

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT**

Appeal **AP.1.23** of Partition, **PT.1.24**, and Lot Line Adjustment, **LLA.1.24**

DATE: March 5, 2024
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Vintage Friends, LLC
APPELLANT: Daryl Tinney
OWNER: Vintage Friends, LLC

ZONING: General Residential, R5 and Mixed Use, MU
LOCATION: 80 S. 21st Street
PROPOSAL: Lot line adjustment and 3 parcel partition of the larger adjusted lot

SITE INFORMATION / BACKGROUND

Staff tentatively approved this proposal on January 22, 2024. The decision was appealed by an abutting neighbor based on a tree issue on February 2, 2024. Staff received agency response from CRFR and City Engineering prior to the appeal that may have warranted a staff-initiated amended decision, but that was not done given the appeal. So those agency responses will be considered too.

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission: March 12, 2024

Notice of this proposal was sent to surrounding property owners within 200 feet of the subject property(ies) on February 21, 2024 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on February 28, 2024 in The Chronicle newspaper.

APPLICATION COMPLETENESS

This application was originally received deemed complete on January 2, 2024. The 120-day rule (ORS 227.178) for final action for this land use decision is May 1, 2024.

AGENCY REFERRALS & COMMENTS

None based on the notice for this appeal.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

Important: this report is not a stand-alone document and is meant to be reviewed with the original decision and other documents in the record.

This report will focus on (1) the tree issue that is the specific subject of this appeal, (2) the January 25, 2024 comments from CRFR and (3), the February 1, 2024 comments from City Engineering.

Tree issue. Per SHMC 17.132.025 a tree plan is required for protection, removal and potential replacement of trees. It is required for “any lot, parcel or combination of lots or parcels” involved in the proposal. The particular tree of concern has its trunk on the appellant’s property, with a significant portion of the root system within the subject property. So it is technically on the subject property, just not entirely.

Chapter 17.132 SHMC’s definition of removal is:

“Removal” shall mean the cutting or removing of 50 percent or more of a crown, trunk or root system of a tree, or any action which results in the loss of aesthetic or physiological viability or causes the tree to fall or be in immediate danger of falling. “Removal” shall not include pruning.

If the roots were severed at the property line, it is assumed more than 50% of the root system would remain, but this still could be an action that results in physiological viability.

Condition 2.c.iii of the original decision requires a protection program by a certified arborist specifically for this tree. **A question for this matter is can we require any more than this or otherwise result in a different decision than the original?**



April 2022 aerial photo with the tree that is the catalyst of this appeal identified. Its size and proximity of the trunk to the property line, with significant portion of root system within the subject property are aspects for consideration.



May 2023 Google Earth street view from Crouse Way. The trunk of the tree that is the catalyst of this appeal is identified with a yellow arrow. Its height is evidence of its larger trunk size (and root system).

Compare this to the photos in the original staff report for context.

CRFR comments. See attached memo from CRFR. The key thing from this is CRFR’s request that the private driveway be 12 feet wide instead of the minimum 10 feet and that the driveway be unobstructed.

This can be included in revised conditions of approval from the original decision for the increased physical width and no parking signage to help ensure it remain unobstructed.

City Engineering comments. See attached email from the city’s Engineering Manager. Basically, this adds more storm water compliance detail. There was already a condition pertain to storm water and this will add to that.

This can be included in revised conditions of approval from the original decision.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends the following conditions subject to further discussion at the public hearing, assuming the Commission feels it can still approve the proposal. New text from the original decision based on the above is in red.

The condition pertaining to the tree that is the catalyst of this appeal is highlighted in yellow. In this report, it is unchanged from the original decision, but could be revised is warranted.

The following conditions apply to the *local land use approval* aspect of this proposal:

1. **This Land Partition preliminary plat approval shall be effective for a period of twelve (12) months from the date of approval.** The approval shall become void if a final plat prepared by a professional registered surveyor in accordance with 1) the approved preliminary plat, 2) the conditions herein, and 3) the form and content requirements of the City of St. Helens Development Code (SHMC Title 17) and Oregon Revised Statutes is not

submitted within the twelve (12) month approval period. **Note: a time extension of up to six months is possible per SHMC 17.140.035(3).**

2. The following shall be required before the City accepts a final plat for review:

- a. Frontage improvements to local street standards along the developed parcel shall be completed, in accordance with any permits and procedures of city engineering. Must include street trees of a “small” species per Chapter 17.72 SHMC and meet all other city requirements.
- b. The shed in the easternmost corner of the property shall be removed.
- c. **Tree plan is required per Chapter 17.132 SHMC. Any off-site mitigation and/or compensation is subject to city approval to be allowed as an option. A certified arborist shall be used for at least for the following:**
 - i. Any on site mitigation. On site mitigation shall take anticipated lot constraints upon full development into account.
 - ii. Any off site mitigation if allowed.
 - iii. **A protection program defining how the large Douglas fir on the adjacent property addressed as 255 Crouse Way close to the property line will be protected during and after development of the affected parcel.**
 - iv. If compensation for tree loss is proposed and allowed, the value shall be based on the International Society of Arboriculture’s Guide for Plant Appraisal. The value shall be determined by a certified arborist using this guide.
- d. Shared private drive shall be constructed **with a minimum width of 12’ and “no parking” signage.** The public street frontage improvements need to be coordinated with that. Developer should coordinate future private utilities within the private street as well, to prevent or minimize trenching and other pavement cuts.
- e. Storm drainage report shall be submitted for city review. Storm water strategy needs to include all anticipated impervious surfaces and be approved by city engineering. **All stormwater shall be detained on the subject property so the post-development rates leaving the site does not exceed the pre-development rates; otherwise, a new storm drain will be required on S. 21st Street connecting to the existing storm main on Crouse Way, with all site storm connected to this new storm system.** Timing of storm water improvements shall be included: required for the partition (before final plat) or when lots are developed (before occupancy), as approved by the city. **If a new storm is required on S. 21st Street, it shall be completed before final plat.**
- f. Storm water improvements as applicable. See condition 2.e

3. The following shall be required before the City signs an approved final plat:

- a. Private street improvements shall be verified by surveyor to ensure location will be within easement on final plat.
- b. Maintenance agreement for the shared access shall be approved by the city, to be incorporated at least in reference, on the final plat. Shall include no parking provisions.
- c. Any approved off-site tree mitigation shall be done or fees in lieu of tree mitigation paid.

- d. All required improvements shall be in place.
4. **In addition to compliance with local, county, state and other requirements, the following shall be included on the final plat:**
- a. Maintenance agreement per condition 3.b shall be referenced with a line to include the recordation number.
 - b. An additional approximate 10' of right-of-way dedication is necessary to achieve half of the minimum right-of-way width as measured from the right-of-way centerline.
 - c. Easement for public sanitary sewer line along the back side (opposite side from public street) at 15' on center or greater as required by city engineering.
5. **The following shall be recorded with the final plat:**
- a. Maintenance agreement per condition 3.b.
6. **The following shall be required prior to any development or building permit issuance for each parcel of this partition:**
- a. An additional "fair share" fee shall be paid per equivalent dwelling unit (EDU) based on the portions of the city wastewater collection system between the subject property and the wastewater treatment plant, that this development depends on, that are at or above capacity as identified in the 2021 Wastewater Master Plan. Estimated per EDU cost is \$15,000 based on October 2022 dollars. Inflation adjustment to value at time of building permit issuance shall be included.
 - b. Plans shall reflect the applicable conditions under condition 7.
7. **The following shall be required prior to Certificate of Occupancy (or the equivalent) for each undeveloped parcel of this partition:**
- c. Frontage improvements to local street standards along the undeveloped parcel abutting the public street shall be completed, in accordance with any permits and procedures of city engineering. Must include street trees of a "small" species per Chapter 17.72 SHMC and meet all other city requirements.
 - d. Storm water improvements as applicable. See condition 2.e.
 - e. Any on site tree replacement mitigation, as applicable, per the tree plan.
8. All utilities shall be underground. Overhead utilities along S. 21st Street may continue as long as no new poles are necessary.
9. **Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17.**

Attachment(s):

- Appeal application
- Email from the city's Engineering Manager dated February 1, 2024
- Memo from CRFR dated January 25, 2024
- PT.1.24 and LLA.1.24 administrative report (decision) signed January 22, 2024
 - Plans (5 pages)
 - St. Helens Wastewater Collection System New Sewer Connection Surcharge memo (excerpts: pgs. 1-6, 8, 14 and 25-26)
- Applicant's narrative

City of St. Helens

Application for Appeal of Land Use Decision

Appellant Name(s): <i>Daryl Tinney</i>	File No. of Land Use Decision being Appealed: <i>RE: Partition, PT. 1, 24 and Lot Line Adj. LLA. 1, 24</i>
Appellant Mailing Address: <i>255 Crouse Way St. Helens, Or. 97051</i>	
Appellant Telephone No.: <i>Hm (503) 366-3667 Cell (503) 396-9463</i>	Appellant E-mail Address: <i>darylgt83@gmail.com</i>

APPEAL INFORMATION

Subject Property Assessor's Map & Tax Lot No.: <i>4N1W-4CA-7200</i>	Subject Property Site Address: <small>Street name if # not assigned</small> <i>80 S. 21st Street</i>
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Type of Land Use Decision being Appealed: *Lot line adjustment and Partition*

Statement as to how appellant qualifies to appeal (pursuant to Development Code): *17.24.290 #1*
The tree on my property has roots that go onto other property and should not be disturbed. Tree and property should be assessed by a certified Arborist.

Grounds for Appeal: Include specific reference(s) to Development Code and/or Comprehensive Plan provisions which form the basis for the appeal.

I am concerned that the cutting of the roots of my Day Fir tree will weaken the tree and cause a dangerous situation for my home my neighbors home and the houses the developer wants to put in. I will not cut my tree down. The root system would be cut if a house was to go in 5' from the property line. Every Arborist I have talked to said it would harm the tree and cause weakness. Too many trees are already being cut down. If the root system is damaged I don't want to have to worry every day about when it will fall and who will be hurt. It's a unsafe, dangerous plan.

Appellant(s) Signature: *Daryl Tinney*

Date Signed: *2-2-2024*

FOR OFFICE USE ONLY	
Pre-Application Conference Date:	Fee Amount Paid: <i>\$250.⁰⁰</i>
Date Received: <i>2-2-24</i>	Receipt No.: <i>5255</i>
Application Type: <i>APPEAL</i>	File No.:

Jacob Graichen

From: Sharon Darroux
Sent: Thursday, February 1, 2024 11:19 AM
To: Jacob Graichen
Cc: Christina Sullivan
Subject: RE: City Referral - Vintage Friends, LLC

Jacob,

I have one additional comment on the 80 S 21st Street partition:

- For their stormwater, they will have to detain all stormwater on their property so that their post-development rates leaving the site does not exceed their pre-development rates; otherwise they will have to construct new storm drain on S 21st St and connect to the existing storm main on Crouse Way and connect all on site storm to the new storm system.

Thank you,

Sharon Darroux, PMP | Engineering Manager

City of St. Helens | Public Works – Engineering Division
265 Strand Street, St. Helens, OR 97051 | www.sthelensoregon.gov
p: (503) 366-8243 | c: (503) 936-0813 | e: sdarroux@sthelensoregon.gov

From: Christina Sullivan <csullivan@sthelensoregon.gov>
Sent: Monday, January 22, 2024 10:23 AM
To: Dave Elder <delder@sthelensoregon.gov>; dhooper@columbia911.com; Eric Smythe <smythee@crfr.com>; Ian Crawford - Columbia 911/WA 911 <icrawford@wcca.com>; Mark Gundersen <mgunderesen@sthelensoregon.gov>; Mike DeRoia <mderoia@sthelensoregon.gov>; Nathan Woodward - Columbia County Surveyor <nathan.woodward@co.columbia.or.us>; Sharon Darroux <sdarroux@sthelensoregon.gov>; Aaron Kunders <akunders@sthelensoregon.gov>; Brian Greenway <bgreenway@sthelensoregon.gov>
Subject: City Referral - Vintage Friends, LLC

Vintage Friends LLC Lot Line Adjustment & Partition / LLA.1.24 & PT.1.24 4N1W-4CA-7200 80 S 21st Street

The attached materials have been referred to you for your information and comment. Your recommendations and suggestions will be used to guide the staff and Planning Commission when reviewing the proposed request. If you wish to have your comments on the attached material considered, please respond by February 5, 2024.

Your prompt reply will help to facilitate the processing of this application and will ensure prompt consideration of your recommendations.

Thank you,

Christina Sullivan



Columbia River Fire & Rescue

ADMINISTRATION OFFICES

270 Columbia Blvd * St Helens, Oregon * 97051
Phone (503)-397-2990 * www.crrf.com * FAX (503)-397-3198

Memorandum

To: City of St Helens Planning Department
From: Interim Chief Eric Smythe
Via: Email
Date: 25 January 2024

Memo# 2023-24-34

Re: 80 S. 21st Street, Partition PT.1.1.24, lot line adjustment, LLA.1.24

This memorandum will serve and notice regarding the division of the property into smaller lots for additional structures. The fire district finds the following is required for the City of St Helens consideration referencing the lot adjustment.

The limited access due to parked vehicles on 21st, multiple structures within a limited area, limited access/egress by a single driveway for two separate properties the fire district requires an unobstructed 12-foot-wide driveway.

The nearest fire hydrant is located within 300' of the purposed property.

**CITY OF ST. HELENS PLANNING DEPARTMENT
ADMINISTRATIVE STAFF REPORT**

File Number(s): Partition, **PT.1.24**, and Lot Line Adjustment, **LLA.1.24**

Proposal: Lot Line Adjustment to adjust a shared property line established in the 1940s by deed and dividing the larger of the adjusted area into three parcels.

A lot line adjustment review is required where any adjustment to a property line by the relocation of a common boundary is requested.

A Partition is required when two or three parcels are created within a calendar year. It is also required when a division of land (if not a subdivision, which creates 4 or more lots) creates a street or road. It can also be used to replat or rearrange property lines. This report pertains to the Partition's *Preliminary Plat*; a *Final Plat* is also required subsequent to the *Preliminary Plat*.

Location: 80 S. 21st Street

Map/Taxlot(s): 4N1W-4CA-7200

Applicant(s): Vintage Friends, LLC

Owner(s): Vintage Friends, LLC

Zoning: General Residential, R5 and Mixed Use, MU

* * * * *

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Planning Administrator **APPROVES** this **Land Partition with conditions** (as detailed in the next section of this report).



Jacob A. Graichen, AICP, City Planner



Date

* * * * *

CONDITIONS OF APPROVAL

Please note that the requirements of other City of St. Helens departments (e.g., Building, Engineering, and Administration) and other agencies (local, state and/or federal) may apply to this proposal. This *local land use approval* decision does not exempt and is not a substitute for those requirements. *For example, all partitions include necessary steps with Columbia County (e.g., County Surveyor).*

The following conditions apply to the *local land use approval* aspect of this proposal:

1. **This Land Partition preliminary plat approval shall be effective for a period of twelve (12) months from the date of approval.** The approval shall become void if a final plat prepared by a professional

registered surveyor in accordance with 1) the approved preliminary plat, 2) the conditions herein, and 3) the form and content requirements of the City of St. Helens Development Code (SHMC Title 17) and Oregon Revised Statutes is not submitted within the twelve (12) month approval period. **Note: a time extension of up to six months is possible per SHMC 17.140.035(3).**

2. The following shall be required before the City accepts a final plat for review:

- a. Frontage improvements to local street standards along the developed parcel shall be completed, in accordance with any permits and procedures of city engineering. Must include street trees of a “small” species per Chapter 17.72 SHMC and meet all other city requirements.
- b. The shed in the easternmost corner of the property shall be removed.
- c. Tree plan is required per Chapter 17.132 SHMC. Any off-site mitigation and/or compensation is subject to city approval to be allowed as an option. A certified arborist shall be used for at least for the following:
 - i. Any on site mitigation. On site mitigation shall take anticipated lot constraints upon full development into account.
 - ii. Any off site mitigation if allowed.
 - iii. A protection program defining how the large Douglas fir on the adjacent property addressed as 255 Crouse Way close to the property line will be protected during and after development of the affected parcel.
 - iv. If compensation for tree loss is proposed and allowed, the value shall be based on the International Society of Arboriculture’s Guide for Plant Appraisal. The value shall be determined by a certified arborist using this guide.
- d. Shared private drive shall be constructed. The public street frontage improvements need to be coordinated with that. Developer should coordinate future private utilities within the private street as well, to prevent or minimize trenching and other pavement cuts.
- e. Storm drainage report shall be submitted for city review. Storm water strategy needs to include all anticipated impervious surfaces and be approved by city engineering. Timing of storm water improvements shall be included: required for the partition (before final plat) or when lots are developed (before occupancy), as approved by the city.
- f. Storm water improvements as applicable. See condition 2.e

3. The following shall be required before the City signs an approved final plat:

- a. Private street improvements shall be verified by surveyor to ensure location will be within easement on final plat.
- b. Maintenance agreement for the shared access shall be approved by the city, to be incorporated at least in reference, on the final plat. Shall include no parking provisions.
- c. Any approved off-site tree mitigation shall be done or fees in lieu of tree mitigation paid.
- d. All required improvements shall be in place.

