



CITY OF ST. HELENS PLANNING DEPARTMENT

M E M O R A N D U M

TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
RE: Guidance for Architectural Standards
DATE: February 8, 2023

Current St. Helens Standards

Riverfront District Architectural Standards

The Riverfront District's Plaza and Mill Sub-Districts have specific architectural guidelines that can be found here:

<https://www.sthelensoregon.gov/planning/page/riverfront-district-architectural-design-guidelines>

Adopted in 2012, these guidelines apply to permanent exterior architectural changes to buildings (including new construction and signs) and freestanding signs.

They do not apply to:

- designated landmarks or historic resources of statewide significance* as defined and otherwise governed by Chapter 17.36 SHMC (*as of 2017, the State of Oregon updated term "historic resources of statewide significance" to "national register resource")
- ordinary maintenance not requiring a building permit
- painting of buildings except when painting previously unpainted masonry or stone

These guidelines were created based on the Riverfront District (now the Plaza Sub-District) zoning, which does not allow detached single-family dwellings or duplexes, unless they are historic landmarks. So, the guidelines were not created with detached single-family dwellings or duplexes in mind.

Designated landmarks

We have a number of "designated landmarks" in the city. These are historic resources official recognized by the City of St. Helens via inclusion in the Comprehensive Plan. Though these can be things other than buildings, most are buildings.

Districts can also be designated landmarks but we have no official designated landmark districts. The St. Helens Downtown Historic District is on the National Register of Historic Places but not acknowledged by the city as a landmark.

However, OAR 660-023-0200(8)(a) requires local governments to protect listings in the National Register of Historic Places by review of demolition or relocation with a public hearing as part of the process. This minimum mandate does not apply to exterior modifications, accessory structures, or non-contributing resources.

When the St. Helens Downtown Historic District was added to the National Register of Historic Places in 1984, it included significant and non-contributing categories for individual properties. This captures the district in a specific point in time. But things change over time. In 2014, the Oregon State Historic Preservation Office (SHPO) launched an initiative to encourage the update of existing records of historic

districts in Oregon that were listed in the National Register of Historic Places during the 1980s and earlier. In coordination with city staff, SHPO staff conducted a field survey of the St. Helens Downtown Historic District in 2014, providing its report and findings to the city in 2017. SHPO notes that over the 30-year period, several factors have emerged that dilute the cohesiveness of the district. For example, 8 properties lost integrity such that they no longer contribute to the district, and an additional 8 properties have been built, and as such are not contributing. SHPO also noted, as had been common across the state over the last 30 years, St. Helens has seen a large amount of historic materials replaced with modern materials, particularly vinyl and that vinyl windows and siding have become widespread throughout the district, reducing the integrity of individual properties and diluting the integrity of the district as a whole.

Alterations of designated landmarks are governed by Chapter 17.36 SHMC. These are not architectural standards per se, but preservation standards to help preserve important architecture. Generally, any new architectural standards should not apply to designated landmarks.

Multidwelling Standards

SHMC 17.96.180 has several standards specific to multi-family (apartment) type developments:

(3) Exterior Elevations. Along the vertical face of single-dwelling units – attached and multidwelling unit structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

- (a) Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of eight feet;
- (b) Extensions (decks, patios, entrances, floor area, etc.) of a minimum depth of eight feet, and maximum length of an overhang shall be 25 feet; and
- (c) Offsets or breaks in roof elevations of three or more feet in height;

(11) Distance between Multiple-Family Residential Structure and Other.

(a) To provide privacy, light, air, and access to the multiple and attached residential dwellings within a development, the following separations shall apply:

(i) Buildings with windowed walls facing buildings with windowed walls shall have a 25-foot separation;

(ii) Buildings with windowed walls facing buildings with a blank wall shall have a 15-foot separation;

(iii) Buildings with opposing blank walls shall have a 10-foot separation;

(iv) Building separation shall also apply to buildings having projections such as balconies, bay windows, and room projections; and

(v) Buildings with courtyards shall maintain separation of opposing walls as listed in subsections (11)(a)(i), (ii) and (iii) of this section for walls in separate buildings;

(b) Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be one foot for each 15 feet of building length over 50 feet and two feet for each 10 feet of building height over 30 feet;

Note that though this section references “single-dwelling units – attached”, Chapter 17.96 SHMC is the Site Development Review (SDR) Chapter and Section 17.96.020 exempts single-dwelling units from SDR.

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State law

660-008-0015

This OAR specifies clear and objective provisions for residential development:

(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of **needed**

housing on buildable land. **The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.**

(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, **a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:**

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.

