



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/25/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of St. Helens Plan Amendment
DLCD File Number 003-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 10, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jacob Graichen, City of St. Helens
Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Transportation Planner
Amanda Punton, DLCD Regional Representative

<paa> YA

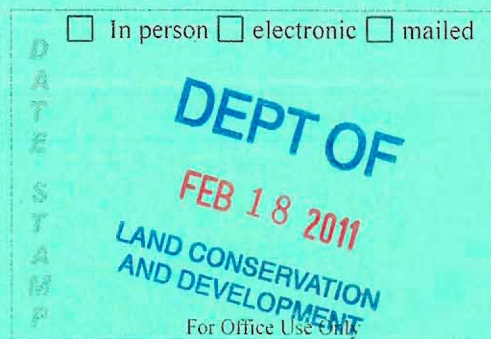


FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000



Jurisdiction: **City of St. Helens**

Local file number: **CPZA.2.10**

Date of Adoption: **February 16, 2011**

Date Mailed: **February 17, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 9.24.2010

☒ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Text amendments to the City Development Code and Comprehensive Plan. These amendments will address general updates ("housekeeping"), correction of errors, updates suggested by the Columbia County Community-Wide Transit Plan (2009), and other amendments of a similar nature.

Does the Adoption differ from proposal? YES

Some minor edits, plus additional but not extensive regulation pertaining to signage regulation.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

n/a

Local Contact: Jacob Graichen

Address: PO Box 278

City: St. Helens

Phone: (503) 366-8204 Extension: n/a

Fax Number: 503-397-4016

E-mail Address: jacobg@ci.st-helens.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

City of St. Helens
ORDINANCE NO. 3144

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE, CHAPTERS
17.12, 17.16, 17.24, 17.32, 17.36, 17.84, 17.88, 17.96, 17.124, 17.132, 17.136,
17.140, 17.152, 19.08, AND 19.12

WHEREAS, pursuant to SHMC 17.20.20(1)(c) the Planning Administrator initiated a legislative change to the St. Helens Development Code (St. Helens Municipal Code Title 17) and the St. Helens Comprehensive Plan (St. Helens Municipal Code Title 19), for revisions based on a variety of factors; and

WHEREAS, pursuant to the SHMC and Oregon Revised Statutes, the City has provided notice to: the Oregon Department of Land Conservation and Development on September 24, 2010, potentially affected property owners listed in the Columbia County Tax Assessor records on November 22, 2010, and the local newspaper of record on November 24, 2010; and

WHEREAS, the St. Helens Planning Commission conducted a public hearing on December 14, 2010 and, following deliberation, made a recommendation of approval of certain proposed amendments to the City Council; and

WHEREAS, the St. Helens City Council conducted a public hearing on January 19, 2011 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 proposed amendments recommended by the Planning Commission 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 Development Code and Comprehensive Plan are hereby amended, attached hereto as **Attachment "A"** and made part of this reference.

Section 3. In support of the 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. 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.

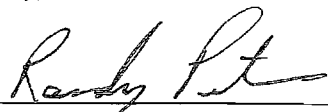
Section 5. Provisions of this Ordinance shall be incorporated in the St. Helens Municipal Code and the word "ordinance" may be changed to "code," "article," "section," or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that Whereas clauses and boilerplate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

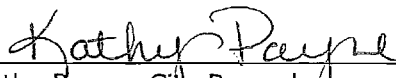
February 2, 2011
February 16, 2011

APPROVED AND ADOPTED this 16th day of February, 2011.



Randy Peterson, Mayor

ATTEST:



Kathy Payne, City Recorder

Added text is *underlined and italicized*.

Deleted text is ~~stricken~~.

CHAPTER 17.12 ENFORCEMENT

17.12.030 Penalty.

A violation of this code or development contrary to any permit approval, or approval conditions arising out of this code, shall carry penalties as follows:

(1) Class I violation: any person intentionally or knowingly violating any provision of this code shall be guilty of a Class C misdemeanor which carries a maximum fine of ~~\$1,000~~ 1,250 and/or 30 days in jail, or the maximum per state law, whichever is greater.

