



PLANNING COMMISSION
Tuesday, June 12, 2018
265 Strand Street, St. Helens, OR 97051
www.ci.st-helens.or.us

Welcome!

1. **7:30 p.m. Call to Order and Flag Salute**
2. **Consent Agenda: Approval of Minutes**
 - 2.A. Draft Minutes dated May 8, 2018
[050818 PC Minutes DRAFT](#)
3. **Topics from the Floor: Limited to 5 minutes per topic (not on public hearing agenda)**
4. **Public Hearings (times reflect earliest start time)**
 - 4.A. 7:30 p.m. - Comprehensive Plan & Zoning Map Amendment at Firlock Park Blvd. - Rocky Alley
[CPZA.1.18 Staff Report](#)
 - 4.B. 8:00 p.m. - Conditional Use Permit at 231 S. 1st Street - Establish a child care facility
[CUP.1.18 Staff Report](#)
5. **Acceptance Agenda: Planning Administrator Site Design Review**
 - 5.A.
 - a. Site Design Review (Major) at 343 S. Columbia River Highway - Establish eating/drinking establishment in an existing commercial suite
 - b. Site Design Review (Minor) at 58640 McNulty Way - Parking lot expansion
6. **Planning Director Decisions**

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.

- 6.A.
 - a. Accessory Structure Permit at 34830 Willie Lane - New storage shed
 - b. Accessory Structure Permit at 59050 Elizabeth Lane - New covered porch area
 - c. Sign Permit at 58640 McNulty Way - New ground-mounted sign
 - d. Accessory Structure at 58700 Magnolia Circle - New carport
 - e. Home Occupation (Type I) at 434 Grey Cliffs Court - Home office for structural engineering consulting

7. Planning Department Activity Report

8. For Your Information Items

9. Next Regular Meeting - *July 10, 2018*

10. Adjournment

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City of St. Helens Planning Commission

Draft Minutes

May 8, 2018

Members Present: Chair Russell Hubbard
Vice Chair Dan Cary
Commissioner Kathryn Lawrence
Commissioner Sheila Semling
Commissioner Julie Stenberg
Commissioner Audrey Webster

Members Absent: Commissioner Cohen

Staff Present: City Planner Jacob Graichen
Councilor Ginny Carlson
Associate Planner Jennifer Dimsho

Others: George Hafeman
Hugh & Becky Fitzgerald
Oscar Eisenschmidt
Brian & Haley Sakultarawattn
Joshua Christiansen
Scott Richards
Bill Craft
Max Snook
Eric & Linda Zahl
Ryan & Lisa Scholl

- 1) **Call to Order and Flag Salute 7 p.m.**
- 2) **Consent Agenda: Approval of Minutes**
2.A Draft Minutes dated April 10, 2018

Motion: Upon Commissioner Semling's motion and Commissioner Stenberg's second, the Planning Commission unanimously approved Draft Minutes dated April 10, 2018. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Vice Chair Cary, Commissioner Webster; Nays: None]

- 3) **Topics from the Floor: Limited to 5 minutes per topic (not on public hearing agenda)**

Hafeman, George. Hafeman owns a real estate office on Highway 30 next to the developing property on McBride/Matzen Street. Hafeman paved a portion of undeveloped right-of-way to increase their parking at the real estate office. It has been that way since 1983. He said they are using about half of the width of the right-of-way. This parking is very important to them. He is in favor of putting in a pedestrian path, as was approved with the subdivision, but he worries that development will impact their parking. City Planner Jacob Graichen explained the level of impact on the parking area will be determined by the development proposal of the lots next to it.

Vice Chair Cary asked if that development of the lots next to the parking area will be an administrative decision. Graichen said there is not a proposal at this time, but it will likely be administrative. Vice Chair Cary said it sounds like Hafeman should be in contact with Graichen as those lots get developed.

4) **Public Hearings (times reflect earliest start time)**

4.A 7:00 p.m. - Variance (Setback) at 58700 Magnolia Circle - Hugh & Becky Fitzgerald

Chair Hubbard opened the Public Hearing at 7:02 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. City Planner Graichen entered the staff report dated April 27, 2018 into the record. Graichen described the proposal and recommended conditions of approval, as presented in the staff report. Graichen noted that the City Engineer would like the additional runoff from the new structure to be directed to the street and stormwater catch basin. The Commission can add this as a condition.

Vice Chair Cary asked why the applicant has a second driveway. Graichen said the property is located on a cul-de-sac with a rolled curb. This subdivision also pre-dates the access management standards adopted with the 2011 Transportation System Plan. Commissioner Lawrence asked what the distance will be from the eave structure from the side setback. Graichen said the applicant can answer this, especially since they are proposing gutters.

