



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: City Council
FROM: Jacob A. Graichen, AICP, City Planner
RE: 2024 Development Code Amendments
DATE: May 28, 2024

Per SHMC 17.20.020(2)(b) the City Council must approve the concept for a legislative application to proceed. Code amendments are a legislative action.

Disclaimer: this memo is an aid but not a substitute for review of the actual text amendments proposed.

Basis for code amendments

1. **St. Helens Housing Needs Analysis (2019)** included a recommendation to allow cottage clusters, which is essentially multiple detached homes on a single property. Ordinance 3264 (2021) eliminated single family zoning allows two detached units where duplexes are allowed and established building separation requirements, neither of which was significantly controversial. This proposal takes this a step further by allowing multifamily development (3 or more units) in some cases to be detached, which would allow cottage cluster type development.

This also includes related changes to dwelling units in mixed use buildings, such as units above non-residential uses, on the same level as non-residential uses and those on ground level, depending on the zoning district.

This adds/amends many definitions in Chapter 17.16 SHMC, amends any zoning district that allows multifamily development (i.e., allows 3 or more dwelling units on a lot), and amends Site Development Review Chapter 17.96 SHMC, where the distinction between multifamily development (3 or more units on a lot) and multifamily structure (3 or more units in a building) become important.

Discussed:

- Planning Commission meeting on January 9, 2024, overall.
- Planning Commission meeting on February 23, 2024, specifically pertaining to the Plaza subdistrict of the Riverfront District zone.
- City Council/Planning Commission joint meeting on March 13, 2024, high level with some zoning/code history.
- Planning Commission meeting on April 9, 2024, review of draft code.
- Planning Commission meeting on May 14, 2024, review of draft code, continued.

Note that at the March 13, 2024 joint meeting, the Mayor suggested detached SROs, with separate SRO units and a separate kitchen (i.e., different buildings). Speaking to the Building Official the next day, he noted each building would need to meet energy code and accessibility would apply between buildings. This was discussed with the Planning Commission at their April 9, 2024 meeting, and the Commission was not in favor of it given low probability of such provisions being used and staff's concerns about extra complexity for these amendments.

2. **Measure 109 (2020)**, legalizing psilocybin for mental health purposes in the State of Oregon. As allowed by the measure, the city imposed a two-year moratorium, which is implemented by SHMC 5.08.010:

The establishment of psilocybin product manufacturers licensed under ORS 475A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the city of St. Helens.

This ordinance is repealed on December 31, 2024 and at the December 13, 2023 joint City Council / Planning Commission meeting, there was enough concern from those in attendance for staff to establish at least making psilocybin service centers—the place where people can obtain and consume psilocybin products—a conditional use in most commercial or mixed use zones, except for the Riverfront District.

This adds a definition to Chapter 17.16 and amends mixed use and commercial zones. Note that a psilocybin service center would not be allowed in the Riverfront District. This also adds the use to Chapter 17.100 regarding Conditional Uses and prohibits psilocybin manufacturing in conjunction with a service center.

Discussed:

- Joint City Council/Planning Commission meeting on December 13, 2023.
- City Council/Planning Commission joint meeting on March 13, 2024, high level.
- Planning Commission meeting on April 9, 2024, review of draft code.
- Planning Commission meeting on May 14, 2024, review of draft code, continued.

3. **House Bill 4064 (2022)** changes how cities can regulate manufactured homes and prefabricates structures. For example, the long-time prohibition of single-wide manufactured homes can no longer be enforced and premanufactured structures are a new thing. Code updates to comply with current law.

We can prohibit old residential trailers (constructed before January 1, 1962) or mobile homes (constructed between January 1, 1962 and June 15, 1976) outside of manufactured homes parks, but have to allow them within. On a related note, ORS 197.493 requires that RVs be allowed in manufactured homes parks, just like they would be allowed in RV parks.

This adds definitions to Chapter 17.16 SHMC, tweaks SHMC 17.32.090—the only zone that allows manufactured/mobile home parks—and amends Chapter 17.60, where there are provisions to help protect historic resources. Manufactured homes are not allowed within a historic district or abutting a property with a designated landmark (locally significant historic property). Noteworthy change to SHMC 17.96.020.

Discussed:

- City Council/Planning Commission joint meeting on March 13, 2024, high level.
- Planning Commission meeting on April 9, 2024, review of draft code.
- Planning Commission meeting on May 14, 2024, review of draft code, continued.

4. **House Bill 3109 (2021)** updates the states childcare facility law. For many years, there has been restrictions on local governments on how certain childcare is allowed in homes in residential area and this bill creates additional restrictions outside of residential areas, impacting other zonings.

Oregon law requires child-caring agencies to be licensed. Children's Care Licensing sets the licensing requirements for agencies that operate in Oregon and makes sure that agencies meet the requirements before receiving a license. There are two types: family child care home, which must be allowed and treated similarly to any single dwelling, and child care center which must be allowed in commercial and light industrial areas, generally.

This adds/amends definitions to Chapter 17.16 SHMC, and amends most zoning districts. Permit exemption clarified in SHMC 17.96.020 (Site Development Review) and added to SHMC 17.120.020 (Home Occupations).

Discussed:

- City Council/Planning Commission joint meeting on March 13, 2024, high level.
 - Planning Commission meeting on April 9, 2024, review of draft code.
 - Planning Commission meeting on May 14, 2024, review of draft code, continued.
5. Reexamination of **validity periods** for land use permits resulted in changes to be more consistent across the spectrum of land use permit types. See separate memo on this dated January 19, 2024 **attached**.

In addition, the proposal includes a 10-year time period to utilize a planned development overlay before it expires. Any existing overlay would expire 10 years after January 1, 2025.

Discussed:

- Planning Commission meeting on January 9, 2024, overall.
 - Planning Commission meeting on February 13, 2024, focusing on planned developments overlay zones
 - City Council/Planning Commission joint meeting on March 13, 2024, high level.
 - Planning Commission meeting on April 9, 2024, review of draft code.
 - Planning Commission meeting on May 14, 2024, review of draft code, continued.
6. **House Bill 4064 (2023)** adds single room occupancies (SROs) to the list of “needed housing” in the ORS and requires local governments to allow them. SROs are attached living units that are not complete dwelling units given shared kitchen or lavatory facilities.

This adds a definition to Chapter 17.16 SHMC, and amends most zoning districts that allow typical residential uses, establishes one off-street parking space requirement per unit (same standard that applies to a studio apartment) and note the applicability of Chapter 17.96 SHMC, the reference thereto being in the zoning district sections.

Discussed:

- Planning Commission meeting on January 9, 2024, overall.
 - City Council/Planning Commission joint meeting on March 13, 2024, high level.
 - Planning Commission meeting on April 9, 2024, review of draft code.
 - Planning Commission meeting on May 14, 2024, review of draft code, continued.
7. Housekeeping/scrivener’s errors. Notable things are:
- a. Improved definition of boathouse.
 - b. Clarification of Time Extension application notification requirements. Code is silent on this matter currently.
 - c. Removal of “catering to motorists” language in the MU, HC and GC zones due to its lack a clarity and impracticality of implementation.
 - d. Prior to alteration of official historic resources in Chapter 17.36, photographs or drawings of the pre-altered state are required. With the museum going digital, it makes sense to add the digital option.
 - e. Parking for public safety facility is being updated to include the area for public use.
 - f. Fixing provision that allows setback reduction and lot coverage increased for building additions/remodels with expansions, such that a building needs to exist for 5 years before the code relief is possible.

Discussed:

- City Council/Planning Commission joint meeting on March 13, 2024, but only mention of “catering to motorist” language.
- Planning Commission meeting on April 9, 2024, review of draft code.
- Planning Commission meeting on May 14, 2024, review of draft code, continued. *Note that 7.f was discussed for the first time at this meeting.*

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Changes by zoning district.

Suburban Residential – R-10

- Home child care redefined in permitted uses.
- Single room occupancy (4-6 units) added to permitted uses.
- Child day care center redefined in conditional uses.

Moderate Residential – R-7

- Home child care redefined in permitted uses.
- Single room occupancy (4-6 units) added to permitted uses.
- Child day care center redefined in conditional uses.

General Residential – R5

- Home child care redefined in permitted uses.
- Single room occupancy (4-6 units) added to permitted uses.
- Child day care center redefined in conditional uses.
- Multidwelling development (3 or more dwelling units) clarified as being attached or detached housing in conditional uses. Detached housing for 3+ units will be allowed for first time in St. Helens since inception of zoning in 1953.
- Single room occupancy (>6 units) added to conditional uses and same standards that apply to multifamily development (3 or more dwelling units) applies to this.

Apartment Residential – AR

- Home child care redefined in permitted uses.
- Multidwelling development (3 or more dwelling units) clarified as being attached or detached housing in permitted uses. Detached housing for 3+ units will be allowed for first time in St. Helens since inception of zoning in 1953.
- Single room occupancy (4-6 units) added to permitted uses.
- Child day care center redefined in conditional uses.
- Single room occupancy (>6 units) added to conditional uses and same standards that apply to multifamily development (3 or more dwelling units) applies to this.

Mobile Home Residential – MHR

- Home child care redefined in permitted uses.
- Mobile home park redefined in permitted uses.
- Single room occupancy (4-6 units) added to permitted uses.
- Child day care center redefined in conditional uses.
- Multidwelling development (3 or more dwelling units) clarified as being attached or detached housing in conditional uses. Detached housing for 3+ units will be allowed for first time in St. Helens since inception of zoning in 1953.
- Single room occupancy (>6 units) added to conditional uses and same standards that apply to multifamily development (3 or more dwelling units) applies to this.

- Within manufactured home parks, there is a 10' separation requirement between all buildings. This is being softened to allow accessory structures to be 6'. Also changing "separation" to "interior yard" which was the new building separation standard established by Ordinance No. 3264 in 2021.