(2) Class II violation: any person violating any provision of this code shall be guilty of a Class A ~~infraction~~ violation which carries a maximum fine of ~~\$700.00~~ 720, or the maximum per state law, whichever is greater.

(3) A violation of any provision of this code shall be considered a separate offense for each day the violation continues.

(4) A finding of a violation of this code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.

(5) The above are not intended to violate state and federal laws.

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:

“Tree” means any living, standing woody plant having a trunk two inches or more in diameter, four feet above the ground level. See SHMC 17.132.020~~(1)-(f)~~.

CHAPTER 17.24 PROCEDURES FOR DECISION-MAKING – QUASI-JUDICIAL

17.24.040 Preapplication conference.

(2) Preapplication Conference Issues. At the preapplication conference, the director, the applicant, and the representatives from other city departments and county and state agencies, as applicable, shall discuss issues that relate to the proposed development and application. Those issues shall include but not be limited to the following, as applicable to the proposed development:

17.24.120 Notice of decision by the director.

~~(3) Within 72 hours after an application has been deemed complete for a site-specific land use decision requiring notice to property owners more than 100 feet, the applicant must post a notice on the property using the following guidelines:~~

- ~~(a) The sign should be no less than two feet by three feet nor larger than three feet by four feet in size; and~~
~~(b) The sign should face the street; and~~
~~(c) The sign should contain text with the following information regarding the proposal (letters should not be less than one half inch in height):~~
~~(i) Description of the request; and~~
~~(ii) The city assigned file number; and~~
~~(iii) The hearing date, if any; and~~
~~(iv) The words, "For further information, contact the St. Helens Planning Department at City Hall, 503-397-6272."~~

(4) (3) Notice of the decision by the director shall contain:

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

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

(1) Notice of an impending action pursuant to SHMC 17.24.090 shall be given by the director in the following manner:

(a) At least 20 days prior to the scheduled hearing date, or if two or more hearings are scheduled, 10 days prior to the first hearing and 20 days prior to the second hearing, notice shall be sent by mail to:

(iii) Any affected governmental agency which has entered into an intergovernmental agreement with the city which includes provision for such notice or public agency that provides service within the city;

CHAPTER 17.32 ZONES AND USES

17.32.060 Moderate residential zone – R-7.

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

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

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

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

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

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

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

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

~~(l)~~ No lot shall have more than one principal building thereon.

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

17.32.070 General residential zone – R-5.

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

17.32.080 Apartment residential zone – AR.

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

17.32.090 Mobile home residential zone – MHR.

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

17.32.095 Mixed use zone – MU.

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

17.32.120 Marine Commercial – MC.

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

(d) 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).

(3) Conditional Uses. In the MC zone 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:

(b) Multidwelling units (must comply with AR standards and other applicable sections of this code).

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:

(d) Hospitals.

(4) Standards.

(a) The standards for the PL zone shall be determined by proximity to residential zones and the anticipated off-site impacts.

(b) The maximum building height shall be determined on a case by case basis (see SHMC 17.68.040).

(c) See subsection (5) of this section, Additional Requirements.

17.32.170 Olde Towne St. Helens – OTSH.

(2) Uses Permitted Outright. In the OTSH 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.

(hh) Residential storage facilities (in conjunction with three or more dwelling units).

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

(d) No minimum setback requirements applicable to all uses except for as required in Chapter 17.64 SHMC.

