

City of St. Helens  
**ORDINANCE NO. 3297**

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS COMPREHENSIVE PLAN  
MAP FOR CERTAIN PROPERTY FROM THE LIGHT INDUSTRIAL (LI)  
DESIGNATION TO THE GENERAL COMMERCIAL (GC) DESIGNATION AND THE  
ZONING DISTRICT MAP FROM THE LIGHT INDUSTRIAL (LI) ZONE TO THE  
GENERAL COMMERCIAL (GC) ZONE

**WHEREAS**, applicants have 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-9BB-300 and 4NW-8AD-200 from Light Industrial (LI) to General Commercial (GC), and Light Industrial (LI) to General Commercial (GC) respectively; and

**WHEREAS**, the St. Helens Planning Commission did hold a duly noticed public hearing and did concluded to not 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 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 Light Industrial (LI) zone to the General Commercial (GC) zone for the property described herein.

**Section 4.** This Comprehensive Plan Map and Zone District Map Amendment is modified to include the following provisions on the subject property:

Any development and/or redevelopment of the subject property shall not trigger more than 700 daily trips within the TSP planning horizon of 2031 (as adopted in 2011 with Ord. No. 3150).

**Section 5.** 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 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:  
Read the second time:

November 1, 2023  
November 15, 2023

**APPROVED AND ADOPTED** this 23<sup>rd</sup> day of November, 2023 by the following vote:

Ayes:

Nays:

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Rick Scholl, Mayor

ATTEST:

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Kathy Payne, City Recorder

## CITY OF ST. HELENS PLANNING DEPARTMENT FINDINGS OF FACT AND CONCLUSIONS OF LAW

**APPLICANT:** Columbia Community Mental Health (CCMH)  
**OWNER:** Same as applicant

**ZONING:** Light Industrial (LI)  
**LOCATION:** 58646 McNulty Way; 4N1W-9BB-300 & 4N1W-8AD-200  
**PROPOSAL:** Comprehensive Plan Map Change from Light Industrial (LI) to General Commercial (GC) and a Zoning Map Amendment from Light Industrial (LI) to General Commercial (GC)

The 120-day rule (ORS 227.178) for final action for this land use decision is **not applicable**.

### SITE INFORMATION / BACKGROUND

The subject properties abut Gable Road and McNulty way. McNulty Creek cuts through the southeast portion of the property. There is extensive permitting history on the two subject properties which is summarized below:

2003 – CCMH received approval with County file (DR 3-09) to develop a 4.1-acre site with a 20,766 sq. ft. main CCMH building. County building permits approved in 2004.

2005 – 4.1-acre lot is annexed into the City.

2016 – 5.67-acre lot records restrictive covenant to bind smaller lots into one (Inst. No. 2016-010344)

2016 – CCMH received approval with SDRm.5.16 & SL.3.16 for a parking lot expansion partially in the McNulty Way right-of-way, and in close proximity to McNulty Creek.

2017 – CCMH received approval with County file DR 17-03 to build a 2,505 sq. ft. modular building on the 5.67-acre lot and convert an existing detached single-family dwelling into supporting office.

2018 – CCMH received approval with County file DR 18-07 to build two additional modular offices at 1,440 sq. ft. and 560 sq. ft. on the 5.67-acre lot

2019 – As part of DR 18-07 approval, the 5.67-acre lot was annexed into the City because the main campus building was already connected to City water.

The main campus building is connected to City sewer with a private pump station and pressurized system. All other structures utilize on-site septic systems. All structures are connected to City water.

### PUBLIC HEARING & NOTICE

**Public hearing** before the Planning Commission for *recommendation to the City Council*: September 12, 2023. Public hearing before the City Council: October 18, 2023.

**Notice** of this proposal was sent to the Oregon Department of Land Conservation and Development on August 1, 2023, through their PAPA Online Submittal website.

**Notice** of this proposal was sent to surrounding property owners within 300 feet of the subject properties on August 23, 2023, via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

**Notice** was published on August 30, 2023, in The Chronicle newspaper.

### **AGENCY REFERRALS & COMMENTS**

**Columbia County Public Works:** We have no comments or concerns with this CPZA application. Gable Road is a City Street in this area.

