

City of St. Helens
ORDINANCE NO. 3224

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS COMPREHENSIVE PLAN
MAP FOR CERTAIN PROPERTY FROM THE HIGHWAY COMMERCIAL (HC)
DESIGNATION TO THE GENERAL COMMERCIAL (GC) DESIGNATION AND THE
ZONING DISTRICT MAP FROM THE HIGHWAY COMMERCIAL (HC) ZONE TO THE
GENERAL COMMERCIAL (GC) ZONE

WHEREAS, applicants have requested to amend the City of St. Helens Comprehensive Plan Map and Zoning District Map for property depicted in **Attachment "A"** attached hereto and made part of this reference, and identified as Columbia County Tax Assessor Map Number 4N1W-5DD-700 and 1900, from Highway Commercial (HC) to General Commercial (GC), and Highway Commercial (HC) to General Commercial (GC), respectively; and

WHEREAS, the St. Helens Planning Commission did hold a duly noticed public hearing and did conclude to recommend such a change to the City Council; and

WHEREAS, the City Council did hold a duly noticed public hearing and did find that after due consideration of all the evidence in the record compared to the criteria, that they agreed with the application; and

WHEREAS, the Council has considered the findings of compliance with criteria and law applicable to the proposal.

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

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

Section 2. The City of St. Helens Comprehensive Plan Map is amended to change the plan designation boundaries of the Highway Commercial (HC) designation to the General Commercial (GC) designation for the property described herein.

Section 3. The City of St. Helens Zoning District Map is amended to change the zoning district boundaries of the Highway Commercial (HC) zone to the General Commercial (GC) zone for the property described herein.

Section 4. The boundary of the Zoning and Comprehensive Map Amendment shall apply to the whole of the subject property. The division between General Commercial (GC) and Highway Commercial (HC) may be per the plan, depicted in **Attachment "B"** attached hereto and made part of this reference, more-or-less, provided the property line is legally moved within one year from the effective date of the Ordinance.

Section 5. In support of the aforementioned Comprehensive Plan Map and Zone District Map Amendment, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Attachment "C"** and made part of this reference.

Section 5. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

Read the first time: March 7, 2018
Read the second time: March 21, 2018

APPROVED AND ADOPTED this 21st day of March, 2018 by the following vote:

Ayes: Locke, Carlson, Conn, Morten, Scholl

Nays: None


Rick Scholl, Mayor

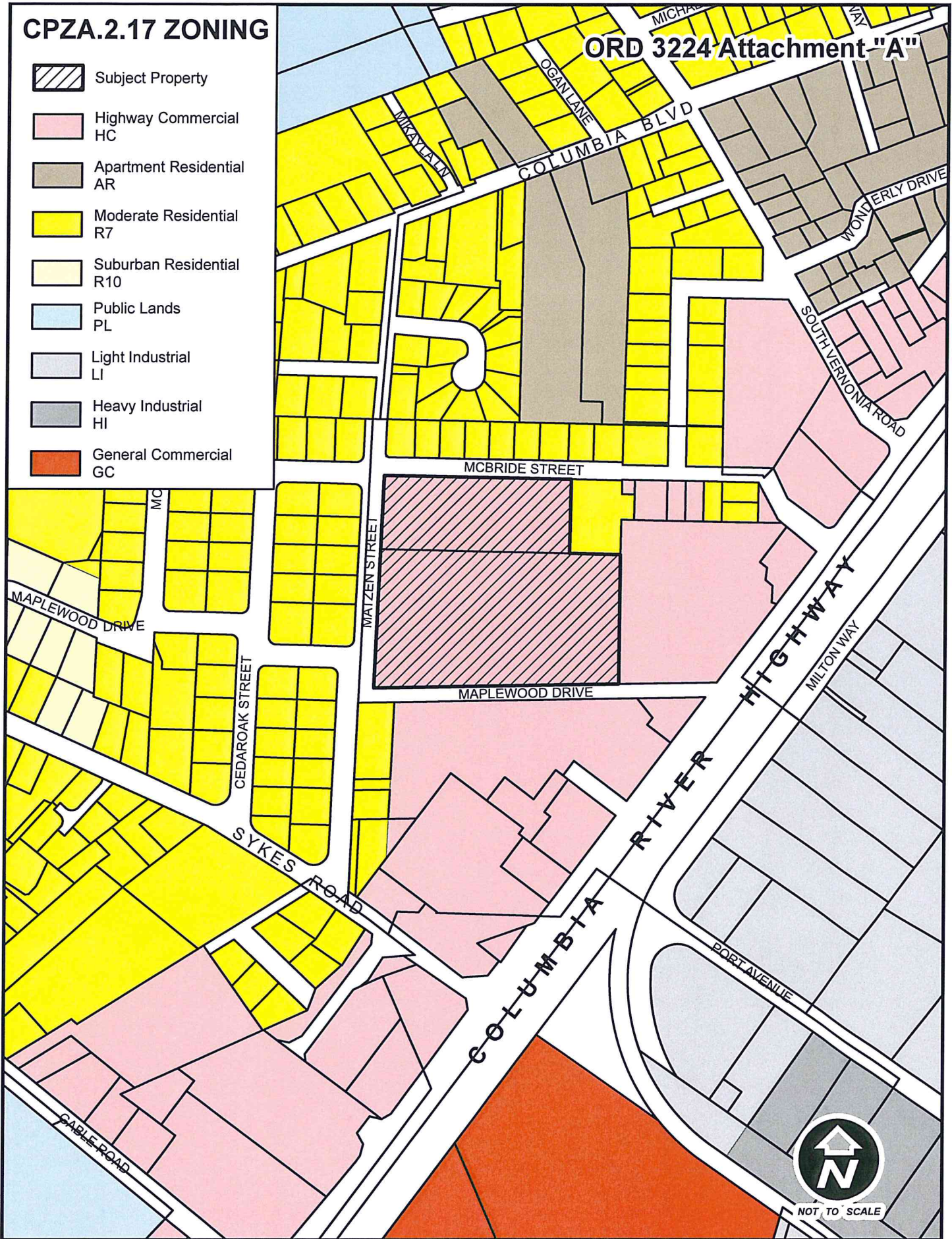
ATTEST:


