

City of St. Helens  
**ORDINANCE NO. 3264**

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE CHAPTERS 17.16, 17.24, 17.32, 17.40, 17.56, 17.64, 17.68, 17.72, 17.80, 17.84, 17.88, 17.92, 17.96, 17.100, 17.104, 17.108, 17.124, 17.132, 17.136, 17.152, AND 19.20, AND DELETING CHAPTER 17.128, FOCUSING ON DUPLEX HOUSING TO COMPLY WITH OREGON HOUSE BILL 2001 AND OTHER MATTERS

**WHEREAS**, pursuant to St. Helens Municipal Code 17.20.020(1)(c) the Planning Director initiated a legislative change to adopt text amendments to the Community Development Code (St. Helens Municipal Code Title 17) and the St. Helens Comprehensive Plan (St. Helens Municipal Code Title 19); and

**WHEREAS**, pursuant to the St. Helens Municipal Code and Oregon Revised Statutes, the City has provided notice to: the Oregon Department of Land Conservation and Development on February 1, 2021, potentially affected property owners listed in the Columbia County Tax Assessor records on February 8, 2021, potentially affected agencies on February 17, 2021, and the local newspaper of record on February 24, 2021; and

**WHEREAS**, the St. Helens Planning Commission did hold a duly noticed public hearing on March 9, 2021 and, following deliberation, made a recommendation of approval to the City Council; and

**WHEREAS**, the St. Helens City Council conducted a public hearing on April 7, 2021 and having the responsibility to approve, approve with modifications, or deny an application for a legislative change, has deliberated and found that based on the information in the record and the applicable criteria in the SHMC that the code amendments be approved.

**NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:**

**Section 1.** The above recitations are true and correct and are incorporated herein by reference.

**Section 2.** The City of St. Helens Municipal Code (Development Code) and Comprehensive Plan are hereby amended, attached hereto as **Attachment "A"** and made part of this reference.

**Section 3.** In support of the code amendments described herein, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Attachment "B"** and made part of this reference.

**Section 4. Severability.** If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be servable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

**Section 5.** Provisions of this Ordinance shall be incorporated in the St. Helens Municipal Code and the word "ordinance" may be changed to "code," "article," "section," or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that Whereas clauses and boilerplate

provisions need not be codified.

**Section 6.** The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

Read the first time: April 21, 2021

Read the second time: May 5, 2021

**APPROVED AND ADOPTED** this 5<sup>th</sup> day of May, 2021 by the following vote:

Ayes:

Nays:

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Rick Scholl, Mayor

ATTEST:

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Kathy Payne, City Recorder

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

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

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## TITLE 17 COMMUNITY DEVELOPMENT CODE

### Chapters:

[...]

17.124 Accessory Structures  
~~17.128 Auxiliary Dwelling Units~~  
17.132 Tree Removal

[...]

### CHAPTER 17.16 GENERAL AND LAND USE DEFINITIONS

[...]

#### 17.16.010 General and land use definitions.

[...]

Auxiliary or Accessory Dwelling Unit. See “dwelling, auxiliary or accessory” ~~and Chapter 17.128 SHMC.~~

[...]

“Dwelling, auxiliary or accessory” means an interior dwelling unit or attached or detached residential dwelling unit structure that is used in connection with, or that is accessory to, a detached single-family dwelling unit (principal dwelling) and is located on the same lot or parcel as the principal dwelling. ~~Auxiliary dwelling units are subject to Chapter 17.128 SHMC.~~ Ordinance No. 3264, allows a second detached single-family dwelling or duplex on any lot that allows detached single-family dwellings as a permitted use. An allowed second dwelling unit is a principal use and may also be considered an auxiliary or accessory dwelling unit.

[...]

~~“Floodplain” means land adjacent to a watercourse that is covered with water during periods of flooding; normally defined as an area of land inundated by a flood having a one percent chance of occurring in any year.~~ See Chapter 17.46 SHMC.

~~“Floodway” means the normal stream or drainage channel and that adjoining area of the natural floodplain needed to convey the waters, and including the no-rise floodway area defined by the most current U.S. Corps of Engineers Flood Insurance Study. Floodways must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.~~

[...]

“Yard” means an open space on a lot which is unobstructed from the ground upward, by buildings and structures for example, except as otherwise provided in this code. There are four types of yards: front, interior, rear, and side. When determining setback, yard does not include an access easement or street right-of-way.

“Yard – front” means a yard, the front of which is the front lot line measuring at right angles toward the building/structure the required distance or to the front exterior wall of the building/structure.

“Yard – interior” means a yard between buildings/structures on the same lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92.

“Yard – rear” means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the building/structure.

“Yard – side” means a yard not defined as front, ~~or~~ rear, or interior. On corner lots (see “lot, corner”) the side yard along the flanking street is the exterior side yard.

[...]

## CHAPTER 17.24 PROCEDURES FOR DECISION-MAKING – QUASI-JUDICIAL

[...]

### **17.24.120 Notice of decision by the director.**

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

(a) Within 10 working days of signing the proposed decision, notice shall be sent by mail to:

[...]

(ii) All surrounding property owners of record of property within the applicable notice area of the property for the following types of director decisions:

(A) Lot line adjustments, major site design development reviews, minor modifications to conditional use permits, sensitive lands, temporary uses, accessory structures, subdivision final plats: 100 feet;

[...]

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

[...]

## CHAPTER 17.32 ZONES AND USES

[...]

### 17.32.050 Suburban residential zone – R-10.

(1) Purposes. The R-10 zone is intended to provide minimum development standards for residential purposes and to establish larger urban residential home sites.

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

(a) ~~Auxiliary dwelling unit (per Chapter 17.128 SHMC)~~ Duplex.

(b) Home child care.

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

(d) Public facilities, minor.

(e) Public park after site ~~design~~ development review.

~~(f) Residential facility.~~

~~(g)~~ (f) Residential home.

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

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

(a) Children's day care or day nursery.

(b) Cultural exhibits and library services.

(c) Elderly/convalescent care facility.

(d) Private park.

(e) Public facilities, major.

(f) Public safety facilities.

(g) Religious assembly.

(4) Standards. In the R-10 zone the following standards shall apply:

(a) The minimum lot size shall be 10,000 square feet for all uses.

(b) The minimum lot width at the building line shall be 70 feet, except on a corner lot it shall be 85 feet.

(c) The minimum lot width at the street shall be 60 feet.

(d) The minimum lot width at the street on an approved cul-de-sac shall be 30 feet.

(e) The minimum lot depth shall be 100 feet.

(f) The minimum front yard shall be 20 feet.

(g) The minimum side yard width shall be 10 feet except on corner lots where the ~~setback~~ exterior side yard shall be 20 feet ~~when facing a street other than an alley.~~

(h) The minimum rear yard depth shall be 20 feet.

(i) The minimum interior yard shall be 10 feet.

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

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

~~(l)~~ (l) Structures and buildings shall not occupy more than ~~35~~ 40 percent of the lot area.

~~(m)~~ (m) No lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92 shall have more than one principal building thereon, except as otherwise allowed in this section.

~~(n)~~ (n) The minimum landscaping shall be 25 percent of the lot area.

(5) All chapters of the Development Code apply.

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

(b) See SHMC 17.108.050(4) for yard reductions and structure/building coverage increases.

### **17.32.060 Moderate residential zone – R-7.**

(1) Purpose. The R-7 zone is intended to provide minimum development standards for residential purposes and to establish urban moderate density residential home sites.

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

(a) ~~Auxiliary dwelling unit (per Chapter 17.128 SHMC)~~ Duplex.

(b) Home child care.

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

(d) Public facilities, minor.

(e) Public park after site design review.

(f) Residential home.

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

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

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

(b) Children's day care/day nursery.

(c) Community recreation facility.

(d) Cultural exhibits and library services.

~~(e) Duplex residential units.~~

~~(f)~~ (e) Neighborhood store/plaza.

~~(g)~~ (f) Elderly/convalescent home.

~~(h)~~ (g) Private park.

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

~~(j)~~ (i) Public safety facilities.

~~(k)~~ (j) Religious assembly.

(4) Standards. In the R-7 zone the following standards shall apply:

(a) The minimum lot size is 7,000 square feet for all uses ~~except for duplexes which need 10,000 square feet on interior lots.~~

(b) The minimum lot width at the building line shall be 60 feet, except on a corner lot it shall be 85 feet.

(c) The minimum lot width at the street shall be 50 feet; ~~except for duplexes, the minimum lot width shall be 60 feet.~~

(d) The minimum lot width at the street on an approved cul-de-sac shall be 30 feet.

(e) The minimum lot depth shall be 85 feet.

(f) The minimum front yard shall be 20 feet.

(g) The minimum side yard shall be seven feet except on corner lots where the ~~setback exterior side yard~~ shall be 14 feet ~~when facing a street other than an alley.~~

(h) The minimum rear yard depth shall be 20 feet.

(i) The minimum interior yard shall be 7 feet.

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

~~(k)~~ (k) The maximum building height shall be 35 feet.

~~(l)~~ (l) Buildings and structures shall not occupy more than ~~35~~ 40 percent of the lot area.

~~(m)~~ (m) No lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92 shall have more than one principal building thereon, except as otherwise allowed in this section.

~~(n)~~ (n) The minimum landscaping shall be 25 percent of the lot area.

(5) All chapters of the Development Code apply.

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

(b) See SHMC 17.108.050(4) for yard reductions and structure/building coverage increases.

### **17.32.070 General residential zone – R-5.**

(1) Purpose. The R-5 zone is intended to provide minimum development standards for residential purposes and to establish ~~sites for single-dwelling, detached and attached units for medium density residential developments~~ urban moderately high density residential home sites.

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

~~(a) Auxiliary dwelling unit (per Chapter 17.128 SHMC).~~

~~(b) (a) Duplex dwelling units.~~

~~(c) (b) Home child care.~~

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

~~(e) (d) Public facility, minor.~~

~~(f) (e) Public park.~~

~~(g) Residential facility.~~

~~(h) (f) Residential home.~~

~~(i) (g) Single-dwelling units, attached (five units maximum together).~~

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

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

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

(b) Children's day care/day nursery.

- (c) Commercial recreation facility.
- (d) Cultural exhibits and library services.
- (e) Neighborhood store/plaza.
- (f) Multidwelling units.
- (g) Elderly/convalescent home.
- (h) Private park.
- (i) Public facilities, major.
- (j) Public safety facilities.
- (k) Religious assembly.

