

**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Planned Developed (overlay zone) PD.1.22**

**DATE:** March 1, 2022  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT:** North 8<sup>th</sup> Street LLC (Shawn Clark)  
**OWNER:** same as applicant

**ZONING:** Mobile Home Residential, MHR and Moderate Residential, R7  
**LOCATION:** At the current northern termini of N. 8<sup>th</sup> and 9<sup>th</sup> Streets lying north of Deer Island Road; 5N1W-33-00700  
**PROPOSAL:** Planned Development (Zoning Overlay)

**SITE INFORMATION / BACKGROUND**

The subject property is approximately 23.68 acres in size and is irregular in topography and contains multiple wetlands and drainages. Two of the wetlands, D-10 and D-11 located on the east side of the site are Type 1 significant per Chapter 17.40 SHMC. There are several other wetlands as well.

The site is undeveloped. The area may have been used as a quarry in the early years of St. Helens but has been idle and wooded for decades. Much of the site was logged around early 2019. Staff has been discussing developed of the site with the applicant since around 2016. The 2019 logging effort and some gravel fill, both resulted in unintended impacts to wetlands and the applicant has been working with the Division of State Lands, US Army Corps of Engineers and other agencies since the logging effort. This resulted in changes to the applicant's proposed plans, which was a substantial reduction of overall buildable area. As a result, the applicant is seeking a Planned Developer overlay zone to achieve a reasonable density compared to the gross land size, on the western portion of the site.

**Associated files:** Subdivision Preliminary Plat SUB.1.22, Subdivision Variance V.1.22, and Sensitive Lands Permits SL.1.22, SL.2.22, and SL.3.22.

**PUBLIC HEARING & NOTICE**

**Public hearing** before the Planning Commission for *recommendation to the City Council*: March 8, 2022. Public hearing before the City Council: April 6, 2022.

**Notice** of this proposal was sent to the Oregon Department of Land Conservation and Development on February 1, 2022 through their PAPA Online Submittal website.

**Notice** of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on February 10, 2022 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

**Notice** was published on February 16, 2022 in The Chronicle newspaper.

#### APPLICATION COMPLETENESS

This application was originally received on October 12, 2021. Staff identified missing information or other aspects that rendered the application incomplete and notified the applicant of the issue pursuant to SHMC 17.24.050 on November 8, 2022. The applicant provided revised or new information for this zoning amendment and the application was deemed complete on January 12, 2022.

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

#### AGENCY REFERRALS & COMMENTS

No comments as of the date of this report.

#### APPLICABLE CRITERIA, ANALYSIS & FINDINGS

##### **SHMC 17.148.060 – Planned Development Allowed and Disallowed**

(1) A planned development shall not be allowed on any lands, with less than a two-acre minimum, shown on the comprehensive plan map as “developing areas”.

(2) A planned development shall not be allowed in residential zones located in areas designated as “established areas” on the comprehensive plan map, except the commission may approve a planned development within an “established area” where the commission finds:

(a) Development of the land in accordance with the provisions of the “established area” would:

- (i) Result in an inefficient use of land;
- (ii) Result in removing significant natural features; or
- (iii) Result in a change of the character of the area surrounding a significant historic feature or building;

(b) The planned development approach is the most feasible method of developing the area; and

(c) The site is of a size and shape that the compatibility provisions of Chapter 17.56 SHMC can be met.

**Discussion:** If the subject property is considered “developing,” SHMC 17.148.060(1) is the section to review for the planned development (PD) overlay consideration. If the subject property is considered “established,” SHMC 17.148.060(2) is the section to review for the PD overlay consideration.

**Finding(s):** Consistent with SHMC 17.112.020 and OAR 660-008-0005, the property is considered “established” because it is subject to natural resource protection measures

determined under Statewide Planning Goals 5 and has some slopes 25 percent or greater. Thus, the criteria of SHMC 17.148.060(2) applies:

- (a) Subdivision of the site would result in an inefficient use of land. There are several wetlands throughout the site (see DSL Wetland Delineation WD # 2019-0281). Standard lot size and dimension combined with the encumbrances of these wetlands would make achieving a reasonable density compared to the total size of the lot nearly impossible without significant wetland impacts.
- (b) Because of the wetlands as noted, staff recommended the applicant pursue the Planned Development overlay zone as the most feasible method of developing the area.
- (c) A development proposal submitted with the PD overlay application included a density calculation (**attached**) showing a potential density in excess of 100 lots. However, the actual proposal (**attached**), even after utilizing the flexibility of the PD overlay is 66 lots. Though, the actual developed under the PD overlay zoned could change, this provides sufficient evidence for this criterion.

