

**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Conditional Use Permit CUP.3.23**

**DATE:** June 30, 2023  
**To:** City Council  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT:** SEAFORD LLP  
**OWNER:** same as applicant

**ZONING:** Heavy Industrial, HI  
**LOCATION:** 1955 Old Portland Road  
**PROPOSAL:** Storage yard as business venture

**SITE INFORMATION / BACKGROUND**

The site, an entire city block surrounded on all four sides by public rights-of-way, is developed with fencing/gates and access improvements and a freestanding sign along Old Portland Road.

An aerial photo from 1983 at City Hall shows no improvements or use of the site. A wrecking yard was established around 1993 (via Site Development Review). This was modified in 2000 (minor Site Development Review SDRm.9.00) and in 2003 (minor Conditional Use Permit CUPm.2.03).

Based on aerial photography, the wrecking yard use ceased in 2010 and no active use has occurred since.

**PUBLIC HEARING & NOTICE**

**Public hearing** before the Planning Commission: July 11, 2023

**Notice** of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on June 21, 2023 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

**Notice** was published on June 28, 2023 in The Chronicle newspaper.

**APPLICATION COMPLETENESS**

This application was originally received and deemed complete on May 23, 2023.

The 120-day rule (ORS 227.178) for final action for this land use decision is September 20, 2023.

**AGENCY REFERRALS & COMMENTS**

None received.

## APPLICABLE CRITERIA, ANALYSIS & FINDINGS

**Zoning Compliance:** The site is zoned Heavy Industrial, HI.

The previous and only known official use of the subject property—wrecking and junkyard—is a conditional use in the HI zone. Since the use has been discontinued for so long it is no longer valid. It is also not proposed now.

The HI zone allows storage as a use. If the storage was related to a business function/operation (as opposed to a business venture in and of itself) it would be a permitted use per SHMC 17.32.140(2)(n). Storage as a business venture or a service is a conditional use per 17.32.140(3)(n). The applicant proposes the latter, thus this Conditional Use Permit.

\* \* \*

**Sensitive Lands:** There are no known sensitive lands as identified in the Development Code within the boundary of the subject property.

However, per the city's Local Wetlands Inventory as more specifically delineated by Oregon DSL WD# 2017-0445, there is a linear wetland within the Hamlin Street right-of-way along the northeast side of the site. This is wetland MI-4 identified on the City's Local Wetlands Inventory, which is not significant to the city per Chapter 17.40 SHMC.

\* \* \*

**Building Height Limitations & Exceptions:** Chapter 17.68 SHMC includes provisions for industrial buildings. Two new buildings are proposed; they are conex boxes and pose no height requirement conflict.

\* \* \*

**Landscaping/buffering/screening:** Street trees could potentially be required because the site has over 100 feet of street frontage. In this case, there are rights-of-way on all sides.

Aside from Old Portland Road, the surrounding rights-of-way are undeveloped or underdeveloped. In their current state and location, street trees would have limited to no streetscape value.

For this leg of Old Portland Road, the city has not required street trees without street frontage improvements. Street frontage improvements are not warranted by this proposal. There are some existing trees along Old Portland Road both outside and just inside the existing fence. It is unknown if these were intentionally planted or not. The applicant said the trees shouldn't interfere with their operations and can be kept.

Staff also spoke to Columbia River PUD about these. They said that power feeding the site has not been energized for some time, but if reenergized they would trim trees as needed.

**This chapter requires buffering but it's not required in this case.** Up to 150' of buffer could be required if off-site impacts are significant, but as a storage site, that is not anticipated.

**This chapter requires screening.** Sight-obscuring fence as mostly in place from the prior use, satisfies this. However, some of this fencing along the entry area off Old Portland Road has been replaced with non-sight obscuring fence. The applicant has repaired/replaced dilapidated segments of the existing fence to thwart theft issues, which is a problem for this area and something they have already been victim of.

