


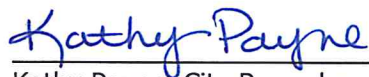
Ayes: Locke, Carlson, Morten, Topaz, Scholl

Nays: None



Rick Scholl, Mayor

ATTEST:



Kathy Payne, City Recorder

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
CPZA.1.19**

APPLICANT: City of St. Helens
OWNERS: Donald Lewis, Valerie Erickson

ZONING: General Commercial (GC)
LOCATION: 4N1W-3BA-2300, 2400 & 2401 (164, 170 & 180 S. 1st Street)
PROPOSAL: Zoning Map Amendment from General Commercial (GC) to Apartment Residential (AR); Comprehensive Map Amendments from General Commercial (GC) to General Residential (GR)

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

SITE INFORMATION / BACKGROUND

164 S. 1st Street is developed with a single-family dwelling. According to the Columbia County Assessor, it was built in 1960. 164 and 170 S. 1st Street are addresses assigned to a single lot. 170 S. 1st Street is a long vacant former hair/beauty shop, which was placed before the home in 1930. 180 S. 1st Street is developed with a detached single-family dwelling. It is located on a 5,800 square foot lot.

Both properties have access off of S. 1st Street. The dwelling at 164 S. 1st Street shares a paved access and driveway with the abutting single-family dwelling to the north at 160 S. 1st Street, although no documentation of a legal easement was identified. The shared driveway is approximately 40 feet wide. 180 S. 1st Street has a gravel driveway approximately 9 feet wide with no curb cuts identifying a legal approach onto S. 1st Street.

S. 1st Street is classified as a collector street, which requires a minimum 60 feet right-of-way. This portion of S. 1st Street has a unique topography with a large basalt outcropping, essentially creating two separate roadways on different elevations in the same 80 foot right-of-way. This outcropping is located in front of the subject properties. There are existing sidewalks, curb, and a bike lane in front of the subject properties. The abutting curb is yellow and signed for no on-street parking.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: May 14, 2019 before the Planning Commission and June 19, 2019 before the City Council.

At their May 14, 2019 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 2, 2019 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 1, 2019. Notice was sent to the Oregon Department of Land Conservation and Development on April 9, 2019.

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.

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.

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 and comprehensive map amendment would allow for residential development. The City is currently in the process of developing a Housing Needs Analysis, which includes a Buildable Lands Inventory. While the document has not been finalized, adoption of the final HNA document is planned by the end of 2019. Preliminary findings show a shortage in multi-family supply for the 20-year projected demand. This proposal to re-zone additional lands Apartment Residential would help meet the demand for additional multi-family housing units in St. Helens.

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.

Traffic impact is required to be analyzed as part of a plan amendment or zone change application, pursuant to Chapter 17.156 SHMC. See Section (d) for a more detailed discussion of the TPR and implementing ordinances.

Finding: This proposal complies with the relevant statewide planning goals.

(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. Organized by section, applicable Comprehensive Plan goals and policies include:

19.08.050 Housing goals and policies.

(1) Preface. Residents of the city of St. Helens are demographically in different stages of socioeconomics. As such, they vary in their family sizes, economic capabilities and interests and will desire different types of housing. The strategy is to ensure that sufficient lands are designated for those different phases and desires of current and future residents and to encourage policies and decisions to allow all residents the ability to find affordable housing.

(2) Goals.

(a) To promote safe, adequate, and affordable housing for all current and future members of the community.

(b) To locate housing so that it is fully integrated with land use, transportation and public facilities as set forth in the Comprehensive Plan.

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

(a) Maintain adequate development and building codes to achieve the city's housing goals.

(b) Encourage the distribution of low income and/or multifamily housing throughout the city rather than limiting them to a few large concentrations.

[...]

(h) Encourage energy-efficient housing patterns in residential developments.

19.12.020 General residential category goals and policies.

(1) Goals. To create conditions suitable for higher concentrations of people in proximity to public services, shopping, transportation and other conveniences.

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

(a) Require undeveloped public ways of record to be improved to applicable city standards as a condition to the issuance of building permits for lots that front these ways.

(b) Encourage the infilling of areas presently undeveloped due to topographical limitations to achieve a more efficient use of the land.

