



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
RE: 2024 Development Code Amendments Workshop for February 2024 meeting
DATE: May 6, 2024

This is a continuation of the discussion from last month's meeting and builds off the packet from last month.

Last month we got through pages 1 – 24 of the draft text amendments. We stopped at Chapter 17.80 towards the bottom of page 24. Please use code amendment materials from last month, which is included in the e-packet of this meeting (no new hard copy will be sent).

There was **one question from last month** that I want to address here for the Commissions input.

In the Riverfront District, Plaza sub-district zone “congregate care facility” is a listed use for the types of residential uses possible above nonresidential use. Remember, this zoning district does not allow ground level residential use, except for officially recognized historic structures. This use is basically elderly housing for those who can maintain a semi-independent lifestyle. This was added to the Plaza sub-district because “congregate care facility” is allowed as a use above non-residential permitted uses in the Riverfront District, Mill Sub-District zone. This is an adjacent and similar zone (like a cousin) to the Plaza sub-district.

Recommend removing it from the Plaza sub-district or changing the language to “congregate housing” to better match other zonings such as GC and MU. I intend on updating the language used in the Mill subdistrict too.

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Staff has **one additional consideration** for the upcoming code amendments that we have not discussed yet. Pursuant to 17.108.050(4):

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

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

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

(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 (4);

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

(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) 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;

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

The intent of the provision is to allow an enlargement or modification sometime in a property's life span. A home can last decades. The intent of this is to allow the wiggle room within that life span. Recently, this has been used as a loophole for initial construction. For example, recently a new home was built and the real-estate listing noted that a deck would be built after occupancy, so immediately after attaining occupancy, a new building permit is submitted for a deck using the 20% reduction.

Having a delay of 5-years, or maybe a different time if the Commission feels otherwise, will help prevent this immediate remodel exploitation of this code provision, so it is not used to contemplate initial construction.