

**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Variance V.12.24 & V.13.24**

**DATE:** December 3, 2024  
**TO:** Planning Commission  
**FROM:** Jennifer Dimsho, AICP, Associate Planner

**APPLICANT:** Rick Scholl  
**OWNER:** Same as applicant

**ZONING:** General Residential, R5  
**LOCATION:** Vacant lots across from 135 S. 6<sup>th</sup> Street; 4N1W-3BB-9500  
**PROPOSAL:** Variances (2) for reduced side yard (setback) and reduced front yard (setback)

**SITE INFORMATION / BACKGROUND**

The subject property is undeveloped and abuts both S. 6<sup>th</sup> Street and S. 5<sup>th</sup> Street rights-of-way. S. 6<sup>th</sup> Street is developed as a street but lacks sidewalks and curb. S. 5<sup>th</sup> Street is undeveloped. The subject property includes all of Lot 8 and Lot 15 and the northern 29' of Lot 7, Block 48 of the St. Helens Subdivision. In 2024, a lot line adjustment (LLA.2.24) was approved to adjust the north/south property line to create two relatively flat building envelopes for each of the two buildable lots. The LLA also resulted in a flag lot for one of the lots.

The subject property is incredibly steep, with slopes exceeding 25 percent along the south side. Photos from the applicant are included as an attachment.

**PUBLIC HEARING & NOTICE**

**Public hearing** before the Planning Commission: **December 10, 2024**

**Notice** of this proposal was sent to surrounding property owners within 100' feet of the subject property(ies) on November 20, 2024, via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

**Notice** was published on November 28, 2024, in The Spotlight newspaper.

**APPLICATION COMPLETENESS**

The 120-day rule (ORS 227.178) for final action for this land use decision is **March 19, 2025**.

**AGENCY REFERRALS & COMMENTS**

As of the date of this staff report, no agency referral comments have been received.

## APPLICABLE CRITERIA, ANALYSIS & FINDINGS

### DISCUSSION:

Per SHMC 17.140.055 (2) (d), for flag lots, the principal dwelling must have a minimum setback of 10' on all sides. The applicant is requesting a 5' side setback for the northern flag lot for the development of a detached single-family dwelling.

In the R5 zone, the front setback is 20'. The applicant is requesting a 18' front setback for the development of a detached single-family dwelling.

### CRITERIA:

#### 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.

### FINDINGS:

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

- Staff comments: The Commission can note there are no other flag lots in the vicinity of this property which have side yards of 10'. Most of the surrounding properties are standard lots with the more common 5' side setbacks. Therefore, the visual impact would be minimal to the properties within the vicinity.
- There is an extra wide 80' right-of-way along S. 6<sup>th</sup> Street where both lots access the roadway. Visually, the 2' reduction along the front property line will not be noticeable.

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

- Staff comment: The topography of the lot shows an incredibly steep slope (>25%) along the extent of the southern property line according to the attached topography survey. The Commission could find that this is a special circumstance unique to this subject property.

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

- Staff comments: The Commission can find this is not a use Variance.
- The Commission can consider that the setback reduction for the front setback is only for only 20% (20' to 18'), which is a relatively small reduction.
- The Commission could consider that the typical side setback for a detached single-family dwelling is 5' in the R5 zoning district. All other lots in the vicinity are regular lots with 5' side setback requirements, not flag lots with 10' side setback requirements.

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

- Staff comments: It is common for a portion of the 20' front setback to be used for a residential lot's off-street parking requirements. This Variance would not exempt that requirement. The applicant has shown how they would still meet this requirement. This is also a recommended condition of approval.
- The Commission can note there are some trees along the southern steep slope which will be less impacted if the Commission grants a reduced side yard along the north property line.

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

- Staff comment: The Commission must find that this variance is not self-imposed and that the variance is the minimum necessary to 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, we need to address why.

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.

