

**CITY OF ST. HELENS PLANNING DEPARTMENT**  
**STAFF REPORT**  
**Planned Developed (overlay zone) PD.2.22**

**DATE:** July 13, 2022  
**TO:** City Council  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT:** Ken Sandblast, Westlake Consultants, Inc.  
**OWNER:** Chieko Comstock

**ZONING:** Moderate Residential, R7  
**LOCATION:** Southeast of the intersection of Pittsburg Road & Meadowview Drive  
4N1W-6D-604 and 4N1W-6AD-2600  
**PROPOSAL:** Planned Development (Zoning Overlay)

**SITE INFORMATION / BACKGROUND**

The subject property is approximately 12 acres in size and is undeveloped. The property is roughly rhomboidal in shape and generally descends in elevation where it abuts Pittsburg Road to its southern boundary that abuts a row of lots that abut Sykes Road. The property itself does not abut Sykes Road. There are two wetland areas that divide the property into three segments. Some roads stub to the property along the long sides of the rhombus such as Westboro Way on the west side and Edna Barr Lane on the east side. Also, Meadowview Drive on the NW side and Barr Avenue on the SE side abut the property along their sides.

This property was annexed recently (file Annexation A.5.21) via Ordinance No. 3281 adopted by the City of St. Helens in March of this year.

**Associated files:** Subdivision Preliminary Plat SUB.2.22

**PUBLIC HEARING & NOTICE**

**Public hearing** before the Planning Commission for *recommendation to the City Council*: July 12, 2022. Public hearing before the City Council: July 20, 2022.

**Notice** of this proposal was sent to the Oregon Department of Land Conservation and Development on May 17, 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 May 20, 2022 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

**Notice** was published on June 29, 2022 in The Chronicle newspaper.

**APPLICATION COMPLETENESS**

This application was originally received on April 11, 2022. 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 April 29, 2022. The applicant provided revised or new information for this application on May 9, 2022. The application fee payment was received on May 16, 2022, and the application was deemed complete on this day.

**The 120-day rule (ORS 227.178) for final action for this land use decision is not applicable per ORS 227.178(7).**

#### **AGENCY REFERRALS & COMMENTS**

No comments as of the date of this report.

#### **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):** When annexed via Ordinance No. 3281, the property was determined to be “developing.” Thus, the 2-acre minimum provisions must be considered. The subject property is approximately 12 acres in size. However, it is divided into two separate parcels at approximately 11 acres and 1 acre. In order to utilize the planned development overlay zone for a development proposal, both parcels shall be included in a PD proposal. The purpose of this is to ensure the PD meets the intended size requirement and to prevent leftover (excluded) area that does not meet the size requirement.

## **SHMC 17.20.120(1) – 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, including compliance with the Transportation Planning Rule, as described in SHMC 17.08.060;
  - (b) Any federal or state statutes or guidelines found applicable;
  - (c) The applicable comprehensive plan policies, procedures, appendices and maps;
  - (d) The applicable provisions of the implementing ordinances; and
  - (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.

**Discussion:** A number of parcels of land are involved, and thus by definition (Chapter 17.16) the legislative zone change process applies.

### **Findings:**

**(a)** This criterion requires analysis of the applicable statewide planning goals. The applicable goals in this case are Goal 1, Goal 2, Goal 5, 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. 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.

Given the public vetting for the plan, scheduled public hearings, and notice provided, Goal 1 is satisfied

#### ***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 and State (i.e., DLCD) coordinated with regard to the adoption of this proposal. 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 5: Natural Resources, Scenic & Historic Areas, & Open Spaces***

*It is the purpose of this goal to protect natural resources and conserve scenic and historic areas and open spaces. This includes riparian corridors, wetlands, wildlife habitat, natural area, and others.*

The proposed zoning map overlay would allow for more flexible development standards to accommodate the identified wetland and riparian resources and required upland buffer within the property. Those resources as identified in the city's Comprehensive Plan and Development Code resources are:

Wetland MC-1 – 75' upland protection zone

Wetland MC-2 – 50' upland protection zone

R-MC-18 not significant riparian corridor – no upland protection zone

The property owner has obtained an approved wetland delineation from the Oregon Division of State Lands to affirm the actual boundaries of the resources—WD # 2021-0642—as of March 3, 2022.