In Favor

Fitzgerald, Hugh. Applicant. Fitzgerald said it will have gutters that will be routed to the stormwater system in the street. Fitzgerald said the measurements included in the site plan are for the building footprint, which does not include the eaves. Vice Chair Cary asked if the Homeowners' Association will be okay with the larger structure. Fitzgerald said it will not be a problem to get approval. Vice Chair Cary asked if there was a fence between their property and the neighbor. Fitzgerald said yes.

Opposition

No one spoke in opposition.

End of Oral Testimony

There were no requests to continue the hearing or leave the record open.

Close of Public Hearing & Record

The applicant waived the opportunity to submit final written argument after the close of the record.

Deliberations

The Commission feels this proposal is pretty cut and dry.

Motion: Upon Vice Chair Cary's motion and Commissioner Webster's second, the Planning Commission unanimously approved the Variance Permit with the additional condition regarding

stormwater. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Vice Chair Cary, Commissioner Webster; Nays: None]

Motion: Upon Vice Chair Cary's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Chair to sign the Findings & Conclusions once prepared. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Vice Chair Cary, Commissioner Webster; Nays: None]

4.B 7:30 p.m. - Sign Code Adjustment (Variance) at 25031 Millard Road - St. Helens Bible Church

Chair Hubbard opened the Public Hearing at 7:30 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the staff report dated April 27, 2018 into the record.

Graichen described the proposal and recommended conditions of approval, as presented in the staff report. Graichen said because they are in a predominantly residential area, they have to use the residential sign code, as opposed to commercial/industrial. Residential areas are more restrictive. Graichen noted that the proposed sign location will need to change in order to stay outside of the vision clearance area, as depicted in the staff report's vision clearance exhibit.

In Favor

Eisenschmidt, Oscar. Applicant. Eisenschmidt is representing the St. Helens Bible Church as the applicant. The reason they are applying for the variance is mainly because of the speed limit along Millard Road and the visibility of the sign. In his research, he found that they recommend letters of four inches in height for 35 MPH roads and six inches on 45 MPH roads. The font size for the sign proposed is three inches. Eisenschmidt said the size of the sign was chosen because of the amount of text required to be on the sign. The height of the sign is partly because the grade of the field is about one and a half feet lower than the road. He said the sign will be about six inches higher than the maximum height if you take out the grade difference of the road. He has no problem with moving the location of the sign to meet the vision clearance requirements. Eisenschmidt was hoping to use the County's rules because they allow a maximum size of 40 square feet, and they are proposing 36 square feet. Commissioner Semling asked about the sign content. Eisenschmidt clarified that her question was about their web address. Councilor Carlson asked if it was illuminated. Eisenschmidt said no.

Sakultarawattn, Brian. Sakultarawattn said traffic signs may be easily visible from the road, but they do not have to comply with the vision clearance rules. This is partly why they are requesting a larger sign. He also noted that it would be difficult to find a comparable situation where there is a large lot with a building set back so far from the road.

In Opposition

No one spoke in opposition.

Further Questions of Staff

Graichen clarified that the vision clearance triangle would be measured from the property line and from the edge of the driveway. This is because the road will eventually be built out to the edge of the right-of-way.

End of Oral Testimony

There were no requests to continue the hearing or leave the record open.

Close of Public Hearing & Record

The applicant waived the opportunity to submit final written argument after the close of the record.

Deliberations

The Commission has no problem with the proposal as presented.

Motion: Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Sign Code Adjustment. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Vice Chair Cary, Commissioner Webster; Nays: None]

Motion: Upon Vice Chair Cary's motion and Commissioner Stenberg's second, the Planning Commission unanimously approved the Chair to sign the Findings & Conclusions once prepared. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Vice Chair Cary, Commissioner Webster; Nays: None]

4.C 8:00 p.m. - Annexation at 60120 & 60110 Barrick Lane - Eric & Linda Zahl

Chair Hubbard opened the Public Hearing at 8:00 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. Graichen entered the staff report dated April 27, 2018 into the record.

Graichen introduced the Commission to the annexation proposal, as presented in the staff report. The Commission is to make a recommendation to City Council on whether or not to approve the annexation and what to zone the property. The purpose of the annexation is for the applicant to use our development standards. Graichen said the Comprehensive Plan designation allows for R10 or R7. It also allows for R5 or AR if the parcel is vacant and larger than two acres in size, there are adequate public services, and it is appropriate for the surrounding area. Therefore, the Commission can pick R10, R7, R5, or AR based on which zoning the Commission feels is compatible with the surrounding area. Graichen noted there is also an affordable housing policy in our Comprehensive Plan, which could be used to argue in favor of a higher density zone.