**SHMC 17.08.040 – Quasi-judicial amendments and standards.**

(1) Quasi-Judicial Amendments and Standards for Making Decisions.

(a) A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of 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;

(ii) The applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197, until acknowledgment of the comprehensive plan and ordinances;

(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 or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

**Discussion:** A single property is involved, and thus by definition (Chapter 17.16) the quasi-judicial zone change process applies.

\* \* \*

**Finding(s): (1)(a)(i).** Most of the property (the west approximate two-thirds) has a Comprehensive Plan designation of Mobile Home Residential. This is one of two properties with such designation within city limits. Mobile or manufactured homes are a type of needed housing per ORS 197.303.

In order to meet the intent of this comprehensive plan designation it is important that any development under this Planned Development overlay not preclude manufactured homes.

For example, in a residential lot subdivision, the lot size, dimension and standards (e.g., yard/setback requirements) need to be such that manufactured homes, consistent with city standards, could be included.

St. Helens' standards for manufactured homes on individual lot per SHMC 17.60.030, includes requiring them to be multisectional and enclose a space of not less than 1,000 square feet. Average widths and lengths for double-wide manufactured homes are around 26 feet and 56 feet respectively. Common widths are 20, 24, 28 and 32 feet and common lengths are 42 and 60 feet. Building envelope would need to accommodate a reasonable array of multisectional (double wide at a minimum) manufactured homes.

The applicant acknowledges the Mobile Home Residential Comprehensive Plan designation. And discusses how the proposal will not preclude manufactured homes.

The smallest lot size proposed is 3,690 square feet. Considering that the Planned Development overlay does not (and cannot by law) allow a change in how much lot area buildings and structures can occupy (i.e., 40%) on a lot, that standard is one to consider for the preclusion of manufactured homes. 40% of 3,690 is 1,476. This can accommodate the minimum size, 1,000 square feet, for manufactured homes in St. Helens,

The minimum lot width proposed is 29 feet. The minimum side yard proposed is 4 feet. 29 minus 8 is 21. 20' is a common width for manufactured homes and can be accommodated.

The minimum lot depth proposed is 85 feet. Subtracting a common length (42 feet) from that leaves 43 feet, and plenty to accommodate a front and rear yard.

In addition, all proposed lots (still subject to review separate from this Planned Development zoning map amendment) exceed some of the minimum standards proposed.

The concept provided by the application does not preclude manufactured homes for the subject property from a proposed standards point of view. However, since the actual developed under the PD overlay zoned could change, this approval must be based on the developed allowed under this PD overlay not precluding manufactured homes.

\* \* \*

**(1)(a)(ii).** The city has an adopted comprehensive plan and ordinances approved under the state land use program. As such, the statewide planning goals needn't be analyzed.

Though this criterion states that we do not need to address the Oregon Statewide Planning Goals, because this is a zoning map amendment and thus could impact housing, Goal 10 is at issue and must be addressed.

***Statewide Planning Goal 10: Housing***

*Goal 10 requires 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*

This Goal has a couple components: 1) inventorying of land for housing need, and 2) demographic broad spectrum housing availability in both quantity and variety of type.

### **Inventorying**

St. Helens completed and adopted a Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) in 2019 (Ordinance No. 3244). The results of the housing needs analysis indicates that the current St. Helens Urban Growth Boundary is sufficient to accommodate future housing needs, with a small deficiency of high-density land for multi-family development.

Per the HNA, Commercial/Mixed Use land can make up for the high-density land deficiency. Even though there are no guarantees Commercial/Mixed Use lands will be used for residential purposes, the following residential developments on commercial/mixed use lands since the inventorying effort of the HNA creation process are noteworthy:

- St. Helens Place Apartments at 700 Matzen Street. Originally approved by Conditional Use Permit CUP.2.18 in 2018, this 204-unit multi-dwelling project was completed late 2020.

Zone: General Commercial. Total acres used: 7.72 out of 7.72 ac.

- Broadleaf Arbor: A Gathering Place being developed by the Northwest Oregon Housing Authority (NOHA) and Community Development Partners at 2250 Gable Road. Originally approved by Conditional Use Permit CUP.3.19, this 239-unit multi-dwelling project is currently under construction. The site has wetlands that will be preserved so only a portion of the property will be developed.

