



CITY COUNCIL PUBLIC HEARINGS

Wednesday, April 04, 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. Proposal: Supplemental Budget - Appropriations for Fiscal Year 2017-18
[Res No 1811 - Budget Appropriations for FY17-18 PENDING 040418](#)
3. **Close Public Hearing**
4. **Open Public Hearing - 6:15 p.m.**
5. **Topic**
 - 5.A. Proposal: Planned Development Overlay Zone
Applicant: Kessi Engineering & Consulting
Owner: Rich Bailey Construction
Location: 34759 Sykes Road
[PD.1.18 Staff Report \(CC\)](#)
6. **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.

**Be a part of the vision...get involved with your City...volunteer for a City of St. Helens Board or Commission!
For more information or for an application, stop by City Hall or call 503-366-8217.**

City of St. Helens
RESOLUTION NO. 1811

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ST. HELENS,
OREGON, ADOPTING A SUPPLEMENTAL BUDGET FOR MAKING
APPROPRIATIONS FOR FISCAL YEAR 2017-18**

WHEREAS, the Common Council of the City of St. Helens finds it necessary to revise previous appropriations for the purpose of providing category balances which will be adequate to cover unexpressed liabilities and additional accruals relating to the fiscal year 2017-18; and

WHEREAS, a supplemental budget for all funds for the period of July 1, 2017 through June 30, 2018, inclusive, has been prepared, published and submitted to as provided by statute; and

WHEREAS, a hearing to discuss the supplemental budget was held before the City Council on April 4, 2018; and

WHEREAS, it further appears that it is in the best interest of the City to approve the change in appropriations for the period of July 1, 2017 through June 30, 2018

NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:

Section 1. Pursuant to its authority under ORS 294.480, the supplemental budget be adopted and appropriations established as shown in attached Exhibit A which by this reference is made part of this resolution.

Approved and adopted by the City Council on April 4, 2018, by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

NOTICE OF SUPPLEMENTAL BUDGET HEARING

A public hearing on a proposal supplemental budget for City of St Helens, Oregon for fiscal year July 1, 2017 to June 30, 2018, will be held at 265 Strand Street, St. Helens, Oregon. The hearing will take place on the 4th day of April, 2018 at 6:00 p.m. The purpose of the hearing is to discuss the supplemental budget with interested persons.

A copy of the supplemental budget document may be inspected or obtained on or after March 21, 2018, at 265 Strand Street, St. Helens, 97051, between the hours of 8:30 a.m. and 5:00 p.m.

SUMMARY OF SUPPLEMENTAL BUDGET

Fund: Facility Major Maintenance

Resources		Requirements	
1 Fund Balance	\$ 254,825	1 Materials & Services	\$ 115,000
2	\$ -	2 Capital Outlay	\$ 42,100
3	\$ -	3 Contingency	\$ 147,725
Revised Total Resources	\$ 254,825	Revised Total Requirements	\$ 304,825

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates

Fund: PW Operations Fund

Resources		Requirements	
1 Fund Balance	\$ 76,979	1 Contingency	\$ 4,579
2 Charges For Services	\$ 3,005,000	2	\$ -
Revised Total Resources	\$ 3,081,979	Revised Total Requirements	\$ 4,579

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates

Fund: IT Services Fund

Resources		Requirements	
1 Fund Balance	\$ 65,959	1 Materials & Services	\$ 275,000
2 Charges For Services	\$ 280,000	2 Contingency	\$ 13,459
3 Miscellaneous	\$ 2,800	3	\$ -
Revised Total Resources	\$ 348,759	Revised Total Requirements	\$ 288,459

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates

Fund: Equipment Fund

Resources		Requirements	
1 Fund Balance	\$ 491,485	1 Personnel Services	\$ 275,000
2 Charges For Services	\$ 676,000	2 Materials & Services	\$ 13,459
3	\$ -	3 Capital Outlay	\$ 372,872
4	\$ -	4 Contingency	\$ -
Revised Total Resources	\$ 1,167,485	Revised Total Requirements	\$ 661,331