(l) Residential facility.

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

(a) For dwellings the minimum lot size shall be 5,000 square feet for the single-dwelling unit, detached and ~~5,800 square feet for a duplex dwelling structure~~ duplex and 2,500 square feet for each single-dwelling unit, attached (maximum of five units together). For multidwelling units, use ~~duplex size~~ 5,000 square feet as base plus 2,500 square feet for each multidwelling unit thereafter.

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

(c) The minimum lot width at the building line and street shall be 50 feet for detached units and duplexes. For ~~duplex structures the width shall be a minimum of 58 feet and for~~ attached single-dwelling units the width shall be at least 25 feet wide each. ~~See SHMC 17.64.030 for multidwelling units.~~ No minimum for multidwelling unit lots. For flag lots the width at the street shall be a minimum of 20 feet.

(d) The minimum lot width at the street on an approved cul-de-sac shall be 30 feet.

(e) The minimum lot depth shall be 85 feet.

(f) The minimum front yard shall be 20 feet; ~~see SHMC 17.64.020.~~

(g) No side yard shall be less than five feet wide for single-dwelling, detached, duplexes and single-dwelling, attached structures and 10 feet for multidwelling structures (~~see SHMC 17.64.030 for multidwelling units~~). Corner lots shall have a minimum ~~side yard setback~~ exterior side yard of 10 feet ~~on the flanking street~~.

(h) The minimum rear yard depth shall be 10 feet. (~~See SHMC 17.64.030 on multidwelling units.~~)

(i) The minimum interior yard shall be 6 feet. Multidwelling units shall also comply with SHMC 17.96.180(11).

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

(~~+~~) (k) Buildings and structures shall not occupy more than ~~35~~ 40 percent of the lot area except for single attached and multidwelling units, which can be up to 50 percent.

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

~~(l) Multidwellings shall be subject to the special standards of SHMC 17.64.030.~~

(m) The minimum landscaping for dwellings other than multidwellings shall be 25 percent of the lot area.



(5) All chapters of the Development Code apply.

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

(b) SHMC 17.96.180 includes many site development standards specific to multidwelling units.

(c) See SHMC 17.108.050(4) for yard reductions and structure/building coverage increases.

(d) Flag lots are possible in this zoning district. See SHMC 17.140.055.

~~(6) Flag lots are possible in this zoning district. See SHMC 17.140.055.~~

### **17.32.080 Apartment residential zone – AR.**

(1) Purpose. The AR zone is intended to provide minimum development standards for residential purposes where complete community services are available and to provide ~~for single dwellings, detached and attached, duplexes, and low/medium-rise multiple dwelling residential units~~ for heavy high density residential development.

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

~~(a) Auxiliary dwelling unit (per Chapter 17.128 SHMC).~~

~~(b) (a) Duplex dwelling units.~~

~~(c) (b) Home child care.~~

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

~~(e) (d) Multidwelling units.~~

~~(f) (e) Public facility, minor.~~

~~(g) (f) Public park.~~

~~(h) (g) Residential facility.~~

~~(i) (h) Residential home.~~

~~(j) (i) Single-dwelling unit, attached residential units (five units maximum together).~~

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

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

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

(b) Children's day care/day nursery.

(c) Community recreation, including structures.

(d) Commercial recreation facility.

(e) Neighborhood store/plaza.

(f) Hospitals, sanitariums, rest homes, and elderly homes.

(g) Lodge, fraternal, and civic assembly.

(h) Lodging facilities or rooming house.

(i) Parking facilities.

(j) Private parks.

(k) Public facilities, major.

(l) Religious assembly.

(m) Schools and related facilities.

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

(a) For dwellings the minimum lot size shall be ~~3,050~~ 4,000 square feet for single-dwelling, detached units; ~~5,000 square feet minimum lot size for~~ and duplexes structures; 1,600

square feet minimum lot size for single-dwelling, attached units each (maximum of five units together); and 1,500 square feet minimum lot size for each multidwelling unit over the base of ~~5,000~~ 4,000 square feet for the first two units (with no maximum).

(b) The minimum front yard shall be 20 feet.

(c) For single-dwelling, detached units and duplexes the minimum lot width at the street and building line shall be ~~50~~ 40 feet; ~~30 feet for single detached dwelling units~~ and no minimum for multidwelling unit lots; for flag lots and single attached dwelling units the minimum lot width at the street is 20 feet.

(d) The minimum lot depth shall be 85 feet, except single-dwelling units, attached shall be 80 feet.

~~(e) No single dwelling, detached unit yard shall be less than five feet wide on both sides; corners shall be 10 feet wide on flanking street sides. Duplexes, single attached unit buildings, and multiplexes shall have a minimum of 10 feet on side yards. No side yard shall be less than five feet wide for single-dwelling, detached, duplexes and single-dwelling, attached structures and 10 feet for multidwelling structures. Corner lots shall have a minimum exterior side yard of 10 feet.~~

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

(g) The minimum interior yard shall be 6 feet. Multidwelling units shall also comply with SHMC 17.96.180(11).

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

~~(h)~~ (i) The maximum building height shall be 35 feet, except as required in SHMC 17.68.040.

~~(i)~~ (j) Buildings and structures shall not occupy more than 50 percent of the lot.

~~(j)~~ (k) No lot, parcel, or otherwise lawfully established unit of land per ORS Chapter 92 shall have more than one principal building constructed thereon, except for multidwelling structures, ~~in which case there is no such limitation~~ and as otherwise allowed in this section.

~~(k)~~ (l) The minimum landscaping shall be 25 percent of the lot area except for multidwelling structures.

(5) All chapters of the Development Code apply.

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

(b) SHMC 17.96.180 includes many site development standards specific to multidwelling units

(c) See SHMC 17.108.050(4) for yard reductions and structure/building coverage increases.

(d) Flag lots are possible in this zoning district. See SHMC 17.140.055.

~~(6) Flag lots are possible in this zoning district. See SHMC 17.140.055.~~

### **17.32.090 Mobile home residential zone – MHR.**

(1) Purpose. The MHR zone is intended to provide minimum development standards for residential purposes where complete community services are available, and where population concentrations of a moderate nature, including mobile home parks, may develop.

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

(a) ~~Auxiliary dwelling unit (per Chapter 17.128 SHMC)~~ Duplex.

(b) Home child care.

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

(d) Mobile home parks.

(e) Public parks.

(f) Public facility, minor.

~~(g) Residential facility.~~

~~(h)~~ (g) Residential home.

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

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

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

(b) Children's day care or day nursery.

(c) Community recreation including structures.

~~(d) Duplexes.~~

~~(e)~~ (d) Neighborhood store/plaza.

~~(f)~~ (e) Multidwelling units.

~~(g)~~ (f) Private park.

~~(h)~~ (g) Public facilities, major.

~~(i)~~ (h) Public or private school or college.

~~(j)~~ (i) Religious assembly.

~~(k)~~ (j) Residential facility.

(k) Sanitarium, rest home, senior or convalescent care facilities.

~~(l) Single dwelling unit, attached.~~

~~(m)~~ (l) Travel trailer parks.

(4) Standards. In the MHR zone, the same standards as in the R-5 zone shall apply except for the following:

(a) Standards for mobile home parks shall conform to Chapter 17.60 SHMC.

(5) All chapters of the Development Code apply.

(a) Flag lots are possible in this zoning district. See SHMC 17.140.055.

~~(6) Flag lots are possible in this zoning district. See SHMC 17.140.055.~~

### 17.32.095 Mixed use zone – MU.

(1) Purpose. The MU zone is intended to provide for mixed uses in certain areas, generally between general commercial and residential zones. This method allows the market to mostly determine the uses.

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

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

~~(b) Auxiliary dwelling unit (per Chapter 17.128 SHMC).~~

~~(c)~~ (b) Car washes.

~~(d)~~ (c) Congregate housing.

~~(e)~~ (d) Continuing care retirement community.

- ~~(+)~~ (e) Cultural and library services.
- ~~(+)~~ (f) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses.
- ~~(+)~~ (g) Eating and drinking establishments.
- ~~(+)~~ (h) Equipment (small) sales, rental and repairs.
- ~~(+)~~ (i) Financial institutions.
- ~~(+)~~ (j) Hardware store, without outdoor storage.
- ~~(+)~~ (k) Home child care.
- ~~(+)~~ (l) Home occupation (per Chapter 17.120 SHMC).
- ~~(+)~~ (m) Hotels and motels.
- ~~(+)~~ (n) Offices – all.
- ~~(+)~~ (o) Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.
- ~~(+)~~ (p) Plumbing, HVAC, electrical and paint sales and service, without outdoor storage.
- ~~(+)~~ (q) Produce stands.
- ~~(+)~~ (r) Public facility, minor.
- ~~(+)~~ (s) Repair and maintenance of permitted retail products.
- ~~(+)~~ (t) ~~Residential facility.~~
- ~~(+)~~ (u) Residential home.
- ~~(+)~~ (v) Retail sales establishments, not specifically catering to motorists.
- ~~(+)~~ (w) Studios.
- ~~(+)~~ (x) Theaters, except drive-ins.

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

- (a) Amusement services.
- (b) Bar.
- (c) Bed and breakfast facilities, homestay, and boarding house.
- (d) Broadcast facilities without dishes over 36 inches or transmitter/receiver towers.
- (e) Bus and train stations/terminals.
- (f) Businesses with outdoor storage (those businesses permitted in subsection (2) of this section).
- (g) Child care facility/day nursery.
- (h) Drive-up businesses and services.
- (i) Dwellings on same level as nonresidential use.
- (j) Funeral homes.
- (k) Hospitals and senior or convalescent care facilities.
- (l) Laundromats and dry cleaners.
- (m) Lodge, fraternal and civic assembly.
- (n) Lodging facilities or rooming house.
- (o) Marijuana retailer and/or medical marijuana dispensary.
- (p) Multidwelling units.
- (q) Nurseries and greenhouses.
- (r) Parking lots.
- (s) Parks, public and private.
- (t) Pawn shops.

- (u) Public and private schools.
- (v) Public facilities, major.
- (w) Public safety facilities.
- (x) Recreation facilities (public or private).
- (y) Religious assembly, including cemeteries.
- (z) Residential facility.
- ~~(z) (aa)~~ Shopping centers.
- ~~(aa)~~ (bb) Travel trailer parks.
- ~~(bb)~~ (cc) Vehicle repair, service, and sales.