4. In addition to compliance with local, county, state and other requirements, the following shall be included on the final plat:

- a. Maintenance agreement per condition 3.b shall be referenced with a line to include the recordation number.
- b. An additional approximate 10’ of right-of-way dedication is necessary to achieve half of the minimum right-of-way width as measured from the right-of-way centerline.

- c. Easement for public sanitary sewer line along the back side (opposite side from public street) at 15' on center or greater as required by city engineering.

5. The following shall be recorded with the final plat:

- a. Maintenance agreement per condition 3.b.

6. The following shall be required prior to any development or building permit issuance for each parcel of this partition:

- a. An additional “fair share” fee shall be paid per equivalent dwelling unit (EDU) based on the portions of the city wastewater collection system between the subject property and the wastewater treatment plant, that this development depends on, that are at or above capacity as identified in the 2021 Wastewater Master Plan. Estimated per EDU cost is \$15,000 based on October 2022 dollars. Inflation adjustment to value at time of building permit issuance shall be included.
- b. Plans shall reflect the applicable conditions under condition 7.

7. The following shall be required prior to Certificate of Occupancy (or the equivalent) for each undeveloped parcel of this partition:

- c. Frontage improvements to local street standards along the undeveloped parcel abutting the public street shall be completed, in accordance with any permits and procedures of city engineering. Must include street trees of a “small” species per Chapter 17.72 SHMC and meet all other city requirements.
- d. Storm water improvements as applicable. See condition 2.e.
- e. Any on site tree replacement mitigation, as applicable, per the tree plan.

- 8. All utilities shall be underground. Overhead utilities along S. 21st Street may continue as long as no new poles are necessary.

9. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17).

* * * * *

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

Site Description: The subject property is general flat and nearly rectangular in shape. It is developed with a detached single-family dwelling, which per County Assessor information, was built in 1925.

No wetlands are inventories on the city’s local wetlands inventory, but wetlands are suspected on the adjacent property to the north.

SHMC 17.140.040 – Partition approval criteria.

Note: *This section also applies to Partitions.*

A request to partition land shall meet all of the following criteria (1-5):

- (1)** The proposal conforms with the city’s comprehensive plan;

Finding(s): There is no identified conflict with the Comprehensive Plan.

(2) The proposed partition complies with all statutory and ordinance requirements and regulations;

Finding(s): This criterion addresses standards not otherwise addressed herein.

Development fronts a public street and private driveway more than 100' in length, thus street trees are required per SHMC 17.72.030. There are overhead utilities along S. 21st Street, so trees must be small per Chapter 17.72 SHMC. As mostly new development, new utilities can be situated to allow locations for trees and avoid future utility conflicts. Location shall comply with SHMC 17.72.035 and be incorporated into public improvement plans for S. 21st Street. Normal minimum spacing for "small" tree is 20'.

Accessory structures, like sheds, are incidental to a principal structure and not supposed to be on a parcel without a principal structure. There is a shed in the easternmost corner of the property that will be on a separate parcel from the existing dwelling and thus needs to be removed.

Tree plan is required per Chapter 17.132 SHMC because there are more than 10 trees on site and there is a tree over 2' trunk width diameter at breast height (dbh). Applicant notes no trees are proposed to be saved. From a mitigation standpoint, loss of all trees would require 200% replacement. There are 9 trees with a dbh of over 12 inches so 18 new trees need to be accounted for.

Tree loss mitigation can be done via planting on site, planting off-site or paying a fee to compensate the city for its cost of tree replacement. The clear and objective option for the trees is mitigation on site. The alternative options are off site mitigation and/or compensation, as approved by the director. Further, the plan by a certified arborist is the clear and objective option, or other capable professional is the alternative as approved by the director.

Inventorizing of the trees was not done by a certified arborist. However, a certified arborist shall be used for at least the following:

1. Any on site of off site (if allowed) mitigation. On site mitigation shall take anticipated lot constraints upon development into account.
2. There is a large Douglas fir on the adjacent property addressed as 255 Crouse Way. It is close to the property line and an area proposed for a storm trench to capture roof runoff and potential building footprint (minimum side yard for structures is 5'). A tree's critical root zone is generally an area equal to 1 foot radius from the base of the trunk for each 1 inch of diameter at the diameter at breast height.

Given the size of the trunk and proximity to fence (approximate property line) the critical root zone of this tree is significantly within the subject property, such that development activity is anticipated to impact the critical root zone. A protection program defining how this tree will be protected during and after development of the affected parcel will be necessary and shall be conducted by a certified arborist.

3. Value of compensation for tree loss (if allowed). SHMC 17.132.070 bases the value of trees on the International Society of Arboriculture's Guide for Plant Appraisal. If this option is chosen, the value shall be determined by a certified arborist using this guide.



Right: The large Douglas fir tree on the adjacent property is seen behind the fence. It is between a 13.2-inch black locust and a 14.5-inch Douglas fir on this side of the fence. Compare the trunk width of this tree to the others; it is much wider. **Above:** the Douglas fir tree on the adjacent property close to the fence and property line.



Street improvements required to local classified standards. This applies to the proposed developed parcel and undeveloped one abutting the public street. Shared private infrastructure shall be in place as the land division necessitates it as share infrastructure. The public improvements need to be coordinated with that. Developer should coordinate future private utilities within the private street as well, to prevent trenching and other pavement cuts.

All utilities shall be underground. Overhead utilities along S. 21st Street may continue as long as no new poles are necessary.

(3) Adequate public facilities are available to serve the proposal (to address transportation facilities in this regard, a traffic impact analysis shall be prepared, as applicable, pursuant to Chapter 17.156 SHMC);

Finding(s): There is an improved **public street** abutting the subject property connecting to improved streets amongst the surrounding area. The proposal is too small to require a traffic analysis.

There is a **city water** main within the S. 21st Street right-of-way that the existing home is connected to, and all proposed vacant parcels are proposed to connect to that main. The proposed shared access easement is also a utility easement for the private connection for the parcels not abutting S. 21st Street.

There is no **city storm sewer** infrastructure within the S. 21st Street right-of-way, but there is in the Crouse Way right-of-way, within 100' distance. Adequate provisions for storm water runoff are required. The area is generally flat. This proposal will result in one developable lot to be four, which will result in an increase of impervious area on the property and increased storm water runoff. Applicant proposes storm trenches to capture roof runoff, though this does not address new driveway. New driveway impervious surface alone is expected to exceed 2,600 square feet (>1,270 square feet for the new shared driveway and >1,400 for four new individual driveways). Storm water strategy needs to include all anticipated impervious surface and be approved by city engineering. Drainage report will be necessary.

There is a **city sanitary sewer** main within the S. 21st Street right-of-way that the existing home is connected to and the other proposed parcel abutting S. 21st Street will utilize. There is also a city sanitary sewer main along the rear property line (opposite side from S. 21st Street) that the proposed parcels that do not abut S. 21st Street are proposed to connect to. There are two issues pertaining to sanitary sewer that need to be addressed: easement and system conveyance.

Based on the preliminary title report submitted with the application, there is no easement for the sanitary sewer main on the opposite side of the subject property than S. 21st Street. Typical easement width needed is 15' on center. Easement of that width or greater as required by city engineering will be required on the final plat.

Pertaining to **sanitary sewer conveyance**, the city adopted a new **Wastewater Master Plan (WWMP)** in November 2021 that identifies undersized trunk lines already operating at or above capacity that this development would depend on. The WWMP can be found here:

<https://www.sthelensoregon.gov/engineering/page/public-infrastructure-master-plans>

Sewer pipes are considered “at capacity” when peak flows exceed 85% of the full depth of the pipe in accordance with industry standards. This depth is based on the maximum depth of flow ratio (d/D), where “d” is the depth of flow and “D” is the pipe diameter. The WWMP includes an exhibit—Figure 18—that shows that much of the sanitary sewer main between the subject property and Wastewater Treatment Plant, that will convey the subject property’s sewer, is above currently operating at or above 100%. There are also sections operating between 85-100% capacity. This is much greater than the industry and city standard 85% “at capacity” flows.

Pipeline surcharging occurs as flows exceed the capacity of a full pipe, causing wastewater to back up into manholes and services. In addition to potentially backing up into homes and health risks associated with sanitary sewer overflows, Oregon DEQ prohibits all sanitary sewer overflows and can fine cities for allowing such and has done so to other jurisdictions. Examples of DEQ fines can be found here:

<https://www.oregon.gov/deq/Pages/enforcement-actions.aspx>

Given this issue, SHMC 17.152.090(4) must be considered:

Permits Denied. Development permits may be restricted by the commission or council (i.e., the applicable approval authority) where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

There is a current deficiency (undersized pipes for existing demand) of a widespread scale within the city per the WWMP including infrastructure this development would need to utilize that could result in surcharging, fines (e.g., for violation of Oregon DEQ standards) and public health risks.

Staff finds this development can still be approved under these circumstances given this criterion based on the following findings or conditions of approval:

- The deficient conveyance infrastructure this development depends on for sanitary sewer is a priority 1 and 3 in the WWMP (each sewer line proposed to be utilized by the subject property routes in separate areas in the city). Priority rankings include three categories. There are no priority 2 conveyance improvements. The difference between priority 1 and 3, is priority 1 includes areas that have been reported to have overflows or significant surcharging during wet weather events, whereas priority 3 areas are where there have been infrequent or no observations of historical overflows or surcharging.

- City Public Works and Engineering staff have already begun to address the necessary sanitary sewer infrastructure upgrades having already received a State Revolving Fund Program loan (for below market rate loans) from Oregon DEQ to fund both priority 1 projects (in basins 4 and 5) and priority 3 projects in basin 6. Basins 4, 5 and 6 are applicable to this proposal, considering both sanitary sewer mains proposed to be connected to. City Public Works and Engineering indicate an anticipated 4-year timeframe (from October 2022) for completion of these upgrades.
- A condition of approval to require a fee per equivalent dwelling unit will be included. This is not a System Development Charge pursuant to ORS 223.299(4)(b); it is a temporary charge by order for development and land divisions proposed under these circumstances until the infrastructure is in order per the WWMP. The nexus is clear as it relates to the sewer conveyance deficiency and an amount has been determined based on calculations to determine fair proportionality—see attached **St. Helens Wastewater Collection System New Sewer Connection Surcharge memo**.

For this project, the fees per equivalent dwelling unit are:

\$0 for the parcel that will retain the existing dwelling;

\$15,000 for parcels that do not abut S. 21st Street (Middle Trunk area); and

\$15,000 for undeveloped parcel that will abut S. 21st Street (Diversion area).

\$15,000 is the estimated amount determined to be a fair share quantity for this proposal for the undeveloped parcels. It is based on October 2022 dollars, and inflation must be considered.

- Though denial of this proposal itself does not warrant a moratorium or public facilities strategy as there is no prior stoppage or restriction of permits, authorizations, or approvals*, the city recognizes that the sanitary sewer conveyance problems identified in the WWMP are widespread and denial could set a precedence of action that if continued for projects under similar circumstances, could be construed as a pattern or practice that at some point could warrant a moratorium or public facilities strategy.

*Per ORS 197.524 a local government is required to adopt a public facilities strategy under ORS 197.768 or a moratorium on construction or land development under ORS 197.505 to 197.540 when it engages in a pattern or practice of delaying or stopping the issuance of permits, authorizations or approvals necessary for land divisions or construction due to the shortage of public facilities (like sanitary sewer).

Proposed utility/access easement will be route for utilities to the parcels that will not abut S. 21st Street. Note that there is an existing 2' x 100' easement along S. 21st Street, which will be moot once right-of-way is dedicated.

(4) All proposed lots conform to the size and dimensional requirements of this code; and

Finding(s): The subject property is zoned both R5 and MU. However, because for detached single-family dwelling/duplex development in the MU zone, the R5 standards apply, the R5 zone can be the focus for this criterion.

Minimum lot size: 5,000 square feet. All four proposed parcels exceed 5,000 square feet and are less than 5,400 square feet.

Minimum lot width at building line and street: 50 feet. All four proposed parcels are at or just above 50' width. Note that the parcels that do not abut S. 21st Street are accessed via easement, which counts as the street for them. The minimum lot width at the street for cul-de-sac lots (basically dead-end lots) is 30 feet and the easement accessed parcels each have about 39' of easement frontage.

Minimum lot depth: 85 feet. All four parcels have depths exceeding 100 feet but less than 105 feet.

Because there is an existing structure, the detached single-family dwelling addressed as 80 S. 21st Street, yard and coverage requirements need to be examined.

The affected yards are the rear and east side. The minimum rear yard of 10 feet is far exceeded. The east side is an exterior side yard due to the proposed access easement, which requires a minimum of 10 feet from the edge of easement. 10 feet is proposed.

Maximum lot coverage of buildings and structures is 40% of the lot area. The proposed parcel size for this dwelling is 5,248 square feet and 40% of that is 2,099 square feet. Existing building footprint is less than this.

(5) All proposed improvements meet city and applicable agency standards.

Finding(s): This shall be required.

* * *

SHMC 17.140.050 – Special provisions for parcels created by through the partition process.

Note: This section applies to Partitions and Lot Line Adjustments.

(1) Lot Dimensions. Lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated, and:

(a) No lot shall be dimensioned to contain part of an existing or proposed public right-of-way;

(b) The depth of all lots shall not exceed two and one-half times the average width, unless the parcel is less than one and one-half times the minimum lot size of the applicable zoning district; and

(c) Depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Finding(s): (a) S. 21st Street is a local classified street with a minimum right-of-way width of 50 feet. The right-of-way abutting the subject property is only 30 feet. An additional approximate 10' of right-of-way dedication is necessary to achieve half of the minimum width as measured from the right-of-way centerline. The same occurred with a 2007 Partition abutting the subject property's west side (see P.P. No. 2007-24).

(b) The depth of all four parcels is about 2 times the average width and less than maximum 2.5 times.

(c) All parcels are intended for residential development.

(2) Through Lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation, and:

(a) A planting buffer at least 10 feet wide is required abutting the arterial rights-of-way; and

(b) All through lots shall provide the required front yard setback on each street.

Finding(s): No "lot, through" as defined by Chapter 17.16 SHMC is proposed.

(3) Large Lots. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the approving authority may require that the lots be of such size and shape, and be so divided into building sites, and contain such site restrictions as will provide for the extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size, and:

(a) The land division shall be denied if the proposed large development lot does not provide for the future division of the lots and future extension of public facilities.

Finding(s): All four proposed parcels exceed 5,000 square feet and are less than 5,400 square feet; they minimally exceed the minimum size required.

(4) Fire Protection. The fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on firefighting capabilities.

Finding(s): The proposed shared access for the parcels that do not abut S. 21st Street is approximately 130 feet. Being less than 150 feet, additional fire access provisions are not anticipated, but the local fire district is a recipient of partition decisions with an opportunity to comment.

