northwest Total Petroleum Hydrocarbons (NWTPH)
- Gasoline-range organics by NWTPH
- Benzene, toluene, ethylbenzene, and xylenes by USEPA Method 8260C
- PAHs by USEPA Method 8270D selected ion monitoring
- Lead by USEPA Method 6010

The soil-gas samples were analyzed for the following:

- Helium by ASTM 1946
- Volatile organic compounds by USEPA Method TO-17

Analytical results were reviewed for usability and were qualified consistent with USEPA procedures and appropriate laboratory and method-specific guidelines, and a data validation

memorandum (DVM) was prepared to document the review. Laboratory analytical reports and the DVM are provided in Attachments C and D, respectively.

Preliminary Conceptual Site Model

The preliminary conceptual site model (CSM) describes, based on the findings of this investigation, potential release mechanisms, environmental transport processes, exposure routes, and receptors for sources identified on the Property. The primary purpose of the CSM is to identify potential current and future pathways by which human and ecological receptors could be exposed to site-related chemicals. A complete exposure pathway consists of four necessary elements: (1) a source and mechanism of chemical release to the environment, (2) an environmental transport medium for a released chemical, (3) a point of potential contact with the impacted medium (referred to as the exposure point), and (4) an exposure route (e.g., soil ingestion) at the exposure point. It should be noted that an incomplete exposure pathway does not guarantee that the exposure pathway will always remain incomplete. If the Property is redeveloped, it may be necessary to reevaluate potential exposure pathways.

The following RBCs (DEQ, 2017) were considered potentially complete for the site: residential and urban residential direct contact; occupational direct contact; construction worker direct contact; excavation worker direct contact; and vapor intrusion into residential, urban residential, and occupational buildings.

Residential and Occupational RBCs for direct contact with soil are evaluated for the top 3 feet of soil. Construction and Excavation RBCs for direct contact with soil are typically evaluated for the top 15 feet. Currently, much of the site is capped with asphalt and concrete, and there is no current exposure to site soils. Should the Property be excavated, potentially exposing impacted soils previously buried in the top 3 feet of soil, this pathway should be reassessed.

Currently, the Property is served by City water, and groundwater is not used as drinking water and is not likely to be used as drinking water in the future. Therefore, the pathway for residential or occupational direct contact with groundwater is incomplete.

ANALYTICAL RESULTS

The sections below summarize the soil, groundwater, and soil vapor analytical results presented in Tables 1, 2 and 3, respectively. Sample results were screened against relevant DEQ RBCs, as described in the CSM above. Additionally, soil results were screened against DEQ clean fill criteria.

Soil

Gasoline-range hydrocarbons were detected in the soil samples from GP-05 and GP-07; the detected concentration from GP-07 exceeded the DEQ RBC screening criteria for soil vapor

intrusion into buildings for residential and urban residential occupants. DEQ clean fill criteria were exceeded for lead and PAHs at GP05 and GP07.

Groundwater

There were no exceedances of the DEQ RBC screening criteria.

Soil Vapor

There were no exceedances of the DEQ RBC screening criteria.

CONCLUSION

Concentrations of petroleum (predominantly gasoline) have been identified in soil on the Property; impacts are located at a depth of approximately 14 to 15 feet bgs in the southwest corner of the Property, in Operable Unit 1 (see Figure 2). The highest concentrations of gasoline were detected in GP-02, with lower concentrations in locations GP-05 and GP-07, indicating the impacts dissipate in those directions. Borings to the north of this area were non-detect for petroleum.

The Property is predominantly capped with asphalt and concrete, and there are no buildings on the Property. The Property is served by City water, and groundwater is not currently used as drinking water. During this investigation and the previous investigation conducted on May 22, some soil concentrations in Operable Unit 1 exceeded the DEQ RBC screening criteria for soil vapor intrusion into buildings for residential and urban residential occupants. However, results of the August 30 soil vapor sampling indicated that, for all potential receptors, including residential, there was no risk from vapor intrusion.

While soil, groundwater, and soil vapor concentrations do not pose a risk to human health, some concentrations in soil exceeded the DEQ clean fill criteria. These exceedances were discovered in multiple borings and at various depths, indicating the presence of low-level concentrations at the Property that will reduce the options for reuse of disturbed soil. In the

John Walsh
October 11, 2019
Page 7

Project No. 0830.05.01

event that the Property is redeveloped, a plan should be in place to direct the management, potential sampling, and disposal of disturbed soil.

Sincerely,

Maul Foster & Alongi, Inc.