### CONCLUSION & RECOMMENDATION

**Based upon the facts and findings herein, if the Commission wants to approve the Variances, staff recommends the following conditions:**





1. These Variances approvals are valid for a limited time pursuant to SHMC 17.108.040.
2. The off-street parking requirements of the Development Code still apply.

3. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variances granted herein.

**Attachments:**

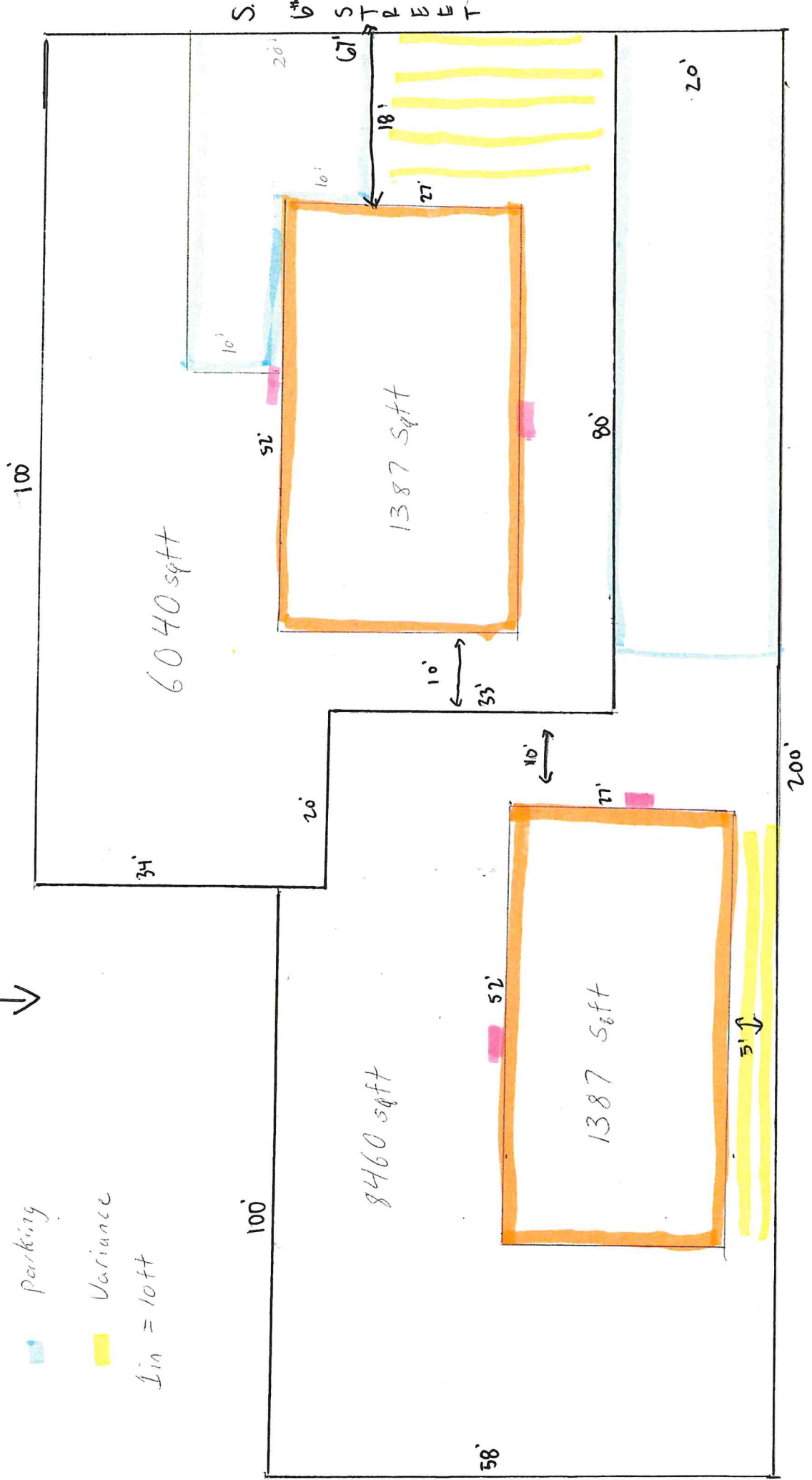
- *Site Plan*
- *LLA*
- *Topography Survey*
- *Applicant's Photos*
- *Proposed Dwelling, Floor Plan*