### **APPLICABLE CRITERIA, ANALYSIS & FINDINGS**

#### **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) Discussion:** This criterion requires analysis of the applicable statewide planning goals. The applicable goals in this case are Goal 1, Goal 2, Goal 9, 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. Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties. The City has met these requirements and notified DLCD of the proposal.

#### ***Statewide Planning Goal 2: Land Use Planning.***

*This goal requires that a land use planning process and policy framework be*

*established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.*

The City notified DLCD as required by state law prior to the public hearings to consider the proposal. There are no known federal or regional documents that apply to this proposal. Comprehensive Plan consistency is addressed further below. Given the inclusion of local, state, regional and federal documents, laws, participation and opportunity for feedback as applicable, Goal 2 is satisfied.

***Statewide Planning Goal 9: Economic Development***

*This goal requires that cities and counties have enough land available to realize economic growth and development opportunities. Commercial and industrial development takes a variety of shapes and leads to economic activities that are vital to the health, welfare and prosperity of Oregon's citizens. To be ready for these opportunities, local governments perform Economic Opportunity Analyses based on a 20-year forecast of population and job growth.*

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. This zone change request is to re-zone a total of 9.84 acres from Light Industrial to General Commercial, both of which support economic development opportunities and employment lands.

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) and approximately 1 acre from Light Industrial to Apartment Residential zoning (Ord. No. 3220). This means there is still a 52-acre industrial land surplus. In addition to a surplus of industrial zoned lands, the EOA also found that there is a shortage of approximately 10 acres of commercial lands. Given the surplus of industrial-zoned lands and a shortage of commercial lands as described in the EOA, the Council found this proposal complies with Goal 9.

***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.*

A traffic impact analysis shall be submitted with a plan amendment or zone change application,

as applicable, 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.

**Finding:** The Council finds that the reduction of Light Industrial land will not negatively affect the available lands for industrial economic development.

**Finding:** Based on the determinations of Council, there are no conflicts with Statewide Planning Goals 2, 9, and 12.

**(1) (b) Discussion:** This criterion requires analysis of any applicable federal or state statutes or guidelines applicable to this zone change.

**Finding:** There are no known applicable federal or state statutes or guidelines applicable to this zone change request.

**(1) (c) Discussion:** This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices, and maps. The applicable Comprehensive Plan goals and policies are:

**19.12.090 Light industrial category goals and policies.**

*(1) Goals. To provide a place for smaller and/or less intensive industrial activities where their service and transportation requirements can be met, and where their environmental effects will have minimal impact upon the community.*

*(2) Policies. It is the policy of the city of St. Helens to:*

*(a) Apply this category where light industrial concerns have become established and where vacant industrial sites have been set aside for this purpose.*

*(b) Encourage preserving such designated areas for light manufacturing, wholesaling, processing and similar operations by excluding unrelated uses which would reduce available land and restrict the growth and expansion of industry.*

*[...]*

**19.12.070 General commercial category goals and policies.**

*(1) Goals. To establish commercial areas which provide maximum service to the public and are properly integrated into the physical pattern of the city.*

*(2) Policies. It is the policy of the city of St. Helens to:*

*(a) Encourage new commercial development in and adjacent to existing, well-established business areas taking into account the following considerations:*

*(i) Making shopping more convenient for patrons;*

*(ii) Cutting down on street traffic;*

*(iii) Maximizing land through the joint use of vehicular access and parking at commercial centers; and*

*(iv) Encouraging locations that enjoy good automobile access and still minimize traffic hazards.*

*(b) Designate sufficient space for business so that predictable commercial growth can be accommodated and so that an adequate choice of sites exists.*

*[...]*

It does not appear that the site has ever been developed previously with light industrial uses.

Prior uses along Gable Road were detached single-family dwellings. The location along Gable Road is classified as a minor arterial roadway by the TSP, which means it is a highly trafficked, accessible, convenient location for commercial activity. The entrance to Wal-Mart, which is an already existing well-established business area is less than 1,000 feet away from this property.

