



CITY COUNCIL PUBLIC HEARING
Wednesday, February 21, 2018
265 Strand Street, St. Helens, OR 97051
www.ci.st-helens.or.us

Welcome!

All persons planning to address the Council, please sign-in at the back of the room. When invited to provide comment regarding items not on tonight's agenda, please raise your hand to be recognized, walk to the podium in the front of the room to the right, and state your name only. You are not required to give your address when speaking to the City Council. If you wish to address a specific item on the agenda, you should make your request known to the Mayor as soon as possible before the item comes up. The Council has the authority to grant or deny your request. Agenda times and order of items are estimated and are subject to change without notice.

1. **Open Public Hearing - 6:00 p.m.**
2. **Topic**
 - 2.A. Zone Map Amendment from Highway Commercial (HC) to General Commercial (GC) and Comprehensive Plan Amendment from Highway Commercial (HC) to General Commercial (GC) (Ivanov/Multi-Tech Engineering LLC)
[CPZA.2.17 City Council Staff Report](#)
3. **Close Public Hearing**

The St. Helens City Council Chambers are handicapped accessible. If you wish to participate or attend the meeting and need special accommodation, please contact City Hall at 503-397-6272 in advance of the meeting.

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For more information or for an application, stop by City Hall or call 503-366-8217.**

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
CPZA.2.17**

DATE: February 13, 2018
TO: City Council
FROM: Jacob A. Graichen, AICP, City Planner
Jennifer Dimsho, Associate Planner
APPLICANT: Karl Ivanov / Multi-Tech Engineering Services, Inc.
OWNER: St. Helens Land Company LLC
ZONING: Highway Commercial (HC)
LOCATION: 4N1W-5DD-700 & 1900
SE corner of the McBride and Matzen Street intersection
PROPOSAL: Zone Map Amendment from Highway Commercial (HC) to General Commercial (GC) and Comprehensive Plan Amendment from Highway Commercial (HC) to General Commercial (GC)

The 120-day rule (ORS 227.178) for final action for this land use decision is not applicable per ORS 227.178(7).

SITE INFORMATION / BACKGROUND

The subject properties are located in between McBride Street to the north, Matzen Street to the west, and an undeveloped right-of-way called South Road (Maplewood Drive) to the south. The properties are and generally vacant, except for sparse remnants of a former mobile home park (Violette's Villa) and vegetation, including a substantial canopy of large trees. The properties abut Highway Commercial (HC) zoning to the south and east and Moderate Residential (R7) to the north and west.

Surrounding uses to the north and west of McBride Street and Matzen Street are dominated by single-family dwellings. There are some existing residential uses on the south side of McBride Street, with only one (a detached single family dwelling at 165 McBride) actually abutting the subject property. To the south of Maplewood Drive (right-of-way), there is a hotel, some residential use, and other commercial uses.



Top: Looking west along South Road (Maplewood Drive) right-of-way. Subject property is to the right and Motel 6 (formerly Village Inn) buildings to the left.

Bottom: At the intersection of Matzen Street looking east along McBride Street. Subject property is to the right with single family dwellings to the left.



Top: Looking north along Matzen Street. Subject property is to the right and single-family dwellings to the left.

Bottom: The interior of the former Violette's Villa property is well forested. Little remains of the former mobile home park today except for some driveways and other paved or gravel areas.



PUBLIC HEARING & NOTICE

Hearing dates are as follows: January 9, 2018 before the Planning Commission and February 21, 2018 before the City Council.

At their January 9, 2018 public hearing on this matter, the Planning Commission voted 5 to 1 to recommend approval of this proposal.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on December 18, 2017 via first class mail. Notice was sent to agencies by mail or e-mail on December 18, 2017. Notice was published in the The Chronicle on December 27, 2017.

Notice was sent to the Oregon Department of Land Conservation and Development on December 5, 2017

AGENCY REFERRALS & COMMENTS

The Oregon Department of Transportation has provided a referral letter that states concurrence with the Transportation Planning Rule Analysis the applicant provided.

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) Discussion: This criterion requires analysis of the applicable statewide planning goals. The applicable goals in this case are Goal 1, Goal 2, Goal 10, and Goal 12.

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. Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties. The City has met these requirements and notified DLCD of the proposal.

Finding: Given the public vetting for the plan, scheduled public hearings, and notice provided, Goal 1 is satisfied.

Statewide Planning Goal 2: Land Use Planning.

This goal requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state

agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.

The City and State (i.e., DLCD) coordinated with regard to the adoption of this proposal. The City notified DLCD as required by state law prior to the public hearings to consider the proposal.

There are no known federal or regional documents that apply to this proposal. Comprehensive Plan consistency is addressed further below.

Finding: Given the inclusion of local, state, regional and federal documents, laws, participation and opportunity for feedback as applicable, Goal 2 is satisfied.

Statewide Planning Goal 10: Housing

This goal is about meeting the housing needs of citizens of the state. 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.

The proposed zoning map amendment would allow for additional residential development because GC conditionally allows multi-family dwelling units, while HC does not allow any *exclusive* residential development. HC only allows dwelling units above permitted uses.

Finding: Given the demand for additional housing units in St. Helens and the region, Goal 10 is satisfied.

