

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variance V.4.25**

DATE: October 6, 2025
To: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Edgar Caballos Construction
OWNER: KELLAR STEVE M & JUDITH G

ZONING: Moderate Residential, R7
LOCATION: 34981 Roberts Lane
PROPOSAL: Reduced rear yard (setback) for replacement deck

SITE INFORMATION / BACKGROUND

The subject property is Lot 27, Meadowbrook Planned Community, Phase 2 platted in 1996. The Planned Development flexibility for Meadowbrook was to allow R7 yard (setback) requirements in R10 zoned areas. About half of the Meadowbrook development (north of the BPA easement) is zoned R10, whereas the portion south of the BPA easement, where the subject property is located, is zoned R7.

The significance of this is there was no adjustment to the basic yard (setback) requirements of the zoning from rear yard standpoint. The rear yard for both the R7 and R10 zones is 20 feet.

Another consideration is a stream at the rear of the property. As of December 2003, the drainage behind the property is a “city significant” wetland identified as MC-1, which is a “type I” wetland per Chapter 17.40 of the St. Helens Development Code. This wetland has a 75’ upland protection zone, the area of which is protected as a wetland itself. If this subdivision occurred today, the surrounding buildings would not be as close to this water feature as they are. This drainage is more-or-less at the rear property line.

The dwelling, excluding a rear deck, is approximately 20 feet from the rear property line. However, including the deck, there is encroachment into the rear yard.

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission: October 14, 2025.

Notice of this proposal was sent to surrounding property owners within 100 feet of the subject property(ies) on September 25, 2025 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on October 3, 2025 in Columbia County Spotlight newspaper.

AGENCY REFERRALS & COMMENTS

CRFR: The Fire District has no issues or objections to this project.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

DISCUSSION:

The original deck proposed for replacement is visible in this August 2022 photo. Note the drainage which is the significant wetland (what is left of it since Meadowbrook was developed).



CRITERIA:

SHMC 17.108.050 (1) – Criteria for granting a Variance

- (a) The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;
- (b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- (c) The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
- (d) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and
- (e) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

The Commission needs to find all these criteria **(a) – (e)** are met in order to approve the variance

FINDINGS:

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

- Staff comment(s): There are two considerations: the purpose of yard requirements (setbacks) and the abutting sensitive land.

The purpose of yard requirements (setbacks) is to preserve air light and space. For the upland protection zone there are different degrees of things being grandfathered. For example, mowing ground cover is a category of legal established nonconformity. So managed landscaping is not a grandfathered circumstance to automatically allow new building encroachment.

In this case the previous deck was in place for decades and before December 2003. Including stairs that allowed access to the deck from the outside, the approximate structure footprint was about 170 square feet. The proposed replacement is 200 square feet and will not include stairs.

The Commission could consider the change minor. The location is not changing, and the footprint is increasing about 18% in area.

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

- Staff comment(s): Staff has observed this scenario for development from this era. The site plan shows a home meeting the setback with no deck. A deck gets built.

Though there is not proof, it can be assumed this was the result of a good ‘ol boy system of the time. Also, the development pre-dating the December 2003 wetland rules is a different circumstance.

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

- Staff comment(s): The location is not changing and the increase in structure footprint is small.

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

- Staff comment(s): Staff’s biggest concern is having more buildings/structures closer to the drainage promotes sensitive land conflicts in the future. However, the previous deck was in place for decades (home was built in 1998 per County Assessor records) and the increase in size is small.

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

- Staff comment(s): The current owners purchased the property in 2002. It was only when they applied for a building permit that this issue came up. They seemed genuinely surprised by the issue.
- Also, the increase is small.

The Commission needs to find all these criteria **(a) – (e)** are met in order to approve the variances. If you think one of these is not met, we'll need to address why.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Variance with the following conditions:

1. This Variance approval is valid for a limited time pursuant to SHMC 17.108.040.
2. This Variance is specific to the 10 x 20 covered deck as proposed on the east portion of the rear side of the detached single-family dwelling.
3. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variance(s) granted herein.

