

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



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

Date: 05.25.2021

This report does not indicate all *current planning* activities over the past report period. These are tasks, processing and administration of the Development Code which are a weekly if not daily responsibility. The Planning Commission agenda, available on the City's website, is a good indicator of *current planning* activities. The number of building permits issued is another good indicator as many require Development Code review prior to Building Official review.

PLANNING ADMINISTRATION—MISC.

As of late last month, all Graystone Estates residential lots except two with easement issues (so 76 out of 78 residential lots) have building permits that have been submitted. All by one builder.

The City was finally able to greenlight a county building permit for an RV park proposed along Kavanagh Avenue (58551 Kavanagh Ave.) accessed via Firway Lane off US30. Anticipate construction there soon. This property is not yet within city limits, but we have an annexation that is running its course—should be officially annexed by summer.

The Control Solutions Inc. project final inspections occurred this month. This was a long-time vacant lot on the corner of McNulty Way and Industrial Way. Vacant no more.

Another Responsible Entity need came up again for the NW Housing Authority project (239 apartment units) along Gable Road. **See attached notice for publication** in The Chronicle on May 26, June 2, and June 9.

I received the initial set of St. Helens High School plans for the renovations planned based on the 2020 SHHS bond program. Anticipate public hearing before the Planning Commission in July. The bond is \$55 million; not a small project!

SHPO contacted us about our upcoming 4-year review as a Certified Local Government (CLG). This is something we'll need to do this spring/summer. The CLG designation comes from the National Parks Service and provides some benefits such as biannual grant moneys. Since becoming a CLG in 2009 we've done many projects with the grant funds, many of those can be found here: <https://www.sthelensoregon.gov/planning/page/historic-preservation-rehabilitation-grant>. But of course, there are strings attached to being a CLG; thus the 4-year review.

PLANNING COMMISSION (& *acting* HISTORIC LANDMARKS COMMISSION)

May 11, 2021 meeting (outcome): The Commission recommended approval of two different annexations, one off N. Vernonia Road and the other off Six Dees Lane (from Columbia Boulevard). The Commission also discussed its annual report to the Council.

June 8, 2021 meeting (upcoming): This meeting has been cancelled. Commission gets a spring break this year!

COUNCIL ACTIONS RELATED TO LAND USE

Ordinance No. 3264 for the 2021 code amendments has been adopted as of May 5. The amendments will take effect on June 4, 2021. The deadline is the end of June per Oregon House Bill 2001. With the ordinance adoption, we had some post adoption matters and with that done, this project is now 100% completed this should be the last mention of it in these reports.

Given provisions for converting residential accessory structures to second detached dwellings in Ordinance No. 3264, I wanted to provide guidance on some past laws to help us answer questions and make decisions in the future. It is much easier to remember how we do things now compared to years from now. So whipping the **attached memo** in conjunction with the adoption of this ordinance was prudent.

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Performed quarterly update to GIS data. This includes the data used by the Building Department's e-permitting system.

MILLARD ROAD PROPERTY

The Council approved the RFP for development of this property at the May 5, 2021 meeting. There has been developer interest since. More to come in the future.

RIVERFRONT DISTRICT WATERFRONT PROPERTY

The city had a public forum on the Riverwalk project. Much positive feedback. I was just an observer on this one, but the funny thing is we joked the following day that it didn't feel like we were in the same city since most of the feedback was positive. We hear much anti-growth sentiment.

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

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

May 26, 2021

City of St. Helens
265 Strand Street
St. Helens, OR 97501
503-397-6272

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the 238 Gable Limited Partnership.

REQUEST FOR RELEASE OF FUNDS

On or about June 10, 2021 the City of St. Helens will authorize the 238 Gable Limited Partnership to submit a request to the HUD for the release of Project-Based Voucher funds under Section 8(o)(13) of the Housing Act of 1937, (42 USC 1437f), as amended, to undertake a project known as St. Helens Housing for the purpose of the new construction of 239 units of affordable housing, using LIHTC and State gap funds in St. Helens, Oregon. The project site is on undeveloped property located adjacent to US30 and Gable Road, but excluding developed lands at the intersection of US30/Gable Road.

FINDING OF NO SIGNIFICANT IMPACT

The City of St. Helens has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at 265 Strand Street, St. Helens, OR 97501 and may be examined or copied weekdays 8:30 A.M to noon and 1 – 5 P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the 265 Strand Street, St. Helens, OR 97501. All comments received by June 9, 2021 will be considered by the City of St. Helens prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The City of St. Helens certifies to HUD that Jacob A. Graichen, AICP in his capacity as City Planner for the City of St. Helens consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its

responsibilities under NEPA and related laws and authorities and allows the 238 Gable Limited Partnership to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of fund and the City of St. Helens certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of St Helens; (b) the City of St. Helens has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD PIH Portland Field Office at Portland_RROF@hud.gov. Potential objectors should contact Portland_RROF@hud.gov to verify the actual last day of the objection period.