Given the flexibility of the PD overlay, that will offer protection of the identified and inventoried wetland resource, while still allowing use of the land, Goal 5 is met.

***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.

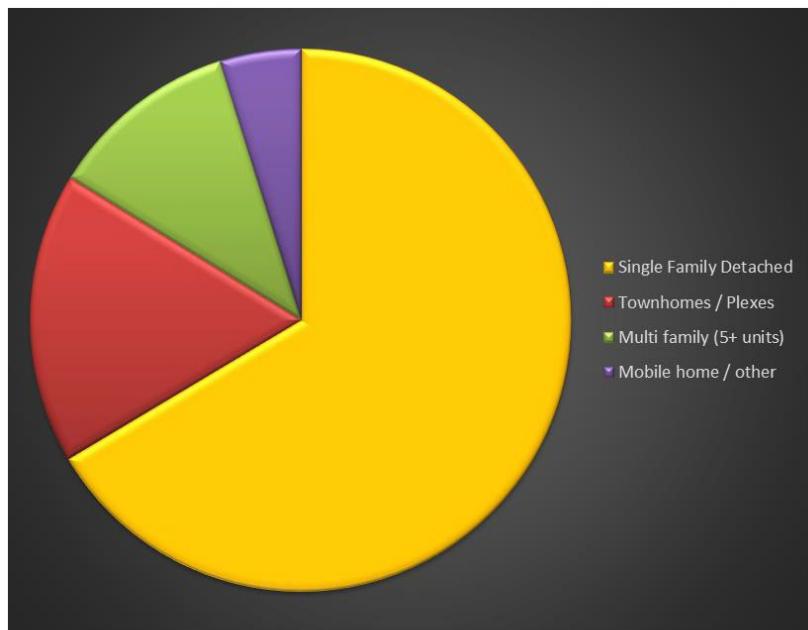
Land Need (net acres)	
Low Density*	240
Medium Density**	40
High Density	24
Manufactured Home Parks	5
<b>Total</b>	<b>309</b>
Buildable Land Inventory (net acres)	
Low Density	532
Medium Density	93
High Density	16
Manufactured Home Parks	45
Commercial/Mixed Use***	19
<b>Total</b>	<b>705</b>
UGB Land Surplus/Deficit (net acres)	
Low Density*	293
Medium Density**	53
High Density	(8)
Manufactured Home Parks	40
Commercial/Mixed Use	19
<b>Total</b>	<b>397</b>
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 multidwelling 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). The R7 zoning allows for detached single-family dwellings, manufactured homes, duplexes and ADUs as outright permitted uses. Though this may continue the dominance of the detached single-family dwelling for the city's housing type mix other less represented housing types are possible.



**Left:** Existing housing mix 2013-2017, City of St. Helens.

**Source:** U.S. Census, American Community Survey, 2013-2017.

### **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)** below for a more detailed discussion of the TPR and implementing ordinances

**(b)** This criterion requires analysis of any applicable federal or state statutes or guidelines in regard to the residential zone change request.

There are no known applicable federal or state statutes or guidelines applicable to this development overlay zone request.

**(c)** This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices, and maps. The proposal is to add a planned development overlay zone to an existing Moderate Residential (R7) zone to allow more flexibility in development standards. This overlay zone would not change the quantity of available lands for residential development

The applicable Comprehensive Plan goals and policies are:

#### **SHMC 19.080.060 (2) Natural factors and local resources goals and policies**

*(a) To maintain, and where possible, enhance the air, water, and land resources of the St. Helens area*

*[...]*

*(e) To preserve open spaces within and between urban living areas*

*(f) To encourage the protection of the forest area thin the urban growth boundary*

*[...]*

#### **SHMC 19.12.030 Suburban residential category goals and policies**

*(1) Goals. To establish conditions which will maintain attractive, convenient, residential living typical of moderate density semi-urban areas.*

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

*[...]*

*(b) Permit a degree of flexibility in residential site design and a mixture of housing, including multi-dwelling units, through the planned development procedures.*

*(c) Promote the development of homesites at a density and standard consistent with: the level of services that can reasonably be provided and the characteristics of the natural environment*

[...]

