

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Conditional Use Permit CUP.1.21**

DATE: June 30, 2021
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: City of St. Helens
OWNER: same as applicant

ZONING: Apartment Residential, AR

LOCATION: 2625 Gable Road

PROPOSAL: Establish new principal location for the city's Recreation Center in an existing building originally developed for and used as a church. The current location at 1810 Old Portland Road will still be used for a secondary location of Recreation Center related activities, at least for a yet to be determined time.

SITE INFORMATION / BACKGROUND

The site was undeveloped when the city received an application to develop it as a church in 1999 (file Conditional Use Permit CUP.2.99). The site was developed based on this approval and has been used for religious assembly since.

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission: July 13, 2021

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on June 24, 2021 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on June 30, 2021 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

Site Development Review and Zoning Standards.

Zoning Compliance: The site is zoned Apartment Residential, AR.

The current use, a church, is consider *religious assembly* in this zoning district which is a conditional use. This required a Conditional Use Permit to establish the church, which was obtained in 1999.

The city's recreation center is considered a *major public facility*. This is also a conditional use in this zoning district and requires a Conditional Use Permit to be established, thus this proposal.

No new buildings are structures are proposed to consider yard (setback) requirements, building height, and building/structure lot coverage. No obvious non-compliance observed.

Only one principal building is allowed. There is one building with a few sheds (accessory structures). There is one principal building.

Minimum landscaping is 25% of total lot area. The property is 1.44 acres or 62,726.4 square feet. 25% of that, minimum overall landscaping required is 15,681.6 square feet. There is about 30,000 square feet of landscaping.

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Sensitive Lands: There are no known sensitive lands as identified in the Development Code.

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Landscaping/buffering/screening: Street trees were recently installed as part of a frontage improvement project to Gable Road between Columbia River Highway and Columbia Boulevard.

The parking lot and use are existing and no significant modifications to it are proposed. The impact of the use in the surrounding neighborhood is anticipated to be comparable to the church: congregation of people at various time with parking lot use impacts. However, outdoor activities may be greater compared to the church use.

With this in mind there are several landscaping and screening factors to consider.

1. The screening and buffering between adjacent residential uses.
2. Parking lot landscaping.
3. Screening of service facilities and equipment (e.g., HVAC and other mechanical unit).
4. Screening of refuse.

1. The screening and buffering between adjacent residential uses.

There is sight obscuring fencing between the subject property and residential uses abutting the west and east sides. No building or parking space is immediately abutting a residential property; there is some separation in all cases. Buffering was not an issue discussed as part of the 1999 Conditional Use Permit that established the church.

Planning Commission. No additional requirement recommended notwithstanding what we learn from any public testimony.

2. Parking lot landscaping

When off-street parking lots have more than 20 spaces, landscape islands are required with trees. Rows of parking spaces are not to exceed 7 spaces, generally. This requirement did not exist in 1999 and because there are no substantial improvements proposed to the site, requiring this is not warranted.

Having a parking lot larger than three spaces requires landscaping along the perimeter that includes a balance of low lying and vertical shrubbery and trees for screening purposes. The purpose of this is to soften the hardscape of the parking lot. The site's lot exceeds three spaces, so this needs to be considered.

There is sight-obscuring fencing along the west and east sides of the property abutting some landscaping area within the boundary of the subject property.

Viewing the property from the Gable Road side there is a purple leaved tree in the NW corner whose shape, size and location help achieve the screening goal. In addition, about half of the parking spaces are behind the principal building from this vantage point.

The entire south side of the property is maintained grass (and some trees) open space for a depth of approximately 100 feet. This distance and the large oak tree, the biggest tree on the site, provides ample visual reduction of hardscape from the Alexandria Lane side. The south side abuts the St. Helens High School property's athletic fields; the 100 deep landscaping area is also a suitable visual reduction of hardscape from the south side.

Planning Commission. No additional requirement recommended notwithstanding what we learn from any public testimony.

Below left: Site as seen form Alexandra Lane. Note the turnaround which is discussed below. **Below right:** West side of the site from Gable Road.

