



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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AMENDED NOTICE OF ADOPTED AMENDMENT

September 18, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of St. Helens Plan Amendment
DLCD File Number 017-06



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: October 1, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Steve Oulman, DLCD Transportation Planner
Skip Baker, City of St. Helens

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DEPT OF

SEP 11 2007

NOTICE OF ADOPTION

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of St. Helens

Local File No. Downtown CA 8.9.06

Date of Adoption: September 5, 2007

Date Mailed: September 6, 2007

Date of Notice of Proposed Amendment was mailed to DLCD: Dec. 29, 2006

Comp Plan Text Amendment, Land Use Regulation Amendment, New Land Use Regulation, Comp Plan Map Amendment, Zoning Map Amendment, Other

Summary of the adopted amendment: Zone Map Amendment

Describe how the adopted amendment differs from the proposed amendment. (If same, write same; if not applicable write, N/A). same

Plan Map Changed from: no change to no change

Zone Map Changed from: GC & MU to OTSH, Olde Town St. Helens

Location: n/a Acres involved 18 Downtown area near County Courthouse.

Specify density: Previous 27 DU per acre New: 87 DU per acre

Applicable Goals: 1,2,9,10,11,12,&14 Was an Exception Adopted? no

Did the DLCD receive notice of Proposed Amendment 45 days prior to final hearing?

Yes X NO The Statewide Planning Goals do not apply.

The Emer. Circumstances Req'd Expedited

Review.

Affected State or Federal Agencies, Governments or Special Districts: ODOT, Columbia County, and St. Helens Rural Fire District.

Local contact: Skip Baker Phone No. 503-397-6272

Address: P.O.Box 278

City: St. Helens, OR Zip code: 97051

Mail to: Plan Amendment Specialist, DLCD, 635 Capitol St. NE., Ste. 150, Salem, OR. 97301

DLCD # 017-06 (15767)

ORDINANCE NO. 3043

AN ORDINANCE AMENDING THE ST. HELENS COMMUNITY DEVELOPMENT CODE, ORDINANCE 2875; AS AMENDED, PROVIDING FOR THE ESTABLISHMENT OF A NEW ZONING DISTRICT: OLDE TOWNE ST. HELENS

WHEREAS, pursuant to CDC 1.060.020A.1. the St. Helens City Council initiated a legislative change to the St. Helens Community Development Code to add alternative development zones and/or overlay districts to facilitate redevelopment and economic investment in Olde Towne St. Helens; and

WHEREAS, on December 29, 2006, pursuant to ORS 197.610, written notice was sent to the Director of the Land Conservation and Development Department of the public hearing scheduled for February 13, 2007 before the St. Helens Planning Commission on the proposed amendment to the City's land development regulations; and

WHEREAS, on January 24, 2007, notice of the proposed change to the land development code was published in the Spotlight pursuant to CDC 1.060.080; and

WHEREAS, on January 16, 2007, written notice of the February 13, 2007 public hearing was sent to the property owners in the proposed zone and to owners within 300 feet of the zone boundary; and

WHEREAS, on February 13, 2007 and March 13, 2007 the St. Helens Planning Commission conducted a public hearing on the proposed amendment pursuant to CDC 1.060.080 and, following deliberations, recommended approval of the proposed amendment to the St. Helens City Council; and

WHEREAS, on June 6, 2007 the St. Helens City Council conducted a public hearing on the proposed amendment to the Community Development Code and following the hearing, deliberated on the matter; and

WHEREAS, on August 1, 2007 the St. Helens City Council conducted the required first and second ordinance readings pursuant to St. Helens City Charter; and

WHEREAS, on September 5, 2007, the City Council conducted the final reading of Ordinance No. 3043; amending the St. Helens Community Development Code.

The City of St. Helens does ordain as follows:

Section 1. **Recitations.** The above recitations are true and correct and are incorporated herein by this reference.

