

City of St. Helens
ORDINANCE NO. 3307

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE
CHAPTERS **17.16, 17.32, 17.80, AND 17.96** PERTAINING TO
OREGON HOUSE BILL 3395 (2023) REGARDING SINGLE ROOM
OCCUPANCIES, AND OTHER HOUSEKEEPING AMENDMENTS

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

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 October 7, 2024, potentially affected property owners listed in the Columbia County Tax Assessor records between October 8 and 15, 2024, potentially affected agencies on October 14, 2024, and the local newspaper of record on October 25, 2024; and

WHEREAS, the St. Helens Planning Commission did hold a duly noticed public hearing on November 12, 2024, and following deliberation, made a recommendation of approval to the City Council; and

WHEREAS, the St. Helens City Council conducted a public hearing on December 4, 2024, 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 some 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) is 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: February 5, 2025
Read the second time: February 19, 2025

APPROVED AND ADOPTED this 19th day of February, 2025 by the following vote:

Ayes:

Nays:

Jennifer Massey, Mayor

ATTEST:

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)

CHAPTER 17.16 GENERAL AND LAND USE DEFINITIONS

[...]

17.16.010 General and land use definitions.

Words used in this Development Code have their normal dictionary meaning unless they are listed below. Words listed below have the specific meaning stated, unless the context clearly indicates another meaning.

The definition of words with specific meaning in the Development Code are as follows:

[...]

“Recreational vehicle park” means a park where four or more recreational vehicles and/or travel trailers are located within 50 feet of one another on a lot, tract, or parcel under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or for the rental or use of facilities.

[...]

“Single room occupancy” means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary and/or food preparation facilities with other units in the occupancy.

[...]

“Travel trailer” means a portable vehicular structure not built to the ~~UBC~~ State Building Code, Manufactured Housing Construction and Safety Standards Code, or the Mobile Home Design and Construction Standard, designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, fully licensed and ready for highway use, and including but not limited to travel and camping trailers, truck campers, and motor homes. Also see “recreational vehicle.”

~~“Travel trailer park” means a park where four or more travel trailers are located within 50 feet of one another on a lot, tract, or parcel under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or for the rental or use of facilities.~~

[...]

**CHAPTER 17.32
ZONES AND USES**

[...]

17.32.050 Suburban residential zone – R-10.

[...]

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

[...]

(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.

(h) Single room occupancy, maximum of six units.

[...]

17.32.060 Moderate residential zone – R7.

[...]

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

[...]

(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.

(h) Single room occupancy, maximum of six units.

[...]

17.32.070 General residential zone – R-5.

[...]

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

[...]

(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.

(i) Single room occupancy, maximum of six units.

(3) Conditional Uses (See Chapter 17.100 SHMC). In an R-5 zone, the following conditional

uses may be permitted upon application:

[...]

(l) Residential facility.

(k) Single room occupancy with more than six units.

(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 duplex uses and 2,500 square feet for each single-dwelling unit, attached (maximum of five units together). For multidwelling units, use 5,000 square feet as base plus 2,500 square feet for each multidwelling unit thereafter. For single room occupancy, the minimum lot size for up to six units is 5,000 square feet, and based on the same minimum lot size for multidwelling units, as determined by the number of units, for more than six single room occupancy units.

(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, and single room occupancy. For attached single-dwelling units the width shall be at least 25 feet wide each. No minimum for multidwelling unit lots. For flag lots the width at the street shall be a minimum of 20 feet.

[...]

(g) No side yard shall be less than five feet wide for single-dwelling, detached, duplexes, ~~and~~ single-dwelling, attached structures, and single room occupancy structures with no more than six units and 10 feet for multidwelling structures and single room occupancy structures with more than six units. Corner lots shall have a minimum exterior side yard of 10 feet.

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

(i) The minimum interior yard shall be six feet. Multidwelling units and single room occupancy structures with more than six 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 40 percent of the lot area except for single attached, ~~and~~ multidwelling units, and single room occupancy structures with more than six 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~~ units, single room occupancy with more than six units, and as otherwise allowed in this section.