Zone: General Commercial, GC. Total acres used: approx. 13.7 ac. out of 16.7 ac.

Based on these two projects alone, the high-density deficiency is resolved, or at least will be assuming the completion of Broadleaf Arbor: A Gathering Place.

### **Demographic broad spectrum housing availability in both quantity and variety of type**

The subject property would not be efficiently developed as a subdivision without the Planned Development overlay zone because of its substantial make up of wetlands. This proposal simply allows a greater potential number of units.



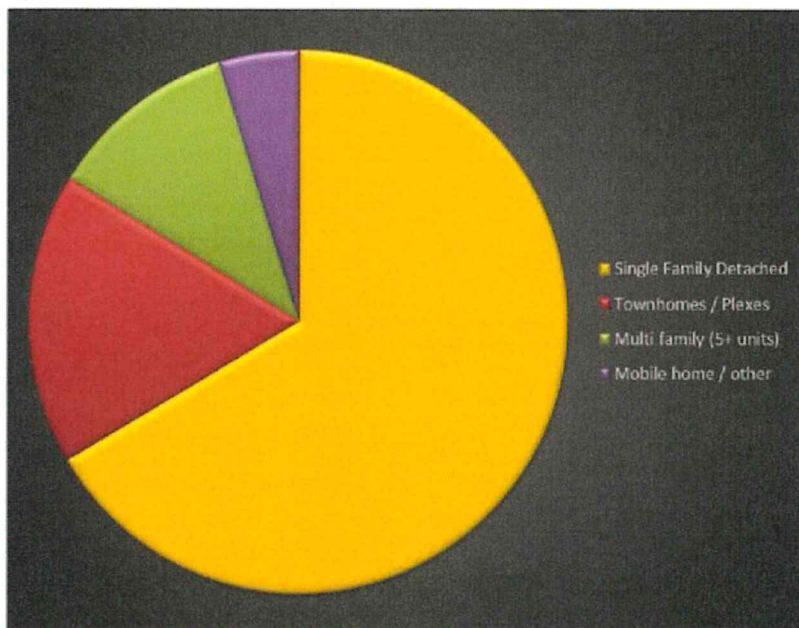
Land Need (net acres)	
Low Density*	240
Medium Density**	40
High Density	24
Manufactured Home Parks	5
<b>Total</b>	<b>309</b>
Buildable Land Inventory (net acres)	
Low Density	532
Medium Density	93
High Density	16
Manufactured Home Parks	45
Commercial/Mixed Use***	19
<b>Total</b>	<b>705</b>
UGB Land Surplus/Deficit (net acres)	
Low Density*	293
Medium Density**	53
High Density	(8)
Manufactured Home Parks	40
Commercial/Mixed Use	19
<b>Total</b>	<b>397</b>
<b>Adequacy of UGB to meet housing need</b>	<b>adequate</b>

\* Includes detached units and mobile homes. \*\* Includes townhomes, plexes and group quarters.

**Left:** This table summarizes the City's HNA findings. The area clouded in red identifies the surplus of low and medium density lands, and slight deficit of high density lands. These numbers reflect a projection of residential land needs accommodating a 20-year housing demand forecast (from 2019).

As noted above, the deficit in high density residential is resolved by multitdwelling development on commercial lands subsequent to the HNA's (and BLI's) adoption in 2019.

However, type of housing is also a component of this (not just quantity). Mobile or manufactured homes are underrepresented in St. Helens and provide a relatively economical option compared to traditional stick-built detached homes. Given the city's Comprehensive Plan designation and zoning, as detailed above, it is important that allowing this Planned Development overlay zone does not preclude manufactured homes. Such condition is warranted.



**Left:** Existing housing mix 2013-2017, City of St. Helens.

Source: U.S. Census, American Community Survey, 2013-2017.

\* \* \*

**(1)(a)(iii).** The applicable code standards for consideration are the minimum size standards for manufactured homes—multisection and enclose a space not less than 1,000 square feet—and how that related to the zoning standards as proposed by the Planned Development allow the possibility of manufactured homes or preclude them.

As already described, allowing this Planned Development overlay must be based on any development not precluding manufactured homes. This includes development standards and other factors such as use restrictions (e.g., CCRs) the developer may place on themselves.

