

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Conditional Use Permit CUP.1.23
Sensitive Lands Permit SL.1.23

DATE: March 13, 2023
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: City of St. Helens
OWNER: City of St. Helens

ZONING: Light Industrial
LOCATION: 4N1W-9AB-100 and 101; 1810 Old Portland Road
PROPOSAL: Establish existing building as a “public facility, major.” Establish existing building used as secondary recreation facility as a public facility too.

SITE INFORMATION / BACKGROUND

Per Columbia County Assessor records, the subject building was built in 1973 as a warehouse/sales office. The use changes to a fitness/gym use sometime between 1980 and 1987, and it was further remodeled and expanded in 1997. The property was purchased from the longtime owner—Boise White Paper, LLC—in 2015 by the City of St. Helens. The city established its first Recreation Center at this location around 2018/2019. When the city established a different site as its primary Recreation Center (2625 Gable Road—see Conditional Use Permit CUP.1.21) around 2021/2022, this Old Portland Road site became a secondary Recreation Center. It is proposed to evolve further with inclusions of offices unrelated to recreation (i.e., for other city functions) so it will no longer be just a secondary recreation program location. Thus, this Conditional Use Permit.

Since the site has been developed for several decades, there are existing site improvements such as parking and landscaping.

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission: March 21, 2023.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on February 28, 2023 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

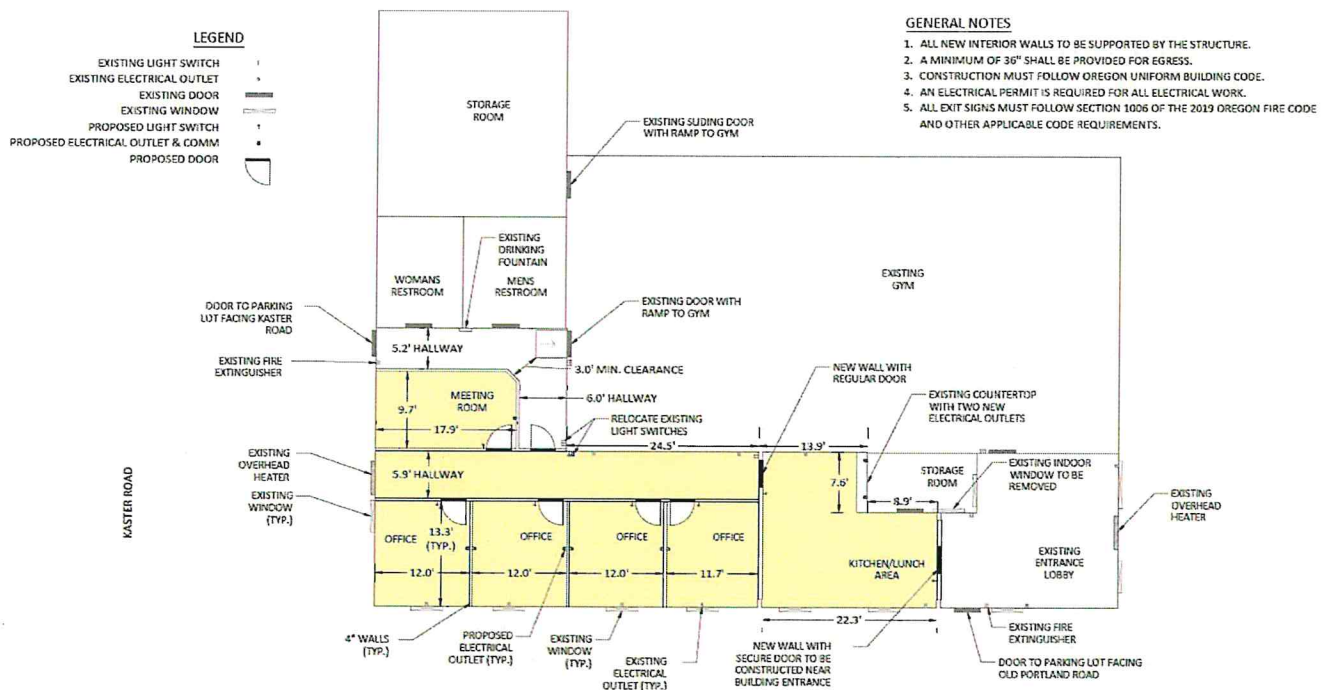
Notice was published on March 8, 2023 in The Chronicle newspaper.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no agency referrals/comments have been received that are pertinent to the analysis of this proposal.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

