

City of St. Helens
ORDINANCE NO. 3203

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE CHAPTERS
17.16, 17.24, 17.32, 17.88, 17.152, AND 18.32

WHEREAS, pursuant to St. Helens Municipal Code 17.20.020(1)(c) the Planning Director initiated a legislative change to adopt text amendments to the Community Development Code (St. Helens Municipal Code Title 17) and the Engineering Standards Manual (St. Helens Municipal Code Title 18); and

WHEREAS, pursuant to the St. Helens Municipal Code and Oregon Revised Statutes, the City has provided notice to: the Oregon Department of Land Conservation and Development on December 2, 2015 and the local newspaper of record on December 30, 2015; and

WHEREAS, the St. Helens Planning Commission did hold a duly noticed public hearing on January 12, 2016, and following deliberation, made a recommendation of approval to the City Council; and

WHEREAS, the St. Helens City Council conducted a public hearing on January 20, 2016 and having the responsibility to approve, approve with modifications, or deny an application for a legislative change, has deliberated and found that based on the information in the record and the applicable criteria in the SHMC that the code amendments be approved.

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 Municipal Code (Development Code) is hereby amended, attached hereto as **Attachment "A"** and made part of this reference.

Section 3. In support of the code amendments described herein, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Attachment "B"** and made part of this reference.

Section 4. Severability. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 5. Provisions of this Ordinance shall be incorporated in the St. Helens Municipal Code and the word "ordinance" may be changed to "code," "article," "section," or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that Whereas clauses and boilerplate provisions need not be codified.

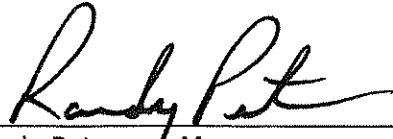
Section 6. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

Read the first time: February 3, 2016
Read the second time: February 17, 2016

APPROVED AND ADOPTED this 17th day of February, 2016 by the following vote:

Ayes: Locke, Carlson, Conn, Peterson

Nays: None



Randy Peterson, Mayor

ATTEST:



Kathy Payne, City Recorder

underline words are added
~~words stricken~~ are deleted

CHAPTER 17.16 GENERAL AND LAND USE DEFINITIONS

17.16.010 General and land use definitions.

Words used in this Development Code have their normal dictionary meaning unless they are listed below. Words listed below have the specific meaning stated, unless the context clearly indicates another meaning.

The definition of words with specific meaning in the Development Code are as follows:

[...]

~~“Excavation” means removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.~~

Excavation. The removal, placement, or replacement of earth or manmade materials as necessary to facilitate development of buildings and/or infrastructure, not including natural mineral resources development.

[...]

~~“Mining and/or quarrying” means the~~ The extraction of minerals including: solids, such as sand, gravel, rock, coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as part of a mining activity. See “surface mining.”

[...]

~~Surface Mining. As per ORS 517.755(14)(a):~~

~~Surface Mining includes all or any part of the process of mining minerals by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method by which more than 5,000 cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of 12 consecutive calendar months, including open pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits (except those constructed for use as access roads).~~

[...]

**CHAPTER 17.24
PROCEDURES FOR DECISION-MAKING – QUASI-JUDICIAL**

[...]

17.24.120 Notice of decision by the director.

(1) Notice of the director's decision on an application pursuant to SHMC 17.24.090 shall be given by the director in the following manner:

(a) Within 10 working days of signing the proposed decision, notice shall be sent by mail to:

(i) The applicant and all owners or contract purchasers of record of the property which is the subject of the application for the following types of director decisions:

- (A) Minor modifications to site design reviews ~~or conditional use permits~~;
- (B) Nonconforming status;
- (C) Sign permits;

(ii) All surrounding property owners of record of property within the applicable notice area of the property for the following types of director decisions:

(A) ~~Lot line adjustments, h~~Home occupations – Type I, unlisted uses: abutting properties;

(B) Lot line adjustments, Mmajor site design reviews, minor modifications to conditional use permits, home occupations—Type II; sensitive lands, temporary uses, accessory structures: 100 feet;

(C) Land partitions: 200 feet;

(D) Expedited land divisions: 300 feet.

(iii) For home occupations – Type II, see SHMC 17.120.060.

~~(iii)~~ (iv) Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city which includes provision for such notice. For subject sites located adjacent to a state roadway or where proposals may have an impact on a state facility, notice of the decision shall be sent to ODOT; and

~~(iv)~~ (v) Any person who requests, in writing, and pays the required fee established by the council.

[...]

**CHAPTER 17.32
ZONES AND USES**

[...]