(m) The minimum landscaping for dwellings other than multidwelling ~~s~~ units and single room occupancy with more than six units 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. The same standards that apply to multidwelling unit development per SHMC 17.96.180 shall apply to single room occupancy development with more than six units.

[...]

17.32.080 Apartment residential zone – AR.

[...]

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

[...]

(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.

(k) Single room occupancy, maximum of six units.

(l) Single room occupancy with more than six units.

[...]

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

(a) For dwellings the minimum lot size shall be 4,000 square feet for single-dwelling, detached units and duplexes ~~uses~~; 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 4,000 square feet for the first two units (with no maximum). For single room occupancy, the minimum lot size for up to six units is 4,000 square feet and based on the same minimum lot size for multidwelling units, as determined by the number of units, for more than six single room occupancy units

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

(c) For single-dwelling, detached units, ~~and~~ duplexes, and single room occupancy the minimum lot width at the street and building line shall be 40 feet 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 side yard shall be less than five feet wide for single-dwelling, detached, duplexes, ~~and~~ single-dwelling, attached structures, and single room occupancy structures with no more than six units and 10 feet for multidwelling structures and single room occupancy structures with more than six units. 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 six feet. Multidwelling units and single room occupancy structures with more than six units shall also comply with SHMC 17.96.180(11).

[...]

(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~~ units, single room occupancy with more than six units, and as otherwise allowed in this section.

(1) The minimum landscaping shall be 25 percent of the lot area except for multidwelling ~~units structures~~ and single room occupancy with more than six units.

(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. The same standards that apply to multidwelling unit development per SHMC 17.96.180 shall apply to single room occupancy development with more than six units.

[...]

17.32.090 Mobile home residential zone – MHR.

[...]

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

[...]

(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.

(i) Single room occupancy, maximum of six units.

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

[...]

(h) Public or private school or college.

(i) Recreational vehicle park.

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

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

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

(m) Single room occupancy with more than six units.

~~(n) Travel trailer parks.~~

[...]

17.32.095 Mixed use zone – MU.

[...]

(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):

[...]—[EDITOR'S NOTE: ~~(u)~~ (v) and on is assumed based on file CPZA.1.24/ORD No. 3305]

~~(u)~~ (v) Retail sales establishments, ~~not specifically catering to motorists.~~
(w) Single room occupancy, maximum of six units. May be stand alone or units above permitted uses but shall not be on the same level as nonresidential use.

~~(v)~~ (x) Studios.

~~(w)~~ (y) 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:

[...]

(x) Recreation facilities (public or private).

(y) Recreational vehicle park.

~~(y)~~ (z) Religious assembly, including cemeteries.

~~(z)~~ (aa) Residential facility.

~~(aa)~~ (bb) Shopping centers.

(cc) Single room occupancy with more than six units. May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.

~~(bb)~~ ~~Travel trailer parks.~~

~~(ee)~~ (dd) Vehicle repair, service, and sales.

[...]

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

[...]

(e) Multidwelling units, ~~and~~ dwelling units and single room occupancy units above permitted uses, and single room occupancy with more than six units must shall comply with AR standards and other applicable sections of this code. Except, for structures with units above permitted uses, the yard (setback) that applies is based on the use of the first (ground level) floor.

(f) Single-dwelling units, attached or detached, ~~and~~ duplexes, and single room occupancy, maximum of six units shall comply with R-5 standards.

[...]

17.32.100 Highway Commercial – HC.

[...]

(3) Conditional Uses. In the HC 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:

[...]

(c) Dwelling units above ~~outright~~ permitted uses provided the number of dwelling units does not exceed two on a single lot or development site and no dwelling unit is on same level as nonresidential use.

[...]*—[EDITOR’S NOTE: ~~(j)~~ (i) and on is assumed based on file CPZA.1.24/ORD No. 3305]*

- ~~(j)~~ (i) Recreation facilities.
- (k) Recreational vehicle park.

[...]

- ~~(n) Travel trailer parks.~~

[...]

17.32.110 General Commercial – GC.

[...]