\* \* \*

**(1)(a)(iv).** “Spot zoning” does apply as long as all other criteria for allowing a PD overlay zone are met.

#### **CONCLUSION & RECOMMENDATION**

**Based upon the facts and findings herein, staff recommends approval of this Planned Developed (overlay zone) with the condition that:**

**No development allowed under this Planned Development (overlay zone) shall preclude manufactures homes.** This includes development standards and other factors such as use restrictions (e.g., CCRs) the developer may place on themselves.

**Attachment(s):** Applicant’s narrative (except for Planned Development overlay only)  
Preliminary plat (reduced to 8.5 x 11”)  
Zoning map  
DSL WD# 2019-0281 (excerpts)  
Density calculations



Response: The proposed development currently will be utilizing single family detached homes.

- (j) Drainage. All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 17.44 SHMC and the criteria in the adopted 1999 master drainage plan. (Ord. 2875 § 1.180.120, 2003)*

Response: Drainage plans are included and can be seen on sheets sheet C-9: C-11.

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## Chapter 17.08 SHMC Amendments to the Code and Zone District Maps

[...]

### Chapter 17.08.040 SHMC, Quasi-judicial amendments and standards

[...]

*(a) A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of 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;*

Response: The proposed development comprehensive plan designation is Mobile Home Residential. Within this designation, single family detached homes were sought to be constructed instead of manufactured homes. As required per chapter 17.32.090 (4), standards for mobile home parks have been considered and integrated into this development. Through the zone amendment process, this development will not adversely affect the health, safety, or welfare of the community. With the zone amendment process, minor changes have been made to R-5 zoning lot size standards in order to best preserve the natural topography and keep existing wetlands healthy.

- (ii) The applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197, until acknowledgment of the comprehensive plan and ordinances;*

Response: The proposed development comprehensive plan designation is Mobile Home Residential. Through the zone amendment process, minor changes have been made to R-5 zoning lot size standards in order to best preserve the natural topography and keep existing wetlands healthy.

- (iii) The standards applicable of any provision of this code or other applicable implementing ordinance; and*

Response: The proposed development has been designed to be compliant with all regulations through the planned development zone amendment process. Minor changes have been made to R-5 zoning lot size standards in order to best preserve the natural topography and keep existing wetlands healthy.

- (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.*





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Response: This development does not propose spot zoning. Through the zone amendment process, this development proposes minor changes to the R-5 lot size standards. These changes do not constitute spot zoning.

*(b) Consideration may also be given to:*

*(i) Any applicable evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application. (Ord. 3215 § 4 (Att. D), 2017; Ord. 2875 § 1.020.040, 2003)*

Response: The proposed development comprehensive plan designation is Mobile Home Residential. Within this designation, single family detached homes were sought to be constructed instead of manufactured homes. As required per chapter 17.32.090 (4), standards for mobile home parks have been considered and integrated into this development. This development will not preclude the option for manufactured homes to be constructed instead of single family detached homes. Under chapter 17.60.030 (1) the manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet. The proposed development utilizes lot sizes of at least 3,690 square feet and often larger than 4,000 square feet. Following with manufactured home development standards all lots have a 20-foot front yard setback, a 20-foot rear yard setback (10' except where not on perimeter of planned development) and a 4-foot side yard setback. All lots will be serviced by public facilities (water, sewer, electric, sidewalks, and streets). A summary table below shows the requirements of Mobile Home Residential Zoning district, if the planned development allows flexibility, and what requirements are proposed with this development.