Mixed Use – MU

- Child care center added to permitted uses (child day care center redefined and moved from conditional uses).
- Clarification that units above permitted uses (1-2 dwelling units) is attached housing and to distinguish from multifamily (3 or more dwelling units) in permitted uses.
- Home child care redefined in permitted uses.
- Removal of "catering to motorists" language for retail establishments in permitted uses.
- Single room occupancy (4-6 units) added to permitted uses. May be stand alone or units above permitted uses, but not on same level as non-residential use.
- Clarification that dwelling on same level as non-residential use applies to attached and detached housing in conditional uses.
- Clarification that multidwelling development (3 or more dwelling units) may attached or detached, except must be attached when above permitted uses in conditional uses. Detached housing for 3+ units will be allowed for first time in St. Helens since inception of zoning in 1953.
- Psilocybin service center added to conditional uses.
- Single room occupancy (>6 units) added to conditional uses. May be stand alone or units above permitted uses, but not on same level as non-residential use. Referencing the AR standards, the same standards that apply to multifamily development (3 or more dwelling units) applies to this.

Highway Commercial – HC

- Child care center added to permitted uses.
- Family child care home added to permitted uses.
- Removal of "catering to motorists" language for offices and retail establishments in permitted uses. This also results in removal of retail not catering to motorists in from the conditional uses.
- Further defining the limitations of dwelling units above permitted uses, that the maximum amount is 2 units and that such must be attached housing with no dwelling on the same level as a non-residential use. This is a conditional use.
- Psilocybin service center added to conditional uses.

General Commercial – GC

- Child care center added to permitted uses (child day care center redefined and moved from conditional uses).
- Clarification that units above permitted uses (1-2 dwelling units) is attached housing and to distinguish from multifamily (3 or more dwelling units) in permitted uses.
- Family child care home added to permitted uses.
- Removal of "catering to motorists" language for retail establishments in permitted uses.
- Further defining multidwelling development as a conditional use. Can only be attached housing (no cottage cluster type development) but may be on same level as nonresidential use.
- Psilocybin service center added to conditional uses.
- Single room occupancy (4 or more units) added to conditional uses. May be stand alone or units above permitted uses, but not on same level as non-residential use. Referencing the AR standards, the same standards that apply to multifamily development (3 or more dwelling units) applies to this.

Light Industrial – LI

- Child care center added to permitted uses (child day care center redefined and moved from conditional uses).

Heavy Industrial – HI
Public Lands – PL

- In all zoning districts that have “travel trailer park” as a listed use, that use is being renamed to “recreational vehicle park.” This affects other zones but is just a wording change, requested by the Planning Commission when reviewing early drafts of the codes amendments. This is the only reason the HI and PL zones are included in this batch of code amendments.

Riverfront District – RD, Marina Subdistrict

- Child care center added to permitted uses.
- Clarification that units above permitted uses (1-2 dwelling units) is attached housing and to distinguish from multifamily (3 or more dwelling units) in conditional uses.
- Family child care home added to permitted uses.
- Further defining multidwelling development as a conditional use. Can only be attached housing (no cottage cluster type development) and shall not be on same level as nonresidential use.
- Single room occupancy (4 or more units) added to conditional uses. May be stand alone or units above permitted uses, but not on same level as non-residential use. Referencing the AR standards, the same standards that apply to multifamily development (3 or more dwelling units) applies to this.

Riverfront District – RD, Plaza Subdistrict

- No change to prohibition of residential use on ground floor, except for official historic buildings.
- Clarification that units above permitted uses is attached housing and, a dwelling unit on the same level as nonresidential use is a conditional use.
- Single room occupancy (4 or more units) added to permitted uses. Shall be units above permitted uses and not on same level as non-residential use. Uses the same standard specific to this zoning district for density as dwelling units (i.e., per 500 s.f. of non-residential use area) and the same standards that apply to multifamily development (3 or more dwelling units) applies to this.
- Family child care home and child care center added to permitted uses. Child care removed from conditional uses.

Riverfront District – RD, Mill Subdistrict

- Clarification that multidwelling development (3 or more dwelling units) must be attached housing (no cottage clusters) in permitted uses.
- Single room occupancy (4 or more units) added to permitted uses, including residences above nonresidential uses. Not allowed on same level as non-residential use and the same standards that apply to multidwelling development (3 or more dwelling units) applies.
- Family child care home added to permitted uses.
- Child care center added to permitted uses (child day care center redefined and moved from conditional uses).
- Dwelling (attached housing only) on same level as non-residential use added to conditional uses.

Houlton Business District – HBD

- Clarification that units above permitted uses (1-2 dwelling units) is attached housing and to distinguish from multifamily (3 or more dwelling units) in permitted uses.
- Single room occupancy (4-6 units) added to permitted uses.

- Child care center added to permitted uses (child day care center redefined and moved from conditional uses.
- Family child care home added to permitted uses.
- Clarification that dwellings on the same level as non-residential use applies to both detached or attached housing in conditional uses.
- Clarification that multidwelling development (3 or more dwelling units on a lot) may be attached or detached housing, except is attached housing when above non-residential use in conditional uses. Detached housing for 3+ units will be allowed for first time in St. Helens since inception of zoning in 1953. Also, when above non-residential use, the density is based on the AR zone standards, a change from per 500 square feet of non-residential area.
- Psilocybin service center added to conditional uses.
- Single room occupancy (>6 units) added to conditional uses. May be stand alone or units above permitted uses, but not on same level as non-residential use. Referencing the AR standards, the same standards that apply to multifamily development (3 or more dwelling units) applies to this.

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Special notice considerations per ORS 227.186

Special notice considerations per ORS 227.186: For the single-room occupancy could be argued that none required as no new restriction to previously allowed uses given single-room occupancy not addressed at all in code. It could also be argued that under current code, it is just single dwelling with many rooms. Will be best to send notice to prevent legal challenge.

Also, the commercial and mixed use zoned are being better defined as to attached and detached housing, which could also trigger the notice.

And, affected planned development overlay properties are zoned residential, and the code established 10-year time period is a certain basis for special notice.

This impacts the following zoning districts:

R-10, R-7, R-5, AR, MHR, MU, GC, RD-Marina, RD-Plaza, Rd-Mill (city owned), and HBD.

The **HC** zone is silent as to density and it being defined and restricted to two units, this notice applies to this zone for this reason, differing from the above.

The Light Industrial zoning district is also impacted by these code amendments but only related to the child care use amendments, which results in lesser regulatory burden. No special notice needed for the **LI** zone.

The **HI** and **PL** zones are included but only because of a name change of “travel trailer park” to “recreational vehicle park” with no significant regulatory change. No special notice needed.

In summary, all affected zoning districts will require special notice except the LI, HI and PL zones.

* * * * *

Attached:

- Memo to Planning Commission and City Council dated January 19, 2024 regarding land use decision validity periods
- Table of Long Term Residential Uses by Zoning District – 2024 Code Amendment Proposal
- Draft code amendments dated May 17, 2024



CITY OF ST. HELENS PLANNING DEPARTMENT

M E M O R A N D U M

TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner
RE: Land Use Decision Validity Periods – review to determine if changes are warranted
DATE: January 9, 2024

<i>Land Use Decision</i>	Default Validity Period	Time Extension Period	Total Validity with Extension(s)	Code Section
<i>Sensitive Lands</i>	1.5 years	1 year	2.5 years	SHMC 17.44.030
<i>Sign Permit</i>	6 months	“Reasonable” ¹	Unknown	SHMC 17.88.130 (6)
<i>Site Development Review</i>	1 year	6 months	1.5 years	SHMC 17.96.040
<i>Site Development Review (Phased)</i> ²	Each phase: 1 year	6 months	3 years	SHMC 17.96.050
<i>Conditional Use</i>	1.5 years	1 year	2.5 years	SHMC 17.100.030
<i>Variance</i>	1 year	1 year	2 years	SHMC 17.108.040
<i>Accessory Structure</i>	1.5 years	1 year	2.5 years	SHMC 17.124.050
<i>Tree Removal</i>	1.5 years	1 year	2.5 years	SHMC 17.132.050
<i>Subdivision</i>	1 year	2 extensions at 1 year each	4 years	SHMC 17.136.040
<i>Subdivision (Phased)</i> ³	Each phase: 2 years	2 extensions at 1 year each	6 years	SHMC 17.136.050
<i>Partition</i>	1 year	6 months	1.5 years	SHMC 17.140.035
<i>Planned Development</i>	1.5 years	1 years	2.5 years	SHMC 17.148.030
<i>Planned Development (Phased)</i> ⁴	Each phase: 2 years	2 extensions at 1 year each	7 years	SHMC 17.148.100

¹An approved sign shall be constructed and installed within six months of the final approval of the permit, including resolution of any appeal. The sign permit shall be void if installation is not completed within this period or if the sign does not conform to the approved permit. Sign permits mistakenly issued in violation of this chapter or other provisions of this code are void. The planning director may grant a **reasonable extension of time** for the installation deadline upon a showing of reasonable grounds for delay.

²The director may approve a time schedule for developing a site in phases over a period of time of one year, but in no case shall the total time period for all phases be greater than **three years** without reapplying for site development review.

³The planning commission may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than **two years** (unless an extension is granted) without reapplying for a preliminary plat, nor the cumulative time exceed **six years** (regardless of extensions) without applying for a new preliminary plat.

⁴The commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than **seven years** without reapplying for preliminary development plan review.

