



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: City Council for Jan. 20, 2021 work session
FROM: Jacob A. Graichen, AICP, City Planner
RE: 2021 Development Code Amendments
DATE: January 13, 2021

Staff proposes a batch of code amendments this year, largely prompted by Oregon House Bill 2001. The requirements of this bill resulted in a thorough review of our Development Code so staff has included some related and some unrelated “housekeeping amendments.” Housekeeping amendments are basically a variety of code amendments that need updating since codes are “living documents” and always subject to improvement. We typically try to improve other provisions, as is practical, when something prompts a change like HB 2001 does.

Pursuant to SHMC 17.20.020(2)(b) the Council must approve the concept of legislative changes before a proposal can advance to the formal adoption process. Staff is seeking this approval so we can start the process and have ample time to meet the deadline of HB 2001.

Oregon HB 2001 requires cities of a certain size, including St. Helens, to allow duplexes (or two detached units) wherever detached-single family dwellings are allowed. St. Helens needs to change its development code to be effective by the end of June 2021.

The Commission discussed many details about this at their October 13, 2020, December 8, 2020, and January 12, 2021 meetings. The Council also discussed the overall issues at their November 4, 2020 meeting. The proposal has evolved based on the feedback from these meetings.

Please see attached summary of code changes by chapter. I will also conduct a presentation at the work session to help explain the concepts further.

Summary St. Helens 2021 Development Code Amendments by Chapter.

January 13, 2021 **DRAFT for City Council Review**

File #TBD

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Chapter 17.16 – **GENERAL AND LAND USE DEFINITIONS**

Updates to ADU and yard (setback) definitions per Oregon HB 2001 related amendments. Update to floodplain definition not captured by floodplain amendments of Chapter 17.46 SHMC last year.

Chapter 17.24 – **PROCEDURES FOR DECISION-MAKING – QUASI-JUDICIAL**

Minor fixes. Also, subdivision final plats require notice as a limited land use decision; this code amendment is years overdue.

Chapter 17.32 – **ZONES AND USES**

R-10, R-7, R-5 zones amended to allow 2 units per lot per Oregon HB 2001. May be a duplex or two detached single-family dwellings. Establishes distance requirements between buildings on the same property, which differs based on zoning. Removes ADUs from list of uses. Other related changes.

AR zone amended to allow 2 units per lot per Oregon HB 2001. May be a duplex or two detached single-family dwellings. Establishes distance requirements between buildings on the same property. Removes ADUs from list of uses. Also increases minimum lot size from 3,050 square feet and minimum lot width from 30' to 4,000 s.f. and 40', respectively. Currently, min. lot size and width is 5,000 s.f. and 50 feet for a duplex, so that is decreasing. Other related changes.

MHR zone amended to allow 2 units per lot per Oregon HB 2001. May be a duplex or two detached single-family dwellings. Establishes distance requirements between buildings on the same property. Removes ADUs from list of uses. Removes attached single-family dwellings from list of uses; few properties are zoned MHR and attached single-family dwelling lots would not be eligible for manufactured homes.

MU zone amended to allow 2 units per lot per Oregon HB 2001. May be a duplex or two detached single-family dwellings. Removes ADUs from list of uses. Other related changes. Also moves “residential facility” to conditional use category. Pursuant to ORS 197.667(2), a residential facility shall be a conditional use in any zone where multifamily residential uses are a conditional use. Multifamily is a conditional use in the MU zone; this fix makes this issue consistent with State law and the City’s other residential zoning districts.

RD-Mill and HBD zones amended by removing ADUs from list of uses. Removes fee in lieu of provision for off-street parking and landscaping. Improves language for 50% developed site off-street parking requirement exemption.