(2) Uses Permitted Outright. In a GC 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):

[...]*—[EDITOR’S NOTE: ~~(d)~~ (e) is assumed based on file CPZA.1.24/ORD No. 3305]*

~~(d)~~ (e) Dwellings above permitted uses ~~(use AR standards)~~ provided the number of dwelling units does not exceed two on a single lot or development site and no dwelling unit is on same level as nonresidential use. If more than two dwelling units above permitted uses, see SHMC 17.32.110(3) for multidwelling units.

[...]

(3) Conditional Uses. In the GC 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:

[...]*—[EDITOR’S NOTE: ~~(p)~~ (o) is assumed based on file CPZA.1.24/ORD No. 3305]*

- ~~(p)~~ (o) Multidwelling units including dwelling units above permitted uses. Dwelling

units may be on same level as nonresidential use.

[...]

(w) Recreation facilities.

(x) Recreational vehicle park.

~~(y)~~ (y) Religious assembly, including cemeteries.

~~(z)~~ (z) Residential facility.

~~(aa)~~ (aa) Shopping centers and plazas.

(bb) Single room occupancy (four or more units). May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.

~~(aa) Travel trailer parks.~~

~~(bb)~~ (cc) Vehicle repair, service, and sales.

[...]

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

[...]

(c) The maximum lot coverage including all impervious surfaces shall be 90 percent.

(d) Multidwelling units, dwelling units and single room occupancy units above permitted uses, and single room occupancy (four or more units) must shall comply with AR standards and other applicable sections of this code. Except, for structures with units above permitted uses, the yard (setback) that applies is based on the use of the first (ground level) floor and and the same standards that apply to multidwelling unit development per SHMC 17.96.180 shall apply to single room occupancy development with four or more units (instead of six or more units per the AR zone).

[...]

17.32.130 Light Industrial – LI.

[...]

(3) Conditional Uses. In the LI zone, in addition to the buildings and uses permitted outright, a conditional use permit can be granted for the following buildings and uses:

[...]—[EDITOR'S NOTE: ~~(m)~~ (l) is assumed based on file CPZA.1.24/ORD No. 3305]

~~(m)~~ (l) Public safety and support facilities.

(m) Recreational vehicle park.

(n) Temporary asphalt batching (six-month maximum).

~~(o) Travel trailer parks.~~

~~(p)~~ (o) Wrecking and junkyards.

[...]

17.32.140 Heavy Industrial – HI.

[...]

(3) Conditional Uses. In the HI zone, in addition to the buildings and uses permitted outright, a conditional use permit can be granted for the following buildings and uses:

[...]

(j) Public safety and support facilities.

(k) Recreational vehicle park.

~~(l)~~ (l) Recycling collection center.

~~(m)~~ (m) Solid waste disposal site or transfer station.

~~(n)~~ (n) Special hazardous uses such as:

(i) Two thousand gallons or more of flammable (Class I or II) materials.

(ii) Fifty gallons or more of unstable liquids, fireworks, blasting agents or explosives.

(iii) Magazines, Class II (Class I magazines are not permitted).

(iv) Five hundred pounds or more or 200 gallons or more of hazardous chemicals, including corrosive liquids, flammable solids, highly toxic materials, oxidizing materials, poisonous gases and any amount of radioactive materials.

(v) Unstable (reactive) chemicals, including organic peroxides and nitromethane.

(vi) Fifty pounds or more of ammonium nitrate.

(vii) Two thousand or more gallons of liquefied petroleum gases.

~~(n)~~ (o) Storage facilities such as personal lockers/garages and for recreational-type vehicles.

~~(p)~~ (p) Temporary asphalt batching (six months maximum).

~~(p)~~ ~~Travel trailer parks.~~

(q) Wrecking and junkyards.

[...]

17.32.150 Public lands – PL.

[...]

(3) Conditional Uses. In the PL zone the following uses are permitted if approved under the conditional use chapter (Chapter 17.100 SHMC) and other applicable provisions of this code:

(a) Public facilities, major.

(b) Public support and safety facilities.

(c) ~~Travel trailer~~ Recreational vehicle park in public parks of over four acres in size to include a buffer of 20 feet where abutting a residential zone.