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates

Fund: Parks SDC**Resources**

1 Fund Balance	\$ 181,506
2	\$ -
Revised Total Resources	\$ 181,506

Requirements

1 Capital Outlay	\$ 224,006
2 Transfers	\$ 2,500
Revised Total Requirements	\$ 226,506

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates

Fund: Storm SDC**Resources**

1 Fund Balance	\$ 180,617
2	\$ -
Revised Total Resources	\$ 180,617

Requirements

1 Capital Outlay	\$ 203,617
2 Transfers	\$ 2,000
Revised Total Requirements	\$ 205,617

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates

Fund: Storm**Resources**

1 Fund Balance	\$ 400,000
2 Transfers	\$ 2,266,884
3	\$ -
Revised Total Resources	\$ 2,666,884

Requirements

1 Materials & Services	\$ 203,617
2 Transfers	\$ 2,000
3 Contingency	\$ 341,914
Revised Total Requirements	\$ 547,531

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates

Fund: Sewer SDC**Resources**

1 Fund Balance	\$ 1,212,622
2	\$ -
Revised Total Resources	\$ 1,212,622

Requirements

1 Capital Outlay	\$ 1,327,622
2 Transfers	\$ 10,000
Revised Total Requirements	\$ 1,337,622

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates

Fund: Sewer**Resources**

1 Fund Balance	\$ 3,385,597
2 Transfers	\$ 1,500,000
3	\$ -
Revised Total Resources	\$ 4,885,597

Requirements

1 Materials & Services	\$ 1,936,313
2 Transfers	\$ 700,000
3 Contingency	\$ 76,760
Revised Total Requirements	\$ 2,713,073

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates

Fund: Streets SDC

Resources	
1 Fund Balance	\$ 3,385,597
2	\$ -
3	\$ -
Revised Total Resources	\$ 3,385,597

Requirements	
1 Capital Outlay	\$ 1,044,857
2 Transfers	\$ 6,000
3	\$ -
Revised Total Requirements	\$ 1,050,857

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates
--

Fund: Streets

Resources	
1 Fund Balance	\$ 877,334
2	\$ -
Revised Total Resources	\$ 877,334

Requirements	
1 Materials & Services	\$ 451,292
2 Contingency	\$ 91,059
Revised Total Requirements	\$ 542,351

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates
--

Fund: Water SDC

Resources	
1 Fund Balance	\$ 598,491
2	\$ -
Revised Total Resources	\$ 598,491

Requirements	
1 Capital Outlay	\$ 653,491
2 Transfers	\$ 5,000
Revised Total Requirements	\$ 658,491

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates
--

Fund: Water Fund

Resources	
1 Fund Balance	\$ 3,118,856
2	\$ -
3	\$ -
Revised Total Resources	\$ 3,118,856

Requirements	
1 Personnel Services	\$ 918,500
2 Materials & Services	\$ 1,566,000
3 Contingency	\$ 446,649
Revised Total Requirements	\$ 2,931,149

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates
--

Fund: Community Enhancement**Resources**

1 Fund Balance	\$ 81,706
2 Intergovernmental Rev	\$ 154,985
Revised Total Resources	\$ 236,691

Requirements

1 Materials & Services	\$ 234,575
2 Contingency	\$ 22,966
Revised Total Requirements	\$ 257,541

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates

Fund: Community Development**Resources**

1 Fund Balance	\$ 108,557
2	\$ -
3	\$ -
4	\$ -
Revised Total Resources	\$ 108,557

Requirements

1 Materials & Services	\$ 280,600
2 Debt Service	\$ 275,000
3 Capital Outlay	\$ 455,000
4 Contingency	\$ 231,945
Revised Total Requirements	\$ 1,242,545

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates

Fund: Tourism**Resources**

1 Fund Balance	\$ 98,641
2 Transfer	\$ 240,000
3 Grants	\$ 20,000
4 Misc Revenue	\$ 186,000
5 Intergovernmental Rev	\$ 150,000
Revised Total Resources	\$ 694,641

Requirements

1 Materials & Services	\$ 475,527
2 Contingency	\$ 6,278
3	\$ -
4	\$ -
5	\$ -
Revised Total Requirements	\$ 481,805

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates

Fund: General Fund**Resources**

1 Fund Balance	\$ 2,001,302
2	\$ -
Revised Total Resources	\$ 2,001,302

Requirements

Administration		
1 Personnel Services	\$	315,000
2 Materials & Services	\$	55,794
City Recorder		
1 Personnel Services	\$	231,220
2 Materials & Services	\$	63,645
Council		
1 Personnel Services	\$	54,800
2 Materials & Services	\$	50,027
Court		
1 Personnel Services	\$	214,100
2 Materials & Services	\$	174,127
Police		
1 Personnel Services	\$	2,401,500
2 Materials & Services	\$	352,000
Library		
1 Personnel Services	\$	474,500
2 Materials & Services	\$	178,573
Finance		
1 Personnel Services	\$	597,000
2 Materials & Services	\$	163,781
Parks		
1 Personnel Services	\$	212,200
2 Materials & Services	\$	145,500
Planning		
1 Personnel Services	\$	206,200
2 Materials & Services	\$	68,700
Building		
1 Personnel Services	\$	232,500
2 Materials & Services	\$	27,230
Non Department		
1 Personnel Services	\$	-
2 Materials & Services	\$	179,000
Revised Total Requirements	\$	6,397,397