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

- (a) Wherever a proposed structure abuts a residential zone, it may be required to be set back per Chapter 17.72 SHMC.
- (b) The maximum building height shall be 45 feet, except as required in SHMC 17.68.040.
- (c) Outdoor storage abutting or facing a lot in a residential zone shall comply with Chapter 17.72 SHMC.
- (d) Maximum nonresidential lot coverage including all impervious surfaces shall be 90 percent.
- (e) Multidwelling units and units above permitted uses must comply with AR standards and other applicable sections of this code.
- (f) Single-dwelling units, attached or detached, and duplexes shall comply with R-5 standards.

~~(g) Duplexes shall comply with R-5 standards.~~

(5) All chapters of the Development Code apply.

(a) Flag lots are possible in this zoning district. See SHMC 17.140.055.

~~(6) Flag lots are possible in this zoning district. See SHMC 17.140.055.~~

[...]

**17.32.172 Riverfront district – RD, plaza.**

[...]

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

[...]

(b) The maximum lot coverage including all impervious surfaces shall be 90 percent; ~~provided, however, for new construction or existing legally constructed buildings seeking new or revised development approvals, lot coverage may be increased up to 100 percent by payment of a lot coverage fee established by resolution of the city council. The lot coverage fee shall be deposited into the riverfront district community capital improvement account to offset loss of landscaping in the RD zone.~~

[...]

(f) ~~Interior or Side Yard Setbacks.~~ New buildings containing any nonresidential use abutting residential districts require one foot of setback for each foot of building wall height on the side abutting the residential zone, with a minimum setback of 10 feet. For yards abutting other nonresidential districts, no setback is required, subject to building code requirements.

Note: Where the plaza subdistrict abuts a residential zone and the uses are more than 30 feet above the proposed commercial use, then the height of the topography counts as part of the setback, e.g., 35-foot bluff behind a commercial building is same as 35-foot setback on that side.

~~(g) Rear Yard Setbacks. New buildings containing nonresidential uses abutting residential districts require one foot of setback for each foot of building wall height with a minimum setback of 10 feet (see above note). For yards abutting other nonresidential districts, no rear setback is required, subject to building code requirements.~~

~~(h)~~ (g) The minimum lot width at the street and building line shall be 20 feet.

~~(i)~~ (h) The minimum lot depth shall be 50 feet.

~~(j)~~ (i) Minimum open space shall be 10 percent, ~~except when the lot coverage fee is paid as per subsection (4)(b) of this section.~~

~~(k)~~ (j) No maximum building size.

~~(l)~~ (k) No additional or new on-site parking is required for sites with lawfully existing ~~development~~ building footprint coverage in excess of 50 percent of the site lot area (change of use or remodeling without a change to the existing footprint of lawfully existing ~~development~~ building(s) are also exempt).

~~(m)~~ (l) Except for subsection (4)~~(j)~~(k) of this section, new development shall meet required on-site parking requirements with credit, on one-for-one basis of parking spaces in rights-of-way abutting the site. On-street parking (in rights-of-way) shall be based upon parallel parking, or existing; fractions do not count. Moreover, parking standards shall be for normal sized vehicles, for the purpose of the parking credit.

~~(n) New development can buy out of on-site parking requirements by paying into the RD community capital improvement account (a fund shall be designated for future RD located parking facilities) in an amount set by city council in a resolution.~~

[...]

### 17.32.173 Riverfront district – RD, mill.

[...]

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

(a) Residential.

(i) Single dwelling units, attached.

(ii) Multidwelling units.

~~(iii) Auxiliary dwelling unit (per Chapter 17.128 SHMC).~~

[...]

(4) Standards Applicable to All Uses. The following standards and special conditions shall apply to all uses in the mill subdistrict:

[...]

(e) ~~Interior Setbacks~~. New buildings containing any nonresidential use abutting a residential zoning district require one foot of setback for each foot of wall height with a minimum setback of 10 feet. For yards abutting nonresidential districts, no ~~interior~~ setback is required, subject to building code requirements. Note: this setback may be reduced proportionately when the residential zoning district is topographically above the base level of new construction.

[...]

### 17.32.180 Houlton business district – HBD.

[...]

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

- (a) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses.
- ~~(b) Auxiliary dwelling unit (per Chapter 17.128 SHMC).~~
- ~~(e)~~ (b) Public and institutional uses.

*[editor's note: reformatting of items under (2) continues]*

- ~~(rr)~~ (qq) Shopping centers and plazas.
- ~~(ss) Residential facility.~~
- ~~(tt)~~ (rr) Residential home.

[...]

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

[...]

- (m) Multidwelling units.
- (n) Religious assembly, excluding cemeteries.
- (o) Residential facility.
- ~~(p)~~ (p) Parking lots/facilities, private.
- ~~(q)~~ (q) Nurseries and greenhouses.

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

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

[...]

(b) The maximum lot coverage including all impervious surfaces shall be 90 percent; ~~provided, however, for new construction or existing legally constructed buildings seeking new or revised development approvals, lot coverage may be increased up to 100 percent by payment of a lot coverage fee established by resolution of the city council. The lot coverage fee shall be deposited into the Houlton business district community capital improvement account to offset loss of landscaping and open space in the HBD zone.~~

[...]

(f) ~~Interior or Side Yard Setbacks.~~ New buildings containing any nonresidential use abutting residential districts require one foot of setback for each foot of building wall height on the side abutting the residential zone, with a minimum setback of 10 feet. For yards abutting other nonresidential districts, no setback is required, subject to building code requirements.

Note: Where the HBD zone abuts a residential zone and the uses are more than 30 feet above the proposed commercial use, then the height of the topography counts as part of the setback; e.g., a 35-foot bluff behind a commercial building is the same as a 35-foot setback on that side.

~~(g) Rear Yard Setbacks. New buildings containing nonresidential uses abutting residential districts require one foot of setback for each foot of building wall height with a minimum setback of 10 feet (see note in subsection (4)(f) of this section). For yards abutting other nonresidential districts, no rear setback is required, subject to building code requirements.~~

~~(h)~~ (g) The minimum lot width at the street and building line shall be 20 feet.

~~(i)~~ (h) The minimum lot depth shall be 50 feet.

~~(j)~~ (i) Minimum open space shall be 10 percent, ~~except when the lot coverage fee is paid as per subsection (4)(b) of this section.~~

~~(k)~~ (j) No maximum building size.

~~(l)~~ (k) No additional or new on-site parking is required for sites with lawfully existing ~~development~~ building footprint coverage in excess of 50 percent of the ~~site~~ lot area (change of use or remodeling without a change to the existing footprint of lawfully existing ~~development~~ building(s) ~~is~~ are also exempt).

~~(m)~~ (l) Except for subsection (4)~~(l)~~(k) of this section, new development shall meet required on-site parking requirements with credit, on a one-for-one basis of parking spaces in rights-of-way abutting the site. On-street parking (in rights-of-way) shall be based upon parallel parking or existing and fractions do not count. Moreover, parking standards shall be for normal sized vehicles, for the purpose of the parking credit.

~~(n) New development can buy out of on-site parking requirements by paying into the HBD community capital improvement account (a fund shall be designated for future HBD located parking facilities), an amount set by the city council in a resolution.~~



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

[...]

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

[...]

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

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

[...]

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

D-1	D-20	M-5	MC-16
D-2	D-21	M-15	MC-17
<del>D-3</del>	D-22	MC-2	MC-20
D-4	F-2	MC-3	MC-21
D-7	<del>F-4</del>	MC-5	MC-22
D-8	J-6	MC-8	MC-26
D-19	M-3	MC-10	UB-6

[...]

**17.40.040 Protection zone exceptions – Limited activities and uses within the protection zone.**

[...]

(2) Micro-Siting Standards for Residential Lot of Record Development. When a “legally created lot or parcel of record” as defined in this chapter is proposed to be developed for ~~single-dwelling~~ residential use and all or part of the lot or parcel is encompassed within a protection zone, the development of the lot shall be permitted subject to compliance with the following micro-siting standards:

(a) The lot or parcel must be combined for development purposes with contiguous lots or parcels in the same ownership on the effective date of the ordinance codified in this chapter; and

(b) The building footprint encroaching into the protection zone shall be limited to that which is the minimum necessary to obtain reasonable use of the property for the primary use of ~~single-dwelling~~ residential purposes. Preference in location of the building footprint shall be given to areas devoid of native vegetation; and

(c) The director or approving authority shall adjust the underlying zone setback standards to the extent necessary to reduce or minimize encroachment into the protection zone. Design shall be to this adjustment. The director or approving authority may approve up to a 50 percent adjustment to any dimensional standard (e.g., front yard, side yard or other setbacks, including height or lot area) to permit development as far outside or upland of the protection zone as is possible; and

(d) The proposed development shall minimize disturbance to the protection zone by utilizing design options to minimize or reduce impacts of development: (i) multistory construction shall be used; (ii) parking spaces shall be minimized to no more than that required as a minimum for the use; (iii) no accessory structures allowed; (iv) paving shall be pervious; (v) engineering solutions shall be used to minimize additional grading and/or fill; and

(e) In no case shall the impervious surface area of the ~~single-dwelling residential~~ use (including building footprint, driveway, and parking areas and accessory structures) exceed 3,000 square feet or 50 percent of the protection zone on the lot or parcel, whichever is less; ~~and~~

(f) Residential use is limited to detached single family dwelling(s) or duplex as allowed by the zoning district and shall not exceed two dwelling units total; and

~~(g)~~ (g) All applicable general criteria in SHMC 17.40.055, including minimum restoration and enhancement requirements, shall be met.

[...]

#### **17.40.045 Resource exceptions – Limited activities and uses within significant wetlands, significant riparian corridors (resource areas).**

[...]