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

(d) Develop rules for multifamily dwellings which are consistent with housing policies.

(e) Designate general residential lands as R-5, General Residential or AR, Apartment Residential on the city zoning map.

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.

(c) Ensure that all commercial enterprises maintain sufficient off-street parking to accommodate their patrons, workers and loading requirements.

[...]

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

[...]

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

19.080.060 Natural factors and local resources goals and policies,

[...]

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

[...]

(l) Devise a program for attempting to preserve those historic resources that are threatened with demolition.

Discussion: The proposal is to amend the Zoning Map from General Commercial (GC) to Apartment Residential (AR), and the Comprehensive Plan Map from General Commercial (GC) to General Residential (GR).

The Comprehensive Plan goals for General Residential include encouraging higher density residential adjacent to shopping and other conveniences. This proposal is adjacent to the commercial uses in the Riverfront District downtown, which warrant higher density residential. In addition, the zoning pattern in the area is consistent with the proposal, leaving approximately the same width from St. Helens Street zoned General Commercial on both sides of S. 1st Street.

The Comprehensive Plan goals for General Commercial encourages locations with good automobile access and sufficient off-street parking to accommodate patrons. These sites, as General Commercial, are relatively small and difficult to accommodate commercial redevelopment, given off-street parking requirements, lack of on-street parking, and access requirements. Due to size limitations, the properties make more sense as residential.

The 2008 Economic Opportunities Analysis (SHMC Chapter 19.24) notes a shortage of zoned commercial lands of about 10 acres, but recommended re-zoning surplus *industrial* lands to accommodate the commercial lands shortage. While industrial land has been rezoned to meet this (especially via ORD No. 3215 which affected about 25 acres), the City still needs to be cautious about its remaining commercial lands. This zone change request will decrease the amount of commercial lands slightly and the practicality of these lands for commercial use is suspect, given surrounding streets, topography and such. The Council finds that this proposal is insignificant to the City's employment land inventory.

Finding: This proposal is aligned with the applicable Comprehensive Plan goals and policies.

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

Single-family dwellings are not allowed or conditionally allowed uses in their current GC zoning. This means they are legal non-conforming uses. Per SHMC 17.104, if the single-family dwelling use were to be discontinued for more than 6 months, or if either dwelling were destroyed by more than 60 percent of their assessed value by the Columbia County assessor, they could not be rebuilt as single-family dwellings. This proposal would allow the properties which are already built as residential to remain as residential, even if the use discontinues or the homes are destroyed by more than 60 percent. 180 S. 1st Street is identified as a secondary significant resource as defined by the St. Helens Downtown Historic District filed with the National Register of Historic Places in 1984. This would help support the Comprehensive Plan policy to preserve historic resources that are threatened with demolition [See SHMC 19.080.060 (2)(l) above].

Per **SHMC 17.156:**

a Traffic Impact Analysis shall be required to be submitted to the City with a land use application when the proposed action is estimated to generate 250 average daily trips (ADT) or more or 25 or more weekday a.m. or p.m. peak hour trips (or as required by the city engineer).

Under GC zoning, the worst case development scenario using permitted uses is an eating/drinking establishment. According to the 9th ed. of the Institute of Transportation Engineers (ITE), this would generate 127 ADTs, 11 peak hour a.m. trips, and 10 peak hour p.m. trips. The worst case development scenario using permitted uses for the 11,600 sq. ft. property under AR zoning would be a 6-unit multi-family dwelling complex. According to the ITE, this would generate 40 ADTs, 3 peak hour a.m. trips, and 4 peak hour p.m. trips. Since the difference between ADTs and peak hour trips between the existing zoning (GC) and the proposed zoning (AR) is significantly less, a Transportation Impact Analysis will not be required for this proposal.

Finding: These zoning map and comprehensive map amendments are not contrary to the City's implementing ordinances (SHMC Title 17, Community Development Code).

(e) Discussion: This criterion confirms that the change in zoning and comprehensive plan map are not spot zoning.

Finding: Given surrounding uses, this proposal does not appear to be a spot zone.

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Council approves this proposal.


Rick Scholl, Mayor

8/7/19
Date