

City of St. Helens
ORDINANCE NO. 3211

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS ZONING DISTRICT MAP
FOR CERTAIN PROPERTY FROM THE HIGHWAY COMMERCIAL (HC) ZONE TO
THE APARTMENT RESIDENTIAL (AR) ZONE

WHEREAS, applicants have requested to amend the City of St. Helens Zoning District Map for property described in **Attachment "A"** attached hereto and made part of this reference, also currently identified as Columbia County Tax Assessor Map Number 4N1W-4BC-2400, from Highway Commercial (HC) to Apartment Residential (AR); 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 Zoning District Map is amended to change the zoning district boundaries of the Highway Commercial (HC) zone to the Apartment Residential (AR) zone for the property described herein.

Section 3. In support of the aforementioned Zone District Map Amendment, 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. 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: January 4, 2017
Read the second time: January 18, 2017

APPROVED AND ADOPTED this 18th day of January, 2017, by the following vote:

Ayes: Locke, Carlson, Conn, Morten, Scholl

Nays: None



Rick Scholl, Mayor

ATTEST:



Kathy Payne, City Recorder

EXHIBIT "A"

Beginning at a square head pin set for the most Westerly corner of Georgetown Addition to St. Helens, as per plat on file and of record in the Clerk's Office of Columbia County, Oregon; thence along the East line of the Aaron Broyles Donation Land Claim, North 29°48' West a distance of 52.25 feet to an angle corner in tract described as parcel 1 in deed to Safecare Company, Inc., a Washington corporation et al., recorded September 20, 1971 in Book 183, page 604, Deed Records of Columbia County, Oregon; thence South 75°35' West along the Southerly line of said tract as described in said Book 183, page 604, a distance of 148.02 feet to the TRUE POINT OF BEGINNING of the property to be described herein; thence North 16°01' West along the Westerly line of said tract as described in said Book 183, page 604, Deed Records of Columbia County, Oregon, 69.06 feet to the most Easterly corner of tract described in Parcel 2 in deed to Ronald I. Steinke et ux., recorded May 3, 1977 in Book 211, page 475, Deed Records of Columbia County, Oregon; thence South 71°20' West along the Southerly line of said Steinke tract, 140.04 feet to the Easterly right of way line of Bradley Street; thence South 18°40' East along the Easterly right of way line of said Bradley Street, 100 feet to the most Westerly corner of the First Western Bank and Trust Company tract as described in Parcel 2 in deed recorded February 17, 1972 in Book 185, page 610, Deed Records of Columbia County, Oregon; thence North 88°44' East along the Northerly line of said First Western Bank and Trust Company tract, 155 feet to the Northeasterly corner thereof; thence along the Westerly line of tract conveyed to Lawrence C. Jensen et ux by instrument recorded February 27, 1961 in Book 144, page 759, North 18°47' West 58.5 feet to the most Westerly corner of said Jensen tract; thence Northwesterly in a straight line to the Southeast corner of tract conveyed to Jensen Transportation, Inc. by deed recorded April 28, 1975 in Book 200, page 480, Deed Records of Columbia County, Oregon; thence along the East line of said Jensen Transportation, Inc., tract North 16°01' West 12.6 feet to the true point of beginning.

ORD No. 3211

Exhibit "A"

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Zone Map Amendment CPZA.2.16**

APPLICANT: Jeremy & Sherri Thompson
OWNER: Same
ZONING: Highway Commercial (HC)
LOCATION: 4N1W-4BC-2400
Bradley Street
PROPOSAL: Zone Map Amendment from Highway Commercial (HC) to Apartment Residential (AR)

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 property is 0.4 acres located on Bradley Street off Columbia Blvd., just west of US 30, between Marshall Street and Shore Drive. The site has an existing 40' x 96' shed that was constructed in 1982 to store buses. In 1985, a Conditional Use Permit was approved to be used as storage for trucks, campers, boats, etc. The 1985 permit included the subject property and the adjacent east property (as they are configured today).