(5) Reciprocal Easements. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.

Finding(s): A common drive is proposed for the parcels that do not abut S. 21st Street. It is proposed as a utility and access easement on the preliminary plat. Maintenance agreement will be necessary, to be incorporated, at least in reference, on the final plat.

Because the physical driveway width will be 10', no parking provisions shall be included in the agreement.

(6) Accessway. Any accessway shall comply with the standards set forth in Chapter 17.84 SHMC, Access, Egress, and Circulation.

Finding(s): The shared drive proposed is intended to benefit the two proposed parcels that do not abut S. 21st Street. Serving two parcels, the minimum easement width is 15 feet and minimum pavement width is 10 feet. This is proposed.

The length is less than 150 feet, so it doesn't need to be a fire apparatus road. The local fire district is a recipient of partition decisions with an opportunity to comment for any other fire code issue.

The length is less than 200 feet so, so vehicle turnouts are not warranted.

Normal maximum driveway width is 24 feet for a dwelling unit on its own lot. A driveway for the existing home is proposed to be improved adjacent to the shared driveway, though they are separate (i.e., they are not functionally dependent on each other). Applicant is using the special provisions for side-by-side parking spaces for single-family dwellings and duplexes under SHMC 17.80.020 to keep the overall width of this combined driveway approach to 26 feet.

(7) The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.

Finding(s): The Transportation Systems Plan shows no additional streets in the area. The only applicable issue is the width of S. 21st Street which is discussed previously herein.

* * *

SHMC 17.140.060(1) – Lot Line Adjustment approval standards:

Note: This section applies to Lot Line Adjustments.

(a) An additional parcel is not created by the lot line adjustment, and the existing parcel reduced in size by the adjustments is not reduced below the minimum lot size established by the zoning district;

Finding(s): The applicant provided evidence of two deeded parcels that make up the subject property. Creation of the parcels by deed is acceptable because it was done in the 1940s and long before land division laws were in place.

(b) By reducing the lot size, the lot or structure(s) on the lot will not be in violation of the site development or zoning district regulations for that district;

Finding(s): This is ok as discussed previously herein.

(c) The resulting parcels are in conformity with the dimensional standards of the zoning district; and

Finding(s): This is ok as discussed previously herein.

(d) The lots involved were legally created.

Finding(s): As noted for criterion (a), the deeds that created the two parcels date to the 1940s. This is not a legal way of creating parcels today but was ok then.

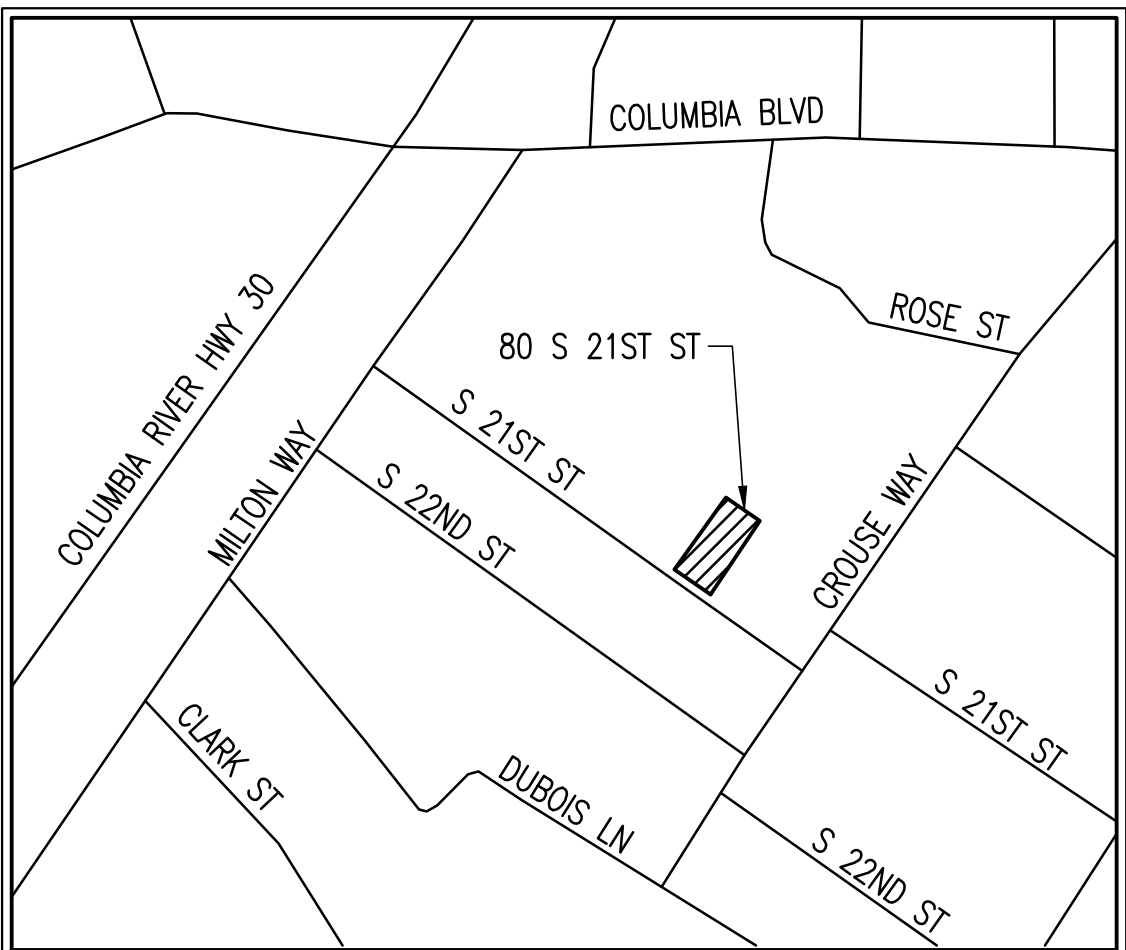
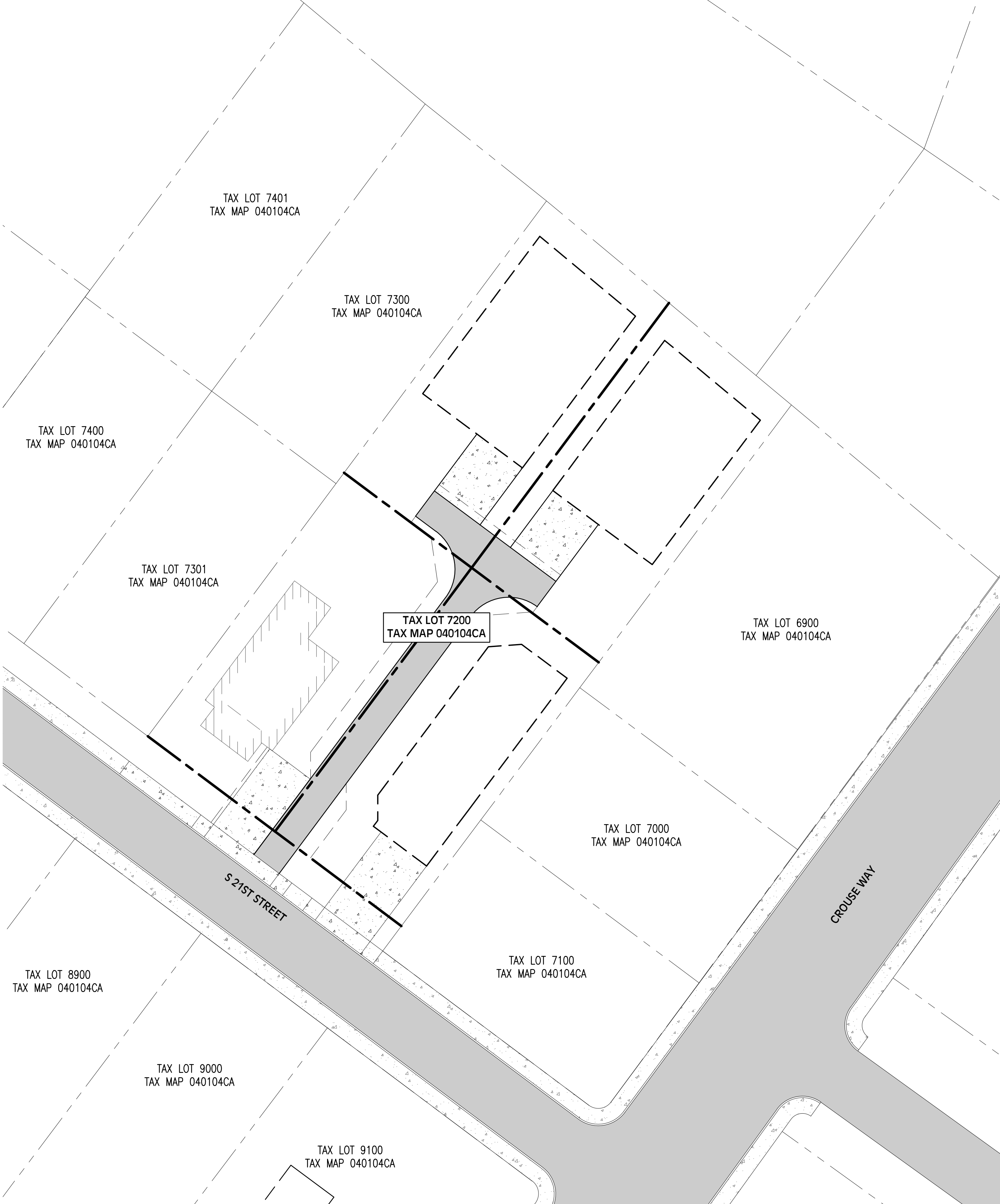
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ATTACHMENTS

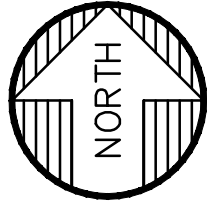
- Plans (5 pages)
- St. Helens Wastewater Collection System New Sewer Connection Surcharge memo (excerpts: pgs. 1-6, 8, 14 and 25-26)

21ST STREET DEVELOPMENT

ST. HELENS, OR 97051
SITE DEVELOPMENT REVIEW SET



VICINITY MAP
SCALE: NTS



DRAWING INDEX

SHEET	DESCRIPTION
GENERAL	
G-1	COVER SHEET
CIVIL	
C-1	EXISTING CONDITIONS PLAN
C-2	PRELIMINARY SITE PLAN
C-3	DIMENSIONED SITE PLAN
C-4	UTILITY PLAN
C-5	TREE PRESERVATION AND REMOVAL PLAN

PROJECT TEAM

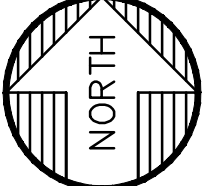
ENGINEER
LOWER COLUMBIA ENGINEERING
58640 McNULTY WAY
ST. HELENS, OR 97051
PHONE: (503) 366-0399
ENGINEER: ANDREW NIEMI
andrew@lowercolumbiaenr.com
CONTACT: CHASE BERG
chase@lowercolumbiaenr.com

OWNER / APPLICANT
VINTAGE FRIENDS, LLC.
134 NORTH RIVER STREET
ST. HELENS, OR 97051
PHONE: (503) 310-0235
CONTACT: BRAD HENDRICKSON
3232brad@gmail.com

MASTER LEGEND

	ASPHALT
	ACCESS AND UTILITY EASEMENT HATCH (SHOWN ON SHEET C-2)
	(E) BUILDING
	(N) SIDEWALK
	(E) SIDEWALK
	(N) PROPERTY LINE
	(E) PROPERTY LINE
	(N) BUILDABLE AREA (NOT BUILDING FOOTPRINT)

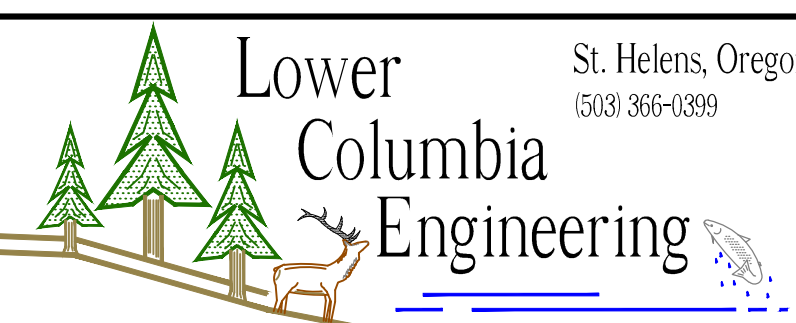
PLOT PLAN
SCALE: 1" = 20'



DATE: 12/21/2023
REVISED PRINT
VOID ALL PREVIOUS

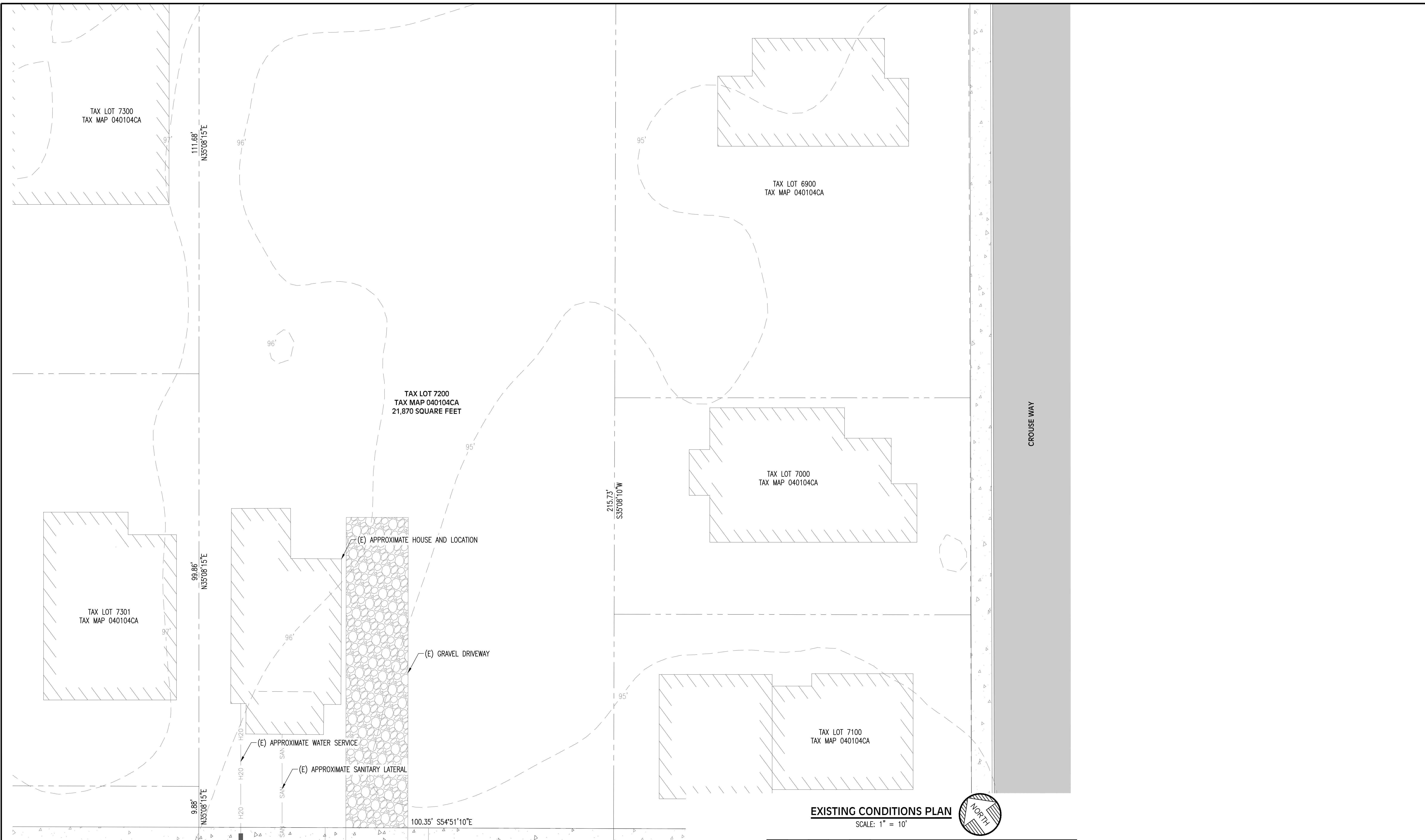
DATE: 10/26/2023
PRELIMINARY
NOT
FOR CONSTRUCTION