Statewide Planning Goal 12: Transportation

Goal 12 requires local governments to “provide and encourage a safe, convenient and economic transportation system.” Goal 12 is implemented through DLCD’s Transportation Planning Rule (TPR), OAR 660, Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility.

A TPR Analysis has been submitted, pursuant to Chapter 17.156 SHMC. See Section (d) for more details.

(b) Discussion: This criterion requires analysis of any applicable federal or state statutes or guidelines in regards to the residential zone change request.

Finding: There are no known applicable federal or state statutes or guidelines applicable to this zone change request.

(c) **Discussion:** This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices, and maps. The applicable Comprehensive Plan goals and policies are:

19.08.020 Economic goals and policies.

[...]

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

[...]

(j) *Allocate adequate amounts of land for economic growth and support the creation of commercial and industrial focal points.*

[...]

19.12.080 Highway commercial category goals and policies.

(1) *Goals.*

(a) *To create opportunities for the orderly business development along selected portions of arterials.*

(b) *To establish conditions which will assure that arterial traffic flows are not disrupted and that access to and from these locations is designed for safety.*

(c) *To prevent highway frontage from becoming a strip of mixed commercial, residential and other unrelated uses.*

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

(a) *Designate as highway commercial such areas along portions of US 30 where highway business has already become well established.*

(b) *Designate as highway commercial such areas at major road intersections where access to business sites does not conflict with safe traffic movement.*

(c) *Encourage enterprises which cater to the traveling public to locate in this designation.*

(d) *Encourage curbing along Highway 30 and limit the number of curb-cuts to minimize traffic hazards as a result of conflicts between through traffic and shopper traffic.*

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

[...]

19.12.070 General commercial category goals and policies.

(1) *Goals. To establish commercial areas which provide maximum service to the public and are properly integrated into the physical pattern of the city.*

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

(a) *Encourage new commercial development in and adjacent to existing, well-established business areas taking into account the following considerations:*

(i) *Making shopping more convenient for patrons;*

(ii) *Cutting down on street traffic;*

(iii) *Maximizing land through the joint use of vehicular access and parking at commercial centers; and*

(iv) *Encouraging locations that enjoy good automobile access and still minimize traffic hazards.*

(b) *Designate sufficient space for business so that predictable commercial growth can be accommodated and so that an adequate choice of sites exists.*

[...]

(e) Improve the general appearance, safety and convenience of commercial areas by encouraging greater attention to the design of buildings, parking, vehicle and pedestrian circulation, and landscaping through a site design review procedure.

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

[...]

(h) Encourage in-filling of vacant lands within commercial areas.

[...]

(c) Discussion: The proposal is to amend the Zoning Map from HC to GC, and the Comprehensive Plan Map from HC to GC. The purpose of the HC zone is to create a commercial strip along Highway 30 that caters to motorists. This zone change proposes to leave a strip of HC along the Highway to satisfy this purpose. The approximate width of the remaining HC zone is consistent with other areas along the Highway.

The GC zone and Comprehensive Plan designation are still commercial and thus can be viewed as not impacting the City's employment lands. Both the GC and HC zones predominantly allow commercial (employment) uses.

Finding (s): This proposal is not contrary to Comprehensive Plan goals and policies. The Planning Commission find that removing Highway Commercial zoning, as proposed will not have a negative impact on the development of lands catering to motorists.

Does the Council concur?

(d) Discussion: This criterion requires that the proposal not conflict with the applicable provisions of the implementing ordinances.

Per SHMC Chapter 17.156, a Traffic Impact Analysis shall be required to be submitted to the City with a land use application when the proposed change in zoning or Comprehensive Plan designation will result in more vehicle trips based on permitted uses.

The applicant submitted a Transportation Planning Rule (TPR) Analysis, which is attached to this staff report. The Analysis found that the requested zone change from HC to GC will reduce the amount of traffic that can be generated by any reasonable combination of uses. Therefore, there will not be any significant effect on transportation facilities as a result of this zone change.

Finding: This proposal will not significantly affect an existing or planned transportation facility. A Traffic Impact Analysis will not be required for this proposal.

(e) Discussion: This criterion requires that the proposed change is not a spot zone. The definition of "spot zoning" per Chapter 17.16 SHMC:

Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

The proposal does place GC zoning in an area where such is lacking. However, the area to be rezoned is large and bounded by rights-of-way or HC zoning, except on the NE corner of the subject property where there is a R7 zoned residential property.

A key issue here is ensuring the zoning and comprehensive plan boundary follow a property line. The plans provided by the applicant include a jog in the boundary such that a small portion at the SE corner, not of a practical size or dimension for a principal use by itself, would have HC zoning remaining. As such a condition is necessary that the property line follow the zoning and comprehensive plan line as a condition of approval.

Finding: The proposed Zone Map and Comprehensive Plan Designation shall apply to the whole of the subject property (currently known as 4N1W-5DD-700 and 4N1W-5DD-1900) or amended property lines, more-or-less, per the applicant's submitted plan.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff and the Planning Commission recommend to the City Council approval of the proposal with the condition listed below if the Council finds that the proposal will remain compatible with the surrounding area and is not contrary to Comprehensive Plan goals and policies.