(1) Micro-Siting for Residential Lot of Record Development. When a “legally created lot or parcel of record” as defined in this chapter is proposed to be developed for ~~single-family~~ residential use and all or part of the lot or parcel is encompassed within a significant wetland or riparian corridor, minimum development of the lot necessary to avoid a taking claim shall be permitted subject to compliance with the following micro-siting standards:

(a) The lot or parcel must be combined for development purposes with contiguous lots or parcels in the same ownership on the effective date of the ordinance codified in this chapter; and

(b) The building footprint encroaching into the resource area shall be limited to that which is the minimum necessary to obtain reasonable use of the property for the primary use of ~~single-family~~ residential purposes. The application of the resource and protection zone to the lot or parcel, as evidenced by the environmental assessment, precludes all reasonable use of the parcel under the applicable zone designation and renders it not buildable, after consideration of all applicable limitations and restrictions in this code; and

(c) Preference in location of the building footprint shall be given to areas devoid of native vegetation; and

(d) The director or approving authority shall adjust the underlying zone setback standards to the extent necessary to reduce or minimize encroachment into the resource area and protection zone. Design shall be held to this adjustment. The director or approving authority may approve up to a 75 percent adjustment to any dimensional standard (e.g., front yard, side yard or other setbacks, including height or lot area) to permit development as far outside or upland of the

protection zone as is possible; and

(e) The proposed development shall minimize disturbance to the resource area and protection zone by utilizing design options to minimize or reduce impacts of development including but not limited to multistory construction, minimizing parking, garage space, and paving and use of retaining walls or other engineering solutions to minimize filling and grading; and

(f) In no case shall the impervious surface area of the ~~single-family residence~~ residential use (including building footprint, driveway, and parking areas and accessory structures) exceed 3,000 square feet or 50 percent of the resource area and protection zone on the lot or parcel, whichever is less; ~~and~~

(g) Residential use is limited to detached single family dwelling(s) or duplex as allowed by the zoning district and shall not exceed two dwelling units total; and

~~(g)~~ (h) All applicable general criteria in SHMC 17.40.055, including minimum restoration and enhancement requirements at two-to-one area ratio, shall be met.

[...]

#### **17.40.050 Additional requirements for land divisions and new development.**

[...]

(2) Design Standards. Except as provided below, significant wetlands, significant riparian corridors and protection zones shall not be permitted as part of individual lots or new streets or infrastructure areas and shall be made part of separate preservation tracts to be managed by a homeowners association or other entity responsible for preservation.

(a) Protection zones may be made part of individual lots and protection zones may vary in width provided average protection zone width complies with this chapter in planned developments with a development agreement pursuant to ORS Chapter 94, provided additional protection zones or off-site mitigation over the minimum standard is provided as consideration for such flexibility.

(b) For parcels created by land partition per Chapter 17.140 SHMC, significant wetlands, significant riparian corridors and protection zones may be part of a parcel if:

(i) The parcel's area excluding the significant wetlands, significant riparian corridors and/or protection zone meets the minimum size and dimension requirements of the zoning district; and

(ii) A conservation easement benefitting the City of St. Helens shall be required for the portions of the parcel containing the significant wetlands, significant riparian corridors and/or protection zone. The easement shall be depicted on and incorporated into the recorded plat of the partition.

[...]

### **CHAPTER 17.56 DENSITY COMPUTATIONS**

[...]

### 17.56.020 Density Calculation.

(1) Net development area, in acres, shall be determined by subtracting the following land area(s) from the gross acres, which is all of the land included in the legal description of the property:

[...]

- (c) All land dedicated for public right-of-way:
  - (i) Single-dwelling units: allocate 20 percent of gross acres for public facilities; and
  - (ii) Multiple-dwelling units: allocate 15 percent of gross acres for public facilities;
- (d) All land proposed for private streets; and
- (e) A lot of at least the size required by the applicable base zoning district, if ~~an~~ lawfully existing dwelling use is to remain on the site.

(2) To calculate the net units per acre, divide the number of square feet in the net acres by the minimum number of square feet required for each lot by the applicable zoning district. Lots eligible for detached single-family dwellings or duplexes as allowed by the zoning district shall be treated as one unit per lot for the purpose of density calculations (i.e., the potential second unit on the lot does not burden the calculation).

[...]

## CHAPTER 17.64 ADDITIONAL YARD SETBACK REQUIREMENTS AND EXCEPTIONS

[...]

### 17.64.040 Exceptions to yard requirements.

(1) If there are dwellings on both abutting lots with front yard depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.

(2) If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth half-way between the depth of the abutting lot and the required front yard depth.

(3) Detached accessory structures that do not require a permit pursuant to SHMC 17.124.030(1)(a) do not need to comply with the yard requirements of the zoning district but shall still comply with SHMC 17.64.050(6) and shall not encroach into any easement or over any public utility or other infrastructure. Chapter 17.76 SHMC still applies.

### 17.64.050 Projections into required yards.

(1) Cornices, eaves, belt courses, sills, canopies/awnings, or similar architectural features may extend or project into a required front, interior, rear or side yard not more than 36 inches four feet provided the width of such yard is not reduced to less than three feet.

(2) Fireplace chimneys may project into a required front, interior side, ~~or~~ rear, or side yard

not more than ~~three~~ four feet provided the width of such yard is not reduced to less than three feet.

(3) Open porches, decks, or balconies not more than ~~36~~ 48 inches in height and not covered by a roof or canopy may extend or project into a required rear or side yard provided such natural yard area is not reduced to less than three feet and the ~~deck~~ extension is screened from abutting properties. ~~Porches may extend into a required front yard not more than 36 inches. This does not apply to exterior side yards (on corner lots).~~

(4) Porches may extend into a required front yard or exterior side yard (on corner lots) not more than four feet. Porches may be covered but shall not include any other floor space horizontally (e.g., non-porch area on the same floor) or vertically (e.g., floor space directly above the porch on the second floor) for this to be allowed.

~~(4)~~ (5) Unroofed landings and stairs may project into required front, interior or rear yards, or exterior side yards (on corner lots) only.

~~(5)~~ (6) When there is a minimum yard requirement of the zoning district, ~~N~~no building, structure, or portion thereof, regardless of size and whether or not a permit is required for its placement, shall be placed closer than three feet to a property line or to another building or structure.

(7) Table summarizing applicability of this section by yard type:

	<u>Front</u>	<u>Rear</u>	<u>Side</u>	<u>Exterior Side (on corner lots)</u>	<u>Interior</u>
<u>17.64.050(1), eves, etc.</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>17.64.050(2), chimneys</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>17.64.050(3), open porches, etc.</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>17.64.050(4), porches</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
<u>17.64.050(5), stairs and landings</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>

[...]

## CHAPTER 17.68 BUILDING HEIGHT LIMITATIONS – EXCEPTIONS

[...]

### 17.68.040 Building height criteria for scenic resources.

(1) No new development over one story, or 15 feet in height, shall significantly obstruct views of the Columbia River on lots fronting on Strand Street, South Second Street, North and South First Street, North and South River Street, River Way, and Riverside Drive.

[...]

## CHAPTER 17.72 LANDSCAPING AND SCREENING

[...]

### 17.72.080 Buffer and screening requirements.

(1) A buffer consists of an area within a required ~~interior setback~~ yard adjacent to a shared property line and having a depth equal to the amount specified in the buffering and screening matrix and containing a length equal to the length of the property line of the abutting use or uses.

[...]

## 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) ~~Eight~~ Nine feet, ~~eight inches~~ wide and 18 feet long for a standard space;
  - (b) Eight feet wide and 15 feet long for a compact space; ~~and~~
  - (c) Eight feet wide and 22 feet long for parallel spaces;
  - ~~(e)~~ (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 x 18 feet (two 9 foot x 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.

[...]

### 17.80.030 Minimum off-street parking requirements.

[...]

(1) Residential.

~~(a) Auxiliary dwelling—one space.~~

~~(b) (a) Bed and breakfast, boarding house, homestay – one space per bedroom.~~

~~(c) (b) Caretaker – two off-street spaces for each dwelling unit.~~

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

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

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

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

~~(h) (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.~~

~~(j) (h) Single-dwelling units, (attached or detached) – two off-street spaces for each dwelling unit.~~

~~(k) (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.~~

[...]

### 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.~~

(2) Table of Standards.

~~(a) Minimum standards for a standard parking stall's length and width, aisle width, and maneuvering space shall be determined from the Table of Standards for Parking Spaces, Figure 14, below. Figure 14 includes the spaces identified by SHMC 17.80.020(1)(a)-(c) and other spaces if spaces larger than the minimum required are desired.~~

~~(b) The width of each parking space does not include a the stripe striping which separates each space as measured from the center of any shared stripe.~~

[...]

## CHAPTER 17.84 ACCESS, EGRESS AND CIRCULATION

[...]

#### **17.84.040 Public street access.**

(8) Number of Access Points. ~~For single-family (detached and attached) and duplex housing types, one street access point is permitted per lot, except that two access points may be permitted for duplexes on corner lots (i.e., no more than one access per street), subject to the access spacing standards in subsection (5) of this section. The number of street access points for multiple dwelling unit residential, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection (9) of this section, in order to maintain the required access spacing, and minimize the number of access points.~~ All access points, including additional ones as noted below, are subject to the access spacing standards in subsection (5) of this section and all other provisions of this of this Chapter. Specific standards based on use are as follows:

(a) For single-family dwellings, detached and duplexes, one street access point is permitted per lot/parcel except an additional (second) access point may be allowed when:

(i) The property is a corner lot/parcel and the additional access point is on the other street (i.e., one access per street).

(ii) The lot/parcel does not abut a street that provides any on-street parking on either side.

(b) For single-family dwellings, attached, one street access point is permitted per lot/parcel.

(c) The number of street access points for multiple dwelling unit residential, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the streets, bikeways, sidewalks, etc. for all users. Shared access may be required, in conformance with subsection (9) of this section, in order to maintain the required access spacing, and minimize the number of access points.

[...]

## **CHAPTER 17.88 SIGNS**

[...]

#### **17.88.040 Exemptions from requirement for permit.**

[...]

(3) Flags.

(a) Residential freestanding poles shall be limited to one per property and shall require a **building sign** permit if:

(i) The pole will be greater than 20 feet in height; or

(ii) The pole is located such that it could fall off site (i.e., the setback is less than the



height of the pole).

(b) Nonresidential freestanding poles shall require a ~~building permit regardless of height, and shall require the applicable land use permit(s)~~ sign permit if greater than 30 feet in height.

(c) Sign permits for flagpoles shall include footing or foundation details and certification from an engineer registered in the State of Oregon that the pole with flag(s) will not be a falling or other hazard.

[...]

#### **17.88.045 Temporary signs.**

[...]