Jacob A. Graichen, AICP, City Planner



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Current and future staff; interested parties
FROM: Jacob A. Graichen, AICP, City Planner
RE: Residential accessory structure yard (setback) exceptions prior to Ordinance No. 3264, effective June 4, 2021
DATE: May 6, 2021

The Ordinance No. 3264 code amendments focus on 2019 Oregon House Bill 2001, but staff also improved language for other matters too. One of those is when normal residential zoning district yard requirements do not apply to residential accessory structures. This is important given the new provisions for converting accessory structures to second detached single-family dwellings per the new SHMC 17.104.040(5).

Specifically, SHMC 17.104.040(5)(c) of Ordinance No. 3264 reads:

(c) Any yard associated with the accessory structure is not the result of the exception pursuant to SHMC 17.64.040(3) **or any applicable laws prior to Ordinance No. 3264 that allowed yard exceptions for accessory structures;**

Specific language was added to the code as part of Ordinance No. 3264, per SHMC 17.64.040(3) for exceptions to yard requirements as referenced in SHMC 17.104.040(5)(c). SHMC 17.64.040(3) reads:

(3) Detached accessory structures that do not require a permit pursuant to SHMC 17.124.030(1)(a) do not need to comply with the yard requirements of the zoning district but shall still comply with SHMC 17.64.050(6) and shall not encroach into any easement or over any public utility or other infrastructure. Chapter 17.76 SHMC still applies.

SHMC 17.64.050(6) as part of Ordinance No. 3264 reads:

(6) When there is a minimum yard requirement of the zoning district, no building, structure, or portion thereof, regardless of size and whether or not a permit is required for its placement, shall be placed closer than three feet to a property line or to another building or structure.

SHMC 17.124.030(1)(a) is not affected by Ordinance No. 3264. This is one of the provisions where accessory structures do not need a permit. This section reads:

(a) Buildings or structures within residential zoning districts which do not exceed 200 square feet in gross floor area and 15 feet or less in height, measured from base to highest point of the structure;

Note that Ordinance No. 3253 (effective June 19, 2020) increased the 200 square foot size per 17.124.030(1)(a) from 120 square feet. 120 square feet was a long time standard.

The remainder of this memo focuses on the provision of 17.104.040(5)(c) that refers to:

...applicable laws prior to Ordinance No. 3264 that allowed yard exceptions for accessory structures.

The provisions that allowed residential accessory structure yard exceptions immediately prior to Ordinance No. 3264, effective June 4, 2021, include:

- SHMC 17.124.030(1)(a). This is referenced above. Note the change from 120 to 200 square feet as noted above. See attached Development Code page 17-198.1. Note prior ordinances listed under the section for further research if needed.
- SHMC 17.64.050. This section was updated by Ordinance No. 3264. Before Ordinance No. 3264, if no permit was required for an accessory structure, staff would assume no standard yard (setback) requirement of the applicable zoning district applied, but (5) of this section still did. See attached Development Code page 17-117. Note prior ordinances listed under the section for further research if needed.
- No interior yard requirements. Ordinance No. 3264 creates a new interior yard standard that is defined in Chapter 17.16 SHMC and listed in the residential zoning districts under Chapter 17.32 SHMC. This Development Code imposed building/structure separation requirement did not exist before this ordinance. Thus, any accessory structure legally in place before June 4, 2021 (the effective date of Ordinance No. 3264) is not subject to the interior yard requirement including SHMC 17.64.050(6) shown on the first page of this memo.
- Do not overlook SHMC 17.124.030(3), also on attached Development Code page 17-198.1. This was adopted by Ordinance No. 3164, effective November 16, 2012. Be aware of the window of time between when this was effective and the Ordinance No. 3264 effective date considering the new interior yard requirements of Ordinance No. 3264.
- This memo provides guidance back to 2003 when the “parent ordinance” (Ordinance No. 2875) for the current Development Code (effective April 4, 2003) was adopted. Accessory structures that predate this will require additional research. For reference, the Development Code “parent ordinance” before Ordinance No. 2875 was Ordinance No. 2785, which was effective July 2, 1999.