17.32.140 Heavy Industrial – HI.

[...]

(2) Uses Permitted Outright. In the HI zone the following buildings and uses are permitted

after compliance with the provisions of this section and others of this code:

[...]

~~(i) Natural mineral resources development including necessary building, apparatus and appurtenances for rock, sand, gravel and mineral dredging, processing and stockpiling and all types of mineral recovery or mining, excluding smelters and ore reduction.~~

~~(j)~~ (i) Nursery/greenhouse operation and sales.

~~(k)~~ (j) Public facility, minor.

~~(l)~~ (k) Transmitting and/or receiving towers with or without broadcasting facilities.

~~(m)~~ (l) Trucking yards/terminals, including warehousing.

~~(n)~~ (m) Utility distribution plants and service yards.

~~(o)~~ (n) Wholesaling, warehousing and storing of automobiles, trucks, buses, consumer goods, contractors' equipment, building materials, food products, liquid fuel, household goods, ice, lumber (except log storage or ponding), and such.

[...]

(3) Conditional Uses. In the HI zone, in addition to the buildings and uses permitted outright, a conditional use permit can be granted for the following buildings and uses:

[...]

(e) Natural mineral resources development including necessary building, apparatus and appurtenances for rock, sand, gravel and mineral extraction and dredging, processing and stockpiling and all types of mineral recovery or mining, excluding smelters and ore reduction.

~~(f)~~ (f) On-site retailing of product manufactured, processed, etc., on site.

~~(g)~~ (g) Permitted uses which require special permits from the Oregon Department of Environmental Quality.

~~(h)~~ (h) Public parks.

~~(i)~~ (i) Public facilities, major.

~~(j)~~ (j) Public safety and support facilities.

~~(k)~~ (k) Recycling collection center.

~~(l)~~ (l) Solid waste disposal site or transfer station.

~~(m)~~ (m) Special hazardous uses such as:

- (i) Two thousand gallons or more of flammable (Class I or II) materials.
- (ii) Fifty gallons or more of unstable liquids, fireworks, blasting agents or explosives.
- (iii) Magazines, Class II (Class I magazines are not permitted).
- (iv) Five hundred pounds or more or 200 gallons or more of hazardous chemicals, including corrosive liquids, flammable solids, highly toxic materials, oxidizing materials, poisonous gases and any amount of radioactive materials.
- (v) Unstable (reactive) chemicals, including organic peroxides and nitromethane.
- (vi) Fifty pounds or more of ammonium nitrate.
- (vii) Two thousand or more gallons of liquefied petroleum gases.
- ~~(m)~~ (n) Storage facilities such as personal lockers/garages and for recreational-type vehicles.
- ~~(n)~~ (o) Temporary asphalt batching (six months maximum).
- ~~(o)~~ (p) Travel trailer parks.
- ~~(p)~~ (q) Wrecking and junkyards.

**CHAPTER 17.88
SIGNS**

[...]

17.88.060 Commercial/industrial sign district.

[...]

(2) Maximum Sign Height.

[...]

(c) Pole signs permitted in the commercial/industrial sign district shall not exceed 24 feet in height ~~on the west side of Columbia River Highway (Highway 30) and, except such signs located along Milton Way between Port Avenue and Milton Creek shall not exceed 45 feet in height on the east side of Columbia River Highway (Highway 30) between Gable Road and Milton Creek Bridge on Milton Way.~~

[...]

**CHAPTER 17.152
STREET AND UTILITY IMPROVEMENT STANDARDS**

[...]

17.152.110 Bikeways and off-street trails

(1) Developments adjoining or containing proposed bikeways and off-street trails identified ~~on the adopted pedestrian/bikeway plan~~ within adopted City plans, including but not limited to the Transportation Systems Plan (2011) and the Parks and Trails Master Plan (2015), shall include provisions for the future extension of such bikeways and off-street trails through the dedication of easements or rights-of-way (subject to constitutional limitations).

(2) Development permits issued for planned unit developments, conditional use permits, subdivisions, and other developments which will principally benefit from such bikeways and/or off-street trails shall be conditioned to include the cost or construction of bikeway and/or off-street trail improvements (subject to constitutional limitations).

(3) Minimum width for bikeways within the roadway is six feet per bicycle travel lane. Minimum width for two-way bikeways separated from the road is eight feet.

(4) Minimum off-street trail width is determined by the trail function and classification from Chapter 6 of the Parks and Trails Master Plan attached to Ordinance No. 3191 as Attachment A.

[...]

