

City of St. Helens
ORDINANCE NO. 3305

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE CHAPTERS **17.16, 17.24, 17.32, 17.36, 17.40, 17.44, 17.80, 17.88, 17.96, 17.100, 17.108, 17.120, 17.124, 17.132, 17.136, 17.140, 17.148** and **19.20**, PERTAINING TO OREGON MEASURE 109 (2020) REGARDING PSILOCYBIN LAND USES, OREGON HOUSE BILL 3109 (2021) REGARDING CHILD CARE LAND USES AND OTHER HOUSEKEEPING AMENDMENTS, VALIDITY PERIODS FOR LAND USE DECISIONS IN PARTICULAR

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 June 13, 2024, potentially affected property owners listed in the Columbia County Tax Assessor records and agencies on July 22, 2024, and the local newspaper of record on July 24, 2024 and October 18, 2024; and

WHEREAS, the St. Helens Planning Commission did hold a duly noticed public hearing on August 13, 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 November 6, 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 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) 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:	November 20, 2024
Read the second time:	December 4, 2024

APPROVED AND ADOPTED this 4th day of December, 2024 by the following vote:

Ayes:

Nays:

Rick Scholl, 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:

[...]

“Boathouse” means any structure supported wholly or partially by flotation, used wholly or partially to ~~houseboat(s)~~ house or shelter a boat or boats, or other waterborne vessel(s). See floating structures ordinance Chapter 15.16 SHMC.

[...]

“Child care center” means a child care facility, other than a family child care home, that is certified under ORS 329A.280.

“Child care facility” means ~~a commercial establishment enrolling children under the age of 13 years and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a child care center (also “day care,” “children’s center,” “day nursery”)~~ any facility that provides child care to children, including day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name, and as further defined by ORS 329A.440.

[...]

~~“Family Day Care Facility. See “home child care.”~~ “home” means a child care facility in a dwelling that is caring for not more than sixteen children and is certified under ORS 329A.280 or is registered under ORS 329A.330.

[...]

~~“Home child care” means any care provider who provides care to children under the age of 13 years in the home of the provider to fewer than 13 children, including children of the provider, regardless of full-time or part-time status (also “family day care”).~~

[...]

“Psilocybin service center” has the meaning described in ORS 475A.220.

[...]

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:

[...]

(4) For decisions of time extensions, notice requirements are the same as the corresponding application type.

~~(4)~~ (5) If not listed in subsection (1) or (4) of this section, no notice of a director’s decision is required (e.g., final plat partitions, building permits).

[...]

17.24.130 Notice of planning commission, historic landmark commission and city council proceedings.

[...]

(3) Time extensions of decisions by the planning commission, historic landmark commission, and/or city council, shall be administered by the director per SHMC 17.24.120. Those entitled to notice shall still be per this Section.

~~(3)~~ (4) Where applicable, other notices required by law shall be accomplished.

[...]

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:
- (a) Duplex.
 - (b) ~~Home child care~~ Family child care home in lawfully existing dwelling.

[...]

(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~~ Child care center.

[...]

17.32.060 Moderate residential zone – R7.

[...]

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

- (a) Duplex.
- (b) ~~Home child care~~ Family child care home in lawfully existing dwelling.

[...]

(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~~ Child care center.

[...]

17.32.070 General residential zone – R-5.

[...]

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

- (a) Duplex.
- (b) ~~Home child care~~ Family child care home in lawfully existing dwelling.

[...]

(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~~ Child care center.

[...]

17.32.080 Apartment residential zone – AR.

[...]

- (2) Uses Permitted Outright. In an AR zone, the following uses are permitted outright:
- (a) Duplex.
 - (b) ~~Home child care~~ Family child care home in lawfully existing dwelling.

[...]

(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~~ Child care center.

[...]

17.32.090 Mobile home residential zone – MHR.

[...]

- (2) Uses Permitted Outright. In the MHR zone, the following uses are permitted outright:
- (a) Duplex.
 - (b) ~~Home child care~~ Family child care home in lawfully existing dwelling.

[...]

(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~~ Child care center.

[...]

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):

- (a) Animal sales and services: grooming, kennels, retail and veterinary (small animals).
- (b) Car washes.
- (c) Child care center.

