

City of St. Helens
ORDINANCE NO. 3298

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 GENERAL RESIDENTIAL, R5 ZONE

WHEREAS, applicants have requested to amend the City of St. Helens Comprehensive Plan Map and Zoning District Map for property identified as Lots 4, 5, 22, and 23, Block 5, Railroad Addition to St. Helens, City of St. Helens, Columbia County, Oregon from Light Industrial, LI to General Residential, GR, and Light Industrial, LI to General Residential, R5, 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 General Residential, R5 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 "A"**.

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: January 3, 2024
Read the second time: January 17, 2024

APPROVED AND ADOPTED this 17th day of January 2024 by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Comprehensive Plan Map and Zoning Map Amendment CPZA.2.23**

APPLICANT: Andrew H Stamp, Esq. of Vial Fotheringham, LLP

OWNER: 1771 Columbia Boulevard, LLC

ZONING: Light Industrial, LI

LOCATION: 475 N. 12th Street; Lots 4, 5, 22, and 23, Block 5, Railroad Addition to St. Helens

PROPOSAL: Comprehensive Plan Map Amendment from Light Industrial, LI to General Residential, GR and Zoning Map Amendment from Light Industrial, LI to General Residential, R5

SITE INFORMATION / BACKGROUND

The site is composed of four lots of the Railroad Addition to St. Helens (Lots 4, 5, 22, and 23, Block 5). The site was developed with a detached single family dwelling since the early 20th century (per County Assessor records) until the use was discontinued and the dwelling razed. The demo permit to raze the building (749-22-000630-DEMO) was issued by the Building Department on December 29, 2022.

The site was zoned two-family residential with heavy industrial abutting the north side per the 1952 zoning map but has been zoned light industrial since the 1980s.

The owner applied for a Site Development Review (file SDR.1.23) in 2023 but has not pursued that proposal to develop the site for industrial related use. Instead, they have initiated this proposal to amend the Comprehensive Plan and Zoning Maps.

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: November 14, 2023. Public hearing before the City Council: December 20, 2023. The Planning Commission unanimously recommended approval to the City Council.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on October 4, 2023 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 October 25, 2023 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on November 1, 2023 in The Chronicle newspaper.

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.

Findings:

- (a) This criterion requires analysis of the applicable statewide planning goals.

See applicant’s narrative. Goals 9 and 10 are discussed specifically in this report.

Regarding *Statewide Planning Goal 9: Economic Development*, this goal is satisfied when it can be shown that the proposal will not negatively affect industrial or other employment land, as such lands are catalysts to economic development.

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 rezoned 25 acres of Heavy Industrial to the Riverfront District zoning district (Ord. No.3215), approximately 1 acre from Light Industrial to Apartment Residential zoning (Ord. No. 3220), and approximately 9.84 acres from Light Industrial to General Commercial (Ord. No. 3297). This totals approximately 35.84 acres; this means there is still a 42.16-acre industrial land surplus.

This proposal would only reduce the city’s industrial land inventory an additional 20,000 square feet (approximately 0.46 acres).

One shortcoming of the EOA is that it doesn’t prioritize industrial lands as to utility availability, which is a major factor in a 20-year planning horizon. Much industrial land lacks water and or sanitary sewer, which is available for the subject property.

However, that it lies on the other side of the long-time in place wall/fence that surrounded the former lumber mill to the north (and is still intact), is noteworthy. Despite its industrial zoning, the subject property is the only known developed property of significance outside of the wall/fence area in the contiguous industrial zoning area associated with (or in the immediate vicinity of) the former mill site.

Regarding *Statewide Planning Goal 10: Housing*:

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 (8 acres needed) of high-density land for multi-family development. 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 are noteworthy:

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

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

- Broadleaf Arbor 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 multidwelling project is nearing completion with full completion anticipated in 2024. 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.