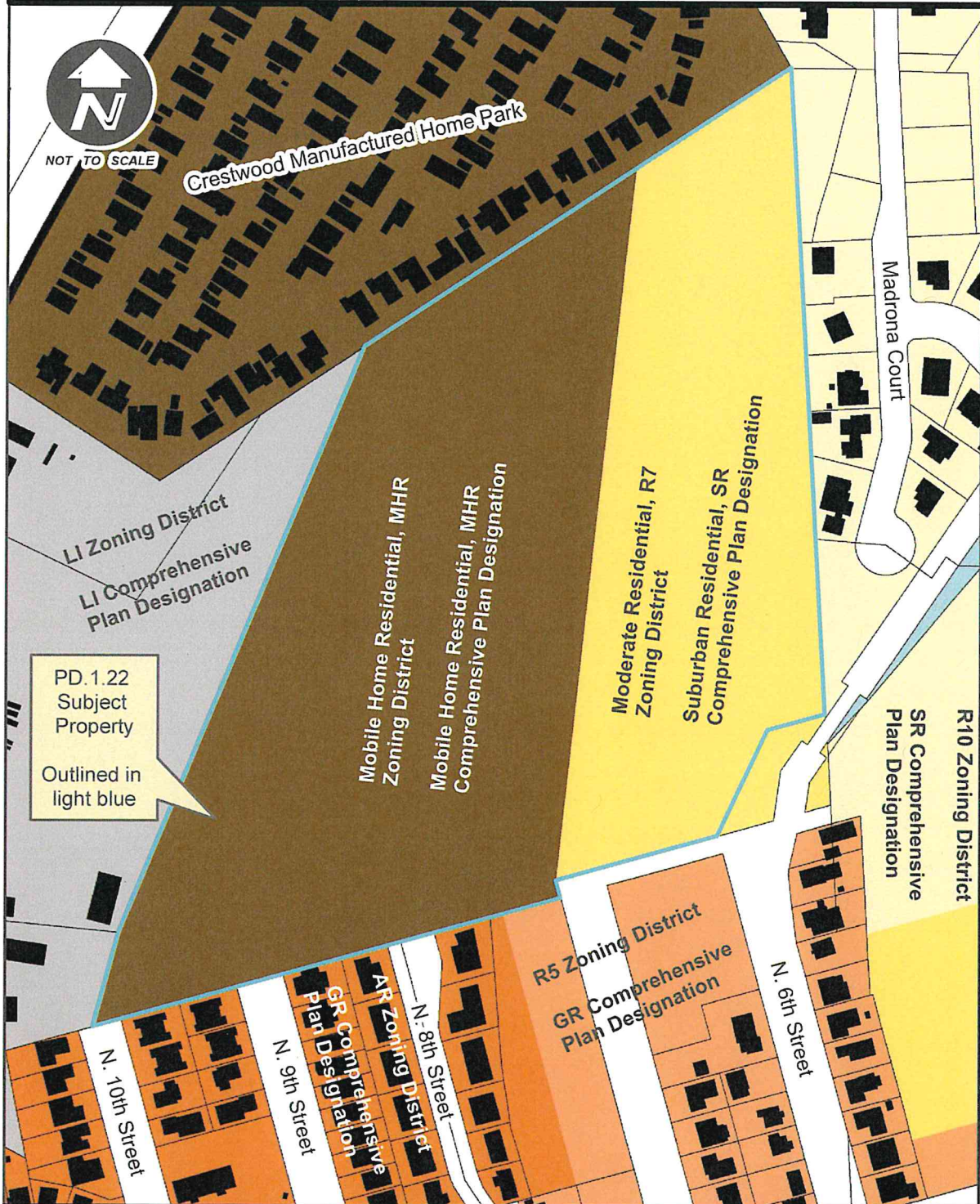
STANDARD	MHR ZONING DISTRICT	PD ALLOWS FLEXIBILITY?	PROPOSED
Min. lot size	5,000 s.f. for detached single-family dwellings and duplexes	Yes	3,690 s.f.
Min. lot width at building line (interior lots)	50 feet	Yes	29 feet
Min. lot width at building line (corner lots)	50 feet	Yes	43 feet
Min. lot width at street (standard)	50 feet	Yes	29 feet
Min. lot width at street (cul-de-sac)	30 feet	Yes	30 feet
Min. lot width at street (flag lot)	20 feet	Yes	20 feet
Min. lot depth	85 feet	Yes	85 feet
Min. front yard (setback)	20 feet	Yes (except along perimeter of PD and for garage structures which open facing a street)	20 feet (20 feet along perimeter of PD and for any garage structure which opens facing a street)
Min. side yard (setback)	5 feet	Yes	4 feet
Min. rear yard (setback)	10' 20 feet	Yes (except along perimeter of PD)	10 feet (except along perimeter of PD)
Min. interior yard (building/structure separation)	6 feet	No	6 feet
Max. building height	35 feet	Yes	35 feet
Max. lot coverage	Buildings and structures shall not occupy more than 40% of the lot area	No	Buildings and structures shall not occupy more than 40% of the lot area