(l) No additional or new on-site parking is required for sites with existing development footprint coverage in excess of 50 percent of the site area (change of use or remodeling without a change to the existing footprint of existing development are also exempt); ~~except as applicable in subsection (4)(o) of this section.~~

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

(n) New development can buy out of on-site parking requirements by paying into the OTSH community capital improvement account (a fund shall be designated for future OTSH located parking facilities) in an amount set by city council in a resolution. ~~except where required in subsection (4)(o) of this section.~~

~~(o) When the off-site residential parking exceeds 50 percent of the available (built already or marked stalls) on-site and off-site parking within the zone, then all new development must meet the on-site parking requirements normally required or show that available on-site parking or off-site parking in the zone will increase within two years of occupancy.~~

(5) Special Conditions Permitted and Conditional Uses.

(b) Residential Uses.

(iii) Residential density above permitted uses shall be based on the standard of one dwelling unit for each full 500 interior square feet of non-residential use provided. Outdoor dining areas ~~such as authorized in subsection (5)(e) of this section.~~ and similar permitted outdoor uses may only be included in the calculation when such areas are located outside the right-of-way not located within a right-of-way.

(d) 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 non-business 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.

(6) Additional Requirements.

(c) Overlay district Chapter 17.36 SHMC, Historic Sites and Overlay District, shall not apply to the OTSH zone except for historic structures/buildings. The Visual Clearance Area requirements of SHMC Chapter 17.76 do not apply to the OTSH zone.

(f) Supplemental Provisions Chapters. These standards shall apply except as modified herein:

(xxiv) Chapter 17.36 SHMC, Historic Sites and Overlay District.

(7) Architectural Character Review Committee.

(a) This committee shall be appointed by the city council to The Historic Landmarks Commission as established by Chapter 17.36 SHMC, shall advise the approving authority on the "character" of permanent exterior architectural changes to all buildings within the OTSH zone ~~except for significant historic structures and buildings which have a different process for approvals~~ that are not "designated landmarks" or "historic resources of statewide significance" as defined and otherwise governed by Chapter 17.36 SHMC.

(b) This committee shall consist of three to five members and each shall be appointed for two-year terms beginning the first day of the calendar year with the objective to be that there are staggered terms and shall consist of at least one resident of the OTSH zone, one citizen resident with at least 20 years commutative residency in the city of St. Helens and one resident with architectural or building design experience or formal training. A business owner could be substituted for a resident as long as at least 60 percent of the committee members are residents of the city.

(c) This committee The Historic Landmarks Commission shall submit a report make a recommendation to the approving authority as to whether the ~~committee~~ commission believes any proposed permanent exterior architectural changes to buildings, including new construction, within the OTSH zone (not including significant historical buildings or structures) per SHMC 17.32.170(7)(a) fit in with their overall perception as to the character of the other buildings and structures in the OTSH zone. Note: For exterior changes to buildings needing planning commission approval, then the report from the ACRC is due two weeks prior to the proposed public hearing date. For planning director decisions, the ACRC report is due no later than 14 days after the notice of a planning director decision is sent out. For other decisions such as building permits, the ACRC report is due within two calendar weeks after the building permit application is accepted by the building department Such recommendation shall be prior to any such applicable decision being made, including but not limited to "limited land use decisions" of the planning commission or director, and other authorizations of the director such as building permit approval.

CHAPTER 17.36 HISTORIC SITES AND OVERLAY DISTRICT

17.36.020 Historic landmark commission.

(6) The commission has the following powers and duties:

(i)The commission shall make recommendations for architecture character review pursuant to SHMC 17.032.170(7).

17.36.040 Criteria for alteration.

(3) In order to approve an application for the alteration of a designated landmark or historic resource of statewide significance, the commission must find that the proposal meets the following standards:

(a) The purpose of the historic overlay district as set forth in SHMC ~~17.36.010~~ 17.36.005.

17.36.065 Expiration of approval – Standards for extension of time.

(1) Approval of any alteration, relocation or demolition of designated landmarks or historic resources of statewide significance by the historic landmark commission shall be void if:

(a) Substantial progress in accordance with the approved application materials has not begun within a one-year or greater period; or

(b) The actual work done is a departure from the approved application materials.

