# CITY COUNCIL PUBLIC HEARING

**Wednesday, July 18, 2018**

265 Strand Street, St. Helens, OR 97051

www.ci.st-helens.or.us

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**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. Comprehensive Plan & Zone Map Amendment - Firlok Park Blvd. (Allen)
   CPZA.1.18 Staff Report CC.pdf

3. **Close Public Hearing**

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**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.1.18

**DATE:** July 10, 2018
**TO:** City Council
**FROM:** Jacob A. Graichen, AICP, City Planner
Jennifer Dimsho, Associate Planner
**APPLICANT:** Rocky Allen
**OWNER:** Happy Heritage, LLC
**ZONING:** Moderate Residential, R7
**LOCATION:** 4N1W-8AC-600
Firlock Park Blvd. just west of the intersection of US 30
**PROPOSAL:** Zone Map Amendment from Moderate Residential, R7 to Highway Commercial, HC and Comprehensive Plan Map change from Suburban Residential (SR) to Highway Commercial, HC

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

### SITE INFORMATION/ BACKGROUND

The subject property is located west of the intersection of US 30 and Firlock Park Blvd. The 2.18-acre site is vacant, grassy and mostly flat. It has a slight slope towards McNulty Creek, which runs along the southern boundary of the property. McNulty Creek is defined as a riparian corridor (R-MC-12 per Chapter 17.40.015) with a 50 foot upland protection zone. In 2008, a Natural Resource Assessment was conducted. Although dated and never subject to formal review or permitting by the City, it indicated there were no signs of wetlands on the property and that there is about an acre of usable property outside of the riparian upland protection zone. A significant portion of the property lies within an "Area of Special Flood Hazard" per Chapter 17.46 SHMC, also known as the 100-year floodplain. The assumed usable portion of the property identified in the assessment coincides approximately with the portion of the property that lies outside of the 100-year flood-plain.

### PUBLIC HEARING & NOTICE

Hearing dates are as follows: June 12, 2018 before the Planning Commission and July 18, 2018 before the City Council

**At their June 12, 2018 hearing, the Planning Commission unanimously recommended approval of this proposal.**

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on May 19, 2018 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on May 30, 2018. Notice was sent to the Oregon Department of Land Conservation and Development on May 8, 2018.

## APPLICABLE CRITERIA, ANALYSIS & FINDINGS

**SHMC 17.08.040(1) – Quasi-Judicial Amendments & Standards**

(a) A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

(i) The applicable comprehensive plan policies and map designation; and that the change will not adversely affect the health, safety, and welfare of the community; and

(ii) The applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197, until acknowledgment of the comprehensive plan and ordinances; and

(iii) The standards applicable of any provision of this code or other applicable implementing ordinance.

(iv) A proposed change to the St. Helens zoning district map that constitutes spot zoning is prohibited. A proposed change to the St. Helens comprehensive plan map that facilitates a spot-zoning is prohibited.

(b) Consideration may also be given to:

(i) Any applicable evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

**(a)(i) Discussion**: The proposal is to amend the Zoning Map from Moderate Residential (R7) to Highway Commercial (HC) and the Comprehensive Plan Map from Suburban Residential (SR) to Highway Commercial (HC). The applicable Comprehensive Plan Policies are as follows:

**Finding(s)**:

**SHMC 19.08.020 Economic goals & 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.

[...]

(m) Make commercial designation large enough to accommodate a large variety of commercial development with sufficient buffers.

(n) Encourage land uses that are compatible with the transportation facilities.

This would add approximately 2 acres to the City's commercial lands inventory. According to the 2008 Economic Opportunities Analysis (Ord. 3101), St. Helens has a shortage of commercial lands. This proposal supports the City's economic goals and policies.

**SHMC 19.12.080 Suburban residential category goals and policies.**

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

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

(a) Allow for the convenient location of grocery stores by the conditional use process.

(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.

(d) Review diligently all subdivision plats in the suburban residential category to ensure the establishment of a safe and efficient road system.

(e) Designate suburban residential lands as R-7, Moderate Residential, or R-10, Suburban Residential, on the city zoning map.

The key question here is if this proposal will be detrimental to the City's housing needs. With an SR Comprehensive Plan designation, only the R7 and R10 zones are possible. This (the subject property and an adjacent property developed with a detached single-family dwelling on the west side) is a small (approximately 2.55 acre) enclave of SR designation surrounded by either the Highway Commercial designation (on the north, west and south sides) or the Unincorporated Multi Family Residential designation to the west.