The Commission determined that the flexibility the planned development overlay zone allows is warranted for this in-fill development, provided that the minimum lot size and minimum side yard of the R7 zone be maintained to remain consistent with the development patterns (lot size/density and air light and space between buildings) of adjacent and neighboring properties.

In addition to receiving much testimony about neighborhood compatibility, the Commission (and public testimony) also noted testimony from the applicant and prospective developer (Noyes Development) for the recent Annexation of the property and the emphasis on large lots. The Commission observed that despite this emphasis to accept/advocate for the R7 zone as part of the Annexation process, the lot sizes on the proposed preliminary plat (file SUB.2.22) associated with this Planned Developed proposal are predominately less than the R7 minimal lot size (i.e., 7,000 s.f.), many being under or approximately 5,000 square feet and more akin to an R5 zone development.

Due to the protection and required buffer of the identified wetland resource, this proposal aids at preserving open space and protecting natural areas (some forested) within the urban area. The proposed overlay zoning district allows flexibility to accomplish adequate preservation, while still providing development at a density standard consistent with the zoning ([given the commission's findings just described](#)), level of services that can be provided, and the characteristics of the natural environment.

**(d)** This criterion requires that the proposal not conflict with the applicable provisions of the implementing ordinances.

This Planned Development overlay will help provide economic use of the property whilst also promoting preservation of the significant wetlands on the site and their upland protection zones per Chapter 17.40 SHMC. It will help prevent conflict with Chapter 17.40 SHMC.

**(e)** 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 PD overlay is a zone change action; thus, spot zoning must be analyzed.

The Commission determined that the minimum lot size and minimum side yard of the R7 zone be maintained to remain consistent with the development patterns (lot size/density and air light and space between buildings) of adjacent and neighboring properties. As such, the flexibility for lot size and side yard as possible per SHMC 17.148.080 cannot be granted:

(1) The provisions of the base zone are applicable as follows:

- (a) Lot Dimensional Standards. The minimum lot size, lot depth and lot width standards shall not apply except as related to the density computation under Chapter [17.56](#) SHMC;
- (b) Site Coverage. The site coverage provisions of the base zone shall apply;

(c) Building Height. The building height provisions shall not apply except within 100 feet of an "established area"; and

(d) Structure Setback Provisions.

(i) Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter [17.96](#) SHMC;

(ii) The side yard setback provisions shall not apply except that all detached structures shall meet the applicable building code (as administered by the building official) requirements for fire walls; and

(iii) Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:

(A) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street;

(B) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.

(2) All other provisions of the base zone shall apply except as modified by this chapter.

In addition to receiving much testimony about neighborhood compatibility, the Commission (and public testimony) also noted testimony from the applicant and prospective developer (Noyes Development) for the recent Annexation of the property and the emphasis on large lots. The Commission observed that despite this emphasis to accept/advocate for the R7 zone as part of the Annexation process, the lot sizes on the proposed preliminary plat (file SUB.2.22) associated with this Planned Developed proposal are predominately less than the R7 minimal lot size (i.e., 7,000 s.f.), many being under 5,000 square feet and more akin to an R5 zone development, which has a normal minimum lot size of 5,000 square feet.

Lots sizes proposed are as follows:

Lots at or greater than 7,000 s.f. in size: 10 or 22% of all lots  
Lots between 5,000 and 6,999 s.f. in size: 23 or 50% of all lots  
Lots less than 5,000 s.f. in size: 13 or 28% of all lots

The majority, 78%, of the proposed lots are less than 7,000 square feet. And more than a quarter are less than 5,000 square feet.

