

City of St. Helens
ORDINANCE NO. 3256

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS COMPREHENSIVE PLAN MAP FOR CERTAIN PROPERTY FROM THE SUBURBAN RESIDENTIAL (SR) AND PUBLIC LANDS (PL) DESIGNATIONS TO THE GENERAL COMMERCIAL (GC) DESIGNATION AND THE ZONING DISTRICT MAP FROM THE MODERATE RESIDENTIAL (R7) AND PUBLIC LANDS (PL) ZONES TO THE MIXED USE (MU) ZONE

WHEREAS, applicant has requested to amend the City of St. Helens Comprehensive Plan Map and Zoning District Map for property identified as Columbia County Tax Assessor Map Number 4N1W-8BC-2600 and 4N1W-8CB-400 from the Suburban Residential, SR and Public Lands, PL designations to General Commercial, GC designation, and the Moderate Residential, R7 and Public Lands, PL zoning districts to the Mixed Use, MU zoning district, 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 Suburban Residential, SR and Public Lands, PL designations to the General Commercial, GC 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 Moderate Residential, R7 and Public Lands, PL zones to the Mixed Use, MU 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"** and made part of this reference.

Section 5. The City Council finds that development or use of the subject property (the Millard Road Property) is required to comply with the City's Parks and Trails Master Plan adopted by Ordinance No. 3191, as amended, for the City's *community park* needs as described in said plan, but that the Ross Road Property, as depicted by **Attachment "B"** attached hereto, is an alternative to the Millard Road Property for this purpose.

Section 6. 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: September 16, 2020
Read the second time: October 7, 2020

APPROVED AND ADOPTED this 7th day of October, 2020 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 District Map Change CPZA.1.20**

APPLICANT: City of St. Helens
OWNER: City of St. Helens
ZONING: Approximately 0.57 acres along the north side along Maple Street is zoned Moderate Residential, R7, with the remaining area zoned Public Lands, PL

LOCATION: 4N1W-8BC-2600 and 4N1W-8CB-400
PROPOSAL: Comprehensive Plan Map change of entire property (approx. 23 acres) from Suburban Residential, SR and Public Lands, PL to General Commercial, GC.

Zoning District Map change of the entire property (approx. 23 acres) from Moderate Residential, R7 and Public Lands, PL to Mixed Use, MU.

The 120-day rule (ORS 227.178) for final action for this land use decision is not an issue as the City is the applicant.

SITE INFORMATION / BACKGROUND

The site is just over 23 acres of property located between Maple Street to the north and Millard Road to the south. The local School District owned the property for many years and used the site for wetland mitigation for school projects elsewhere. The School District owned the property until 2009.

The City annexed the property in 2009 (files A.1.09, Ordinance No. 3116; and A.2.09, Ordinance No. 3115). At the time of annexation, the City owned the approximate norther two-thirds and the Columbia Health District owned the remaining southerly approximate one-third.

In November 2010, the Columbia Health District Board of Directors voted unanimously to stop all work on a hospital project after taxing citizens to fund it. The failed hospital project resulted in dissolution of the Health District, which resulted in the County taking ownership of the property, who subsequently transferred the property to the City since it was in its municipal boundary. Thus, the City owns the entire property now.

The site lacks improvements except for frontage improvements (sidewalk, curb) along Millard Road installed as part of a failed hospital project, remnants of the failed hospital project within the southerly third, some underground utilities, and a wood pedestrian bridge spanning McNulty Creek towards the north end associated with trails.

The north quarter is heavily wooded around McNulty Creek. Topography is irregular. Area south of the wooded portion is generally open field with scattered trees, except around some wetlands where tree density increases. Topography is more level in this area. There are several wetlands on the site. Some are mitigation areas from past School District projects. Though a failed project, there is even mitigation area for the hospital that never was.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: August 11, 2020 before the Planning Commission and September 2, 2020 before the City Council.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on July 17, 2020 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on July 22, 2020. Notice was sent to the Oregon Department of Land Conservation and Development on June 11, 2020.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

The “Millard Road property” currently owned by the City and the subject of this proposal consists of multiple parcels of land. Thus this CPZA is a legislative action as defined by Chapter 17.20 SHMC.