(d) Hospitals.

[...]

17.32.171 Riverfront district – RD, marina.

[...]

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

[...]—[EDITOR’S NOTE: ~~(d)~~ (e) is assumed based on file CPZA.1.24/ORD No. 3305]

~~(d) (e) Dwellings located above permitted uses (use AR standards, except yard requirements, which are based on the use at ground level below the dwelling or dwellings).~~
Dwellings above permitted uses provided the number of dwelling units does not exceed two on a single lot or development site, and no dwelling unit is on same level as nonresidential use. If more than two dwelling units above permitted uses, see SHMC 17.32.171(3) for multidwelling units.

[...]

(3) Conditional Uses. In the marina subdistrict the following uses may be permitted upon approval subject to the provisions of this code, especially those in Chapter 17.100 SHMC for conditional uses:

(a) Commercial amusement and recreational facilities.

(b) Multidwelling units ~~(must comply with AR standards and other applicable sections of this code)~~ including dwelling units above permitted uses. No dwelling unit shall be on same level as nonresidential use.

(c) Private parks.

(d) Public facilities, major.

(e) ~~Travel trailer~~ Recreational vehicle parks.

(f) Single room occupancy (four or more units). May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.

[...]

(4) Standards. In the marina subdistrict the following standards shall apply:

(a) The maximum building height shall be determined on a case-by-case basis (also see SHMC 17.68.040), except when the AR zone standards apply that includes building height standards.

(b) Outdoor storage abutting or facing a lot in a residential zone shall comply with Chapter 17.72 SHMC.

(d) The minimum landscaping shall be 10 percent of gross land area associated with the use.

(e) Multidwelling units, dwelling units and single room occupancy units above permitted

uses, and single room occupancy (four or more units) shall comply with AR zone standards and other applicable sections of this code. Except, for structures with units above permitted uses, the yard (setback) that applies is based on the use of the first (ground level) floor and the same standards that apply to multidwelling unit development per SHMC 17.96.180 shall apply to single room occupancy development with four or more units (instead of six or more units per the AR zone).

[...]

17.32.172 Riverfront district – RD, plaza.

[...]

(2) Uses Permitted Outright. In the plaza subdistrict, 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) Historic residential structures with or without any auxiliary dwelling unit. This is listed here separate from other residential uses given subsection (5)(a)(i) of this section. This does not mean historic residential structures are prohibited in other zones per SHMC 17.32.040(3)(a).

(b) Residential above Nonresidential Permitted Uses, provided no dwelling unit is on same level as nonresidential use.

(i) Dwelling, single-family, duplex or multidwelling units.

~~(ii) Dwelling, duplex.~~

~~(iii) Dwelling, townhouse.~~

~~(iv) Dwelling, multifamily.~~

~~(v)~~ (ii) Other residential uses as per ORS Chapter 443.

[...]

(ii) Retail sales establishments.

(jj) Single room occupancy (four or more units). Shall be units above permitted uses and shall not be on same level as nonresidential use.

~~(jj)~~ (kk) Small equipment sales, rental and repairs facilities/shops, without outside storage.

~~(kk)~~ (ll) Theaters, indoors.

~~(ll)~~ (mm) Trade and skilled services without outdoor storage, such as plumbing, HVAC, electrical, and paint sales/services facilities/shops.

~~(mm) Type I and II home occupation in dwelling unit above nonresidential permitted uses.~~

~~(nn) Transient housing.~~

~~(oo)~~ (nn) Watercraft sales, rental, charters, without outdoor storage.

[...]

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

[...]—[EDITOR'S NOTE: (f) is based on text amendments of file CPZA.1.24/ORD No. 3305]

(e) Business with outdoor storage (those businesses permitted in permitted uses).

~~(f) Hospitals, clinics, nursing homes, and convalescent homes~~ Dwellings on same level as nonresidential use, provided there is no conflict with SHMC 17.32.172(5)(a)(i) prohibiting residential use on the first floor of buildings.

~~(g)~~ (g) Hospitals, clinics, nursing homes, and convalescent homes.

~~(h)~~ (h) Laundromats and dry cleaners.