This proposal is not a "spot zoning" provided the minimum lot size and minimum side yard of the R7 zone still apply to any development utilizing this Planned Development Overlay Zone (i.e., this PD overlay does not grant flexibility to those standards). However, the Commission noted that this would not rule out using Variances for these standards as a *potential* (but not guaranteed) option, which is a separate process.

## CONCLUSION & RECOMMENDATION

**Based upon the facts and findings herein, the Planning Commission unanimously (with one member absent) recommends approval of this Planed Development (overlay zone) with the following modifications:**

1. In order to utilize the planned development overlay zone for a development proposal, both parcels shall be included in a planned development proposal.

2. The minimum lot size and minimum side yard of the R7 zone shall be maintained and not subject to the flexibility of SHMC 17.148.080 for any development utilizing this planned development overlay zone. Standards other than minimum lot size and minimum side yard may still be flexible as per SHMC 17.148.080.

**Attachment(s):** Applicant's narrative (except for PD overlay only, pgs. 8-10 and 22-25)

Kirtland letter received July 5, 2022

Fair Housing Council of Oregon letter dated July 11, 2022

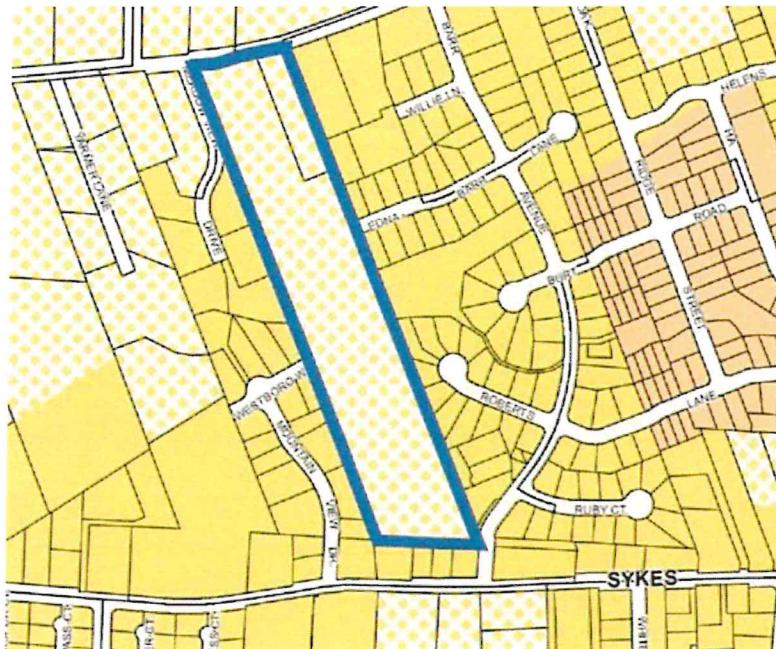
DSL WD # 2021-0642, Fig. 6 Wetland Map

Wetland map showing city-required protection zones (buffers)

Map from Annexation A.5.21 showing the subject property (before it was annexed and zoned R7) and surrounding zoning

Preliminary plat

Figure 3. Comprehensive Plan Map



### Proposed Development

This application proposes a 46-lot subdivision with a Planned Development overlay. Within the PD subdivision, future development will include 46 single-family homes. The site has two wetland areas and associated buffer zones. The protected wetland area will provide approximately 2.75 acres of open space. In an effort to prioritize the protection of these wetland and buffer zones, the proposed site design divides the property into three areas of development. The three areas will have access from the existing rights-of-way and proposed sidewalks to meet the required connectivity requirements. The proposed layout of the subdivision can be referenced on the site plan (Exhibit A).

### Facilities and Services

Water: Water service is available from the City of St. Helens from the existing public water mains in Meadow View Drive, Barr Avenue and Westboro Way. Water service will be extended to development on the site through the public streets, with laterals provided to each lot. The proposed design for water service is shown in Sheet P500 of Exhibit B.