REV.	REVISION RECORD	DATE
A	PRE-APPLICATION CONFERENCE REVISIONS	11/14/2023

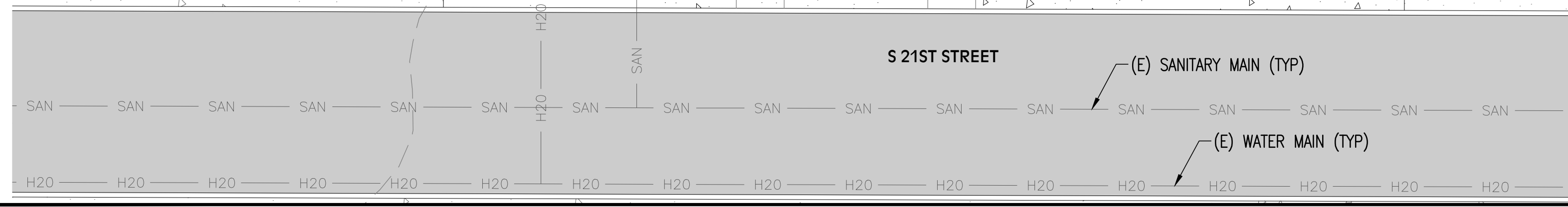
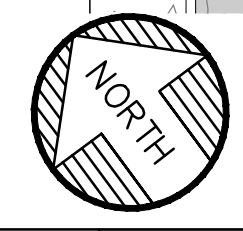


PROJ. NO.	3504	COVER SHEET
DWG. BY	CAB	21ST STREET DEVELOPMENT
APPR. BY	VINTAGE FRIENDS, LLC.	SHEET
FILE	D-3504-G-1-A	DATE 09/27/2023

G-1



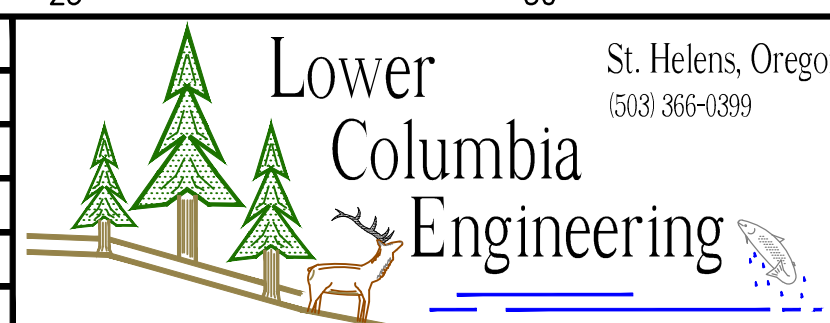
EXISTING CONDITIONS PLAN
SCALE: 1" = 10'



DATE: 12/21/2023
REVISED PRINT
VOID ALL PREVIOUS

DATE: 10/26/2023
PRELIMINARY
NOT
FOR CONSTRUCTION

REV.	REVISION RECORD	DATE
A	PRE-APPLICATION CONFERENCE REVISIONS	11/14/2023



PROJ. NO.	3504	EXISTING CONDITIONS PLAN
DWG. BY	CAB	21ST STREET DEVELOPMENT
APPR. BY	VINTAGE FRIENDS, LLC.	SHEET
FILE	D-3504-C-1-A	DATE 09/27/2023

C-1

TAX LOT 7300
TAX MAP 040104CA

TAX LOT 6900
TAX MAP 040104CA

(E) BUILDING TO REMAIN
(APPROXIMATELY 1,250 SQUARE FEET)

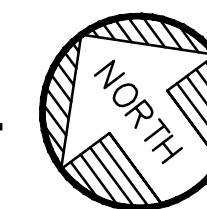
TAX LOT 7000
TAX MAP 040104CA

TAX LOT 7301
TAX MAP 040104CA

TAX LOT 7100
TAX MAP 040104CA

CROUSE WAY

PRELIMINARY SITE PLAN
SCALE: 1" = 10'

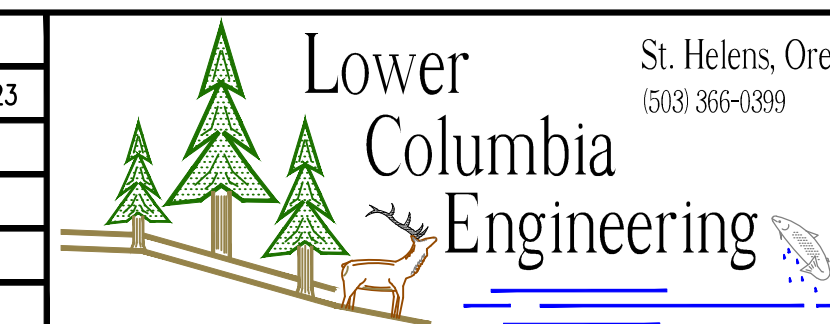


DATE: 12/21/2023
REVISED PRINT
VOID ALL PREVIOUS

DATE: 10/26/2023
PRELIMINARY
NOT
FOR CONSTRUCTION



REV.	REVISION RECORD	DATE
A	PRE-APPLICATION CONFERENCE REVISIONS	11/14/2023



PROJ. NO.	3504	PRELIMINARY SITE PLAN
DWG. BY	CAB	21ST STREET DEVELOPMENT
APPR. BY	VINTAGE FRIENDS, LLC.	SHEET
FILE	D-3504-C-2-A	DATE 09/27/2023

C-2

TAX LOT 7300
TAX MAP 040104CA

TAX LOT 7301
TAX MAP 040104CA

TAX LOT 6900
TAX MAP 040104CA

TAX LOT 7000
TAX MAP 040104CA

TAX LOT 7100
TAX MAP 040104CA

LOT AREA: 5,346 SQ. FT.
BUILDABLE AREA: 2,138 SQ. FT.
LOT COVERAGE: 40%

LOT AREA: 5,197 SQ. FT.
BUILDABLE AREA: 2,078 SQ. FT.
LOT COVERAGE: 40%

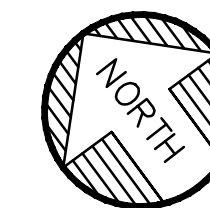
LOT AREA: 5,225 SQ. FT.
BUILDABLE AREA: 1,886 SQ. FT.
LOT COVERAGE: 36%

LOT AREA: 5,248 SQ. FT.
EXISTING BUILDING: 1,113 SQ. FT.
LOT COVERAGE: 21%

(N) BUILDABLE AREA. ACTUAL BUILDING LAYOUTS TO BE DETERMINED. (TYP OF 3)

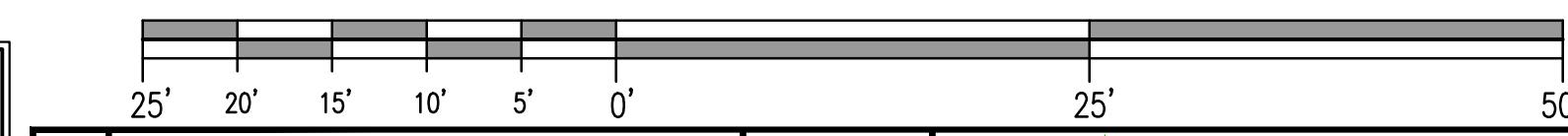
CROUSE WAY

DIMENSIONED SITE PLAN
SCALE: 1" = 10'

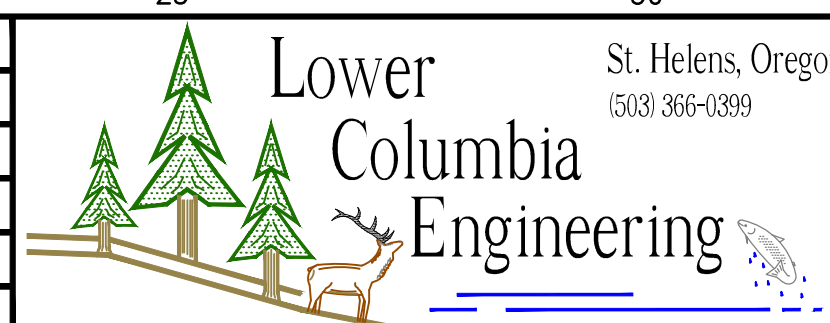


DATE: 12/21/2023
REVISED PRINT
VOID ALL PREVIOUS

DATE: 10/26/2023
PRELIMINARY
NOT FOR CONSTRUCTION



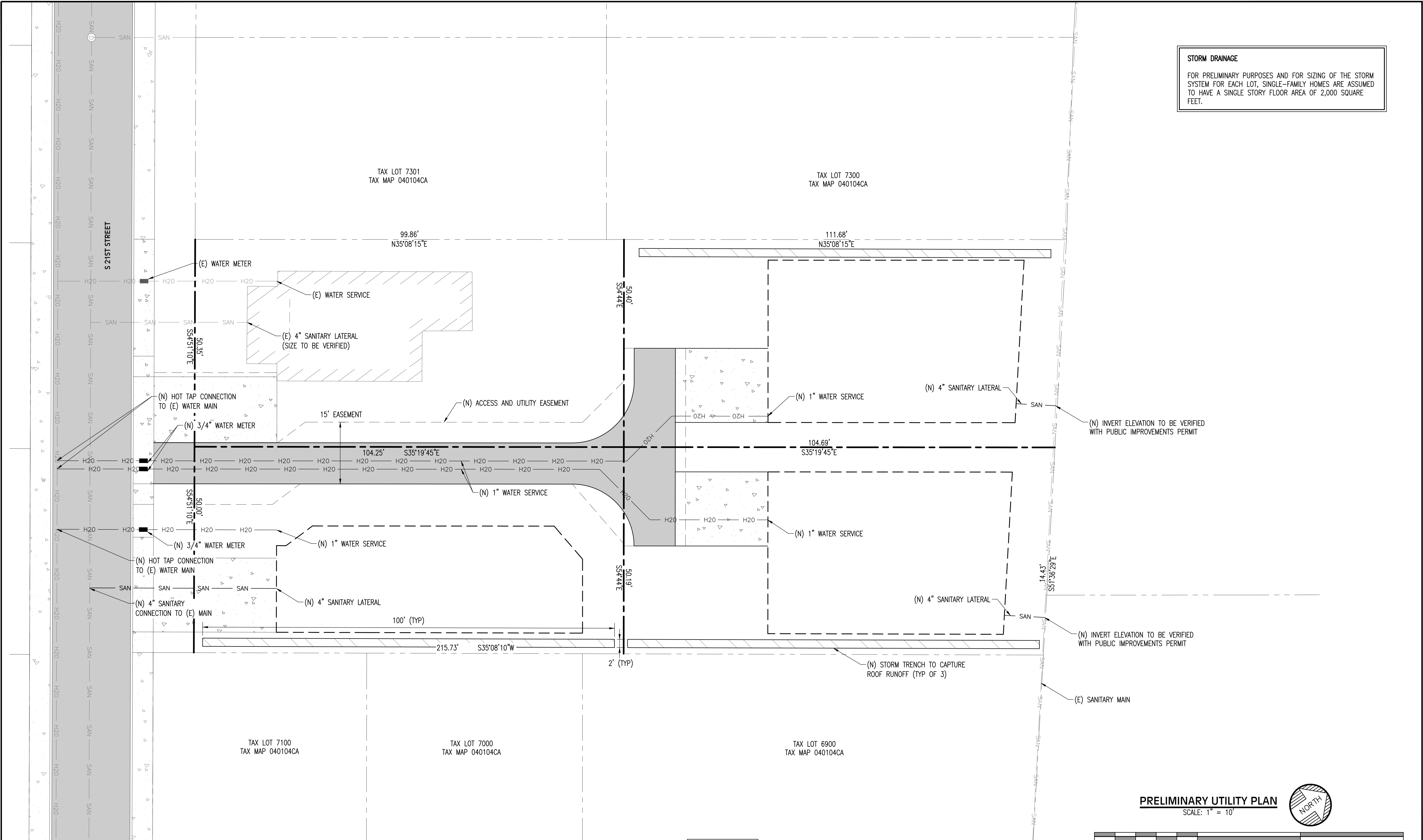
REV.	REVISION RECORD	DATE
A	PRE-APPLICATION CONFERENCE REVISIONS	11/14/2023



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DWG. BY	CAB	21ST STREET DEVELOPMENT
APPR. BY	VINTAGE FRIENDS, LLC.	SHEET
FILE	D-3504-C-3-A	DATE 09/27/2023

C-3

STORM DRAINAGE
 FOR PRELIMINARY PURPOSES AND FOR SIZING OF THE STORM SYSTEM FOR EACH LOT, SINGLE-FAMILY HOMES ARE ASSUMED TO HAVE A SINGLE STORY FLOOR AREA OF 2,000 SQUARE FEET.



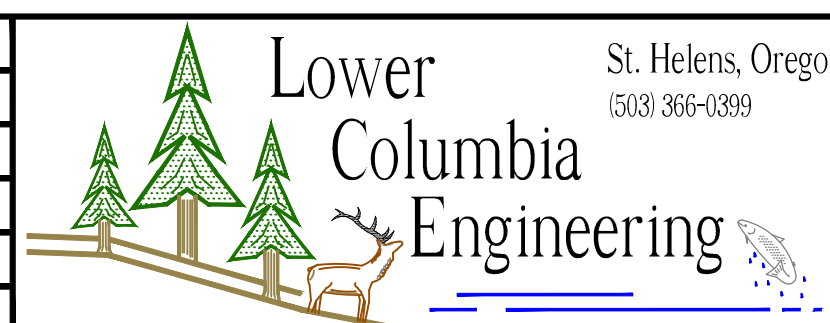
PRELIMINARY UTILITY PLAN
 SCALE: 1" = 10'



DATE: 12/21/2023
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 VOID ALL PREVIOUS

