

City of St. Helens  
**ORDINANCE NO. 3220**

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS COMPREHENSIVE PLAN  
MAP FOR CERTAIN PROPERTY FROM THE LIGHT INDUSTRIAL (LI)  
DESIGNATION TO THE GENERAL RESIDENTIAL (GR) DESIGNATION AND THE  
ZONING DISTRICT MAP FROM THE LIGHT INDUSTRIAL (LI) 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"** attached hereto and made part of this reference, and identified as Columbia County Tax Assessor Map Number 5N1W-33DB-500 and the portion of 5N1W-33DB-100 south of the easterly extension of the north property line of 5N1W-33DB-500 from Light Industrial (LI) to General Residential (GR), and Light Industrial (LI) 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 Light Industrial (LI) 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 Light Industrial (LI) 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 "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:           October 4, 2017  
Read the second time:       October 18, 2017

**APPROVED AND ADOPTED** this 18<sup>th</sup> day of October 2017 by the following vote:

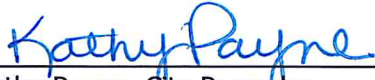
Ayes: Locke, Carlson, Conn, Morten, Scholl

Nays: None



\_\_\_\_\_  
Rick Scholl, Mayor

ATTEST:



\_\_\_\_\_  
Kathy Payne, City Recorder

SEE MAP 5013300

# Exhibit "A"

This map and the accompanying legal description are provided solely to assist in locating the subject property. Licor Title assumes no liability for discrepancies.

LICOR TITLE



RAILROAD STREET  
PORTLAND & WESTERN R.R.  
OREGON 6TH ST

08

OLD DEER ROAD

CS# 34

ST. HELENS CITY SHOPS  
N 12TH ST  
400  
1.01 AC.

300  
0.60 AC.  
300 A1  
CS# B-36

13

STREET

ST. HELENS CITY SHOPS

3.24 AC.

# 2-01

500  
0.40 AC.  
N 11TH ST  
138.0'  
139.0'  
287.0'  
N16°28'11"E



(FRANKLIN ST)

ST

N. 11TH ST

RED LINED LINE NOT PROPERTY A PROPERTY LINE

WALNUT ST

14

N. 10TH ST

SEE MAP 5013300  
ISLAND

STREET

ROAD

807  
803  
801  
FIRST 20

806

211

81

CONDITIONS OF VAC ORD. 2427 & 2478 WERE NOT MET. ST NOT VACATED.

60-00-704

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**CITY OF ST. HELENS PLANNING DEPARTMENT  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
Comprehensive Plan Map and Zoning Map Amendment CPZA.1.17**

**APPLICANT:** Lesley Everett  
**OWNER:** Lesley Everett  
Peter & Elaine Frank  
**ZONING:** Light Industrial (LI)  
**LOCATION:** 5N1W-33DB-500 & a portion of 5N1W-33DB-100  
1160 & 1170 Deer Island Road  
**PROPOSAL:** Zone Map Amendment from Light Industrial (LI) to Apartment Residential (AR)  
and Comprehensive Plan Amendment from Light Industrial (LI) 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**

1160 Deer Island Road (duplex dwelling unit) and 1170 Deer Island Road (detached single-family dwelling unit) are located on a 0.4 acre site. According to the Columbia County Assessor, these dwellings were built between 1938 and 1942. The small single-family dwelling unit was recently damaged by a fire and is in very poor condition due to the age of the building. In order to demolish and re-build the unit, the applicant must request a zone change from Light Industrial to residential because of our City's non-conforming use rules. In addition, if either dwelling unit were destroyed, they could not be rebuilt with current Light Industrial zoning. The applicant would also have to apply for a land partition because the City's residential zones only allow one principal building per lot or parcel (except for multi-dwelling units).

Both addresses have access from Deer Island Road with two gravel driveway approaches and gravel parking areas. Deer Island Road is a developed road, but does not have frontage improvements (sidewalks, curbs, etc.) on the subject property side. Deer Island Road is classified as a minor arterial, which requires a minimum right-of-way width of 60 feet. This is met.

The site is located across the street from the Columbia County Transit Center (CC Rider) and adjacent to the City of St. Helens Public Works Shops property. This request includes a portion of City-owned property that was formally used to access the Public Works Shops. Per the May 17, 2017 City Council Work Session, the City Council was willing to entertain the inclusion of the portion of the City-owned property in this zone change request because the additional access to the Public Works Shop is no longer needed, as noted by Public Works staff. All other dwellings adjacent to the property are detached single-family dwelling units.

## PUBLIC HEARING & NOTICE

Hearing dates are as follows: August 8, 2017 before the Planning Commission and September 20, 2017 before the City Council.