Chapter 17.124**ACCESSORY STRUCTURES**

Sections:

- 17.124.010 Purpose.
- 17.124.020 Definition.
- 17.124.030 Applicability of provision.
- 17.124.040 Administration and approval process.
- 17.124.050 Expiration of approval – Standards for extension of time.
- 17.124.060 Modification of approved plans.
- 17.124.070 Approval criteria.
- 17.124.080 Application submission requirements.

17.124.010 Purpose.

The purpose of this chapter is to:

- (1) Establish criteria for regulating the type, size and location of accessory structures in residential zoning districts;
- (2) Allow the property to be more useful while not altering the residential character of the principal structures; and
- (3) Allow for accessory structures within commercial and industrial zoning districts. (Ord. 2875 § 1.156.010, 2003)

17.124.020 Definition.

(1) “Accessory structure” means a subordinate structure located on the lot, the use of which is clearly incidental to and associated with the principal structure.

(2) Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall normally be considered as a part of the principal structure.

(3) Where an accessory structure is detached, it must comply with all the requirements of this chapter and code.

(4) Examples of accessory structures are barns, garages, carports, playhouses, sheds, private greenhouses, gazebos, storage buildings, boat-houses and docks, wind-generating devices, swimming pool pumphouses, radio- and television-receiving antenna towers and dishes and, pursuant to subsection (5) of this section, storage containers.

(5) “Storage container” means any factory-built container or part thereof designed or used for freight or storage and includes, but is not limited to, Conex boxes and sea-land containers. Such containers are typically originally designed for transport, but when intended to be used in a fixed location for more than a year are considered accessory structures for the purposes of this chapter.

Placement for less than a year is governed by Chapter 17.116 SHMC, Temporary Uses. (Ord. 3105 § 2, 2009; Ord. 2875 § 1.156.020, 2003)

17.124.030 Applicability of provision.

(1) Review of accessory structures by the director is required except for the following situations:

→ (a) Buildings or structures within residential zoning districts which do not exceed 200 square feet in gross floor area and 15 feet or less in height, measured from base to highest point of the structure;

(b) Accessory buildings or structures attached to the principal building or structure, as long as they use the same architectural features such as roof lines and exterior building materials. “Attached” means wall-to-wall or any permanent roof attachment such as breezeways. Said structures shall be considered as building additions and shall require building permits and compliance with the applicable setback standards for the principal building or structure;

(c) Accessory buildings or structures for sites that have been approved or should be approved under site design or conditional use processes of this code must additionally comply with those requirements; and

(d) Fences and walls within all zoning districts shall be consistent with SHMC 17.72.090.

(e) Storage container(s) in industrial zones. This provision does not preclude the necessity of site design review, conditional use permit, or temporary use permit for such use(s), as applicable, however.

(2) All of the provisions and regulations of the underlying zone apply unless modified by this chapter.

→ (3) Multiple accessory structures that individually fall within the parameters of subsection (1)(a) of this section but are within 36 inches from each other as measured from any portion of each structure shall be considered one structure for the purpose of this section. (Ord. 3253 § 2 (Att. A), 2020; Ord. 3164 § 3 (Att. B), 2012; Ord. 3105 § 2, 2009; Ord. 2875 § 1.156.030, 2003)

17.124.040 Administration and approval process.

(1) The applicant for an accessory structure proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.

(2) The director shall approve, approve with conditions or deny any application for an accessory structure. The director shall apply the standards set

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

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

(4) The minimum distance from the wall of any building (except fences or other structures allowed in this code) to the centerline of an abutting street, however, shall not be less than 25 feet plus the yard required by the zone. This provision shall not apply to rights-of-way of 60 feet or greater in width. (Ord. 3164 § 3 (Att. B), 2012; Ord. 2875 § 1.104.020, 2003)

17.64.030 No yard required – Structure not on property line.

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

17.64.040 Exceptions to yard requirements.

(1) If there are dwellings on both abutting lots with front yard depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.

(2) If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth half-way between the depth of the abutting lot and the required front yard depth. (Ord. 2875 § 1.104.040, 2003)

17.64.050 Projections into required yards.

(1) Cornices, eaves, belt courses, sills, canopies, or similar architectural features may extend or project into a required yard not more than 36 inches provided the width of such yard is not reduced to less than three feet.

(2) Fireplace chimneys may project into a required front, side, or rear yard not more than

three feet provided the width of such yard is not reduced to less than three feet.

(3) Open porches, decks, or balconies not more than 36 inches in height and not covered by a roof or canopy may extend or project into a required rear or side yard provided such natural yard area is not reduced to less than three feet and the deck is screened from abutting properties. Porches may extend into a required front yard not more than 36 inches.

(4) Unroofed landings and stairs may project into required front or rear yards only.

