



CITY OF ST. HELENS PLANNING DEPARTMENT

M E M O R A N D U M

TO: City Council
FROM: Jacob A. Graichen, AICP, City Planner
RE: Planned Development (overlay zone) PD.2.22
Relationship to public facilities and final decision
DATE: August 10, 2022

The approval standards for this matter include considerations of the statewide planning goals and local ordinances, which includes public facilities, such as sanitary sewer.

Though the staff report was silent on this, the Council could still include public facilities considerations in its findings and decision.

To do so, you would need to vote to not pass proposed Ordinance No. 3286, scheduled for second reading at the August 17, 2022 regular session, and conduct deliberations again at a future meeting.

The primary reason for doing this would be to consider denial of the matter due to the sanitary sewer conveyance deficiencies identified by the city's wastewater master plan. Much of the existing system between the subject property and the wastewater treatment plant is undersized and already above capacity. The overlay zone promotes a higher density than would normally be possible (for practical reasons) for infill development such as this. Given that, you could determine that promotion of density/development is contrary to the existing conditions of the sanitary sewer infrastructure and thus, the overlay zone cannot be approved at this time.

Basis:

Statewide Planning Goal 11 addresses public facilities, which includes sanitary sewer. This goal requires orderly and efficient arrangement of public facilities and services to serve as a framework for development. One of the implementation aspects of Goal 11 is that the level of key facilities that can be provided should be considered as a principal factor in planning for various densities and types of land uses. The current sanitary sewer system does not accommodate current development being already over capacity; additional development worsens an already beyond-the-tipping-point reality.

In addition, the city's development code has a provision per SHMC 17.152.090(4) that directly reflects the situation this development would impose:

Permits Denied. Development permits may be restricted by the commission or council (i.e., the applicable approval authority) where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

There is an identified deficiency of a scale that a single development cannot practically solve due to cost. As per the Wastewater Master Plan, additional load on a conveyance system already above capacity increases surcharge potential and fines from Oregon DEQ. This mirrors this provision, where permits may be restricted.

There are also applicable Comprehensive Plan policies that apply. For example, two policies per SHMC 19.08.030(2)(a) and (d).

(a) Ensure that urban facilities and services, particularly water and sewer systems, are properly designed to eventually serve the designated urban growth area; also, ensure that services are provided to sufficient vacant property to meet the anticipated needs.

(d) Ensure that capacities and patterns of utilities and other facilities are adequate to support the residential densities and land use patterns of the Comprehensive Plan.

Currently, sanitary sewer services are not designed, in their present state, to handle adequate conveyance of sanitary sewer for existing development between the site and the treatment plant. This vacant property, if developed, would worsen the situation. Also, conveyance capacity cannot support the contemplated residential density because it is over capacity for existing development.