The boundary of the Zoning and Comprehensive Map Amendment shall apply to the whole of the subject property (currently known as 4N1W-5DD-700 and 4N1W-5DD-1900). The division between General Commercial and Highway Commercial may be per the plan, more-or-less, provided by the applicant provided the property line is legally moved within one year from the effective date of the Ordinance that makes this proposal effective.

Attachment(s): *Maps (3) prepared by City staff*

Plan from applicant

Applicant's narrative

Transportation Planning Rule (TPR) Analysis Memo Dated October 2, 2017

ODOT Concurrence Letter Dated December 19, 2017

**CPZA.2.17
AERIAL (2009)**












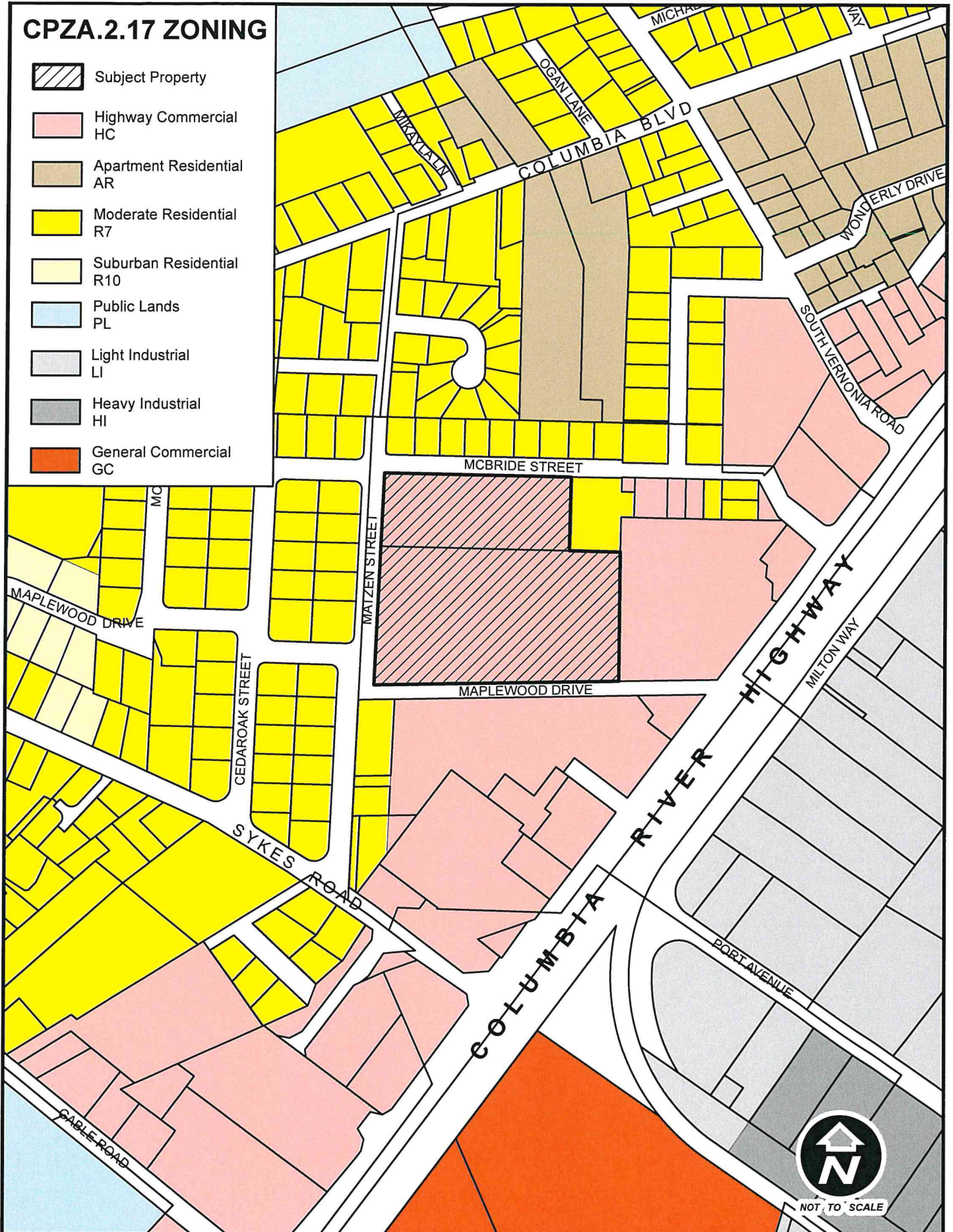
Subject Property



NOT TO SCALE









CPZA.2.17 ZONING

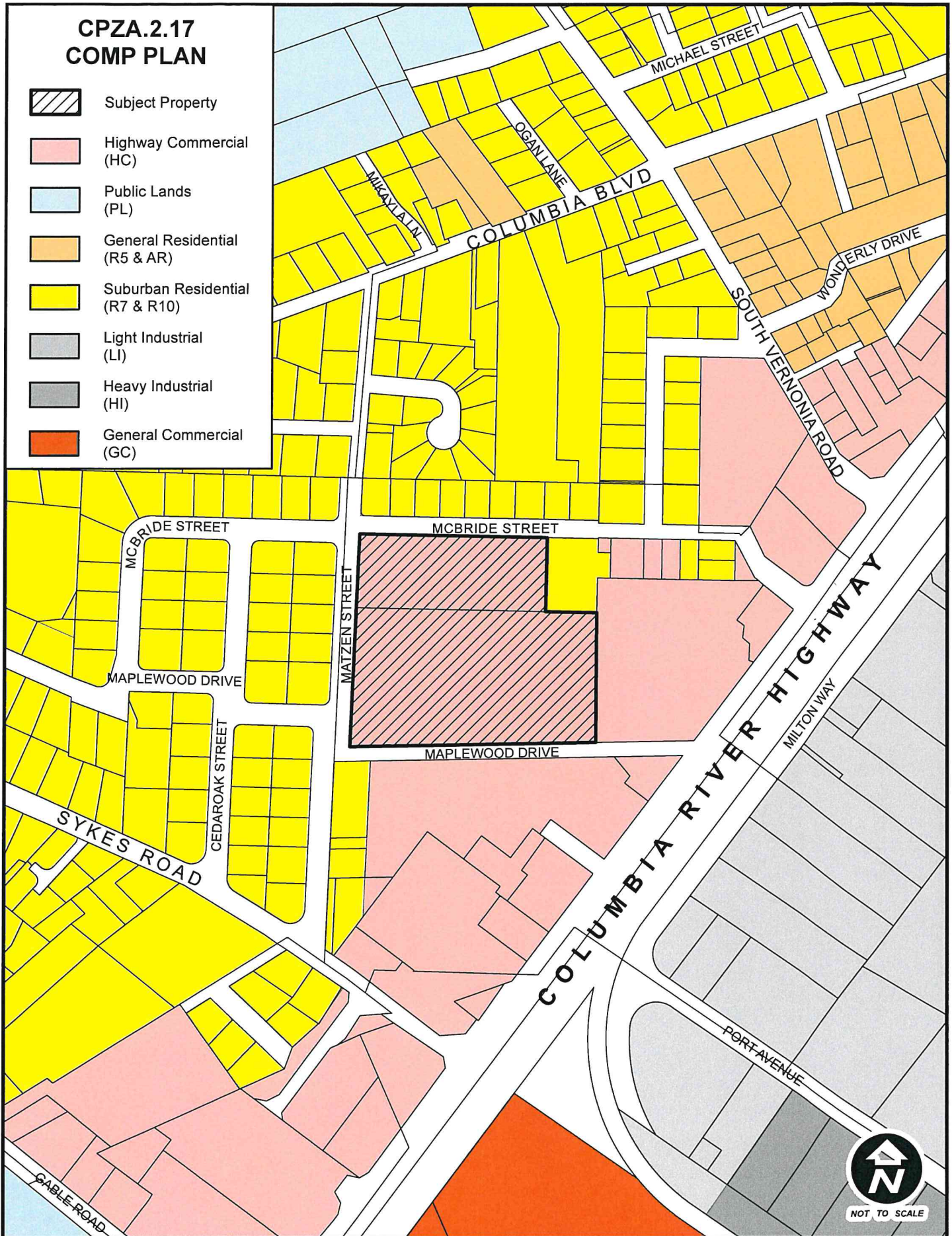
-  Subject Property
-  Highway Commercial
HC
-  Apartment Residential
AR
-  Moderate Residential
R7
-  Suburban Residential
R10
-  Public Lands
PL
-  Light Industrial
LI
-  Heavy Industrial
HI
-  General Commercial
GC



NOT TO SCALE

CPZA.2.17 COMP PLAN

-  Subject Property
-  Highway Commercial (HC)
-  Public Lands (PL)
-  General Residential (R5 & AR)
-  Suburban Residential (R7 & R10)
-  Light Industrial (LI)
-  Heavy Industrial (HI)
-  General Commercial (GC)



Owner / Developer:

ST. HELENS LAND
COMPANY, LLC

9550 SE CLACKAMAS RD.
CLACKAMAS, OR 97015
(503) 655-7933
KARL@IECON.US

EXISTING CONDITIONS/
PROPOSED CONDITIONS



MULTI/TECH

ENGINEERING SERVICES, INC.
1100 N. 35th St., Suite 200, Portland, OR 97209
PH: (503) 363-1227 FAX: (503) 364-1260
www.mtengr.com office@mtengr.com