Kathy Payne, City Recorder

CPZA.2.17 ZONING

ORD 3224 Attachment "A"

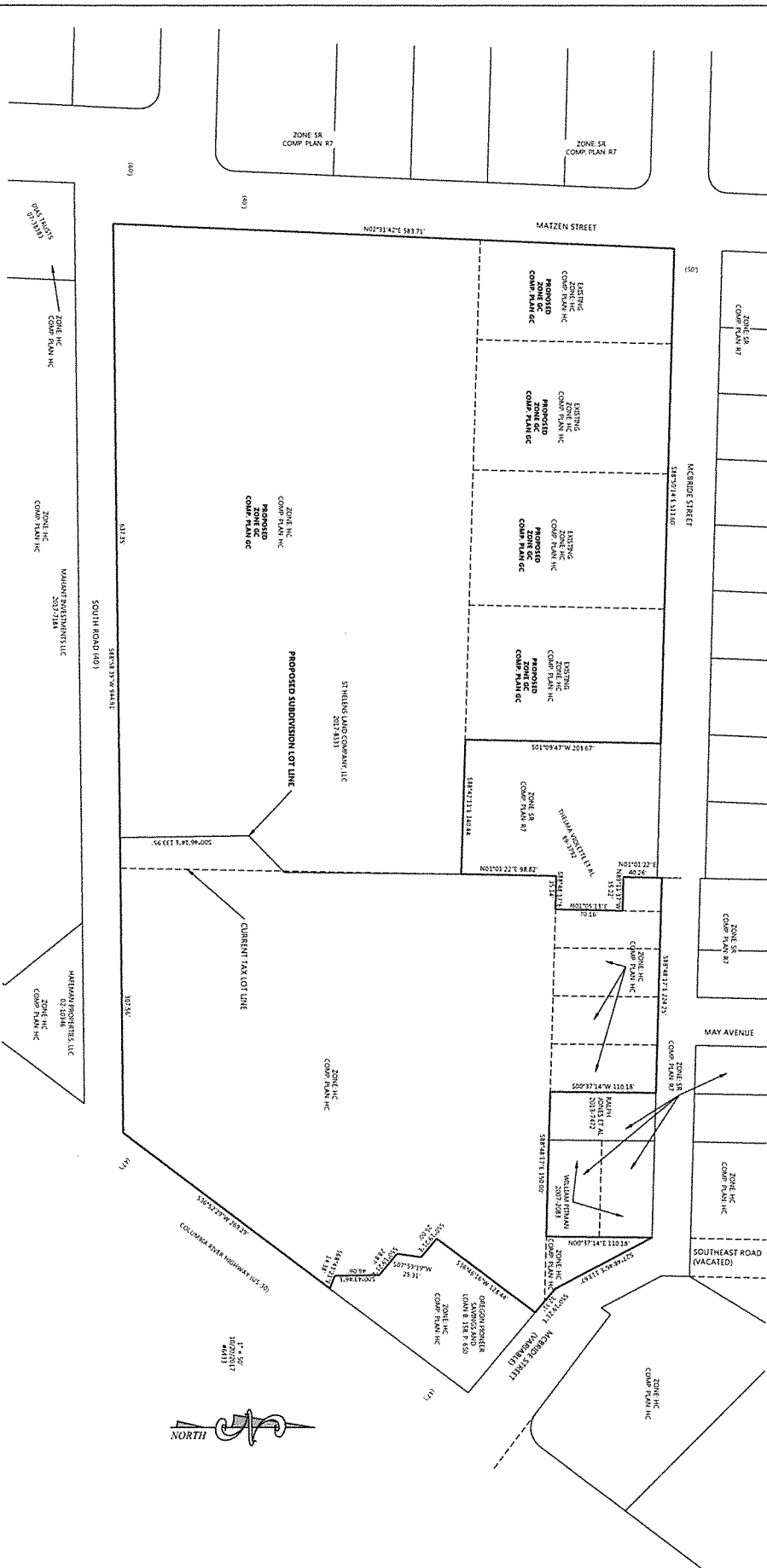
-  Subject Property
-  Highway Commercial HC
-  Apartment Residential AR
-  Moderate Residential R7
-  Suburban Residential R10
-  Public Lands PL
-  Light Industrial LI
-  Heavy Industrial HI
-  General Commercial GC