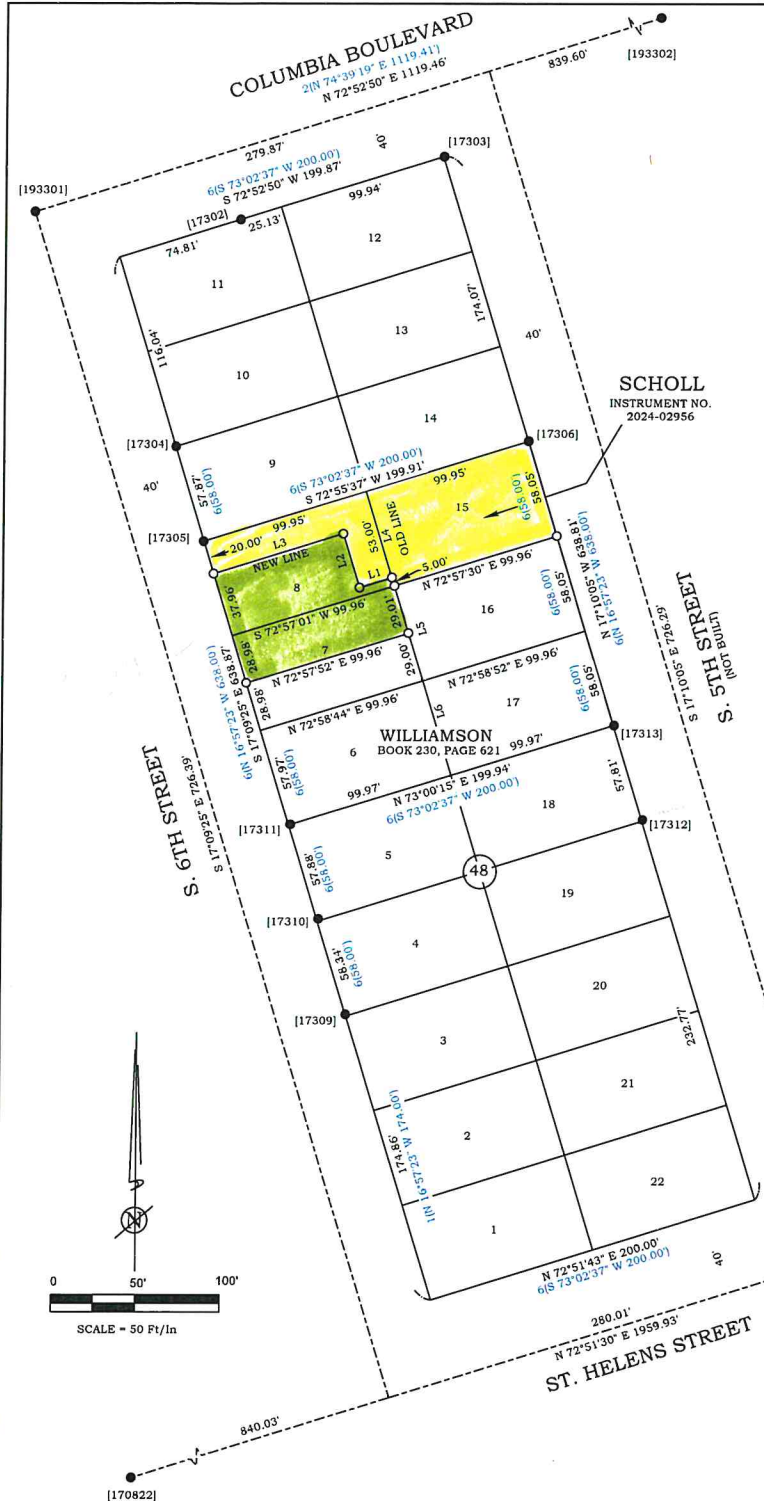
V.12.24 + V.13.24  
Site Plan

-  House
-  Entries
-  Parking
-  Variance

1 in = 10 ft

NORTH  
↓





**MONUMENT NOTES:**

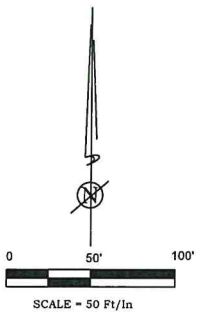
- [17302] FOUND A 5/8" IRON ROD PER CS NO. L-1880, MONUMENT BEARS SOUTH 17°07'10" EAST 0.15' FROM NORTH LINE OF BLOCK 48
- [17303] FOUND A 5/8" IRON ROD PER CS NO. L-1880, MONUMENT BEARS NORTH 72°55'38" EAST 0.32' FROM THE NE CORNER OF BLOCK 48
- [17304] FOUND A 5/8" IRON ROD PER CS NO. L-1880, MONUMENT BEARS NORTH 72°50'36" EAST 0.11' FROM EASTERLY RIGHT OF WAY LINE OF S 6TH STREET
- [17305] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "PHIL DEWEY LS 847" PER CS NO. L-1880, MONUMENT BEARS SOUTH 72°55'37" WEST 0.22' FROM EASTERLY RIGHT OF WAY LINE OF S 6TH STREET
- [17306] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "PHIL DEWEY LS 847" PER CS NO. L-1880, (HELD)
- [17309] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "LS 847" PER CS NO. 5072, MONUMENT BEARS NORTH 72°50'35" EAST 0.26' FROM EASTERLY RIGHT OF WAY LINE OF S 6TH STREET