Sewer: Sanitary Sewer service is available from the existing public lines located in Meadow View Drive to the west, Westboro Way to the southwest and Barr Avenue to the southeast. As shown in the Preliminary Utilities Plan, Sheet P500 of Exhibit B, the new lines will be extended into the development within the new public streets on site in order to provide service to every lot.

Stormwater: A new storm line will be constructed within the new streets to all lots. As shown in the Preliminary Utility Plan, Sheets P500 & P501 of Exhibit B & C, the stormwater will be directed to the stormwater treatment

and detention facility located adjacent to each lot cluster. The storm facilities are shown on the utility plan as "Storm A-C". Additional information about stormwater collection is included in the Preliminary Storm Drainage Report, submitted as Exhibit D.

Streets: The subject property has frontage along Pittsburg Road, Meadow View Drive and at the connection point in Barr Avenue. The site also has connection stubs at Westboro Way and Edna Barr Avenue. The proposed dedicated streets will provide adequate circulation and connection to every lot in the subdivision. Sidewalks will be installed adjacent to the new streets to provide safe pedestrian access throughout the subdivision. The access to the lots will be unique in order to preserve existing wetland areas and utilize existing roadway stubs. The lots will be broken up into 3 clusters with open spaces separating each cluster.

## APPLICANT'S NARRATIVE

The applicable chapters of the City of Hillsboro Community Development Code appear in **BOLD CAPS**. Criteria from each chapter are cited in *Italics*, followed by the applicant's response, which presents evidence and recommended findings for approval of the 46-lot Planned Development Subdivision.

## 17.20 PROCEDURES FOR DECISION-MAKING – LEGISLATIVE

### 17.20.020 The application process

- (1) *A request for a legislative change may be initiated by:*
  - (a) *Order of the council;*
  - (b) *Resolution of a majority of the commission;*
  - (c) *The director;*
  - (d) *Any person or the person's agent authorized in writing to make the application.*
- (2) *Application acceptance:*
  - (a) *Form must be complete;*
  - (b) *City council must approve the concept;*
  - (c) *Fee must be paid unless previously waived by the city council*

Applicant Response: The applicant acknowledges the application process for legislative decisions. The application, a subdivision with a planned development overlay, will require the planning commission provide a recommendation for this application since the required hearing body for the planned development overlay will be the city council.

### 17.20.030 Time Periods – Submissions/hearings

- (1) *The director may receive proposed legislative changes four times a year, and the completed application shall be submitted not more than 75 days and not less than 45 days before the first commission meetings in March, June, September, and December.*
- (2) *The commission shall normally hear the matter at the first meeting in March, June, September, or December, depending upon which date the item has been scheduled.*
- (3) *The council shall normally receive the commission's recommendations within 30 days after the commission's decision and schedule a public hearing of the commission's recommendation. If the*

*planning commission fails to act within 60 days after the scheduled public hearing date, the application shall be forwarded to the city council without a recommendation.*

**Applicant Response:** The applicant acknowledges the time periods applicable to this application. It is the intent of the applicant to meet the legislative deadlines to be heard at the next available meeting.

#### **17.20.130 Approval process and authority**

- (1) *The commission shall:*
  - a. *After notice and a public hearing, formulate a recommendation to the council to approve, to approve with modifications, or to deny the proposed change, or to adopt an alternative; and*
  - b. *Within 30 days of determining a recommendation, cause the written recommendation to be signed by the presiding officer of the commission and to be filed with the director.*
- (2) *Any member of the commission who voted in opposition to the recommendation by the commission on a proposed change may file a written statement of opposition with the director prior to any council public hearing on the proposed change. The director shall transmit a copy to each member of the council and place a copy in the record.*
- (3) *If the commission fails to recommend approval, approval with modification, or denial of the proposed legislative change within 60 days of the first public hearing on the proposed change, the director shall:*
  - a. *Report the failure together with the proposed change to the council; and*
  - b. *Cause notice to be given, the matter to be placed on the council's agenda, a public hearing to be held and a decision to be made by the council. No further action shall be taken by the commission.*
- (4) *The council shall:*
  - a. *Have the responsibility to approve, approve with modifications, or deny an application for the legislative change or to remand to the commission for rehearing and reconsideration on all or part of an application transmitted to it under this code;*
  - b. *Consider the recommendation of the commission; however, it is not bound by the commission's recommendation; and*
  - c. *Act by ordinance, if application approved with or without modifications.*

**Applicant Response:** The applicant acknowledges the approval criteria and authority of the planning commission and city council. It is also understood that the council will provide the decision for the planned development overlay.