[EDITOR'S NOTE: re-lettering to continue through list of conditional uses]

[...]

(5) Special Conditions Permitted and Conditional Uses.

(a) Residential Uses.

(i) Except for historic residential structures (listed in city's comprehensive plan and/or registered and recognized by the state or federal government), residential use is prohibited on the first floor of any building in the plaza subdistrict.

(ii) There is no minimum lot size requirement for residential use above permitted nonresidential uses.

(iii) Residential density above permitted uses shall be based on the standard of one dwelling unit or single room occupancy unit for each full 500 interior square feet of non-residential use provided. Outdoor dining areas and similar permitted outdoor uses may only be included in the calculation when such areas are not located within a right-of-way.

(iv) The same standards that apply to multidwelling unit development per SHMC 17.96.180 shall apply to single room occupancy development with four or more units.

[...]

17.32.173 Riverfront district – RD, mill.

[...]—[EDITOR'S NOTE: (2)(a)(iii) to be edited based on text amendments of file CPZA.1.24/ORD No. 3305]

(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) Single room occupancy (four or more units). Shall not be on same level as nonresidential use and the same standards that apply to multidwelling unit development per SHMC 17.96.180 shall apply.
 - ~~(iii)~~ (iv) Family child care home in lawfully existing dwelling.
- (b) Residential above Nonresidential Permitted Uses, provided no dwelling unit is on same level as nonresidential use.
 - (i) Dwelling, single-family, duplex or multidwelling units.
 - (ii) Congregate ~~care facility~~ housing.
 - (iii) ~~Single dwelling units, attached~~ Single room occupancy (four or more units). Shall not be on same level as nonresidential use and the same standards that apply to multidwelling unit development per SHMC 17.96.180 shall apply.
 - (iv) ~~Multidwelling units~~ Other residential uses as per ORS Chapter 443.

[...]

(3) The following conditional uses may be permitted upon application, subject to the provisions of Chapter 17.100 SHMC, Conditional Use, and other relevant sections of this code, except those modified by this chapter:

[...]—[EDITOR’S NOTE: ~~(j)~~ (k) is assumed based on file CPZA.1.24/ORD No. 3305]

- ~~(j)~~ (k) Boat building.
- (l) Dwellings on same level as nonresidential use.

[...]

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 if no more than two dwelling units. If more than two dwelling units above permitted uses, see SHMC 17.32.180(3) for multidwelling units.

[...]—[EDITOR’S NOTE: (uu) is assumed next in sequence for end of permitted uses list based on file CPZA.1.24/ORD No. 3305]

- (uu) Single room occupancy, maximum of six units. May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.

[...]

(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:

[...]—[EDITOR'S NOTE: sequence beginning with (p) and on is assumed based on file CPZA.1.24/ORD No. 3305]

(p) Single room occupancy with more than six units. May be stand alone or units above permitted uses but shall not be on same level as nonresidential use.

~~(q)~~ (q) Parking lots/facilities, private.

~~(r)~~ (r) Nurseries and greenhouses.

~~(s)~~ (s) 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:

[...]

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

(i) Single-dwelling units, attached or detached, ~~and duplexes,~~ and single room occupancy, maximum of six units shall comply with the R-5 standards; and

(ii) Multidwelling units, dwelling units and single room occupancy units above permitted uses, and single room occupancy with more than six units shall comply with AR standards and other applicable sections of this code. Except, for structures with dwelling units above permitted uses, the yard (setback) that applies is based on the use of the first (ground level) floor.

(5) Special Conditions Permitted and Conditional Uses.

~~(a) Residential density above permitted uses shall be based on the standard of one dwelling unit for each full 500 interior square feet of nonresidential use provided. Outdoor dining areas and similar permitted outdoor uses may only be included in the calculation when such areas are not located within a right-of-way.~~

~~(b)~~ (a) Outdoor storage of goods and materials must be screened.