- [17310] FOUND A 5/8" IRON ROD ORIGIN UNKNOWN, MONUMENT BEARS NORTH 72°50'35" EAST 1.16' FROM EASTERLY RIGHT OF WAY LINE OF S 6TH STREET
- [17311] FOUND A PK NAIL WITH A WASHER MARKED "LS 1860" PER CS NO. L-1680, MONUMENT BEARS NORTH 73°00'15" EAST 1.15' FROM EASTERLY RIGHT OF WAY LINE OF S 6TH STREET
- [17312] FOUND A 3/4" IRON PIPE WITH A Y.P.C. MARKED "BRADY LS 1860" PER CS NO. L-1680, MONUMENT BEARS NORTH 72°49'55" EAST 0.63' FROM WESTERLY RIGHT OF WAY LINE OF S 5TH STREET
- [17313] FOUND A 3/4" IRON PIPE WITH A Y.P.C. MARKED "BRADY LS 1860" PER CS NO. L-1680, MONUMENT BEARS NORTH 73°00'15" EAST 0.51' FROM THE WESTERLY RIGHT OF WAY LINE OF S 5TH STREET
- [170822] CENTERLINE OF 9TH STREET & ST. HELENS STREET FOUND 2 1/2" BRASS DISK IN MONUMENT BOX, ORIGIN UNKNOWN, (HELD)
- [193301] CENTERLINE OF COLUMBIA BOULEVARD & 6TH STREET FOUND A 5/8" IRON ROD WITH A 2" ALUMINUM CAP MARKED "AKS ENGR" PER CS NO. 5892, (HELD)
- [193302] FOUND A 5/8" IRON ROD WITH A 2" ALUMINUM CAP MARKED "AKS ENGR" PER CS NO. 5892, (HELD)
- [214363] CENTERLINE OF 2ND STREET & ST HELENS STREET FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "MARTINEZ LS 2536" IN A MONUMENT BOX PER CS NO. 4576, (HELD)