Comments:

Change in Beginning Fund Balances, Updating Expenditures to Year-End Estimates
--

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
PD.1.18**

DATE: March 14, 2018
To: City Council
FROM: Jacob A. Graichen, AICP, City Planner
Jennifer Dimsho, Associate Planner
APPLICANT: Kessi Engineering & Consulting
OWNER: Rich Bailey Construction
ZONING: Moderate Residential, R7
LOCATION: 4N1W-6DA-7000 & 5801
34759 Sykes Road
PROPOSAL: Planned Development (Zoning Overlay)

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 site is approximately 4.6 acres and mostly undeveloped, except for a detached single-family dwelling (34759 Sykes Road). According to the City's utility billing records, it is connected to both City water and sewer. The site is sloped with the low point in the southeast portion of the site, where a wetland is located. The southern half of the site is heavily forested. There is a Bonneville Power Administration (BPA) easement and power lines running through the north side of the property. It is access via Sykes Road and Westboro Way. Surrounding area is developed as residential.



Westboro Way street stub with BPA lines seen above



Subject property looking south to the heavily forested area. Wetland is far left.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: March 13, 2018 before the Planning Commission and April 4, 2018 before the City Council.

At their March 13, 2018 meeting the Planning Commission unanimously recommended approval of this proposal to the City Council.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on February 22, 2018 via first class mail. Notice was sent to agencies by mail or e-mail on February 21, 2018. Notice was published in the The Chronicle on February 28, 2018. Notice was sent to the Department of Land Conservation and Development on February 7, 2018.

AGENCY REFERRALS & COMMENTS

County Road Department: No objections as submitted, but an access permit for a new public road will be required. Construction standards to be County / City, to include ten feet of additional right-of-way to be dedicated to Sykes Rd. fronting the property. Paving, curbs & sidewalks dependent upon the City.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.148.060 – Planned Development Allowed and Disallowed

- (1) A planned development shall not be allowed on any lands, with less than a two-acre minimum, shown on the comprehensive plan map as “developing areas”.
- (2) A planned development shall not be allowed in residential zones located in areas designated as “established areas” on the comprehensive plan map, except the commission may approve a planned development within an “established area” where the commission finds:
 - (a) Development of the land in accordance with the provisions of the “established area” would:
 - (i) Result in an inefficient use of land;
 - (ii) Result in removing significant natural features; or
 - (iii) Result in a change of the character of the area surrounding a significant historic feature or building;
 - (b) The planned development approach is the most feasible method of developing the area; and
 - (c) The site is of a size and shape that the compatibility provisions of Chapter 17.56 SHMC can be met.

(1) Discussion: If the subject property is considered “developing,” SHMC 17.148.060(1) is the section to review for the planned development (PD) overlay consideration.

Finding(s): The proposed PD area is considered a “developing area” because it is a larger parcel and mostly vacant. It is approximately 4.6 acres in size. However, it is divided into two separate lots at approximately 1.97 acres and 2.64 acres. In order to utilize the planned development overlay

zone for a development proposal, both lots shall be included in a PD proposal. The purpose of this is to ensure the PD meets the intended size requirement and to prevent leftover (excluded) area that does not meet the size requirement.

(2) Discussion: If the subject property is considered “established,” SHMC 17.148.060(2) is the section to review for the PD overlay consideration

Finding(s): The subject property is not considered “established.”

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 5, 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.

Finding(s): 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.

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.

Finding(s): 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.

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 5: Natural Resources, Scenic & Historic Areas, & Open Spaces

It is the purpose of this goal to protect natural resources and conserve scenic and historic areas and open spaces. This includes riparian corridors, wetlands, wildlife habitat, natural area, and others.

Finding(s): The proposed zoning map overlay would allow for more flexible development standards to accommodate the identified wetland resource and required open space buffer in the southeast corner of the subject property. The wetland in question is officially listed on the City's Local Wetlands Inventory as **wetland MC-2, a Type II significant wetland**.

Given the flexibility of the PD overlay, that will offer protection of the identified and inventoried wetland resource, while still allowing use of the land, Goal 5 is met.

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.

Finding(s): First, a comparison of what is currently allowed versus what the PD overlay, by itself, would allow.