Pursuant to SHMC 17.20.020(2)(b), the Council must approve the concept for an application for a legislative application to be accepted. At their January 15, 2019 work session, the City Council directed staff to rezone the property to Mixed Use in its entirety. The Mixed Use (MU) zone requires a change to the Comprehensive Plan Map to the General Commercial (GC) designation.

SHMC 17.20.120(1) and (2) – Standards for Legislative Decision

(1) 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.

(2) Consideration may also be given to:

- (a) Proof of a change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

(1)(a) Findings: This criterion requires analysis of the applicable statewide planning goals.

The applicable goals in this case are: Goal 1, Goal 8, Goal 9, Goal 10, and Goal 12.

Statewide Planning Goal 1: Citizen Involvement.

Goal 1 requires the development of a citizen involvement program that is widespread, allows two-way communication, provides for citizen involvement through all planning phases, and is understandable, responsive, and funded.

Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in the statutes and in its acknowledged comprehensive plan and land use regulations.

The City's Development Code is consistent with State law with regards to notification requirements. Pursuant to SHMC 17.20.080 at least one public hearing before the Planning Commission and City Council is required. Legal notice in a newspaper of general circulation is required too. The City has met these requirements and notified DLCD of the proposal.

In addition to following its fundamental notification and public hearing requirements, the City vetted this proposal prior to this CPZA process, as summarized:

- City holds a **public forum** on **June 20, 2018** to discuss potential rezoning of the property. About six people provided oral input. The County Commissioners provided written input (letter dated June 20, 2018). There was some support for Mixed Use zoning, and some for R10 (low density residential) zoning. The location of a future park was discussed with some support, especially around McNulty Creek on the north end of the site.
- Staff discusses the rezoning with the **Parks Commission** on **August 13, 2018**. Parks Commission recommends Public Lands on north side to some extent for parkland and the remainder Mixed Use. There was also discussion about ensuring the park area had enough gradually sloped property (as opposed to the steeply sloped areas near McNulty Creek) to accommodate park facilities, including parking. The Parks Commission also wanted to see a pedestrian connection from Millard Road through the site (through the wetlands) to the bridge over McNulty Creek.
- **Housing Needs Analysis** efforts **October 2018 – August 2019** (for adoption). These efforts helped inform the zoning consideration of this property. We now have current information regarding housing supply. Per the HNA, the St. Helens UGB contains a significant surplus of all residential lands, *except* high density residential. The HNA also supports Mixed Use. *See Goal 10 discussion below.*
- Staff discusses the rezoning with the **Planning Commission** on **May 14, 2019** after the Housing Needs Analysis conclusions are known (but before adoption of the HNA). The Planning Commission supported Mixed Use zoning for the entire property. In regards to keeping some zoning Public Lands for a future park, the Commission noted the entire property could be zoned Mixed Use and the park on the north side zoned back to Public Lands once that boundary is determined. The Commission also noted that public parks are a conditionally permitted use in the Mixed Use zoning district. *See discussion about the Parks Master Plan below.*
- Staff discusses the rezoning with the **City Council** at their **June 5, 2019** work session. The Council directive: 1) a master plan for a park on north side along McNulty Creek, and 2) Public Lands zoning for the park and Mixed Use for the remainder.

- In the approximate **3rd quarter of 2019** staff works with a landscape architecture consulting firm and the **Parks Commission** to develop concept Master Plan for the park that contained two options differentiated by area. One option was focused on the north side of the site and the other most of the site.
- Staff discusses the rezoning with the **City Council** at their **January 15, 2020** work session. With some debate over the size of the park, the Council directive changed from the June 5, 2019 meeting, to zoning the property to Mixed Use in its entirety with no Public Lands zoning reservations.

Finding: Given the public vetting for the proposal, scheduled public hearings, and notice provided, **Goal 1** is satisfied.

Statewide Planning Goal 8: Recreational Needs

It is the purpose of this goal to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of the necessary recreational facilities including destination resorts.