Jackie McMaster
Project Environmental Scientist

Merideth D'Andrea, RG
Senior Geologist

Attachments: Limitations
References
Tables
Figures
A—Boring Logs
B—Field Sampling Data Sheets
C—Laboratory Analytical Report
D—Data Validation Memorandum

cc: Susan Morales, USEPA

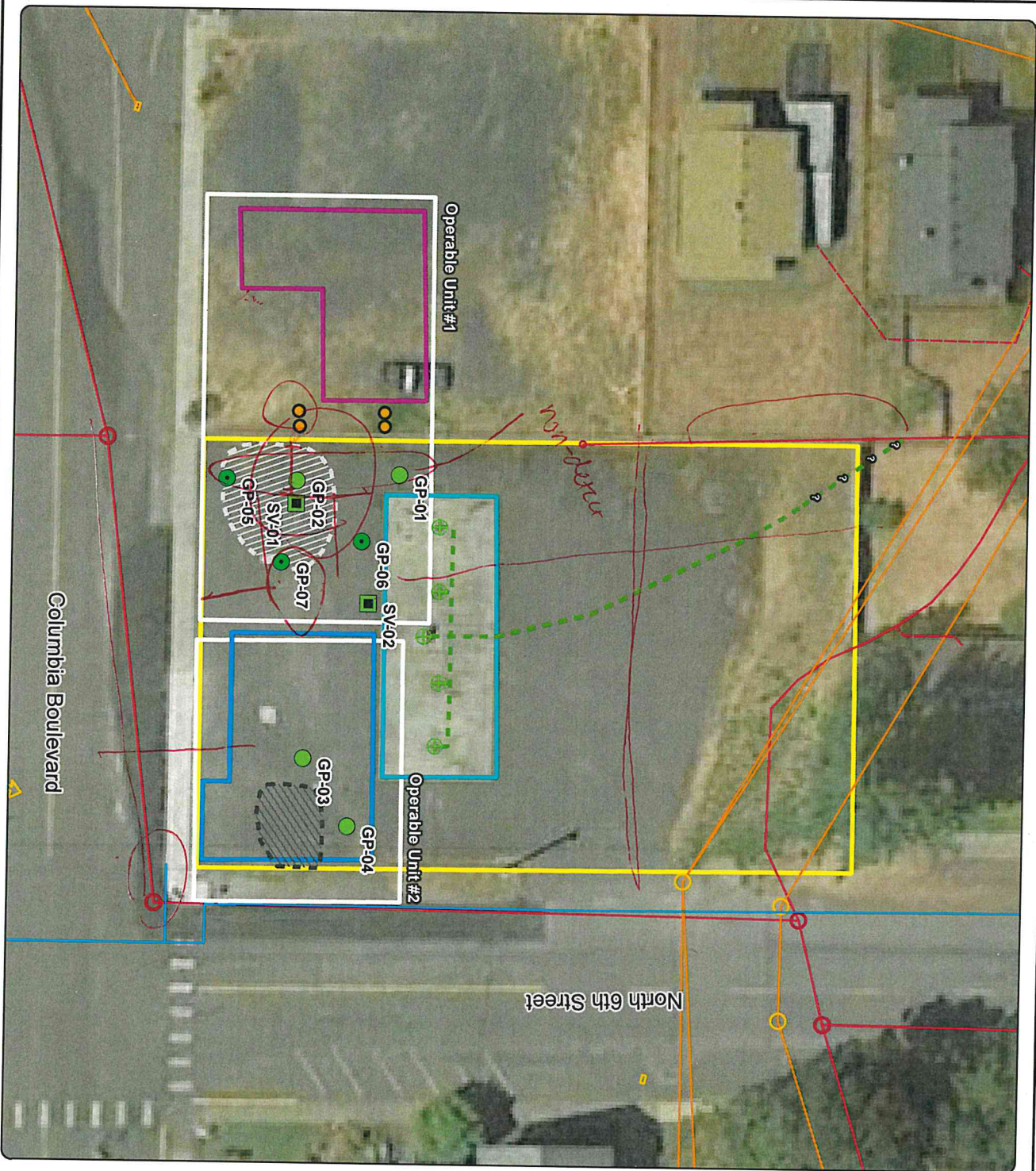








Figure 2
Site Features Map
Semling Family LLC Property
City of St. Helens

Legend

-  Inferred Location of Removed USTs
-  Catch Basins
-  May 2019 Boring Location
-  August 2019 Boring Locations
-  August 2019 Soil Vapor Locations
-  Drainage Pipes
-  Stormwater Line
-  Water Line
-  Sanitary Sewer Line
-  Approximate Area with Gasoline Detections
-  Possible Disturbed Soil Zone
-  Property Boundary
- Former Buildings**
 -  Car Wash
 -  Service Station
 -  Service Station
 -  Service Station

Source: Aerial photograph obtained from Google Earth Pro; Carvass drainage features and possible disturbed soil zone obtained from GPR; Pacific Geophysics report.

Notes:
 UST = underground storage tank.



MAUL FOSTER ALONGI
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