5' FOR INTERIOR LOTS  
 10' FOR SIDES  
 OF CORNER LOTS  
 ALONG STREET





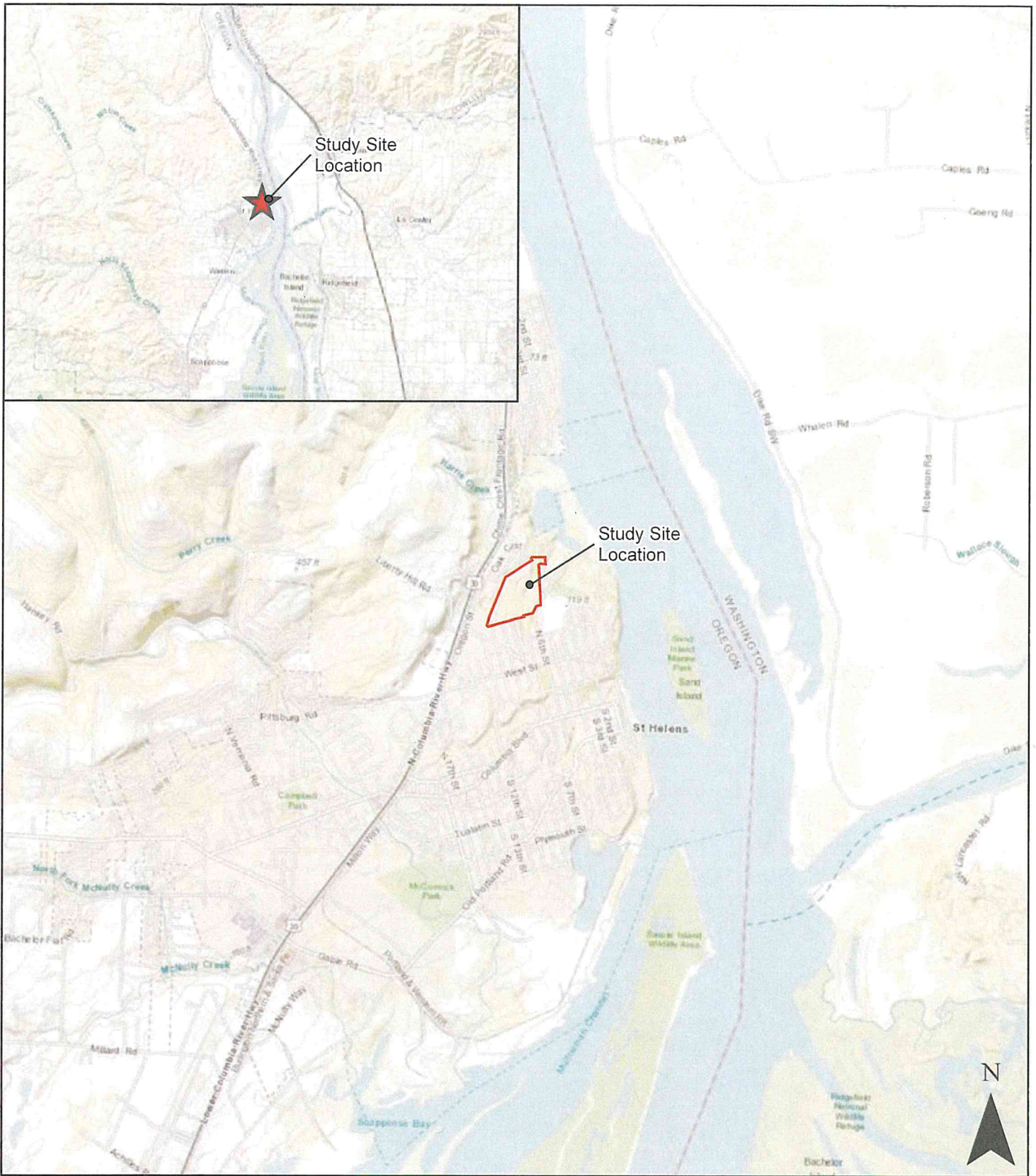
# Planned Development (Overlay Zone) PD.1.22



PD.1.22  
Subject  
Property  
  
Outlined in  
light blue

Zoning (color and text) and Comprehensive Plan Designations (text only).  
January 2022