At their meeting, the Planning Commission unanimously recommended the Council approve this proposal.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on July 19, 2017 via first class mail. Notice was sent to agencies by mail or e-mail on July 19, 2017. Notice was published in the The Chronicle on July 26, 2017. Notice was sent to the Oregon Department of Land Conservation and Development on June 29, 2017.

### 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.

#### 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.*

The City's most recent analysis of this sort is from the Period Review Work Task #1, Land Use Inventory from 1998. This calls for 35% of total residential lands to be zoned 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 for 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 proposal 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:

**19.08.020 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.*

[...]

**19.08.050 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.*

**19.12.090 Light industrial category goals and policies.**

*(1) Goals. To provide a place for smaller and/or less intensive industrial activities where their service and transportation requirements can be met, and where their environmental effects will have minimal impact upon the community.*

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

*(a) Apply this category where light industrial concerns have become established and where vacant industrial sites have been set aside for this purpose.*

*(b) Encourage preserving such designated areas for light manufacturing, wholesaling, processing and similar operations by excluding unrelated uses which would reduce available land and restrict the growth and expansion of industry.*

*(c) Ensure that light industry operations have adequate space with respect to employee and truck parking, loading, maneuvering and storage.*

*(d) Follow a site design review process for light industrial activity to ensure proper setbacks as well as screening and buffering, particularly for unsightly areas which can be viewed from arterials or from adjoining residential areas; in contemplating the setbacks, consideration should be given to the effect of the activity on significant fish and wildlife areas.*

**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.*

**(c) Discussion:** The proposal is to amend the Zoning Map from Light Industrial (LI) to Apartment Residential (AR), and the Comprehensive Plan Map from Light Industrial (LI) to General Residential (GR), in order to accommodate AR zoning.

The Light Industrial zoning district policy states, “Apply this category where light industrial concerns have become established and where vacant industrial sites have been set aside for this purpose.” In this case, light industrial uses have never been established in this location, and the site is not vacant. Nevertheless, the site has been zoned Light Industrial since at least 1978. The assumption for this is consistent zoning patterns. Irregular zoning patterns of conflicting zones can have a negative impact by restricting growth and expansion of industry.



According to the 2008 Economic Opportunities Analysis (Ord. 3101), St. Helens should have no shortage of industrial land over the next 20 years. Projections of future employment and industry demand indicate that St. Helens has a surplus of industrial zoned lands and parcels of at least 78 acres. Since 2008, the City has moved 25 acres of Heavy Industrial to the Riverfront District zoning district (Ord. 3215). This means there is still a 53-acre industrial land surplus. This proposal is requesting the removal of less than one acre from Light Industrial to Apartment Residential.

**Finding(s):** There is a surplus of industrial land and an increasing demand for housing. This proposal is not contrary to Comprehensive Plan goals and policies; the City Council finds that removing Light Industrial zoning in this area will not have a negative impact on growth and expansion of industry.

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

Duplexes and single-family dwelling units are allowed in the AR zoning and GR comprehensive zoning districts.

In addition, the Commission found and Council concurred that this location is more appropriate for AR zoning given the immediate proximity to Columbia County Rider Transit Center (across the street) and, per uses possible in the current and proposed zoning, the potential of a neighborhood market which is possible in the AR zone but not the LI zone. Note that if the CC Rider Transit Center property was still a mill (the use existing when zoned in the 1970's until the early part of the 21<sup>st</sup> century), the Commission's finding would likely differ. Thus, an aspect of the Commission's favorable stance on this issue is how the current CC Rider Transit Center property has changed over time.

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 change in zoning or Comprehensive Plan designation will result in more vehicle trips based on permitted uses.

According to the 9<sup>th</sup> ed. of the Institute of Transportation Engineers (ITE), one of the worst case development scenarios using the permitted nursery use for the 0.58 acres lot under LI zoning would generate 63 ADTs. Under AR zoning, the net developable area for multi-dwelling units per SHMC Chapter 17.56 Density Computations is 0.38 acres. The worst case development scenario using permitted uses is a 9-unit multi-dwelling unit. The ITE states this would generate 60 ADTs, which is less than the LI zoning scenario. Therefore, a Transportation Impact Analysis will not be required for this proposal.

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


**(e) Discussion:** This criterion requires that the proposed change is not a spot zone. The definition of "spot zoning" per Chapter 17.16 SHMC:

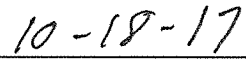
*Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.*

**Finding:** The property abuts existing AR and R5 on the Zoning Map. On the Comprehensive Plan Map, the properties surrounding the zone change proposal are zoned GR and LI. The Council finds this is not a spot zone.

**CONCLUSION & DECISION**

**Based upon the facts and findings herein, the City Council approves this Comprehensive Plan Map and Zoning Map Amendment.**

  
\_\_\_\_\_  
Rick Scholl, Mayor

  
\_\_\_\_\_  
Date