S C A P P O O S E , O R

Land Use Decision	Default Validity Period	Time Extension	Total Validity Period
<i>Sensitive Lands</i>	1 year	6 months	1.5 years
<i>Site Development Review</i>	1 year	1 year	2 years
<i>Site Development Review (Phased)</i>	1 year	1 year	3 years
<i>Conditional Use</i>	1 year	1 years	2 years
<i>Conditional Use (Phased)</i>	1 year	1 year	3 years
<i>Variance</i>	1 year	1 year	2 years
<i>Subdivision</i>	1 year	1 year	2 years
<i>Subdivision (Phased)</i>	Each phase: 2 years	1 year	5 years
<i>Partition</i>	1 year	1 year	2 years
<i>Planned Development (Overlay Zone)</i>	1 year	6 months	1.5 years

S A N D Y , O R

Land Use Decision	Default Validity Period	Time Extension	Total Validity Period
<i>Site Development Review</i>	2 years	1 year	3 years
<i>Conditional Use</i>	2 years	1 year	3 years
<i>Variance</i>	2 years	1 year	3 years
<i>Subdivision</i>	2 years	1 year	3 years
<i>Partition</i>	1 year	N/A	1 year

C O R N E L I U S , O R

Land Use Decision	Default Validity Period	Time Extension	Total Validity Period
<i>Site Development Review</i>	2 years	N/A	2 years
<i>Conditional Use</i>	2 years	N/A	2 years
<i>Variance</i>	1 year or 2 years (if COA)	N/A	2 years
<i>Subdivision</i>	1 year	1 year	2 years
<i>Subdivision (Phased)</i>	Each phase: 1 year	1 year for each phase	5 years
<i>Partition</i>	1 year	1 year	2 years
<i>Planned Development (With Subdivision)</i>	1 year	1 years	2 years

Long Term Residential Uses by Zoning District – 2024 Code Amendment Proposal

Zone Use	R10	R7	R5	AR	MHR	MU	RD, Marina	RD, Plaza	RD, Mill	HBD	GC	HC	LI	HI	PL
1-2 Units Attached/Detached	P/P	P/P	P/P	P/P	P/P	P/P	N/N	N/N ¹	N/N	P/P	N/N	N/N	N/N	N/N	N/N
3+ Units Attached/Detached (Proposed)	N/N	N/N	C/N (C/C)	P/N (P/P)	C/N (C/C)	C/N (C/C)	C/N	N/N	P/N	C/N (C/C)	C/N	N/N	N/N	N/N	N/N
1-2 Units Upper Floors ² (Proposed)	N	N	N	N	N	S (P)	S (P)	P	P	S (P)	S (P)	S (C)	N	N	N
3+ Units Upper Floors ² (Proposed)	N	N	N	N	N	S (C)	S (C)	P	P	S (C)	S (C)	S (N)	N	N	N
Single Room Occupancy (Proposed)	S (P 4-6)	S (P 4-6)	S (P 4-6) (C > 6)	S (P 4-6) (P > 6)	S (P 4-6) (C > 6)	S (P 4-6) (C > 6)	S (C > 4)	S (P > 4) Upper Only)	S (P > 4)	S (P 4-6) (C > 6)	S (C > 6)	S (N)	N	N	N
Unit, Same Level as Non-Residential (Proposed) (DU-Attached/Detached)	N	N	N	N	N	C (C/C DU) (N SRO)	S (N/N DU) (N SRO)	S (C ³ /N DU) (N SRO)	S (C/N DU) (N SRO)	C (C/C DU) (N SRO)	S (C/N DU) (N SRO)	S (N)	N	N	N
Attached SFD	N	N	P	P	N	P	N	N	P	P	N	N	N	N	N
M Home Park	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N
RV Park	N	N	N	N	C	C	C	N	N	N	C	C	C	C	C
Houseboat	N	N	N	N	N	N	P	N	P	N	N	N	N	N	N
Caretaker	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N

¹ Except for historic residential structures ³ Except not allowed on first floor

² Attached housing all zones

P - Permitted
N - Not Allowed

C - Conditional Use
S - Silent

DU - Dwelling Unit
SRO - Single Room Occupancy

Zoning Districts

R-10: Suburban residential

R7: Moderate residential

R5: General residential

AR: Apartment residential

MHR: Mobile home residential

MU: Mixed use

RD: Riverfront district (Marina, Plaza, and Mill subdistrict)

HBD: Houlton business district

GC: General commercial

HC: Highway commercial

LI: Light industrial

HI: Heavy industrial

PL: Public lands

The official zoning map can be found here: <https://www.sthelensoregon.gov/planning/page/zoning-maps-gis>

Zoning information can also be found here: <http://webgis.metroplanning.com/sainthelensgis/sainthelensgis.html>

underlined words are added
~~words-stricken~~ are deleted

[...] means skipping text as it reads in the code (e.g., to focus on text being edited in this document)

CHAPTER 17.16 GENERAL AND LAND USE DEFINITIONS

[...]

17.16.010 General and land use definitions.

Words used in this Development Code have their normal dictionary meaning unless they are listed below. Words listed below have the specific meaning stated, unless the context clearly indicates another meaning.

The definition of words with specific meaning in the Development Code are as follows:

[...]

“Boathouse” means any structure supported wholly or partially by flotation, used wholly or partially to ~~houseboat(s)~~ house or shelter a boat or boats, or other waterborne vessel(s). See floating structures ordinance Chapter 15.16 SHMC.

[...]

“Child care center” means a child care facility, other than a family child care home, that is certified under ORS 329A.280.

“~~Child care facility~~” means ~~a commercial establishment enrolling children under the age of 13 years and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a child care center (also “day care,” “children’s center,” “day nursery”)~~ any facility that provides child care to children, including day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name, and as further defined by ORS 329A.440.

[...]

“Dwelling: multidwelling units, apartment (multifamily)” means three or more dwelling units on a single lot or development site. It is considered attached housing when a structure containing contains at least three dwelling units in any vertical or horizontal arrangement located on a single lot (e.g., town house, triplex, apartments and condominiums). It is considered detached housing when dwelling units are in structures detached from one another. If there are other uses or occupancies on the same lot or development site, such as a mixed use building, it is still considered a multidwelling unit development or use in addition to the others.

[...]

~~“Family Day Care Facility. See “home child care.”~~ home” means a child care facility in a dwelling that is caring for not more than sixteen children and is certified under ORS 329A.280 or is registered under ORS 329A.330.

[...]

~~“Home child care” means any care provider who provides care to children under the age of 13 years in the home of the provider to fewer than 13 children, including children of the provider, regardless of full-time or part-time status (also “family day care”).~~

[...]

“Manufactured dwelling” means a residential trailer, mobile home, or manufactured home, but not including any building or structure ~~subject~~ constructed to conform to the State of Oregon structural specialty code adopted pursuant to ORS 455.100 through 455.450 or the low-rise residential dwelling code or any unit identified as a recreational vehicle by the manufacturer.

[...]

“Multidwelling structure” or “multidwelling unit structure” means a structure containing at least three dwelling units in any vertical or horizontal arrangement. If there are other uses or occupancies within the same structure, it is still considered a multidwelling structure in addition to the others.

[...]

“Prefabricated structure” means a structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling. It is a building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site. It does not mean a **manufactured dwelling** or small home as defined in Section 2, Chapter 401, Oregon Laws 2019.

[...]

“Psilocybin service center” has the meaning described in ORS 475A.220.

[...]

“Recreational vehicle park” means a park where four or more recreational vehicles and/or travel trailers are located within 50 feet of one another on a lot, tract, or parcel under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or for the rental or use of facilities.

[...]

“Residential trailer” means a structure constructed for movement on public streets that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

[...]

“Single room occupancy” means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary and/or food preparation facilities with other units in the occupancy.

[...]

“Travel trailer” means a portable vehicular structure not built to the ~~UBC~~ State Building Code, Manufactured Housing Construction and Safety Standards Code, or the Mobile Home Design and Construction Standard, designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, fully licensed and ready for highway use, and including but not limited to travel and camping trailers, truck campers, and motor homes. Also see “recreational vehicle.”

~~“Travel trailer park” means a park where four or more travel trailers are located within 50 feet of one another on a lot, tract, or parcel under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or for the rental or use of facilities.~~

[...]

CHAPTER 17.24 PROCEDURES FOR DECISION-MAKING – QUASI-JUDICIAL

[...]

17.24.120 Notice of decision by the director.

(1) Notice of the director’s decision on an application pursuant to SHMC 17.24.090 shall be given by the director in the following manner:

[...]

(4) For decisions of time extensions, notice requirements are the same as the corresponding application type.

~~(4)~~ (5) If not listed in subsection (1) ~~or (4)~~ of this section, no notice of a director’s decision is required (e.g., final plat partitions, building permits).

[...]

17.24.130 Notice of planning commission, historic landmark commission and city council proceedings.

[...]

(3) Time extensions of decisions by the planning commission, historic landmark commission, and/or city council, shall be administered by the director per SHMC 17.24.120. Those entitled to notice shall still be per this Section.

~~(3)~~ (4) Where applicable, other notices required by law shall be accomplished.

[...]

**CHAPTER 17.32
ZONES AND USES**

[...]

17.32.050 Suburban residential zone – R-10.

[...]

(2) Uses Permitted Outright. In an R-10 zone, the following uses are permitted outright:

(a) Duplex.

(b) ~~Home child care~~ Family child care home in lawfully existing dwelling.

(c) Home occupation (per Chapter 17.120 SHMC).

(d) Public facilities, minor.

(e) Public park after site development review.

(f) Residential home.

(g) Single-dwelling unit, detached. Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.

(h) Single room occupancy, maximum of six units.

(3) Conditional Uses (See Chapter 17.100 SHMC). In an R-10 zone, the following conditional uses may be permitted upon application:

(a) ~~Children's day care or day nursery~~ Child care center.

[...]

17.32.060 Moderate residential zone – R7.

[...]

(2) Uses Permitted Outright. In an R-7 zone, the following uses are permitted outright:

(a) Duplex.

(b) ~~Home child care~~ Family child care home in lawfully existing dwelling.

(c) Home occupation (per Chapter 17.120 SHMC).

- (d) Public facilities, minor.
- (e) Public park after site development review.
- (f) Residential home.
- (g) Single-dwelling unit, detached. Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.
- (h) Single room occupancy, maximum of six units.

(3) Conditional Uses (See Chapter 17.100 SHMC). In an R-7 zone, the following conditional uses may be permitted upon application:

- (a) Bed and breakfast, homestay, boarding house.
- (b) ~~Children's day care/day nursery~~ Child care center.

[...]

17.32.070 General residential zone – R-5.

[...]

(2) Uses Permitted Outright. In an R-5 zone, the following uses are permitted outright:

- (a) Duplex.
- (b) ~~Home child care~~ Family child care home in lawfully existing dwelling.
- (c) Home occupation (per Chapter 17.120 SHMC).
- (d) Public facility, minor.
- (e) Public park.
- (f) Residential home.
- (g) Single-dwelling units, attached (five units maximum together).
- (h) Single-dwelling unit, detached. Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.
- (i) Single room occupancy, maximum of six units.