### **17.24 PROCEDURES FOR DECISION-MAKING – QUASI-JUDICIAL**

#### **17.24.040 Preapplication conference**

#### **17.24.050 Application Submittal Requirements – Refusal of an Application**

##### **Applicant Response:**

The applicant attended a pre-application conference with the City of St. Helens on February 15, 2022 and was advised that the proposed Pittsburg Road Subdivision would be subject to the applicable development standards within Chapter 17 of the St. Helens Municipal Code. This narrative is therefore provided in response to the City of St. Helens approval criteria.

requirements for lot sizes with PUD overlays. There are four through lots along Comstock Way. Three of these are along Comstock and Pittsburg, however, the lots are oriented inwards to provide safe access.

**17.136.070 Application submission requirements – Preliminary plat**

**17.136.080 Additional information required and waiver of requirements**

**Applicant Response:** The applicant acknowledges the submittal requirements for a preliminary plat. This narrative and submitted materials will meet the submittal criteria set forth in this chapter.

## **17.148 PLANNED DEVELOPMENT**

### **17.148.015 The process**

1. *The planned development designation is an overlay zone applicable to all zones.*
2. *There are three elements to the planned development approval process and the elements are as follows:*
  - a. *The recommendation of approval by the planning commission of the planned development overlay zone and the subsequent approval by the city council;*
  - b. *The approval by the planning commission of the preliminary planned development plan; and*
3. *The approval by the director of the final detailed development plan.*
4. *The planned development overlay zone shall be processed in the same manner as a zone change under the provisions of SHMC 17.24.090(3)(o), Approval authority responsibilities, except in the situation where zone change is part of a legislative rezoning. In the case of an existing planned development overlay zone for a subdivision, conditional use or site development review application, the proposal shall be reviewed by the commission. In the case of an existing planned development overlay zone for any other type of application, the application shall be reviewed under the provisions required in the chapters which apply to the particular land use application.*
5. *The application for the overlay zone and for approval of the preliminary development plan may be heard concurrently if an application for each of the actions is submitted.*
6. *If the application involves subdivision of land, the applicant may apply for preliminary plat approval and the applications shall be heard concurrently.*
7. *The application for the preliminary development plan shall satisfy all of the requirements of SHMC 17.148.110. The applicant may file for exceptions under the provision of SHMC 17.148.190.*
8. *The application for the detailed development plan shall satisfy all of the requirements of SHMC 17.148.020(7).*
9. *The applicant can file for an overlay zone, or overlay plus preliminary planned development, or overlay zone and subdivision preliminary plat.*

**Applicant Response:** The applicant acknowledges the process requirements for a Planned Development. This application will be concurrently reviewed with a subdivision application. The application includes all of the applicable plans required of the specific applications as well as responses to all applicable code criteria.

### **17.148.020 Administration and approval process**

1. *The applicant for a planned development overlay zone may be as provided by SHMC 17.24.020. The applicant for the preliminary plan and detailed plan shall be the recorded owner of the property or an agent authorized in writing by the owner.*
2. *A preapplication conference with city staff is required (see SHMC 17.24.040).*
3. *Due to possible changes in state statutes, or regional or local policy, information given by staff to the applicant during the preapplication conference is valid for no more than six months:*

- a. *Another preapplication conference is required if any planned development application is submitted six months after the preapplication conference; and*
- b. *Failure of the director to provide any of the information required by this section shall not constitute a waiver of the standards, criteria, or requirements of the applications.*

4. *Notice of the planned development proceeding before the commission shall be given as required by SHMC 17.24.130.*