DATE: 10/26/2023
 PRELIMINARY
 NOT
 FOR CONSTRUCTION

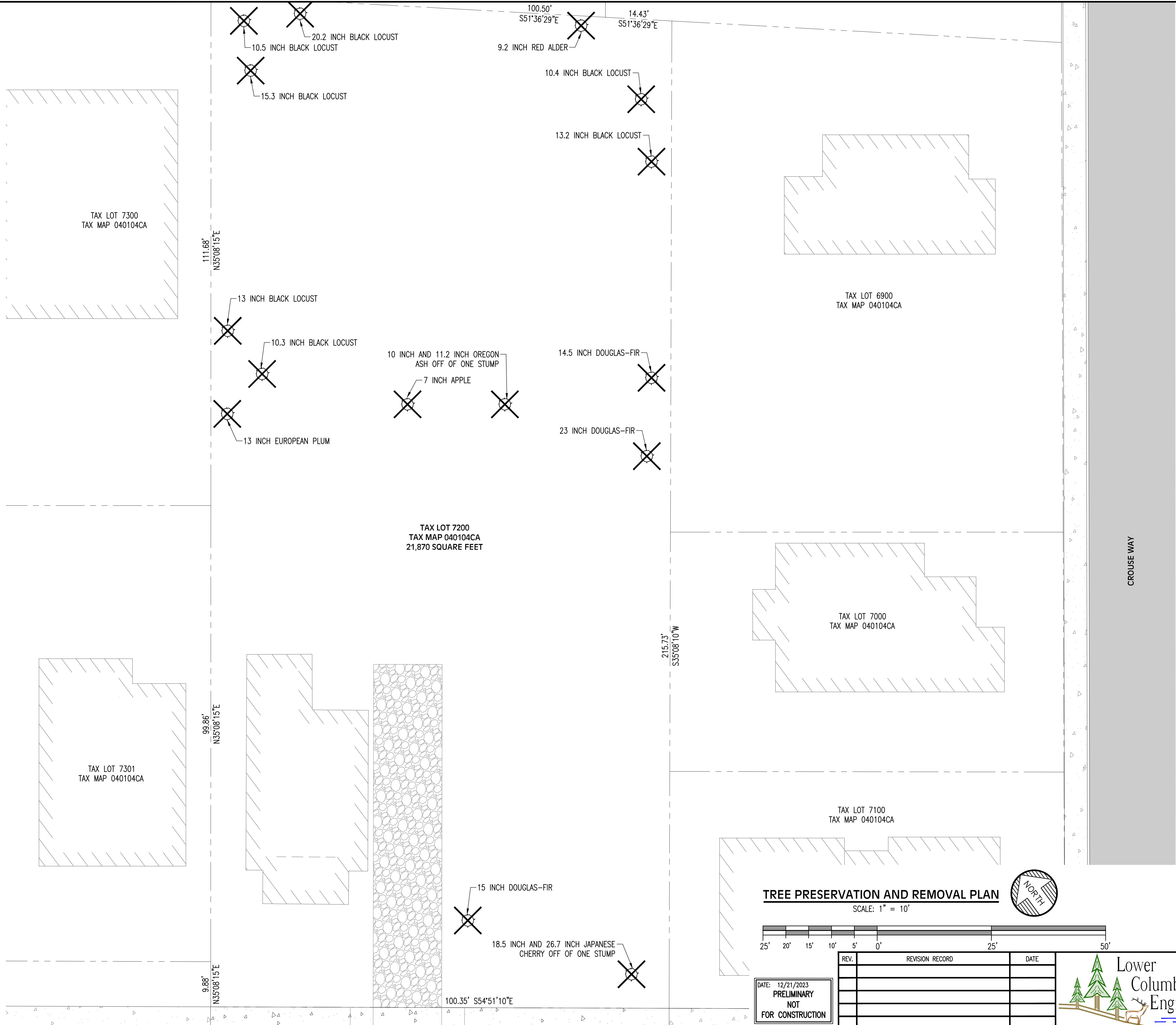
REV.	REVISION RECORD	DATE
A	PRE-APPLICATION CONFERENCE REVISIONS	11/14/2023



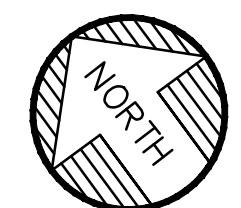
PROJ. NO.	3504	UTILITY PLAN
DWG. BY	CAB	21ST STREET DEVELOPMENT
APPR. BY	VINTAGE FRIENDS, LLC.	SHEET
FILE	D-3504-C-4-A	DATE 09/27/2023

C-4

TREE PRESERVATION LEGEND	
	(E) TREE TO BE REMOVED
	EXISTING TREES >6 IN. DBH

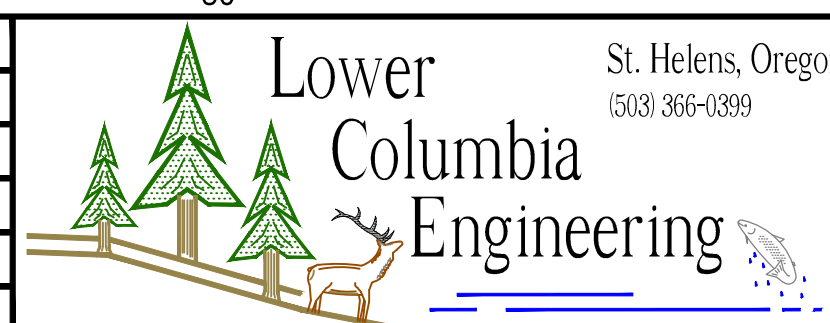


TREE PRESERVATION AND REMOVAL PLAN
SCALE: 1" = 10'



DATE: 12/21/2023
PRELIMINARY
NOT
FOR CONSTRUCTION

REV.	REVISION RECORD	DATE



PROJ. NO.	3504	TREE PRESERVATION AND REMOVAL PLAN
DWG. BY	RM2	21ST STREET DEVELOPMENT
APPR. BY	VINTAGE FRIENDS, LLC.	SHEET
FILE	D-3504-C-5	DATE 09/27/2023

C-5



EXCEPTS
FOR
FILE
L.A. 1-23
PT. 1-24

St. Helens Wastewater Collection System New Sewer Connection Surcharge

December 1, 2022
Revision 01

CITY OF ST. HELENS
265 STRAND STREET | ST. HELENS, OREGON 97051
503.397.6272 | WWW.STHELENSOREGON.GOV

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SECTION 1 – BACKGROUND

1.1 Wastewater Masterplan 2021 Update

The City of St. Helens provides sanitary sewer collection services to businesses and residences within the City limits. The sanitary sewer collection system is a combination of over 60 miles of gravity and force mains, 9 lift stations, and over 1,700 sanitary sewer manholes, vaults, and cleanouts. The sewer pipes in the City range from 6-inches to 48-inches in diameter, with the majority of the pipes being 8-inch. All sewage flows are conveyed to the City's wastewater treatment facility.

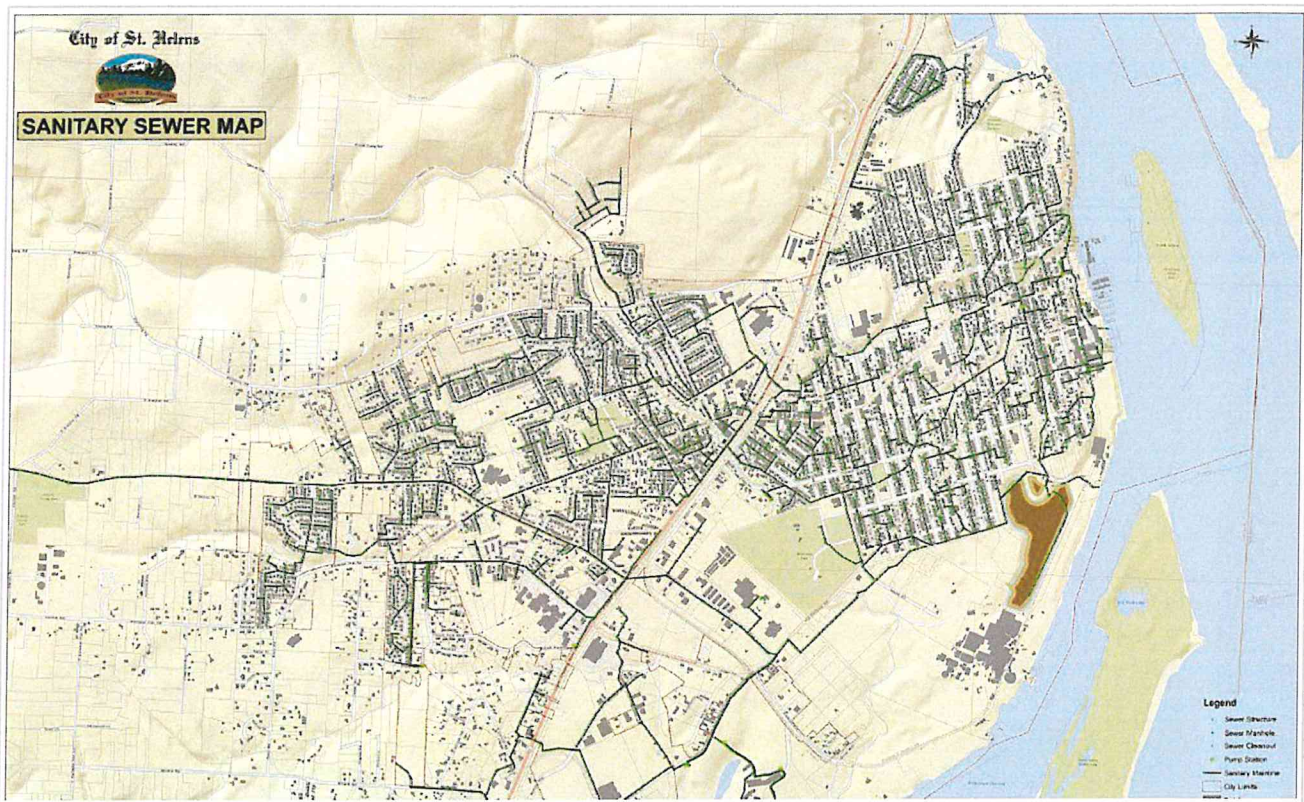


Figure 1.1.A St. Helens Sanitary Sewer Map

On November 17, 2021, the St. Helens City Council adopted the updated Wastewater Master Plan (WWMP) under Resolution No. 1940. This update to the City's WWMP is the first complete study done on the entire sewer collection system since 1989. The population was 7,500 at the time. Since then, the population of St. Helens has grown to over 14,500 – almost double. With this added population, more load is added to the public sewer system. Meanwhile, the size of the sewers have not been increased.

After 33 years of growth, the WWMP revealed that the majority of the City's sewer trunklines are at operating at or above capacity. This means that the greater portion of the City's public sewer system is inadequate to serve a growing population. Without

increasing the sizes of the trunklines, there is an increased risk of sanitary sewer overflows in the collection system.

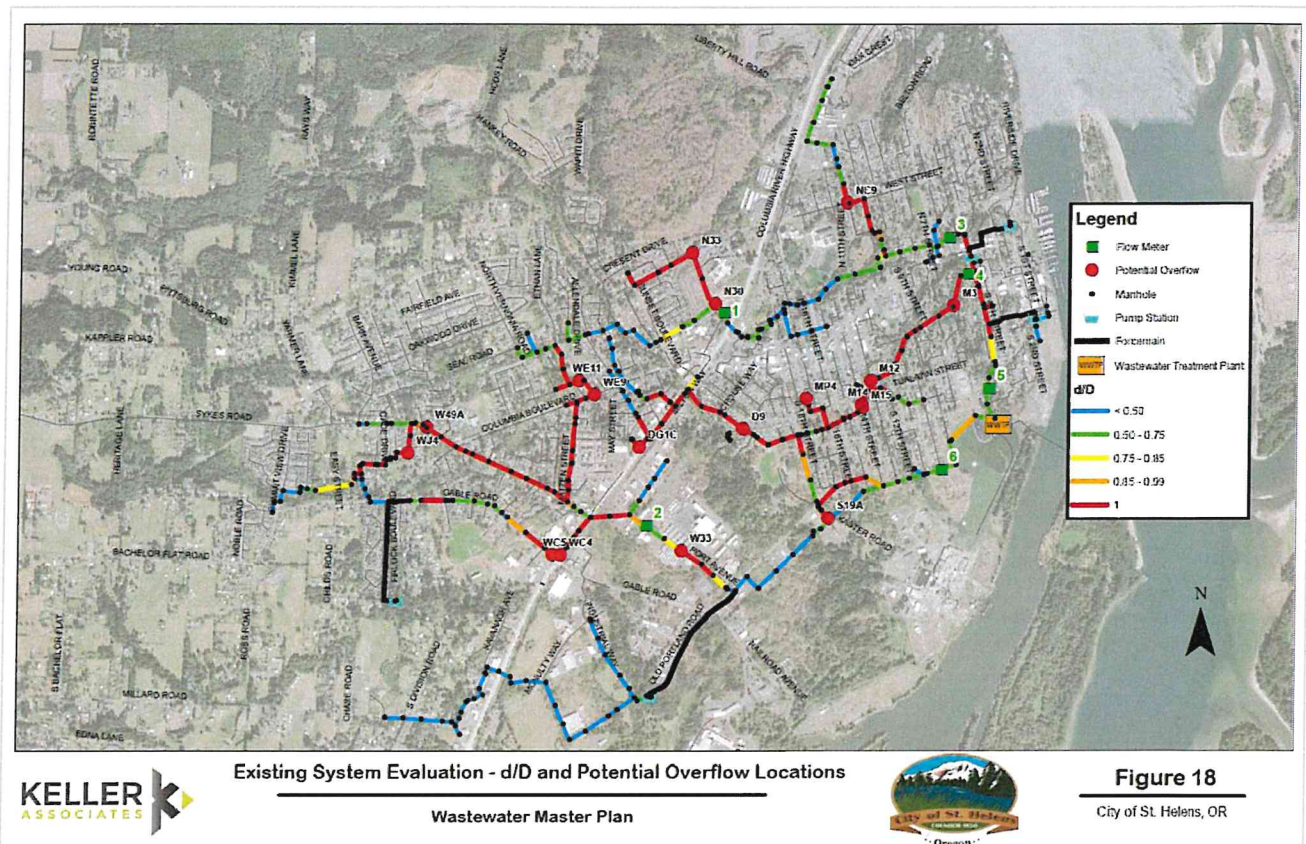


Figure 1.1.B Existing Sanitary Sewer Evaluation Map (2021 WWMP)

1.2 New Development Sewer Surcharge

To assess the impacts of future development on the public sewer system and how the City could pay for the costly capital improvements identified in the WWMP, Keller Associates performed an assessment of a sewer charge based on the shared of costs that new upstream Equivalent Dwelling Units (EDUs), as identified in the 2019 Housing Needs Analysis, would pay to complete the downstream CIP improvements along trunk lines that convey their sewage flows. The costs per EDU were based on the CIP project costs broken down by trunkline.

This sewer surcharge assessed per EDU is to fund capacity upgrades to the public sewer system and will be levied on those properties and developments requiring connection to the sewer trunklines identified in the 2021 WWMP update as "at or above" capacity. These fees will allow the City to recover a fair portion of the infrastructure improvements made by the City to accommodate new users and be used solely for public sewer capacity improvements. Equivalent Dwelling Units conversion details for sewer charges for multifamily dwellings, commercial, and industrial land uses may be found in Section 4 – EQUIVALENT DWELLING UNIT CONVERSION.

SECTION 2 – ST. HELENS SEWER TRUNKLINE BASINS

2.1 Sanitary Sewer Trunk Basins Methodology

Sewer basin delineations by trunk lines were created to aid in the proper assessment of the sewer surcharge to ensure costs reflect the actual share of costs that new upstream EDUs, as identified in the 2019 Housing Needs Analysis, would pay based on the downstream sanitary sewer capital improvements along the trunk lines the flows for their property would flow through.