(3) Conditional Uses (See Chapter 17.100 SHMC). In an R-5 zone, the following conditional uses may be permitted upon application:

- (a) Bed and breakfast, homestay, and boarding house.
- (b) ~~Children's day care/day nursery~~ Child care center.
- (c) Commercial recreation facility.
- (d) Cultural exhibits and library services.
- (e) Neighborhood store/plaza.
- (f) Multidwelling units, which may be attached housing and/or detached housing.
- (g) Elderly/convalescent home.
- (h) Private park.
- (i) Public facilities, major.
- (j) Public safety facilities.
- (k) Religious assembly.
- (l) Residential facility.
- (k) Single room occupancy with more than six units.

(4) Standards. In the R-5 zone, the following standards shall apply:

(a) For dwellings, the minimum lot size shall be 5,000 square feet for the single-dwelling unit, detached, and duplex uses and 2,500 square feet for each single-dwelling unit, attached (maximum of five units together). For multidwelling units, use 5,000 square feet as base plus 2,500 square feet for each multidwelling unit thereafter. For single room occupancy, the minimum lot size for up to six units is 5,000 square feet, and based on the same minimum lot size for multidwelling units, as determined by the number of units, for more than six single room occupancy units.

(b) The maximum building height shall be 35 feet except as required in SHMC 17.68.040.

(c) The minimum lot width at the building line and street shall be 50 feet for detached units, and duplexes, and single room occupancy. For attached single-dwelling units the width shall be at least 25 feet wide each. No minimum for multidwelling unit lots. For flag lots the width at the street shall be a minimum of 20 feet.

[...]

(g) No side yard shall be less than five feet wide for single-dwelling, detached, duplexes, and single-dwelling, attached structures, and single room occupancy structures with no more than six units and 10 feet for multidwelling structures and single room occupancy structures with more than six units. Corner lots shall have a minimum exterior side yard of 10 feet.

(h) The minimum rear yard depth shall be 10 feet.

(i) The minimum interior yard shall be six feet. Multidwelling units and single room occupancy structures with more than six units shall also comply with SHMC 17.96.180(11).

(j) The minimum front and side yards or other setbacks as stated herein shall be increased where such yard or setbacks abut a street having insufficient right-of-way widths to serve the area; in such cases, the planning commission shall determine the necessary setback requirements.

(k) Buildings and structures shall not occupy more than 40 percent of the lot area except for single attached, and multidwelling units, and single room occupancy structures with more than six units which can be up to 50 percent.

(l) No lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92 shall have more than one principal building constructed thereon, except for multidwelling structures units, single room occupancy with more than six units, and as otherwise allowed in this section.

(m) The minimum landscaping for dwellings other than multidwellings units and single room occupancy with more than six units shall be 25 percent of the lot area.

(5) All chapters of the Development Code apply.

(a) See Chapter 17.64 SHMC for additional yard requirements and exceptions.

(b) SHMC 17.96.180 includes many site development standards specific to multidwelling units. The same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply to single room occupancy development with more than six units.

[...]

17.32.080 Apartment residential zone – AR.

[...]

(2) Uses Permitted Outright. In an AR zone, the following uses are permitted outright:

- (a) Duplex.
- (b) ~~Home child care~~ Family child care home in lawfully existing dwelling.
- (c) Home occupation (per Chapter 17.120 SHMC).
- (d) Multidwelling units, which may be attached housing and/or detached housing.
- (e) Public facility, minor.
- (f) Public park.
- (g) Residential facility.
- (h) Residential home.
- (i) Single-dwelling unit, attached residential units (five units maximum together).
- (j) Single-dwelling unit, detached residential units. Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.
- (k) Single room occupancy, maximum of six units.
- (l) Single room occupancy with more than six units.

(3) Conditional Uses (See Chapter 17.100 SHMC). In an AR zone, the following conditional uses may be permitted upon application:

- (a) Bed and breakfast, homestay, and boarding house.
- (b) ~~Children's day care/day nursery~~ Child care center.

[...]

(4) Standards. In the AR zone, the following standards shall apply:

- (a) For dwellings the minimum lot size shall be 4,000 square feet for single-dwelling, detached units and duplexes ~~uses~~; 1,600 square feet minimum lot size for single-dwelling, attached units each (maximum of five units together); and 1,500 square feet minimum lot size for each multidwelling unit over the base of 4,000 square feet for the first two units (with no maximum). For single room occupancy, the minimum lot size for up to six units is 4,000 square feet and based on the same minimum lot size for multidwelling units, as determined by the number of units, for more than six single room occupancy units
- (b) The minimum front yard shall be 20 feet.
- (c) For single-dwelling, detached units, ~~and~~ duplexes, and single room occupancy the minimum lot width at the street and building line shall be 40 feet and no minimum for multidwelling unit lots; for flag lots and single attached dwelling units the minimum lot width at the street is 20 feet.
- (d) The minimum lot depth shall be 85 feet, except single-dwelling units, attached shall be 80 feet.
- (e) No side yard shall be less than five feet wide for single-dwelling, detached, duplexes, ~~and~~ single-dwelling, attached structures, and single room occupancy structures with no more than six units and 10 feet for multidwelling structures and single room occupancy structures with more than six units. Corner lots shall have a minimum exterior side yard of 10 feet.
- (f) The minimum rear yard depth shall be 10 feet.
- (g) The minimum interior yard shall be six feet. Multidwelling units and single room

occupancy structures with more than six units shall also comply with SHMC 17.96.180(11).

[...]

(k) No lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92 shall have more than one principal building constructed thereon, except for multidwelling ~~structures~~ units, single room occupancy with more than six units, and as otherwise allowed in this section.

(l) The minimum landscaping shall be 25 percent of the lot area except for multidwelling units ~~structures~~ and single room occupancy with more than six units.

(5) All chapters of the Development Code apply.

(a) See Chapter 17.64 SHMC for additional yard requirements and exceptions.

(b) SHMC 17.96.180 includes many site development standards specific to multidwelling units. The same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply to single room occupancy development with more than six units.

[...]

17.32.090 Mobile home residential zone – MHR.

[...]

(2) Uses Permitted Outright. In the MHR zone, the following uses are permitted outright:

(a) Duplex.

(b) ~~Home child care~~ Family child care home in lawfully existing dwelling.

(c) Home occupation (per Chapter 17.120 SHMC).

(d) Manufactured dwelling (~~M~~mobile home) parks.

(e) Public parks.

(f) Public facility, minor.

(g) Residential home.

(h) Single-dwelling unit, detached. Up to two may be allowed per lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.

(i) Single room occupancy, maximum of six units.

(3) Conditional Uses (See Chapter 17.100 SHMC). In the MHR zone, the following conditional uses may be permitted upon application:

(a) Bed and breakfast, homestay, and boarding house.

(b) ~~Children's day care or day nursery~~ Child care center.

(c) Community recreation including structures.

(d) Neighborhood store/plaza.

(e) Multidwelling units, which may be attached housing and/or detached housing.

(f) Private park.

(g) Public facilities, major.

(h) Public or private school or college.

- (i) Recreational vehicle park.
- ~~(j)~~ (j) Religious assembly.
- ~~(k)~~ (k) Residential facility.
- ~~(l)~~ (l) Sanitarium, rest home, senior or convalescent care facilities.
- (m) Single room occupancy with more than six units.
- ~~(n) Travel trailer parks.~~

[...]

17.32.095 Mixed use zone – MU.

[...]

(2) Uses Permitted Outright. In an MU zone, the following uses are permitted outright subject to the provisions of this code and especially the chapter on site development review (Chapter 17.96 SHMC):

- (a) Animal sales and services: grooming, kennels, retail and veterinary (small animals).
- (b) Car washes.
- (c) Child care center.
- ~~(d)~~ (d) Congregate housing.
- ~~(e)~~ (e) Continuing care retirement community.
- ~~(f)~~ (f) Cultural and library services.
- ~~(g)~~ (g) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses if no more than two dwelling units and is attached housing. If more than two dwelling units above permitted uses, see SHMC 17.32.095(3) for multidwelling units.
- ~~(h)~~ (h) Eating and drinking establishments.
- ~~(i)~~ (i) Equipment (small) sales, rental and repairs.
- (j) Family child care home in lawfully existing dwelling.
- ~~(k)~~ (k) Financial institutions.
- ~~(l)~~ (l) Hardware store, without outdoor storage.
- ~~(m)~~ ~~Home child care.~~
- ~~(n)~~ (m) Home occupation (per Chapter 17.120 SHMC).
- ~~(o)~~ (n) Hotels and motels.
- ~~(p)~~ (o) Offices – all.
- ~~(q)~~ (p) Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.
- ~~(r)~~ (q) Plumbing, HVAC, electrical and paint sales and service, without outdoor storage.
- ~~(s)~~ (r) Produce stands.
- ~~(t)~~ (s) Public facility, minor.
- ~~(u)~~ (t) Repair and maintenance of permitted retail products.
- ~~(v)~~ (u) Residential home.
- ~~(w)~~ (v) Retail sales establishments, ~~not specifically catering to motorists.~~
- (w) Single room occupancy, maximum of six units. May be stand alone or units above permitted uses but shall not be on the same level as nonresidential use.
- ~~(x)~~ (x) Studios.
- ~~(y)~~ (y) Theaters, except drive-ins.

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

[...]

(f) Businesses with outdoor storage (those businesses permitted in subsection (2) of this section).

~~(g) Child care facility/day nursery.~~

~~(h) (g) Drive-up businesses and services.~~

~~(i) (h) Dwellings on same level as nonresidential use. This applies to both attached housing and detached housing.~~

~~(j) (i) Funeral homes.~~

~~(k) (j) Hospitals and senior or convalescent care facilities.~~

~~(l) (k) Laundromats and dry cleaners.~~

~~(m) (l) Lodge, fraternal and civic assembly.~~

~~(n) (m) Lodging facilities or rooming house.~~

~~(o) (n) Marijuana retailer and/or medical marijuana dispensary.~~

~~(p) (o) Multidwelling units, which may be attached housing and/or detached housing, except dwelling units above permitted uses shall be attached housing.~~

~~(q) (p) Nurseries and greenhouses.~~

~~(r) (q) Parking lots.~~

~~(s) (r) Parks, public and private.~~

~~(t) (s) Pawn shops.~~

~~(u) (t) Psilocybin service center.~~

(u) Public and private schools.

