

City of St. Helens
ORDINANCE NO. 3214

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS COMPREHENSIVE PLAN MAP FOR CERTAIN PROPERTY FROM THE SUBURBAN RESIDENTIAL (SR) DESIGNATION TO THE GENERAL RESIDENTIAL (GR) DESIGNATION AND THE ZONING DISTRICT MAP FROM THE MODERATE RESIDENTIAL (R7) ZONE TO THE APARTMENT RESIDENTIAL (AR) 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"** and described in **Attachment "B"** attached hereto and made part of this reference from Suburban Residential (SR) to General Residential (GR), and Moderate Residential (R7) to Apartment Residential (AR), 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 Suburban Residential (SR) designation to the General Residential (GR) 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 Apartment Residential (AR) 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 **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: April 5, 2017
Read the second time: April 19, 2017

APPROVED AND ADOPTED this 19th day of April, 2017 by the following vote:

Ayes: Locke, Carlson, Conn, Morten, Scholl

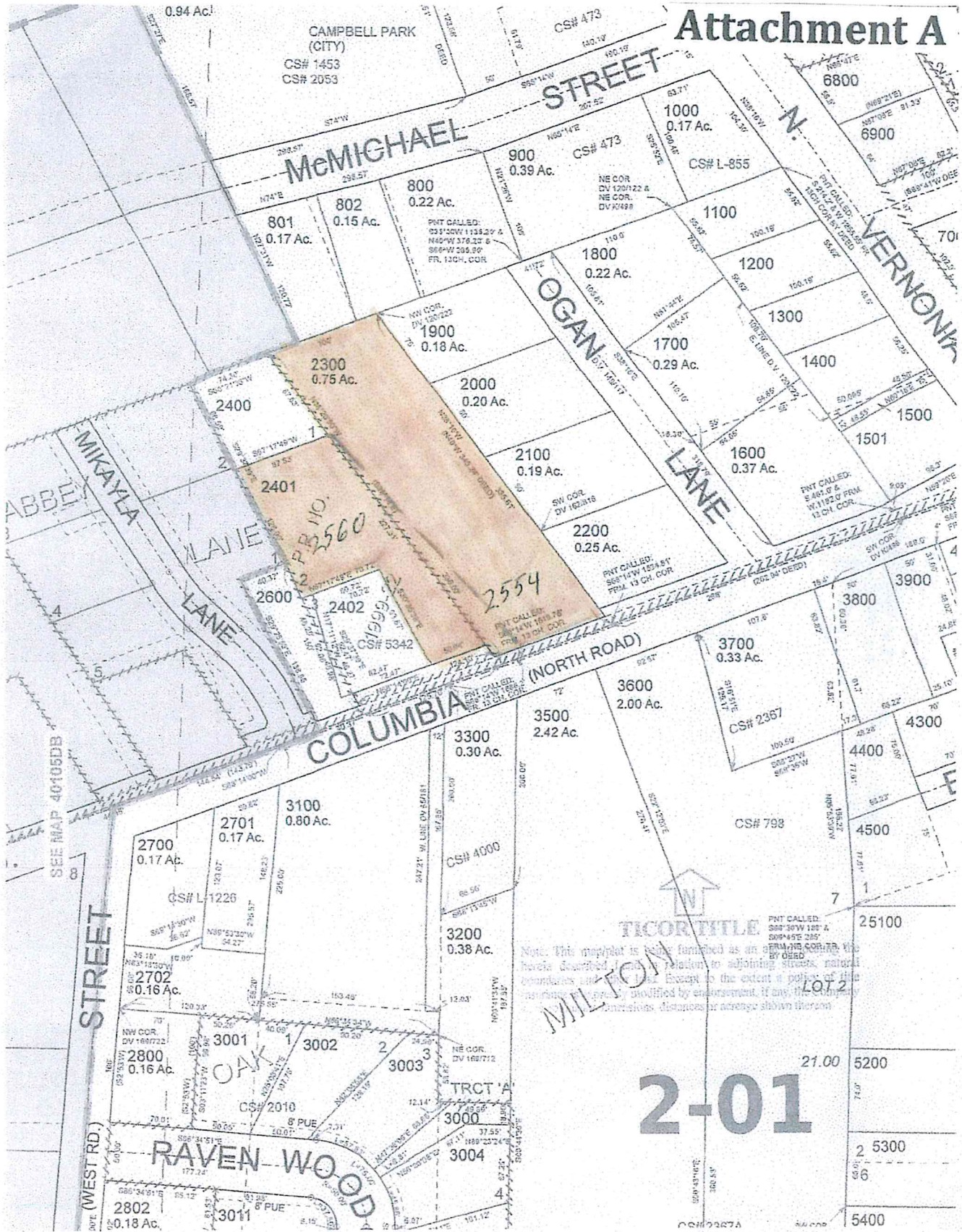
Nays: None


Rick Scholl, Mayor

ATTEST:


Kathy Payne, City Recorder

Attachment A



2-01

Legal Description

Two separate parcels identified as follows:

Parcel 1:

- Parcel 2 of P.P. No. 1999-22, City of St. Helens, Columbia County Oregon
- Columbia County Tax Assessor Map Number: 4N1W 5DA 2401
- Address: 2560 Columbia Boulevard

Parcel 2:

- The 0.75 acre parcel adjacent to the east line of Parcel 2 of P.P. No. 1999-22, City of St. Helens, Columbia County Oregon
- Columbia County Tax Assessor Map Number: 4N1W 5DA 2300
- Address: 2554 Columbia Boulevard

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Comprehensive Plan Map and Zone Map Amendment CPZA.4.16**

APPLICANT: Craig & Ronda Melton, David Coombs

OWNER: Same

ZONING: Moderate Residential (R7)

LOCATION: 4N1W-5DA-2300 & 2401
2554 & 2560 Columbia Blvd.