(4) Temporary signs for community events (authorized by a temporary use permit per Chapter 17.116 SHMC or acknowledged by the city council) shall be allowed without the issuance of permits and shall not affect the amount or type of signage otherwise allowed by this chapter; provided, that said signs comply with the following:

(a) Signs shall only be placed on property where the community event is taking place, including rights-of-way subject to street closure for the purpose of the community event, except additional portable signs may be placed in rights-of-way for the exclusive purpose of identifying the community event and/or directing people to the community event provided such signage complies with subsections (5)(a)(ii)(A), (C), (D), (E) and (G) of this section; and

(b) Signs shall be allowed two weeks before and for the duration of the community event only. Signs shall be removed no more than 72 hours after the event.

[...]

#### **17.88.095 Freestanding signs.**

[...]

(7) Freestanding signs permitted in a commercial/industrial sign district shall not be located closer than 50 linear feet from the property line of any residential zoned property as measured along the street frontage.

(8) Sign permits for ground-mounted signs greater than six feet in height and all poles signs shall include footing or foundation details and certification from an engineer registered in the State of Oregon that the sign will not be a falling or other hazard.

[...]

### **CHAPTER 17.92 MIXED SOLID WASTE AND RECYCLABLES STORAGE IN NEW MULTI-UNIT RESIDENTIAL AND NONRESIDENTIAL BUILDINGS**

[...]

**17.92.060 Location, design and access standards for storage areas.**

[...]

(2) Location Standards.

- (a) To encourage its use, the storage area for source-separated recyclables shall be collocated with the storage area for residual mixed solid waste;
- (b) Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements;
- (c) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations;
- (d) Exterior storage areas can be located within ~~interior~~ side yard or rear yard areas, but not within exterior side yards (on corner lots). Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street;

[...]

**CHAPTER 17.96  
SITE DEVELOPMENT REVIEW**

[...]

**17.96.180 Approval standards.**

The director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:

(1) Provisions of ~~the following~~ all applicable chapters of the Community Development Code per SHMC 17.04.010.:

- ~~(a) Chapter 17.44 SHMC, Sensitive Lands;~~
- ~~(b) Chapter 17.60 SHMC, Manufactured/Mobile Home Regulations;~~
- ~~(c) Chapter 17.56 SHMC, Density Computations;~~
- ~~(d) Chapter 17.124 SHMC, Accessory Structures;~~
- ~~(e) Chapter 17.64 SHMC, Additional Yard Setback Requirements and Exceptions;~~
- ~~(f) Chapter 17.68 SHMC, Building Height Limitations—Exceptions;~~
- ~~(g) Chapter 17.72 SHMC, Landscaping and Screening;~~
- ~~(h) Chapter 17.76 SHMC, Visual Clearance Areas;~~
- ~~(i) Chapter 17.80 SHMC, Off-Street Parking and Loading Requirements;~~
- ~~(j) Chapter 17.84 SHMC, Access, Egress, and Circulation;~~
- ~~(k) Chapter 17.88 SHMC, Signs;~~
- ~~(l) Chapter 17.132 SHMC, Tree Removal;~~
- ~~(m) Chapter 17.152 SHMC, Street and Utility Improvement Standards; and~~
- ~~(n) Chapter 17.156 SHMC, Transportation Impact Analysis;~~

[...]

**CHAPTER 17.100  
CONDITIONAL USE**

[...]

**17.100.150 Additional requirements for conditional use types.**

[...]

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

[...]

(e) Caretaker Residence.

- (i) Must have at least 20 feet of yard around the residence;
- (ii) The residence can only be occupied by the caretaker and the caretaker's family;
- (iii) The caretaker must be an employee and/or under a contract to perform "caretaker" duties (e.g., security);
- (iv) The yard must be at least 50 percent landscaped; ~~and~~
- (v) The maximum height of the caretaker residence shall be 35 feet; and
- (vi) Only one dwelling unit is allowed. More than one dwelling unit is prohibited;

[...]

(m) Travel Trailer Parks. In addition to the standards of the zone in which they are located and other references in this code, travel trailer parks shall comply to the standards of this subsection. If there is a conflict between the two standards, the standards of this subsection shall govern.

[...]

(vi) No trailer shall remain in a trailer park unless a trailer space is available, ~~and then only for a maximum of 30 consecutive days;~~

[...]

**CHAPTER 17.104  
NONCONFORMING SITUATIONS**

[...]

**17.104.040 Criteria for nonconforming situations.**

(1) Nonconforming Lots of Record.

- (a) Except as provided in subsections (1)(b), (2) and (3) of this section, no

nonconforming lot of record at the effective date of the ordinance codified in this code or amendment thereto shall be developed for any use, and no existing use on a nonconforming lot of record shall be enlarged, extended or reconstructed;

(b) If on the date of adoption of the ordinance codified in this code a legally constituted lot does not meet the lot size requirements of the applicable zoning district in which the property is located, the lot may:

(i) Be occupied by one use permitted outright in a commercial zoning district, if the lot is located within a commercial zoning district; or

(ii) Be occupied by detached single-dwelling unit(s) ~~and accessory structures~~ or a duplex as permitted outright in a residential zoning district, if located in a residential zoning district; the house may be rebuilt on the same size, or smaller, footprint if destroyed by fire or natural disasters over 60 percent of value (any changes to the footprint must meet all setbacks and other regulations of the zone);

[...]

(5) Conversion of accessory structures to second detached single-family dwellings. A lawfully existing accessory structure that does not comply with a yard or height requirement or lot coverage restriction (including the sum of all other buildings and structures) on a lot developed with one detached single-family dwelling, may be converted to a second detached single-family dwelling on the same lot if:

(a) A second detached dwelling unit is allowed by the zoning district;

(b) The conversion does not increase the nonconforming yard, height, or lot coverage;

(c) Any yard associated with the accessory structure is not the result of the exception pursuant to SHMC 17.64.040(3) or any applicable laws prior to Ordinance No. 3264 that allowed yard exceptions for accessory structures;

(e) The accessory structure does not encroach upon any easements or any public utility or other infrastructure;

(f) The location of the accessory structure does not interfere with future street extensions or increases in right-of-way width based on adopted plans and standards;

(g) The minimum off street parking requirements can be met (required if not); and

(h) It is not located in any of the following areas:

(i) Resource or resources per Chapter 17.40 SHMC;

(ii) Protection zones per Chapter 17.40 SHMC; or

(iii) Area of special flood hazard per Chapter 17.46 SHMC.

[...]

## CHAPTER 17.108 VARIANCES

[...]

### 17.108.050 Criteria for granting a variance.

[...]

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

(a) The reduction of the **setback-area yard** or increase in lot coverage established by the applicable zoning district shall be necessary to allow for the enlargement or remodeling of an existing **principal** building, accessory structure, or auxiliary dwelling unit as defined per SHMC 17.16.010;

(b) The increase in lot coverage established by the applicable zoning district may also allow for new accessory structures or auxiliary dwelling units;

(c) The garage **or carport** setback to the front property line satisfies the requirements of the applicable zoning district;

(d) Reductions to setback requirement do not apply to interior yards. Interior yards shall not be reduced per this subsection;

~~(e)~~ (e) The standards of Chapter 17.76 SHMC, Visual Clearance Areas, shall be satisfied;

~~(f)~~ (f) The proposed building, accessory structure, addition, or auxiliary dwelling unit shall not encroach upon any existing easements or any public utility or other infrastructure;

~~(g)~~ (g) When the proposed building or addition is within the rear yard, the setback adjacent to the rear property line shall be landscaped with sight-obscuring plantings in accordance with the standards set forth in SHMC 17.72.080, Buffering and screening requirements; **and**

(h) The location of the proposed building, structure or addition shall not interfere with future street extensions or increases in right-of-way width based on adopted plans and standards; and

~~(i)~~ (i) Setback, buffering and screening requirements that apply when commercial and industrial zones abut a residential zone shall be satisfied.

[...]

#### **17.108.080 Exceptions to site development review standards.**

The approval authority may apply one or more of the following exceptions (1) – (3) as part of the findings of Site Development Review or Conditional Use Permit applications:

(1) The **director approval authority** may grant an exception to the **setback** yard requirements in the applicable zone based on findings that the approval will result in the following:

(a) An exception which is not greater than 20 percent of the required **setback yard**;

(b) No adverse effect to adjoining properties in terms of light, noise levels, and fire hazard;

(c) No reduction in safety for vehicular and pedestrian access to the site and on site;

(d) A more efficient use of the site which would result in more landscaping than the minimum required; and

(e) The preservation of natural features which have been incorporated into the overall design of the project.

(f) The decision authority shall determine that the basis for this exception is clear and objective to be allowed.

(2) The director approval authority may grant an exception or deduction to the off-street parking dimensional and minimum number of space requirements in the applicable zoning district based on the following findings:

(a) The application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, senior citizen housing) and which has a demonstrated low demand for off-street parking;

(b) There is an opportunity for shared parking and there is written evidence that the property owners have entered into a binding agreement to share parking; or

(c) There is community interest in the preservation of particular natural feature(s) on the site, public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses; therefore, the public interest is not adversely affected by the granting of the exception.

(3) The director approval authority may grant an exception or deduction to the private outdoor area and shared outdoor recreation areas requirements, provided the application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, senior citizen housing) and which can demonstrate a reduced demand for a private outdoor recreational area based on any one or more of the following findings:

(a) There is direct access by a pedestrian path, not exceeding one-quarter mile, from the proposed development to public open space or recreation areas which may be used by residents of the development;

(b) The development operates a motor vehicle which is available on a regular basis to transport residents of the development to public open space or recreation areas; or

(c) The required square footage of either the private outdoor area or the shared outdoor recreation area may be reduced if together the two areas equal or exceed the combined standard for both.

~~(4) The director shall grant an exception to the landscaping requirements of this code, SHMC 17.96.150, upon finding that the overall landscape plan provides for at least 20 percent of the gross site to be landscaped.~~

~~(5) The director's decision may be appealed as provided by SHMC 17.24.310(1). No notice of the director's decision need be given.~~

(4) Uses not subject to Site Development Review or Conditional Use Permits (e.g., single dwelling units and duplexes) are not eligible for any of these exceptions.

[...]

## CHAPTER 17.124 ACCESSORY STRUCTURES

[...]

### 17.124.070 Approval criteria.

[...]

(2) Nondimensional Approval Criteria.

[...]

(a) Accessory structures or buildings shall comply with all requirements for the principal structure, except where specifically modified by this chapter;

(b) If an application proposed for an accessory structure meets the following criteria, the director shall approve the application proposal:

(i) No accessory building or structure shall be allowed in any required front or interior yard;

[...]