Number of housing types currently allowed:

- Base zone: R7
- Subject to density computations of Chapter 17.56 SHMC. Requires "net developable area" calculation divided by minimum lot size (7,000 square feet). Wetlands are removed from gross area to help determine net developable area.

How does the PD impact number of units allowed:

- Per SHMC 17.148.080(1)(a), the normal minimum lot size and dimension standards don't apply except as they relate to density computations per Chapter 17.56 SHMC. Thus, the PD overlay, by itself, doesn't impact the R7 zoned density (number of units possible).
- Note that R7 zoning exists on the East, South and West sides. The closest higher density zone (R5 in this case) is nearly 1,000 feet away to the East. The area to the north has a comprehensive plan designation of RSUR, where if annexed, the zoning applied it most likely to be R7 or R10.

Second, what is actually proposed:

- Per SHMC 17.148.015(8), the overlay zone can be processed separately from a specific development proposal.
- Development applications were submitted but due to necessary revisions, they were not deemed complete until March 12, 2018. Reference files SUB.1.18 and DEV.1.18. However, they did not need to be submitted in order to consider the PD overlay zone request.

This PD Overlay is about obtaining the ability to obtain base density on an irregular shaped property, which is encumbered by a wetland significant to the City. This wetland has been delineated per DSL WD # 2017-0096. The density doesn't change based on the PD overlay itself. If the wetland wasn't present, this PD overlay would not be necessary and it would be developed under normal subdivision standards, which doesn't require Goal 10 analysis.

The development honors the site's comprehensive plan designation which has been approved by the State of Oregon. It has been zoned R7 for approximately 20 years. The City's wetland rules took effect in 2003, which are intended to protect significant wetlands, such as that on the subject property. **The PD overlay in this case doesn't change the general outcome originally intended by the City's modern Comprehensive and Zoning schemes in regards to both density and type of dwelling unit possible.** Rather it helps allow what the R7 zoning was intended to allow, while keeping the wetland. Wetlands are important for ecological function and balance, of the which human life depends. Loss of wetlands en mass poses detriment to human life including all income levels. Housing type is irrelevant if human life ceases.

However, in regards to economics, this proposal helps to meet the basic density allowance which helps reduce overall project costs and housing price. It will result in dwellings accessible to a greater range of income levels.

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.

Discussion: A traffic impact analysis shall be submitted with a plan amendment or zone change application, **as applicable**, pursuant to Chapter 17.156 SHMC. See Section (d) for a more detailed discussion of the TPR and implementing ordinances

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

Finding(s): There are no known applicable federal or state statutes or guidelines applicable to this development overlay zone request.

(c) Discussion: This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices, and maps. The proposal is to add a planned development overlay zone to an existing Moderate Residential (R7) zone to allow more flexibility in development standards. This overlay zone would not change the amount of available lands for residential development.

The applicable Comprehensive Plan goals and policies are:

SHMC 19.080.060 (2) Natural factors and local resources goals and policies

(a) To maintain, and where possible, enhance the air, water, and land resources of the St. Helens area

[...]

(e) To preserve open spaces within and between urban living areas

(f) To encourage the protection of the forest area thin the urban growth boundary

[...]

SHMC 19.12.030 Suburban residential category goals and policies

(1) Goals. To establish conditions which will maintain attractive, convenient, residential living typical of moderate density semi-urban areas.

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

[...]

(b) Permit a degree of flexibility in residential site design and a mixture of housing, including multi-dwelling units, through the planned development procedures.

(c) Promote the development of homesites at a density and standard consistent with: the level of services that can reasonably be provided and the characteristics of the natural environment

[...]

Finding(s): Due to the protection and required buffer of the identified wetland resource, this proposal is preserving open space and protecting a forested area within the urban area. The proposed overlay zoning district allows flexibility to accomplish adequate preservation, while still providing development at a density standard consistent with the zoning, level of services that can be provided, and the characteristics of the natural environment.

This criterion is met, providing that the Planning Commission and Council can find that the proposal is not contrary to Comprehensive Plan goals and policies.

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

Finding(s): Per SHMC Chapter 17.156.030(3)(a), a Traffic Impact Analysis shall be required to be submitted to the City with a land use application when the proposed change or comprehensive plan amendment designation results in more vehicle trips based on permitted uses.

Per Chapter 17.148.120 (2) (a), the planned development overlay zone has to meet the density requirements per Chapter 17.56 Density Computations. In other words, the overlay zone does not increase the allowed density for the site.

The overlay zone will not significantly affect an existing or planned transportation facility. A Traffic Impact Analysis is not warranted this overlay zone.