Attachment(s): Applicant's narrative
Plans

Criteria For granting a variance:

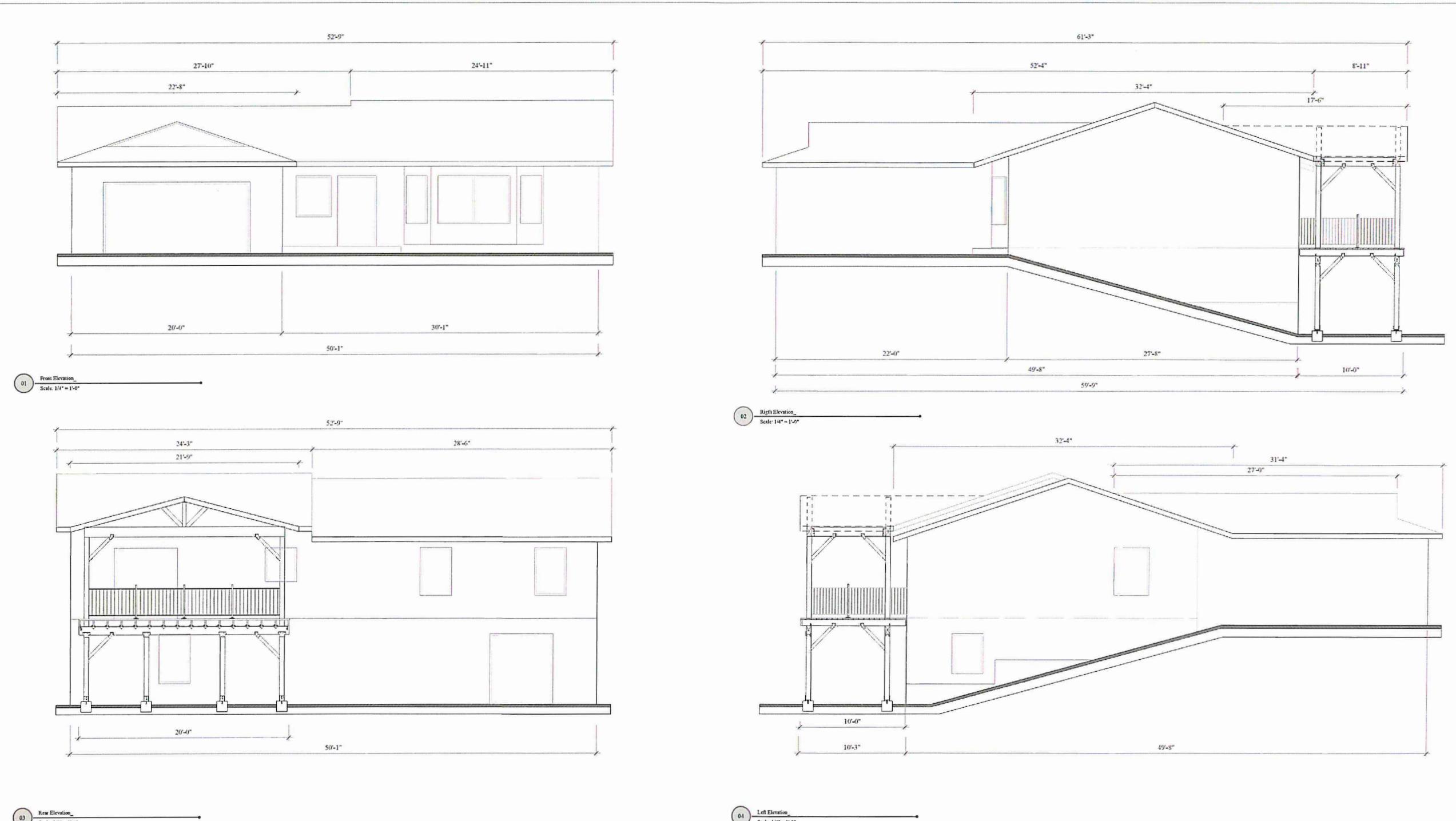
1-(a): According to code this variance expanding the current deck will not be significantly detrimental or in conflicts with the applicable policies and standards and will not be detrimental to other properties in the same zoning district or vicinity.