**CHAPTER 18.32
BICYCLE/PEDESTRIAN FACILITIES**

18.32.010 General requirements

[...]

(2) Bicycle facilities shall be constructed along routes identified ~~on~~ in the adopted ~~pedestrian/bikeway plan~~ Comprehensive Plan and all addendums thereof.

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Development Code Amendments ZA.3.15**

APPLICANT: City of St. Helens
LOCATION: City-wide
PROPOSAL: Amendments to the development code regarding clarifying uses in the HI zone, general housekeeping amendments, and amendments to help facilitate off-street trail development in accordance with the recently adopted Parks & Trails Master Plan.

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

BACKGROUND

These code amendments can be broken down into three parts.

One aspect clarifies definitions and use in the HI zone as it applies to excavation, mining and natural mineral resources development. It also addresses dated Oregon Revised Statue reference.

Another aspect will help facilitate the development of the trail proposals identified in Chapter 6 of the Parks and Trails Master Plan (“the Plan”). The Plan was adopted in January 2015 and updated the 1999 Parks Master Plan. It was the first Master Plan in St. Helens to examine the existing trail inventory and propose trail route recommendations.

The other aspect are general “housekeeping” amendments.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: January 12, 2016 before the Planning Commission and January 20, 2016 before the City Council.

At their Jan. 12, 2016 meeting, the Planning Commission unanimously (w/ two absent members) recommended approval of the proposed amendments (attached).

Notice was published in the The Chronicle on December 30, 2015. Notice was sent to the Oregon Department of Land Conservation and Development (DLCD) on December 2, 2015. Notice was sent to agencies by mail or e-mail on December 23, 2015

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, including compliance with the Transportation Planning Rule, as described in SHMC 17.08.060;
- (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.

(a) Discussion:

The statewide planning goals that technically apply or are related to this proposal are Goal 1, Goal 2, Goal 5, Goal 8, and Goal 11.

Finding: Statewide Planning Goal 1: Citizen Involvement.

This goal 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. The City has met these requirements and notified DLCDC of the proposal.

The public engagement process for the Parks and Trails Master Plan was very comprehensive. There were over 15 input gathering sessions that began in October 2013 with the Parks Commission, the Bicycle and Pedestrian Commission, and the Planning Commission, all of which were open to the public. Current park and trail levels of satisfaction were collected through a month-long, online survey, the results of which are memorialized in the Needs Assessment in Chapter 5. A well-attended Parks and Trails Public Forum was held on April 16, 2014 where residents were given a presentation of draft park and trail proposals and had the option to record their feedback publicly or complete a hardcopy comment worksheet. Additional park and trail feedback was gathered from various service groups, clubs, and one-on-one interviews throughout the planning process. More details about the public engagement process is listed in the Needs Assessment of Chapter 5 of the Parks and Trails Master Plan.

Given the substantial amount of public vetting for the Plan, scheduled public hearings, and notice provided, Goal 1 is satisfied.

Finding: 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., DLCDC) coordinated with regard to the adoption of this proposal.

County-wide data and priorities from the Statewide Comprehensive Outdoor Recreation Plan (SCORP) 2013-2017 created by the Oregon Parks and Recreation Department (OPRD) were addressed in Chapter 5 of the Plan. City of St. Helens Comprehensive Plan consistency is addressed further below. There are no other known federal or regional documents that apply to this proposal.

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

Finding: Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces.

It is the purpose of this goal to protect natural resources and conserve scenic and historic areas and open spaces.

Natural resource areas play an important role in the balance of an active and passive parks and recreation system. Many city parks contain natural areas that afford a passive recreational experience. There are also natural areas, such as Dalton Lake Recreation Area that play a critical role in the overall park system. The Parks and Trails Master Plan addresses these areas and identifies future projects that will enhance the overall natural resource system, supporting the intent of Goal 5. Therefore, Goal 5 is satisfied.

Finding: Statewide Planning Goal 8: Recreational Needs

It is the purpose of this goal to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of the necessary recreational facilities including destination resorts.

The Parks and Trail Master Plan's purpose is to establish the long-term framework for enhancing the livability of the community for residents, employees, and visitors for the next 10-15 years. The provision of parks, trails, and recreation facilities and amenities is a crucial aspect of the Plan. Given that the development and implementation of the Plan plays a keystone role in satisfying the recreational needs of citizens of the state, and visitors to the community, Goal 8 is satisfied.