## **CHAPTER 17.128 AUXILLIARY DWELLING UNITS**

### Sections:

~~17.128.010—Purpose.~~

~~17.128.020—Applicability.~~

~~17.128.030—Design standards.~~

~~17.128.040—Addressing of auxiliary dwelling units.~~

~~17.128.050—Prohibited areas for auxiliary dwelling units.~~

~~17.128.060—Prohibited uses of auxiliary dwelling units.~~

~~17.128.070—Permit procedures for auxiliary dwelling units.~~

### **17.128.010 Purpose.**

Auxiliary dwelling units are allowed in certain situations to:

~~(1) Create new housing units while respecting the look and scale of single-dwelling neighborhoods;~~

~~(2) Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;~~

~~(3) Allow more efficient use of existing housing stock and infrastructure;~~

~~(4) Provide a mix of housing that responds to changing household needs, sizes and compositions;~~

~~(5) Provide a means for new homeowners to defray some of the costs associated with the purchase of a first home;~~

~~(6) Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods and obtain extra income, security, companionship and services;~~

~~(7) Provide a broader range of suitable and affordable housing; and~~

~~(8) Create additional long-term family living situations, while avoiding the exploitation of this housing type through their use as short-term living and other related business.~~

### **17.128.020 Applicability.**

~~(1) An auxiliary dwelling unit may be added to or constructed or installed on the same lot or parcel as a detached single-dwelling unit or manufactured home (principal dwelling) in any zone~~

where the existing principal use is permitted and where auxiliary dwelling unit is listed as a permitted use.

~~(2) Only one auxiliary dwelling unit is allowed per lot or parcel developed with a detached single family dwelling or manufactured home (principal dwelling).~~

#### **17.128.030 Design standards.**

~~(1) Standards for creating auxiliary dwelling units address the following purposes:~~

~~(a) Ensure that auxiliary dwelling units are compatible with the desired character and livability of St. Helens residential zones;~~

~~(b) Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;~~

~~(c) Ensure that auxiliary dwelling units are smaller in size than detached single family dwellings or manufactured homes;~~

~~(d) Provide adequate flexibility to site buildings so that they fit the topography of sites; and~~

~~(e) The design standards for auxiliary dwelling units are stated herein. If not addressed in this section, the base zone development standards apply.~~

~~(2) Requirements for All Auxiliary Dwelling Units. All auxiliary dwelling units must meet the following standards:~~

~~(a) Creation. An auxiliary dwelling unit may only be created through the following methods:~~

~~(i) Converting existing living area, attic, basement or attached garage of the detached single family dwelling or manufactured home;~~

~~(ii) Adding floor area to the detached single family dwelling or manufactured home;~~

~~(iii) Constructing a detached auxiliary dwelling unit on a developed site;~~

~~(iv) Constructing a new detached single family dwelling or manufactured home with an internal or detached auxiliary dwelling unit; or~~

~~(v) Converting a lawfully existing accessory structure;~~

~~(b) Entrances. Only one entrance to the house may be located on the front facade of the detached single family dwelling or manufactured home facing the street, unless the detached single family dwelling or manufactured home contained additional front door entrances before the conversion to an auxiliary dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground, such as entrances from balconies or decks;~~

~~(c) Parking. The parking requirements balance the need to provide adequate parking with maintaining the character of single dwelling neighborhoods and reducing the amount of impervious surface on a site. More parking is required when a vacant lot is being developed because, generally, the site can more easily be designed to accommodate two parking spaces while minimizing impervious surface. In situations where an auxiliary dwelling unit is being added to a site with an existing dwelling unit, it is appropriate to not require additional impervious surface if adequate on-street parking is available:~~

~~(i) The following parking requirements apply to auxiliary dwelling units:~~

~~(A) No Additional Parking Space Required. No additional parking space is required for the auxiliary dwelling unit if it is created on a site with an existing detached single family dwelling or manufactured home and the roadway of at least one abutting street is at least 20 feet wide and allows on-street parking;~~



~~(B) One Additional Parking Space Required. One additional off-street parking space is required for the auxiliary dwelling unit as follows:~~

~~1. When none of the roadways in abutting streets are at least 20 feet wide;~~

~~2. When none of the abutting streets allow on-street parking; or~~

~~3. When the auxiliary dwelling unit is created at the same time as the detached single-family dwelling or manufactured home. An auxiliary dwelling unit is considered created at the same time as the principal dwelling even if a permit per this chapter is applied for within one year from the date of certificate of occupancy of the principal dwelling.~~

~~(ii) When an additional off-street parking space is required it shall comply with the development code and shall be independently functional. "Independently functional" means the vehicle in the parking space is not dependent on another vehicle moving to get to the street from the parking space. For example, a two-vehicle garage with a garage door and driveway, both 20 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. In this instance, a new (additional) parking area would need to be created to the side of the garage or elsewhere while still complying with the development code (e.g., parking and access standards).~~

~~(d) Size.~~

~~(i) Minimum Size. The size of the auxiliary dwelling unit shall be no less than as allowed by the building code;~~

~~(ii) Maximum Size. The size of the auxiliary dwelling unit shall be no more than 75 percent of the living area of the detached single-family dwelling or manufactured home or 1,200 square feet, whichever is less. "Living area" means all areas subject to heat/air conditioning inclusive of walls. This does not include nonheated/non-air conditioned areas including but not limited to porches, garages, carports, balconies, hot tub/pool enclosure/rooms, etc.;~~

~~(iii) Building Height. The maximum building height of a detached auxiliary dwelling unit shall not exceed the height allowed by the zoning district or the height of the detached single-family dwelling or manufactured home, whichever is less. This provision does not apply when converting a lawfully existing accessory structure in its entirety or a portion thereof to an auxiliary dwelling unit provided the conversion does not increase the accessory structure's footprint or height.~~

~~(3) Additional requirements for detached auxiliary dwelling units or for auxiliary dwelling units created through the addition of floor area to the detached single-family dwelling or manufactured home:~~

~~(a) Exterior Finish Materials. The exterior finish material must be the same, or visually match in type, size and placement, the exterior finish material of the detached single-family dwelling or manufactured home;~~

~~(b) Roof Pitch. The roof pitch must be the same as the predominant roof pitch of the detached single-family dwelling or manufactured home;~~

~~(c) Trim. Trim on edges of elements on the addition or detached unit must be the same in type, size, and location as the trim used on the rest of the detached single-family dwelling or manufactured home;~~

~~(d) Windows. Windows must match those in the detached single-family dwelling or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical);~~

~~(e) Eaves. Eaves must project from the building walls the same distance as the eaves on the rest of the detached single-family dwelling or manufactured home;~~

~~(f) Setbacks. The auxiliary dwelling unit must meet the same setback requirements as principal dwelling units in the zone or as otherwise allowed by the development code; and~~

~~(g) Lot Coverage. The detached auxiliary dwelling unit may not have a larger footprint than the footprint of the detached single family dwelling or manufactured home, and the combined footprint of all detached structures shall not exceed the lot coverage restriction of the zone or as otherwise allowed by the development code.~~

~~(h) The provisions of subsections (3)(a) through (f) of this section do not apply when converting a lawfully existing accessory structure in its entirety or a portion thereof to an auxiliary dwelling unit provided the conversion does not increase the accessory structure's footprint or height.~~

#### **~~17.128.040 Addressing of auxiliary dwelling units.~~**

~~(1) Auxiliary dwelling units shall use the same address number as the principal dwelling, but with a unit or similar number. For example, an auxiliary dwelling unit for a principal dwelling addressed as 101 Anystreet would have an address of 101B Anystreet.~~

~~(2) The applicant for or the owner of the auxiliary dwelling unit shall coordinate with the postmaster for its mailbox location.~~

#### **~~17.128.050 Prohibited areas for auxiliary dwelling units.~~**

~~(1) In addition to zoning regulations, auxiliary dwelling units are prohibited in the following areas:~~

- ~~(a) Resource or resources per Chapter 17.40 SHMC;~~
- ~~(b) Protection zones per Chapter 17.40 SHMC; and~~
- ~~(c) Area of special flood hazard per Chapter 17.46 SHMC.~~

#### **~~17.128.060 Prohibited uses of auxiliary dwelling units.~~**

~~(1) Given the purpose of auxiliary dwelling units per SHMC 17.128.010 and because they are not considered principal uses, the following uses are prohibited for them:~~

- ~~(a) Short-term rentals;~~
- ~~(b) Bed and breakfast, homestay, boarding house; and~~
- ~~(c) Lodging facilities or rooming house.~~

~~(2) Home occupations may be allowed in auxiliary dwelling units given compliance with Chapter 17.120 SHMC.~~

#### **~~17.128.070 Permit procedures for auxiliary dwelling units.~~**

~~Notice and process for auxiliary dwelling units shall follow the same as for site development review, major, except for criteria and standards, which shall comply with this chapter.~~

[...]

## **CHAPTER 17.132 TREE REMOVAL**

[...]

**17.132.025 Tree plan requirement.**

[...]

(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 ~~according to SHMC 17.132.070(4)~~ per this Chapter.

[...]

**17.132.030 Permit requirement.**

[...]

(3) Commercial forestry as defined by SHMC 17.132.020(1)~~(b)~~ and excluding subsection (2)(d) of this section is permitted after a plan per SHMC 17.132.025 is reviewed and approved and only in accordance with the approved plan.

[...]

**CHAPTER 17.136  
LAND DIVISION – SUBDIVISION**

[...]

**17.136.060 Approval standards – Preliminary plat.**

[...]

~~(5) The planning commission may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations and may require:  
(a) Reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.~~

Control of access to adjoining properties, including but not limited to continuation of streets, shall be granted to the city via reserve strips or language in lieu of reserve strips as a note on the plat. Generally, language in lieu of reserve strips is preferred.

(6) The planning commission may require additional conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations.

[...]

**CHAPTER 17.152  
STREET AND UTILITY IMPROVEMENT STANDARDS**

[...]

**17.152.030 Streets.**

[...]

(5) Minimum Rights-of-Way and Street Widths. Unless otherwise indicated on an approved street plan or adopted corridor plan, or as needed to continue an existing improved street, street right-of-way and roadway widths shall not be less than the minimum width described in Figure 19. Where a range is indicated, the width shall be determined by the decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. (The city council may adopt, by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) (See “City of St. Helens Engineering Department Public Facilities Construction Standards Manual.”)