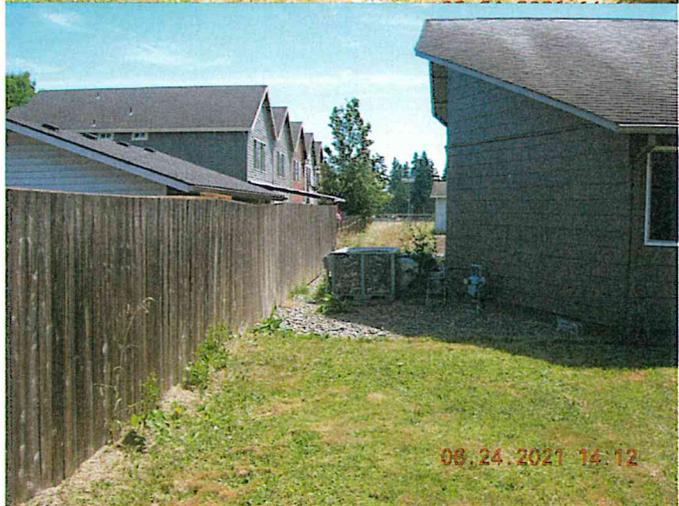


3. Screening of service facilities and equipment (e.g., HVAC and other mechanical unit).

Service facilities and equipment (e.g., HVAC and other mechanical unit) visible from a public street, customer or residential parking area, any public facility or residential area are required to be screened whether they are ground, wall or roof mounted. In addition, rooftop facilities and equipment are required to be screened from street and adjacent properties.

The current placement of such equipment is on the east side of the site. The units are screened by vegetation from the Gable Road side and from most other directions by the building or sight-obscuring fence along the property line.

Right top: east side of site from Gable Road. The evergreen tree (behind the fire hydrant in the photo) and street tree (once it matures further) provide screening for units behind this landscaping as shown in the **right middle** and **right bottom** photos.



4. Screening of refuse.

Refuse container or collection area are required to be screened (e.g., trash enclosure). In fact, this was a specific condition of Conditional Use Permit CUP.2.99: "*Outdoor trash receptacles must be screened.*" Also, the final report notes that the applicant testified they would install screening for outdoor storage. Thou shalt not bear false witness against thy neighbor?

There is no trash enclosure on site. This was probably never adequately addressed. Now it's time.



Left: It is clear there is no trash enclosure, despite it being a condition of the 1999 CUP.

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Visual Clearance: Chapter 17.76 SHMC requires proper sight distances at intersections to reduce traffic hazard potential. The required area to maintain clear vision is greater for arterial streets.

The site has one access point from Gable Road. No changes are proposed in this area.

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Off-Street Parking/Loading: The site is developed with a paved parking area. No gravel or other nonpaved surfaces are utilized, which would not be allowed.

The site has about 40 off-street parking spaces. There are no compact spaces, all appear to be standard size. Per Conditional Use Permit CUP.2.99, a minimum of 42 spaces was required. There are some parking spaces obstructed by sheds, resulting in the 40 count.

Parking required for “community parks and recreation” is “as required for the facility.” The floor space for the existing principal building is roughly 6,000 - 7,000 square feet. 40 off-street parking spaces/6,000 or 7,000 = one space per 150 to 175 of building square feet. This should be a suitable quantity of parking as long as event organizers are cognizant of available parking and limited adjacent on-street parking limitations.

Bike parking. 1 lockable space is required at a rate of 20% of vehicle spaces. Bicycle spaces are required to be within 50’ of primary entrances, under cover when possible, and not located in parking aisles, landscape areas, or pedestrian ways.

There is no bike parking currently. Addition of some bicycle parking accommodation is warranted because of the anticipated increased public use of the site.

Accessible (disabled person) spaces. Required to comply with State and Federal Standards. Per the 2019 Oregon Specialty Code when there are approximately 40 parking spaces, at least two accessible spaces are required, one of which is required to be van-accessible are required.

Prior to around July of 2016 (via Google Earth) the site had two disabled person spaces. A parallel one and an angled space with the wheelchair access aisle on the passenger side, typical of today's standard. However, sometime after July 2016, the spaces were reconfigured to two parallel spaces and one standard, though, those changes were not done in compliance with the disabled person space standards in effect at the time. There is no building or pole mounted signage for any of the spaces, which has been a standard for many years.

Because of the anticipated increased public use of the site, this issue needs to be remedied with at least two properly designed disabled person spaces meeting current requirements.

Wheel stops. Wheel stops are required along the boundaries of a parking lot, adjacent to interior landscape area, and along pedestrian ways.

Wheel stop rules require them to be 3 feet from the front of the parking stall. Thus, an up to 3-foot vehicular overhang is assumed. Walkways are required to be at least 4' in width. Thus, if a parking space fronts a sidewalk with a curb less than 7' in width, a wheel stop is necessary. Also, when walkways are the same grade as the drive surface, wheel stops are necessary.

Wheel stops required along walkways for this proposal.