In Favor

Zahl, Eric. Applicant. Zahl said they have lived on this property for over 20 years. He entered a presentation into the record that follows the narrative that was included in the staff report. He described that they would like the property to be zoned R5 because it complies with the Comprehensive Plan goals and policies related to affordable housing. He explained the various demographic shifts that are creating a higher demand for mid to lower cost housing. This is causing costs to rise. He said the Columbia County Housing Report created by Community Action Team (published February 2017) concluded that we need about 109 dwelling units per year to keep up with demand. The report also recommended a mix of housing types, including

attached single-family dwellings and smaller size housing as a way to reduce the cost of housing. Zahl said they plan on developing the property with a mix of detached and attached homes. If it were zoned R7, they would not be able to do attached homes. They could also create smaller homes with smaller lots, which is needed to create more affordable housing. He said there would also be a common greenspace for a quality neighborhood aesthetic. He noted there are not a lot of vacant large parcels of R5 zoned property in the City.

To address spot-zoning, Zahl made the argument that the large vacant property to the east could be annexed as R5, which would mean that their property is starting the R5 trend, not a spot zone. He provided a concept plan for the subdivision layout. He said the homes will be developed with quality design and traditional-style architecture. Zahl said the Development Code and Comprehensive Plan allows for R5, and he would like the Commission to consider this designation.

Vice Chair Cary asked what would happen to Barrick Lane with development. Zahl said that is to be determined with a full subdivision application. It is currently an access easement for the existing Zahl homes. It is also designated as Elk Ridge's emergency access easement. Graichen said the proposed subdivision layout is beyond the scope of the annexation.

Neutral

Scholl, Lisa. Scholl and her husband live on Ridgeway Loop adjacent to the proposal. Scholl is not against the annexation. When they moved in, she knew that the subject property would eventually be subdivided because of the street stub. She knows that there is a need for affordable housing in the community, but she feels that the R5 zone does not fit in with the character of the surrounding zones. It is surrounded by R7. Scholl is concerned about the increase in traffic. She said there are lots of children that play throughout her subdivision. Scholl said there will be more affordable housing with apartments and other development in the City. Scholl said the City Engineer recommended R7 zoning. Scholl said it could be years before the property to the east is developed. We have no idea what it will be zoned. It is just speculation to say that it will be zoned R5. Lastly, Scholl said the visibility is difficult around Steinke Drive and Hankey Road. She explained this more in her letter, which was included in the staff report.

Scholl, Ryan. Scholl said the proposal would be connecting two R7 subdivisions with R5. He said you could speculate about the other property to the east, but this proposal is spot zoning today. Scholl said it is difficult to pull out onto Hankey Road from Steinke Drive. He is concerned about adding additional traffic to an already challenging intersection.

Rebuttal

Zahl, Eric. Applicant. Zahl said the Scholls made good points. Zahl said the Emerald Meadows subdivision was changed to R5, which is closer than one mile, as Scholl noted in the letter.

Regarding spot zoning, he said the Commission needs to consider the adjacent property as a potential R5. Housing needs will continue to increase, which is why it could be likely zoned R5 in the future. Zahl said maintaining consistency is not the only goal of the Planning Commission. Maintaining the status quo does not properly use new facts and reality about housing affordability issues. The Commission is responsible for planning into the future 20, 30, and 40 years from now. Zahl feels with the right kind of design, the feel of the new subdivision will be consistent with the surrounding subdivisions.

Zahl also wanted to address the visibility problem from Steinke Drive onto Hankey Road. He agreed there is a problem, but only about half of the homes in the new development would exit that way. He does see how a 36 percent increase in traffic would address the fundamental problems of that intersection. He also noted a Traffic Impact Analysis (TIA) would be required at the time of the subdivision application and that safety concerns of that intersection would be addressed as part of the subdivision. They did not create the original problem. He described some opportunities to make visibility easier at the intersection.

Zahl, Linda. Applicant. Zahl said having a mix of housing makes a community better. Zahl also noted that the property to the east is owned by Weyerhaeuser and she recently learned from them that the land is not suitable for tree growth. They only re-planted because they are required to. She admitted she does not actually know when or if this will happen, but she spoke with the engineers when they replanted about four years ago. She thinks they will be selling off land for development soon.

Deliberations

Vice Chair Cary asked why a TIA is not warranted at this time. Graichen said an annexation is not a zoning/comprehensive plan amendment, even though the zoning does have to be determined as part of the annexation. Vice Chair Cary asked about the definition of spot zoning. If it is a big enough property, is it still spot zoning? Graichen said the definition of spot zoning is, "rezoning 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." Vice Chair Cary said it seems like if the parcel were bigger, the proposal would not be considered spot zoning.