SCHOLL  
INSTRUMENT NO.  
2024-02956

S. 6TH STREET  
S 17°09'25" E 77°36'39"

S. 5TH STREET  
S 17°10'05" E 72°26'29"

ST. HELENS STREET  
N 72°51'30" E 1959.93'



**NARRATIVE:**

--THIS SURVEY WAS COMPLETED AT THE REQUEST OF RICK SCHOLL TO MONUMENT A PROPERTY LINE ADJUSTMENT BETWEEN LOTS 8 & 15, BLOCK 48, ST HELENS, PER CITY OF ST. HELENS PLANNING DEPARTMENT FILE NO. LLA.2.24. THE NEW LINE WAS ESTABLISHED AT THE LOCATION SHOWN PER THE REQUEST OF OUR CLIENT.

--THE BASIS OF BEARINGS IS OREGON COORDINATE REFERENCE SYSTEM COLUMBIA RIVER WEST ZONE, NAD83 (2011) EPOCH 2010.00. DISTANCES SHOWN ARE GROUND DISTANCES.

--FOR CONTROL I HELD THE MONUMENTS AS NOTED IN THE MONUMENT NOTES.

**ST. HELENS STREET:**  
--I HELD MONUMENT 170822 FOR THE CENTERLINE INTERSECTION OF ST. HELENS STREET AND 9TH STREET. I HELD MONUMENT NO. 214363 FOR THE CENTERLINE INTERSECTION OF ST. HELENS STREET AND 3RD STREET. I COMPUTED THE INTERSECTIONS WITH S 5TH STREET AND S 6TH STREET PROPORTIONALLY BETWEEN MONUMENTS 170822 AND 214363.

**COLUMBIA BOULEVARD:**  
--I HELD MONUMENT NO. 193301 FOR THE INTERSECTION OF COLUMBIA BOULEVARD AND S. 6TH STREET AND MONUMENT NO. 193302 FOR THE CENTERLINE INTERSECTION OF ST. HELENS STREET AND 3RD STREET. I COMPUTED THE INTERSECTIONS WITH S 5TH STREET AND S 6TH STREET PROPORTIONALLY BETWEEN MONUMENTS 193301 AND 193302.

**S. 6TH STREET:**  
--I HELD MONUMENT NO. 193301 FOR THE INTERSECTION OF COLUMBIA BOULEVARD AND S. 6TH STREET AND THE COMPUTED CENTERLINE INTERSECTION OF ST. HELENS STREET AND 6TH STREET FOR THE CENTERLINE WITH AN 80' WIDE RIGHT OF WAY.

**S. 5TH STREET:**  
--I HELD MONUMENT NO. 193301 FOR THE INTERSECTION OF COLUMBIA BOULEVARD AND S. 6TH STREET AND THE COMPUTED CENTERLINE INTERSECTION OF ST. HELENS STREET AND 5TH STREET FOR THE CENTERLINE WITH AN 80' WIDE RIGHT OF WAY.

**BLOCK 48 RESOLUTION:**  
--I HELD MONUMENTS 17305 & 17306 FOR THE NORTH LINE OF LOTS 8 AND 15. I HELD MONUMENTS 17311, & 17313 FOR THE SOUTH LINE OF LOTS 6 AND 17 AND COMPUTED THE LOT CORNERS AT THE INTERSECTIONS WITH THE WEST RIGHT OF WAY LINE OF 5TH STREET AND THE EAST RIGHT OF WAY LINE OF 6TH STREET. I COMPUTED THE LOT CORNERS OF LOTS 7 & 16 PROPORTIONALLY.