(b): The special circumstances that exist which are peculiar to the lot size are: When the house was built there was not a Riverian area designated on the northward edge of the property, and the deck was built into the 20 foot setback on the western side of the house. The deck that was built with the house does not meet current building code standards.

(c): The proposed use of the deck will not change

(d): The existing physical and natural systems will not be adversely affected

(e): The replacement and enlargement of the deck will not impose a hardship to the current property or any of the neighboring properties.



ALL DRAWINGS AND SPECIFICATIONS AS PART OF THE CONTRACT ARE THE PROPERTY OF THIS PROJECT. SHALL RETAIN THE PROPERTY OF THE DESIGNER, UNLESS OTHERWISE AGREED. THE DESIGNER IS NOT RESPONSIBLE FOR THE USE OF ANY OTHER PROJECTS OR FOR THE COMPLETION OF THIS PROJECT BY OTHERS. THE DESIGNER IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THIS PROJECT, UNLESS THE CLIENT HAS PROVIDED THE DESIGNER WITH THE CONSENT OF THE DESIGNER. IF IT IS THE CLIENT'S DESIRE TO HAVE THE DESIGNER INVOLVED IN THE CONSTRUCTION OF THE PROJECT, THE DESIGNER IS INVITED TO AN APPRENTICE POSITION OR AS A CONSULTANT. THOROUGHLY KNOWLEDGEABLE WITH BUILDING CODES AND LOCAL REGULATIONS, THE DESIGNER IS REASONABLY BE AWARE. WRITTEN INSTRUCTIONS THAT ADDRESS SUCH SPECIFIC REQUIREMENTS AS THE CONTRACT MAY REQUIRE, SHALL BE PROVIDED BY THE DESIGNER AND ATTACHED AS AN ADDENDUM TO THE CONTRACT. THE CLIENT IS RESPONSIBLE FOR ANY DEFECTS OR CONSTRUCTION DEFECTS IF THESE PROCEDURES ARE FOLLOWED.

Project Name:
FREE-STANDING DECK
Project Address:
34981 Roberts Ln, St Helens, OR 97081

A2-0 DECK PLAN

File Name: 34981_HELENS_V.1

1. ALL WORK SHALL CONFORM TO THE LATEST EDITION OF THE BUILDING CODES IN EFFECT, AS WELL AS TO ALL OTHER GOVERNING CODES, ORDINANCES, AND REGULATIONS AS REQUIRED BY LOCAL BUILDING CODES.

2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN ON THE WORKING DRAWINGS. THE CONTRACTOR SHALL NOTIFY THE DESIGNER OF ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF ANY WORK. IN EVENT OF FAILURE TO DO SO, THE CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTION OF ANY ERROR.

3. SUB-CONTRACTORS ARE TO PROPERLY CONNECT AND COORDINATE THEIR WORK WITH THE WORK OF OTHERS AS SHOWN ON THE DRAWINGS AND AS INDICATED IN THE SPECIFICATIONS. THE CONTRACTOR SHALL COORDINATE THE WORK OF VARIOUS TRADES TO AVOID POSSIBLE INTERFERENCE, DUPLICATION OF WORK, OR UNFINISHED GAPS BETWEEN OPERATIONS.

4. THE GENERAL CONDITIONS OF THE CONTRACT SHALL BE THOSE AGREED UPON BY AND BETWEEN THE OWNER-CONTRACTOR AGREEMENT. THE GENERAL CONDITIONS OF THE CONTRACT ARE A PART OF THESE CONTRACT DOCUMENTS AND APPLY TO ALL SECTIONS OF THE SPECIFICATIONS.