**Finding:** The Council finds that the proposal complies with the General Commercial goals and policies to locate commercial areas which are convenient for patrons, have good auto access, and are already adjacent to existing, well-established business areas.

**(1)(d) Discussion:** This criterion requires an analysis of the implementing ordinances. The CCMH campus would be considered a “office” use which is an allowed use in the proposed GC zoning district. “Office” use is not an allowed used in the existing LI zoning district. With the proposed re-zoning, the land use of the property would become conforming.

**Finding:** The Council finds that the zone change furthers the implementing ordinances of the GC zoning district by classifying CCMH as a conforming “office” use.

SHMC 17.08.060 is also a relevant implementing ordinance.

### **SHMC 17.08.060 Transportation planning rule compliance**

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

- (a) Change the functional classification of an existing or planned transportation facility
- (b) Change standards implementing a functional classification system
- (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
  - (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

TPR compliance requires a comparison of reasonable worst-case development of the site under existing and proposed zoning. One of the two subject properties was developed in 2004 with a 20,766 sq. ft. CCMH office building. The building and related parking occupy all of the developable area, with the remainder encumbered by wetlands and floodplain. This site is unlikely to be redeveloped with a different use within the planning horizon of the TSP.

To assist with the analysis for the remaining property, the applicant prepared a TPR analysis memo. The property is underdeveloped with a few smaller office buildings and related parking. It also includes some undevelopable area wetlands. CCMH plans to develop the site with which support individuals with mental health and substance abuse issues who fall within the priority groups identified by OHA. The memo notes that the Oregon Health Authority is providing CCMH grant funding which requires that the facilities they develop remain in CCMH ownership

for at least 20 years, which exceeds the forecasting requirements of the TPR. The outright permitted uses of the proposed General Commercial zoning district (and the high traffic generators) like retail are not ones that CCMH has any intention of developing.

Vehicle trip generation for the planned CCMH uses is anticipated to be low. Therefore, the applicant is proposing to apply a trip cap to future development, instead of conducting a full analysis of reasonable worst case uses in the GC zone.

The TPR memo concludes with a recommended trip cap of 1,107 daily trips for the site. This will ensure future development will not significantly impact the city or state transportation system, meeting the TPR requirements. Given the proximity of the site to the already-at-capacity Gable Road and US 30 intersection, the City Council found that a trip cap of 700 daily trips for the site would help lessen the impact to the surrounding transportation systems,

**Finding:** The City Council finds the trips generated by the proposed zone change would not result in a significant impact to the city or the state transportation system with a condition of a trip cap of 700 daily trips for the underdeveloped lot.

**Finding:** There are no other applicable standards of any provision of this code or other applicable implementing ordinance to be reviewed for the purpose of this proposal not already addressed herein.

**(1) (e) Discussion:** 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 proposal is to amend the Zoning Map from Light Industrial (LI) to General Commercial (GC) and the Comprehensive Plan Map from Light Industrial (LI) to General Commercial (GC). The property borders the following zones:

**North:** City LI and County Light Manufacturing (M-2)

**South:** City LI and County Light Manufacturing (M-2)

**East:** County Light Manufacturing (M-2)

**West:** City LI and City GC

Given that these properties abut GC to the west, and LI on the other 3 sides, there is not a conflict with the property abutting a highly incompatible zone (e.g., a residential zone). Looking at the zoning map for surrounding uses, the GC zone extends from US 30 a similar width as this proposal along Gable Road frontage. This zone change continues the trend of GC lands along Gable Road, which is a higher classified roadway (minor arterial) according to the TSP. Higher classified roadways typically warrant commercial uses, given the increased traffic.

**Finding:** The City Council finds this proposal is not a “spot zone” per Chapter 17.16 SHMC.

## CONCLUSION & DECISION



**Based on the facts and findings herein, City Council approves of the Comprehensive Plan Map and Zoning District Map Change, with the following condition of approval:**

Any development and/or redevelopment of the site shall not trigger more than 700 daily trips within the TSP planning horizon of 2031 (as adopted in 2011 with Ord. No. 3150).

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Rick Scholl, Mayor

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Date