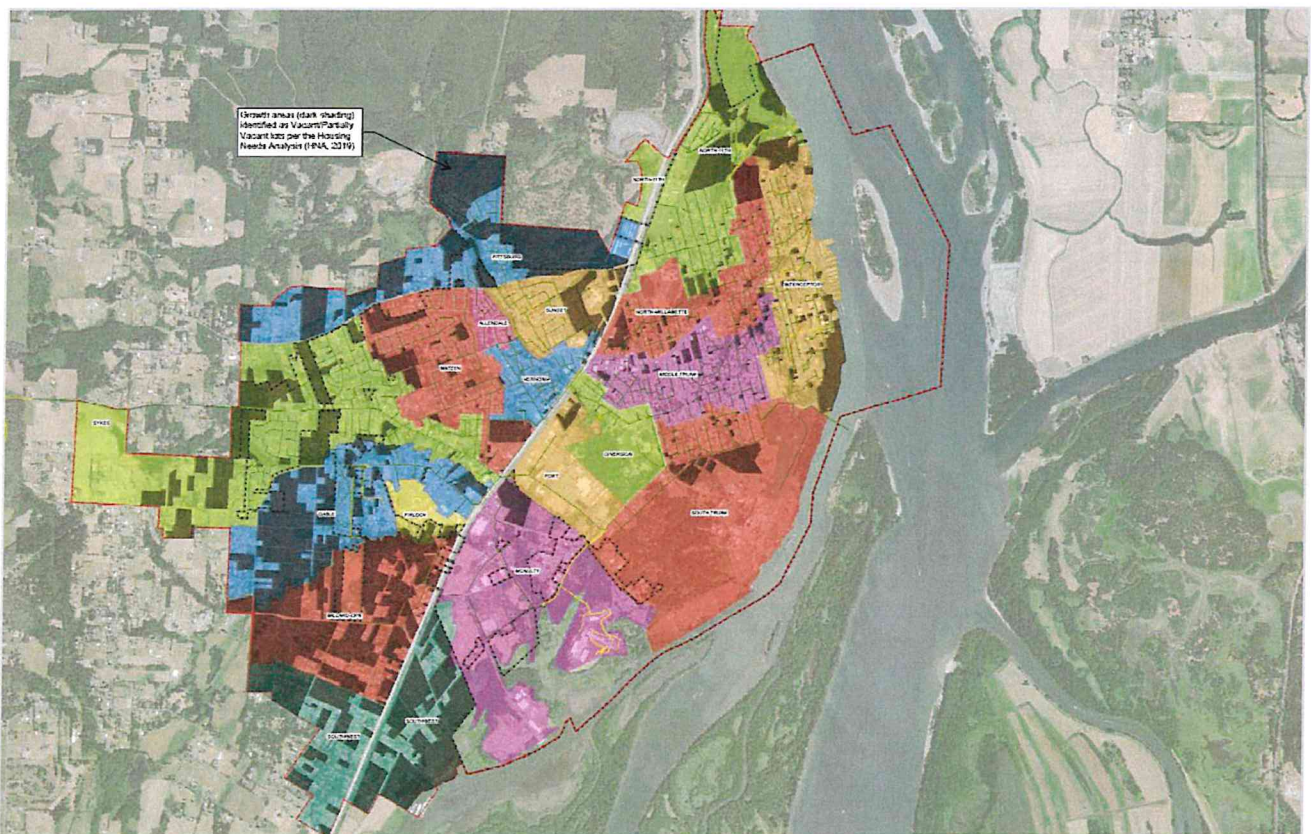


Figure 2.1.A St. Helens Sanitary Sewer Trunkline Basin Delineations

The delineation of CIP projects was simplified and where major portions of a Capital Improvement Project (CIP) spanned more than one basin, projects were split by basin. Basin delineation generally reflects existing conditions, except the Pittsburg basin, which is largely undeveloped and is anticipated to discharge to the North-11th basin.

Costs were calculated by summing CIP costs in and downstream of a basin and summing the EDUs in and upstream of the basin. The downstream CIP costs are then divided by the upstream EDUs. A sewer surcharge cap of \$15,000 per EDU is assumed.

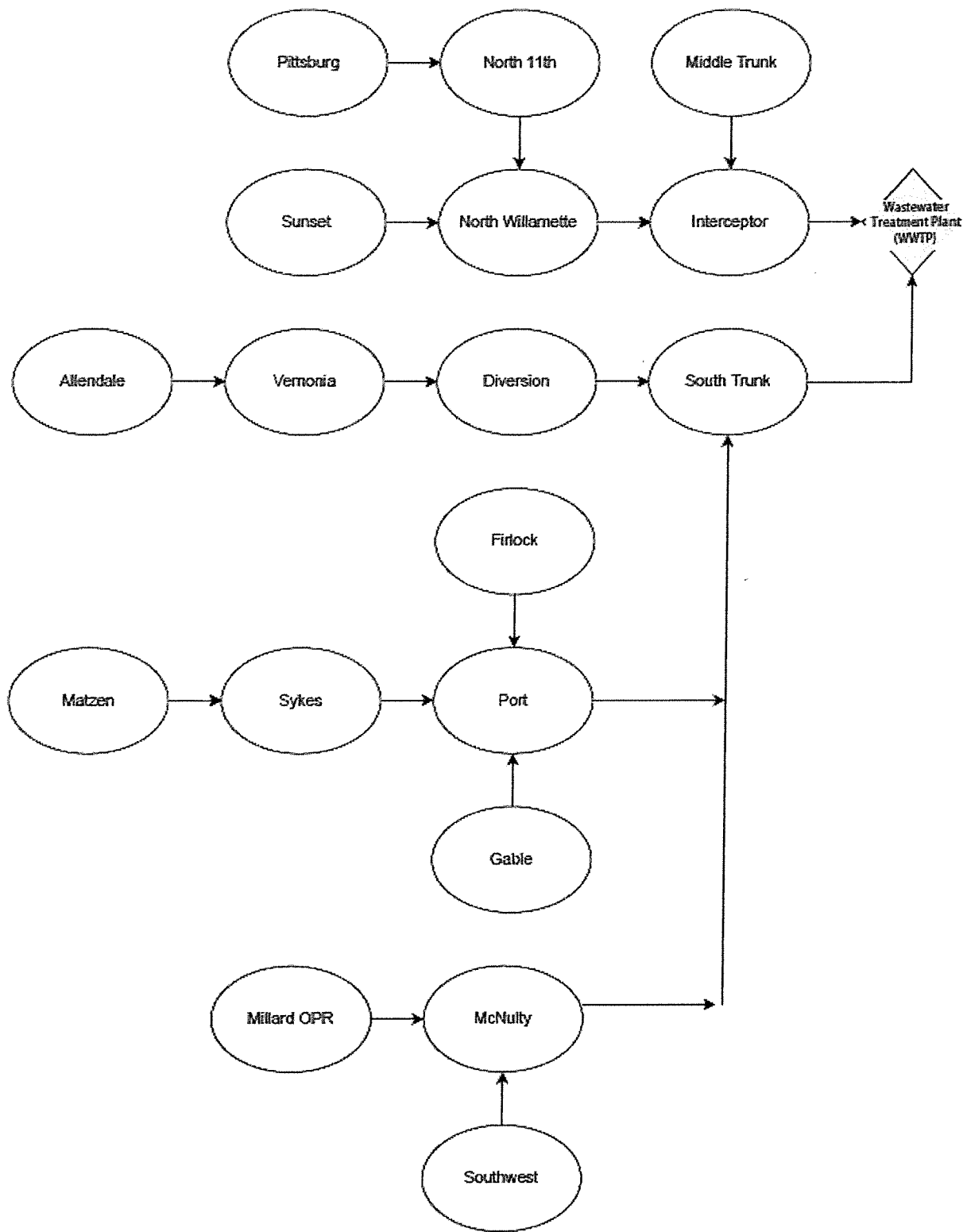


Figure 2.1.B St. Helens Sanitary Sewer Trunkline Basin Flow Paths

2.3 Diversion Trunk

The Diversion Trunk sewer basin area is almost completely built out and consists of just one new In-Basin EDU.

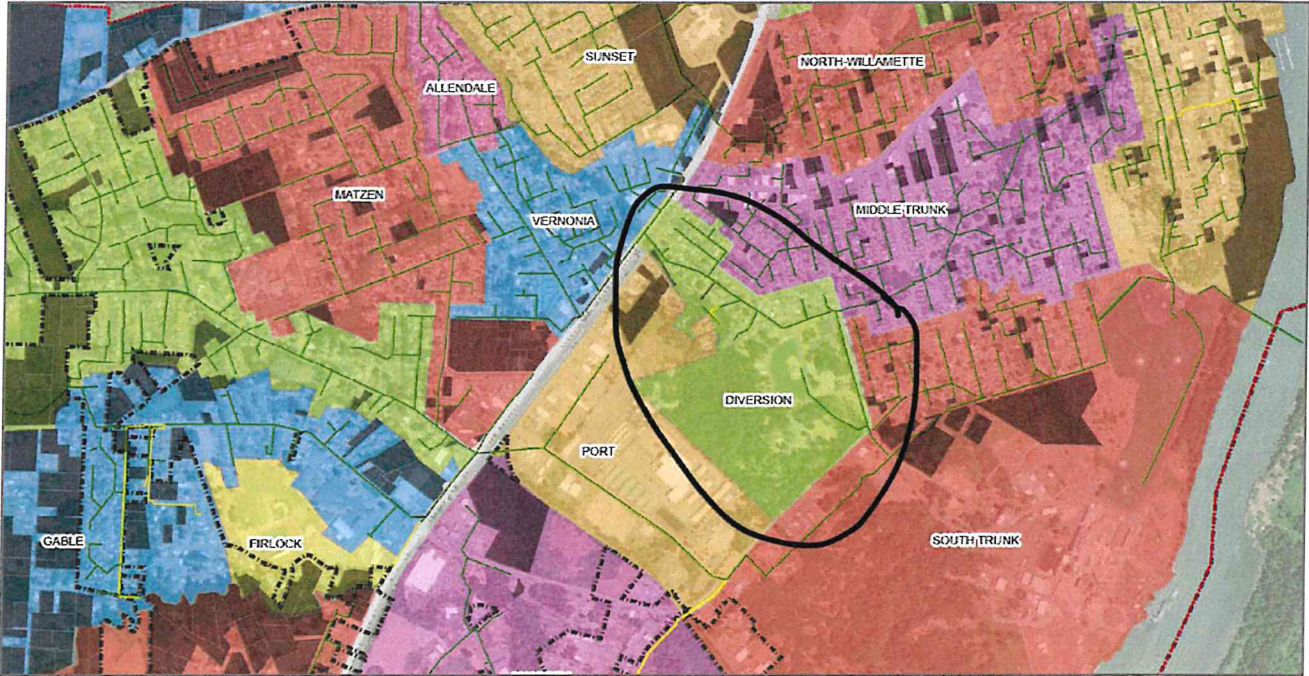


Figure 2.3.A Diversion Trunk Sanitary Sewer Basin

The allocation of the Diversion Trunk sewer basin's downstream CIP share per new upstream EDU, which consists of the Diversion Trunk and South Trunk basins, is \$104,900. This cost exceeds the City's sewer surcharge cap of \$15,000 per EDU.

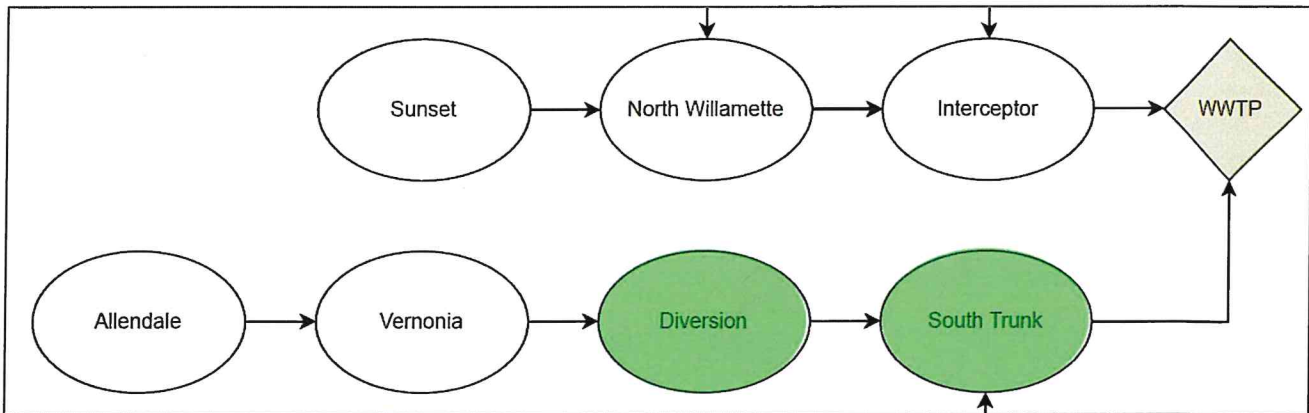


Figure 2.3.B Diversion Trunk Sewer Basin Flow Path to WWTP

2.9 Middle Trunk Sewer Basin

The Middle Trunk sewer basin area has 91 new In-Basin EDUs.

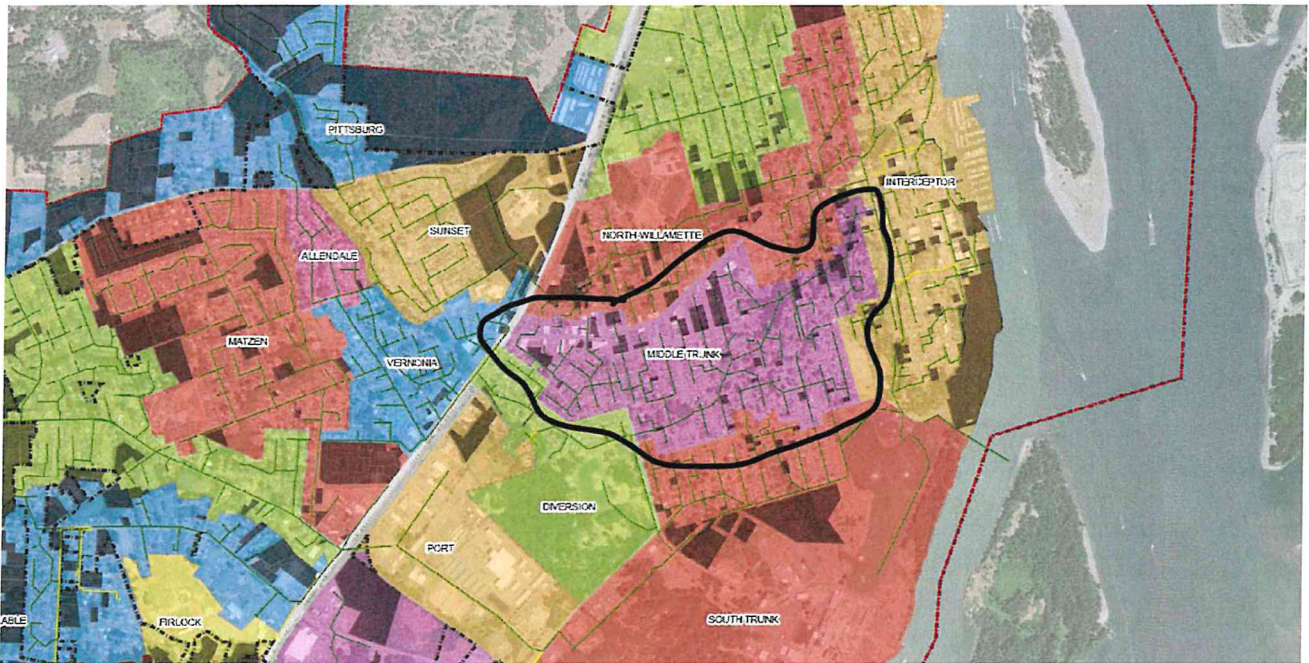


Figure 2.9.A Middle Trunk Sanitary Sewer Basin

The allocation of the Middle Trunk sewer basin's downstream CIP share per new upstream EDU, which consists of the Middle trunk and Diversion Trunk basins, is \$41,400. This cost exceeds the City's sewer surcharge cap of \$15,000 per EDU.