Date: 2/11/2019

1 inch = 0.6 miles

Data Source: ESRI, 2018

Figure 1. Location Map

St. Helens Project Site: S&A #2668



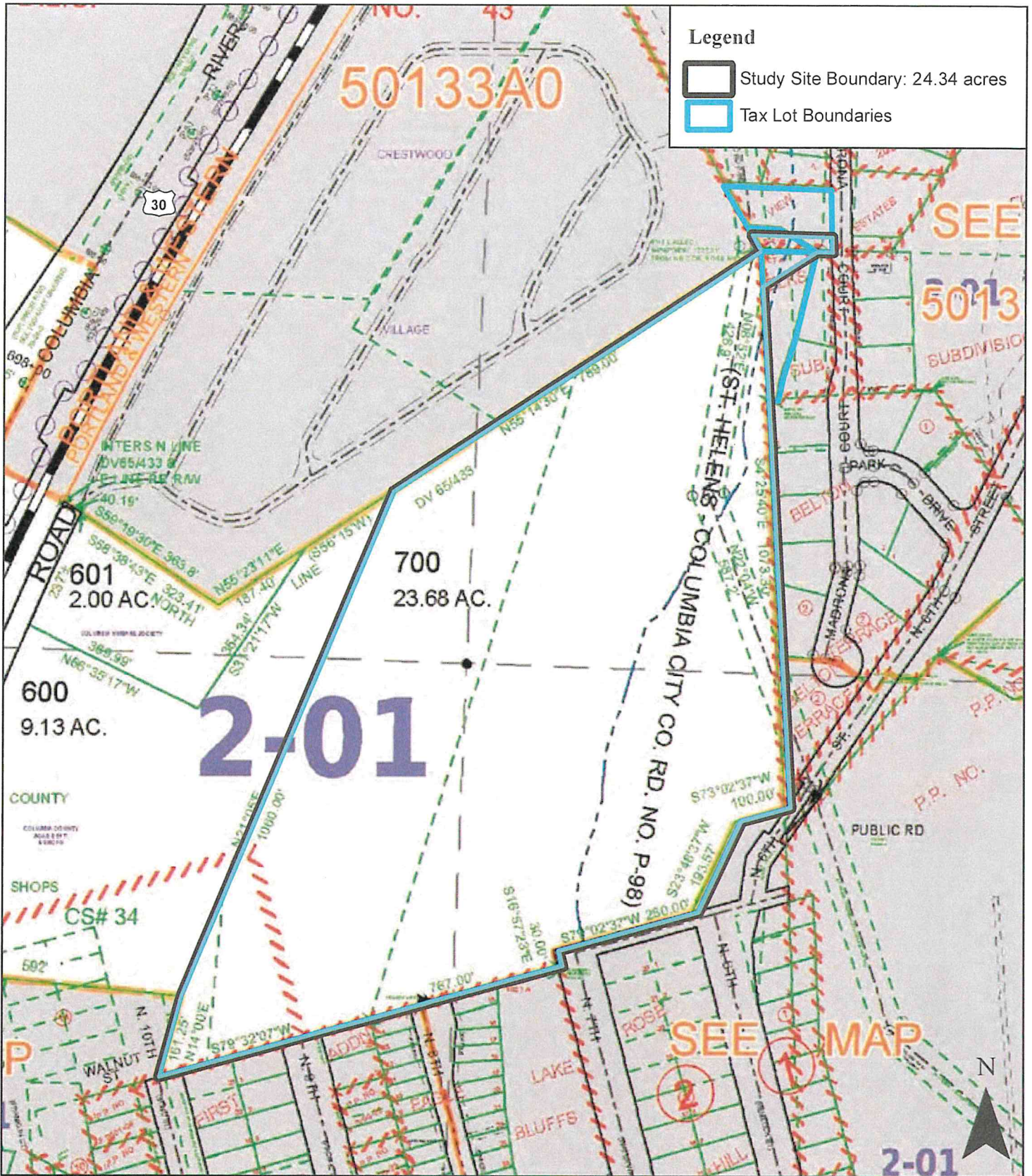
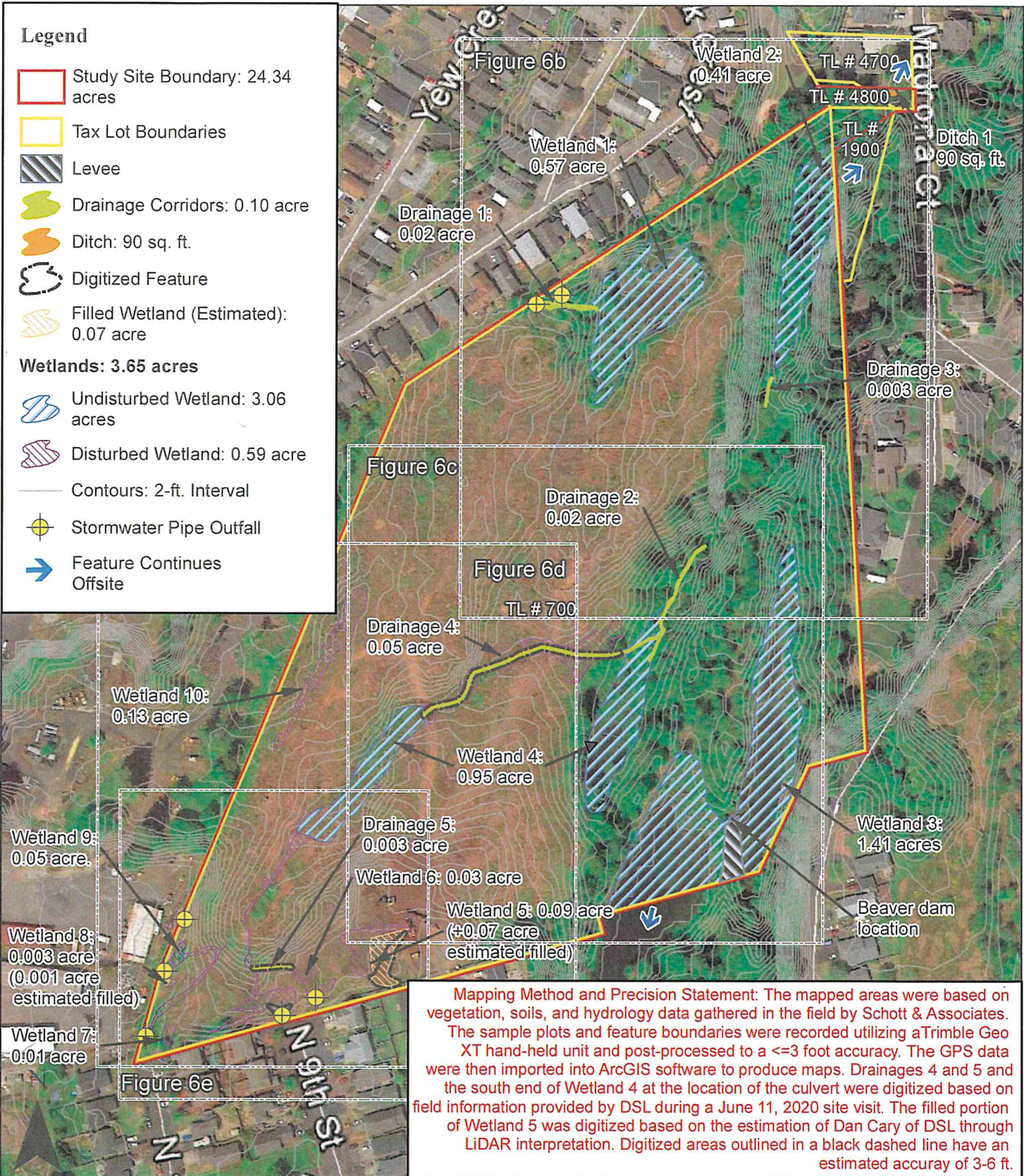