(2) 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 one year; provided, that:

(a) No changes are made to the original application materials as approved by the historic landmark commission;

(b) The applicant can show intent of initiating the proposal within the extension period.

(3) Notice of the decision shall be provided to the applicant. The director's decision may be appealed by the applicant as provided by SHMC 17.24.310.

CHAPTER 17.72 LANDSCAPING AND SCREENING

17.72.090 Setbacks for fences or walls.

(1) No fence or wall shall be constructed which exceeds the standards in subsection (2) of this section except when the approval authority, as a condition of approval, allows that a fence or wall be constructed to a height greater than otherwise permitted in order to mitigate against potential adverse effects. For residential uses, fence may only exceed the height standards if approved by a Variance.

(2) Fences or walls:

(a) May not exceed four feet in height in a required front yard along local or collector streets or six feet in all other yards and, in all other cases, shall meet vision clearance area requirements (Chapter 17.76 SHMC);

(b) Are permitted up to six feet in height in front yards adjacent to any designated arterial or street. For any fence over three feet in height in the required front yard area, permission shall be subject to review of the location of the fence or wall;

(c) All fences or walls shall meet vision clearance area requirements (Chapter 17.76 SHMC);

(d) All fences or walls greater than six feet in height shall be subject to building permit official approval.

CHAPTER 17.84 ACCESS, EGRESS, AND CIRCULATION

17.84.050 Required walkway location.

(1) Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multibuilding commercial, institutional, and industrial complexes. Unless impractical, walkways should be constructed between a new development and neighboring developments.

(2) Within all attached housing and ~~multi-unit~~ multifamily developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities.

(3) Where a site for proposed commercial, institutional, or multifamily development is located within at least ¼ mile of an existing or planned transit stop, the proposed pedestrian circulation system must demonstrate a safe and direct pedestrian route from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop.

~~(3)~~ (4) Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated

from motor vehicle traffic and parking by either a minimum six-inch vertical separation (curbed) or a minimum three-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards.

~~4#~~ (5) Required walkways shall be paved with hard-surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways may be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.

17.84.070 Minimum requirements – Residential use.

(3) Access drives in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus by one of the following:

~~(a) A circular, paved surface having a minimum turn radius measured from centerpoint to outside edge of 35 feet;~~

~~(b) A hammerhead configured, paved surface with each leg of the hammerhead having a minimum depth of 40 feet and a minimum width of 20 feet; or~~

~~(c) The maximum cross-slope of a required turnaround is five percent.~~

in accordance with the engineering standards of Chapter 18 SHMC and/or as approved by the Fire Marshall.

CHAPTER 17.88 SIGNS

17.88.040 Exemptions from requirement for permit.

The following signs are allowed in all sign districts without a permit. Use of these signs does not affect the amount or type of signage otherwise allowed by this chapter. The painting, repainting, cleaning, maintenance and repair of an existing sign shall not require a permit, unless a substantial structural alteration is made. The changing of a sign copy or message shall not require a permit. All signs listed in this section are subject to all other applicable requirements of this code.

~~(3) Flags. Residential freestanding poles in excess of 20 feet tall require building permits and cannot be able to fall off site. All other freestanding flag poles over 30 feet in height require building and land use permits.~~

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

(i) the pole will be greater than 20' in height; or

(ii) if the pole is located such that it could fall offsite (i.e. the setback is less than the height of the pole).

(b) Non-residential freestanding poles shall require a building permit regardless of height, and shall require the applicable land use permit(s) if greater than 30' in height.