COMP PLAN
ZONE CHANGE

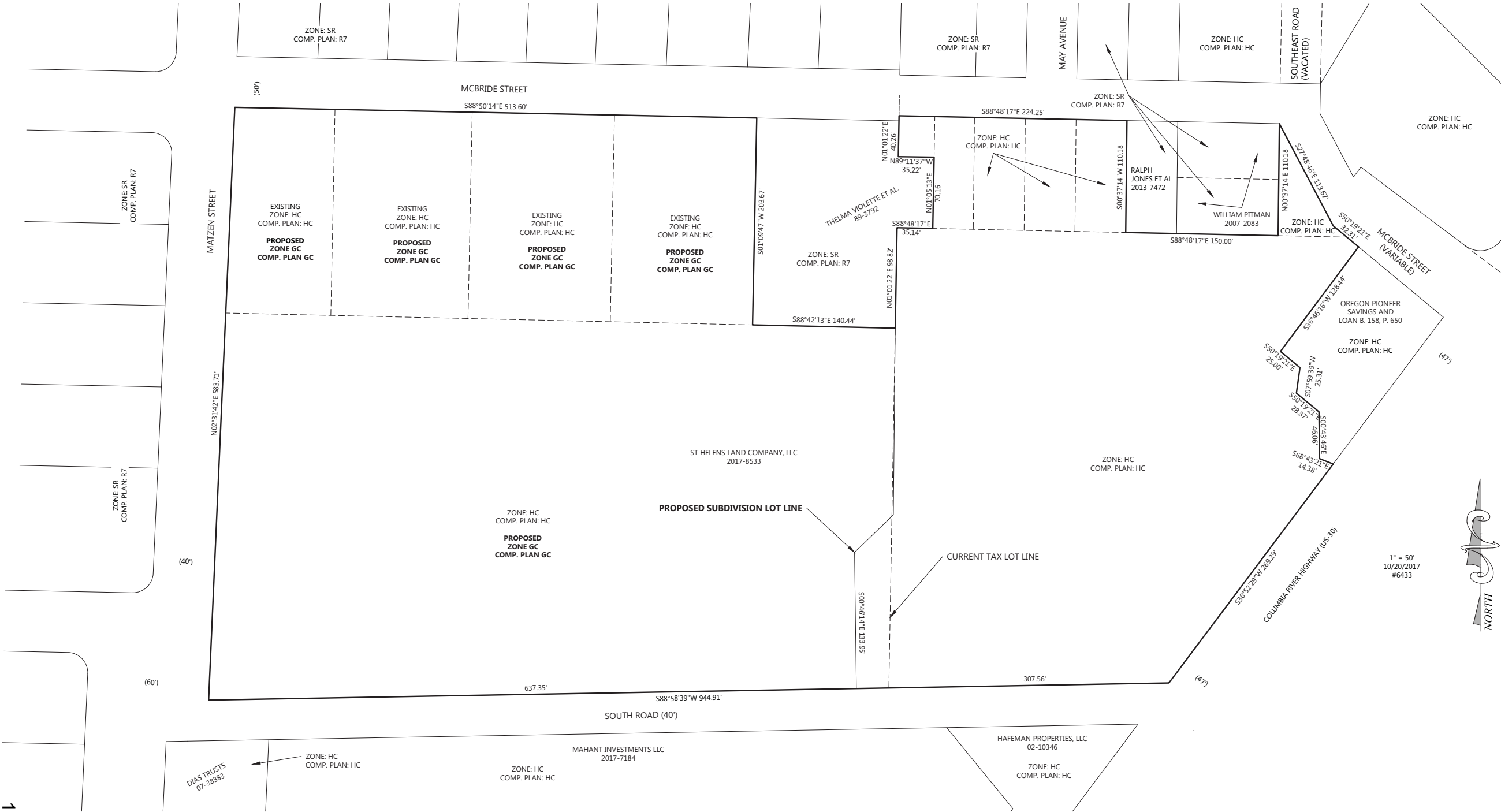
ST. HELENS
COMMERCIAL/
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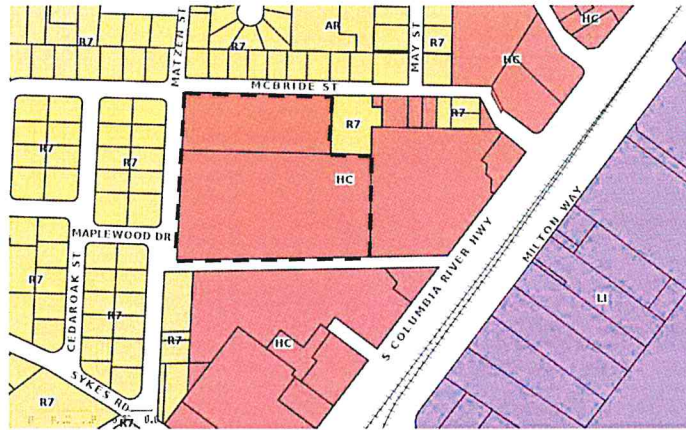
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JOB # 6433



St. Helens: Compressive Plan Change and Zone Change

Background: The subject property is approximately 8 acres in size and located on the east side of Matzen Street, the south side of McBride Street, and the north side of South Road (040105DD/Tax Lots 700 and 1900). The subject property is zoned HC (Highway Commercial). The subject property is designated as "Highway Commercial" on the Comprehensive Plan Map.



Proposal: The applicant is proposing to rezone the property from HC to GC and change the comprehensive plan designation from "Highway Commercial" to "General Commercial".

The property is Lot 6 of the proposed subdivision that has been submitted with this application. ←

Vicinity Information:

The subject property is located on the east side of Matzen Street, the south side of McBride Street, and the north side of South Road (040105DD/Tax Lots 700 and 1900). The vicinity map is attached as shown. The surrounding land uses within the vicinity are zoned and used as follows and as shown.

North: R7 and AR; existing single family dwellings and existing multifamily
 East: R7; existing single family dwellings
 South: R7 and HC; existing single family dwellings and commercial uses
 West: HC; vacant land

NO JOINT APPLICATION !!