(v) Public facilities, major.

(w) Public safety facilities.

(x) Recreation facilities (public or private).

~~(y) (x) Recreational vehicle park.~~

~~(z) (y) Religious assembly, including cemeteries.~~

~~(aa) (z) Residential facility.~~

~~(ab) (aa) Shopping centers.~~

~~(ac) (ab) Single room occupancy with more than six units. May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.~~

~~(ad) (ac) Travel trailer parks.~~

~~(ae) (ad) Vehicle repair, service, and sales.~~

[...]

(4) Standards. In the MU zone the following standards shall apply:

[...]

(e) Multidwelling units, ~~and~~ dwelling units and single room occupancy units above

permitted uses, and single room occupancy with more than six units ~~must~~ shall comply with AR standards and other applicable sections of this code. Except, for structures with units above permitted uses, the yard (setback) that applies is based on the use of the first (ground level) floor.

(f) Single-dwelling units, attached or detached, ~~and~~ duplexes, and single room occupancy, maximum of six units shall comply with R-5 standards.

[...]

17.32.100 Highway Commercial – HC.

(1) Purpose. The HC zone is intended to ~~recognize the existing~~ focus on commercial development along ~~Highway 30~~ Columbia River Highway (US30) ~~and to limit future commercial activity to retail concerns, activities that cater to motorists, and firms that deal in large goods and require unusual amounts of space.~~

(2) Uses Permitted Outright. In an HC zone, the following uses are permitted outright subject to the provisions of this code and in particular the chapter on site development review (Chapter 17.96 SHMC):

[...]

(e) Car washes.

(f) Child care center.

~~(g)~~ (g) Drive-up facilities (see specific requirements in Chapter 17.100 SHMC).

~~(g)~~ (h) Eating and drinking establishments, including drive-up and carry-out.

(i) Family child care home in lawfully existing dwelling.

~~(h)~~ (j) Financial institutions, including drive-through (see specific requirements in Chapter 17.100 SHMC).

~~(k)~~ (k) Gasoline stations.

~~(l)~~ (l) Home occupation (per Chapter 17.120 SHMC).

~~(m)~~ (m) Motels and hotels.

~~(n)~~ (n) Motor vehicle sales, service and repair.

~~(o)~~ (o) Nurseries and greenhouses.

~~(p)~~ (p) Offices ~~catering to motorists (e.g., insurance claims)~~ all.

~~(q)~~ (q) Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.

~~(r)~~ (r) Parking lot.

~~(s)~~ (s) Plumbing, HVAC, electrical and paint sales and service.

~~(t)~~ (t) Produce stands.

~~(u)~~ (u) Public facility, minor.

~~(v)~~ (v) Retail sales establishments, ~~specifically catering to motorists, including drive-in.~~

~~(w)~~ (w) Retail sales of large equipment items and repair and maintenance concerns that conduct business completely within an enclosed building except for outdoor storage.

~~(x)~~ (x) Shopping plaza (permitted businesses only).

~~(y)~~ (y) Small equipment rentals, sales and repair.

~~(z)~~ (z) Theaters, except drive-ins.

~~(aa)~~ (aa) Tire shops within an enclosed building.

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

[...]

(b) Dry cleaners and laundromats.

(c) Dwelling units above ~~outright~~ permitted uses provided the number of dwelling units does not exceed two on a single lot or development site, is attached housing, and no dwelling unit is on same level as nonresidential use.

[...]

(g) Parks.

(h) Psilocybin service center.

~~(i)~~ (i) Public facilities, major.

~~(j)~~ (j) Recreation facilities.

(k) Recreational vehicle park.

~~(l)~~ (l) Religious assembly.

~~(k) Retail establishments not directly catering to motorists.~~

~~(m)~~ (m) Schools.

~~(n)~~ (n) Shopping centers (can include all retail, personal services, professional services, medical, and dental offices).

~~(n) Travel trailer parks.~~

[...]

17.32.110 General Commercial – GC.

(1) Purpose. The GC zone is intended to provide for a broad range of commercial operations and services required for the proper and convenient functioning of commercial activities serving the general public locally and regionally ~~but not specifically the traveling motorists.~~

(2) Uses Permitted Outright. In a GC zone, the following uses are permitted outright subject to the provisions of this code and especially the chapter on site development review (Chapter 17.96 SHMC):

[...]

(a) Animal sales and services: grooming, kennels, retail, veterinary (small animals), and veterinary (large animals).

(b) Car washes.

(c) Child care center.

~~(d)~~ (d) Cultural and library services.

~~(e)~~ (e) Dwellings above permitted uses ~~(use AR standards)~~ provided the number of dwelling units does not exceed two on a single lot or development site, is attached housing, and

no dwelling unit is on same level as nonresidential use. If more than two dwelling units above permitted uses, see SHMC 17.32.110(3) for multidwelling units.

- ~~(e)~~ (f) Eating and drinking establishments.
- ~~(f)~~ (g) Equipment (small) sales, rental and repairs.
- (h) Family child care home in lawfully existing dwelling.
- ~~(g)~~ (i) Financial institutions.
- ~~(h)~~ (j) Hardware store, without outdoor storage.
- ~~(i)~~ (k) Historic structures (as listed in the comprehensive plan).
- ~~(j)~~ (l) Home occupation (per Chapter 17.120 SHMC).
- ~~(k)~~ (m) Hotels and motels.
- ~~(l)~~ (n) Offices – all.
- ~~(m)~~ (o) Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.
- ~~(n)~~ (p) Plumbing, HVAC, electrical and paint sales and service, without outdoor storage.
- ~~(o)~~ (q) Produce stands.
- ~~(p)~~ (r) Public facility, minor.
- ~~(q)~~ (s) Repair and maintenance of permitted retail products.
- ~~(r)~~ (t) Retail sales establishments, ~~not specifically catering to motorists.~~
- ~~(s)~~ (u) Studios.
- ~~(t)~~ (v) Theaters, except drive-ins.

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

[...]

- (f) Businesses with outdoor storage (those businesses permitted in subsection (2) of this section).
- ~~(g) Child care facility/day nursery.~~
- ~~(h)~~ (g) Congregate housing.
- ~~(i)~~ (h) Drive-up businesses and services (including those associated with food/restaurants).
- ~~(j)~~ (i) Funeral homes.
- ~~(k)~~ (j) Hospitals and senior or convalescent care facilities.
- ~~(l)~~ (k) Laundromats and dry cleaners.
- ~~(m)~~ (l) Lodge, fraternal and civic assembly.
- ~~(n)~~ (m) Lodging facilities or rooming house.
- ~~(o)~~ (n) Marijuana retailer and/or medical marijuana dispensary.
- ~~(p)~~ (o) Multidwelling units including dwelling units above permitted uses. Only attached housing is allowed and dwelling units may be on same level as nonresidential use.
- (q) (p) Nurseries and greenhouses.
- (r) (q) Parking lots.
- (s) (r) Parks, public and private.
- (t) (s) Pawn shops.
- (t) Psilocybin service center.

- (u) Public and private schools.
- (v) Public facilities, major.
- (w) Recreation facilities.
- (x) Recreational vehicle park.
- ~~(y)~~ (y) Religious assembly, including cemeteries.
- ~~(z)~~ (z) Residential facility.
- ~~(aa)~~ (aa) Shopping centers and plazas.
- (bb) Single room occupancy (four or more units). May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.
- ~~(aa) Travel trailer parks.~~
- ~~(bb)~~ (cc) Vehicle repair, service, and sales.

[...]

(4) Standards. In the GC zone the following standards shall apply:

[...]

- (c) The maximum lot coverage including all impervious surfaces shall be 90 percent.
- (d) Multidwelling units, dwelling units and single room occupancy units above permitted uses, and single room occupancy (four or more units) must shall comply with AR standards and other applicable sections of this code. Except, for structures with units above permitted uses, the yard (setback) that applies is based on the use of the first (ground level) floor and and the same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply to single room occupancy development with four or more units (instead of six or more units per the AR zone).

[...]

17.32.130 Light Industrial – LI.

[...]

(2) Uses Permitted Outright. In the LI zone the following buildings and uses are permitted after compliance with the provisions of this section and others of this code:

- (a) Agricultural supplies/sales, machinery sales and repairs but not slaughterhouses or tanneries.
- (b) Animal sales and services: kennels, veterinary (small animals), and veterinary (large animals).
- (c) Auction sales, services and repairs.
- (d) Boat repairs.
- (e) Building maintenance services.
- (f) Building material sales including outdoor storage.
- (g) Child care center.
- ~~(h)~~ (h) Commercial gasoline stations.
- ~~(i)~~ (i) Equipment (light and heavy) sales, storage, repair and rentals.

- (+) (j) Laboratories and research services.
- (+) (k) Manufacturing, repairing, compounding, research, assembly, fabricating, or processing activities of previously prepared materials and without off-site impacts.
- (+) (l) Mini storage and storage site.
- (+) (m) Motor vehicle sales, service, repair, and painting.
- (+) (n) Nurseries, greenhouse operations and sales.
- (+) (o) Parking lots, private or public.
- (+) (p) Public facility, minor.
- (+) (q) Transmitting and/or receiving towers with or without broadcast facilities.
- (+) (r) Utility distribution plants and service yards.
- (+) (s) Vehicle wash operations.
- (+) (t) Warehousing, enclosed.
- (+) (u) Wholesale trade.