The R7 and R10 zones are the City's least dense, with less residential unit type options and larger lot sizes. That combined with the property's environmental constraints (creek, flood plain, and riparian area) and irregular shape, doesn't lend itself well to efficient residential use. In short, though a loss of residential land, it is not a loss of residential land that would by itself make a significant impact to the City's housing needs. Its loss as residential land is insignificant to the City's housing needs compared to its value as commercial land as discussed below.

Also being vacant, this proposal doesn't displace any existing residential use.

**SHMC 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.

Though there is no established business on the subject property, it important to look at the established pattern of Highway Commercial zoning and Comprehensive Plan designation (both in and out of the City). Within the approximate >11,000 linear feet along the west side of US30 between Millard Road and Pittsburg Road the HC zoning and/or designation is between 200' and 800' wide except in two places:

- An approximate 250' long segment between the US30/Columbia Boulevard and US30/St. Helens Street intersections, where the HC zone/designation is about 150' wide with Mixed Use and General Commercial zoning beyond; and

- This location where the approximate average width is about 150' but as little as approximately 85' at a point with residential zoning/designation beyond.

This proposal would make the HC zone/designation width comparable to that on the north and south sides and better reflect HC zoning/designation patterns elsewhere, which is more consistent with the intent of the Comprehensive Plan.

The subject property is located just to the west of the intersection of US 30 and Firlock Park Blvd., classified as a Major Arterial and Collector Street, respectively. This is a major intersection where commercial use would be of value. Further, this is not identified as a problem intersection in the City's Transportation Systems Plan and as a vacant property current access management policies can be implemented helping to avoid conflicts with safe traffic movement.

Having such close proximity to US30, the proposal would encourage an enterprises catering to the travelling public.

Given the HC zoning/designation explanation above, a consistent width of HC zoning/designation establishes a predictable pattern of highway related commercial development, thus helping to minimize incompatible use patterns.

**In short, the proposal better reflects the Comprehensive Plan and the City's needs for commercial property without burdening the City housing needs.**

**(a)(ii) Finding(s):** The City has an adopted Comprehensive Plan; therefore the applicable Oregon Statewide Planning Goals do not need to be addressed per this criteria.

**(a)(iii) Finding(s):** There are no other applicable standards of any provision of this code or other applicable implementing ordinance to be reviewed for the purpose of this proposal not already addressed herein.

**(a)(iv) Discussion:** The definition of spot zoning means rezoning of a lot of parcel of land to benefit an owner for the use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

**Finding(s):** The proposal is bordered on three sides by the Highway Commercial designation as defined on the Comprehensive Plan map.

The change will result in one .37 acre parcel (35544 Firlok Park Blvd.) being alone with its R7 zoning and SR Comprehensive Plan designation. However, it is developed with a detached single family dwelling and any future use of that property is also allowed on the residential properties to the west (if they were annexed into the City). So though, it may look peculiar on the zoning map, it will not result in incompatible land use on the ground.

The proposal is not spot zoning.

**(b)(i) Finding(s)**: There is no evidence of a change in the neighborhood or community. There is no conclusive evidence of a zoning mapping error. However, there is evidence of an error in the Comprehensive Plan map data used for transportation projections in the TSP, which is discussed further below.

**SHMC 17.08.060 – Transportation planning rule compliance**

(1) 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")).

[...]

(3) Traffic Impact Analysis. A traffic impact analysis shall be submitted with a plan amendment or zone change application, as applicable, pursuant to Chapter 17.156 SHMC.

**Discussion:** SHMC 17.156.030(1) states that a traffic impact analysis is required for a change in zoning or a comprehensive plan amendment designation, except when the change will result in a zone or plan designation that will result in less vehicle trips based on permitted uses (e.g., from a high density residential district to a lower density residential district or from a commercial district to a residential district).

**Finding(s):** There are a couple things to consider here. The first is land area. Though the gross property size is 2.18 acres, much is encumbered by McNulty Creek, associated floodplain ("Area of Special Flood Hazard" per Chapter 17.46 SHMC), and riparian and protection zones area (per

Chapter 17.40 SHMC). The previous owner conducted a Natural Resource Assessment in 2008 which suggests there is approximately one usable acre of property. Although the assessment is about a decade old, it at least gives evidence (for the purpose of re-zoning considerations) that approximately half of the site is not likely to be developed.