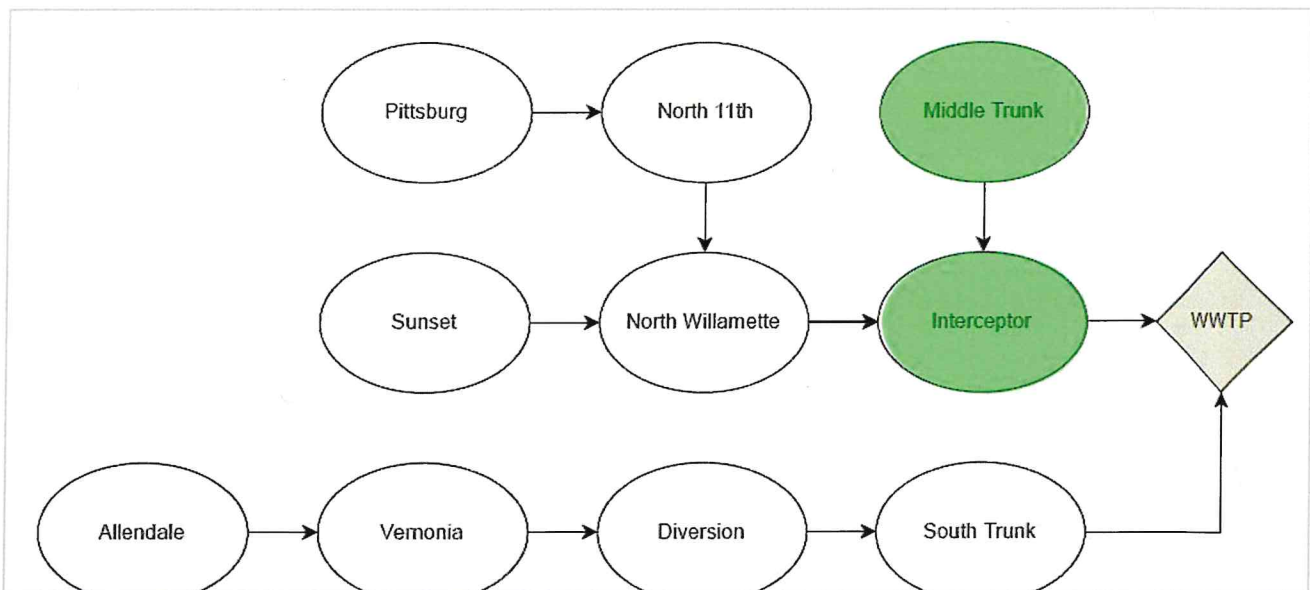


Figure 2.9.B Middle Trunk Sewer Basin Flow Path to WWTP

SECTION 3 – SEWER SURCHARGE CHART

Sewer Trunkline Basin	Downstream CIP Share per New Upstream EDU	New-In Basin EDU	Sewer Surcharge per EDU*
Allendale	\$104,900	1	\$15,000 (max.)
Diversion	\$104,900	1	\$15,000 (max.)
Firlock	\$7,600	0	\$7,600
Gable	\$7,900	589	\$7,900
The Interceptor	\$2,200	512	\$2,200
Matzen	\$12,700	430	\$12,700
McNulty	\$3,200	144	\$3,200
Middle Trunk	\$41,400	91	\$15,000 (max.)
Millard-OPR	\$3,200	806	\$3,200
North 11th	\$3,400	340	\$3,400
North Willamette	\$2,200	134	\$2,200
Pittsburg	\$3,400	731	\$3,400
Port	\$3,800	36	\$3,800
South Trunk	\$1,800	124	\$1,800
Southwest	\$3,200	748	\$3,200
Sunset	\$7,900	321	\$7,900
Sykes	\$6,600	500	\$6,600
Vernonia	\$104,900	30	\$15,000 (max.)

* Estimated Sewer Surcharge cost per EDU is based on the US dollar at the time this document was published. Inflation adjustment to value at time of building permit issuance shall be included.

SECTION 4 – EQUIVALENT DWELLING UNIT CONVERSION

Land Use	EDU Conversion
Single Family Residential	1.00 EDU per unit
Multi Family (Duplex)	0.80 EDU per unit
Multi Family (3 or more Dwelling Units)	0.77 EDU per unit

Residential EDU conversion rate based on the City of St. Helens adopted Sewer Utility Rates and Charges.

EDU conversion rates for sewer surcharges for commercial, industrial, and other land uses not covered under Single Family Residential, Multi Family (Duplex), or Multi Family (3 or more Dwelling Units) shall be based on City of St. Helens wastewater rate classifications for water meter size(s).	
3/4-inch meter	1.00 x Sewer Surcharge
1-inch meter	1.67 x Sewer Surcharge
1.5-inch meter	3.33 x Sewer Surcharge
2-inch meter	5.33 x Sewer Surcharge
3-inch meter	10.00 x Sewer Surcharge
4-inch meter	16.67 x Sewer Surcharge
6-inch meter	33.33 x Sewer Surcharge
8-inch meter	53.33 x Sewer Surcharge



Vintage Friends, LLC.

21st Street Development

Site Development Review

Prepared by Lower Columbia Engineering
Submitted to the City of St. Helens
Planning Department
December 2023



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List of Exhibits

Exhibit A: Plan Set (provided under separate cover)

Sheet G-1	Cover Sheet
Sheet C-1	Existing Conditions Plan
Sheet C-2	Preliminary Site Plan
Sheet C-3	Dimensioned Site Plan
Sheet C-4	Utility Plan
Sheet C-5	Tree Preservation and Removal Plan



1. Proposal Summary Information

Internal File No: 3504

Applicant: Vintage Friends, LLC
134 N River Street
St. Helens, OR 97051
Phone: (503) 310-0235
Email: 3232brad@gmail.com

Applicants Representative: Chase Berg
Lower Columbia Engineering
58640 McNulty Way
St. Helens, OR 97051
Phone: 503-366-0399
chase@lowercolumbiaengr.com

Request: Site Development Review

Tax Lot ID: 4104-CA-07200

Zoning Designation: R5/MU



2. Project Team

Owner/Applicant

Vintage Friends, LLC
Brad Hendrickson
134 N River Street
St. Helens, OR
Phone: (503) 310-0235
Email: 3232brad@gmail.com

Civil Engineer

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andrew@lowercolumbiaengr.com

Applicants Representative

Chase Berg
Lower Columbia Engineering
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Phone: 503-366-0399
chase@lowercolumbiaengr.com

3. Conformance with the City of St. Helens Municipal Code

This section of the narrative demonstrates the project’s conformance with the sections of the St. Helens Municipal Code. Not all applicable sections of the SHMC have been included in this narrative, rather, specific sections of the SHMC have been included to provide additional explanation for proof of conformance. All text in *italics* are direct quotes from the code, which are followed by applicant responses in blue.

Chapter 17.80 – Off-Street Parking and Loading Requirements

[...]

17.80.020 – General provisions

(1) Parking Dimensions. The minimum dimensions for parking spaces are:

- (a) Nine feet wide and 18 feet long for a standard space;*
- (b) Eight feet wide and 15 feet long for a compact space;*
- (c) Eight feet wide and 22 feet long for parallel spaces;*
- (d) As required by applicable state of Oregon and federal standards for designated disabled person parking spaces; and*
- (e) Special provisions for side-by-side parking for single-family dwellings (attached and detached) and duplexes:*
 - (i) The total unobstructed area for side-by-side parking spaces for single-family dwellings (attached and detached) and duplexes shall still be 18 feet by 18 feet (two nine-foot by 18-foot standard spaces together), but the improved portion may be 16 feet in width centered within the 18 feet for the purposes of the surface (paving) requirements of this chapter and, if the spaces are adjacent or close to the street, driveway approach width.*
 - (ii) This does not apply to single parking spaces by themselves or rows of parking spaces that exceed two spaces. This only applies to two standard space parking areas where the spaces are adjacent to each other along the long side.*

Response: See sheet C-3. All lots to have a new single-family home constructed will utilize one driveway that is at a minimum 18 feet wide by 18 feet long. The driveway for the existing residence will have a minimum total unobstructed area of 18 feet wide and 18 feet long, but will only have an improved surface that is 16-feet wide.

[...]



(4) Existing and New Uses. At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any district, off-street parking spaces shall be as provided in accordance with SHMC 17.80.030, and:

- (a) In case of enlargement of a building or use of land existing on the date of adoption of the ordinance codified in this code, the number of additional parking and loading spaces required shall be based only on floor area or capacity of such enlargement; and*
- (b) If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if the elimination would result in less space than is specified in the standards of this section when applied to the entire use.*

Response: See sheet C-2. The existing residence will have a new driveway provided with the requirements listed above in section 17.80.020(1).

[...]

(8) Location of Required Parking.

- (a) Off-street parking spaces for single-dwelling unit – detached, duplex dwellings and single-dwelling – attached dwellings shall be located on the same lot with the dwelling; and*
- (b) Off-street parking lots for uses not listed above shall be located not further than 200 feet from the building or use they are required to serve, measured in a straight line from the building with the following exceptions:
 - (i) Shared parking areas, as provided by subsection (6) of this section, for commercial uses which require more than 40 parking spaces may provide for the spaces in excess of the required 40 spaces up to a distance of 300 feet from the commercial building or use; and*
 - (ii) Industrial and manufacturing uses which require in excess of 40 spaces may locate the required spaces in excess of the 40 spaces up to a distance of 300 feet from the building.**

Response: See sheet C-2. All new and existing residences will have off-street parking spaces on their respective lot.

[...]

(15) Bicycle Parking.

- (a) One lockable bicycle parking space shall be provided within a rack for the following:
 - (i) Four or more dwelling units in one building: one space per dwelling unit;*
 - (ii) Commercial development: 10 percent of vehicular parking spaces;*
 - (iii) Civic uses: 20 percent of vehicular parking spaces; and*
 - (iv) Industrial development: five percent of vehicular parking spaces;**

(b) Bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures. Where possible, bicycle parking facilities shall be placed under cover. Bicycle parking areas shall not be located within parking aisles, landscape areas, or pedestrian ways; and

(c) Residential complexes with less than four dwelling units do not need bicycle racks.

Response: This criterion is not applicable with only one dwelling unit being proposed per lot. Bicycle parking is not current proposed.

[...]

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.

(a) Bed and breakfast, boarding house, homestay – One space per bedroom.

(b) Caretaker – Two off-street spaces for each dwelling unit.

(c) Duplexes – Two off-street spaces for each duplex. No more than two spaces are required for one duplex on a single lot.

(d) Group care – One space per three residential beds plus one space for each employee on largest shift.

(e) Group residential – One space for each guest room plus one space for each employee on largest shift.

(f) Mobile home park – Two off-street spaces for each dwelling unit.

(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.

Response: Detached single-family dwelling units are proposed on each lot except for the existing single-family residence which will remain as part of this development. Two parking spaces are provided for each residence.

(2) Civic.

[...]

(3) *Commercial.*

[...]

(4) *Industrial.*

[...]

Response: Civic, commercial, and industrial off-street parking standards are not applicable as this development will be for residential use.

17.80.050– Parking dimension standards

(1) *Accessibility.*

(a) *Each parking space shall be accessible from a street or right-of-way, and the access shall be of a width and location as described by SHMC 17.84.070 and 17.84.080 as applicable.*

(b) *All parking spaces shall be independently functional. This means the vehicle in the parking space is not dependent on another vehicle moving to get to the street or right-of-way from the parking space. For example, a two-vehicle garage with a garage opening and driveway, both 18 feet in width, can only count as two parking spaces (not four), since the vehicles in the garage cannot get to the street without the ones in the driveway moving out of the way.*

Response: Each residence has direct access to either a public street Right-of-Way or a shared driveway meeting the requirements set forth in section 17.84.070(1).

[...]

(6) *Service Drive.*

(a) *Excluding single-dwelling units and duplex residences, except as provided by Chapter 17.84 SHMC and SHMC 17.152.030(16), groups of more than two parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right-of-way would be required; and*

(b) *Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.*

Response: The shared driveway for the northern residences has been designed in accordance with SHMC 17.84.070(1).

(7) *Street Access. Each parking or loading space shall be accessible from a street and the access shall be of a width and location as described in this code.*

Response: The southern residences will have direct access to South 21st Street. All parking spaces and proposed shared driveways have been designed in accordance with this code.

(8) *Parking Space Configuration. Parking space configuration, stall, and access aisle size shall be in accordance with the minimum standard.*

Response: All parking space configurations have been designed to meet or exceed the minimum standard.

(9) Parking Space Markings.

- (a) Except for single-dwelling units and duplexes, any area intended to be used to meet the off-street parking requirements as contained in this chapter shall have all parking spaces clearly marked; and*
- (b) All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.*

Response: Not applicable, the proposed development is for residential use.

(10) Parking and Load Area Surface Requirements.

- (a) Except for uses as authorized in subsections (10)(b) and (c) of this section, all areas used for the parking or storage or maneuvering of any vehicle, boat, or trailer shall be improved with asphalt or concrete surfaces or other similar type materials approved by the city.*
- (b) Nonresidential parking areas to be used primarily for nonpublic uses such as employee parking, business vehicles, and construction equipment may be gravel-surfaced when authorized by the approval authority at the time the site development approval is given. The director may require that the property owner enter into an agreement to pave the parking area: (1) within a specified period of time after establishment of the parking area; or (2) if there is a change in the types or weights of vehicles utilizing the parking area; or (3) if there is evidence of adverse effects upon adjacent roadways, watercourses, or properties. Such an agreement shall be executed as a condition of approval of the plan to establish the gravel parking area. Gravel-surfaced parking areas may only be permitted consistent with the following:

 - (i) Gravel parking areas shall not be permitted within 20 feet of any residentially zoned area;*
 - (ii) Gravel parking areas shall not be allowed within 25 feet of any improved public right-of-way;*
 - (iii) A paved driveway of at least 25 feet in length shall connect a gravel parking area with any public street providing access to the gravel area; and*
 - (iv) Gravel parking areas shall not be allowed within 50 feet of any significant wetland or riparian corridor.**

Response: All proposed off-street parking areas are to be constructed of either asphalt or concrete. No off-street parking spaces will utilize a gravel surfacing material.

- (c) Parking areas to be used in conjunction with a temporary use may be gravel when authorized by the approval authority at the time the permit is approved. The approval authority shall consider the following in determining whether or not the gravel parking is warranted:

 - (i) The request for consideration to allow a parking area in conjunction with the temporary use shall be made in writing concurrently with the temporary use application;**



(ii) The applicant shall provide documentation that the type of temporary use requested will not be financially viable if the parking space surface area requirement is imposed; and

(iii) Approval of the gravel parking area will not create adverse conditions affecting safe ingress and egress when combined with other uses of the property.

(d) Any area where harmful soil contamination could reasonably be expected shall be protected with appropriate surface cover and collection devices.

Response: Not applicable, no temporary use is requested as part of this development.

(11) Access Drives.

(a) Access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site;

(b) The number and size of access drives shall be in accordance with the requirements of Chapter 17.84 SHMC, Access, Egress, and Circulation;

(c) Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives;

(d) Access drives shall have a minimum vision clearance as provided in Chapter 17.76 SHMC, Visual Clearance Areas;

(e) Access drives shall normally be improved with an asphalt or concrete surface or other similar type material approved by the city; and

(f) Where more public harm would occur than good, the director can waive some hard surface requirements on access drives.

Response: See sheets C-2 and C-3. A shared driveway is proposed to provide access to the two northern lots. This shared driveway meets the requirements set forth in section 17.84.070(1).

[...]

(16) Maintenance of Parking Areas. All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired.

Response: The applicant understands that all parking areas shall be kept clean and in good repair at all times. Once each single-family home is sold, this will become the responsibility of the individual owners.

[...]

Chapter 17.84 – Access, Egress, and Circulation

[...]



17.84.030– Joint access and reciprocal access easements

Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the combined requirements as designated in this code, provided:

(1) Satisfactory legal evidence shall be presented in the form of deeds, easements, leases, or contracts to establish the joint use; and

(2) Copies of the deeds, easements, leases, or contracts are placed on permanent file with the city. (Ord. 3150 § 3 (Att. B), 2011; Ord. 2875 § 1.116.030, 2003) [...]

Response: See sheets C-3 and C-4. An access and utility easement is proposed to run lengthwise towards the northern lots to provide legal access and to provide an easement for proposed water services.

17.84.040– Public street access

(1) All vehicular access and egress as required in SHMC 17.84.070 and 17.84.080 shall connect directly with a public or private street approved by the city for public use and shall be maintained at the required standards on a continuous basis.

(2) Vehicular access to structures shall be provided to residential uses and shall be brought to within 50 feet of the ground floor entrance or the ground floor landing of a stairway, ramp, or elevator leading to the dwelling units.

(3) Vehicular access shall be provided to commercial or industrial uses, and shall be located to within 50 feet of the primary ground floor entrances.

Response: See sheets C-2 and C-3. All vehicular access points connect to South 21st Street either directly or by a shared driveway.

[...]

(6) Measuring Distance between Access Points. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

Response: The applicant understands how these access points are measured.

(7) Development Fronting onto an Arterial Street.

[...]

Response: Not applicable, the proposed development fronts a local street, not an arterial street.

[...]

17.84.070– Minimum requirements – Residential use

(1) Vehicular access and egress for single-dwelling units, duplexes or attached single-dwelling units on individual lots, residential use, shall comply with the following:)

(2) Private residential access drives shall be provided and maintained in accordance with the provisions of the Uniform Fire Code.

(3) Access drives in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus in accordance with the engineering standards of SHMC Title 18 and/or as approved by the fire marshal.