Zoning Compliance: The site is zoned Light Industrial, LI. Since the building was used as a fitness gym since the 1980's, when the city purchased the site in 2015 and established its first recreation facility in 2018/2019 (after continued use as a fitness gym during city ownership) the use was and continued to be a "public and private recreational facility," a conditional use of the LI zone.



Above: The footprint of the 1810 Old Portland Road building with the proposed offices, four total, and related space that will be segregated with separate entrances/exits to be used exclusive of the recreation use that will be retained for the non-highlighted area.

However, now that office space is proposed to be excluded and segregated from the recreation component, the use will now be also considered a "public facility, major." This is also a conditional use in the LI zone, and being a proposed new use, requires this Conditional Use Permit.

Note that "office" as a land use, is not allowed in the LI zone, so the "public facility, major" use category is important for this to be lawful under the Development Code. Per Chapter 17.16 SHMC this is defined as:

"Public facility, major" means any public service improvement or structure developed by or for a public agency that is not defined as a minor public facility.

Office use unrelated to a public agency would not be a lawful use.

Standards specific to the LI zone include:

(4) Standards.

(a) The standards for the LI zone shall be determined by the proximity to residential zones and the anticipated off-site impacts.

(b) The maximum height within 100 feet of any residential zone shall be 35 feet.

(a) & (b) The site does not abut a residential zone. Also, as a corner property, zoning across both Old Portland Road and Kaster Road are also not residential.

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Sensitive Lands: There are known sensitive lands as identified in the Development Code. This includes:

- Area of Special Flood Hazard—Chapter 17.46 SHMC
- Wetlands, including upland protection zones associate with “significant” wetlands per Chapter 17.40 SHMC

Area of Special Flood Hazard—Chapter 17.46 SHMC

The existing building is located within a Special Flood Hazard Area (SFHA) (i.e., 100 year floodplain) as identified by Flood Insurance Rate Maps (FIRM) No. 41009C0452D. It is within a flood zone AE where base flood elevations are determined.

As an existing building there are two things to be considered: 1) is this a critical facility and 2) is this a substantial improvement?

Is this a critical facility? The offices being created are specifically not related to the city’s recreation program. Initially, they are intended for non-represented (non-union) police management staff (e.g., Police Chief, Police Lieutenant) as an interim solution to help address the space deficiencies at the current Police Station at 150 S. 13th Street until a new facility is built.

SHMC 17.46.050(6) – Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA). Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities construction within the SFHA shall have the lowest floor elevated at least three feet above the base flood elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

SHMC 17.46.020 defines “critical facility as:

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

Per Police staff, for a critical event, such as a flood, command and control would still be at the police station at 150 S. 13th Street. Also, day-to-day activity is directed by police sergeants, who will not have offices at this 1810 Old Portland Road location. Thus, offices for police non-represented staff does not fall into the critical facility category. Further, there is the possibility of a new police station in the future in which case non-police staff could utilize this office space.

Is this a substantial improvement? This term is defined by SHMC 17.46.020(33):

(33) “Substantial improvement” means reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The market value of the structure should be:

(a) The appraised real market value of the structure prior to the start of the initial repair or improvement; or

(b) In the case of damage, the appraised real market value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a historic structure; provided, that the alteration will not preclude the structure's continued designation as a historic structure.