Chapter 17.40 SHMC addresses inventoried significant wetlands. SHMC 17.40.050 allows flexibility for new development or land divisions given a PD and Development Agreement. Given that **wetland MC-2** and its statutory 50 feet upland protection zone (per this Chapter) encumbers a significant portion of the property, the PD overlay makes sense, assuming compliance with all other aspects of approval.

Note that **wetland MC-2** has been delineated with Oregon DSL concurrence in May of 2017 (WD #2017-0096). Thus, the wetland area is known, not assumed.

(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.

On the Zoning Map, the property abuts existing Moderate Residential (R7), Suburban Residential (R10), and unincorporated properties. On the Comprehensive Plan Map, the property abuts R7 and Rural Suburban Unincorporated Residential (which includes R7 and R10).

Finding: This proposal does not change the underlying zoning district. The PD overlay is meant to be site specific. As such, this proposal is not a “spot zoning.”



CONCLUSION & RECOMMENDATION

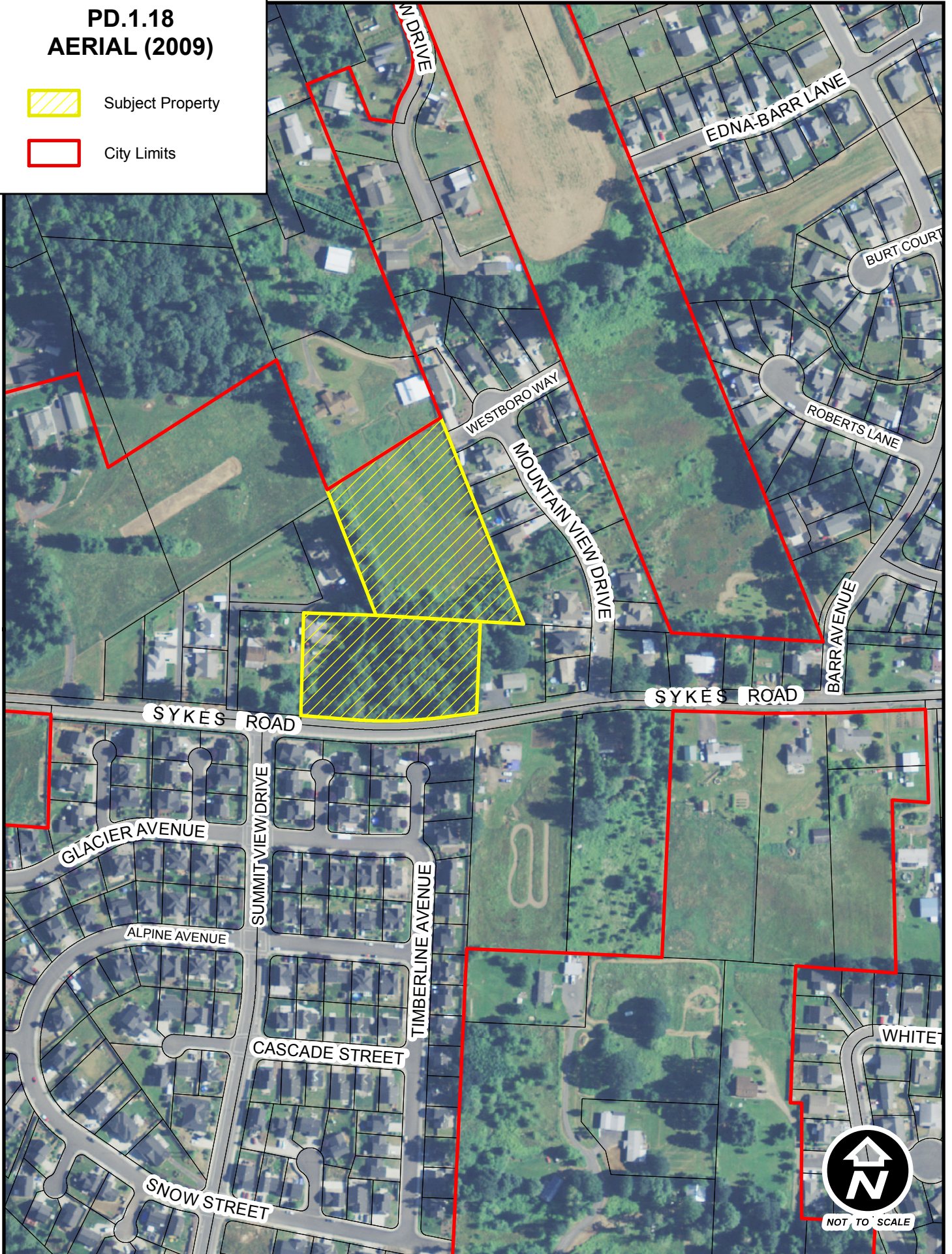
Based upon the facts and findings herein, the Planning Commission recommends the Planning Commission recommends to the City Council approval of the proposal, with the following modification:

In order to utilize the planned development overlay zone for a development proposal, both lots shall be included in a planned development proposal.