Section 2. **Amendment.** A new Chapter 1.080.170, attached hereto as Attachment A and made a part hereof by this reference, is hereby added to the St. Helens Community Development Code, Ordinance No. 2875, as amended.

Section 3. **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 severable.

Section 4. **Codification.** Provisions of this Ordinance shall be incorporated in the St. Helens Community Development 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.

Read the first time:	August 1, 2007
Read the second time:	August 1, 2007
Read the third time and passed:	September 5, 2007
Approved by the Mayor:	September 5, 2007

Attested by:



Chad Olsen, Interim City Administrator



Randy Peterson, Mayor

AMENDMENT

Add a New Zone - "1.080.170 Olde Towne St. Helens: OTSH"

1.080.170 Olde Towne St. Helens: OTSH.

- A. *Purposes:* The OTSH Zone is intended to provide an innovative and flexible zoning category that may be used to implement the St. Helens Comprehensive Plan economic goals and policies and the strategic plan goals and policies for economic development. The strategy is to provide opportunities for traditional neighborhood design and mixed residential and commercial uses in redeveloping olde towne areas. The OTSH Zone is designed to preserve and revitalize older developed areas, by eliminating nonconformities, providing for more mixed use development in individual buildings, and other more flexible development regulations which acknowledge the developed nature of the properties involved. The OTSH Zone also allows for the establishment of special design and aesthetic standards for development, consistent with a community plan for redevelopment, preservation, and conservation. The location for the establishment of this Olde Towne St. Helens Zone shall be targeted for existing developed areas, such as the existing commercial downtown, which could benefit from revitalization in the form of specific long-range planning, mixed uses and innovative development options and community improvement programs. The land use designations absorbed by the OTSH Zone include General Commercial (GC), Mixed Use (MU), Apartment Residential (AR), and Public Lands (PL).
- B. *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 the Code as noted under additional requirements.
1. Historic Residential Structures with or without any auxiliary dwelling unit per Chapter 1.158 in this Code.
 2. Residential Above Non-Residential Permitted Uses
 - a. Dwelling, Single-Family
 - b. Dwelling, Duplex
 - c. Dwelling, Townhouse
 - d. Dwelling, Multifamily
 - e. Other residential uses as per Oregon Revised Statute Chapter 443
 3. Public and Institutional Uses.

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4. Amphitheater Public Uses.
5. Historical and Cultural Exhibits.
6. Education and Research Facilities.
7. Library Services.
8. Government Administrative Facilities/Offices.
9. Lodge, fraternal and civic assembly.
10. Parking lots, Public.
11. Public Facilities, Minor.
12. Public Facilities, Major.
13. Public or Private Park.
14. Public or Private Recreation Facilities.
15. Public or Private Schools/Colleges.
16. Public Safety and Support Facilities.
17. Artisan Workshops.
18. Art Studios, Galleries.
19. Amusement Services.
20. Bars.
21. Bed and Breakfast Facilities.
22. Business and Personal Services, such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths.
23. Eating and Drinking Establishments - all, (e.g. Restaurant, Dinner, Coffee shop).
24. Offices - all, (e.g. Medical, Business or Professional)
25. Financial Institutions.
26. Hardware Stores, without outdoor storage.

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27. Health and Fitness Clubs.
 28. Hotels or Motels.
 29. Kiosks.
 30. Pawn Shops.
 31. Pet Shop and Supplies.
 32. Repair and Maintenance Facilities/Shops for permitted retail products.
 33. Rental Centers.
 34. Residential Storage Facilities.
 35. Retail Sales Establishments - all.
 36. Small Equipment Sales, Rental and Repairs facilities/shops, without outside storage.
 37. Theaters, Indoors.
 38. Trade and Skilled Services without outdoor storage, such as plumbing, HVAC, electrical, and paint sales/services facilities/shops.
 39. Type I and II, Home Occupation in dwelling unit above nonresidential permitted uses.
 40. Used product retail, (e.g. Antique dealers, Second-hand dealers, Flea Markets).
 41. Veterinary Medical Services, without outdoor facilities for animal housing.
 42. Transient Housing.
 43. Watercraft Sales, Rental, Charters, without outdoor storage.
- C. *Conditional Uses:* In the OTSH Zone, the following conditional uses may be permitted upon application, subject to provision of Chapter 1.140 and other relevant sections of this code.
1. Auction sales, services and repairs.
 2. Broadcast facilities without dishes over 36 inches or transmitter/receiver towers.
 3. Bus and train stations/terminals.