(3) Conditional Uses. In the LI zone, in addition to the buildings and uses permitted outright, a conditional use permit can be granted for the following buildings and uses:

- (a) Bar.
- ~~(b) Child care facilities.~~
- (+) (b) Concrete mixing (concrete batching plant).
- (+) (c) Drive-in theater.
- (+) (d) Dwelling for caretaker or superintendent which is located on the same site with the permitted industrial use and is occupied exclusively by a caretaker or superintendent of the industrial use and family (same applies to a kennel).
- (+) (e) Eating and drinking establishments.
- (+) (f) Entertainment, adult.
- (+) (g) Industrial park to combine light manufacturing, office and complementary related commercial uses to include such activities as postal services, veterinary services, communication services, construction sales, business support services, financial services, insurance services, real estate services, laundry services, medical/dental services, sports and health services, professional and administrative offices, convenience sales, personal services, eating and drinking establishments and such.
- (+) (h) Manufacturing, repairing, compounding, research, assembly, fabricating, processing or packing of resource materials with some off-site impacts.
- (+) (i) Public and private recreational and amusement facilities.
- (+) (j) Public facilities, major.
- (+) (k) Public parks.
- (+) (l) Public safety and support facilities.
- (+) (m) Recreational vehicle park.
- (n) Temporary asphalt batching (six-month maximum).
- ~~(o) Travel trailer parks.~~
- (+) (o) Wrecking and junkyards.

[...]

17.32.140 Heavy Industrial – HI.

[...]

(3) Conditional Uses. In the HI zone, in addition to the buildings and uses permitted outright, a conditional use permit can be granted for the following buildings and uses:

[...]

- (j) Public safety and support facilities.
- (k) Recreational vehicle park.
- ~~(l)~~ (l) Recycling collection center.
- ~~(m)~~ (m) Solid waste disposal site or transfer station.
- ~~(n)~~ (n) Special hazardous uses such as:
 - (i) Two thousand gallons or more of flammable (Class I or II) materials.
 - (ii) Fifty gallons or more of unstable liquids, fireworks, blasting agents or explosives.
 - (iii) Magazines, Class II (Class I magazines are not permitted).
 - (iv) Five hundred pounds or more or 200 gallons or more of hazardous chemicals, including corrosive liquids, flammable solids, highly toxic materials, oxidizing materials, poisonous gases and any amount of radioactive materials.
 - (v) Unstable (reactive) chemicals, including organic peroxides and nitromethane.
 - (vi) Fifty pounds or more of ammonium nitrate.
 - (vii) Two thousand or more gallons of liquefied petroleum gases.
- ~~(o)~~ (o) Storage facilities such as personal lockers/garages and for recreational-type vehicles.
- ~~(p)~~ (p) Temporary asphalt batching (six months maximum).
- ~~(p) Travel trailer parks.~~
- (q) Wrecking and junkyards.

[...]

17.32.150 Public lands – PL.

[...]

- (3) Conditional Uses. In the PL zone the following uses are permitted if approved under the conditional use chapter (Chapter 17.100 SHMC) and other applicable provisions of this code:
- (a) Public facilities, major.
 - (b) Public support and safety facilities.
 - (c) ~~Travel trailer~~ Recreational vehicle park in public parks of over four acres in size to include a buffer of 20 feet where abutting a residential zone.
 - (d) Hospitals.

[...]

17.32.171 Riverfront district – RD, marina.

[...]

(2) Uses Permitted Outright. In the marina subdistrict the following uses are permitted outright subject to the provisions of this code and especially the site development review chapter (Chapter 17.96 SHMC):

- (a) Boathouses.
- (b) Boat launching or moorage facilities and marine boat charter services
- (c) Boat or marine equipment sales, service, storage, rental, or repair (including gas for marine vehicle use).
- (d) Child care center.
- ~~(d) (e) Dwellings located above permitted uses (use AR standards, except yard requirements, which are based on the use at ground level below the dwelling or dwellings).~~
Dwellings above permitted uses provided the number of dwelling units does not exceed two on a single lot or development site, is attached housing, and no dwelling unit is on same level as nonresidential use. If more than two dwelling units above permitted uses, see SHMC 17.32.171(3) for multidwelling units.
- ~~(e) (f)~~ Eating and drinking establishments including carry-out.
- (g) Family child care home in lawfully existing dwelling
- ~~(f) (h)~~ Home occupation (per Chapter 17.120 SHMC).
- ~~(g) (i)~~ Hotels and motels.
- ~~(h) (j)~~ Houseboats.
- ~~(i) (k)~~ Parking lots.
- ~~(j) (l)~~ Public facility, minor.
- ~~(k) (m)~~ Public parks and public recreational facilities.
- ~~(l) (n)~~ Retail sale of sporting goods, groceries, and similar commodities required by marine recreationists.
- ~~(m) (o)~~ Retail sale of handicraft and tourist goods.
- ~~(n) (p)~~ Marine-related club facility.

[...]

(3) Conditional Uses. In the marina subdistrict the following uses may be permitted upon approval subject to the provisions of this code, especially those in Chapter 17.100 SHMC for conditional uses:

- (a) Commercial amusement and recreational facilities.
- (b) Multidwelling units ~~(must comply with AR standards and other applicable sections of this code)~~ including dwelling units above permitted uses. Only attached housing is allowed and no dwelling unit shall be on same level as nonresidential use.
- (c) Private parks.
- (d) Public facilities, major.
- (e) ~~Travel trailer~~ Recreational vehicle parks.
- (f) Single room occupancy (four or more units). May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.

[...]

(4) Standards. In the marina subdistrict the following standards shall apply:

(a) The maximum building height shall be determined on a case-by-case basis (also see SHMC 17.68.040), except when the AR zone standards apply that includes building height standards.

(b) Outdoor storage abutting or facing a lot in a residential zone shall comply with Chapter 17.72 SHMC.

(d) The minimum landscaping shall be 10 percent of gross land area associated with the use.

(e) Multidwelling units, dwelling units and single room occupancy units above permitted uses, and single room occupancy (four or more units) shall comply with AR zone standards and other applicable sections of this code. Except, for structures with units above permitted uses, the yard (setback) that applies is based on the use of the first (ground level) floor and the same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply to single room occupancy development with four or more units (instead of six or more units per the AR zone).

[...]

17.32.172 Riverfront district – RD, plaza.

[...]

(2) Uses Permitted Outright. In the plaza subdistrict, the following uses are permitted outright, subject to the modifications to development standards and conditions as specified herein and all other applicable provisions of this code as noted under additional requirements:

[...]

(a) Historic residential structures with or without any auxiliary dwelling unit. This is listed here separate from other residential uses given subsection (5)(a)(i) of this section. This does not mean historic residential structures are prohibited in other zones per SHMC 17.32.040(3)(a).

(b) Residential above Nonresidential Permitted Uses, provided it is attached housing, and no dwelling unit is on same level as nonresidential use.

(i) Dwelling, single-family, duplex or multidwelling units.

~~(ii) Dwelling, duplex.~~

~~(iii) Dwelling, townhouse.~~

~~(iv) Dwelling, multifamily.~~

~~(v)~~ (ii) Other residential uses as per ORS Chapter 443.

[...]

(ii) Retail sales establishments.

(jj) Single room occupancy (four or more units). Shall be units above permitted uses and

shall not be on same level as nonresidential use.

~~(jj)~~ (kk) Small equipment sales, rental and repairs facilities/shops, without outside storage.

~~(kk)~~ (ll) Theaters, indoors.

~~(ll)~~ (mm) Trade and skilled services without outdoor storage, such as plumbing, HVAC, electrical, and paint sales/services facilities/shops.

~~(mm) Type I and II home occupation in dwelling unit above nonresidential permitted uses.~~

~~(nn) Transient housing.~~

~~(oo)~~ (nn) Watercraft sales, rental, charters, without outdoor storage.

(oo) Child care center.

(pp) Family child care home in lawfully existing dwelling.

[...]

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

[...]

(e) Business with outdoor storage (those businesses permitted in permitted uses).

(f) ~~Child care facility/day nursery~~ Dwellings on same level as nonresidential use, provided it is attached housing and there is no conflict with SHMC 17.32.172(5)(a)(i) prohibiting residential use on the first floor of buildings.

[...]

(5) Special Conditions Permitted and Conditional Uses.

(a) Residential Uses.

(i) Except for historic residential structures (listed in city's comprehensive plan and/or registered and recognized by the state or federal government), residential use is prohibited on the first floor of any building in the plaza subdistrict.

(ii) There is no minimum lot size requirement for residential use above permitted nonresidential uses.

(iii) Residential density above permitted uses shall be based on the standard of one dwelling unit or single room occupancy unit for each full 500 interior square feet of non-residential use provided. Outdoor dining areas and similar permitted outdoor uses may only be included in the calculation when such areas are not located within a right-of-way.

(iv) The same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply to single room occupancy development with four or more units.

[...]

17.32.173 Riverfront district – RD, mill.

[...]

(2) Uses Permitted Outright. The following uses are permitted outright, subject to all provisions of the SHMC including specifically the modifications to development standards and conditions specified in this section. Moreover, the applicable provisions of Chapter 17.96 SHMC, Site Development Review, apply, except those modified by this chapter.

(a) Residential.

(i) Single dwelling units, attached.

(ii) Multidwelling units provided it is attached housing.

(iii) Single room occupancy (four or more units). Shall not be on same level as nonresidential use and the same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply.

(iv) Family child care home in lawfully existing dwelling.

(b) Residential above Nonresidential Permitted Uses, provided it is attached housing, and no dwelling unit is on same level as nonresidential use.

(i) Dwelling, single-family, duplex or multidwelling units.

(ii) Congregate ~~care facility~~ housing.

(iii) ~~Single dwelling units, attached~~ Single room occupancy (four or more units). Shall not be on same level as nonresidential use and the same standards that apply to multidwelling unit development and multidwelling structures per SHMC 17.96.180 shall apply.

(iv) ~~Multidwelling units~~ Other residential uses as per ORS Chapter 443.

(v) ~~Residential care facility~~ Family child care home in lawfully existing dwelling.

[...]

(e) Commercial.

[...]

(xxii) Home occupation (per Chapter 17.120 SHMC).

(xxiii) Child care center.

[...]

(3) The following conditional uses may be permitted upon application, subject to the provisions of Chapter 17.100 SHMC, Conditional Use, and other relevant sections of this code, except those modified by this chapter:

[...]

(e) Businesses with outdoor storage (for businesses that are permitted uses only).

(f) ~~Child care facility/day nursery~~ Dwellings on same level as nonresidential use, provided it is attached housing.

[...]