APPLICANT'S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA

17.20.120 The standards of the decision.

(1) 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, including compliance with the Transportation Planning Rule, as described in SHMC 17.08.060;***
- (b) Any federal or state statutes or guidelines found applicable;***
- (c) The applicable comprehensive plan policies, procedures, appendices and maps;***
- (d) The applicable provisions of the implementing ordinances; and***
- (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.***

Findings (1)(a):

The following Statewide Planning Goals apply to this proposal:

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

CITY COUNCIL
OK
10-17-17

Goal 2 – Land Use Planning

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change applications. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City maps there are no mapped wetlands or waterways on the subject property. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will apply at the time of development and will ensure compliance with Goal 5.

Landslide hazards do not exist on the site. Therefore, a geological assessment is not required.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality

The City's adopted Comprehensive Plan, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact. The TPR dated August 10, 2017 will identify the traffic needs for the site and mitigation measures.

The site is vacant. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. The GC zone will allow the site to be developed with residential and/or commercial uses. Considering the location of the site within

the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 8 – Recreational Needs

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. Silverton identifies programs, activities and policies relating to parks and recreational activities in the community. The City's needs for leisure areas and open space areas have been identified in its adopted plans. At the time of development, the proposal provides improved public pedestrian connections via hard-surfaced sidewalks. However, at the time of development, the development on the site will have common open space and landscaping through the site. Therefore, the proposal complies with this Goal.

Goal 9 – Economy of the State

The City's Economic, Commercial and Industrial Goals and Policies implement this Statewide Goal. The proposal meets the goals and policies because it does not change the plan designation from a commercial zone to a non-commercial zone. The proposal is only for 8 acres of the property. The eastern portion of the property will remain zoned HC. The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The proposal will provide a location for commercial and residential uses along with new opportunity for the local labor force to obtain employment. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. The site is currently unproductive and returns little value to the City. Redevelopment contributes to the economic base of the urban area, which is consistent with this Goal. The site will offer economic diversification because it will provide for the expansion of new commercial enterprises and will encourage the location of new businesses. It will provide an opportunity to encourage hiring of local unemployed, skilled and unskilled local residents.

Goal 11 - Public Facilities and Services

The City's adopted Comprehensive Plan, Residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks are or will be provided adjacent to and throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

Traffic from this site is diverted away from residential areas and has convenient access to the existing streets. Aesthetics and landscaping will be considered in the design of the circulation system to cut down on headlight glare, heat, and improved traffic direction.

The St. Helen's School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Transportation System Plan (TSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located along McBride Street (north), Matzen Street (west), and South Road (south), thus linking the site to existing and proposed transportation. The major streets are in place due to previous development.

A TPR dated August 10, 2017 has been provided as part of this application.

Goal 13 - Energy Conservation

The City's adopted Comprehensive Plan General Development, Urban Growth, Growth Management, Commercial, Industrial and Transportation Goal and Policies implements the Statewide Energy Conservation Goal by encouraging conservation practices, alternative sources of energy and efficient use of energy. The site is located within the City limits and within proximity to City facilities which can be extended to serve any new development.

Development of the vacant site will continue to provide for the orderly and economic extension of public facilities and services and thus is economically provided. The existing transportation network surrounding the subject property is in place. The transportation system provides efficient and convenient linkages for both motorized and non-motorized forms of transportation. Up-to-date building construction codes provide for energy-saving devices and conservation for any new structures. The comprehensive plan identifies the need for public education, incentive and enforcement programs that encourage lower and alternative energy consumption costs.

The subject property is located very close to major arterial and major streets that provide direct access to HWY 30. New construction provides the opportunity to provide improved construction and building techniques which improves and conserves energy uses of the new building.

Findings (1)(b): There are no known applicable federal or state statutes or guidelines. Any required federal or state permits will be obtained prior to development of the site.

Findings (1)(c): The subject property is designated as 'Highway Commercial' on the St. Helen's Comprehensive Plan Map. The applicant is requesting to change the comprehensive plan map designation to 'General Commercial'.

The applicant's proposal is to rezone the property from HC to GC to allow the property to be developed with a wider range of uses. The applicant is looking at the potential of developing the subject property with multi-family dwellings.

This development will provide multi-family land and commercial land in an area that is a majority single-family zoned property. This rezone will help to provide a needed zone in this area, an area that provides services and transportation. Therefore, not concentrating all the GC zoned property into one area.

There is a lack of appropriately designated vacant GC and AR zoned sites within this vicinity. Multi-family units and commercial uses are both allowed in the GC zone. The applicant is looking at the potential of developing multi-family units on the site and developing commercial uses to the east of the site. This site if zoned GC, gives the applicant the ability to provide multi-family housing within this area while provide services adjacent to the site. The eastern portion of the site will remain HC.

As shown on the City land zone map there is no property contiguous to the existing site that is zoned GC and vacant, and there is none in the necessary proximity.

The request is in conformance with comprehensive plan policies and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the TSP. The proposal complies with the applicable intent statements of the Comprehensive Plan as addressed in this report. The applicant has presented evidence sufficient to prove compliance with these standards.

Findings (1)(D): The proposed comprehensive plan change/zone change fits the development pattern of the vicinity. The GC zone will allow the property to be developed with multi-family dwellings and/or commercial uses.