Screening required in accordance with SHMC 17.72.080(5)(a) - (c). This can be achieved with a sight-obscuring fence or landscaping. Staff assumes the applicant will rely on fencing for this.

\* \* \*

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

Access design is preexisting and appears that vehicles will have vision clearance. The fence along Old Portland Road is approximately 10' back from the right-of-way line, which helps.

\* \* \*

**Off-Street Parking/Loading:**

For the storage yard, applicant proposes a gravel/unpaved surface for storage purposes. This is possible per SHMC 17.80.050(10). However, if there is evidence of adverse effects upon adjacent roadways, watercourses or properties, paving may be required in the future; this shall be a condition of approval.

Per 17.80.050(10)(b)(ii) gravel parking areas shall not be allowed within 25' of an improved public right-of-way, in this case Old Portland Road. The driveway area just off Old Portland Road between the existing fence and the road is already paved.

Gravel has been ok for open storage yards, but when buildings are introduced, such as with mini-storage, paving has been required for previous such proposals in the city. A couple of existing buildings within the larger fenced area as noted on the site plan are assumed to be incidental to the use and are not divided into subunits. In the smaller fences area, two conex boxes are proposed as buildings, which include doors along the long side in addition to the typical short side openings. Per the applicant, this is to be able to secure smaller equipment, more prone to theft in the larger open yard. Because these buildings are not proposed to be divided into subunits, and because they are in a more confined fenced area, **the Planning Commission can still accept a gravel surface. If any case, a conditional emphasizing that this CUP does not allow**

additional buildings related to the use, regardless of whether or not building permits are required or not, as more buildings will require additional surface area considerations. Moreover, this CUP also does not allow partitioning of any existing building or the proposed conex boxes in the smaller fenced area into subunits. Building subunits begets a a ministorage type facility, which has more site improvement considerations than this proposal.

Off-street parking requirement is based on one employee on the largest shift per SHMC 17.80.030(3)(y). Per the applicant, they anticipate one active person associated with the use. Previous plans contemplated parking outside the fenced area, which is logical for a wrecking yard. There is still area available for that, as well as within the fenced site. Note a mini storage facility, not proposed, would have a different parking requirement calculation; additional permitting would be necessary for such.

\* \* \*

**Access/egress/circulation: Joint access and reciprocal access easements.**

**Public street access.** All vehicular access and egress per Chapter 17.84 SHMC is required to directly connect to a public or private street approved by the City for public use.

The site abuts the following streets:

Street/Road Name	Public or Private	Street Class (TSP)	Jurisdiction	Improved?
Old Portland Road	Public	Minor Arterial	City of St. Helens	partial; no sidewalks or other frontage improvements
Renton Avenue	Public	Local	City of St. Helens	gravel road only
Hamlin Avenue	Public	Local	City of St. Helens	No (wetland within)
7 <sup>th</sup> Street	Public	Local	City of St. Helens	No

The site uses Old Portland Road and Renton Avenue for access.

**Vehicular access spacing, amount, etc.** Existing access points are ok. The access from Old Portland Road, a minor arterial street, is midblock which is the code's standard. Code prefers access from non-arterial streets, so some of this acceptability is based on preexisting improvements. Also, because there is access from Renton Avenue, the site is not entirely dependent on Old Portland Road.

The Old Portland Road access includes a "U" shaped design, with driveway widths of approximately 30' and 20', with about 30' in between. This could be seen as two access points, but is acceptable as a preexisting condition. As there is little development for this proposal, reconstruction of the Old Portland Road access is not warranted.

The Renton access is acceptable.



No new road/street accesses are proposed.

\* \* \*

**Signs:** There is an existing freestanding sign along Old Portland Road. There is a building permit (#4193) from 1993, providing evidence of approval.

\* \* \*

### **Site Development Review:**

Per Chapter 17.96 SHMC trees with a 6" or greater dbh require preservation or replacement. As noted above, the applicant has noted being able to keep trees along Old Portland Road. These are the only trees associated with the subject property.