There is enough information available to determine this will not be a substantial improvement, including all improvements to the building since the city's purchase of the property in 2015. Per the County Assessor records, the building has an assessed value of \$418,140. This is not based on a current appraisal, which would likely be a higher number. Based on this, as long as improvements do not exceed somewhat more than \$209,070 we can safely assume this does not meet the substantial improvement threshold.

Permits in 2018 and 2019 show a value of at least \$36,485, though, the value for plumbing permits totaling 9 fixtures is not determined. Per the city's Building Maintenance Utility Worker, the cost of materials for the proposal is \$9,000 and electric work at \$25,310.26. Though, there are some data gaps, the sum of these known values are around \$71,000 and well below \$200,000, with over >\$100,000 contingency which is more than enough to compensate for the unknown value data.

Also, not exterior (non-building) improvements are proposed to evaluate their relation to flood standards.

Wetlands, including upland protection zones associate with “significant” wetlands per Chapter 17.40 SHMC

The city's local wetlands inventory identifies no wetlands in close proximity to the site. Further, an environmental assessment was done for this property and surrounding ones that confirm this—see DSL WD # 2019-0324 (Revised) and WD # 2022-0251.

However, Milton Creek abuts the west side of the site and is considered as Type II riparian area with a 50' upland protection zone. As no exterior non-building improvements are proposed, there is no conflict with this.

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Building Height Limitations & Exceptions: Chapter 17.68 SHMC addresses building height in industrial zones. The building is one story and no height changes are proposed.

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Landscaping/buffering/screening: The value of the project is minimal, so significant site improvements are not warranted. However, the site has no trash enclosure and the area where trash containers are kept includes a visible HVAC unit. Screening this area is a reasonable requirement and advances the intent of the Development Code.



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Off-Street Parking/Loading: The site has about 34 off-street parking spaces. Indoor sports/recreation has an off-street parking requirement of one space per 300 s.f. of gross floor area. Public agency administration requires one space per 350 s.f. of gross floor area. Because the new use has a lesser parking requirement than the existing use, this change will not require additional off-street parking.

However, the disabled person spaces are dated for a site that will become a bona fide public facility. Based on the 2019 Oregon Structural Specialty Code, 2 disabled person spaces are required. A second space can be easily added. Also, there is no sign associated with the disabled space(s) as required by the State of Oregon.

It is logical that a new public facility meets at least the minimum requirements for disabled person parking.

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Access/egress/circulation: As a minor arterial classified road, Old Portland Road access would be different than it is for this site currently if the property was developed anew today. However, because the value of the project is minimal and street improvements are not warranted, using existing access is acceptable. Changes will occur when a round-a-bout is constructed as identified in the 2019 Riverfront Connector Plan (Ordinance No. 3241).

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Signs: New signs will require permits per Chapter 17.88 SHMC. Note that the Recreation Center sign on the building was approved via Sign Permit S.22.18.

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Conditional Use: These are important considerations for the Commission. Pursuant to SHMC 17.100.040:

(1) The planning commission shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

- (a) The site size and dimensions provide adequate area for the needs of the proposed use;
- (b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
- (c) All required public facilities have adequate capacity to serve the proposal;
- (d) The applicable requirements of the zoning district are met except as modified by this chapter;
- (e) The supplementary requirements set forth in Chapter 17.88 SHMC, Signs; and Chapter 17.96 SHMC, Site Development Review, if applicable, are met; and
- (f) The use will comply with the applicable policies of the comprehensive plan.

Findings: (a) – (f) There is no evidence that the use is contrary to these provisions. It has already been under public use for several years now and inclusion of offices unrelated to recreation will be a lesser traffic demand compared to peak events. As long as the intent of the zoning is honored (i.e., no use of offices for private nonpublic agency use), the proposal is appropriate.