Owner/Developer:
ST. HELENS LAND COMPANY, LLC
 9550 SE CLACKAMAS RD.
 CLACKAMAS, OR 97015
 (503) 655-7933
 KARL@HECON.US

ORD No. 3224
 Attachment B

EXISTING CONDITIONS/
PROPOSED CONDITIONS



1 OF 1

Design: J.R.B.
 Drawn: C.L.L.
 Checked: J.R.B.
 Date: SEPT. 2012
 Scale: AS SHOWN
 As-Built:

ST. HELENS COMMERCIAL/MULTI-FAMILY

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION. MULTIVISION ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED.

COMP PLAN ZONE CHANGE

MULTI/TECH
 ENGINEERING SERVICES, INC.
 1455 S 3RD ST., W.A.L. SALES, OR. 97302
 PH: (503) 363-9227 FAX: (503) 364-1260
 WWW.MULTITECHOR.COM

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
CPZA.2.17**

APPLICANT: Karl Ivanov / Multi-Tech Engineering Services, Inc.

OWNER: St. Helens Land Company LLC

ZONING: Highway Commercial (HC)

LOCATION: 4N1W-5DD-700 & 1900

SE corner of the McBride and Matzen Street intersection

PROPOSAL: Zone Map Amendment from Highway Commercial (HC) to General Commercial (GC) and Comprehensive Plan Amendment from Highway Commercial (HC) to General Commercial (GC)

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

SITE INFORMATION / BACKGROUND

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

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

PUBLIC HEARING & NOTICE

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

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

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on December 18, 2017 via first class mail. Notice was sent to agencies by mail or e-mail on December 18, 2017. Notice was published in the The Chronicle on December 27, 2017. Notice was sent to the Oregon Department of Land Conservation and Development on December 5, 2017

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.20.120(1) – Standards for Legislative Decision

The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:

- (a) The statewide planning goals and guidelines adopted under ORS Chapter 197;
- (b) Any federal or state statutes or guidelines found applicable;
- (c) The applicable comprehensive plan policies, procedures, appendices and maps; and
- (d) The applicable provisions of the implementing ordinances.
- (e) A proposed change to the St. Helens Zoning District Map that constitutes a spot zoning is prohibited. A proposed change to the St. Helens Comprehensive Plan Map that facilitates a spot zoning is prohibited.

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

Statewide Planning Goal 1: Citizen Involvement.

Goal 1 requires the development of a citizen involvement program that is widespread, allows two-way communication, provides for citizen involvement through all planning phases, and is understandable, responsive, and funded.

Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in the statutes and in its acknowledged comprehensive plan and land use regulations.

The City's Development Code is consistent with State law with regards to notification requirements. Pursuant to SHMC 17.20.080 at least one public hearing before the Planning Commission and City Council is required. Legal notice in a newspaper of general circulation is required too. Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties. The City has met these requirements and notified DLCD of the proposal.

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

Statewide Planning Goal 2: Land Use Planning.

This goal requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.

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

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

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

Statewide Planning Goal 10: Housing

This goal is about meeting the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

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

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

Statewide Planning Goal 12: Transportation

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

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

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

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

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

19.08.020 Economic goals and policies.

[...]

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

[...]

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

[...]

19.12.080 Highway commercial category goals and policies.

(1) Goals.

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

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

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

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

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

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

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

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

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

[...]

19.12.070 General commercial category goals and policies.

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

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

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

(i) Making shopping more convenient for patrons;

(ii) Cutting down on street traffic;

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

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

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

[...]

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

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

[...]

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

[...]

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Council approves the proposal with the following provision:

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



Rick Scholl, Mayor

3-21-18
Date