It is the purpose of the City’s Parks & Trails Master Plan (2015) to establish the long-term framework for enhancing the livability of the community for residents, employees, and visitors for the next 10-15 years. The provision of parks, trails, and recreation facilities and amenities is a crucial aspect of the plan.

The subject property is included in the Parks & Trails Master Plan (2015) because a portion of it is forecasted as a future park. See ½ mile radius policy in the City’s Comprehensive Plan, explained below.

Given that the development and implementation of the Parks and Trails Master Plan plays a keystone role in satisfying the recreational needs of citizens of the state, and visitors to the community, Goal 8 is satisfied only if the Parks & Trails Master Plan *in affect at the time of implementation* is met.

Under the current zoning, Public Lands, PL, public or private parks are a permitted use. Public park is also a permitted use in the Moderate Residential, R7 zone (note small portion of R7 zoning along the north side). Under the Mixed Use, MU zone, parks are a conditionally permitted use, which requires greater effort and uncertainty to establish a park. Thus, the Parks & Trails Master Plan can still be met with the proposal, though, not necessarily as easily.

Finding: Goal 8 is technically satisfied. However, this proposal makes compliance with Goal 8 more difficult and less certain, given how it impacts the possibility of new park lands.

The Planning Commission recommended the City Council include a section in the adoption ordinance for this proposal that reads something like “development of this property shall comply with the City’s adopted Parks Plan.” The City Council found this acceptable but

with the addition that the Ross Road Property be an alternative to the Millard Road Property for the City's community park needs.

Statewide Planning Goal 9: Economic Development

It is the purpose of this goal to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens

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.

Finding: Since this proposal will actually increase the amount of employment lands, **Goal 9** is satisfied.

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 proposal relates to housing as it is changing the possible uses of land, as dictated by the City's Comprehensive Plan and Zoning Districts Maps.

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 indicate 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.

Currently, zoned (predominately) Public Lands, PL as it has been for decades, no permanent residential use is allowed. In other words, the land does not contribute to the City's housing needs. However, if zoned Mixed Use, MU as proposed, note the following from the adopted Housing Needs Analysis:

- HNA pg. 21 it states: *While the overall UGB land supply is adequate to meet future demand, there is currently a need to utilize commercial/mixed use sites for specific amounts of high density (apartment) development.*
- In a 20-year forecast, under some housing needs calculation methods included the recommendation No. 5 (HNA pg. 43), some proportion (up to 8 acres) of existing commercial and mixed use land would be required to be used for residential (HNA pg. 43). This assumes a 15% residential composition of development (i.e., 15% residential and 85% non-residential) (HNA pg. 32).
- Changing the zoning of this land to Mixed Use, MU increases the mixed-use acreage within the St. Helens Urban Growth Boundary, thus increasing the probability the up-to-8-acre target can be met in the 20-year forecast. Most housing types are possible in the Mixed Use zone including multi-family development.

A small portion of the property on the north side is zoned Moderate Residential, R7. While other adjacent property that is within City limits is zoned R7, and there are arguments to favor this zoning for land use continuity in the area, the HNA identifies a surplus of medium and low density lands. **Thus, there is not a need for R7 zoned lands**, while Mixed Use zoning actually satisfies an identified need. Further, the R7 zoned portion is comparatively small to the rest of the property at approximately 25,000 square feet (0.57 ac.) and substantially encumbered by floodplain and riparian area associated with McNulty Creek.

Before the public hearing process, the City received some comments suggesting that the appropriate zone for the property is Suburban Residential, R10. The HNA identifies a considerable surplus of low density zoning. Thus, **R10 would not meet an identified need and there is no adjacent or nearby R10 zoning**. R10 is inappropriate zoning designation for this site.

Finding: Because the Mixed Use, MU zoning meets an identified need in the City adopted Housing Needs Analysis and the Public Lands, PL zoning does not contribute to housing need, **Goal 10** is satisfied.

Statewide Planning Goal 12: Transportation

Goal 12 requires local governments to “provide and encourage a safe, convenient and economic transportation system.” Goal 12 is implemented through DLCD’s Transportation Planning Rule (TPR), OAR 660, Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility.

Traffic impact is required to be analyzed as part of a plan amendment or zone change application, pursuant to Chapter 17.156 SHMC. See Section (d) for a more detailed discussion of the TPR and implementing ordinances.