- ~~(e)~~ (d) Congregate housing.
- ~~(d)~~ (e) Continuing care retirement community.
- ~~(e)~~ (f) Cultural and library services.
- ~~(f)~~ (g) Dwellings: single detached or attached, duplexes, and dwellings above permitted

uses.

- ~~(g)~~ (h) Eating and drinking establishments.
- ~~(h)~~ (i) Equipment (small) sales, rental and repairs.
- (j) Family child care home in lawfully existing dwelling.
- ~~(i)~~ (k) Financial institutions.
- ~~(j)~~ (l) Hardware store, without outdoor storage.
- ~~(k)~~ Home child care.

[editor's note – re-lettering to continue through list of permitted uses]

[...]

(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:

[...]

(f) Businesses with outdoor storage (those businesses permitted in subsection (2) of this section).

- ~~(g)~~ Child care facility/day nursery.
- ~~(h)~~ (g) Drive-up businesses and services.
- ~~(i)~~ (h) Dwellings on same level as nonresidential use.
- ~~(j)~~ (i) Funeral homes.
- ~~(k)~~ (j) Hospitals and senior or convalescent care facilities.
- ~~(l)~~ (k) Laundromats and dry cleaners.
- ~~(m)~~ (l) Lodge, fraternal and civic assembly.
- ~~(n)~~ (m) Lodging facilities or rooming house.
- ~~(o)~~ (n) Marijuana retailer and/or medical marijuana dispensary.
- ~~(p)~~ (o) Multidwelling units.
- ~~(q)~~ (p) Nurseries and greenhouses.
- ~~(r)~~ (q) Parking lots.
- ~~(s)~~ (r) Parks, public and private.
- ~~(t)~~ (s) Pawn shops.
- (t) Psilocybin service center.

[...]

17.32.100 Highway Commercial – HC.

(1) Purpose. The HC zone is intended to ~~recognize the existing~~ focus on commercial development along ~~Highway 30~~ Columbia River Highway (US30) ~~and to limit future~~

~~commercial activity to retail concerns, activities that cater to motorists, and firms that deal in large goods and require unusual amounts of space.~~

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

[...]

(e) Car washes.

(f) Child care center.

~~(g)~~ (g) Drive-up facilities (see specific requirements in Chapter 17.100 SHMC).

~~(h)~~ (h) Eating and drinking establishments, including drive-up and carry-out.

(i) Family child care home in lawfully existing dwelling.

~~(j)~~ (j) Financial institutions, including drive-through (see specific requirements in Chapter 17.100 SHMC).

~~(k)~~ (k) Gasoline stations.

~~(l)~~ (l) Home occupation (per Chapter 17.120 SHMC).

~~(m)~~ (m) Motels and hotels.

~~(n)~~ (n) Motor vehicle sales, service and repair.

~~(o)~~ (o) Nurseries and greenhouses.

~~(p)~~ (p) Offices ~~catering to motorists (e.g., insurance claims)~~ all.

~~(q)~~ (q) Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.

~~(r)~~ (r) Parking lot.

~~(s)~~ (s) Plumbing, HVAC, electrical and paint sales and service.

~~(t)~~ (t) Produce stands.

~~(u)~~ (u) Public facility, minor.

~~(v)~~ (v) Retail sales establishments, ~~specifically catering to motorists, including drive-in~~.

~~(w)~~ (w) Retail sales of large equipment items and repair and maintenance concerns that conduct business completely within an enclosed building except for outdoor storage.

~~(x)~~ (x) Shopping plaza (permitted businesses only).

~~(y)~~ (y) Small equipment rentals, sales and repair.

~~(z)~~ (z) Theaters, except drive-ins.

~~(aa)~~ (aa) Tire shops within an enclosed building.

(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:

[...]

(g) Parks.

(h) Psilocybin service center.

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

~~(j)~~ (j) Recreation facilities.

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

~~(k) Retail establishments not directly catering to motorists.~~

[...]

17.32.110 General Commercial – GC.

(1) Purpose. The GC zone is intended to provide for a broad range of commercial operations and services required for the proper and convenient functioning of commercial activities serving the general public locally and regionally ~~but not specifically the traveling motorists.~~

(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):

[...]