(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

It references "needed housing" which is defined by ORS 197.303 as follows:

"needed housing" means all housing on land **zoned for residential use or mixed residential and commercial use** that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 (Policy) to 197.490 (Restriction on establishment of park);

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

Needed housing is broad as far as residential type, though by definition, limited to residential and mixed use zoning districts.

OAR 660-046-0010(3)(B)

Duplexes must be treated the same as detached single family dwellings. Standards must be the same.

St. Helens (as a "medium city" with a population >10,000) may not apply the following types of regulations specific to Middle Housing:

(i) Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; and

(ii) Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.

Per OAR 660-046-0020 and ORS 197.758 "middle housing" means duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

OAR 660-046-0110(2)

St. Helens (as a “medium city” with a population >10,000) may regulate the siting and design of duplexes, provided that regulations:

- (a) Are clear and objective standards, conditions, or procedures consistent with ORS 197.307; and
- (b) Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.

OAR 660-046-0125

This OAR says we can apply design standards to duplexes, with some limitations, but those standards cannot apply to conversions of existing detached single-family dwellings to duplexes (the OAR 660-046-0130 reference at the end).

(1) Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.

(2) A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.

“Design standards” are defined per OAR 660-046-0020(4):

“Design standard” means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

ORS 197.307(4) – (7)

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government’s prerogative to:

- (a) Set approval standards under which a particular housing type is permitted outright;
- (b) Impose special conditions upon approval of a specific development proposal; or
- (c) Establish approval procedures.

Section 4 (blue color) above was amended by SB 1051 in 2017. As amended, this tightens the requirement to apply only clear and objective standards, conditions and procedures to all residential development applications, not just those pertaining to “needed housing,” which was the case before SB 1051.

There is a designated historic area exception and an alternative process option.

ORS 197.314(1)-(4) (as amended by HB 4064 effective March 23, 2022)

(1) Notwithstanding any other provision in ORS 197.286 to 197.314, within an urban growth boundary, a local government shall allow the siting of manufactured homes and prefabricated structures on all land zoned to allow the development of single-family dwellings.

(2) This section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.

(3) Manufactured homes and prefabricated structures allowed under this section are in addition to manufactured dwellings or prefabricated structures allowed within designated manufactured dwelling subdivisions.

(4) A local government may not subject manufactured homes or prefabricated structures within an urban growth boundary, or the land upon which the homes or structures are sited, to any applicable standard that would not apply to a detached, site-built single-family dwelling on the same land, except:

(a) As necessary to comply with a protective measure adopted pursuant to a statewide land use planning goal; or

(b) To require that the manufacturer certify that the manufactured home or prefabricated structure has an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010.

These are provisions specific to manufactured and modular dwellings, where they need to be treated the same as other detached single-family dwellings (e.g., stick built).

The same historic area exception as per ORS 197.307, described above, is here, but also an adjacency to historic landmark exception.

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Summary

The city has some standards already:

- Adopted architectural standards specific to the Riverfront District’s Plaza and Mill Sub-Districts, which are not zoning districts that allow new detached-single family dwellings
- Some standards for multi-dwelling development (3 or more units) wherever they may be allowed by zoning
- Preservation standards for designated landmarks, which helps to preserve historic architectural.
- Not per city law *pe se*, but a mandate by OAR 660-023-0200(8)(a) as a local process for review of demolition or relocation of specifically individually listed resources on the National Register or contributing resources within a listed district (e.g., the St. Helens Downtown Historic District). This does not help with exterior modifications, but is a limited method of helping to preserve historic buildings, which are assumed to retain enough historical features to be considered contributing.

State law

- Per OAR, we can only apply clear and objective standards, conditions and procedures to needed housing (residential use types in residential or mixed use zone), with an *additional alternative option*.
- Per OAR, the standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay
- Per OAR, duplexes must be treated the same as detached single-family dwellings because St. Helens is a “medium city” over 10,000 population. Design standards may be applied to duplexes as long as they also apply to detached single-family dwellings, though the standards cannot apply to the conversions of existing detached single-family dwellings to duplexes.
- Per OAR, St. Helens (as a “medium city” over 10,000 population) cannot apply regulation to middle housing (duplexes, triplexes, quadplexes, cottage clusters, and townhouses) that would create use, density or occupancy restrictions that would otherwise permit detached single-family dwellings. City also cannot create standards that prohibit the development of middle housing that otherwise permit detached single-family dwellings. These are specific to historic properties/districts.
- Per ORS, only clear and objective standards, conditions and procedures may be applied to all residential development, with an *exception* for residential development within designated historic areas and an *additional alternative option*.
- Per ORS, we must allow manufactured homes and modular homes on lands that allow single-family dwellings, with the exception of designated historic areas or immediately adjacent to a historic landmark.