The second issue is zoning. Comparing permitted uses in the R7 and HC zones, the HC zone allows uses that will generate more vehicular trips then those of the R7 zone, generally. The key issue here is impact on transportation facilities. The City's TSP, adopted in 2011, examined the City's transportation facilities based on assumptions of zoning designations at the time. Due to a data error, the City's Comprehensive Plan designation for the site, which guides zoning, indicated the site had a Comprehensive Plan designation of Highway Commercial (HC). The designation should have been Suburban Residential (SR) and the data was not corrected until around 2017 or so. Thus, since the 2011 TSP assumed this site was the Comprehensive Plan designation being proposed now, the change will not impact the findings made at that time and a traffic impact analysis is not required.

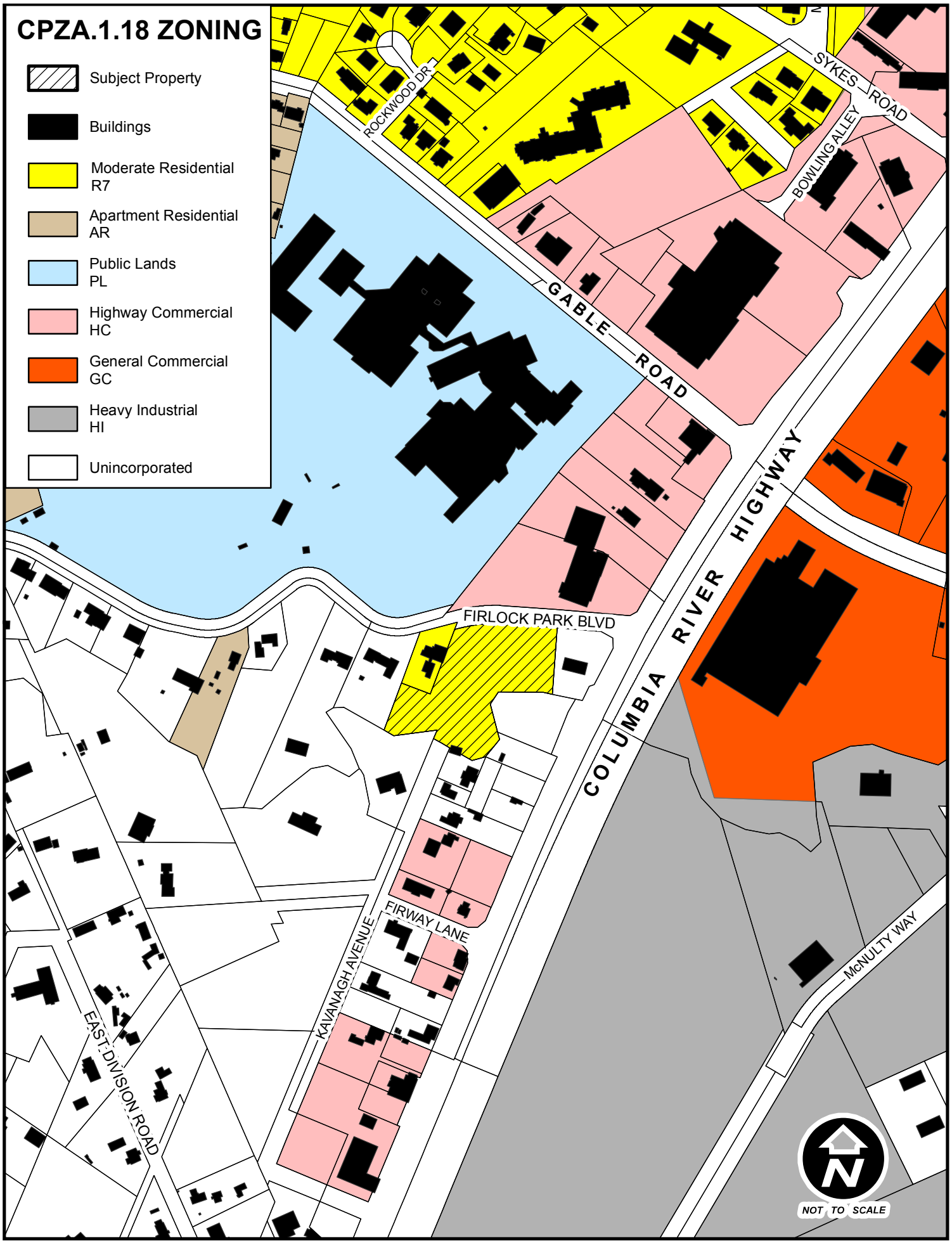
A traffic impact analysis will not be required for this request. The proposal complies with the TPR.