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CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Conditional Use Permit, with the following conditions:

1. This **Conditional Use Permit** approval is valid for a limited time (to establish the use) pursuant to SHMC 17.100.030. This Conditional Use Permit approval is valid for 1.5 years. A 1-year extension is possible but requires an application and fee. If the approval is not vested within the initial 1.5 year period or an extension (if approved), this is no longer valid and a new application would be required if the proposal is still desired. See SHMC 17.100.030.
2. Any refuse container or refuse collection area visible from a public street, parking lot, residential or commercial area, or any public facility (e.g., school or park) shall be screened

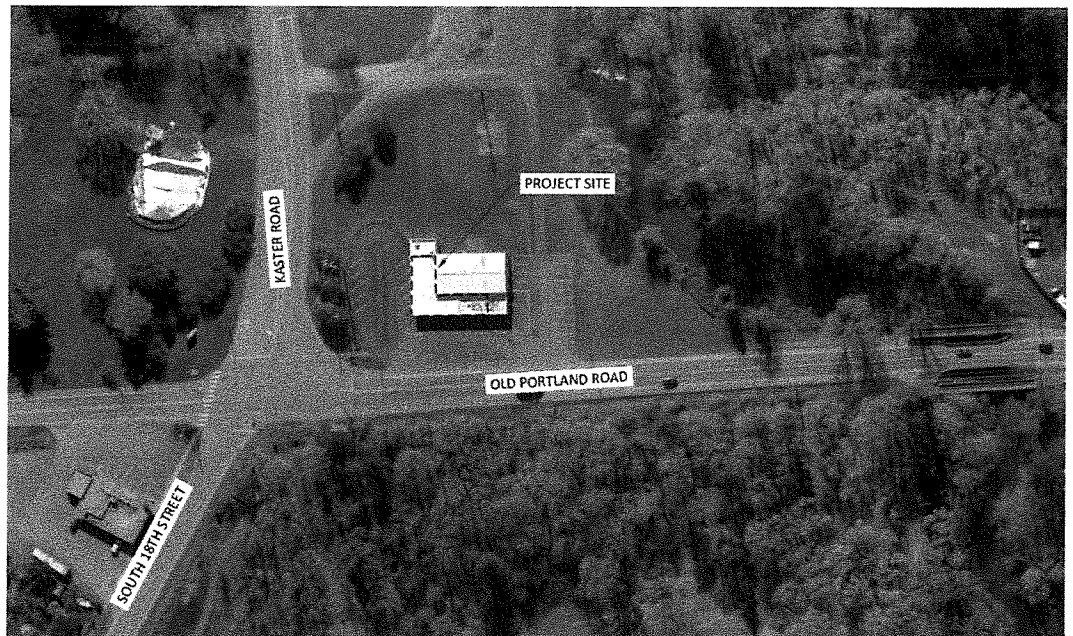
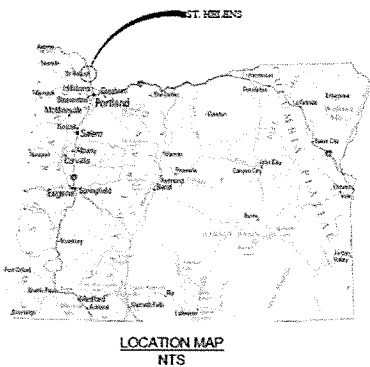
or enclosed from view by a solid wood (or otherwise sight-obscuring) fence, masonry wall or evergreen hedge. Construction standards for height, gate openings, size and such shall comply with the Development Code.

3. A second disabled person parking space shall be added, to include a new sign or signs. For example, see attached.
4. "Office" as a land use, is not allowed in the LI zone, thus based on this CUP approval within the LI zone, **office use unrelated to a public agency would not be a lawful use.**

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Attachment(s): Minimum standard double-accessible parking space

Below: Site plan/existing conditions.