Chapter 17.40 – ZONES PROTECTIVE MEASURES FOR SIGNIFICANT WETLANDS, RIPARIAN CORRIDORS, AND PROTECTION ZONES

Amended to allow 2 units per lot per Oregon HB 2001 where one detached dwelling is referenced. Clarifies how rules apply for land partitions (i.e., creation of 2-3 parcels per calendar year), as has been practiced for years, which differs from subdivisions (i.e., creation of 4+ lots per calendar year).

Also removes wetland F-4 from the Type II wetland list. Wetland F-4 was officially determined to not be significant to the City via Ordinance 2895 (October 2003). Chapter 17.40 took effect on December 1, 2003, so Wetland F-4 should have never been listed. Wetland F-4 is between the wastewater treatment lagoon and the Multnomah Channel.

Will also need to update SHMC 19.20.060 to remove Wetland F-4 from the list

Chapter 17.56 – DENSITY COMPUTATIONS

Clarifies density calculations for lots, given the allowances per HB 2001.

Chapter 17.64 – ADDITIONAL YARD SETBACK REQUIREMENTS AND EXCEPTIONS

Improves language for clarity. Allows exterior side yard (setback) allowances for corner lots on the flanking street side like other allowances already in place for other yards (e.g., front and rear). Establishes min. 3' interior separation of buildings (other than between two detached single-family dwellings on the same lots per Chapter 17.32 SHMC which exceeds 3').

Chapter 17.68 – BUILDING HEIGHT LIMITATIONS – EXCEPTIONS

Adds River Way to the lists of streets that Scenic Resource Review is required. Staff believes its omission was an oversight of the past.

Chapter 17.80 – OFF-STREET PARKING AND LOADING REQUIREMENTS

Improves language for parking space size. Revises parking requirements per HB 2001. Provides clearer language about each space being independently functional.

Chapter 17.84 – ACCESS, EGRESS AND CIRCULATION

Changes access points (number of driveways) from one per residential lot (except for duplexes on corner lots), to a second one allowed per lot for any corner lot (not just duplex corner lots) when each is on a separate street, or when on-street parking is not allowed on both sides of the abutting street. Spacing standards still apply so two driveways along streets other than local streets will still be difficult. Attached single-family lots still restricted to one driveway in all cases.

Chapter 17.88 – **SIGNS**

Building code no longer addresses signage if it is not mounted on or related to a building. Taller signs will require footing and foundation details to ensure they will not become a falling hazard.

Chapter 17.96 – **SITE DEVELOPMENT REVIEW**

Improved language for chapter applicability.

Chapter 17.100 – **CONDITIONAL USE**

Language added to caretaker residence standards (related to industrial use) emphasizing one dwelling allowed.

Removal of travel trailer park standard that limits stay to 30 days. This cannot be enforced due to ORS 197.493.

Chapter 17.104 – **NONCONFORMING SITUATIONS**

Amended to put detached single-family dwellings and two-units on the same footing as necessary per HB 2001. Provides exceptions to interior yards between two detached single-family dwellings on the same property for legal accessory structure in place before a certain date; this is for the conversion of an accessory structure to a second detached single-family dwelling.

Chapter 17.108 – **VARIANCES**

Improves language for the exceptions allowed.

Chapter 17.128 – **AUXILIARY DWELLING UNITS**

This chapter is being deleted in its entirety. Since the City is electing to allow two detached single-family dwellings per lot given HB 2001, this chapter is moot.

Chapter 17.132 – **TREE REMOVAL**

Some very simple amendments.

Chapter 17.136 – **LAND DIVISION – SUBDIVISION**

Updating access control standards. Code references the long-used reserve strip. Language added to allow narrative on the plat that achieves the same purpose, which we have been doing for many years now. This is also the preferred method by the County.

Chapter 17.132 – **STREET AND UTILITY IMPROVEMENT STANDARDS**

Updates the City's skinny street standards, increasing the roadway width within a 40' wide right-of-way. Also, similar to the density standards, clarified language for calculation of dwelling units for cul-de-sac and skinny street allowance given HB 2001.