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4. Business with outdoor storage (those businesses permitted in permitted uses).
5. Child Care Facility/Day Nursery.
6. Drive-up businesses and services (including those associated with food sales, pharmacies and such)
7. Funeral Homes.
8. Hospitals, clinics, nursing homes, and convalescent homes.
9. Laundromats and dry cleaners.
10. Religious Assembly excluding cemeteries.
11. Parking lots/facilities, Private

D. *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.

1. The maximum building height shall be 45 feet. Building Height limitations of Section 1.106.040 (Scenic Resources) do not apply to properties zoned OTSH.
2. The maximum lot coverage including all impervious surfaces shall be ninety percent (90%). Provided, however, for new construction or existing legally constructed buildings seeking new or revised development approvals, lot coverage may be increased up to one hundred percent (100%) by payment of a Lot Coverage Fee established by Resolution of the City Council. The Lot Coverage Fee shall be deposited into the Olde Towne St. Helens Community Capital Improvement Account to offset loss of landscaping in the OTSH zone.
3. There is no minimum of lot size requirement.
4. No setback requirements except for as required in Chapter 1.104.
5. The maximum front yard setback shall be 0 feet. The maximum setback may be increased with the condition that 100% of the increased setback is used for pedestrian amenities with the building use, such as patio dining for restaurant, sidewalk café, plaza, or courtyard.
6. Interior or Sideyard Setbacks: New buildings containing any nonresidential use abutting residential districts require one foot of setback for each foot of building wall height on the side abutting the residential zone, with a minimum setback of 10 feet. For yards abutting other non-residential districts, no setback is required, subject to Building Code requirements.

Note: Where the OTSH abuts a residential zone and the uses are more than 30 feet above the

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proposed commercial use, then the height of the topography counts as part of the setback. e.g. 35 foot bluff behind a commercial building is same as 35 foot setback on that side.

7. Rear Yard Setbacks: New buildings containing nonresidential uses abutting residential districts require one foot of setback for each foot of building wall height with a minimum setback of 10 feet. (See above note) For yards abutting other non-residential districts, no rear setback is required, subject to Building Code requirements.
8. The minimum lot width at the street and building line shall be 20 feet.
9. The minimum lot depth shall be 50 feet.
10. Minimum Open Space shall be 10%, except when the Lot Coverage Fee is paid as per subsection 2 above.
11. No maximum building size.
12. No additional or new on-site parking is required for sites with existing development footprint coverage in excess of 50% 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 #15 below.
13. Except for #12 above, new development shall meet required on-site parking requirements with credit, on one for one basis of parking spaces in right-of-ways 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.)
14. 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) an amount set by City Council in a resolution, except where required in #15 below.
15. When the off-site residential parking exceeds 50% 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.

E. *Special Conditions Permitted and Conditional Uses:*

1. All new construction and any changes to the exterior of structures within this district shall maintain the character of the existing buildings so that the heritage character remains. (e.g. new-age architecture would not fit the heritage character

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while the lap-siding look or brick look with cornices and old style windows and doors should fit the character of the area)

2. Residential Uses:

- a. Except for Historic Residential Structures (listed in City's Comprehensive Plan and/or registered and recognized by the State or Federal Government), residential use is prohibited on the first floor of any building in the OTSH zone.
- b. There is no minimum lot size requirement for residential use above permitted nonresidential uses.
- c. 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 5 below, and similar permitted outdoor uses may only be included in the calculation, when such areas are located outside the right-of-way.