This proposal takes 4 vacant city lots that, as currently zoned, do not contribute to the housing need, supply, or diversity. If changed to R5 as proposed, they would be eligible for single-dwellings, duplexes, attached dwellings (if partitioned) or multifamily (3+ units) if used together. So, though housing need is technically met, this adds to the available lands for housing, which can take many forms contributing to variety. Thus, Goal 10 is advanced by this proposal.

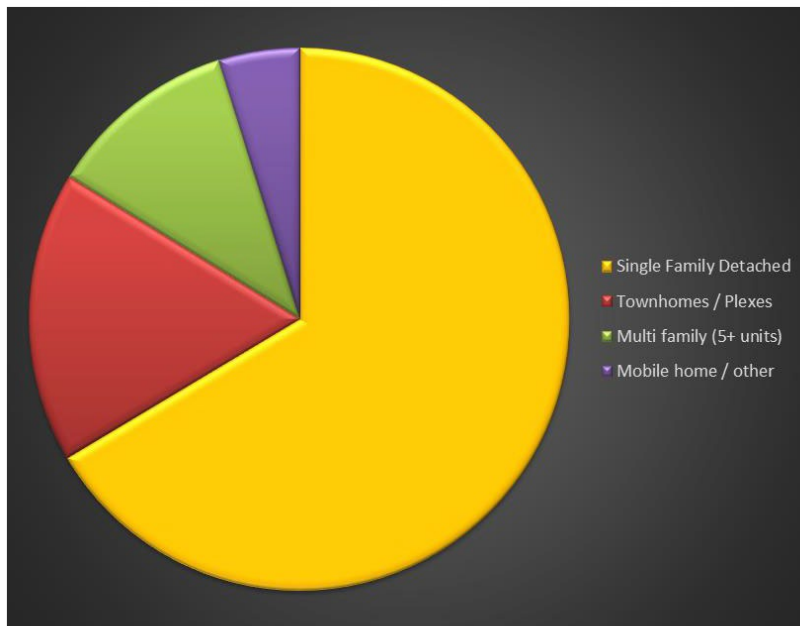
Land Need (net acres)	
Low Density*	240
Medium Density**	40
High Density	24
Manufactured Home Parks	5
Total	309
Buildable Land Inventory (net acres)	
Low Density	532
Medium Density	93
High Density	16
Manufactured Home Parks	45
Commercial/Mixed Use***	19
Total	705
UGB Land Surplus/Deficit (net acres)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

Upper Left: Table showing the city’s HNA findings. St. Helens has adequate land across most categories. The high-density deficit of 8 acres can be addressed in the commercial/mixed use land surplus and there are development projects since the HNA adoption that have done so, exceeding 8 acres.

This amendment adds to the medium density category. Though this category is determined to be sufficient, this proposal will still contribute to housing diversity because the R5 zone allows several types of housing addressed in the St. Helens Development Code.

Lower Left: The proposed R5 zone potentially allows all types identified, which promotes housing type diversity.

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



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

These Goal 10 findings are supported by The Fair Housing Council of Oregon per correspondence from them dated December 11, 2023, which is part of the record.

- (b) This criterion requires analysis of any applicable federal or state statutes or guidelines applicable to this zone change. None identified.
- (c) This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices, and maps.

See applicant's narrative.

SHMC 19.08.020(2)(j) talks about adequate amounts of land for economic growth. This aligns with the Economic Opportunity Analysis referenced above.

- (d) This criterion requires an analysis of the implementing ordinances. The lot is vacant, but also small and abutting residential zoning.

The applicant's narrative discusses some of the spatial inefficiencies that this circumstance, combined with code standard, results in.

- (e) 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.

The subject property is surrounded on three sides by residential zoning. Two sides (south and east) have the same zoning as proposed. The west side is zoned Apartment Residential and the north side Light Industrial.

Three side (west, east and south) have the same Comprehensive Plan Map designation as proposed.

That combined with the long existing fence described above alleviates any "spot zoning" issue.

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