Finding: Traffic impact is required to be analyzed as part of a plan amendment or zone change application, pursuant to Chapter 17.156 SHMC. See Section (d) for a more detailed discussion of the TPR and implementing ordinances. Based on Section (d) below, Goal 12 is met.

(1)(b) Findings: This criterion requires analysis of any applicable federal or state statutes or guidelines.

There are no known additional federal or state statutes or guidelines not already addressed elsewhere herein.

(1)(c) Findings: This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices and maps.

For these findings, the comprehensive plan addendums will be examined followed by policies.

Comprehensive Plan Addendums:

The applicable addendums to the Comprehensive Plan include the **Economic Opportunities Analysis** (Ord. No. 3101), **Waterfront Prioritization Plan** (Ord. No. 3148), **Transportation Systems Plan** (Ord. No. 3150), **Corridor Master Plan** (Ord. No. 3181), **Parks & Trails Master Plan** (Ord. No. 3191), **Riverfront Connector Plan** (Ord. No. 3241), and **Housing Needs Analysis** (Ord. No. 3244).

The applicable addendums are:

Economic Opportunities Analysis (EOA): The 2008 Economic Opportunities Analysis notes a shortage of zoned commercial lands of about 10 acres. Though this information is dated and many lands have been changed to commercial from something else since 2008, it still suggests a lower commercial land inventory. Public Lands, PL zoning does not advance the EOA. Mixed Use, MU does.

Transportation Systems Plan (TSP): The 2011 Transportation Systems Plan identifies a transportation connection between Millard Road and Maple Street. Zoning this property Mixed Use will not prohibit the ability for future development to accommodate a transportation connection through the site.

Parks & Trails Master Plan: In Chapter 4, the 2015 Parks and Trails Master Plan analyzes future population growth and makes recommendations about how many acres and of what type of parks will be needed to meet the statewide recommended level of service. It recommended development of the Millard Road city-owned property into a *community park to help meet this guideline.

*The Parks and Trails Master Plan identifies a variety of different types of parks, open space areas, and recreational venues, each designed to provide a specific type of recreation experience or opportunity. The Plan describes community parks as follows:

Community parks are typically larger in size and serve a broader purpose than neighborhood parks. Their focus is on meeting the recreation needs of several neighborhoods or large sections of the community, as well as preserving unique landscapes and open spaces. Community parks are typically 15-100 acres, depending on the spatial requirements of the facilities provided and the amount of land dedicated to natural resource protection. Community parks provide both active and passive recreation opportunities that appeal to the entire community serving an area within approximately 15 minutes driving time. While a community park may be proximate to a neighborhood and can provide typical neighborhood park amenities, they are normally designed as a “drive-to sites.” Community parks typically accommodate large numbers of people, and offer a wide variety of facilities, such as group picnic areas and large shelters, sports fields and courts, children’s play areas, swimming pools and splash pads, community gardens, extensive pathway systems, community festival or event space, and green space or natural areas. Community parks

require additional support facilities, such as off-street parking and restrooms and as such can also serve as regional trailheads.

As noted under the findings for *Statewide Planning Goal 8* above, the change to Mixed Use, MU zoning makes advancing the Parks and Trails Master Plan more difficult and less certain as parks will be a conditionally permitted use instead of a permitted use.

At their June 5, 2019 Work Session, the City Council unanimously supported (with Councilor Carlson absent) a master plan for the north side of the property by the creek. Around the 3rd quarter of 2019, staff worked with Mackenzie (consultants) and the Parks Commission, including the Council Liaison Council President Morten, to develop concept park master plan for this property with two options differentiated by area. Though not adopted, these represent *potential community parks*.

The Planning Commission recommended the City Council include a section in the adoption ordinance for this proposal that reads something like “development of this property shall comply with the City’s adopted Parks Plan.” The City Council found this acceptable but with the addition that the Ross Road Property be an alternative to the Millard Road Property for the City’s community park needs.

Housing Needs Analysis: See findings for *Statewide Planning Goal 10* above.