17.88.045 Temporary Signs.

(2) In any residential sign district pursuant to SHMC 17.88.050, the following temporary signs shall be allowed on a lot without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content, but is usually and

customarily used to advertise real estate sales, political or ideological positions, garage sales, home construction or remodeling and similar activities. Signage shall be allowed for each lot as follows:

(a) Signs not exceeding ~~six~~ 32 square feet in area or ~~four~~ 8 feet in height during the period from 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

(3) In any commercial/industrial sign district pursuant to SHMC 17.88.050, the following temporary signs shall be allowed on a lot without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, political or ideological positions, construction or remodeling, special events and similar activities. Signage shall be allowed for each lot as follows:

(a) Signs not exceeding ~~four~~ 32 square feet in area and ~~five~~ 8 feet in height, during the period from 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

17.88.050 Sign districts – General.

(2) The sign districts shall be as follows:

(c) For mixed use zoning districts such as the MU, HBD and OTSH zoning districts, the following shall apply:

17.88.055 Residential sign district.

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed subject to the requirements of this chapter:

(1) Permitted Sign Types, Number and Area. Signs within the residential sign district are limited as follows and require issuance of permits under SHMC 17.88.130:

(b) Bulletin Boards.

(i) For schools, churches, public and semi-public facilities, and privately owned community centers, one single- or double-faced bulletin board may be incorporated into an approved monument sign. ~~Sign area for a bulletin board shall not exceed 24 square feet for each sign face.~~ If monument sign will incorporate a bulletin board, sign area may be up to a maximum of 24 square feet for each sign face and bulletin board portion of the sign may make up to a maximum of two-thirds of the total sign face.

(ii) For conforming commercial uses in residential districts, one single- or double-faced bulletin board per site may be incorporated into an approved monument or ground-mounted sign. ~~Sign area of the bulletin board portion of the sign shall not exceed 65 percent of the total sign face.~~ Bulletin board portion of the sign may make up to a maximum of two-thirds of the total sign face.

17.88.060 Commercial/industrial sign district.

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed subject to the requirements of this chapter:

(1) Permitted Sign Types, Number, and Area. Signs within the commercial/industrial sign district are limited as follows and require the issuance of permits under SHMC 17.88.130:

(f) Bulletin Boards.

(i) Schools, Churches, and Public and Semi-Public Facilities. One single- or double-faced bulletin board may be incorporated into an approved ~~monument or ground-mounted~~ freestanding sign.

~~Maximum sign area for a bulletin board shall not exceed 24 square feet for each sign face. Bulletin board portion of the sign may make up to a maximum of two-thirds of the total sign face.~~

(h) Electronic Message Signs.

(i) For principal uses, one single- or double-faced electronic message sign per site may be incorporated into an approved ~~monument or ground-mounted~~ freestanding sign. Sign area of the electronic message portion of the sign shall not exceed ~~50 percent~~ two-thirds of the total sign face.

(ii) For major or minor business complexes, one single- or double-faced electronic message sign per complex may be incorporated into a ~~monument or ground-mounted~~ freestanding sign approved under the comprehensive sign plan provisions contained in SHMC ~~17.88.110~~. Sign area of the electronic message portion of the sign shall not exceed ~~50 percent~~ two-thirds of the total sign face.

CHAPTER 17.96 SITE DEVELOPMENT REVIEW

17.96.180 Approval Standards.

(2) Relationship to the Natural and Physical Environment.

(b) Trees having a six-inch caliper DBH (as defined by Chapter 17.132 SHMC) or greater shall be preserved or replaced by new plantings of equal character;

(15) Provision for the Handicapped. All facilities for the handicapped shall be designed in accordance with the requirements ~~set forth in ORS Chapter 487~~ pursuant to applicable federal, state and local law;

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 ~~of two years~~ 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

17.132.020 Definitions.

(1) Except where the context clearly indicates otherwise, as used in this chapter:

(a) ~~“Canopy cover” means the area above ground which is covered by the trunk and branches of the tree.~~ “Tree” shall mean a standing woody plant, or group of such, having a trunk which is six inches or more DBH.