17.32.180 Houlton business district – HBD.

[...]

(2) Uses Permitted Outright. In the HBD zone, the following uses are permitted outright, subject to the modifications to development standards and conditions as specified herein and all other applicable provisions of this code as noted under additional requirements:

(a) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses if no more than two dwelling units and is attached housing. If more than two dwelling units above permitted uses, see SHMC 17.32.180(3) for multidwelling units.

[...]

(rr) Residential home

(ss) Single room occupancy, maximum of six units. May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.

(tt) Child care center.

(uu) Family child care home in lawfully existing dwelling.

[...]

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

[...]

(e) Business with outdoor storage (those businesses permitted in permitted uses).

~~(f) Child care facility/day nursery.~~

~~(g) (f) Drive-up businesses and services (including those associated with food sales, pharmacies and such).~~

~~(h) (g) Dwellings on same level as nonresidential use. This applies to both attached housing and detached housing.~~

~~(i) (h) Funeral homes.~~

~~(j) (i) Hospitals, clinics, nursing homes, and convalescent homes.~~

~~(k) (j) Laundromats and dry cleaners.~~

~~(l) (k) Marijuana retailer and/or medical marijuana dispensary.~~

~~(m) (l) Multidwelling units, which may be attached housing and/or detached housing, except dwelling units above permitted uses shall be attached housing.~~

~~(n) (m) Psilocybin service center.~~

(n) Religious assembly, excluding cemeteries.

(o) Residential facility.

(p) Single room occupancy with more than six units. May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.

~~(q) (p) Parking lots/facilities, private.~~

~~(r) (q) Nurseries and greenhouses.~~

~~(s) (r) Vehicle repair, service, and sales.~~

[...]

(4) Standards Applicable to All Uses. In the HBD zone, the following standards and special conditions shall apply and shall take precedence over any conflicting standards listed in this code:

[...]

(m) Notwithstanding the standards of subsections (4)(a) through (l) of this section, these residential uses are subject to the following:

(i) Single-dwelling units, attached or detached, ~~and~~ duplexes, and single room occupancy, maximum of six units shall comply with the R-5 standards; and

(ii) Multidwelling units, dwelling units and single room occupancy units above permitted uses, and single room occupancy with more than six units shall comply with AR standards and other applicable sections of this code. Except, for structures with dwelling units above permitted uses, the yard (setback) that applies is based on the use of the first (ground level) floor.

(5) Special Conditions Permitted and Conditional Uses.

~~(a) Residential density above permitted uses shall be based on the standard of one dwelling unit for each full 500 interior square feet of nonresidential use provided. Outdoor dining areas and similar permitted outdoor uses may only be included in the calculation when such areas are not located within a right-of-way.~~

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

~~(e)~~ (b) Outdoor display of goods and materials for retail establishments is permitted on private property in front of the retail establishment, provided such displays do not block safe ingress and egress from all entrances, including fire doors. In addition, outdoor display goods and materials shall be properly and safely stored inside during nonbusiness hours. No outdoor display may block safe pedestrian or vehicular traffic. Outdoor displays shall not encroach in public rights-of-way, including streets, alleys or sidewalks, without express written permission of the city council.

~~(d)~~ (c) Kiosks may be allowed on public property, subject to the approval of a concession agreement with the city.

(6) Additional Requirements.

~~(a) Residential Density Transition. The residential density calculation and transition provisions of Chapter 17.56 SHMC shall not apply to the HBD zone for residential uses above permitted uses. Densities are determined for residential uses by the formula in subsection (5)(a) of this section.~~

~~(b)~~ (a) The visual clearance area requirements of Chapter 17.76 SHMC do not apply to the Houlton business district.

~~(e)~~ (b) Overlay district Chapter 17.148 SHMC, Planned Development, shall not apply to the HBD zone.

~~(d)~~ (c) All chapters of the Development Code apply except as modified herein.

[...]

**CHAPTER 17.36
HISTORIC SITES AND OVERLAY DISTRICT**

[...]

17.36.040 Criteria for alteration.

[...]

(4) Prior to alteration, current photographs and/or drawings of all elevations shall be provided to the city for its public records. Photographs and drawings shall be archival quality and may be digital; proof of such shall be provided with the photographs and/or drawings.

[...]

**CHAPTER 17.40
ZONES PROTECTIVE MEASURES FOR SIGNIFICANT WETLANDS, RIPARIAN
CORRIDORS, AND PROTECTION ZONES**

[...]

17.40.015 Establishment of significant wetlands, riparian corridors and protection zones.

(1) Wetlands. Ordinance 2807 adopted in November 1999 established and listed significant wetland areas within the city of St. Helens. Such areas were added to the comprehensive plan.

(a) The following significant wetlands are hereby established as Type I:

D-6	J-3	MC-1
D-10	M I -7	MC-9
D-11	M I -8	MC-25
D-16	M I -10	UA-2
D-17	M I -11	UB-5A
D-18	M I -12	UB-5B

(b) The following significant wetlands are hereby established as Type II:

D-1	D-21	MC-2	MC-20
D-2	D-22	MC-3	MC-21
D-4	F-2	MC-5	MC-22

D-7	J-6	MC-8	MC-26
D-8	M I -3	MC-10	UB-6
D-19	M I -5	MC-16	
D-20	M I -15	MC-17	

[...]

**CHAPTER 17.44
SENSITIVE LANDS**

[...]

17.44.030 Expiration of approval – Standards for extension of time.

(1) Approval of a sensitive lands permit shall be void if:

- (a) Substantial construction of the approved plan has not begun within a one-~~and one-~~~~half~~-year period; or
- (b) ~~Construction~~ Development on the site is a departure from the approved plan.

[...]

**CHAPTER 17.60
MANUFACTURED/MOBILE HOME AND PREFABRICATED STRUCTURE
REGULATIONS**

[...]

17.60.020 Manufactured/mobile home park standards.

[...]

(6) Each unit shall be provided with a water, sewer, and electrical connection. The electrical connection shall provide for 110- and 220-volt service.

(7) ~~No manufactured/mobile home, accessory building, or other structure shall be closer than 10 feet from another mobile home, accessory building, or other garage/carport structure.~~ There shall be a minimum of 10-foot interior yard between all manufactured dwellings or other alternatives per SHMC 17.60.040(2) and any other principal buildings. Accessory structures shall have a minimum 6-foot interior yard.

(8) On any individual space no building shall be any closer than 20 feet from a street and no less than 10 feet from the rear of each space.

[...]

17.60.030 Manufactured homes and prefabricated structures on individual building lots.

The establishment, location, and use of manufactured homes and prefabricated structures as scattered site residences shall be permitted in any zone permitting ~~installation of a dwelling unit~~ site-built detached single-family dwellings subject to requirements and limitations applying generally to such residential uses in the district, and provided such homes shall meet the following requirements and limitations:

~~(1) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet;~~

~~(2) The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the finished first floor of the manufactured home is located not more than 12 inches above grade (except on sloped lots);~~

~~(3) The manufactured home shall be securely anchored to the foundation system in accordance with the requirements of the State Building Codes Agency for Manufactured Structures;~~

~~(4) The manufactured home shall have a pitched roof with a slope of at least three feet in height for each 12 feet in width;~~

~~(5) The manufactured home shall have exterior siding and roofing which in material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the city as determined by the Building Division. This requirement shall not be interpreted to mean that the city is responsible for enforcing codes, covenants, and restrictions of any homeowners or other association;~~

~~(6) The manufactured home shall have an exterior thermal envelope in substantial compliance with performance standards equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 455.010, as determined by the Building Division; and~~

~~(7) Have minimum of two on-site parking spaces.~~

(1) As necessary to comply with a protective measure adopted pursuant to a statewide land use planning goal;

(2) That the manufacturer certify that the manufactured home or prefabricated structure has an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010;

(3) No manufactured home or prefabricated structure shall be allowed within a historic district or abutting a property with a designated landmark as listed in the Comprehensive Plan and per Chapter 17.36 SHMC; and

(4) This does not apply to residential trailers (constructed before January 1, 1962) or mobile homes (constructed between January 1, 1962 and June 15, 1976), which shall be prohibited on individual lots, but may be allowed within manufactured/mobile home parks per SHMC 17.60.040.

[...]

17.60.040 ~~Nonconforming mobile homes~~ Additional provisions for manufactured/mobile home parks.

(1) Manufactured/mMobile home parks existing at the adoption of the ordinance codified in this code not meeting the standards set forth in this code shall be considered nonconforming and

are subject to the standards set forth in SHMC 17.104.040(2), except for replacement of an occupied manufactured/mobile home space per (2) of this section may be allowed, provided the occupied manufactured/mobile home space is lawfully existing.

(2) ~~Replacement of nonconforming mobile homes in such parks when they are moved or destroyed must conform with the standards of SHMC 17.60.030.~~ A manufactured/mobile home park space may be occupied by a manufactured dwelling (residential trailer, mobile home, or manufactured home), prefabricated structure, or travel trailer (recreational vehicle). All shall be treated as structures for the purpose of the requirements of SHMC 17.60.020.

[...]

CHAPTER 17.80 OFF-STREET PARKING AND LOADING REQUIREMENTS

[...]

17.80.020 General provisions.

[...]

(7) Visitor Parking in Multidwelling Unit Residential Districts.

(a) Multidwelling units and single room occupancy units with more than 10 required parking spaces shall provide parking for the use of guests of residents (visitors) of the complex; and

(b) Visitor parking shall consist of 15 percent of the total required parking spaces and shall be centrally located within or evenly distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

[...]

(15) Bicycle Parking.

(a) One lockable bicycle parking space shall be provided within a rack for the following:

(i) Four or more dwelling units or single room occupancy units in one building: one space per dwelling unit or single room occupancy unit;

[...]

17.80.030 Minimum off-street parking requirements.

Note: some use classifications listed below indicate additional bicycle parking requirements beyond the requirements of SHMC 17.80.020(15).

(1) Residential.

[...]

(f) Manufactured dwelling/mobile home park – Two off-street spaces for each dwelling unit/park space.

(g) Multiple dwelling (also see SHMC 17.80.020(7)):

(i) Studio – One space for each unit.