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

(b) Car washes.

(c) Child care center.

~~(d)~~ (d) Cultural and library services.

~~(e)~~ (e) Dwellings above permitted uses (use AR standards).

~~(f)~~ (f) Eating and drinking establishments.

~~(g)~~ (g) Equipment (small) sales, rental and repairs.

(h) Family child care home in lawfully existing dwelling.

~~(i)~~ (i) Financial institutions.

~~(j)~~ (j) Hardware store, without outdoor storage.

~~(k)~~ (k) Historic structures (as listed in the comprehensive plan).

~~(l)~~ (l) Home occupation (per Chapter 17.120 SHMC).

~~(m)~~ (m) Hotels and motels.

~~(n)~~ (n) Offices – all.

~~(o)~~ (o) Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.

~~(p)~~ (p) Plumbing, HVAC, electrical and paint sales and service, without outdoor storage.

~~(q)~~ (q) Produce stands.

~~(r)~~ (r) Public facility, minor.

~~(s)~~ (s) Repair and maintenance of permitted retail products.

~~(t)~~ (t) Retail sales establishments, ~~not specifically catering to motorists.~~

~~(u)~~ (u) Studios.

~~(v)~~ (v) Theaters, except drive-ins.

(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:

[...]

(f) Businesses with outdoor storage (those businesses permitted in subsection (2) of this section).

~~(g) Child care facility/day nursery.~~

~~(h) (g) Congregate housing.~~

~~(i) (h) Drive-up businesses and services (including those associated with food/restaurants).~~

~~(j) (i) Funeral homes.~~

~~(k) (j) Hospitals and senior or convalescent care facilities.~~

~~(l) (k) Laundromats and dry cleaners.~~

~~(m) (l) Lodge, fraternal and civic assembly.~~

~~(n) (m) Lodging facilities or rooming house.~~

~~(o) (n) Marijuana retailer and/or medical marijuana dispensary.~~

~~(p) (o) Multidwelling units.~~

~~(q) (p) Nurseries and greenhouses.~~

~~(r) (q) Parking lots.~~

~~(s) (r) Parks, public and private.~~

~~(t) (s) Pawn shops.~~

~~(u) Psilocybin service center.~~

[...]

17.32.130 Light Industrial – LI.

[...]

(2) Uses Permitted Outright. In the LI zone the following buildings and uses are permitted after compliance with the provisions of this section and others of this code:

(a) Agricultural supplies/sales, machinery sales and repairs but not slaughterhouses or tanneries.

(b) Animal sales and services: kennels, veterinary (small animals), and veterinary (large animals).

(c) Auction sales, services and repairs.

(d) Boat repairs.

(e) Building maintenance services.

(f) Building material sales including outdoor storage.

~~(g) Child care center.~~

~~(h) (h) Commercial gasoline stations.~~

[editor's note – re-lettering to continue through list of permitted uses]

[...]

(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:

(a) Bar.

~~(b) Child care facilities.~~

~~(e)~~ (b) Concrete mixing (concrete batching plant).

[editor's note – re-lettering to continue through list of conditional uses]

[...]

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):

- (a) Boathouses.
- (b) Boat launching or moorage facilities and marine boat charter services
- (c) Boat or marine equipment sales, service, storage, rental, or repair (including gas for marine vehicle use).
- (d) Child care center.
- ~~(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).
- ~~(e)~~ (f) Eating and drinking establishments including carry-out.
- (g) Family child care home in lawfully existing dwelling
- ~~(f)~~ (h) Home occupation (per Chapter 17.120 SHMC).
- ~~(g)~~ (i) Hotels and motels.

[editor's note – re-lettering to continue through list of permitted uses]

[...]

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:

[...]

- (oo) Watercraft sales, rental, charters, without outdoor storage.
- (pp) Child care center.
- (qq) Family child care home in lawfully existing dwelling.

[...]

(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:

[...]

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

~~(f) Child care facility/day nursery.~~

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

[editor's note – re-lettering to continue through list of conditional uses]

[...]

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) Family child care home in lawfully existing dwelling.

(b) Residential above Nonresidential Permitted Uses.

(i) Dwelling, single-family.

(ii) Congregate ~~care facility~~ housing.