Commissioner Webster is in favor of R7 zoning to keep it contiguous. Vice Chair Cary said the concept design is great, but this is not the right place for it. Commissioner Lawrence agrees. The zoning should be contiguous with the surrounding two subdivisions. Commissioner Lawrence asked if the area by the DMV could be developed as R5. Graichen said yes, attached and detached single-family dwellings could be built there.

Motion: Upon Commissioner Lawrence's motion and Commissioner Webster's second, the Planning Commission unanimously recommended approval of the annexation with a zoning designation of R7 to the City Council. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Vice Chair Cary, Commissioner Webster; Nays: None]

5) Discussion Items

5.A Auxiliary Dwelling Unit (ADU) Discussion

Graichen said this is not a public hearing, but a discussion of concepts that will eventually turn into code amendments and a public hearing. Senate Bill 1051, which was passed in August 2017, states that cities with a population greater than 2,500 people must allow at least one accessory dwelling unit for areas zoned for detached single-family dwellings, subject to reasonable local regulations. He said he has never permitted an ADU in his ten years with the City, likely because the standards are too burdensome. Councilor Carlson said it is the Council's opinion that everyone deserves a home, and ADU rules are an easy way to create more housing. Graichen added that since we already have an ADU chapter, making them easier to develop will not be too burdensome.

Graichen said the first change is to amend the definition of ADU to be more consistent with the state and to change them from conditionally permitted to outright permitted. The Commission had no issue with this, as long as underlying zoning setbacks are met. Commissioner Stenberg asked if applicants would still be able to apply for variances. Graichen said yes. Vice Chair Cary asked if residents would be upset if there is not a public hearing associated with the development of an ADU. Councilor Carlson noted that people have ADUs illegally now. This will bring them to the light.

Graichen said best practices by the state and the Columbia County Housing Study recommend removal of the owner-occupancy requirement because it is impractical to enforce and creates an additional barrier to their development. The Commission is okay with this. Chair Hubbard is concerned about creating ADUs for short-term rentals, especially since the reason for allowing them is to create more affordable housing for locals. Commissioner Stenberg agreed. Graichen said he could add text that does not allow ADUs to become a short-term rental.

Regarding parking, although the literature suggests not requiring off-site parking, Graichen does not recommend this approach. He recommends leaving the code as is. It currently says that no additional space is required if it is created on a site with an existing home and abuts a street that is at least 20 feet wide. Instead of 20 feet wide, he recommended changing the rule to require a parking space if the street has no parking. If the ADU is new, one new, non-tandem parking space is required.

Regarding ADU size, the recommendation is to change the maximum size to be no more than 50 percent of the gross living area of the principal dwelling. The Commission is okay with using gross living area. Graichen said the architectural features section will remain the same. Commissioner Lawrence likes that section.

Graichen recommends not allowing ADUs within the 100-year floodplain to prevent damage to areas that are prone to flooding. The Commission agrees. The Commission also agrees that ADUs should not be allowed to impact Sensitive Lands (riparian areas, wetlands, protection zones). Graichen said that ADUs should be allowed to utilize the exceptions to a variance provided in SHMC 17.108.050 (4). Commissioner Lawrence does not like this, but the rest of the Commission agrees with Graichen. Regarding non-conforming structures, Graichen's recommendation is to allow an existing legal non-conforming structure to be converted, provided that the conversion does not increase the non-conformity. Regarding assigning an address, ADUs would use the same number as the principal dwelling. The Commission is okay with these recommendations.

Graichen said the actual code amendments will be seen by the Commission in the next few months. He also said the text amendments will make Type I Home Occupations exempt. Type II Home Occupations will still remain. There is signage, customers, and outward evidence of the business with a Type II Home Occupation.

5.B [Annual Report to City Council June 6 at 1 p.m.](#)

Graichen asked if anyone wants to present for the Annual Report to City Council on June 6 at 1 p.m. and/or if there is anything that Council can do to better support the Commission. Councilor Carlson noted what other Commissions have asked of Council, like training, conferences, speakers, etc. Commissioner Lawrence asked for additional training sessions.