(b) ~~“Commercial forestry” shall mean the removal of 10 or more trees per acre per calendar year for sale.~~ “DBH” also known as diameter at breast height shall mean the outside bark diameter of a tree

measured 4.5 feet above the ground level on the uphill side of the tree. If a tree's trunk is asymmetric, this measurement shall be the widest portion. If a tree begins to branch or fork below 4.5 feet, measurement may be taken no more than 1 foot below the branching point. For a leaning tree, measure 4.5 feet from the base of the tree in the direction of the lean. If a tree is multi-stemmed (i.e. splits into several trunks at or within 1 foot of ground level), the DBH is determined by measuring the widest stem.

(c) "Canopy cover" means the area above ground which is covered by the trunk and branches of the tree.

(d) "Commercial forestry" shall mean the removal of 10 or more trees per acre per calendar year for sale.

(e) (e) "Hazardous tree" shall mean a tree which by reason of disease, infestation, age, or other condition presents a known and immediate hazard to persons or to public or private property.

(f) (f) "Pruning" shall mean the cutting or trimming of a tree in a manner which is consistent with recognized tree maintenance practices.

(g) (g) "Removal" shall mean the cutting or removing of 50 percent or more of a crown, trunk or root system of a tree, or any action which results in the loss of aesthetic or physiological viability or causes the tree to fall or be in immediate danger of falling. "Removal" shall not include pruning.

(h) (h) "Tree" shall mean a standing woody plant, or group of such, having a trunk which is six inches or more in caliper size when measured four feet from ground level.

(i) (i) "Sensitive lands" shall mean those lands described at Chapter 17.44 SHMC.

17.132.025 Tree plan requirement.

(1) A tree plan for the planting, removal, and protection of trees prepared by a certified arborist or other capable professional as allowed by the director (for property or site with more than 10 trees or any tree over two feet in diameter DBH) shall be provided for any lot, parcel or combination of lots or parcels for which a development application for a land division, site development review, planned development or conditional use is filed. Protection is preferred over removal where possible.

(2) The tree plan shall include the following:

(a) Identification of the location, size, DBH and species of all existing trees including trees designated as significant by the city;

(b) Identification of a program to save existing trees or mitigate tree removal over 12 inches in caliper DBH. Mitigation must follow the replacement guidelines of SHMC 17.132.070(4) according to the following standards:

(i) Retainage of less than 50 percent of existing trees over 12 inches in caliper DBH requires a mitigation program according to SHMC 17.132.070(4) with a ratio of two minimum two-inch DBH caliper trees measured at four feet above ground for each 12-inch or greater DBH caliper tree to be removed.

(ii) Retainage of over 50 percent of existing trees over 12 inches in caliper DBH requires the trees be mitigated according to SHMC 17.132.070(4) with a ratio of one minimum two-inch DBH caliper tree measured at four feet above ground for each 12-inch or greater DBH caliper tree to be removed.

17.132.045 Incentives for tree retention.

(1) In order to assist in the preservation and retention of existing trees, the director may apply one or more of the following incentives as part of development review approval and the provisions of a tree plan according to SHMC 17.132.025:

(a) Density Bonus. For each two percent of canopy cover provided by existing trees over 12 inches in caliper DBH that are preserved and incorporated into a development plan, a one percent bonus may be applied to density computations of Chapter 17.56 SHMC. No more than a 20 percent bonus may be granted for any one development. The percentage density bonus shall be applied to the number of dwelling units allowed in the underlying zone;

(b) Lot Size Averaging. In order to retain existing trees over 12 inches in ~~caliper~~ DBH in the development plan for any land division under Chapter 17.136 SHMC, lot size may be averaged to allow lots less than the minimum lot size allowed by the underlying zone as long as the average lot area for all lots and private open space is not less than that allowed by the underlying zone. No lot area shall be less than 80 percent of the minimum lot size allowed in the zone;

(c) Lot Width and Depth. In order to retain existing trees over 12 inches in ~~caliper~~ DBH in the development plan for any land division under Chapter 17.136 SHMC, lot width and lot depth may be reduced up to 20 percent of that required by the underlying zone;