**REFERENCES:**

- SURVEYS**  
1 = CS NO. 5072  
2 = CS NO. 5892  
3 = CS NO. 7082  
3 = CS NO. L-1680  
5 = CS NO. L-1880  
6 = CS NO. M-0052
- DEEDS**  
1 = INSTRUMENT NO. 2024-02956

**Line Table**

LINE	BEARING	DISTANCE
L1	S72°55'37"W	20.00'
L2	N17°09'45"W	33.00'
L3	S72°55'37"W	79.96'
L4	N17°09'45"W	58.00'
L5	S17°09'45"E	58.01'
L6	S17°09'45"E	58.01'

**LEGEND**

- FOUND MONUMENT AS NOTED
- SET A 5/8" X 30" IRON ROD WITH A Y.P.C. MARKED "KLS SURVEYING INC."
- [X] MONUMENT POINT NO
- ( ) RECORD SURVEY DATA
- [ ] RECORD DEED DATA
- CS NO. SURVEY NUMBER, COLUMBIA COUNTY SURVEY RECORDS
- Y.P.C. YELLOW PLASTIC CAP

REGISTERED PROFESSIONAL LAND SURVEYOR  
Donald D Wallace  
Oregon  
JANUARY 19, 1993  
DONALD D WALLACE, JR  
2601  
RENEWS 6/30/26

K L S SURVEYING INC.  
1224 ALDER STREET  
VERNOVA, OREGON 97064  
(503) 422-6115

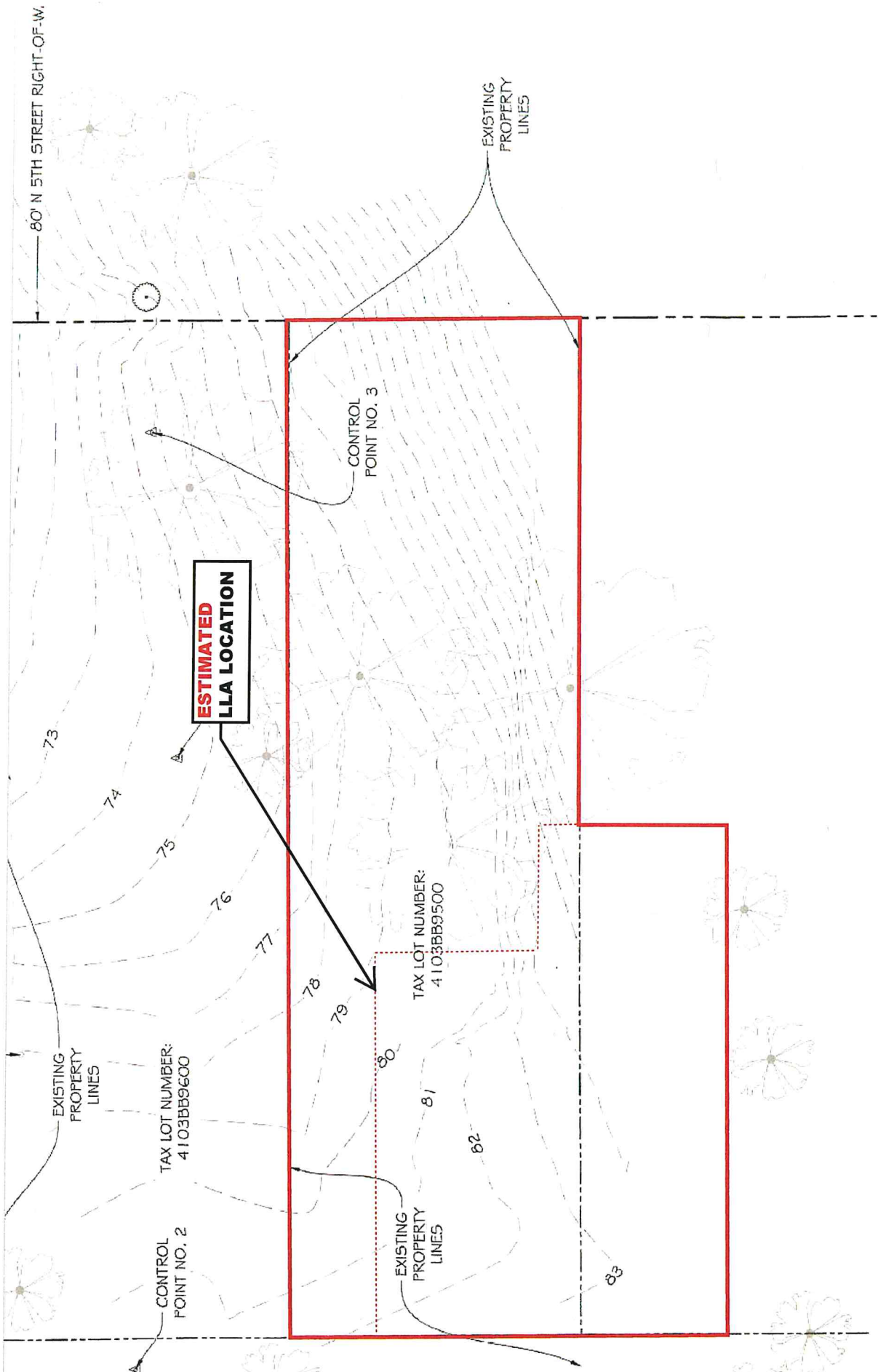
PROPOSED PROPERTY LINE ADJUSTMENT SURVEY FOR  
**RICK SCHOLL**  
IN THE SW 1/4 OF SECTION 4,  
T4N, R1W, W.M.,  
CITY OF ST. HELENS,  
COLUMBIA COUNTY, OREGON  
SEPTEMBER 13, 2024