The site will be developed to required GC Code and Design Standards to minimize any impacts on the area. The TPR dated August 10, 2017, outlines any impacts on the neighborhood and how they will be mitigated. Traffic mitigation and Code compliance will be complied with at this time or at the time of SPR submittal. This criterion has been met.

The applicant is looking at the potential for developing the subject property with multi-family dwellings. The GC zone allows commercial development and multi-family dwellings. Multi-family dwellings are a permitted use through the Conditional Use Permit process under 17.32.110(3)(p). Prior to development of the site, the applicant will obtain Conditional Use approval.

Any proposed development on the site will meet the requirements of the GC zone (for commercial uses) and/or AR zone (residential uses).

Therefore, this criteria is and will be met.

Findings (1)(E): "Spot zoning" means rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan. The applicant is requesting to rezone the property from HC to GC, while keeping the eastern portion of the property HC. The character of the neighborhood in the vicinity of the subject property is a mixture of uses such as single family residential, multi-family residential, and commercial uses. The GC will allow the applicant to develop the subject property with residential or commercial, both are compatible with the surrounding zones and uses. The subject property is surrounded by the following zones and existing uses.

North: R7 and AR; existing single family dwellings and existing multifamily
 East: R7; existing single family dwellings
 South: R7 and HC; existing single family dwellings and commercial uses
 West: HC; vacant land

Therefore, the rezoning of the site will be consistent with the existing and future uses within this neighborhood. The applicant is looking at the potential of developing this site with multi-family units. Residential development on the site will be consistent with the surrounding neighborhoods, while providing a higher density of a needed housing type in the area.

The eastern portion of the site will remain HC and has the potential to be developed with commercial uses. Commercial uses will provide services to the surrounding residential areas.

Prior to development of the site, the applicant will obtain a Conditional Use Permit for residential development and go through the required Site Plan Review process. These processes will assure that the development meets required Design Standards that are consistent with and enhance the character neighborhood.

(2) Consideration may also be given to:

(a) Proof of a change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

Findings: There is no identified mistake in the compilation of the zoning map or comprehensive plan map for this area. The site was chosen due to its size, location, existing level of development and access to major streets.

There is a lack of appropriately designated GC zoned sites within this vicinity. As shown on the City land use map there is no property contiguous to the existing site that is appropriately designated for the proposed use. The most feasible process is to rezone the subject property to allow it to be developed at max density with direct access onto the surrounding street system and adjacent commercial uses.

This area of St. Helen's is lacking in GC zoned property. GC zoning helps to provide a needed type of housing and commercial uses, especially in this area.

This criterion has been met. *HC allows commercial.*

based on what?

17.08.060 Transportation planning rule compliance:

(1) Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060 (the Transportation Planning Rule ("TPR")). "Significant" means the proposal would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(i) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or

(iii) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Findings for (1)(a)-(c): As stated in the TPR Analysis dated October 2, 2017, "Since the requested zone change will reduce the amount of traffic that can be generated by any reasonable combination of uses, there will not be a significant effect on any transportation facility as identified in the statute. It is my opinion that the requested zoning and comprehensive plan map amendment can be approved from a traffic engineering perspective without significantly affecting the transportation system."

17.132 Tree Removal:

There are trees located throughout the subject property. At this time, the applicant is not proposing the removal of trees on the site. Development (location of structures) on the site has not officially been finalized, therefore, we cannot identify the trees on the site that will be removed and/or preserved. However, at the time of Site Plan Review, the applicant will provide a tree conservation plan that identifies the trees on the site that will be removed and preserved if required.

Replanting per the Code will also be provided at the time of development. Therefore, this criteria will be met at the time of Site Plan Review.

← Req. as part of subdivision.

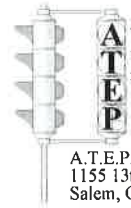
CONCLUSIONS

We believe that requested Comprehensive Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals, and satisfies all applicable criteria. As demonstrated herein, the

"General Commercial" land use designation and corresponding HC zoning designation is appropriate for the subject property.

Memo

Date: October 2, 2017
 To: Mr. Jeff Bolton, MultiTech Engineering, Inc.
 From: Karl Birky, PE, PTOE
 Re: Traffic effects of the proposed zone change



**ASSOCIATED
TRANSPORTATION
ENGINEERING &
PLANNING INC.**

A.T.E.P., Inc.
 1155 13th St. S.E.
 Salem, OR. 97302

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Mr. Bolton:

Tax lots 700, 900, 1000, 1100, 1200, 1600, 1800 and 1900 of Tax Map, 4N 1W 05DD in St. Helens, Oregon, comprise a 13 acre parcel west of the Columbia River Highway and south of McBride St. It is zoned Highway Commercial (HC) on the City's zoning map and the comprehensive plan map. The developer would like to change the zoning and comprehensive plan map designation to General Commercial (GC) to facilitate developing multi-family housing and some commercial uses on the site. The intent of this letter is to provide an engineer's estimate of the traffic effects of changing the zoning from Highway Commercial (HC) to General Commercial (GC). I understand your client wants to construct approximately 250 apartments, a gas station, physicians office and a fast food outlet on the site.