(d) Commercial/Industrial/Civic Use Parking. For each two percent of canopy cover provided by existing trees over 12 inches in ~~caliper~~ DBH that are preserved and incorporated into a development plan for commercial, industrial or civic uses listed in SHMC 17.80.030, Minimum off-street parking requirements, a one percent reduction in the amount of required parking may be granted. No more than a 20 percent reduction in the required amount of parking may be granted for any one development;

(e) Commercial/Industrial/Civic Use Landscaping. For each two percent of canopy cover provided by existing trees over 12 inches in ~~caliper~~ DBH that are preserved and incorporated into a development plan, a one percent reduction in the required amount of landscaping may be granted. No more than 20 percent of the required amount of landscaping may be reduced for any one development; and/or

CHAPTER 17.136 LAND DIVISION – SUBDIVISION

17.136.070 Application submission requirements – Preliminary plat.

(2) The preliminary plat map and data or narrative shall include the following:

(q) The location of all trees ~~with a diameter six inches or greater measured at four feet above ground level~~ as defined by Chapter 17.132 SHMC, and the location of proposed tree plantings, if any;

CHAPTER 17.140 LAND DIVISION – LAND PARTITIONING – LOT LINE ADJUSTMENT

17.140.035 Expiration of approval – Standards for extension of time.

(1) The partition or lot line adjustment approval by the director shall be effective for a period of ~~six~~ twelve months from the date of approval.

CHAPTER 17.152 STREET AND UTILITY IMPROVEMENT STANDARDS

17.152.070 Public use areas.

(1) Indicated in Development Plan – Dedication Requirements. Where a proposed park, playground, transit stop or other public use shown in a development plan adopted by the city is located in whole or in part in a subdivision, the commission may require the dedication or reservation of such area within the subdivision.

(2) Not Indicated in Development Plan – Dedication Requirements. Where considered desirable by the commission in accordance with adopted comprehensive plan policies, and where a development plan of the city does not indicate proposed public use areas, the commission may require the offer of a dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks and other public use.

(3) Acquisition by Public Agency. If the subdivider is required to reserve land area for a park, playground, or other public use, such land shall be acquired by the appropriate public agency within 18 months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider.

(4) Transit Improvements.

(a) Development proposals for sites that include existing or planned transit facilities, as shown in the adopted St. Helens Transportation Systems Plan or adopted County Transit Plan, shall be required to provide any of the following, as applicable, if the approval authority determines such is necessary for public health, safety, and welfare:

(i) A reasonably direct pedestrian connection between the transit facility and building entrances of the site. For the purpose of this section "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

(ii) A transit passenger landing pad accessible to disabled persons.

(iii) An easement or dedication for a passenger shelter or bench if such facility is identified in the St. Helens Transportation Systems Plan or adopted County Transit Plan.

(iv) Lighting at the transit facility.

CHAPTER 19.08 GENERAL GOALS AND POLICIES

19.08.040 Transportation goals and policies.

(Ref: Statewide Planning Goal 12)

(3) Policies. It is the policy of the city of St. Helens to:

(n) Support public transit planning in Columbia County. Transit improvements within city limits shall be guided by the findings and recommendations of the Columbia County Community-Wide Transit Plan, or the equivalent, as adopted by Columbia County.

(o) Work in partnership with the County in planning for public transit facilities located within city limits and, when feasible, facilitate the placement of such facilities.

19.08.060 Natural factors and local resources goals and policies.

(Ref: Statewide Planning Goals 5, 6, and 7)

(3) Policies. It is the policy of the city of St. Helens to:

(k) Subject proposed remodeling alteration of the city's historic resources to design review to encourage preservation of the structure's historical assets.

CHAPTER 19.12 SPECIFIC LAND USE GOALS AND POLICIES

19.12.080 Highway commercial category goals and policies.

(2) Policies. It is the policy of the city of St. Helens to:

~~(e) No new commercial activities will be allowed on Highway 30 south of McNulty Creek unless:~~

~~(i) Any new access is onto a frontage road and not Highway 30;~~

~~(ii) The land receives city sewer and water services; and~~

~~(iii) The designated area will be a minimum of 300 feet deep.~~

(f) Preserve areas for business use by limiting incompatible uses within them.