There is an evergreen tree just east of the existing sign. Conflict with the existing fence and overhead power service may warrant its removal.

**Crime prevention.** Applicant has noted troubles of breaking in and theft, much due to the existing dilapidated fencing. They intend on adding a light by the Old Portland Road access and improving the fencing, some of which has already occurred as the applicant secures the premises.

\* \* \*

### **Conditional Use:** Pursuant to SHMC 17.100.040:

(1) The planning commission shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

- (a) The site size and dimensions provide adequate area for the needs of the proposed use;
- (b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
- (c) All required public facilities have adequate capacity to serve the proposal;
- (d) The applicable requirements of the zoning district are met except as modified by this chapter;
- (e) The supplementary requirements set forth in Chapter 17.88 SHMC, Signs; and Chapter 17.96 SHMC, Site Development Review, if applicable, are met; and
- (f) The use will comply with the applicable policies of the comprehensive plan.

Staff does not see any issue with these criteria; **the Commission needs to agree to approve this proposal.**

Note that for (c) the closest city water main is approximately 350' to the southeast along Old Portland Road from the closest portion of the subject property, which poses some challenges if needed in the future. Sanitary sewer is along abutting rights-of-way. However, no utility connection is proposed.

Note conversion of a building to an office would require utility considerations and site improvement considerations; such would require a modification to this Conditional Use

Permit. No existing building can currently be used as an office; there is no permitting history supporting any prior allowance of this.

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

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

(3) The planning commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to, the following:

- (a) Limiting the hours, days, place, and manner of operation;
- (b) Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
- (c) Requiring additional setback areas, lot area, or lot depth or width;
- (d) Limiting the building height, size or lot coverage, or location on the site;
- (e) Designating the size, number, location, and design of vehicle access points;
- (f) Requiring street right-of-way to be dedicated and the street to be improved;
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- (h) Limiting the number, size, location, height, and lighting of signs;
- (i) Limiting or setting standards for the location and intensity of outdoor lighting;
- (j) Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- (k) Requiring and designating the size, height, location, and materials for fences; and
- (l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

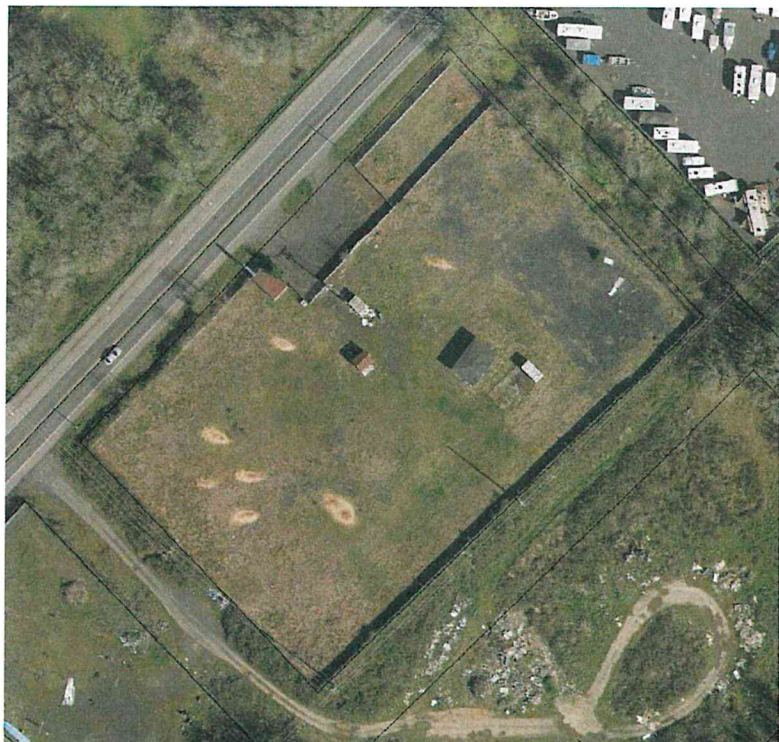
These are for the Commission’s consideration.