- 6) **Acceptance Agenda: Planning Administrator Site Design Review**
6.A Site Design Review at 495 S. Columbia River Highway - New medical office building

Motion: Upon Commissioner Webster's motion and Vice Chair Cary's second, the Planning Commission unanimously approved the Site Design Review at 495 S. Columbia River Highway - New medical office building. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Vice Chair Cary, Commissioner Webster; Nays: None]

- 7) **Planning Director Decisions**
- a. Home Occupation (Type I) at 59552 Darcy Street - Home-based indoor OLCC-registered marijuana producer
 - b. Home Occupation (Type I) at 364 S. 6th Street - Home office for drone mapping
 - c. Home Occupation (Type II) at 174 Shore Drive - Home-based interior auto repair
 - d. Temporary Use Permit (1 Year Extension) at 555 S. Columbia River Highway - Food service trailer
 - e. Home Occupation (Type I) at 455 S. 17th Street - Online art sales
 - f. Partition at 1300 & 1400 Kaster Road - City of St. Helens
 - g. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - Kiwanis Community Parade
 - h. Temporary Use Permit (Medical Hardship) at 464 Grey Cliffs Court - Caregiver living in RV
 - i. Temporary Use Permit at 2295 Gable Road - TNT Fireworks Stand
 - j. Subdivision (Final Plat) at McBride & Matzen Streets - Multi-Tech Engineering LLC

There were no comments.

- 8) **Planning Department Activity Report**
8.A April 23, 2018 Planning Department Report

There were no comments.

- 9) **For Your Information Items**

Graichen asked the Commission if they could arrive at the next meeting on June 12 at 6:30 p.m. for a Riverfront Connector Plan work session that will be from 6:30 p.m. - 7:30 p.m. Commissioner Semling will not be in attendance.

- 10) **Next Regular Meeting - June 12, 2018**

- 11) **Adjournment**

There being no further business before the Planning Commission, the meeting was adjourned at 10:14 p.m.

Respectfully submitted,

Jennifer Dimsho
Associate Planner

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

DATE: June 1, 2018
TO: Planning Commission
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



Subject property from Firlock Park Blvd. looking south towards McNulty Creek



McNulty Creek and upland protection zone

that lies outside of the 100-year flood-plain.

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

June 12, 2018 before the Planning Commission
July 18, 2018 before the City Council

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.

AGENCY REFERRALS & COMMENTS

Wastewater Treatment Plant Operator: No comments or concerns from the wastewater pretreatment department at this time.

City Engineering: No comments at this time.

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:

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.

Generally residential land is not associated with jobs and economic growth capacity. This would add property to the commercial lands inventory. According to the 2008 Economic Opportunities Analysis (Ord. 3101), St. Helens has a shortage of commercial lands. Note that there is no identified shortage of residential land in the adopted EOA.

If redeveloped as commercial property, the site would likely need to include a buffer from the residential use to the west. The remaining three sides are either commercial already or will likely be developed as commercial, due to their comprehensive plan designation and County zoning.

The site 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. Given the site's exposure and proximity to US 30, the site may not lend itself well to certain residential development.

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.

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.
- [...]

The purpose of the HC zone is to create a commercial strip along US 30 that caters to motorists. The applicant has stated their interest in developing the property with a use that would cater to motorists.

This zone change proposal would add to the existing, but currently small, strip of HC along the Highway. Given that this site is located less than 200 feet away from US 30, it could be argued that this proposal will further HC zoning goals by preventing US 30 frontage from becoming residential or other non-commercial uses. If approved, the approximate width of the HC zone would be more consistent with other areas along US 30.

Vehicular access, safety, and parking will be addressed at the time of development. There is interest in a shared access agreement with the adjacent property owner (veterinary clinic). This will be important at the time of development because Firlock Park Blvd. is classified as a Collector Street, which has a 100 feet minimum distance requirement between driveways.

(a)(i) Finding: The Commission needs to decide if the zone change is compatible with the applicable comprehensive plan policies and map designation and if there is any evidence that the proposal will adversely affect the health, safety, or welfare of the community.

(a)(ii) Finding: 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: 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. The proposal is bordered on three sides by Highway Commercial as defined on the comprehensive plan map. It appears to be compatible with surrounding uses and further the comprehensive plan's goals and policies.

(a)(iv) Finding: The proposal is not spot zoning.

(b)(i) Finding: 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).

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 than 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.

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

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends the Planning Commission recommend to the City Council approval of the proposal if the Commission finds that the proposal is not contrary to Comprehensive Plan goals and policies.