Finding: Statewide Planning Goal 11: Public Facilities and Services

It is the purpose of this goal to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Ensuring proposals for parks and recreation amenities are located at equal intervals and are easily accessible for all residents throughout the community has been an important consideration throughout the planning process. Namely, an identified need for parkland on the west side of US Highway 30 has been addressed through park project recommendations. Further, incorporating a Trails Master Plan into the Parks Master Plan has ensured the trail network proposals are efficiently arranged, taking into consideration the location of existing parks and future park projects. For these reasons, Goal 11 is satisfied.

The proposed amendments to the St. Helens Comprehensive Plan are either consistent with the intent of the Statewide Goals, or the Goals are not applicable because the plan does not affect issues addressed by the Goal.

(b) Discussion: This criterion requires analysis of any applicable federal or state statutes or guidelines. There are no applicable federal statutes.

In regards to the Parks and Trails Master Plan, the applicable state guideline is the 2013-2017 Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP). The SCORP is Oregon's five-year plan for outdoor recreation. It also provides guidance for Oregon Parks and Recreation Department (OPRD) grant programs. The OPRD supports the implementation of key statewide and local planning recommendations through partnerships and OPRD-administered grant programs.

In regards to other aspects of the proposed code amendments the definition of "surface mining," which references and outdated ORS citation is being eliminated as unnecessary.

Finding: County-wide data and priorities from the 2013-2017 SCORP were addressed in Chapter 5 of the Parks and Trails Master Plan. Specifically, Columbia County's top ranked recreation needs for the future as assessed by the SCORP's public involvement process are public access sites to waterways, soft surface walking trails and paths, and children's playgrounds made of natural materials. All these priorities are incorporated in the Plan's list of high priority park and trail projects.

(c) Discussion: This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices, and maps. Organized by section, applicable Comprehensive Plan policies include:

Finding: SHMC 19.08.040 Transit Policies

- (3)(g) *Plan and develop street routes to help alleviate Hwy 30's traffic load*
- (3)(j) *Develop a plan for walking trails*
- (3)(k) *Maintain, implement and update the bikeway plan*

The Parks and Trails Master Plan (an adopted addendum to the Comprehensive Plan) includes 18 mostly off-street trail route proposals totaling 10.17 miles, 3 bicycle and 3 pedestrian fitness routes that utilize existing pedestrian infrastructure, and a trail classification system with design trail feature examples. Full implementation of the on-street and off-street trail proposals may help to reduce US Highway 30's traffic load, by reducing the number of local trips that require a car. The Plan satisfies these criteria.

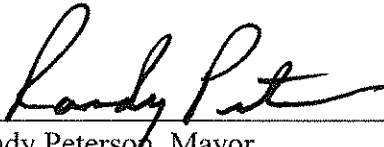
Finding: SHMC 19.08.060 Natural Factors and Local Resources Policies

- (3)(a) *Participate in resource management planning through participation in collective federal, State, and regional agency planning programs.*
- (3)(b) *Consider airshed and water resources capacities in reviewing all plans, ordinance and permits for land development actions.*
- (3)(e) *Encourage the preservation of those forest lands between Columbia City and St. Helens.*
- (3)(f) *Encourage the preservation, restoration, and functionality of the open space corridors or rezone to open space zone the following lands:*
 - (i) *The canyon-area adjoining Godfrey Park.*
 - (ii) *The unimproved gullies and creekbed systems.*
 - (iii) *The lands along significant riparian corridors and connecting wetlands.*
- (3)(g) *Direct development away from the Willamette River Greenway to the maximum extent possible; provided, however, lands committed to the urban uses within the Greenway shall be allowed to continue, and to intensify provided the activity is water-related or water-dependent. The City shall prohibit new non-water related or non-water dependent uses from within 150 feet of the Willamette River Greenway.*

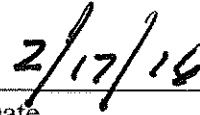
Parks, open space designations, and hiking trails offer a way to preserve and restore the functionality of natural areas, while also offering substantial public benefit. Open space and natural areas provide opportunities for passive recreation and a place to gain a deeper appreciation for nature. The construction of low-impact hiking trails can guarantee that an open space corridor, like the unimproved gullies and valleys on the east side of Hwy 30 remain natural and will not be lost to future development. Likewise, developing Dalton Lake Recreation Area as a nature park as the plan suggests, will “encourage the preservation of the forested lands between Columbia City and St. Helens” and will encourage further restoration because of its nature park designation. The Plan satisfies these criteria.

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Council approves the proposed text amendments to the Development Code related to clarifying uses in the HI zone, general housekeeping amendments, and amendments to help facilitate off-street trail development in accordance with the recently adopted Parks & Trails Master Plan.



Randy Peterson, Mayor



Date