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Development Code & Comprehensive Plan Text Amendments CPZA.2.10**

APPLICANT: City of St. Helens

PROPOSAL: Text amendments to Development Code and Comprehensive Plan

The 120-day rule (ORS 227.178) for final action for this land use decision is n/a.

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

December 14, 2010 before the Planning Commission

January 19, 2011 before the City Council

Notice of this proposal was sent to certain affected property owners on November 22, 2010 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on November 24, 2010. Notice was sent to the Oregon Department of Land Conservation and Development on September 24, 2010.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no agency referrals/comments have been received that are pertinent to the analysis of this proposal.

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.

(a) Discussion:

The applicable statewide planning goals and guidelines that are applicable are Goals 1, 2, 5 and 12.

Statewide Planning Goal 1 is Citizen Involvement.

Goal 1 requires opportunity for citizens to be involved in all phases of the planning process. 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. Mailed notice of these hearings are required for the applicant, affected agencies and those requesting notice. Legal notice in a newspaper of general circulation is required too. The City has met these requirements and notified property owners potentially affected pursuant to ORS 227.186. Finally, the City notified DLCD of the proposal.

Given scheduled public hearings and notice provided, Goal 1 is satisfied.

Statewide Planning Goal 2 is Land Use Planning.

This Statewide Planning Goal states that “All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs.” Generally, Goal 2 requires that actions related to land use be consistent with acknowledged Comprehensive Plans and coordination with affected governments and agencies and be based on an adequate factual base.

The City has an adopted Comprehensive Plan, compliance of this proposal which is addressed herein. Moreover, explanation and proof of coordination with affected agencies and factual base are described herein, as well, including inventory, needs, etc.

Goal 2 is satisfied.

Statewide Planning Goal 5 on Open Spaces, Scenic and Historic Areas, and Natural Resources.

This goal addresses the conservation and protection of both natural and cultural resources.

These code amendments deal with natural resources in the form of trees. The City recognizes the importance of trees in an urban environment and adopted a tree preservation ordinance in 2003. This is Chapter 17.132 SHMC. Some of the proposed amendments involve improvement of definitions to strengthen this Chapter and the intent thereof.

These code amendments promote this goal.

Statewide Planning Goal 12 on Transportation.

This goal requires consideration of all modes of travel. In 2009 Columbia County adopted a Community-Wide Transit Plan and US 30 Transit Access Plan. This plan included development code and comprehensive plan text recommendations for each jurisdiction within the County, including St. Helens. The proposed amendments include those recommendations.

As such, these amendments support this goal.

Finding: The amendments don’t conflict with Statewide Planning Goals.

(b) Discussion: There are no known federal or state statutes or guidelines applicable not already mentioned.

Finding: This criterion is met.

(c) Discussion: Updates related to the County’s Transit Plan are supported by SHMC

19.08.040(3)(l) and (m).

Updates related to urban trees are supported by SHMC 19.060(2)(f).

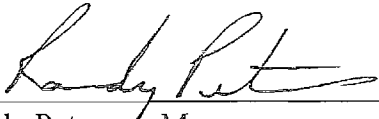
Finding: This criterion is met.

(d) Discussion: The overall purpose of these amendments is to improve (and fix) certain aspects of the City's implementing ordinances.

Finding: This criterion is met.

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Council recommends approves these text amendments to Development Code and Comprehensive Plan.



Randy Petersen, Mayor

2/16/11

Date

City of St. Helens
P.O. Box 278
St. Helens, OR 97051



Attn: Plan Amendment Specialist
Dept. of Land Conservation & Develop.
635 Capitol Street NE, Ste. 150
Salem, OR 97301-2540

DEPT OF
FEB 18 2011
LAND CONSERVATION
AND DEVELOPMENT