(a) The planning director shall recommend, to the decision-making body, desired right-of-way width and pavement width of the various street types within the subdivision or development after consideration of the following:

(i) The type of road as set forth in Figure 19, Road Standards;

**ROAD STANDARDS**  
**MINIMUM RIGHTS-OF-WAY AND STREET WIDTHS (see Transportation Systems Plan [TSP] Figures 7-2 and 7-3)**  
**Figure 19**

Type of Street	Right-of-Way Width	Roadway Width	Moving Lanes	Bicycle Lanes*
Major Arterial	101' minimum	74'	4	2 @ 6'
Minor Arterial (Typical)	60'	36'	2	2 @ 6'
Minor Arterial (One-Way, Uptown)	80'	46'	2	1 @ 6'
Minor Arterial (Two-Way, Downtown)	80'	52'	2	2 @ 6'
Collector	60'	36'	2	2 @ 6'
Local	50'	34'	1 – 2	None
Local “Skinny” Street	40	<del>20' or 26'</del> <u>28'</u> **	1 – 2	None

\* Applies to bicycle lanes required in Transportation Systems Plan (TSP) or Public Facilities Plan (PFP)

\*\* This differs from TSP Figure 7-3.

[...]

(11) Cul-de-Sacs. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

(a) A cul-de-sac shall be no more than 400 feet long nor provide access to greater than 20 dwelling units (residential lots eligible for two detached single-family dwellings or a duplex as allowed by the zoning district shall be considered one dwelling unit for the purpose of determining the number dwelling units):

[...]

(27) Local “Skinny” Streets. Such streets, as set forth in Figure 19, Road Standards, of this chapter, may be allowed, provided:

(a) The street will provide access to land uses whose combined average daily trip rate (ADT) is 200 ADT or less (residential lots eligible for two detached single-family dwellings or a duplex as allowed by the zoning district shall be considered one detached single-family dwelling for the purposes of determining ADT); and

(b) ~~Where the roadway/pavement width will be 20 feet, on-street parking shall be prohibited.~~ Roadway width less than 28 feet is prohibited. This includes 20 feet for travel lanes and 8 feet on one side for on-street parking.

[...]

## CHAPTER 19.20 MAPS

[...]

### 19.20.060 Map and list of significant wetlands.

[...]

(2) List of Significant Wetlands.

[...]

Dalton

D1

D2

~~D3~~

[...]

Frogmore Slough

F2

~~F4~~

**CITY OF ST. HELENS PLANNING DEPARTMENT  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
Development Code Amendments CPZA.1.21**

**APPLICANT:** City of St. Helens

**PROPOSAL:** Amend the following Chapters of the St. Helens Municipal Code: 17.16 general and land use definitions, 17.24 procedures for decision-making – quasi-judicial, 17.32 zones and uses, 17.40 protective measures for significant wetlands, riparian corridors, and protection zones, 17.56 density computations, 17.64 additional yard setback requirements and exceptions, 17.68 building height limitations – exceptions, 17.72 landscaping and screening, 17.80 off-street parking and loading requirements, 17.84 access, egress and circulation, 17.88 signs, 17.92 mixed solid waste and recyclables storage..., 17.96 site development review, 17.100 conditional use, 17.104 nonconforming situations, 17.108 variances, 17.124 accessory structures, 17.132 tree removal, 17.136 land division – subdivision, 17.152 street and utility improvement standards, and 19.20 maps.

Remove Chapter 17.128 Auxiliary Dwelling Units.

**The 120-day rule (ORS 227.178) for final action for this land use decision is not applicable.**

**BACKGROUND**

These amendments address several Chapters of the Development Code. The main catalyst of this effort is Oregon House Bill (HB) 2001 (July 2, 2019), which creates an entitlement for two dwellings on a single property that allows a detached single-family dwelling. As a “medium city” per this HB (i.e., city with a population between 10,000 – 12,500) St. Helens is required to enact laws that achieves the “2-dwelling” requirements of the HB by June 30, 2021.

Because this effort necessitated a thorough review of the Development Code, staff used this opportunity to amend other matters to improve the code (i.e., code housekeeping).

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows: March 9, 2021 before the Planning Commission and April 7, 2021 before the City Council.

Notice of this proposal was sent to property owners of land zoned residential (R10, R7, R5, AR and MHR) and some mixed-use zones (MU and HBD) on February 8, 2021. This notice was sent to approximately 4,000 different properties to satisfy any requirements per ORS 227.186 in addition to providing information to citizens.

Notice was sent to agencies by mail or e-mail on February 17, 2021.

Notice was published in the The Chronicle on February 24, 2021.

Notice was sent to the Oregon Department of Land Conservation and Development on February 1, 2021.

### AGENCY REFERRALS & COMMENTS

None received other than feedback from Oregon DLCDC to ensure compliance with HB 2001.

### APPLICABLE CRITERIA, ANALYSIS & FINDINGS

#### SHMC 17.20.120(1) – Standards for Legislative Decision

The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:

- (a) The statewide planning goals and guidelines adopted under ORS Chapter 197;
- (b) Any federal or state statutes or guidelines found applicable;
- (c) The applicable comprehensive plan policies, procedures, appendices and maps; and
- (d) The applicable provisions of the implementing ordinances.
- (e) A proposed change to the St. Helens zoning district map that constitutes a spot zoning is prohibited. A proposed change to the St. Helens comprehensive plan map that facilitates a spot zoning is prohibited.

**(a) Findings:** This criterion requires analysis of the applicable statewide planning goals. The applicable goals in this case are: Goal 1 and Goal 10.

#### ***Statewide Planning Goal 1: Citizen Involvement.***

*Goal 1 requires the development of a citizen involvement program that is widespread, allows two-way communication, provides for citizen involvement through all planning phases, and is understandable, responsive, and funded.*

Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in the statutes and in its acknowledged comprehensive plan and land use regulations.

The City's Development Code is consistent with State law with regards to notification requirements. Pursuant to SHMC 17.20.080, at least one public hearing before the Planning Commission and City Council is required. Legal notice in a newspaper of general circulation is required too. The City has met these requirements and notified DLCDC of the proposal as required by State law.

Efforts prior to the scheduled public hearings:

- October 13, 2020 – Initial presentation before the Planning Commission to vet the issues.
- November 4, 2020 – Initial presentation to the City Council to vet the issues. Feedback helped to guide staff's efforts.



- December 8, 2020 – Follow-up discussion with the Planning Commission (limited discussion due to the Commission’s workload). Feedback helped to guide staff’s efforts.
- January 12, 2021 – Follow-up discussion with the Planning Commission to vet issues based on Council feedback from the November 4, 2020 effort. Feedback helped to guide staff’s efforts.
- January 20, 2021 – Follow-up discussion with the City Council explaining concepts proposed and request for approval of concepts as required by SHMC 17.20.020(2)(b) to officially start the legislative process. Feedback helped to guide staff’s efforts.
- February 8, 2021 – Notice was sent to the owners of approximately 4,000 different properties as noted under the Public Hearing and Notice section above.
- February 9, 2021 – Preparatory discussion with the Planning Commission in anticipation of the March public hearing.
- February 19, 2021 – City Communications staff posts information about the code amendments on the City’s Facebook page <https://www.facebook.com/cityofsthelens/>.
- February 26, 2021 – The city’s March 2021 e-newsletter includes an article about the code amendments.

***Statewide Planning Goal 10: Housing.***

*Goal 10 requires buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

Housing is a major component of this proposal. Moreover, this Goal must be addressed as residential lands or any land where needed housing is possible are potentially affected.

This Goal has a couple components: 1) inventorying of land for housing need, and 2) demographic broad spectrum housing availability in both quantity and variety of type.

**Inventorying**

St. Helens completed and adopted a Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) in 2019 (Ordinance No. 3244). The results of the housing needs analysis indicates that the current St. Helens Urban Growth Boundary is sufficient to accommodate future housing needs, with a small deficiency of high-density land for multi-family development. Commercial/Mixed Use land can make up for the high-density land deficiency. Even though there are no guarantees Commercial/Mixed Use lands will be used for residential purposes, the following residential developments on commercial/mixed use lands since the inventorying effort of the HNA creation process are noteworthy:

- St. Helens Place Apartments at 700 Matzen Street. Originally approved by Conditional Use Permit CUP.2.18 in 2018, this 204 unit multidwelling project was completed late 2020.

Zone: General Commercial. Total acres used: 7.72 out of 7.72 ac.

- Unnamed project being developed by the Northwest Oregon Housing Authority (NOHA) and Community Development Partners at 2285 Gable Road (address will change). Originally approved by Conditional Use Permit CUP.3.19, this 238 unit multidwelling project is in its final design stage with development plan submittal anticipated in April. The site has wetlands that will be preserved so only a portion of the property will be developed.

Zone: General Commercial, GC. Total acres used: approx. 13.7 ac. out of 16.7 ac.

Based on these two projects alone, the high-density deficiency is resolved, or at least will be assuming the completion of the NOHA project on Gable Road.

The BLI did not assume the affect HB 2001 would have on the city's housing supply. Generally, these amendments facilitate higher densities and more efficient use of land within the city's corporate boundaries. Quantifying this change is challenging and will most likely occur gradually. ORS 197.296(6)(b) allows jurisdictions to assume up to a three percent increase in capacity compared to that allowed by current zoning districts. Thus, over time (the HNA planning period), each zoning district is assumed to be 3% more efficient, which adds additional surplus to all non-high density residential lands and softens the high-density residential land deficit (in addition to the General Commercial development mentioned above).

<b>Land Need (net acres)</b>	
Low Density*	240
Medium Density**	40
High Density	24
Manufactured Home Parks	5
<b>Total</b>	<b>309</b>
<b>Buildable Land Inventory (net acres)</b>	
Low Density	532
Medium Density	93
High Density	16
Manufactured Home Parks	45
Commercial/Mixed Use***	19
<b>Total</b>	<b>705</b>
<b>UGB Land Surplus/Deficit (net acres)</b>	
Low Density*	293
Medium Density**	53
High Density	(8)
Manufactured Home Parks	40
Commercial/Mixed Use	19
<b>Total</b>	<b>397</b>
<b>Adequacy of UGB to meet housing need</b>	adequate

\* Includes detached units and mobile homes. \*\* Includes townhomes, plexes and group quarters.

**Left:** Table showing the city’s HNA findings. St. Helens has adequate land across most categories. The high-density deficit could be addressed in the commercial/mixed use land surplus.