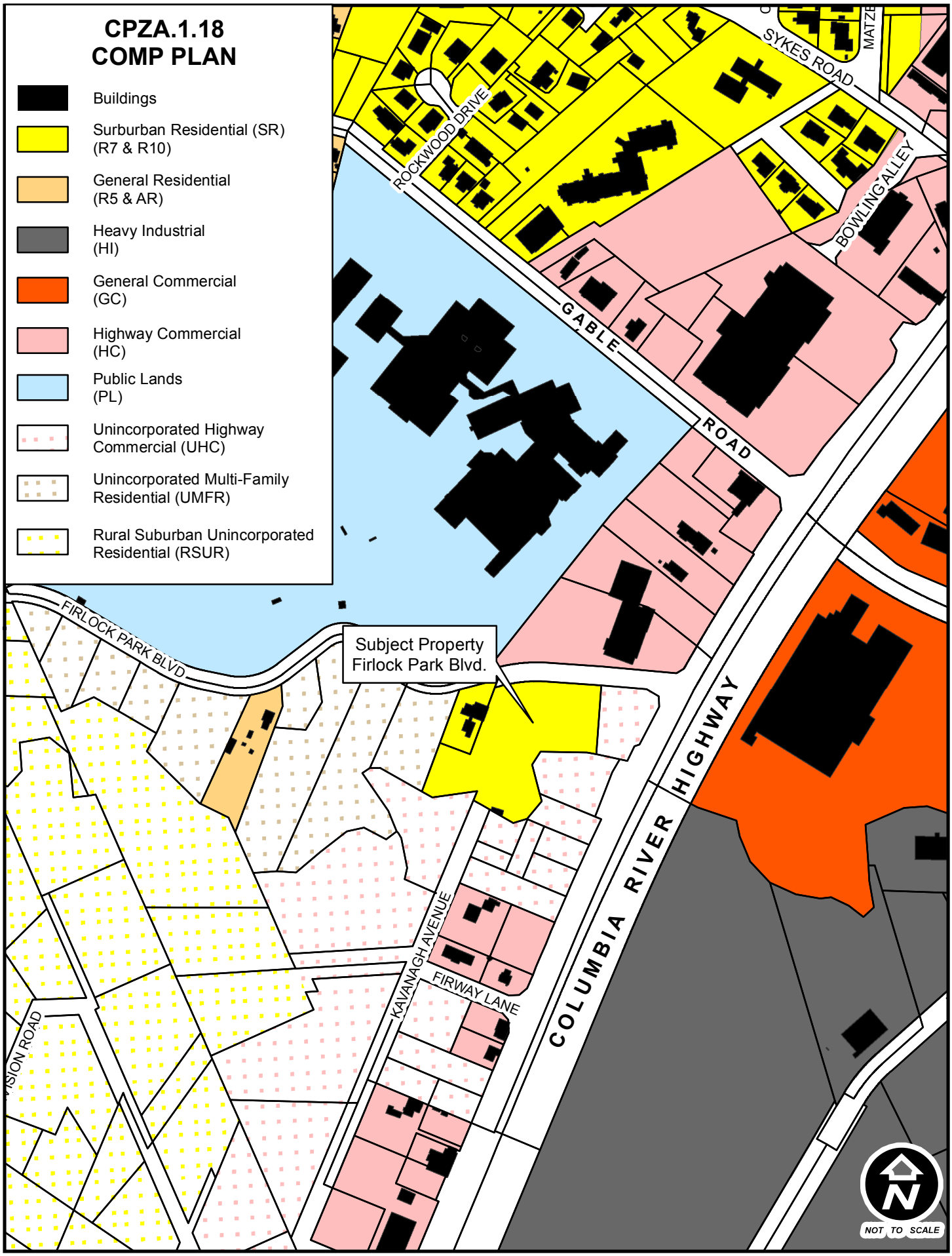
## CONCLUSION & RECOMMENDATION

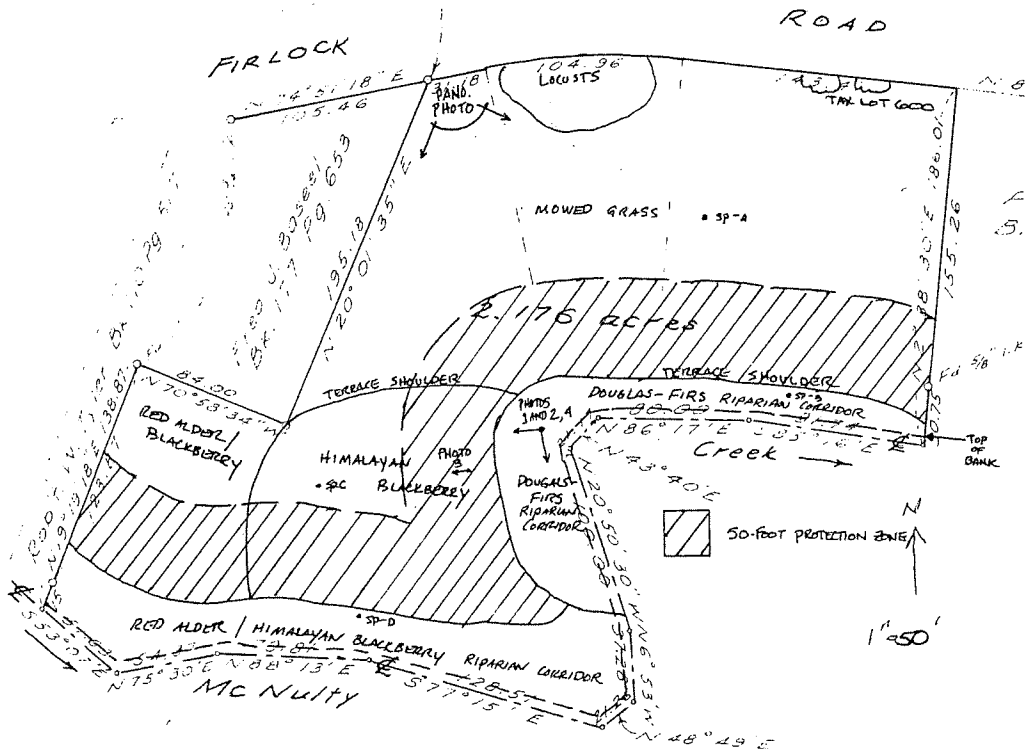
**Based upon the facts and findings herein, the Planning Commission recommends the City Council approval of the proposal.**

**Attachment(s):** *Maps (3), Figure 3 from Natural Resource Assessment (2008)*

CPZA.1.18
AERIAL (2009)
Subject Property
GABLE ROAD
FIRLOCK PARK BLVD
COLUMBIA RIVER HIGHWAY
KAVANAGH AVENUE
FIRWAY LANE
McNULTY WAY
NOT TO SCALE


CPZA.1.18 ZONING
Subject Property
Buildings
Moderate Residential
R7
Apartment Residential
AR
Public Lands
PL
Highway Commercial
HC
General Commercial
GC
Heavy Industrial
HI
Unincorporated
ROCKWOOD DR
SYKES ROAD
BOWLING ALLEY
GABLE ROAD
COLUMBIA RIVER HIGHWAY
FIRLOCK PARK BLVD
FIRWAY LANE
KAVANAGH AVENUE
EAST DIVISION ROAD
McNULTY WAY
NOT TO SCALE


CPZA.1.18
COMP PLAN
Buildings
Surburban Residential (SR)
(R7 & R10)
General Residential
(R5 & AR)
Heavy Industrial
(HI)
General Commercial
(GC)
Highway Commercial
(HC)
Public Lands
(PL)
Unincorporated Highway
Commercial (UHC)
Unincorporated Multi-Family
Residential (UMFR)
Rural Suburban Unincorporated
Residential (RSUR)
SYKES ROAD
MATZE
ROCKWOOD DRIVE
BOWLING ALLEY
GABLE ROAD
FIRLOCK PARK BLVD
Subject Property
Firlock Park Blvd.
COLUMBIA RIVER HIGHWAY
KAVANAGH AVENUE
FIRWAY LANE
NOT TO SCALE




Keystone Natural Resource Consulting

February 5, 2008

**SITE CONDITIONS**
**NATURAL RESOURCE ASSESSMENT**
**LOT 600, MAP 4 1 08AC**
Yamhill, Yamhill County , Oregon

**FIGURE 3**

**approx. Scale 1 in. =100 Feet**

0 100 200

Map Source: Site survey boundaries accurate to scale. Additional Information Estimated. 1/5/08.