PROPOSAL: Zone Map Amendment from Moderate Residential (R7) to Apartment Residential (AR) and Comprehensive Plan Amendment from Suburban Residential (SR) to General Residential (GR)

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

2554 Columbia Blvd. is developed on a 0.75-acre lot with a single-family dwelling that was built in the 1960s. There is also an existing detached accessory structure in the backyard. 2560 Columbia Blvd. is developed on a 0.37-acre lot with a multi-dwelling unit (4-plex). It was built in 1983 under the Rural Housing Federal Program which assists low-income tenants. Since then, according to the applicant, the 4-plex only houses residents 55 years of age and older with 75% of the current occupants receiving financial housing assistance from the Northwest Oregon Housing Authority. If this 4-plex was destroyed, it could not be rebuilt with current R7 zoning per the City's non-conforming use rules. Both sites have access from Columbia Blvd. with paved parking areas. The driveway to the 4-plex is already developed with sidewalks and curbs. There is an existing access and utility easement located on the 4-plex property for the benefit of the abutting property to the north.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: February 14, 2017 before the Planning Commission and March 15, 2017 before the City Council.

At their February 14, 2017 meeting, the Commission unanimously, with one absent member, recommended approval of the request to the City Council.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on January 24, 2017 via first class mail. Notice was sent to agencies by mail or e-mail on January 24, 2017. Notice was published in the The Chronicle on February 1, 2017. Notice was sent to the Oregon Department of Land Conservation and Development on January 11, 2017.

AGENCY REFERRALS & COMMENTS

City Engineering: I have no objections to the request. The proposed amendment would not have any direct negative impact on public infrastructure. Utility improvements will be required depending on the future development proposal.

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, Goal 10, and Goal 12.

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. 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.

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.

Goal 10 intends that cities identify housing needs and develop a land use policy framework that meets identified needs. One key issue addressed in a housing needs analysis is how much land is needed for different housing types, and therefore must be designated for those needs. Providing sufficient land in the proper designations is one of the most fundamental land use tools local governments have to meet housing needs.

The City's most recent analysis of this sort is from the Periodic Review Work Task #1, Land Use Inventory from 1998. This calls for 35% of total residential lands to be for multi-family dwelling units. Of all current residential lands (zones AR, R5, R7, R10, and MHR), 9.8% is zoned AR. AR is the only zone that allows multi-family dwelling units as a permitted use and is the City's highest density zone. Given the disparity between the target percentage and the current, this change advances the City's identified housing needs.

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 traffic impact analysis shall be submitted with a plan amendment or zone change application, **as applicable**, pursuant to Chapter 17.156 SHMC. See Section (d) for a more detailed discussion of the TPR and implementing ordinances.

(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:

19.08.050 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.

[...]

(d) Encourage and cooperate with all efforts to provide adequate housing for those with special needs.

[...]

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

19.12.030 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.

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.

Discussion: The proposal is to amend the Zoning Map from Moderate Residential (R7) to Apartment Residential (AR), and the Comprehensive Plan Map from Suburban Residential (SR) to General Residential (GR), in order to accommodate AR zoning.

Finding (s): There is demand for additional housing units in the region and in St. Helens. The applicant notes a specific demand for 55 and older housing for the growing baby boomer population. This proposal is not contrary to Comprehensive Plan goals and policies.

The Planning Commission and City Council determined 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. See the applicant's narrative for a list of permitted uses within the AR and R7 zoning districts.

Per Chapter 17.156 Per SHMC, 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).

The worst-case development scenario using permitted uses for the .75 acre lot under R7 zoning would be four single-family dwelling units. According to the 9th ed. of the Institute of

Transportation Engineers (ITE), this would generate 38 ADTs, 3 peak hour a.m. trips, and 4 peak hour p.m. trips. Under AR zoning, the worst-case development scenario using permitted uses is a 20-unit multi-dwelling unit. The ITE states this would generate 133 ADTs, 10 peak hour a.m. trips, and 12 peak hour p.m. trips. Therefore, difference in ADTs and peak hour trips between R7 and AR does not exceed 250 or 25 weekday a.m. or p.m. peak hour trips. A Transportation Impact Analysis will not be required for this proposal.

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.

Although the property abuts existing AR zoning, on the Comprehensive Plan Map, the properties surrounding the zone change proposal are not zoned GR. The Planning Commission and City Council were satisfied with a new area designated General Residential (GR) on the Comprehensive Plan Map and found that the proposal will remain compatible with the surrounding area.

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

The proposal will result in the existing multi-dwelling unit to become a permitted use instead of a non-conforming use, enabling it to be re-built if destroyed. The detached single-family dwelling is a permitted use in either case.

Planning Commission and City Council determine that this proposal is not a spot zoning.

CONCLUSION & DECISION

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



Rick Scholl, Mayor

4-19-17
Date