The amendments enable more efficient use of residential land uses in the city’s residential zones (R10, R7, R5, AR and MHR) and some mixed use zones (MU and MHR).

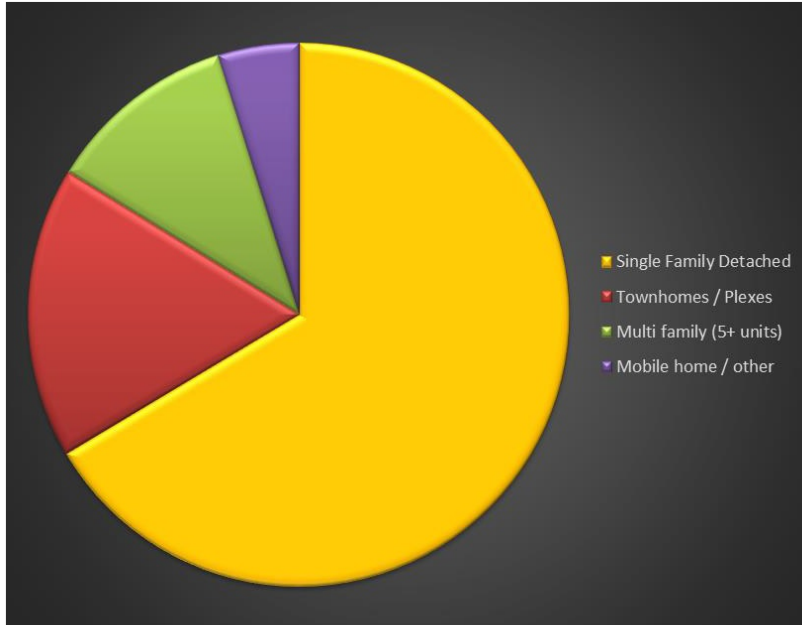
Though the amendments do not address multidwelling development, it will still help facilitate greater use of high density areas and mixed use areas, helping to offset the small high density deficit.

The HNA includes a policy goal to develop a cottage cluster code. Though, these amendments do not do that, staff did use the HB2001 model code for “large cities” to propose building separation standard limits that would be within the cottage clusters allowances. This way, the separation standards proposed now will translate to cottage clusters when the city pursues a cottage cluster code in the future.

### Demographic broad spectrum housing availability in both quantity and variety of type

This proposal increases the potential number of dwelling units in the R7 and R10 zones where duplexes are restricted or not allowed at all. In the R5 and AR zones, where duplexes regulations are less burdensome, this still will facilitate an increase in dwelling units by putting duplexes on the same regulatory footing as detached-single family dwellings. These provisions will help create more duplexes throughout the city’s residential zoning districts. Moreover, since St. Helens has decided to allow two-detached single-family dwellings anywhere where duplexes are allowed, this adds a new option to the housing menu in St. Helens.

Note that the ADU Chapter is being removed. An ADU is a smaller unit on a lot with a detached single-family dwelling per St. Helens law. Since two detached dwellings can be allowed with no required size differential per these amendments, the ADU Chapter is moot.



**Left:** Existing housing mix 2013-2017, City of St. Helens.

A key objective of HB 2001 is to support the balance of “middle housing” types compared to the traditional single detached single-family dwelling per lot.

The amendments create more opportunity for plexes (2-unit at least), which are considered a type of middle housing. This should help shift the makeup of housing types in this community over time to be less dominated by the traditional single detached single-family dwelling per lot housing type.

**Source:** U.S. Census, American Community Survey, 2013-2017.

These amendments help facilitate housing options, adding to housing type diversity and increased density which helps to broaden housing options for people. This proposal advances the flexibility of housing location, type and density as required by this Goal.

**(b) Findings:** This criterion requires analysis of any applicable federal or state statutes or guidelines.

This proposal is largely driven by Oregon House Bill 2001. The Bill requires St. Helens to adopt certain two-unit entitlements on detached single-family lots by the end of June 2021 or do nothing and be mandated to follow a model code. St. Helens seeks to adopt its own code in compliance with the restrictions of the House Bill as per OAR 660-046.

In addition to mandating Development Code changes, HB 2001 requires local governments to *consider* ways to increase the affordability of middle housing per Section 3, Chapter 639, Oregon Laws 2019:

- (4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:
  - (a) Waiving or deferring system development charges;
  - (b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and
  - (c) Assessing a construction tax under ORS 320.192 and 320.195.

It is not a requirement to adopt these measures, but at least include them in the conversation as part of the code amendment adoption process. The policies cited above are specific to the

subsidization of middle housing development and affordable housing generally. But this does not mean the city cannot consider other factors to advance middle housing in the community.

The Planning Commission discussed this at their March 9, 2021 public hearing. Staff mentioned the following:

- This batch of code changes is more comprehensive than the minimum requirements of HB2001. \*For example:
  - The city is allowing a second detached single-family dwelling on a lot in addition to duplexes as an outright permitted use. This eliminates additional permitting and other standards (i.e., less hurdles) pertaining to Auxiliary Dwelling Units (ADUs).
  - The city is increasing the building/structure lot coverage from 35% to 40% for all residential lands, except Apartment Residential, which is already 50%.
  - Decreasing the side yard standards for attached single-family dwellings from 10 feet to 5 feet in the Apartment Residential zone.
  - Expanding yard (setback) encroachments allowed.
  - Considering reduced parking space improvement dimensions for single-family dwellings (detached and attached) and duplexes.
  - Expanding driveway options in addition to ensuring single-family dwellings and duplexes are treated equally as required by HB2001.
  - Provisions for conversion of lawfully existing accessory structures to second detached dwelling units (on lots already developed with one detached single-family dwelling) despite noncompliance of the accessory structure in regards to yard (setback), height, or lot coverage.

\*Staff's discussion with the Commission was not this thorough but is summarized here to help the City Council understand how these amendments exceed the minimum requirements of HB2001.

- The City has allowed payment plans for System Development Charges upon request.
- The City allows duplexes and two detached single-family dwellings to share a water meter. The City's System Development Charges are based on water meter size, thus, sharing a meter is a substantial System Development Charge cost reduction.

The Planning Commission (also the acting Historic Landmarks Commission) discussion focused on incentives within the St. Helens Downtown Historic District as listed on the National Register of Historic Places but did not detail what those would be. There is concern about the loss of historic buildings being removed for more intense housing.

This could be an effort of inventorying potential historic landmarks and creating incentives for them to help dissuade removal, for example.

The City Council discussed this at their April 7, 2021 public hearing. Staff mentioned similar points provided to the Planning Commission, and added the following:

- The City has waived local fees (e.g., sidewalk fee) for Columbia County Habitat for Humanity housing projects.
- The City has provided technical assistance to affordable housing projects.
- The City has recently offered surplus property to affordable housing entities before market rate developers.

The City Council acknowledged the efforts noted and the concerns of the Planning Commission.

In addition to that mentioned above, some of the other changes proposed that are not a result of HB 2001 relate to other State law.

**(c) Findings:** This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices and maps.

**For these findings, the comprehensive plan addendums will be examined followed by policies.**

**Comprehensive Plan Addendums:**

The applicable addendums to the Comprehensive Plan include the **Economic Opportunities Analysis** (Ord. No. 3101), **Waterfront Prioritization Plan** (Ord. No. 3148), **Transportation Systems Plan** (Ord. No. 3150), **Corridor Master Plan** (Ord. No. 3181), **Parks & Trails Master Plan** (Ord. No. 3191), **Riverfront Connector Plan** (Ord. No. 3241), and **Housing Needs Analysis** (Ord. No. 3244).

The applicable addendum is the **Housing Needs Analysis** (HNA). One of the HNA recommended policies regarding housing included consider[ing] allowing duplexes in R7 zoned land. Currently, duplexes are a conditional use in this zone and the HNA suggested making them permitted uses. This proposal does that and much more.

Another recommended policy of the HNA included development of a cottage cluster code which would specify design standards and dimensions for cottage cluster development. Though this is not being specifically addressed at this time, allowing two detached single-family dwellings anywhere a duplex or single detached single-family dwelling would go is a step towards cottage clusters. In addition, in examining distance between building requirements for the current proposal, staff looked at the model code for large cities (OAR 660-046 Exhibit B – Large Cities Middle Housing Model Code) as a guide for standards that could apply to cottage clusters in the future that are consistent with other standards being proposed now.

**Comprehensive Plan Policies:**

The overall purpose of these amendments is to increase housing choice and supply. This supports the following policies of SHMC 19.08.050(3):

(b) Encourage the distribution of low income and/or multifamily housing throughout the city rather than limiting them to a few large concentrations

With more housing choice and supply, there is greater probability for housing for low income. Though these amendments do not specifically pertain to multifamily development, they will enable two-dwelling units on the majority of single-family lots in the city, rather than a concentrated area.

Moreover, a second dwelling unit on a property could allow for rental income, which may bring some into the housing market who could not otherwise afford it (e.g., without rental income subsidy).

(d) Encourage and cooperate with all efforts to provide adequate housing for those with special needs

With more housing choice and supply, there is greater probability for housing for people with special needs. Moreover, enabling a second dwelling unit on property provides additional options for people who want to care for their loved ones on their own property.

(g) Re-evaluate city ordinances and, where possible, streamline administration and requirements in order to reduce development costs

Because Oregon House Bill 2001 required staff to review the city's code in detail, it presented an opportunity to make improvements for better clarity.

HB 2001 required changes eliminate conditional use permit requirements for duplexes in the R7 zone and makes them possible in the R10 zone. It reduces the number of parking spaces from four to two and reduces most standards that apply to duplexes.

Some changes not necessarily mandated by HB 2001 but are included with these amendments are listed above (page 7). Many of the changes streamline administration and lessen the burden to develop duplexes or second (on already developed lot) detached single-family dwellings.

**(d) Findings:** This criterion requires analysis of the applicable provisions of the implementing ordinances. This proposal updates the City's implementation ordinances as embodied in the Development Code.

Chapter 17.156 SHMC requires the city to consider a traffic impact analysis as part of amendments that could potentially increase vehicle trips. In this case Section 3, Chapter 639, Oregon Laws 2019 eliminates consideration of this:

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached

single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

**(e) Findings:** This criterion is intended to prevent spot zoning, which does not apply in this case.

### CONCLUSION & DECISION

**Based upon the facts and findings herein, the City Council approves of the code amendments proposed except the Council rejects any allowance for tandem parking in the amendments.**

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Rick Scholl, Mayor

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Date