\* \* \*

**Street/Right-of-Way Standards:**

This proposal is not of such magnitude that street improvements are wanted.

**Other Considerations:** The site has been around since the 1990s. The current owner acquired the property in July 2021. The City of St. Helens conducted aerial photography in April 2022, which comparing with Google Earth aerial photography going back several years, is consistent with the conditions of the site when purchased.



This aerial photo from April 2022 is a good existing conditions reference.



Per the city's building permit records, the only permit pertaining to any building on site is #4688 for an approximate 12 x 24 foot metal "tool box." The building along OPR fits this description. Building code does not require a permit for one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses provided the floor area is not greater than 120 square feet.

Note this does not mean such a structure would be exempt from the Development Code and any necessary permitting.

Generally, other buildings on site, as seen in the aerial photo above are within the 120 square feet, except for the largest building towards the center of the site (approx. 22' x 30' in size).

Other than the previously permitted building as described previously, the applicant only identifies one other existing building close to the entry as being a mobile office/shed. Its use as an actual office would be enough to require permits and additional site improvement considerations.

The other buildings shown on the site plan are two proposed 40' long storage contains (conex boxes). 40' long conex boxes are about 320 square feet in size and would require building permits, if used as buildings.



**Above:** Photo of smaller fenced area taken on June 6<sup>th</sup>. **Right:** same area but on June 28<sup>th</sup>. These buildings are subject to permitting: this CUP and subsequent building permits.