DRAWN BY: DDW
FIELD: SWM/JR/CAM
EQUIPMENT: NOMAD/NIKON
JOB No. CRW-ST. HELENS
DRAWING NAME: 24-230 ROS
REVISED: 9-19-2024



**NORTH**

**S. 6TH STREET**



Photos from the Applicant

“Back Lot”





“Front lot”



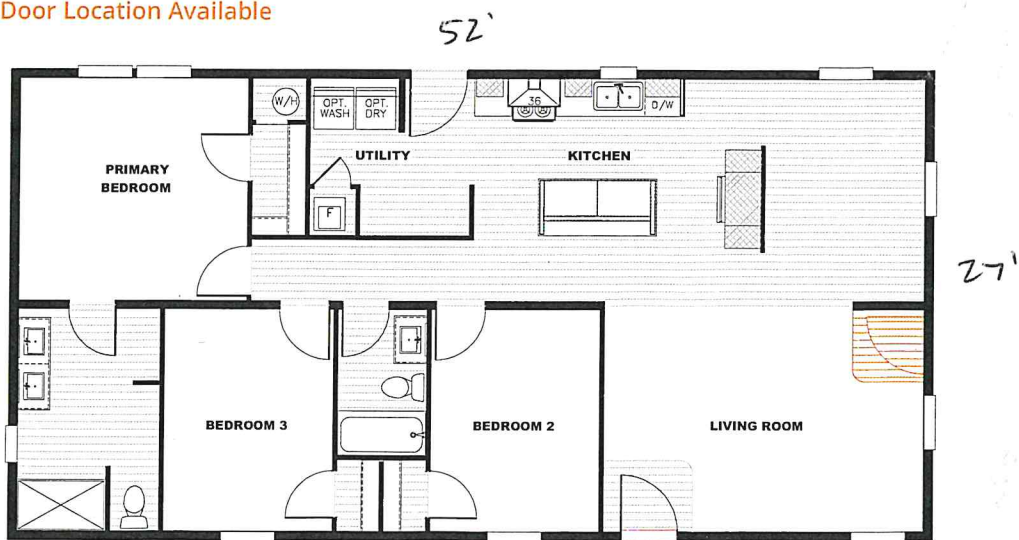
# Tempo



## Free Bird

55TMP28523AH22 | 1,387 SQ FT | 3 Bedrooms | 2 Baths

 Alternate Door Location Available



- Full Drywall Throughout
- Hardwood Cabinets
- Frigidaire® Stainless Steel Appliance Package
- Craftsman Style Front Door
- Ecobee® Smart Thermostat
- Carrier® Furnace



View This Plan Online



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