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

**CPZA.1.18
AERIAL (2009)**

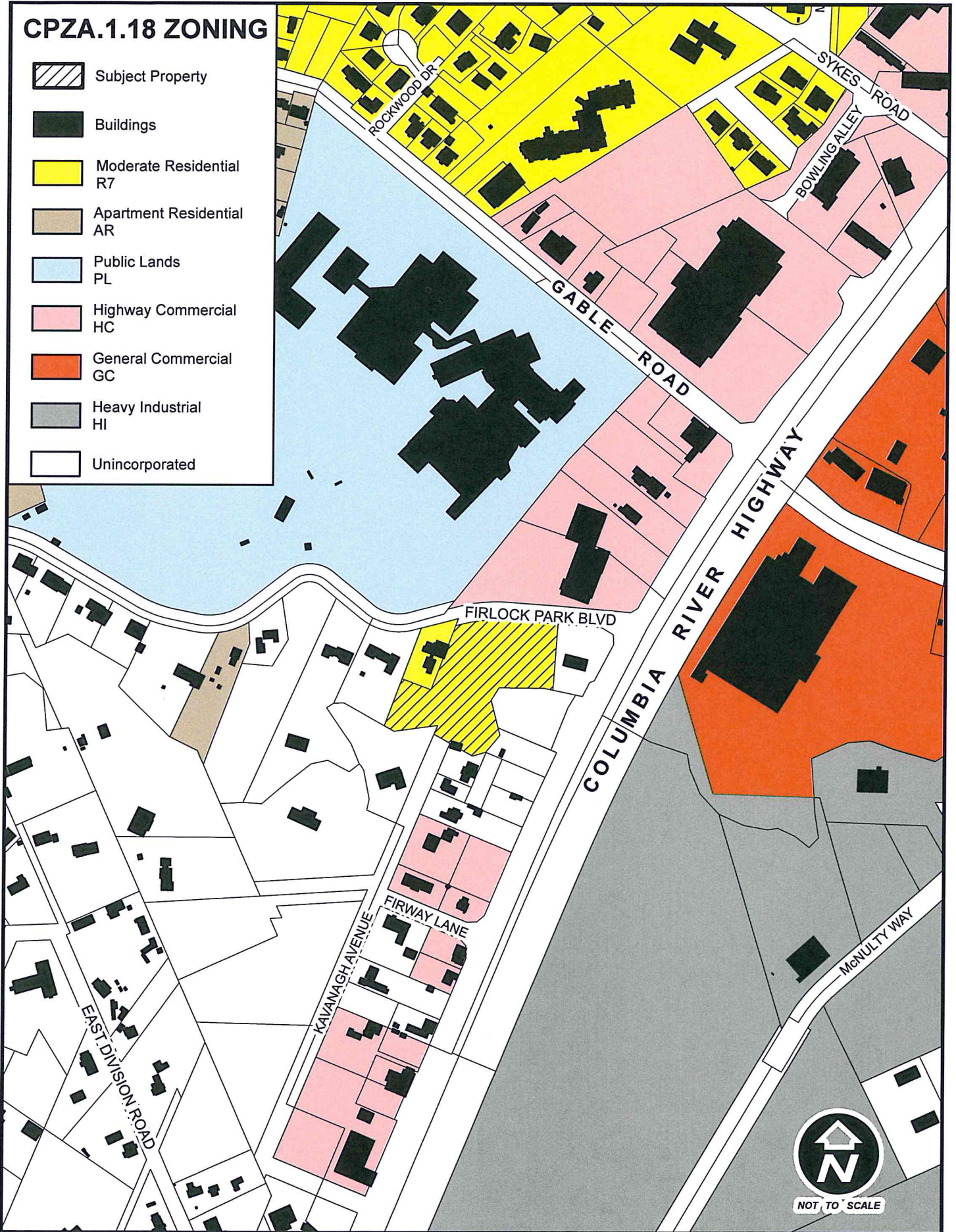


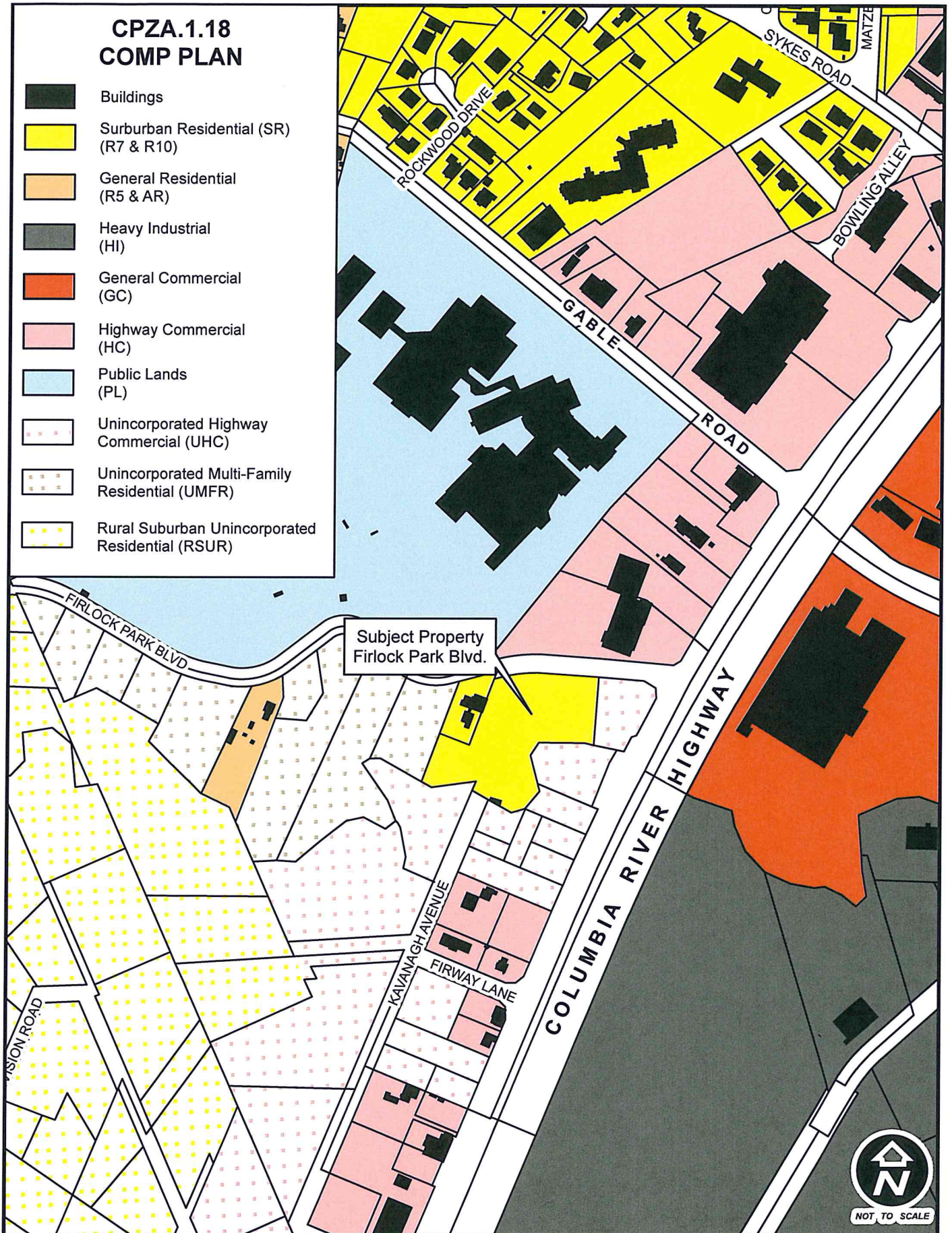
Subject Property



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





**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Conditional Use Permit CUP.1.18**

DATE: June 1, 2018
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
 Jennifer Dimsho, Associate Planner

APPLICANT: Elliot Michael
OWNER: Masonic Building LLC

ZONING: Riverfront District, Plaza (RD, Plaza)
LOCATION: 231 S. 1st Street
PROPOSAL: Establish child care facility in the bottom floor of an existing building

The 120-day rule (ORS 227.178) for final action for this land use decision is September 12, 2018.

SITE INFORMATION / BACKGROUND

The site is developed with a two-story attached building in the Riverfront District, Plaza subdistrict, adjacent to the partly City-owned public parking area. The bottom floor was previously used as an antique store. The second floor is currently used as the City's gift shop and museum. The proposal is to use the bottom floor for a child care facility. The site is accessed from S. 1st Street which has frontage improvements (sidewalks, gutter, & curb). There is on-street parking in front of the building and the public parking directly to the north and west of the building.



S. 1st Street facade



Building rear from public parking lot

PUBLIC HEARING & NOTICE

Hearing dates are as follows: June 12, 2018 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on May 23, 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.

AGENCY REFERRALS & COMMENTS

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

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.100.040(1) - CUP Approval standards and conditions

(1) The planning commission shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

- (a) The site size and dimensions provide adequate area for the needs of the proposed use;
- (b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
- (c) All required public facilities have adequate capacity to serve the proposal;
- (d) The applicable requirements of the zoning district are met except as modified by this chapter;
- (e) The supplementary requirements set forth in Chapter [17.88](#) SHMC, Signs; and Chapter [17.96](#) SHMC, Site Development Review, if applicable, are met; and
- (f) The use will comply with the applicable policies of the comprehensive plan.

(a) This criterion requires that the site size and dimensions provide adequate area for the needs of the proposed use.

Finding(s): There is no evidence to the contrary.

(b) This criterion requires that the characteristics of the site be suitable for the proposed use.

Finding(s): There is no evidence to the contrary.

(c) This criterion requires that public facilities have adequate capacity to serve the proposal.