(ii) One bedroom – One and one-half spaces for each unit.

(iii) More than one bedroom per unit – Two spaces for each.

(h) Single-dwelling units, attached – Two off-street spaces for each dwelling unit.

(i) Single-dwelling units, detached – Two off-street spaces for each dwelling unit or pair of dwelling units as allowed by the zoning district. No more than two spaces are required for one detached single-family dwelling on a single lot, or two detached single-family dwellings on a single lot.

(j) Single room occupancy – One off-street space for each unit.

[...]

(2) Civic.

[...]

(c) ~~Children's day~~ care center – five spaces plus one space per classroom.

[...]

(h) Public safety services – one space for every employee of the largest shift plus one space per 350 square feet of gross floor area accessible to the public or other nonemployee use.

[...]

CHAPTER 17.88 SIGNS

[...]

17.88.130 Sign permit application.

[...]

(6) An approved sign shall be constructed and installed within ~~six months~~ one year of the final approval of the permit, including resolution of any appeal. The sign permit shall be void if installation is not completed within this period or if the sign does not conform to the approved permit. Sign permits mistakenly issued in violation of this chapter or other provisions of this code are void. ~~The planning director may grant a reasonable extension of time for the installation deadline upon a showing of reasonable grounds for delay.~~

[...]

**CHAPTER 17.96
SITE DEVELOPMENT REVIEW**

[...]

17.96.020 Applicability of provisions.

Site development review shall be applicable to all new developments and major modification of existing developments, as provided in SHMC 17.96.070, except it shall not apply to:

(1) Single-dwelling units, duplexes, manufactured homes and prefabricated structures on an individual building lot, parcel or, or otherwise lawfully established unit of land per ORS Chapter 92;

(2) ~~Manufactured homes on individual lots~~ Occupancy of lawfully existing manufactured/mobile home park space by manufactured dwelling or other alternative per SHMC 17.60.040(2);

~~(3) A duplex, which is not being reviewed as part of any other development;~~

~~(4)~~ (3) Minor modifications as provided in SHMC 17.96.080;

~~(5)~~ (4) Any proposed development which has a valid conditional use approved through the conditional use permit application process;

~~(6)~~ (5) ~~Home child care~~ Family child care home in lawfully existing dwelling;

~~(7)~~ (6) Home occupations;

~~(8)~~ (7) Temporary use;

~~(9)~~ (8) Fuel tank; or

~~(10)~~ (9) Accessory structures.

[...]

17.96.040 Expiration of approval – Standards for extension of time.

[...]

(3) The director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed ~~six months~~ one year; provided, that:

[...]

17.96.070 Major modifications to approved plans or existing development.

[...]

(2) The director shall determine that a major modification(s) will result if one or more of the following changes are proposed. There will be:

(a) An increase in dwelling unit or single room occupancy unit density, or lot coverage for residential development;

(b) A change in the ratio or number of different types of dwelling units or single room occupancy units;

[...]

17.96.180 Approval standards.

[...]

(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 (including single room occupancy units) up to and including two-bedroom units, 200 square feet per unit; and
- (ii) Three- or more bedroom units, 300 square feet per unit;

[...]

(11) Distance between ~~Multiple-Family Residential Structure and Other~~ principal buildings and structures of multidwelling unit development.

(a) To provide privacy, light, air, and access to the multiple detached and/or attached residential dwellings within a development, the following separations shall apply:

- (i) ~~Buildings~~ “Multidwelling structures” with windowed walls facing buildings with windowed walls shall have a 25-foot separation;
- (ii) ~~Buildings~~ “Multidwelling structures” with windowed walls facing buildings with a blank wall shall have a 15-foot separation;
- (iii) ~~Buildings~~ “Multidwelling structures” with opposing blank walls shall have a 10-foot separation;
- (iv) ~~Building~~ “Multidwelling structure” separation shall also apply to ~~buildings~~ those having projections such as balconies, bay windows, and room projections (measurement is from said projections); and
- (v) ~~Buildings~~ “Multidwelling structures” 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) In addition to (a), as applicable, ~~W~~where any principal buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum ~~wall-separation~~ interior yard 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, or the minimum interior yard of the zoning district, whichever is larger;

(c) Driveways, parking lots, and common or public walkways shall maintain the following separation for any 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;

[...]

CHAPTER 17.100 CONDITIONAL USE

[...]

17.100.030 Expiration of approval – Standards for extension of time.

(1) Approval of a conditional use by the planning commission shall be void if:

(a) Substantial construction of the approved plan has not begun within a one-~~and one-~~
~~half~~-year period; or

[...]

17.100.150 Additional requirements for conditional use types.

[...]

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

[...]

(o) Psilocybin service center.

(i) “Manufacture” as defined under ORS 475A.220 in conjunction with or on the same property as a psilocybin service center shall be prohibited; and

(ii) Shall comply with state and local laws. Additionally, more restrictive time, place and manner conditions may be imposed pursuant to ORS 475A.530, except any provision preempted by ORS 475A.524.

[...]

CHAPTER 17.108 VARIANCES

[...]

17.108.050 Criteria for granting a variance.

[...]

(4) The yard requirements in the applicable zone may be reduced up to 20 percent (a reduction of 20 percent of the required setback) and/or the lot coverage standards increased up to five percent (maximum specified lot coverage plus five percent) without a variance,

provided the following standards are satisfied:

(a) The reduction of the yard or increase in lot coverage established by the applicable zoning district shall be necessary to allow for the enlargement or remodeling of an existing principal building, accessory structure, or auxiliary dwelling unit as defined per SHMC 17.16.010, provided the existing building or structure has been lawfully established in a completed state at its current location for at least 5 years;

(b) The increase in lot coverage established by the applicable zoning district may also allow for new accessory structures or auxiliary dwelling units, provided the existing principal building that the accessory structure or auxiliary dwelling unit are accessory to has been lawfully established in a completed state at its current location for at least 5 years;

[...]

CHAPTER 17.120 HOME OCCUPATIONS

[...]

17.120.020 Applicability and exemptions.

(1) No person shall carry on a home occupation, or permit such use to occur, on property which that person owns or is in lawful control of, contrary to the provisions of this chapter.

(2) Exemptions from the provisions of this chapter are:

(a) Garage sales;

[...]

(e) Proven nonconforming home occupations as per SHMC 17.104.040(4)(e).

(f) Family child care home in lawfully existing dwelling.

[...]

17.120.040 Approval criteria and standards.

All home occupations except those that have proven nonconforming status shall comply with the following:

[...]

(4) The home occupation shall be operated entirely within the dwelling unit and any ~~conforming~~ lawfully existing accessory structure. The total area which may be used in the accessory building for either material product storage and/or the business activity shall not exceed 600 square feet. Otherwise, the home occupation and associated storage of materials and products shall not occupy more than 25 percent of the combined residence and accessory structure gross floor area. The indoor storage of materials or products shall not exceed the limitations imposed by the provisions of the building, fire, health, and housing codes;

(5) A home occupation shall not make necessary a change in the applicable building code (as administered by the building official) use classification of a dwelling unit. Any accessory building that is used must meet the applicable building code requirements and be ~~in conformance with Chapter 17.124 SHMC~~ a lawfully existing structure;

[...]

CHAPTER 17.124 ACCESSORY STRUCTURES

[...]

17.124.050 Expiration of approval – Standards for extension of time.

(1) Accessory structure approval by the director shall be effective for a one-~~and one-half~~ year period from the date of approval.

(2) The accessory structure approval by the director shall lapse if:

(a) Substantial construction or installation of the approved accessory structure plan has not begun within a one-~~and one-half~~-year period; or

(b) Construction on the site is a departure from the approved plan.

[...]

CHAPTER 17.132 TREE REMOVAL

[...]

17.132.050 Expiration of approval – Extension of time.

(1) A tree removal permit shall be effective for one ~~and one-half~~ years from the date of approval.

[...]

CHAPTER 17.136 LAND DIVISION - SUBDIVISION

[...]

17.136.040 Expiration of approval – Standards for extension of time.

(1) The preliminary plat approval by the planning commission or final approving authority shall lapse if:

(a) A final plat (first phase in an approved phased development) has not been submitted within a ~~one~~ two-year period; or

(b) The final plat does not conform to the preliminary plat as approved or approved with conditions.

[...]

**CHAPTER 17.140
LAND DIVISION – LAND PARTITIONING – LOT LINE ADJUSTMENT**

[...]

17.140.035 Expiration of approval – Standards for extension of time.

[...]

(3) The director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed ~~six months~~ one year; provided, that:

(a) No changes are made on the original plan as approved by the director;

(b) The applicant can show intent of recording the approved partition or lot line adjustment within the extension period; and

(c) There have been no changes in the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

[...]

**CHAPTER 17.148
PLANNED DEVELOPMENT**

[...]

17.148.030 Expiration of approval – Standards for extension of time.

(1) The approval of the planned development overlay zone shall not expire provided a related planned development plan is lawfully completed per city approved plans within the timeframe per this subsection. Any planned development overlay zone, or portion thereof, existing before January 1, 2025, without a lawfully completed development plan as approved by the city, shall expire 10 years after January 1, 2025. Any new existing planned development overlay, or portion thereof, shall expire after 10 years from the date it becomes effective if there is no related development plan lawfully completed per city approved plans. An overlay zone that becomes void due to expiration shall be removed from the zoning district map.

(2) The preliminary development plan approval by the commission shall lapse if a detailed development plan proposal has not been submitted for approval within ~~the one and one-half~~ a two-year period or unless an extension of time is granted.

(3) The director shall, upon written request by the applicant and payment of the required fee, grant ~~an two~~ extensions of the approval period not to exceed one year each provided, that:

(a) No changes have been made on the original preliminary development plan as approved by the commission;

(b) The applicant can show intent of applying for detailed development plan review within the one-year extension period; and

(c) There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

[...]

CHAPTER 19.20 MAPS

[...]

19.20.060 Map and list of significant wetlands.

[...]

(2) List of Significant Wetlands.

[...]

Milton Creek

M₃

M₅

M₇

M₈

M₁₀

M₁₁

M₁₂

M₁₅