(iii) Single dwelling units, attached.

(iv) Multidwelling units.

~~(v) Residential care facility~~ Family child care home in lawfully existing dwelling.

[...]

(e) Commercial.

[...]

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

(xxiii) Child care center.

[...]

(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:

[...]

- (e) Businesses with outdoor storage (for businesses that are permitted uses only).
- ~~(f) Child care facility/day nursery.~~
- ~~(g)~~ (f) Hospitals, nursing homes, and convalescent homes.
- ~~(h)~~ (g) Postal services.
- ~~(i)~~ (h) Communication services.
- ~~(j)~~ (i) Laundromats and dry cleaners.
- ~~(k)~~ (j) Religious assembly.
- ~~(l)~~ (k) Boat building.

[...]

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.

[...]

- (rr) Residential home
- (ss) Child care center.
- (tt) Family child care home in lawfully existing dwelling.

(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:

[...]

- (e) Business with outdoor storage (those businesses permitted in permitted uses).
- ~~(f) Child care facility/day nursery.~~
- ~~(g)~~ (f) Drive-up businesses and services (including those associated with food sales, pharmacies and such).
- ~~(h)~~ (g) Dwellings on same level as nonresidential use.
- ~~(i)~~ (h) Funeral homes.
- ~~(j)~~ (i) Hospitals, clinics, nursing homes, and convalescent homes.
- ~~(k)~~ (j) Laundromats and dry cleaners.
- ~~(l)~~ (k) Marijuana retailer and/or medical marijuana dispensary.
- ~~(m)~~ (l) Multidwelling units.
- (m) Psilocybin service center.

[...]

**CHAPTER 17.36
HISTORIC SITES AND OVERLAY DISTRICT**

[...]

17.36.040 Criteria for alteration.

[...]

(4) Prior to alteration, current photographs and/or drawings of all elevations shall be provided to the city for its public records. Photographs and drawings shall be archival quality and may be digital; proof of such shall be provided with the photographs and/or drawings.

[...]

**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.

(a) The following significant wetlands are hereby established as Type I:

D-6	J-3	MC-1
D-10	M _L -7	MC-9
D-11	M _L -8	MC-25
D-16	M _L -10	UA-2
D-17	M _L -11	UB-5A
D-18	M _L -12	UB-5B

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

D-1	D-21	MC-2	MC-20
D-2	D-22	MC-3	MC-21
D-4	F-2	MC-5	MC-22

D-7	J-6	MC-8	MC-26
D-8	M 1 -3	MC-10	UB-6
D-19	M 1 -5	MC-16	
D-20	M 1 -15	MC-17	

[...]

**CHAPTER 17.44
SENSITIVE LANDS**

[...]

17.44.030 Expiration of approval – Standards for extension of time.

(1) Approval of a sensitive lands permit shall be void if:

- (a) Substantial construction of the approved plan has not begun within a one-~~and one-~~half-year period; or
- (b) ~~Construction~~ Development on the site is a departure from the approved plan.

[...]

**CHAPTER 17.80
OFF-STREET PARKING AND LOADING REQUIREMENTS**

[...]

17.80.030 Minimum off-street parking requirements.

[...]

(2) Civic.

[...]

- (c) Child~~ren's day~~ care center – five spaces plus one space per classroom.

[...]

- (h) Public safety services – one space for every employee of the largest shift plus one space per 350 square feet of gross floor area accessible to the public or other nonemployee use.

[...]

**CHAPTER 17.88
SIGNS**

[...]

17.88.130 Sign permit application.

[...]

(6) An approved sign shall be constructed and installed within ~~six months~~ one year of the final approval of the permit, including resolution of any appeal. The sign permit shall be void if installation is not completed within this period or if the sign does not conform to the approved permit. Sign permits mistakenly issued in violation of this chapter or other provisions of this code are void. ~~The planning director may grant a reasonable extension of time for the installation deadline upon a showing of reasonable grounds for delay.~~

[...]

**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:

- (6) ~~Home child care~~ Family child care home in lawfully existing dwelling;

[...]

17.96.040 Expiration of approval – Standards for extension of time.

[...]

(3) The director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed ~~six months~~ one year; provided, that:

[...]