Finding(s): There is no evidence that public facilities are inadequate for this proposal.

(d) This criterion requires that the requirements of the zoning district be met except as modified by the Conditional Use Permit (CUP) chapter.

Finding(s): The property is zoned Riverfront District (RD), Plaza. “Child care facility/day nursery” is listed as a conditionally permitted use in this zoning district.

(e) This criterion requires analysis of the sign chapter and site design review chapter.

Finding(s): **With regards to signs**, any new sign or modified sign shall require a sign permit per Chapter 17.88 SHMC. **Note:** This property is subject to the Architectural Design Guidelines, which means any alterations that require a permit as defined by SHMC 17.36, including signage.

With regards to site development review standards, as the site is developed and there are no substantial proposed improvements to the site to accommodate the proposed use (e.g., new development), many aspects don’t apply. The noteworthy aspects are as follows:

With regards to off-street parking, the RD zone includes an off-street parking provision as follows:

No additional or new on-site parking is required for sites with existing development footprint coverage in excess of 50 percent of the site area (change of use or remodeling without a change to the existing footprint of existing development is also exempt).

The subject property is approximately 11,400 square feet in size. The building on the property has a footprint of almost the entire lot, thus, off-street parking requirements are generally exempt. However, it should be noted that in the RD zone, many of the surrounding businesses rely on public parking, both on-street and off-street public parking areas for their customers during business hours. **The Commission must decide if this request should require a condition that addresses the matter.** See **SHMC 17.100.040 (3)** below.

The site is void of landscaping. Because this is a Conditional Use Permit, **the Commission can require landscaping related conditions, if such is determined to be warranted.** See **SHMC 17.100.040 (3)** below.

With regards to screening, there is not much space on the property to have a refuse container, unless it was stored off the property. **Therefore, the Commission should require a trash management plan in order to address the storage of refuse on site.**

(f) This criterion requires compliance with the applicable policies of the Comprehensive Plan.

Finding(s): The commercial policies listed in SHMC 19.12.070 state it is the policy of St. Helens to:

Emphasize and support existing town centers as business places. When areas are developed adjacent or next to existing town centers, ensure that the new development is compatible with and will complement existing development. Preserve areas for business use by limiting incompatible uses within them.

The Riverfront District, Plaza is the historic commercial core of St. Helens. The Comprehensive Plan says that the City should encourage commercial uses that contribute to a vibrant downtown.

One of the ways to make a child care facility more compatible with the surrounding uses within the commercial core would be to offer drop-in services for shoppers to drop off small children while they shop. The Commission must decide if this is a reasonable manner of operation requirement that would encourage compatibility with surrounding uses in the vicinity.

SHMC 17.100.040(3) - CUP Approval standards and conditions

(3) The planning commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to, the following:

- (a) Limiting the hours, days, place, and manner of operation;
- (b) Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
- (c) Requiring additional setback areas, lot area, or lot depth or width;
- (d) Limiting the building height, size or lot coverage, or location on the site;
- (e) Designating the size, number, location, and design of vehicle access points;
- (f) Requiring street right-of-way to be dedicated and the street to be improved;
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- (h) Limiting the number, size, location, height, and lighting of signs;
- (i) Limiting or setting standards for the location and intensity of outdoor lighting;
- (j) Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- (k) Requiring and designating the size, height, location, and materials for fences; and
- (l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

Discussion: These are items the Commission may consider for this proposal.

Findings: To be determined by the Commission.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Conditional Use Permit with the following conditions:

1. This **Conditional Use Permit** approval is valid for a limited time (to establish the use) pursuant to SHMC 17.100.030. This Conditional Use Permit approval is valid for 1.5 years. A 1-year extension is possible but requires an application and fee. If the approval is not vested within the initial 1.5 year period or an extension (if approved), this is no longer valid and a new application would be required if the proposal is still desired. See SHMC 17.100.030.
2. The following shall be required prior to any development or building permit issuance:

- a. A trash management plan that addresses where the applicant will store refuse on site.
 - b. << Does the Commission want to include a condition that addresses manner of operation to encourage compatibility with surrounding uses (e.g. requiring the acceptance of drop-in child care)? >> If so, a plan to address how this will be done will be required.
3. << Does the Commission want to include a condition to minimize the impact of parking for nearby businesses? >>
- 4. Compliance with Columbia River Fire & Rescue Fire Code concerns shall be required prior to Certificate of Occupancy the City Building Official.
 - 5. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17). In addition, this approval does not exempt the requirements of or act as a substitute for review of other City departments (e.g. Building and Engineering) or other agencies.

Attachments: *Aerial, Floor plan*

CUP.1.18 Aerial



27

↑ north
NOT TO SCALE