Attachment(s): *Maps (3) prepared by City staff*
DSL WD # 2017-0096, Fig. 6 Wetland Map
Letter from the Fair Housing Council of Oregon dated March 12, 2018

**PD.1.18
AERIAL (2009)**

-  Subject Property
-  City Limits



PD.1.18 ZONING



Subject Property



General Residential
R5



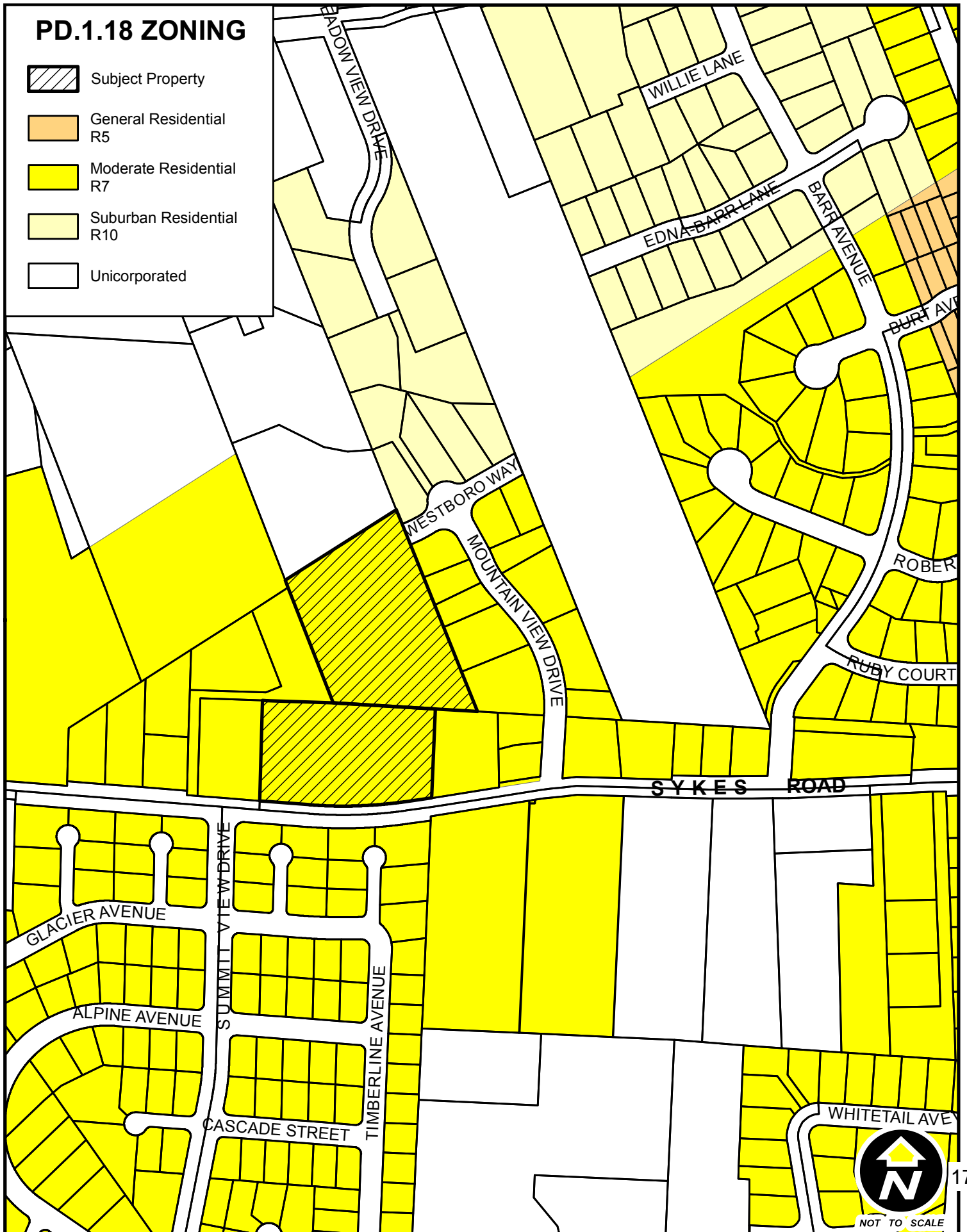
Moderate Residential
R7



Suburban Residential
R10



Unincorporated



NOT TO SCALE

PD.1.18 COMP PLAN



Subject Property



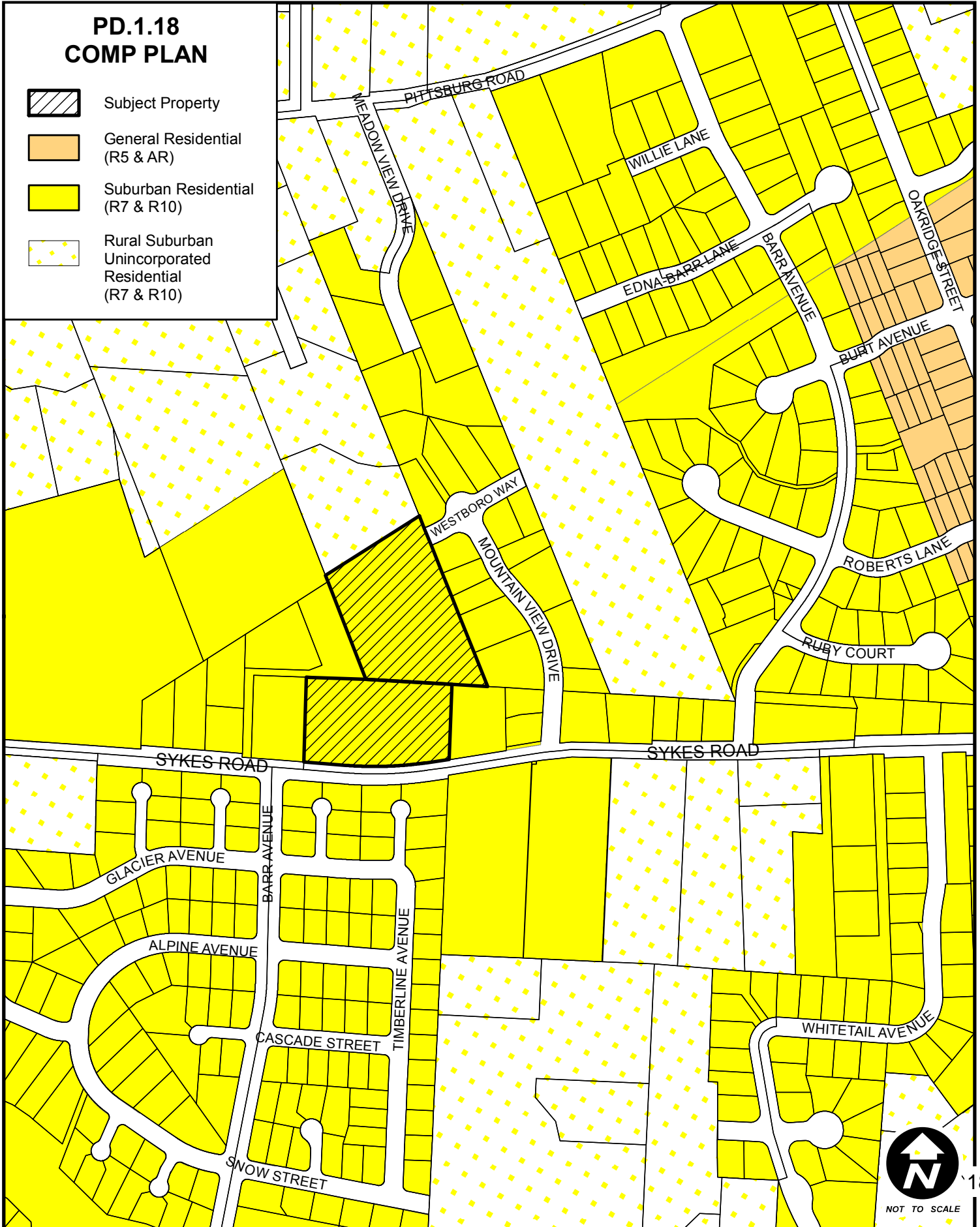
General Residential
(R5 & AR)