In 2000 the Conditional Use Permit was modified to include maintenance on towed vehicles using the existing building, but this only applied to the adjacent property to the east.

The site is unpaved (gravel) and contains a fence around the perimeter. There is a multi-dwelling complex (Norcrest) abutting the property to the north, a church across the street, and outdoor storage to the south and east of the property.

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

November 8, 2016 before the Planning Commission

December 21, 2016 before the City Council

At their November 2016 meeting, the Planning Commission unanimously recommended approval of this request to the Council.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on October 20, 2016 via first class mail. Notice was sent to agencies by mail or e-mail on October 20, 2016. Notice was published in the The Chronicle on October 26, 2016. Notice was sent to the Oregon Department of Land Conservation and Development on October 4, 2016.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, the following agency referrals/comments have been received that are pertinent to the analysis of this proposal.

City Engineering: “Regarding potential future development: Public sanitary sewer main will need to be extended to serve property. Depending on extent of future development, 4” water main on Bradley Street may need to be upsized to meet water supply requirements. No objections to this zone change.”

Oregon Department of Transportation: “The zone change will have negligible traffic impacts and will not have a significant effect on the state system. Additionally, the zone change is consistent with the City’s [current] Comprehensive Plan.”

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.

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

Finding(s):

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. The City has met these requirements and notified DLCD of the proposal. In addition, the City has sent notice to property owners potentially impacted by the proposed changes in land uses allowed on property as required by ORS 227.186.

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.

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

(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 goals and policies are:

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.

19.12.080 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.

(f) Improve the appearance and safety of US 30 and sites along US 30, through means such as landscaped medians, banner poles, landscaping along the highway right-of-way, and landscaping in parking lots.

(g) Encourage undergrounding of overhead utilities.

Discussion: The proposal is to amend the Zoning Map from Highway Commercial (HC) to Apartment Residential (AR), which is in line with the existing Comprehensive Plan designation of General Residential (GR). GR allows for both General Residential (R5) and Apartment Residential (AR).

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. This conclusion also made a number of assumptions. It assumed a population growth of 17,842 by 2030 and that about 48% of the employable population would be employed in a commercial industry. Once the number of commercial jobs was estimated, a standard acreage rate per person was used to determine the needed acreage of commercial lands. With these assumptions made eight years ago, staff does not feel confident using this conclusion as justification against this zone change proposal.

Finding (s): There is demand for additional housing units in the region and in St. Helens. The proposed zoning map amendment would allow for residential development. This proposal is not contrary to Comprehensive Plan goals and policies.

The Council determined that the zoning change request is consistent with the Comprehensive Plan goals and policies.

(d) Discussion: This criterion requires that the proposal not conflict with the applicable provisions of the implementing ordinances. The purpose and allowed uses for HC and AR have been included as an attachment. Despite the Comprehensive Plan designation as GR, the property was zoned HC, likely because of the property's existing use. Outdoor storage of vehicles is not allowed in the HC zone, making the site a non-conforming use. The non-conforming use status will comply regardless of HC or AR zoning (which does not allow for storage as a principal use).

Finding (s): The proposed zone change will not increase the non-conforming use of the site. When development occurs, the provisions of the implementing ordinances will apply.

Discussion: Note the definition of "spot zoning" per SHMC 17.16 as follows:

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 Council determined this proposal is not a “spot zoning” as defined by the Development Code.

SHMC 17.20.120(2) – Standards for Legislative Decision

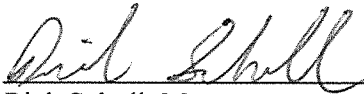
Consideration may also be given to:

(a) Proof of a change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application

Finding (s): The current zoning is inconsistent with the Comprehensive Plan designation. The zone change would make the zone consistent.

CONCLUSION & DECISION

The City Council approves this zone map amendment request.



Rick Scholl, Mayor

1-18-17

Date