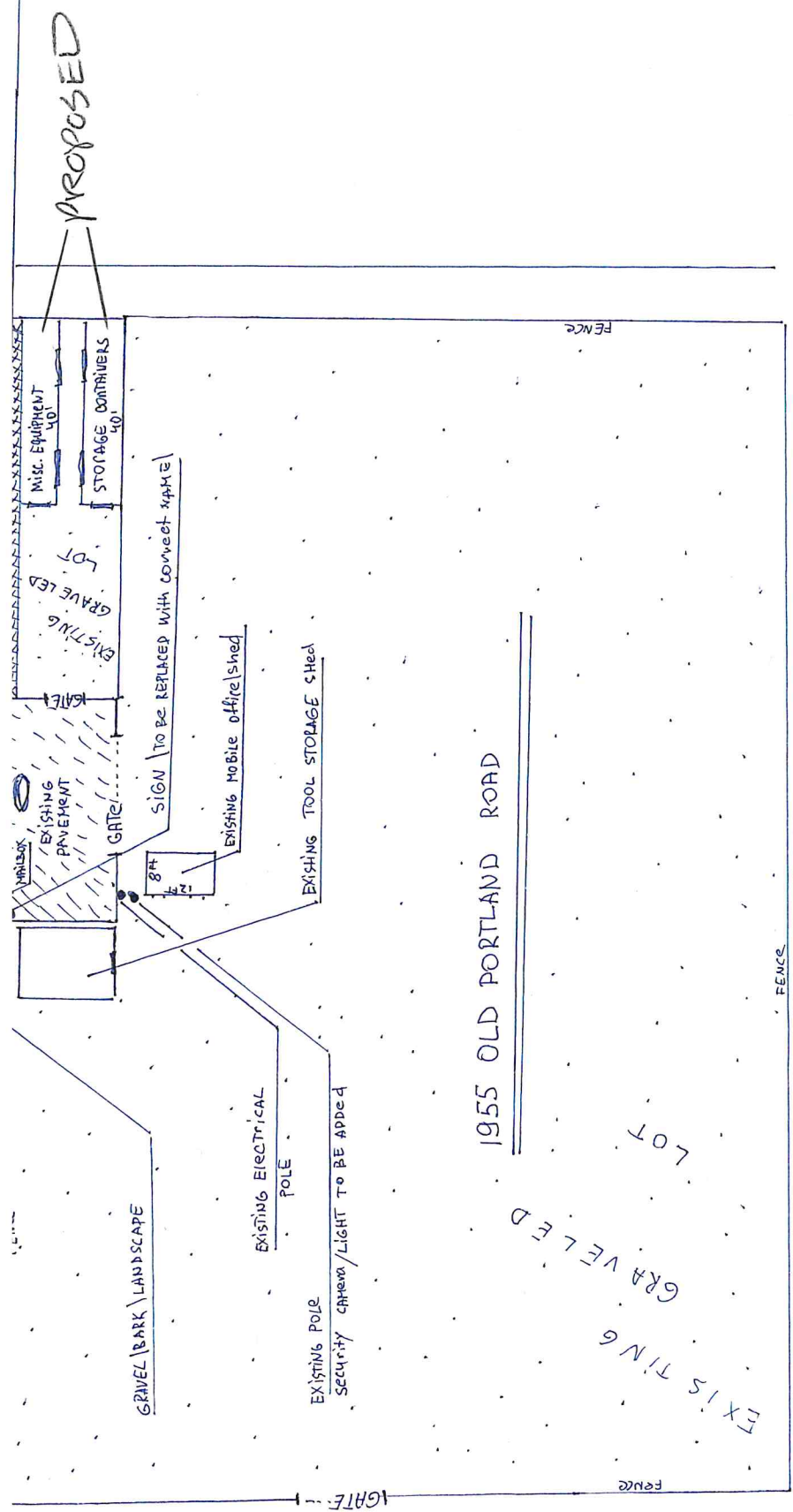
## CONCLUSION & RECOMMENDATION

**Based upon the facts and findings herein, staff recommends approval of this Conditional Use Permit, with the following conditions:**

1. This **Conditional Use Permit** approval is valid for a limited time (to establish the use) pursuant to SHMC 17.100.030. This Conditional Use Permit approval is valid for 1.5 years. A 1-year extension is possible but requires an application and fee. If the approval is not vested within the initial 1.5 year period or an extension (if approved), this is no longer valid and a new application would be required if the proposal is still desired. See SHMC 17.100.030.
2. Prior to commencement of use as proposed:
  - a. The storage areas shall be screened in a method approved by the city in accordance with SHMC 17.72.080(5)(a) - (c). Approval required before installation. If proposal is more than just making existing fencing sight-obscuring, a revised plan submitted for review and approval shall be required.
  - b. *Staff intends to talk to the Planning Commission about this one, to evaluate its appropriateness. If the PC thinks it's not required, it can be omitted →* The smaller fenced area along Old Portland Road and the northerly corner of the subject property shall be paved such that all areas within that can be traversed on by vehicles or pedestrians is paved and that paved area is contiguous with the paved area outside of the fenced areas (Old Portland Road access).
  - c. Building permits needed for new buildings allowed by this CUP and for demo of any existing building.
3. If there is documented evidence of adverse effects upon adjacent roadways, watercourses, or properties resultant from gravel use for the gravel parking areas proposed and allowed, use of that/those area(s) shall be improved with asphalt or concrete surfaces or similar type materials approved by the City. Additional permitting may be required for this.
4. This CUP does not allow additional buildings related to the use, regardless of whether or not building permits are required or not for them.
5. This CUP also does not allow partitioning of any existing building or the proposed conex boxes in the smaller fenced area into subunits. This CUP does not allow a mini storage use.
6. This CUP does not grant use of unlawful buildings. Unlawful pertains to any applicable code such as the Development Code, Building Code and Fire Code.
7. Conversion of any building to an office will require a modification to this Conditional Use Permit or a new one.
8. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17).

**Attachment(s):** Site Plan





SEAFORD LLP  
EQUIPMENT and MACHINERY CONSIGNMENT STORAGE YARD  
1955 OLD PORTLAND RD,  
SAINT HELENS, OR, 97051  
PROPERTY ID: 0291  
TAX ACC # 13233