(4) Vehicle turnouts (providing a minimum total driveway width of 24 feet for a distance of at least 30 feet) may be required so as to reduce the need for excessive vehicular backing motions in situations where two vehicles traveling in opposite directions meet on driveways in excess of 200 feet in length.

(5) Where permitted, minimum width for driveway approaches to arterials or collector streets shall be no less than 20 feet so as to avoid traffic turning from the street having to wait for traffic exiting the site.

(6) Vehicular access and egress for multiple-dwelling unit uses shall comply with the following:

[...]

(Ord. 3150 § 3 (Att. B), 2011; Ord. 3144 § 2 (Att. A), 2011; Ord. 2875 § 1.116.070, 2003)

Response: The proposed access drive is less than 150 feet long and has been designed in accordance with SHMC 17.84.070(1) Figure 15.

Chapter 17.132 – Tree Removal

[...]

17.132.025– Tree plan requirement

(1) A tree plan for the planting, removal, and protection of trees prepared by a certified arborist or other capable professional as allowed by the director (for property or site with more than 10 trees or any tree over two feet DBH) shall be provided for any lot, parcel or combination of lots or parcels for which a development application for a land division, site development review, planned development or conditional use is filed. Protection is preferred over removal where possible.

(2) The tree plan shall include the following:

(a) Identification of the location, size, DBH and species of all existing trees including trees designated as significant by the city;

(b) Identification of a program to save existing trees or mitigate tree removal over 12 inches DBH. Mitigation must follow the replacement guidelines of SHMC 17.132.070(4) according to the following standards:

(i) Retainage of less than 50 percent of existing trees over 12 inches DBH requires a mitigation program according to SHMC 17.132.070(4) with a ratio of two minimum two-inch DBH trees for each 12-inch or greater DBH tree to be removed.

(ii) Retainage of over 50 percent of existing trees over 12 inches DBH requires the trees to be mitigated according to SHMC 17.132.070(4) with a ratio of one minimum two-inch DBH tree for each 12-inch or greater DBH tree to be removed.

(c) Identification of all trees which are proposed to be removed; and

(d) A protection program defining standards and methods that will be used by the applicant to protect trees during and after construction.

(3) Trees removed within the period of one year prior to a development application listed above will be inventoried as part of the tree plan above and will be replaced per this chapter. (Ord. 3264 § 2 (Att. A), 2021; Ord. 3144 § 2 (Att. A), 2011; Ord. 2875 § 1.160.025, 2003)

Response: See sheet C-5. A tree preservation and removal plan has been created. All trees on-site are planned to be removed due to close proximity to the proposed residences. Due to the restricted size of the site no mitigation is currently proposed.

17.132.070 – Illegal tree removal – Violation – Replacement of trees

(1) The following constitute a violation of this chapter:

(a) Removal of a tree:

(i) Without a valid tree removal permit; or

(ii) In noncompliance with any condition of approval of a tree removal permit;

(iii) In noncompliance with any condition of any city permit or development approval; or

(iv) In noncompliance with any other section of this code.

(b) Breach of a condition of any city permit or development approval which results in damage to a tree or its root system.

(2) If the director has reason to believe that a violation of this chapter has occurred, then he or she may do any or all of the following:

(a) Require the owner of the land on which the tree was located to submit sufficient documentation, which may include a written statement from a qualified arborist or forester, showing that removal of the tree was permitted by this chapter

(b) Pursuant to SHMC 17.24.390, initiate a hearing on revocation of the tree removal permit and/or any other permit or approval for which this chapter was an approval standard;

(c) Seek a stop order;

(d) Seek a citation; or

(e) Take any other action allowed by law.

(3) Notwithstanding any other provision of this code, any party found to be in violation of this chapter pursuant to Chapter 17.12 SHMC shall be subject to a civil penalty of up to \$500.00 and shall be



required to remedy any damage caused by the violation. Such remediation shall include, but not be limited to, the following:

(a) Replacement of unlawfully removed or damaged trees in accordance with subsection (4) of this section; and

(b) Payment of an additional civil penalty representing the estimated value of any unlawfully removed or damaged tree, as determined using the most current International Society of Arboriculture's Guide for Plant Appraisal.

(4) Replacement of a tree shall take place according to the following guidelines:

(a) A replacement tree shall be a substantially similar species considering site characteristics;

(b) If a replacement tree of the species of the tree removed or damaged is not reasonably available, the director may allow replacement with a different species of equivalent natural resource value;

(c) The director may permit one or more replacement trees to be planted on other property within the city, either public property or, with the consent of the owner, private property whenever it is not viable to place the trees on the site;

(d) The planting of a replacement tree shall take place in a manner reasonably calculated to allow growth to maturity.

(5) In lieu of tree replacement under subsection (4) of this section, a party may, with the consent of the director, elect to compensate the city for its costs in performing such tree replacement.

(6) The remedies set out in this section shall not be exclusive. (Ord. 2875 § 1.160.070, 2003)

Response: The applicant understands these standards. The applicant does not know of any or does not plan to illegally remove trees from the site.

Chapter 17.140 – Land Division – Land Partitioning – Lot Line Adjustment

17.140.050 – Special provisions for lots created through partition process

(1) *Lot Dimensions.* Lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated, and:

(a) No lot shall be dimensioned to contain part of an existing or proposed public right-of-way;

(b) The depth of all lots shall not exceed two and one-half times the average width, unless the parcel is less than one and one-half times the minimum lot size of the applicable zoning district; and

(c) Depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

(2) *Through Lots.* Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation, and:



- (a) A planting buffer at least 10 feet wide is required abutting the arterial rights-of-way; and*
- (b) All through lots shall provide the required front yard setback on each street.*
- (3) Large Lots. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the approving authority may require that the lots be of such size and shape, and be so divided into building sites, and contain such site restrictions as will provide for the extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size, and:*
 - (a) The land division shall be denied if the proposed large development lot does not provide for the future division of the lots and future extension of public facilities.*
 - (4) Fire Protection. The fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on fire fighting capabilities.*
 - (5) Reciprocal Easements. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.*
 - (6) Accessway. Any accessway shall comply with the standards set forth in Chapter 17.84 SHMC, Access, Egress, and Circulation.*
 - (7) The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern. (Ord. 2875 § 1.172.050, 2003)*

Response: All lot dimensions and sizes have been designed in accordance with the R-5 zoning standards.

17.140.060– Lot line adjustments – Approval standards

- (1) The director shall approve or deny a request for a lot line adjustment in writing based on findings that the criteria stated are satisfied as follows:*
 - (a) An additional parcel is not created by the lot line adjustment, and the existing parcel reduced in size by the adjustments is not reduced below the minimum lot size established by the zoning district;*
 - (b) By reducing the lot size, the lot or structure(s) on the lot will not be in violation of the site development or zoning district regulations for that district;*
 - (c) The resulting parcels are in conformity with the dimensional standards of the zoning district; and*
 - (d) The lots involved were legally created.*
- (2) The provisions of SHMC 17.140.050 shall also apply to lot line adjustments. (Ord. 2875 § 1.172.060, 2003)*

Response: As seen within the provided survey documentation, 2 legal lots of record exist on the subject property. As part of this process, a lot line adjustment will occur followed by a partition to create the lots shown within the provided plan set.

Chapter 17.152 – Street and Utility Improvement Standards

17.152.050– Easements

(1) *Easements. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and:*

(a) *Where a development is traversed by a watercourse, or drainageway, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the watercourse.*

(2) *Utility Easements. A property owner proposing a development shall make arrangements with the city, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. (Ord. 2875 § 1.184.050, 2003)*

Response: See sheet C-3 and C-4. An access and utility easement is proposed to provide legal access for the northern lots and for new water services.

17.152.060– Sidewalks and other frontage improvements

(1) *Sidewalks and frontage improvements shall be constructed, replaced or repaired to city design standards as set forth in the standard specifications manual and located as follows:*

(a) *On both sides of arterial and collector streets to be built at the time of street construction;*

(b) *On both sides of all other streets and in pedestrian easements and rights-of-way, except as provided further in this section or per SHMC 17.152.030(1)(d), to be constructed along all portions of the property designated for pedestrian ways in conjunction with development of the property.*

(2) *A planter/landscape strip separation of at least five feet between the curb and the sidewalk shall be required in the design of any arterial or collector street, except where the following conditions exist: there is inadequate right-of-way; the curbside sidewalks already exist on predominant portions of the street; it would conflict with the utilities; or as indicated otherwise by the transportation systems plan (TSP) (see TSP Figures 7-2 and 7-3) or an adopted street plan.*

(3) *Maintenance. Maintenance of sidewalks, curbs, and planter/landscape strips is the continuing obligation of the adjacent property owner.*

(4) *Application for Permit and Inspection. If the construction of a sidewalk and frontage improvements is not included in a performance bond of an approved subdivision or the performance bond has lapsed, then every person, firm or corporation desiring to construct sidewalks and frontage improvements as provided by this chapter shall, before entering upon the work or improvement, apply for a street opening permit to the engineering department to so build or construct:*

(a) *An occupancy permit shall not be issued for a development until the provisions of this section are satisfied or a fee in lieu has been paid to the city pursuant to subsection (6) of this section;*

(b) The city engineer may issue a permit and certificate allowing temporary noncompliance with the provisions of this section to the owner, builder or contractor when, in his or her opinion, the construction of the sidewalk or frontage improvements is impractical for one or more of the following reasons:

- (i) Sidewalk grades have not and cannot be established for the property in question within a reasonable length of time;*
- (ii) Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk and frontage improvements;*
- (iii) Street right-of-way is insufficient to accommodate a sidewalk on one or both sides of the street; or*
- (iv) Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically infeasible;*

(c) The city engineer shall inspect the construction of sidewalks and frontage improvements for compliance with the provision set forth in the standard specifications manual.

(5) Council Initiation of Construction. In the event one or more of the following situations are found by the council to exist, the council may adopt a resolution to initiate construction of a sidewalk and other frontage improvements in accordance with city ordinances:

- (a) A safety hazard exists for children walking to or from school and sidewalks are necessary to eliminate the hazard;*
- (b) A safety hazard exists for pedestrians walking to or from a public building, commercial area, place of assembly or other general pedestrian traffic, and sidewalks are necessary to eliminate the hazard;*
- (c) Fifty percent or more of the area in a given block has been improved by the construction of dwellings, multiple dwellings, commercial buildings or public buildings and/or parks; and*
- (d) A criterion which allowed noncompliance under subsection (4)(b) of this section no longer exists and a sidewalk could be constructed in conformance with city standards.*

(6) Fee in Lieu Option. An applicant may request or the city may require the applicant to pay a fee in lieu of constructing sidewalks and frontage improvements to be approved by the city engineer.

(a) A fee in lieu may be approved given conditions including but not limited to the following:

- (i) There is no existing or planned sidewalk network in the area.*
- (ii) There is a planned sidewalk or multi-use pathway in the vicinity of the site, or an existing multi-use pathway stubbing into the site, that would provide better pedestrian connectivity.*
- (iii) When physical improvements are present along an existing or proposed street that would prevent a reasonable installation within the right-of-way.*



(iv) When sidewalks and other frontage improvements would be located on land with cross slopes greater than nine percent, or other conditions that would create a potential hazard.

(v) Other situations unique to the site.

(b) The fee shall be not less than 125 percent of the cost to perform the work, as determined by the city engineer, based on the applicable city standards in effect at the time of application. Or the city engineer may require the applicant's engineer to provide a cost estimate, subject to review and approval by the city, to determine the cost to perform the work. The fee shall be paid prior to plat recording or issuance of a building or development permit.

(c) All fees paid shall be used for construction of a sidewalk and/or other related frontage improvements or multi-use pathway, or repair and maintenance of an existing sidewalk and/or related frontage improvements or pathway within the city of St. Helens. (Ord. 3241 § 3 (Att. B), 2019; Ord. 3150 § 3 (Att. B), 2011; Ord. 2875 § 1.184.060, 2003)

Response: The existing sidewalk fronting the subject property will be replaced along the entire frontage. Due to the length of the frontage, no street trees are proposed. All sidewalk maintenance will be passed onto whomever purchases each single-family home. A public improvements permit will be obtained prior to completion of any work within the Right-of-Way.

17.152.080 – Water services

(1) Water Supply (Required). Municipal water system shall be installed to serve each new development and to connect development to existing mains in accordance with the provisions set forth in the standard specification manual and the adopted policies of the St. Helens comprehensive plan.

(2) Water Supply Plan Approval. The city engineer shall approve all water supply plans and proposed systems prior to issuance of development permits involving water service. Such plans and systems shall be designed by a registered professional engineer.

(3) Oversizing. Proposed water systems shall include consideration of additional development within the area as projected by the St. Helens comprehensive plan.

(4) Permits Denied. Development permits may be restricted by the commission or council (i.e., the applicable approval authority) where a deficiency exists in the existing water system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the water system.

(5) In some cases, a municipal water system may not be required, such as for nonconsumption purposes like landscape irrigation or industrial processing. The city engineer and building official shall decide when this exception is to be allowed.

(6) Extension of water mains shall be public (i.e., under control of a public authority) except where a variance is approved per Chapter 17.108 SHMC. (Ord. 3150 § 3 (Att. B), 2011; Ord. 2875 § 1.184.080, 2003)



Response: Three new connections to the existing water main in South 21st street will be made (one service for each new sing-family home). No changes in service are proposed for the existing single-family home.

17.152.090– Sanitary sewers

(1) Sewers (Required).

(a) Public sanitary sewers shall be installed to serve all properties being developed and having to comply with plumbing codes adopted by the city of St. Helens except where a variance is approved per Chapter 17.108 SHMC.

(b) Any proposed installation of sanitary sewers shall comply with this section.

(2) Sewer Plan Approval. The city engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service. Such plans and systems shall be designed by a registered professional engineer.

(3) Oversizing. Proposed sewer systems shall include consideration of additional development within the area as projected by the St. Helens comprehensive plan.

(4) Permits Denied. Development permits may be restricted by the commission or council (i.e., the applicable approval authority) where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

(5) For the purpose of this section “public sanitary sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by the city. (Ord. 3150 § 3 (Att. B), 2011; Ord. 2875 § 1.184.090, 2003)

Response: One new connection will be made for the home abutting South 21st Street while the northern lots will connect to a public sanitary main along the northern property line. No changes in service are proposed for the existing single-family home.

17.152.100 – Storm drainage

(1) Storm Drainage – General Provisions. The director and city engineer shall issue a development permit only where adequate provisions for storm water and floodwater runoff have been made, which may require storm water facilities, and:

(a) The storm water drainage system or storm water facilities shall be separate and independent of any sanitary sewerage system;

(b) Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and

(c) Surface water drainage patterns shall be shown on every development proposal plan.



(2) *Easements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.*

(3) *Accommodation of Upstream Drainage (Must Comply with State and Federal Requirements). A culvert or other drainage or storm water facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, and:*

(a) The city engineer shall approve the necessary size of the storm water facility, based on the provisions of the city's adopted master drainage plan.

(4) *Effect on Downstream Drainage. Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage or storm water facility, the director and engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the city's current master drainage plan.*

(5) *Any storm water facility shall be designed by a registered professional engineer.*

(6) *Any storm water facility shall be public (i.e., under control of a public authority) and located on city owned property, city right-of-way or city easement except where a variance is approved per Chapter 17.108 SHMC or where such facility is determined to be private by the city engineer (e.g., private detention ponds for commercial or industrial development).*

(7) *For the purpose of this section, "storm water facility" means any structure(s) or configuration of the ground that is used or by its location becomes a place where storm water flows or is accumulated including, but not limited to, pipes, sewers, street gutters, manholes, catch basins, ponds, open drainageways and their appurtenances. Milton Creek, McNulty Creek, and the Columbia River are not storm drain facilities. (Ord. 3150 § 3 (Att. B), 2011; Ord. 2875 § 1.184.100, 2003)*

Response: See sheet C-5. For each new single family home, a storm system will be constructed to manage stormwater from proposed roofs.