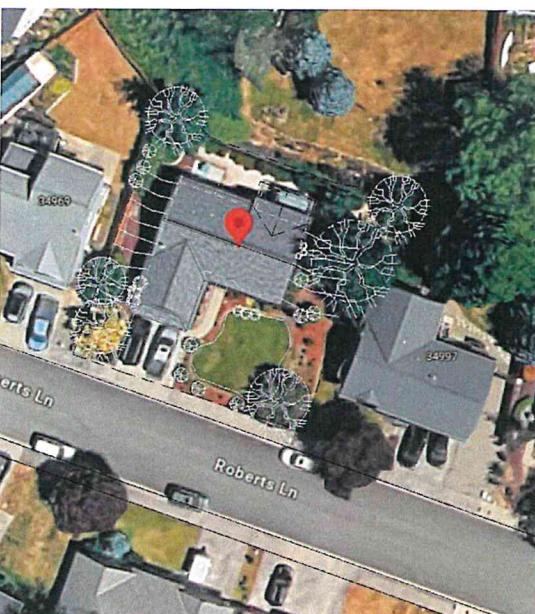
5. GLASS DOORS, GLASS PARTITIONS, AND ALL GLAZED OPENINGS WITHIN 18" OF THE ADJACENT FLOOR SHALL BE OF GLASS APPROVED FOR IMPACT HAZARD IN ACCORDANCE WITH CHAPTER 24, U.B.C. STANDARD NO. 24-2, PART I.

6. ALL NEW AREAS AND FACILITIES SHALL BE ACCESSIBLE PER LOCAL BUILDING/SAFETY DISABILITY CODE.

7. THE FLOOR JOISTS SHALL BE RUNNING PERPENDICULAR TO THE BAND JOIST AS SHOWN. WHEN JOISTS ARE RUNNING PARALLEL, A DESIGN AND DETAILING OF THE LATERAL LOAD CONNECTION IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICE SHALL BE SUBMITTED FOR REVIEW.

SHEET NO.	SHEET NAME
A0.0	COVER
A0.1	GENERAL NOTES
A1.0	SITE PLAN
A2.0	DECK PLAN
S1.0	EXTERIOR ELEVATIONS
S2.0	STRUCTURAL FRAMING PLAN & SECTIONS
S3.0	FOOTINGS & CONNECTION DETAILS

VICINITY MAP



Location map_34981 Roberts Ln
Scale: 1" = 30'

CODE ANALYSIS

ORSC 2023 Ch. 3 (R301 design criteria; R312 guards; R317 wood protection/fasteners).