Comprehensive Plan policies:

Noteworthy and applicable policies are:

SHMC 19.08.020 Economic Goals and Policies

(3)(j) Allocate adequate amounts of land for economic growth and support the creation of commercial and industrial focal points.

(3)(m) Make commercial designation large enough to accommodate a large variety of commercial development with sufficient buffers.

The site is large (23.16 acres or 15.63 acres less estimated sensitive lands area) enough to create a new commercial node, which is possible under the Mixed Use, MU zoning. It also adds this much acreage to the City’s employment land base. The property is long and narrow (comparatively), but still exceeds 500 in width, which should be able to accommodate required buffers from surrounding residential lands.

SHMC 19.08.030 Public Services and Facilities Policies

(3)(o) Develop a program whereby the city’s park system can be maintained or expanded to serve the needs of anticipated growth...

(3)(p) Acquire sites for future parks as identified on the comprehensive plan map as far in advance as possible to have sites be within ½ mile of residential areas.

Chapter 4 of the Parks & Trails Master Plan analyzes the service area of a ½ mile radius to residential areas suggested in (3)(p) and recommends development of a portion of the subject property into a community park to help meet this guideline. As already noted above, the proposal makes establishing a park more difficult.

Given the ½ mile radius provision and lack of other formally identified properties in the SW quadrant of the City, the subject property is important for the City’s future recreational needs.

The City Council recognizes this and that the Ross Road Property is comparable in net acreage to the Millard Road Property, both of which are located in the SW quadrant of the City. Thus, based on the Planning Commission recommendation that a section be included in the Ordinance stating compliance with the Parks and Trails Master Plan, the City Council adds that the Ross Road Property is an alternative to the Millard Road Property for the City’s future community park needs.

A Ross Road Property exhibit will be included in the ordinance for this proposal to supplement the current Parks and Trails Master Plan for community park considerations.

(1)(d) Findings: This criterion requires analysis of the applicable provisions of the implementing ordinances.

The key implementing ordinance for consideration is **SHMC 17.08.060, Transportation planning rule compliance:**

(1) Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060 (the Transportation Planning Rule (“TPR”)). “Significant” means the proposal would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(i) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or

(iii) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

In addition, SHMC 17.156.030 traffic impact analysis applicability includes:

(1) A change in zoning or a comprehensive plan amendment designation, except when the change will result in a zone or plan designation that will result in less vehicle trips based on permitted uses (e.g., from a high density residential district to a lower density residential district or from a commercial district to a residential district);

Thus, whether or not the transportation facility will be significantly impacted needs to be examined. Impacts are often determined by Traffic Impact Analyses (TIAs), which can be required for **zoning/comprehensive plan map amendments** and **actual development**.

- Analysis for zoning/comprehensive plan map amendments are based on planning level documents.
- Analysis for actual development is based on the assumed (based on traffic professional industry standard modeling) real world impacts.

*****As this is a zoning/comprehensive plan map amendment proposal, findings pertain to planning level analysis.*****

First, let’s compare vehicular trip rates based on the 9th ed. of the Institute of Transportation Engineers (ITE) Trip Generation Rates.

Permitted uses under the current Public Lands, PL zoning with notably high trip rates include:

| Description | ITE Code | Units | Weekday | AM | PM |
|-------------------------|-----------------|--------------|----------------|-----------|-----------|
| Elementary School | 520 | KSF | 15.43 | 5.20 | 1.21 |
| Middle/ JR. High School | 522 | KSF | 13.78 | 4.35 | 1.19 |
| High School | 530 | KSF | 12.89 | 3.06 | 0.97 |
| Junior/ Comm. College | 540 | KSF | 27.49 | 2.99 | 2.54 |
| Library | 590 | KSF | 56.24 | 1.04 | 7.30 |

Of these uses, the maximum total average weekday trips possible is 56.24 with a maximum AM and PM peak of 5.20 and 7.30. All are based on per 1,000 s.f. gross floor area.

