

City of St. Helens
ORDINANCE NO. 3248

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS COMPREHENSIVE PLAN
MAP FOR CERTAIN PROPERTY FROM THE SUBURBAN RESIDENTIAL (SR)
DESIGNATION TO THE GENERAL COMMERCIAL (GC) DESIGNATION AND THE
ZONING DISTRICT MAP FROM THE MODERATE RESIDENTIAL (R7) 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 generally located at the southeast corner of the Matzen Street and Brayden Street intersection, more specifically described in **Exhibit "A"** attached hereto and made part of this reference; 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 Suburban Residential (SR) 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 Moderate Residential (R7) zone to the General Commercial (GC) zone for the property described herein.

Section 4. 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 **Exhibit "B"** 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:	February 5, 2020
Read the second time:	February 19, 2020

APPROVED AND ADOPTED this 19th day of February, 2020 by the following vote:

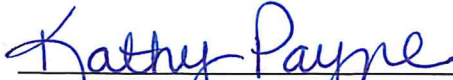
Ayes: Locke, Carlson, Topaz, Morten, Scholl

Nays: None



Rick Scholl, Mayor

ATTEST:



Kathy Payne, City Recorder

EXHIBIT "A"
Legal Description

A tract of land in Section 5, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Northwest corner of Tract 18, Milton Park as per plat on file and of record in the Clerk's Office, Columbia County, Oregon; said point being the Northwest corner of Parcel 3 of the Dorothy A. Dias, Trustee tract as described in Instrument No. 96-09739, Clerk's Records, Columbia County, Oregon; thence South $00^{\circ}44'00''$ West, along the West line of said Tract 18, a distance of 210.00 feet to a $\frac{5}{8}$ " iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence North $87^{\circ}15'00''$ East a distance of 100.00; thence North $00^{\circ}44'00''$ East a distance of 210.00 feet to the North line of said Tract 18; thence South $87^{\circ}15'00''$ West, along said North line, a distance of 100.00 feet to the point of beginning.

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
CPZA.3.19**

APPLICANT: Multi-Tech Engineering Services, Inc.
OWNER: St. Helens Land Company, LLC

ZONING: Moderate Residential (R7)
LOCATION: 4N1W-5DD-2002
SE corner of the Matzen Street and Brayden Street intersection

PROPOSAL: Zone Map Amendment from Moderate Residential (R7) to General Commercial (GC) and Comprehensive Plan Amendment from Suburban Residential (SR) to General Commercial (GC)

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

SITE INFORMATION / BACKGROUND

The 0.48 acre subject property is located east of Matzen Street and south of Brayden Street, an undeveloped right-of-way currently under development. The applicant received Conditional Use Permit approval (CUP.2.18) for a multi-family development north of Brayden Street in September 2018. This multi-family development is currently under construction. The subject property is currently utilizing a Temporary Use Permit (TUP.9.18) on the site for temporary storage of a construction-related trailer, materials, and equipment related to the multi-family development.

Surrounding uses to the west of Matzen Street are dominated by single-family dwellings. To the north of Brayden Street is the multi-family development under construction and more single-family dwellings. To the south of the subject property is one single-family dwelling and one undeveloped property. To the east between the subject property and Highway 30 are commercial uses, including a hotel.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: December 10, 2019 before the Planning Commission and January 15, 2020 before the City Council.

At their December 10, 2019 meeting, 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 November 20, 2019 via first class mail. Notice was sent to agencies by e-mail on November 19, 2019. Notice was published in the The Chronicle on November 27, 2019. Notice was sent to the Oregon Department of Land Conservation and Development on November 5, 2019.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.08.040 Quasi-judicial amendments and standards (1) (a) - (b):

- (a) A recommendation or decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on 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; and
 - (iv) 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.
- (b) Consideration may also be given to:
- (i) Any applicable evidence of change in the neighborhood or community or a mistake of 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: This criterion requires analysis of applicable comprehensive plan policies and that the change will not adversely impact the health, safety, and welfare of the community. 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.*

19.12.070 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.*

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.*

This proposal could be viewed as creating a larger commercial focal point in this area, which aligns with an economic policy from the Comprehensive Plan. Also, given that this property is a corner lot and is close in proximity to Highway 30, it has good automobile access which aligns with the General Commercial Comprehensive Plan policies. Matzen Street is classified as a collector street per the City's Transportation Systems Plan (2011).

Other relevant adopted addendums to the Comprehensive Plan include the 2019 Housing Needs Analysis (HNA) (Ord. No. 3244) and the 2008 Economic Opportunities Analysis (EOA) (Ord. No. 3101). The HNA concluded that there is a 293-acre surplus of low density residential lands to accommodate a 20-year projected housing demand within the urban growth boundary. R7 zoned properties are considered low density per the HNA. The EOA concluded that St. Helens has a shortage of commercial lands. This zone change would change property for which there is a surplus (R7) to a designation for which there is a shortage (GC).

Finding: This criterion does not conflict with the comprehensive plan goals and policies nor other addendums to the Comprehensive Plan.

(a)(ii) Discussion: This criterion requires analysis of the applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197, until acknowledgment of the Comprehensive Plan.

Finding: The City has an approved Comprehensive Plan.

(iii) Discussion: This criterion requires that the proposal not conflict with the applicable provisions of the implementing ordinances. The following list the relevant implementing ordinances:

SHMC Chapter 17.08.060 Transportation planning rule compliance

- 1) A proposed comprehensive plan amendment, zone change, or land use regulation change, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060 (the “Transportation Planning Rule” or “TPR”). “Significant” means the proposal would:
 - a) Change the functional classification of an existing or planned transportation facility
 - b) Change standards implementing a functional classification system
 - c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - i) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility
 - ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP
 - iii) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan

The applicant submitted a trip generation analysis for the proposal, which is attached to this staff report. The trip generation analysis found that if the subject property were developed with retail development, the requested zone change from R7 to GC would generate additional trips than the R7 zone would. However, the analysis concluded there would not have a significant effect on transportation facilities as a result of this zone change. Matzen Street is classified as a collector street, and this zone change is not expected to reduce or worsen performance below an acceptable performance standard. The change will also not change the functional classification of the street.

Finding: This proposal is not likely to significantly affect an existing or planned transportation facility.

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: 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 is to amend the Zoning Map from Moderate Residential (R7) to General Commercial (GC) and the Comprehensive Plan Map from Suburban Residential (SR) to General Commercial (GC). The property borders GC to the north and Highway Commercial (HC) to the east. Given that this property abuts commercial uses two out of four sides with Matzen Street separated the west side, staff does not feel this is a use that is incompatible with the surrounding uses.

Finding: This proposal is not contrary to Comprehensive Plan goals and policies. This proposal is not found to be a “spot zoning.”

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

Finding: There is no evidence that a mistake of inconsistency has been made in the comprehensive plan or zoning map for this property.

CONCLUSION & DECISION

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



Rick Scholl, Mayor

Date