Above: Wheel stops are necessary, especially along unprotected walkways like this on the back side of the building.

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Access/egress/circulation:

The site has access from Gable Road. It has the potential of having access from Alexandria Lane, but such is not proposed at this time.

Pedestrian access (interior walkways). Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress.

The site has walkways connecting exterior accesses of the principal building to the Gable Road sidewalk.

Further, code also required that, unless impractical, walkways should be constructed between a new development and neighboring developments.

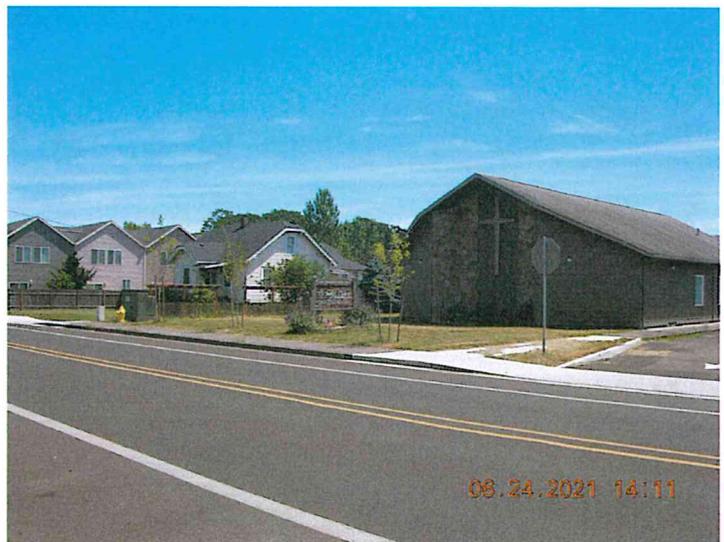
The School District and city have had discussions about the school's use of this site in addition to the recreation partnerships already in place. Because the subject property abuts the high school property, pedestrian site circulation between the subject property and abutting high school property makes sense. Gable Road could also be used, but an off-street path would be more direct and pleasant for users.

This would be impractical if the School District was resistant. A condition should be included that the city and school district will work together to provide off-street pedestrian connection between the two properties. Because both the School District property and subject property abut each other and the east side of Alexandra Lane, if the School District had a path from Alexandria Lane to the site (as discussed in file Site Development Review SDR.4.21) that could provide the connection.

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Signs: There is an existing freestanding sign along Gable Road. There is also a cross on the church façade facing Gable Road.

New or altered signs will require permits as applicable per Chapter 17.88 SHMC.



Right: Site's Gable Road frontage. Existing Freestanding sign is visible.

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Solid Waste/Recyclables: Chapter 17.92 SHMC includes provisions for functional and adequate space for on-site storage and efficient collection of mixed solid waste and recyclables subject to pick up and removal by haulers.

The minimum trash enclosure size is 10 s.f. + (4 s.f. / 1,000 gross floor area). At approximately 7,000 square feet (building size), the minimum size is 38 square feet. Minim 6' high fence or wall required. 10' wide gate openings normally required.

New required trash enclosure will need to comply with the provisions of this chapter.

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Accessory Structures: Per Chapter 17.124 accessory structures are exempt from permitting if in residential zoning districts and do not exceed 200 square feet in gross floor area or 15' in height.

There are three sheds on the property under this threshold. Two in the back are proposed to be replaced. Though exempt from development code permitting, it is advised to inquire with city officials about placement due to other development code laws that may apply (e.g., blocking or displacing parking spaces). In addition, Building Code has a separate set of standards; a building permit could be required even if no development code permitting is.

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Tree Removal/Preservation: Chapter 17.132 SHMC addresses the preservation of trees with a diameter at breast height (DBH) >12 inches. Protection is preferred over removal per this Chapter and Site Development Review Chapter 17.96 SHMC.

There is one oak tree on the site that is >12" DBH and several other trees <12" DBH.

Note that the Site Development Review chapter also includes protections for trees at least 6" DBH.

No trees are proposed to be removed.

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Street/Right-of-Way Standards: Gable Road is fully built out.

Alexandria Lane is sufficient in right-of-way width and is improved, but lacking curb and sidewalk, which is in place for most of the street. Further frontage improvements to Alexandria Lane are not warranted but could be with future proposals.