**CHAPTER 17.100
CONDITIONAL USE**

[...]

17.100.030 Expiration of approval – Standards for extension of time.

(1) Approval of a conditional use by the planning commission shall be void if:

(a) Substantial construction of the approved plan has not begun within a one-~~and one-~~
~~half~~-year period; or

[...]

17.100.150 Additional requirements for conditional use types.

[...]

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

[...]

(o) Psilocybin service center.

(i) “Manufacture” as defined under ORS 475A.220 in conjunction with or on the same property as a psilocybin service center shall be prohibited; and

(ii) Shall comply with state and local laws. Additionally, more restrictive time, place and manner conditions may be imposed pursuant to ORS 475A.530, except any provision preempted by ORS 475A.524.

[...]

CHAPTER 17.108 VARIANCES

[...]

17.108.050 Criteria for granting a variance.

[...]

(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;

[...]

CHAPTER 17.120 HOME OCCUPATIONS

[...]

17.120.020 Applicability and exemptions.

(1) No person shall carry on a home occupation, or permit such use to occur, on property which that person owns or is in lawful control of, contrary to the provisions of this chapter.

(2) Exemptions from the provisions of this chapter are:

(a) Garage sales;

[...]

(e) Proven nonconforming home occupations as per SHMC 17.104.040(4)(e).

(f) Family child care home in lawfully existing dwelling.

[...]

17.120.040 Approval criteria and standards.

All home occupations except those that have proven nonconforming status shall comply with the following:

[...]

(4) The home occupation shall be operated entirely within the dwelling unit and any ~~nonconforming~~ lawfully existing accessory structure. The total area which may be used in the accessory building for either material product storage and/or the business activity shall not exceed 600 square feet. Otherwise, the home occupation and associated storage of materials and products shall not occupy more than 25 percent of the combined residence and accessory structure gross floor area. The indoor storage of materials or products shall not exceed the limitations imposed by the provisions of the building, fire, health, and housing codes;

(5) A home occupation shall not make necessary a change in the applicable building code (as administered by the building official) use classification of a dwelling unit. Any accessory building that is used must meet the applicable building code requirements and be ~~in conformance with Chapter 17.124 SHMC~~ a lawfully existing structure;

[...]

CHAPTER 17.124 ACCESSORY STRUCTURES

[...]

17.124.050 Expiration of approval – Standards for extension of time.

(1) Accessory structure approval by the director shall be effective for a one-~~and one-half~~ year period from the date of approval.

(2) The accessory structure approval by the director shall lapse if:

(a) Substantial construction or installation of the approved accessory structure plan has not begun within a one-~~and one-half~~-year period; or

(b) Construction on the site is a departure from the approved plan.

[...]

**CHAPTER 17.132
TREE REMOVAL**

[...]

17.132.050 Expiration of approval – Extension of time.

(1) A tree removal permit shall be effective for one ~~and one-half~~ years from the date of approval.

[...]

**CHAPTER 17.136
LAND DIVISION - SUBDIVISION**

[...]

17.136.040 Expiration of approval – Standards for extension of time.

(1) The preliminary plat approval by the planning commission or final approving authority shall lapse if:

(a) A final plat (first phase in an approved phased development) has not been submitted within a ~~one~~ two-year period; or

(b) The final plat does not conform to the preliminary plat as approved or approved with conditions.

[...]

**CHAPTER 17.140
LAND DIVISION – LAND PARTITIONING – LOT LINE ADJUSTMENT**

[...]

17.140.035 Expiration of approval – Standards for extension of time.

[...]

(3) The director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed ~~six months~~ one year; provided, that:

- (a) No changes are made on the original plan as approved by the director;
- (b) The applicant can show intent of recording the approved partition or lot line adjustment within the extension period; and
- (c) There have been no changes in the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

[...]

**CHAPTER 17.148
PLANNED DEVELOPMENT**

[...]

17.148.030 Expiration of approval – Standards for extension of time.

(1) The approval of the planned development overlay zone shall not expire provided a related planned development plan is lawfully completed per city approved plans within the timeframe per this subsection. Any planned development overlay zone, or portion thereof, existing before January 1, 2025, without a lawfully completed development plan as approved by the city, shall expire 10 years after January 1, 2025. Any new existing planned development overlay, or portion thereof, shall expire after 10 years from the date it becomes effective if there is no related development plan lawfully completed per city approved plans. An overlay zone that becomes void due to expiration shall be removed from the zoning district map.