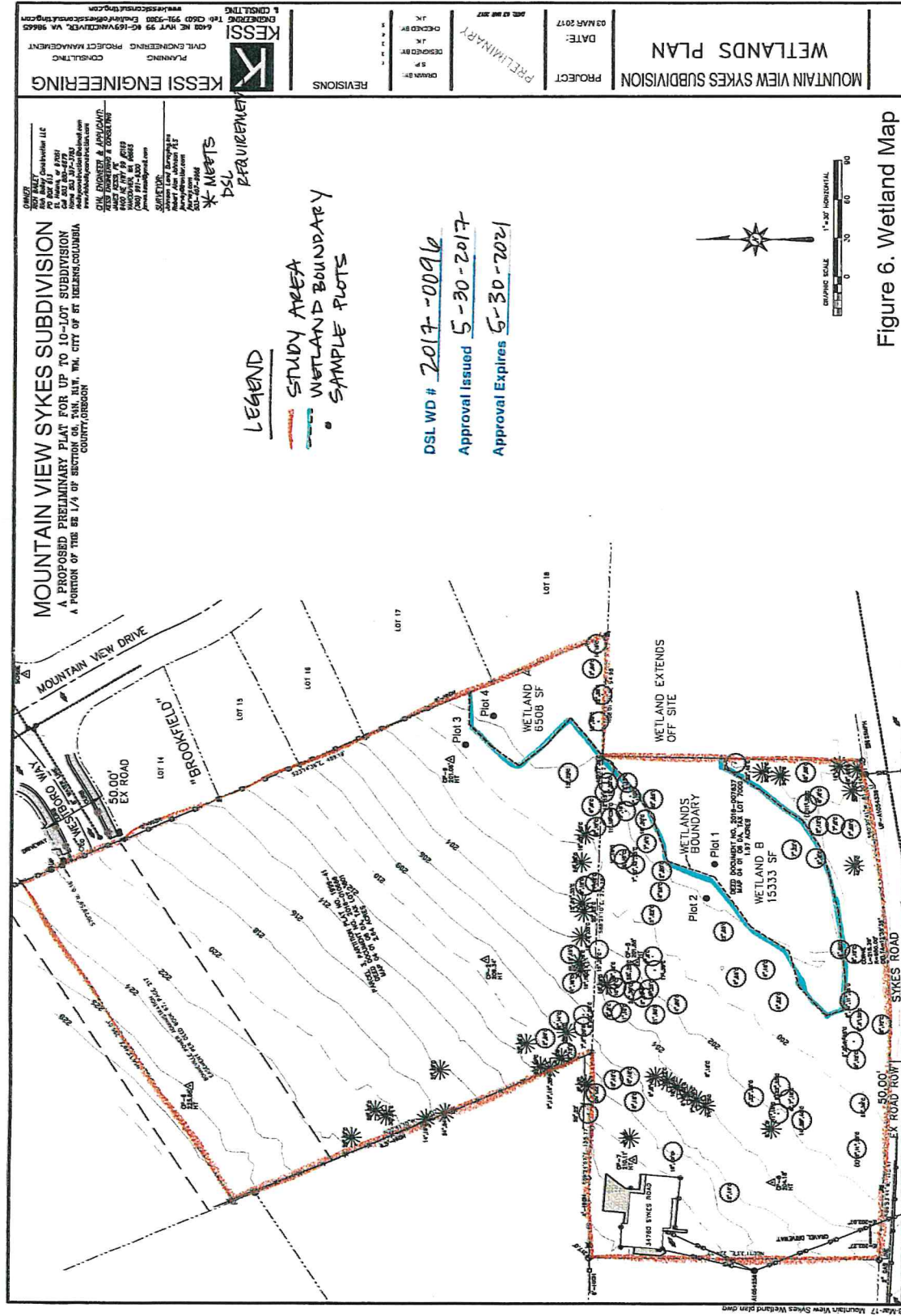
Suburban Residential
(R7 & R10)



Rural Suburban
Unincorporated
Residential
(R7 & R10)



NOT TO SCALE





March 12, 2018

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

RECEIVED
MAR 12 2018
CITY OF ST. HELENS

Re: HLA and FHCO Comments on File No. PD.1.18

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you may know, all amendments to the Comprehensive Plan Map and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). Although the attached staff report refers to Goal 10 findings, it does not relate its findings back to the Housing Needs Analysis or Building Lands inventory. The statement listed is that this planned development would allow for more residential development because of increased flexibility. It does not provide information about the number or types of housing currently allowed, what would be allowed under the planned development, and what is actually proposed.

When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis and Buildable Land Inventory (BLI) to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

Even when a proposal increases the residential land supply, the City must show that it is adding needed residential zones. The City must demonstrate that its actions do not leave it with less than



adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Only with a complete analysis showing any gain in needed housing as compared to the BLI can housing advocates and planners understand whether the City is achieving its goals through code amendments.

HLA and FHCO urge the Commission to defer adoption of the proposed amendment until Goal 10 findings can be made. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar".

Jennifer Bragar, President
Housing Land Advocates

cc: Gordon Howard (gordon.howard@state.or.us)