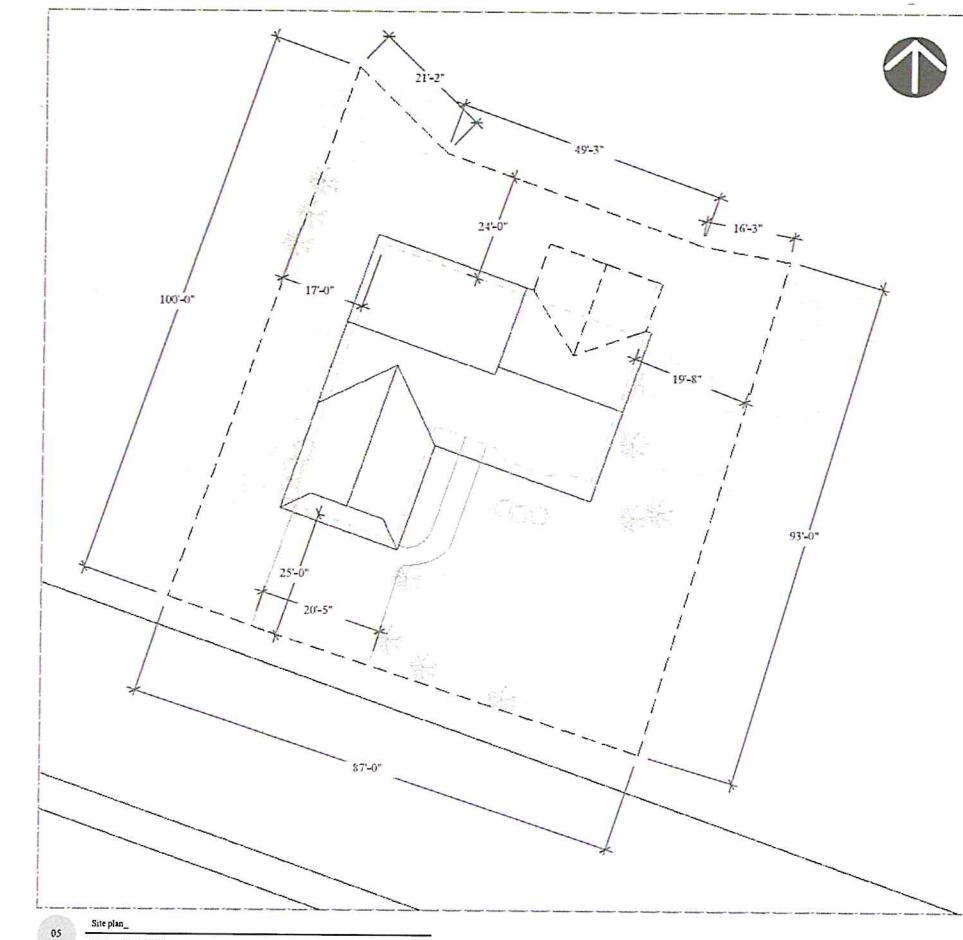
ORSC 2023 R507 (decks — posts, beams, joists, connections).

ORSC 2023 Appendix AH (deck/patio/porch covers — one story; mean roof height ≤ 12 ft).

St. Helens Climatic/Geographic Design Criteria (City handout based on ORSC): Volt 120 mph, prescriptive minimum ground snow load 36 psf, Seismic D1, Frost 12 in. Include on cover sheet.

St. Helens Municipal Code, Title 17: R-7 yards, Accessory Structures (17.124), Additional Yard Setback Requirements & Exceptions (17.64)

34981 Roberts Ln, St Helens, OR 97051



PROJECT AREA:

Lot area: 7,726 sf (approx.).
New work area (deck surface): 10' × 20' = 200 sf.
New covered area (roof footprint): 200 sf (same as deck).
Stories / conditioned area: 1 story, unconditioned (no enclosure/HVAC).
Existing dwelling area: Unchanged (no interior scope).

PROJECT TEAM

PROJECT TEAM CONT'D

Designer:
Build Yamp
Contact: Alejandra Monroy
E-mail: Projectdesign@buildyamp.com

SCOPE OF WORK DESCRIPTION

Remove the existing deck and construct a new free-standing (self-supported) wood deck, 10'×20' (~200 sf), with a gable patio/porch cover, and no stairs. Provide:

1. Footings cast-in-place at ≥ 12 in below grade; call out diameter/thickness and rebar; inspect pre-pour.
2. 6×6 preservative-treated posts with lateral restraint at bases (listed post bases or ≥12 in embedment); moisture separation from concrete.
3. Deck framing per ORSC R507: sized girders and joists (2×8) to span/spacing tables; species/grade noted; positive connections to prevent rotation/slippage.
4. Decking with approved exterior material; corrosion-resistant fasteners/connectors compatible with treated wood (R317.3.1).
5. Gable roof cover per Appendix AH; label rafters/ridge/beam/diagonal bracing; verify mean roof height ≤ 12 ft; provide uplift ties/straps for Volt 120 mph.
6. Guards where required (drop >30 in): 36 in min height, 4-in sphere opening limit; detail posts/infill/anchorage.
7. Site plan to show distances to all property lines from deck edge and from eave/gutter projection; confirm R-7 yards and any encroachments (SHMC 17.64).
8. Final clean-up; no changes to dwelling egress or conditioned space. Any exterior lighting to be LED with photocell/timer.