The Oregon Transportation Planning Rule (TPR) requires an estimate of the effects a land use action will have on the transportation system in certain instances. This zoning change request is one of those instances. The TPR prevents persons or cities from allowing construction of a fast food outlet with its high traffic to be built in a residential neighborhood if the zoning does not allow the fast food outlet. The zone change can be allowed if there is no "significant" effect on the transportation system.

I will assume that uses allowed in the HC zone could be built on the parcel. The following table summarizes the trip generation of a reasonable mix of allowed uses on the 13 acre site. It will assume the site can be developed with 25% of the site covered with buildings. The remaining 75% of the site will be used for parking, roadways, landscaping and other open space uses. The total building area would be 149,193 sq. ft. The table assumes the gas station includes 2,000 sq. ft. of floor space.

ITE Use	Use	Units	AM Trips	PM Trips	ADT
ITE 850	Supermarket	135 ksf	459	1280	13,802
ITE 912	Drive in Bank	1 at 4 ksf	48	97	593
ITE 934	Fast Food w Drive Thru	2 at 4 ksf	363	261	3,969
ITE 945	Gas Station w Convenience Mart	16 positions	163	216	2,604
Total			1,033	1,854	20,968

Table 1- Estimated Trip Generation with allowed uses in HC zone

The existing zoning and comprehensive plan map designation would reasonably allow an estimated 20,968 trips in or out of the site on a typical weekday. This is a reasonable limit for the trip generating potential for uses allowed in the existing HC designation. It is noted that many of the uses allowed in the existing zoning are allowed in the proposed zoning. The following table, Table 2, lists some allowed, high trip generating uses in the proposed GC zoning. It is also noted that it is the intent of the

developer to build multi-family housing on most of the site. Gas stations are not permitted outright in the GC zone. The GC zone does not allow fast food with drive thru but does allow sit down restaurants.

Table 2 estimates a high trip generating combination of uses allowed in the proposed GC zone.

ITE Use	Use	Units	AM Trips	PM Trips	ADT
ITE 850	Supermarket	109 ksf	371	1,033	11,144
ITE 720	Medical/Dental Office	34 ksf	81	121	1,228
ITE 932	High Turnover Sit Down Restaurant	6 ksf	65	59	763
Total			517	1,214	13,135

Table 2 - Estimated Trip Generation w allowed uses in GC zone

The existing HC zoning would allow a reasonable variety of high traffic generating uses that could generate nearly 21,000 trips per day. A reasonable variety of high traffic generating uses allowed on the site with the proposed GC zoning would not generate as much traffic as the HC zone.

The following table estimates the trips that could be generated if the site were developed with 250 apartment units, a 20,000 sq. ft. medical office building, a convenience market with 16 fuel pumps (this is a conditional use) and a fast food restaurant with drive-thru (this is also a conditional use).

ITE Use	Use	Units	AM Trips	PM Trips	ADT
ITE 220	Apartment Units	250 Apts	128	155	1,663
ITE 720	Medical/Dental Office	34 ksf	48	71	723
ITE 934	Fast Food w Drive Thru	4 ksf	182	131	1,984
ITE 945	Gas Station w Convenience Mart	16 positions	163	216	2,604
Total			520	573	6,974

Table 3 - Estimated Trip Generation with other possible uses

The TPR requires that there be no significant affect on a transportation facility including:

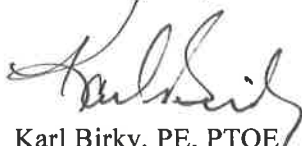
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (i) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
 - (iii) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Since the requested zone change will reduce the amount of traffic that can be generated by any reasonable combination of uses, there will not be a significant affect on any transportation facility as identified in the statute.

It is my opinion that the requested zoning and comprehensive plan map amendment can be approved from a traffic engineering perspective without significantly affecting the transportation

system. I thank you for asking ATEP to provide this information. I can be reached at 503-364-5066 if there is any additional information you or other decision makers might find helpful.

Sincerely yours,



Karl Birky, PE, PTOE
Associated Transportation Engineering & Planning, Inc.



12/31/2017



12/19/2017

TO: Jacob Graichen, City Planner St. Helens
FROM: Ken Shonkwiler, ODOT Senior Transportation Planner
SUBJECT: Comprehensive Plan Amendment and Zone Map Amendment: CPZA.2.17 Karl Ivanov

Thank you for the opportunity to comment on this zone change.

The Oregon Department of Transportation (ODOT) routinely comments on planning proposals that may have an impact on state highways. If a plan amendment is involved (including zone changes), ODOT makes itself available to assist local governments in complying with the requirements of OAR 660-012-0060 (known as the Transportation Planning Rule). This requires that local governments amending adopted plans and regulations demonstrate that the amendment will not significantly affect existing or planned transportation facilities (both state and local) or that such amendments are concurrent with local and state plans.

The applicant submitted a TPR Analysis to ODOT on November 15, 2017 for the 13 acre parcel to be rezoned from High Commercial (HC) to General Commercial (GC). After reviewing permitted uses in both zoning designations and the TPR analysis, the zone change would not significantly affect the surrounding transportation system. ODOT is in agreement with the proposed zone change as the Transportation Planning Rule OAR 660-012-0060 (9) has been satisfied through this concurrence.