**SITE PLAN
N.T.S.**



OREGON TRANSPORTATION COMMISSION
Standards for Accessible Parking Places
August 2018

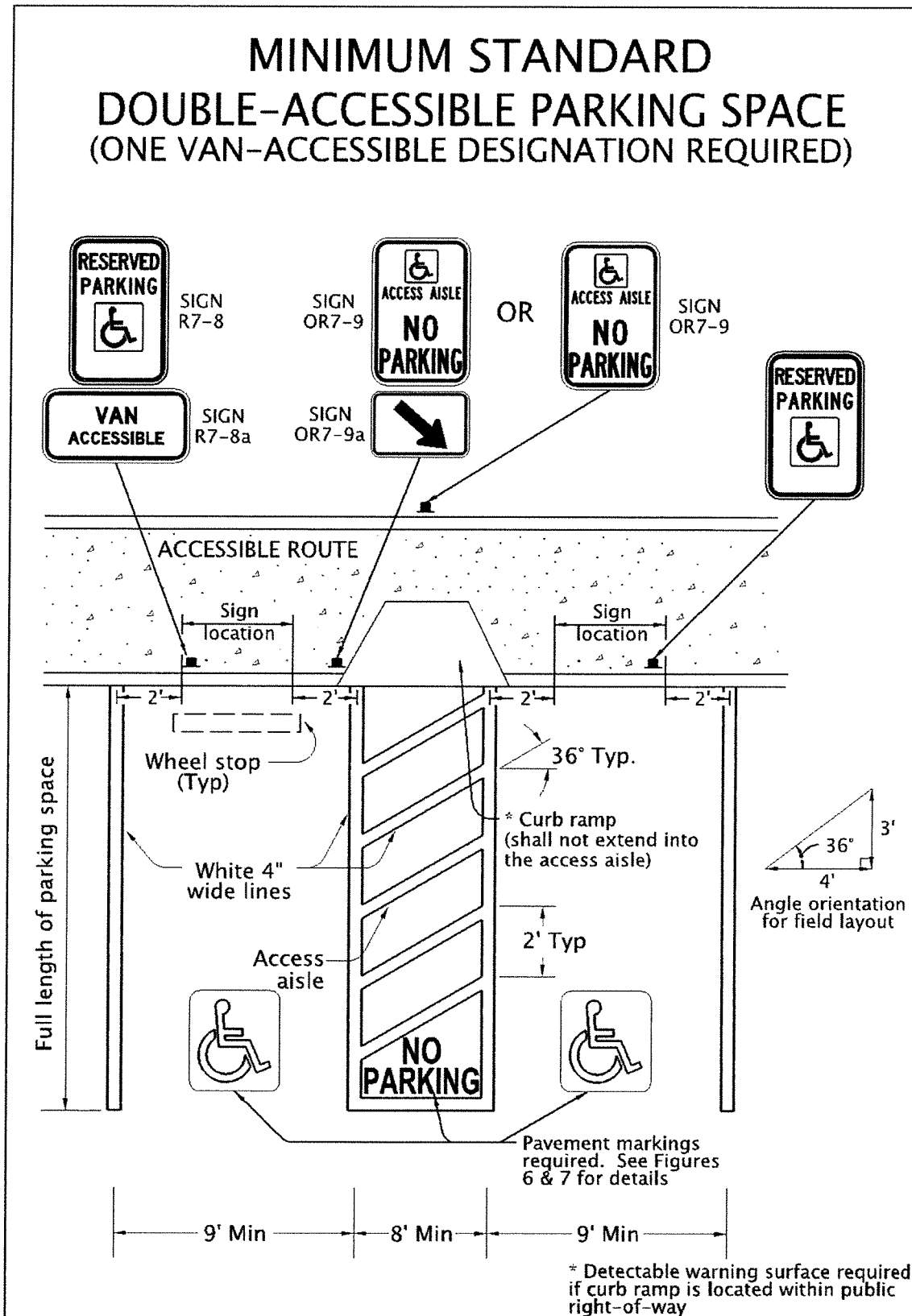


Figure 2