~~(c)~~ (b) Outdoor display of goods and materials for retail establishments is permitted on private property in front of the retail establishment, provided such displays do not block safe ingress and egress from all entrances, including fire doors. In addition, outdoor display goods and materials shall be properly and safely stored inside during nonbusiness hours. No outdoor display may block safe pedestrian or vehicular traffic. Outdoor displays shall not encroach in public rights-of-way, including streets, alleys or sidewalks, without express written permission of the city council.

~~(d)~~ (c) Kiosks may be allowed on public property, subject to the approval of a concession

agreement with the city.

(6) Additional Requirements.

~~(a) Residential Density Transition. The residential density calculation and transition provisions of Chapter 17.56 SHMC shall not apply to the HBD zone for residential uses above permitted uses. Densities are determined for residential uses by the formula in subsection (5)(a) of this section.~~

~~(b)~~ (a) The visual clearance area requirements of Chapter 17.76 SHMC do not apply to the Houlton business district.

~~(c)~~ (b) Overlay district Chapter 17.148 SHMC, Planned Development, shall not apply to the HBD zone.

~~(d)~~ (c) All chapters of the Development Code apply except as modified herein.

[...]

CHAPTER 17.80 OFF-STREET PARKING AND LOADING REQUIREMENTS

[...]

17.80.020 General provisions.

[...]

(7) Visitor Parking in Multidwelling Unit Residential Districts.

(a) Multidwelling units and single room occupancy units with more than 10 required parking spaces shall provide parking for the use of guests of residents (visitors) of the complex; and

(b) Visitor parking shall consist of 15 percent of the total required parking spaces and shall be centrally located within or evenly distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

[...]

(15) Bicycle Parking.

(a) One lockable bicycle parking space shall be provided within a rack for the following:

(i) Four or more dwelling units or single room occupancy units in one building: one space per dwelling unit or single room occupancy unit;

[...]

17.80.030 Minimum off-street parking requirements.

Note: some use classifications listed below indicate additional bicycle parking requirements

beyond the requirements of SHMC 17.80.020(15).

(1) Residential.

[...]

(j) Single room occupancy – One off-street space for each unit.

[...]

CHAPTER 17.96 SITE DEVELOPMENT REVIEW

[...]

17.96.020 Applicability of provisions.

Site development review shall be applicable to all new developments and major modification of existing developments, as provided in SHMC 17.96.070, except it shall not apply to:

(1) Single-dwelling units, on an individual building lot, parcel or, or otherwise lawfully established unit of land per ORS Chapter 92;

[...]

17.96.070 Major modifications to approved plans or existing development.

[...]

(2) The director shall determine that a major modification(s) will result if one or more of the following changes are proposed. There will be:

(a) An increase in dwelling unit or single room occupancy unit density, or lot coverage for residential development;

(b) A change in the ratio or number of different types of dwelling units or single room occupancy units;

[...]

17.96.180 Approval standards.

[...]

(7) Shared Outdoor Recreation Areas – Residential Use.

(a) In addition to the requirements of subsections (5) and (6) of this section, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:

(i) Studio (including single room occupancy units) up to and including two-bedroom units, 200 square feet per unit; and

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Development Code Amendments ZA.1.24**

APPLICANT: City of St. Helens

PROPOSAL: Amend the following Chapters of the St. Helens Municipal Code: **17.16** general and land use definitions, **17.32** zones and uses, **17.60** manufactured/mobile home regulations, **17.80** off-street parking and loading requirements, and **17.96** site development review.

BACKGROUND

The primary catalyst of these amendments is the adopted **2019 Housing Needs Analysis**, which included a recommendation to allow “cottage clusters,” which are essentially multiple detached homes on a single property. Due to development activity (i.e., staff work load) in the city, staff has not been able to focus on or advance this effort this until November 2023.

Since 2019, there has been state legislation that has added to the code amendment need, and amendments to address them have been included. Related state legislation includes **House Bill 4064 (2022)** changing how cities can regulate manufactured homes and prefabricates structures, and **House Bill 3395 (2023)** adding single room occupancies (SROs) to the list of “needed housing” in the ORS and requiring local governments to allow them. Plus, some other related amendments.

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: November 12, 2024. Public hearing before the City Council: December 4, 2024.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on October 7, 2024 through their PAPA Online Submittal website.