Comparable non-residential permitted uses possible in the Mixed Use Zone that are not listed above (for the PL zone trips) and have higher trip rates.

| Description | ITE Code | Units | Weekday | AM | PM |
|------------------------------|-----------------|--------------|----------------|-----------|-----------|
| Free-Standing Discount Store | 815 | KSF | 57.24 | 1.06 | 4.98 |
| Hardware/Paint Store | 816 | KSF | 51.29 | 1.08 | 4.84 |
| Shopping Center | 820 | KSF | 42.70 | 0.96 | 3.71 |

These uses have comparable trip rates. Though some retail and eating/drinking establishments have higher rates, they are less likely for several reasons due to location, sensitive lands and park lands (described below).

Also, the closest intersection of significance is Millard/US30. ODOT is planning to install a traffic signal along with other intersection improvements. According to ODOT’s website (<https://www.oregon.gov/odot/projects/pages/default.aspx>), construction of this \$7.5 million project is currently forecast for 2021. The ODOT project is anticipated to make up for any functional issues this proposal may cause at this intersection.

The Mixed Use, MU zoned also allows residential uses. So that should be examined as well. The total acreage of the site after removing estimated sensitive lands is 15.63 acres. A typical permitted use would be a detached single-family development.

In the MU zone, the General Residential, R5 standards applies to this type of development. If 20% is removed for public facilities per Chapter 17.56 SHMC, the net developable area is about 12.5 acres (i.e., 15.63 – 3.13 acres).

This equates to 544,500 square feet. Per the R5 zone, the minimum lot size is 5,000 square feet. $544,500/5,000 = 109$ lots. Less lots are likely as this does not take into account park lands, rights-of-way/streets and other factors. The trip rate for apartments (ITE Code 210) is 9.52 average weekday trips per. This equates to 1,038 trips. A Library Services (ITE Code 590—see above) building that is 25,000 square feet in size would result in a comparable total trip rate; this use is possible under current zoning, thus, the reasonably expected residential use for the MU zone is not worse than the reasonably anticipated use on the PL zone.

The City’s adopted planning documents identify this property as a community park. Per the Parks and Trails Master Plan, community parks are typically larger in size typically 15-100 acres. Thus based on the City adopted planning documents, much if not all, of the property can be viewed as parkland for the purpose of traffic impact review for this proposal. City parks have trips rates as follows:

| Description | ITE Code | Units | Weekday | AM | PM |
|-------------|----------|-------|---------|------|------|
| City Park | 411 | Acres | 1.89 | 4.50 | 3.50 |

The rates are much less than others. Note this is per acre, not per 1,000 square feet.

In conclusion, based on the City’s adopted documents as they pertain to park lands, the transportation planning rule (TPR) is met. In addition, comparing other uses reasonably expected to occur, the TRP is met. That Millard Road/US30’s capacity will be enhanced by an ODOT planned project is an additional aid (safety net) to the TPR compliance. Finally, Traffic Impact Analysis can still be required for actual development.

(1)(e) Findings: This criterion is intended to prevent spot zoning.

Spot zoning is defined by Chapter 17.16 SHMC as follows:

“Spot zoning” means 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.

This proposal would place Mixed Use zoning in area that currently has none. However, it is a very large parcel, and Mixed Use accommodates a variety of uses, many of which are similar to the surrounding uses.

(2) Findings: This criterion allows consideration of proof of a change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

The site has had a predominant Comprehensive Plan designation of Public Lands, PL since at least 1978. When annexed in 2009 (Ord. No. 3115 and 3116) it was zoned Public Lands, PL accordingly.

The much smaller portion of the site lying north of McNulty Creek has had a Comprehensive Plan designation of Rural Suburban Unincorporated Residential, RSUR since at least 1978. When annexed in 2009 (Ord. 3115) the Comprehensive Plan designation changed to Suburban Residential, SR (incorporated) and the Moderate Residential, R7 zone was established accordingly.

No evidence of mistake or error.

