

City of St. Helens
ORDINANCE NO. 3282

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS ZONING DISTRICT MAP TO ADD A PLANNED DEVELOPMENT OVERLAY ZONE FOR CERTAIN PROPERTY GENERALLY LOCATED AT THE NORTHERN TERMINI OF N. 8TH, 9TH, AND 10TH STREETS NORTH OF DEER ISLAND ROAD

WHEREAS, applicants have requested to amend the City of St. Helens Zoning District Map for property described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto and made part of this reference to add a Planned Development Overlay Zone; 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 Zoning District Map is amended to add a Planned Development Overlay Zone for the property described herein.

Section 3. In support of the aforementioned Zone District Map Amendment, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Exhibit "C"** and made part of this reference.

Section 4. No development allowed under this Planned Development Overlay Zone shall preclude manufactured homes. This includes development standards and other factors such as use restrictions (e.g., CCRs) the developer may place on themselves.

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 20, 2022
Read the second time:	May 4, 2022

APPROVED AND ADOPTED this 4th day of May 2022 by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

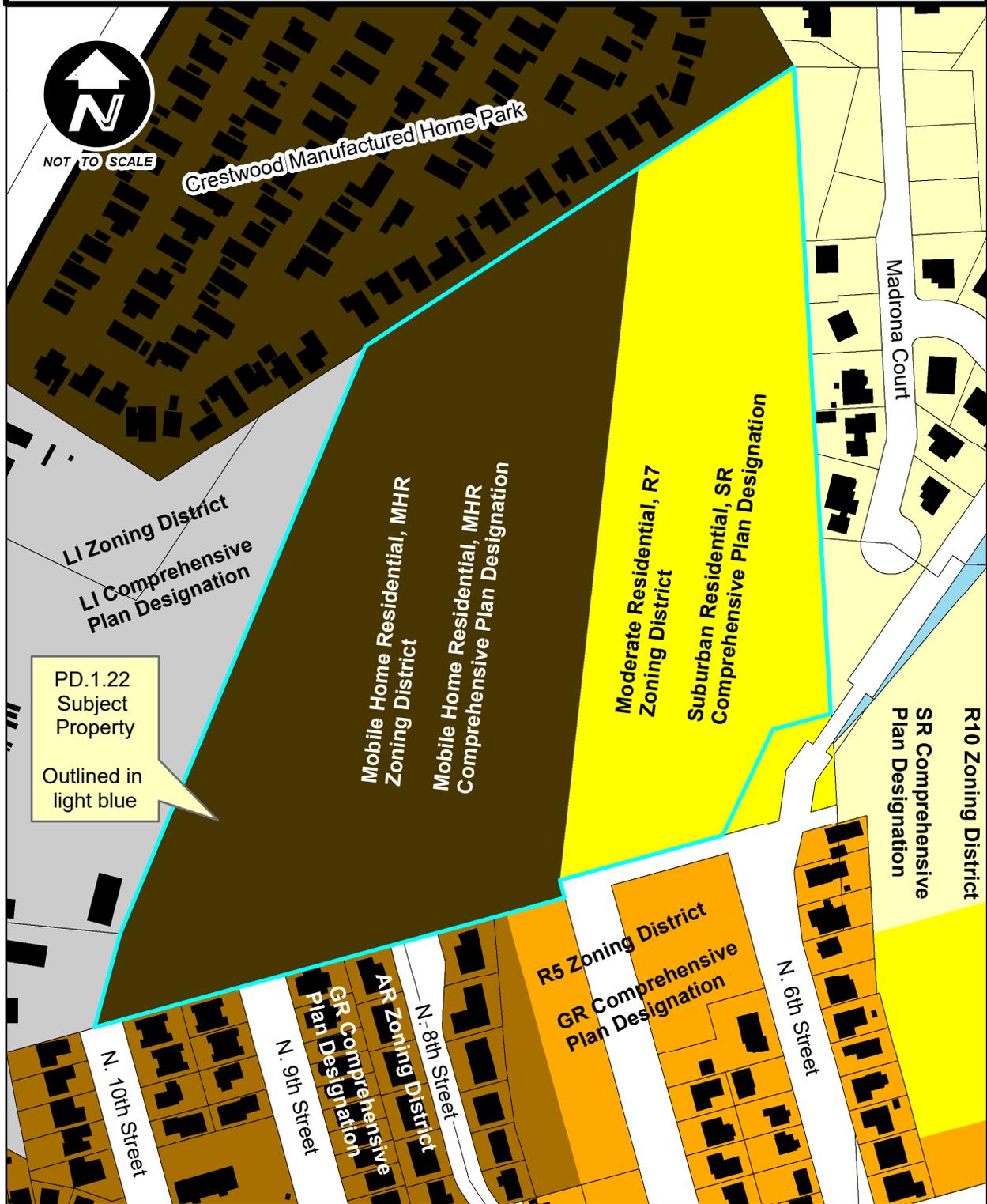
EXHIBIT "A"
Legal Description

Parcel 2: A tract of land in the East half of Section 33, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, and being a portion of that tract described in Deed to Frank J. Thompson et ux in Book 205, Page 298, Deed Records of Columbia County, Oregon, described as follows:

Beginning at the Northeast corner of Lot 21, Block 3, First Addition to Rose Hill; thence Northerly 330 feet, more or less, to a point on the Easterly line of that tract described in Deed to Columbia County in Book 67, Page 492, which bears 850 feet Southwesterly from the Northeasterly corner thereof; thence Northeasterly along said Easterly line, 850 feet to said Northeast corner; thence North 55°21'50" East, along the Northerly line of said Thompson tract, 423.44 feet to a point; thence Southwesterly, 1130 feet, more or less to the Northeast corner of Lot 22, Block 2, First Addition to Rose Hill; thence South 73°02'37" West along the Northerly line of said Subdivision, 280 feet to the true point of beginning.

EXHIBIT "B"

Planned Development (Overlay Zone) PD.1.22



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

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Planned Developed (overlay zone) PD.1.22**

APPLICANT: North 8th 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. 8th and 9th 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 development 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 Development 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).

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 showing a potential density in excess of 100 lots. However, the actual proposal, 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 development under the PD overlay zoned could change, this approval must be based on the development 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.

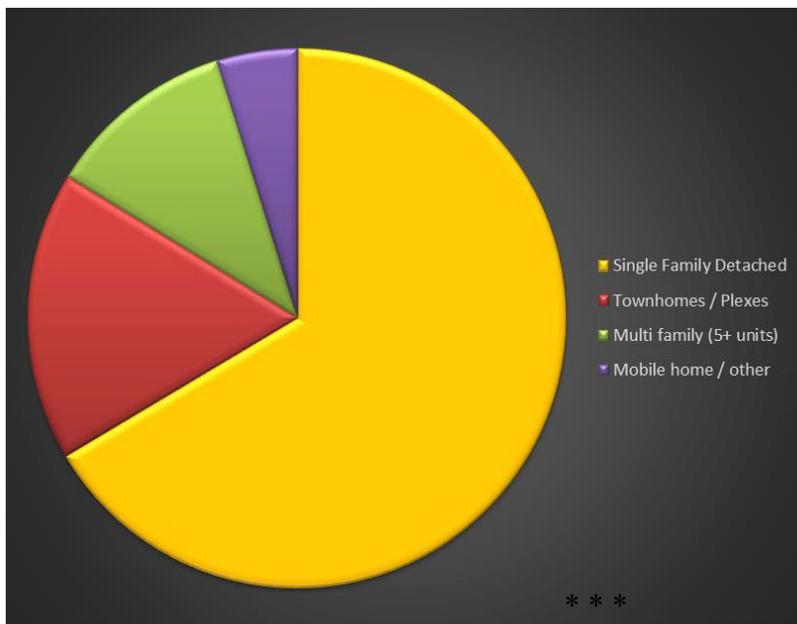
Land Need (net acres)	
Low Density*	240
Medium Density**	40
High Density	24
Manufactured Home Parks	5
Total	309
Buildable Land Inventory (net acres)	
Low Density	532
Medium Density	93
High Density	16
Manufactured Home Parks	45
Commercial/Mixed Use***	19
Total	705
UGB Land Surplus/Deficit (net acres)	
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

* 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—multi-sectional 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 & DECISION

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

Rick Scholl, Mayor

Date