Notice of this proposal was sent to property owners of land zoned residential, mixed use or commercial (R10, R7, R5, AR, MHR, MU, GC, RD-Marina, RD-Plaza, RD-Mill, and HBD) between October 8th and 15th, 2024. This notice was sent to approximately 5,200 different properties (taxlots) to satisfy any requirements per ORS 227.186 in addition to providing information to citizens. The city issued a press release about this mass mailer and did a Facebook social media post on October 9, 2024.

Notice was sent to agencies by mail or e-mail on October 14, 2024.

Notice was published on October 25, 2024 in the Columbia County Spotlight newspaper.

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. Aspects of Goal 5 are also noteworthy.

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 regard 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 DLCD of the proposal as required by State law.

Several public meetings have taken place discussing 2024 Development Code amendments, including those proposed by this file ZA.1.24 and a separate file CPZA.1.24, which preceded this one. These public meetings include:

- Planning Commission meeting—January 9, 2024
- Planning Commission meeting—February 23, 2024
- City Council/Planning Commission joint meeting—March 13, 2024
- Planning Commission meeting—April 9, 2024
- Planning Commission meeting—May 14, 2024
- City Council work session—June 5, 2024

Staff began preparing for this in November 2023, which resulted in meetings to discuss the various issues for every month of 2024 through June, when the City Council authorized the legislative matter to proceed on June 5, 2024.

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 (8 acres needed) 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 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 in 2020.

Zone: General Commercial.

Total acres used: 7.72 out of 7.72 ac.

- Broadleaf Arbor developed by the Northwest Oregon Housing Authority (NOHA) and Community Development Partners at 2250 Gable Road. Originally approved by Conditional Use Permit CUP.3.19, this 239-unit multidwelling project was completed earlier this year. The site has wetlands that are preserved so only a portion of the property is developed.

Zone: General Commercial, GC.

Total acres used: approx. 13.7 ac. out of 16.7 ac.

This proposal does not change any zoning of specific properties, and the city's adopted land-wise need for housing is met.

This is one of the City Council's reasons for rejecting amendments pertaining to the 2019 Housing Needs Analysis (the detached multifamily development proposal) and House

Bill 4064 (2022) (manufactured and prefabricated homes). The City Council finds its needs are met for housing and these provisions are unnecessary.

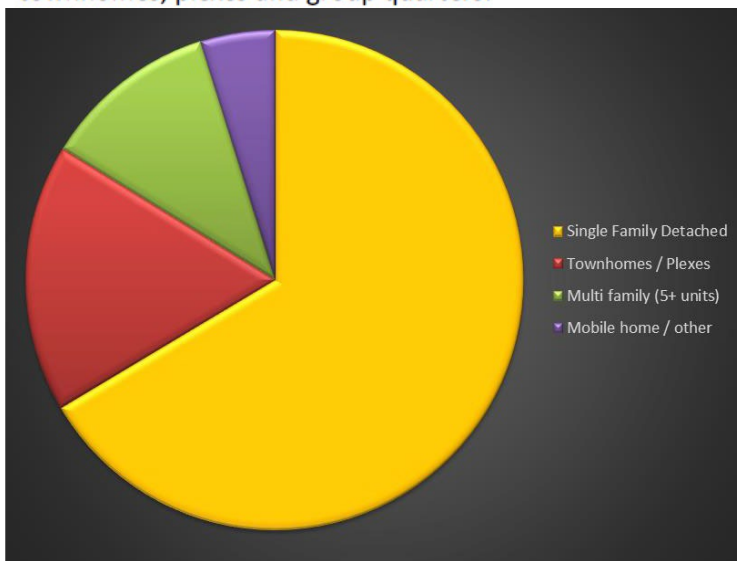
Demographic broad spectrum housing availability in both quantity and variety of type

This proposal supports this aspect of Goal 10 by increasing development options by adding single room occupancy type development to all residential zonings and the MU, RD, HBD and GC zoning districts.

The City Council rejects allowing detached multi-family development and amending its code to align with state law pertaining to manufactured housing, prefabricated housing, and any other amendments pertaining to manufactured/mobile home parks because the city's housing needs are met based on the city's adopted Housing Needs Analysis.