→ (5) No building or portion thereof, regardless of size, shall be placed closer than three feet to a property line. (Ord. 2875 § 1.104.050, 2003)

From: [Jennifer Dimsho](#)
To: [Jacob Graichen](#)
Subject: May Planning Department Report
Date: Monday, May 24, 2021 12:20:50 PM

Here are my additions to the May Planning Department Report.

GRANTS

1. **OPRD - Local Government Grant – Campbell Park Improvements** (\$187k) includes replacement of four existing tennis courts and two basketball courts with two tennis flex courts and one flex sport court, adds a picnic viewing area, improves natural stormwater facilities, expands parking, and improves ADA access. Grant deadline is October 2021. In addition to increased costs related to the soil conditions of the area (Geotech and soil stabilization needed), costs for construction and for the court surfacing have increased substantially since our original quotes. Sue has been working with contractors to try to reduce scope and to document increased cost estimates to prepare a request for staff/council.
2. **CDBG- Columbia Pacific Food Bank Project** – JH Kelly continuing \$1.6 million construction bid. Demolition complete. Tracking all requests for information and submittals to ensure questions are answered. Tracking all invoices, and coordinating with grant manager on reimbursement requests and quarterly reports to the state. Project to be completed by December 2021.
3. **Safe Routes to School - Columbia Blvd. Sidewalk Project** – Construction timeline provided by David Evans, who is working through design/engineering process. Worked through change to schedule to allow an additional year for bidding the project to allow the County to replace a culvert which collapsed in 2020 during a heavy rainstorm. New schedule has bidding of the project in January 2022, with construction occurring Summer 2022.
4. **Business Oregon – Infrastructure Finance Authority** – Application for a low-interest loan to fund the streets, utilities, and Riverwalk on the Riverfront property. Resolution to apply approved by Council on 3/17. Submitted a full application in early March. Reviewed Business Oregon staff report and recommendation in May, prepared presentation for board review/approval on June 4.
5. **Oregon Watershed Enhancement Board (OWEB)** – Awarded grant (approximately \$12k) to the Scappoose Bay Watershed Council in a partnership with the City for natural enhancements of the 5th Street trail and Nob Hill Nature Park. Continued tracking all in-kind contributions from the City on this effort.
6. **OPRD – Local Government Grant Program** – 500k request submitted back in May 2020 for Riverwalk construction. Our project was recommended for approval for 338k! Less than 30% of the projects were successful and our project was right at the cut off line, which is why we were awarded less than our request. Grant agreements signed and authorized by Council.
7. **Certified Local Government – Historic Preservation Grant Program** – Prepared and uploaded online the outreach materials (solicitation letter, grant fact sheet, grant application, and attachments) for our 2021-2022 cycle. Letters went out to eligible property owners on 5/24 announcing that there is \$12k available with a 1 to 1 match

requirement and a grant deadline of 7/26. Projects will be scored by the Historic Landmarks Commission (PC) at their 8/10 meeting.

MISC

8. **Bennett Building** (Water Department/ UB) – New transom and storefront windows are being installed. Anticipated completion by 5/28/21.
9. **Riverwalk Design/Engineering** – Worked with Communications to plan for and prepare for the Open House on 5/19. Online survey and hardcopy surveys at Columbia View Park stage live 5/12 – 5/26. Monitored surveys at the park daily. Reviewed and provided feedback on survey materials, open house presentation materials, and press/outreach materials. Attended 2nd TAC meeting on 5/26 to discuss permitting strategy. Prepared Interpretive Signage Focus Group members. First of three meetings is on 6/3.
10. **Waterfront Streets/Utilities Design/Engineering** – Attending weekly check-ins and providing feedback regarding developer interviews, development code requirements as they relate to development concept planning, roadway alignment alternatives, and other aspects of the project. Continued conversations with potential developers of the site.
11. **Millard Road City-Owned Property Request for Proposals** - RFP approved by Council on 4/21. Advertised and published RFP on 4/22 and in the Oregon DJC on 4/23 & 4/26. Prepared summarized list of questions from potential developers and answers and posted onto City website. RFP will close on 6/11.
12. **Waterfront Video Project** – Attended regular meetings with production team. Helped coordinate interview with Columbia County Museum Association and the producer.
13. Assisted with issuing first ever **Parklet Permit** to Running Dogs Brewery. It is for 3 spaces in front of their business and approval is good for 6 months, assuming they can meet all required conditions of approval.

Jenny Dimsho, AICP

Associate Planner / Community Development Project Manager

City of St. Helens

(503) 366-8207

New email address jdimsho@sthelensoregon.gov