3. Outdoor storage of goods and materials must be screened.

4. 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 right-of-way, including streets, alleys or sidewalks without express written permission of the City Council.

5. Kiosks may be allowed on public property, subject to the approval of a concession agreement with the City.

F. *Additional Requirements:*

1. Residential density transition. The residential density calculation and transition provisions of Chapter 1.100 shall not apply to the OTSH Zone for residential uses above permitted uses. Densities are determined for residential uses by the formula in Section 1.080.170.E.2.d above.
2. Overlay District Chapter 1.180 Planned Development shall not apply to the OTSH Zone.
3. Overlay District Chapter 1.190 Historic Sites and Overlay District shall not apply to the OTSH Zone except for historic structures/buildings.
4. Chapter 1.091 Wetland and Riparian Corridor. The Wetland and Riparian Corridor Protective Measures of Chapter 1.091 apply and are in full force and

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effect in the OTSH Zone except as modified herein:

- a. The provisions of this Section control over the provisions of Chapter 1.091.
 - b. Pursuant to 1.091.020.B the Director may waive the EA or statement requirements of the Ordinance if the request is for a sensitive lands permit to place pedestrian paths, lighting fixtures or other amenities (such as public art), or other passive recreational improvements on public land or on lands to be conveyed to a public entity.
 - c. Exemption 1.091.035 (12) is clarified to specifically contemplate shoreline stabilization and hardening measures to protect State, City, County, or other publicly owned lands, or interests or lands or interests to be acquired by public entities. Such project may also include associated boardwalks or pedestrian paths or walks within the protection zone, provided said paths, boardwalks or walks utilize materials or are so constructed so as to reduce unnecessary impervious area.
5. Chapter 1.092 Sensitive Lands apply to the OTSH Zone, except as modified herein:
- a. The provisions of this Section control over the provisions of Chapter 1.092.
 - b. Pursuant to 1.091.020.B the Director may also waive the EA or statement requirements of the Ordinance if the request is for a sensitive lands permit to place pedestrian paths, lighting fixture or other amenities (such as public art), or other passive recreational improvements on public lands or on lands to be conveyed to a public entity.
6. Supplemental Provisions Chapters: These standards shall apply except as modified herein:
- 1.098 Environmental Performance Standards,
 - 1.100 Density Computations,
 - 1.102 Manufactured/Mobile Home Regulations,
 - 1.104 Additional Yard Setback Requirements and Exceptions,
 - 1.106 Building Height Limitations: Exceptions,
 - 1.108 Landscaping and Screening,
 - 1.110 Visual Clearance Areas,
 - 1.114 Off-Street Parking and Loading Requirements,
 - 1.116 Access, Egress, and Circulation,
 - 1.122 Signs,
 - 1.128 Site Development Review,
 - 1.140 Conditional Use,
 - 1.142 Nonconforming Situations,

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- 1.144 Variance,
- 1.152 Temporary Use,
- 1.154 Home Occupations,
- 1.156 Accessory Structures,
- 1.160 Tree Removal,
- 1.170 Subdivisions,
- 1.172 Partitioning - Lot Line Adjustment,
- 1.176 Expedited Land Divisions,
- 1.180 Planned Development,
- 1.184 Street and Utility Improvement Standards

G. Architectural Character Review Committee

1. This committee shall be appointed by the City Council to advise the approving authority on the "Character" of exterior changes to all buildings within the OTSH zone except for Significant Historic Structures and Buildings which have a different process for approvals.
2. This committee shall consist of 3 to 5 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 is 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% of the committee members are residents of the City.
3. This committee shall submit a report to the approving authority as to whether the committee believes any proposed exterior changes to buildings within the OTSH zone (not including Significant Historical buildings or structures) 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.



Old Towne St. Helens Zone Map

-  New City Taxlot
-  City Taxlot
-  Buildings
-  Street Centerlines

1 in. = 300.0 feet