(2) The preliminary development plan approval by the commission shall lapse if a detailed development plan proposal has not been submitted for approval within ~~the one and one-half~~ a two-year period or unless an extension of time is granted.

(3) The director shall, upon written request by the applicant and payment of the required fee, grant ~~an two~~ extensions of the approval period not to exceed one year each provided, that:

- (a) No changes have been made on the original preliminary development plan as approved by the commission;
- (b) The applicant can show intent of applying for detailed development plan review within the one-year extension period; and
- (c) There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

[...]

**CHAPTER 19.20
MAPS**

[...]

19.20.060 Map and list of significant wetlands.

[...]

(2) List of Significant Wetlands.

[...]

Milton Creek

M₃

M₅

M₇

M₈

M₁₀

M₁₁

M₁₂

M₁₅

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Development (Zoning) and Comprehensive Plan Code Amendments CPZA.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, **17.24** procedures for decision-making – quasi-judicial, **17.32** zones and uses, **17.36** historic sites and overlay district, **17.40** protective measures for significant wetlands, riparian corridors, and protection zones, **17.44** sensitive lands, **17.80** off-street parking and loading requirements, **17.88** signs, **17.96** site development review, **17.100** conditional use, **17.108** variances, **17.120** home occupations, **17.124** accessory structures, **17.132** tree removal, **17.136** land division – subdivision, **17.140** land division – land partitioning – lot line adjustment, **17.148** planned development, and **19.20** maps.

BACKGROUND

The primary catalyst of these amendments is state legislation. This includes **Measure 109 (2020)**, legalizing psilocybin for mental health purposes in the State of Oregon and **House Bill 3109 (2021)** updating childcare facility law.

Staff have included other amendments for general housekeeping updates, taking advantage of the effort for efficiency. This includes validity periods for land use decisions, in particular.

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: August 13, 2024. Public hearing before the City Council was scheduled for September 18, 2024, but that meeting was cancelled due to lack of quorum. The public hearing before the City Council was rescheduled for November 6, 2024.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on June 13, 2024 through their PAPA Online Submittal website.

Notice of this proposal was sent to property owners of land where Planned Development overlay zones have been adopted, but development utilizing the overlay zone has not occurred for the entire overlay zone area or a portion thereof. This notice was sent on July 22, 2024 given ORS 227.186, because the city proposes to change the overlay zone from never expiring to expiring after a 10-year period, if unused.

Notice was sent to agencies by mail or e-mail on July 22, 2024.

Notice was published on July 24, 2024 in The Chronicle newspaper. Since the original hearing before the City Council was cancelled, a new notice was published in the Columbia County Spotlight on October 18, 2024. The reason for the change of newspapers is The Chronicle ceased operations in September.

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 DLCD of the proposal as required by State law.

Several public meetings have taken place discussing 2024 Development Code Amedments. 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.

Note that there are amendments discussed at these meetings not included in this report/effort that will be addressed separately. These other amendments focus more on residential uses.

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 an associated component of this proposal. This effort does not address residential uses directly, but aligns the city code with the state's in regards to child care in homes and elsewhere, which is intended to lessen the burden of child care in communities.

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 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.

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

This proposal supports this aspect of Goal 10 by increasing childcare options; childcare of a service that supports housing options. The more widespread childcare is, the broader housing options are for those who need childcare within a reasonable distance from their home.

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.

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.