CONCLUSION & DECISION

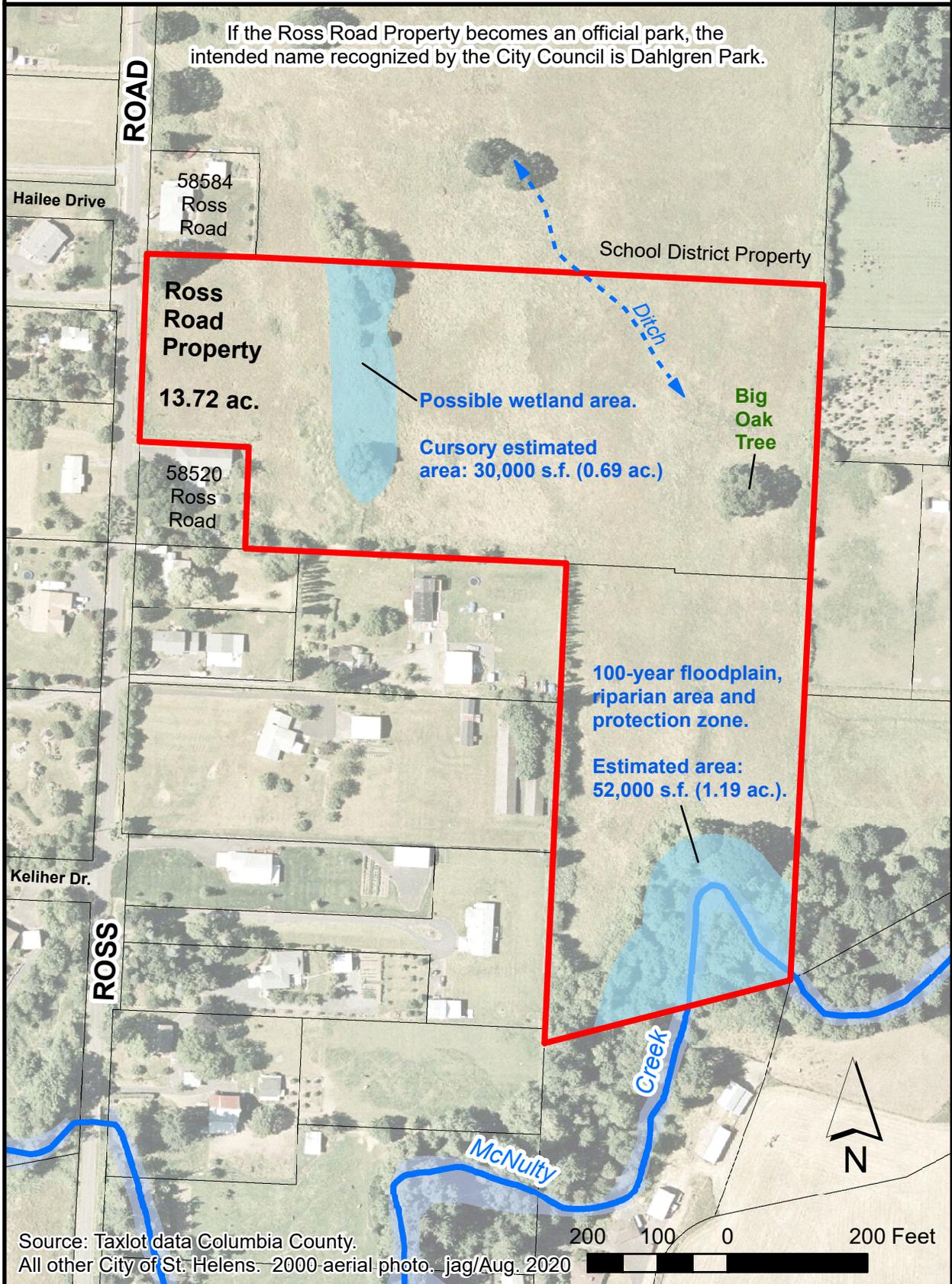
Based upon the facts and findings herein, the City Council approves this proposal, with an added section to the adoption ordinance that includes the Ross Road Property and an alternative to the Millard Road Property for the City's community park needs based on the Parks and Trails Master Plan.

Rick Scholl, Mayor

Date

ORD No. 3256 - ATTACHMENT "B" - Ross Road Property

If the Ross Road Property becomes an official park, the intended name recognized by the City Council is Dahlgren Park.



Source: Taxlot data Columbia County.
All other City of St. Helens. 2000-aerial photo. jag/Aug. 2020