Figure 2. Columbia County Tax Map: 5013300

Date: 2/12/2019  
 Data Source: Columbia County GIS Dept., 2018; ORMAP (www.ormap.net)

St. Helens Project Site: S&A # 2668





Date: 7/9/2020

**DSL WD # 2019-0281**  
**Approval Issued 7/16/2020**  
**Approval Expires 7/16/2025**

Figure 6a. Wetland Delineation Map - Overview

Data Source: ESRI, 2019; Columbia County GIS Dept., 2018; USGS, NED, 2013





58640 McNulty Way  
 St. Helens, OR 97051  
 503.366.0399  
 lowercolumbiaengr.com

North 8th Street						Project No. 3146-01
Shawn and Dena Clark						St. Helens, Oregon
Density Calculations						January 2022
<b>Density Calculations</b>						
<b>Mobile Home Residential</b>						
Area (Acres)	14.9					
Lot Size (SF)	5,000					
<b>Subtracted Area</b>						
Wetlands (Acres)	1.68					
Open Space Area (Acres)	0					
Right-of-Way (Acres)	2.15					
Net Developable Area (AC)	11.07					
Maximum Number of Lots	96					
<b>R-7 (Non Developed Section of Property)</b>						
Area (Acres)	8.78					
Lot Size (SF)	7,000					
<b>Subtracted Area</b>						
Wetlands (Acres)	2.13					
Open Space Area (Acres)	0					
Right-of-Way (Acres)	0					
Net Developable Area (AC)	6.65					
Maximum Number of Lots	41					

RECEIVED  
 JAN 12 2022  
 CITY OF ST. HELENS