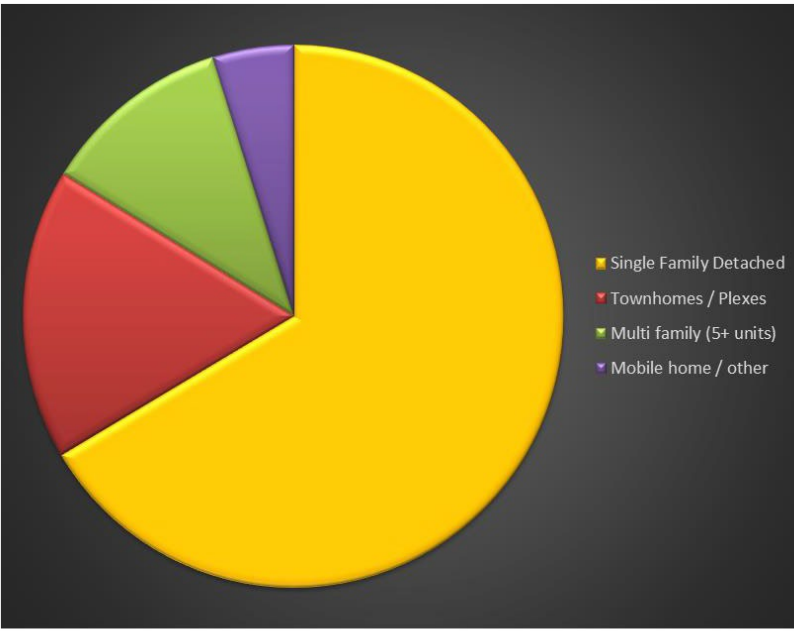
This proposal complies with the **inventorying** component of Goal 10.

* * *

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 supports housing options by increasing childcare potential in multiple locations making childcare more accessible to more households.

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



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

(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:

- **Measure 109 (2020)**, legalizing psilocybin for mental health purposes in the State of Oregon. As allowed by the measure, the city imposed a two-year moratorium, which is implemented by SHMC 5.08.010:

The establishment of psilocybin product manufacturers licensed under ORS 475A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the city of St. Helens.

This ordinance is repealed on December 31, 2024 and at the December 13, 2023 joint City Council / Planning Commission meeting, there was enough concern from those in attendance for staff to establish at least making psilocybin service centers—the place where people can obtain and consume psilocybin products—a conditional use in most commercial or mixed use zones, except for the Riverfront District.

This adds a definition to Chapter 17.16 and amends mixed use and commercial zones. Note that a psilocybin service center would not be allowed in the Riverfront District. This also adds the use to Chapter 17.100 regarding Conditional Uses and prohibits psilocybin manufacturing in conjunction with a service center.

- **House Bill 3109 (2021)** updates the state’s childcare facility law. For many years, there has been restrictions on local governments on how certain childcare is allowed in homes in residential areas and this bill creates additional restrictions outside of residential areas, impacting other zonings.

Oregon law requires child-caring agencies to be licensed. Children’s Care Licensing sets the licensing requirements for agencies that operate in Oregon and makes sure that agencies meet the requirements before receiving a license. There are two types: family child care home, which must be allowed and treated similarly to any single dwelling, and child care center which must be allowed in commercial and light industrial areas, generally.

This adds/amends definitions to Chapter 17.16 SHMC, and amends most zoning districts. Permit exemption clarified in SHMC 17.96.020 (Site Development Review) and added to SHMC 17.120.020 (Home Occupations).

(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).

No direct applicability.

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.

(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.

It is worth discussing the Planned Development overlay zone changes. The city has a planned development overlay zone as an option to allow certain code flexibility for development. This includes adopting an overlay zone and approving development using that overlay zone. Though a development proposal, such as a subdivision, can expire, the overlay zone currently does not. The city proposes to change SHMC 17.148.030 such that a new overlay zone expires after 10 years from the date it becomes effective if not used. For existing overlay zones that have not been used, they are proposed to expire 10 years after January 1, 2025. There are five existing overlay zones that would be affected:

- Columbia Heights, adopted by Ordinance 2950 in 2005. This property was never developed, and contiguous ownership currently includes area outside of the original planned development boundary. The ownership and planned development boundaries do not align.
- Dalton Lake, adopted by Ordinance 2995 in 2006. Some of this property was developed, but a portion of Lot 6 of Dalton View Estates has not.
- Seal Meadows, adopted by Ordinance 3042 in 2007. This property was never developed as a planned development.
- Boulder Ridge, adopted by Ordinance 3282 in 2022. A more recent approved development, actual development has not taken place to date.
- Comstock, adopted by Ordinance 3286 in 2022. A more recent approved development, actual development has not taken place to date.

(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 these text amendments.

Rick Scholl, Mayor

Date