Alexandria Lane is a no-outlet street over 400 feet in length. No-outlet streets, especially when >150 in length, are required to have turn-around provisions. There is a turn-around area on the subject property that acts as this for Alexandria Lane. This is shown on the site plan for Conditional Use Permit CUP.2.99 and in the minutes for the February 9, 1999 Planning Commission meeting the applicant notes "*the church gave permission to the adjacent subdivision (on the west side) owners to use the church parking lot as a dead-head turnaround.*"

This turnout is shown on the preliminary plans for the Gable Road Subdivision (dated Feb. 16, 1998). In addition, this turn around is mentioned in the decision documents for this subdivision. In fact, one of the conditions of the preliminary plat decision (dated April 28, 1998) states: "*The Fire Code is to be met on the design of the water and fire hydrant system **and turnaround** for the deadend street.*" In the minutes for the April 14, 1998 Planning Commission meeting, the applicant for CUP.2.99 testified that: "*The church gave both previous owners approval for a*

turn-around, but as yet, the current applicants have not approached the church with a request for a turn-around.”

The Alexandria Lane turnaround appears to have been installed to allow residential development along Alexandria Lane. It is paved. However, it appears to have never been established for public preservation or even no parking indicators.

Looking at past aerial photos, there has been a tendency for people to park in this area. At the very least, “no parking,” “fire lane” or similar designations need to be installed. Ideally, the area would be dedicated as public right-of-way.

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Conditional Use Permit Standards

SHMC 17.100.040(1) – Conditional Use Permit approval standards:

(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.

(a) This criterion requires that the site size and dimensions provide adequate area for the needs of the proposed use.

Having been developed for a church about 20 years ago (as opposed to many decades ago when standards were scant) the site is developed to handle groups of people anticipated for public recreation use.

(b) This criterion requires that the characteristics of the site be suitable for the proposed use.

The site has good access and a reasonably size parking lot and other design accommodations for the recreation center, which some updates per the conditions established herein.

(c) This criterion requires that public facilities have adequate capacity to serve the proposal.

There is no evidence to the contrary.

(d) This criterion requires that the requirements of the zoning district be met except as modified by the Conditional Use Permit (CUP) chapter.

The CUP chapter does include additional requirements or exceptions specific to community recreation. Per SHMC 17.100.150(3)(f):

- (f) Community Recreation and Parks.
 - (i) Setbacks. All building setbacks shall be a minimum of 30 feet from any property line;
 - (ii) Off-street parking requirements, as necessary (see Chapter 17.80 SHMC);

Buildings are not set back 30 from property lines. **The Planning Commission will need to accept this as a preexisting circumstance to approve this Conditional Use Permit or require compensatory measures.**

Off-street parking is addressed above.

(e) This criterion requires analysis of the sign chapter and site design review chapter.

This is addressed above.

(f) This criterion requires compliance with the applicable policies of the Comprehensive Plan.

There are no known conflicts with the Comprehensive Plan.

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SHMC 17.100.040(3)

(3) The planning commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to, the following:

- (a) Limiting the hours, days, place, and manner of operation;
- (b) Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
- (c) Requiring additional setback areas, lot area, or lot depth or width;
- (d) Limiting the building height, size or lot coverage, or location on the site;
- (e) Designating the size, number, location, and design of vehicle access points;
- (f) Requiring street right-of-way to be dedicated and the street to be improved;
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- (h) Limiting the number, size, location, height, and lighting of signs;
- (i) Limiting or setting standards for the location and intensity of outdoor lighting;
- (j) Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- (k) Requiring and designating the size, height, location, and materials for fences; and
- (l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

Discussion: **These are items the Commission may consider for this proposal.**

Finding: Depends on if the Commission determined additional conditions are needed.

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. If building permit is required to establish the use, plans, subject to review and approval, shall reflect how the following will be met:
 - a. Trash enclosure meeting Development Code requirements shall be installed in a location approved by the city.
 - b. Addition of some bicycle parking accommodation shall be installed as approved by the city.
 - c. Two disabled person parking spaces meeting current requirements shall be installed.
 - d. Wheel stops shall be installed for all parking spaces facing walkways.
 - e. The city and School District shall work together to provide an off-street pedestrian connection between the two properties (subject property and adjacent school property).
 - f. "No parking" signage or other indicators shall be installed for the Alexandria Lane turnaround on the subject property.
 - g. Any other condition? For example, to compensate for not meeting the 30' setback for community recreation. Anything based on public testimony received?
3. Prior to commencement of use all improvements and requirements per condition 2 shall be completed.
4. The Planning Commission recommends the turnaround area on the subject property for Alexandria Lane be dedicated as public right-of-way.
5. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17).

Attachment(s): Aerial photo "site plan"

CWP. 1.21 SITE PLAN

NORTH