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

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



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

Upper Left: Table showing the city’s 2019 HNA findings. St. Helens has adequate land across most categories. The high-density deficit of 8 acres can be addressed in the commercial/mixed use land surplus and there are development projects since the HNA adoption that have done so, exceeding 8 acres.

This proposal complies with the **inventorying** component of Goal 10.

* * *

Lower Left: This is Exhibit 5 from the city’s HNA showing housing mix and tenancy for St. Helens between 2013 and 2017.

The proposal adds options for residential use by adding single-room occupancy in St. Helens’ zoning.

This proposal complies with the **broad spectrum housing availability** component of Goal 10.

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

Much of the proposal is in response to state legislation. This includes:

- **House Bill 4064 (2022)** changes how cities can regulate manufactured homes and prefabricates structures.

The City Council rejects amendments pertaining to this because the city’s housing needs are met based on the city’s adopted Housing Needs Analysis.

- **House Bill 3395 (2023)** adds single room occupancies (SROs) to the list of “needed housing” in the ORS and requires local governments to allow them. SROs are attached living units that are not complete dwelling units given shared kitchen or lavatory facilities.

This adds a definition to Chapter 17.16 SHMC, and amends most zoning districts that allow typical residential uses, establishes one off-street parking space requirement per unit (same standard that applies to a studio apartment) and notes the applicability of Chapter 17.96 SHMC, the reference thereto being in the zoning district sections.

(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 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 recommended policies included development of a cottage cluster code, which this proposal does by allowing detached multi-family development.

The city was already thinking about this when it adopted Ordinance No. 3264 in 2021. That ordinance addressed duplexes in the context of the HNA recommendation of allowing duplexes in R7 zoned lands and Oregon House Bill 2001 (2019), which created an entitlement for duplexes on property that allows a detached single-family dwelling. The city amended its ordinance to allow two detached units as an outright permitted use in addition to duplexes. The city also adopted an interior yard standard to establish a minimum distance

between buildings, reviewing the model code for large cities (OAR 660-046 Exhibit B – Large Cities Middle Housing Model Code) as a guide.

Much of this proposal is a “part 2” to the 2021 adopted amendments for residential uses.

The City Council rejects amendments pertaining to this because the city’s housing needs are met based on the city’s adopted Housing Needs Analysis. In 2019, the Housing Needs Analysis identified a shortage of higher density residential, but development since then has made up for that as detailed above. No other shortage was identified. As such, the City Council finds these amendments are no longer necessary.

Comprehensive Plan Policies

There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC or the specific policies of Chapter 19.12 SHMC.

The City Council considered these amendments and expressed concern about how neighborhoods can affect economic development. There is concern that certain housing types in neighborhoods can negatively affect economic development in the city, as well as the wellbeing of residents of existing and future neighborhoods. There is a correlation between the detriment of neighborhoods and economic detriment.

SHMC 19.08.020 Economic goals and policies, subsection (3)(ii) identifies a policy to improve the local economy including using things such as land use controls and ordinances. The Council finds that adding provisions in the St. Helens Development Code to advance state law per House Bill 4064 (2022) pertaining to manufactured homes and prefabricated structures, and to allow detached multifamily development, is contrary to this policy due to neighborhood detriment and shall be rejected (i.e., omitted in a final adoption ordinance).

(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.

(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 some of these Development Code text amendments. Due to concerns about neighborhood compatibility, property value, and economic vitality, the City Council rejects the amendments related to:

2019 Housing Needs Analysis pertaining to the effort to define attached and detached housing types, allowing detached multifamily development; and

House Bill 4064 (2022) pertaining to updates to manufactured and prefabricated structures.

As such the revised proposal compared to the top of page 1 is: Amend the following Chapters of the St. Helens Municipal Code: **17.16** general and land use definitions, **17.32** zones and uses, ~~**17.60** manufactured/mobile home regulations,~~ **17.80** off-street parking and loading requirements, and **17.96** site development review.

Jennifer Massey, Mayor

Date