5. *Action on the application shall be in accordance with Chapter 17.24 SHMC and the following:*

- a. *The commission shall make a recommendation per planned development overlay zone application to city council for their final decision;*
- b. *Unless otherwise provided by this code, the commission shall hold a public hearing and approve, approve with conditions, or deny the application for subdivision or development plan based on findings related to the applicable criteria set forth in SHMC 17.148.120; and*
- c. *A decision on subdivision or development plan by the commission may be reviewed by the council as provided by SHMC 17.24.310(2).*

6. *Where a planned development overlay zone has been approved, the development zoning district map shall be amended to indicate the approved planned development designation for the subject development site.*

7. *Within one and one-half years after the date of commission approval of the preliminary development plan, the owner shall prepare and file with the director a detailed, final development plan. Action on the detailed development plan shall be ministerial and taken by the director, and:*

- a. *The director shall approve the detailed, final development plan upon finding that the final plan conforms with the preliminary development plan approved, or approved with conditions, by the commission. The final plan shall be approved unless the director finds:*
  - i. *The change increases the residential densities, the lot coverage by buildings or reduces the amount of parking;*
  - ii. *The change reduces the amount of open space and landscaping;*
  - iii. *The change involves a change in use;*
  - iv. *The change commits land to development which is environmentally sensitive or subject to a potential hazard; and*
  - v. *The change involves a major shift in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping, or other site improvements;*
- b. *A decision by the director may be appealed by the applicant or other affected/approved parties to the commission and the commission shall decide whether the detailed, final development plan substantially conforms to the approved preliminary development plan based on the criteria set forth in subsection (7)(a) of this section:*
  - i. *The decision shall be based on testimony from the applicant and the staff exclusively; and*
  - ii. *No notice shall be required except as required by SHMC 17.24.120.*

8. *Substantial modifications made to the approved preliminary development plan shall require a new application.*

**Applicant Response:** The applicant has attended a preapplication conference for this proposal, included with this application is a signed copy of the notes provided by St. Helen's. The applicant acknowledges the action criteria for this application as well as the approval length for the application. Further, it is understood the requirements of the development plan to be submitted as an additional part of the subdivision application.

### **17.148.030 Expiration of approval – Standards for extension of time**

**Applicant Response:** The applicant acknowledges the process provisions for the approval, administration and expiration standards for planned developments.

### **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" (SHMC 17.112.030).*
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.*

**Applicant Response:** The subject site is 11.91 acres prior to the subtraction of right-of-way but will well exceed the require 2-acre minimum size requirement. Additionally, the site is not within an established area as noted on the city of St. Helens comprehensive plan map. This provision is met.

### **17.148.070 Applicability and allowed uses**

1. *In addition to the use allowed outright in an underlying residential zone the following uses are allowed outright where all other applicable standards are met:*
  - a. *Community building;*
  - b. *Indoor recreation facility, athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use;*
  - c. *Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and*
  - d. *Recreational vehicle storage area.*
2. *In all commercial and industrial planned developments the uses permitted outright shall comply with the underlying zoning district.*

**Applicant Response:** Detached single-family housing is an allowed use in the underlying zoning district. The proposed subdivision does not include any of the abovementioned additional uses listed in a-d. This criteria is met.

### **17.148.080 Applicability of the base zone provisions**

1. *The provisions of the base zone are applicable as follows:*

- a. *Lot Dimensional Standards. The minimum lot size, lot depth and lot width standards shall not apply except as related to the density computation under Chapter 17.56 SHMC;*
- b. *Site Coverage. The site coverage provisions of the base zone shall apply;*
- c. *Building Height. The building height provisions shall not apply except within 100 feet of an "established area"; and*
- d. *Structure Setback Provisions.*
  - i. *Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the base zone unless otherwise provided by Chapter 17.96 SHMC;*
  - ii. *The side yard setback provisions shall not apply except that all detached structures shall meet the applicable building code (as administered by the building official) requirements for fire walls; and*
  - iii. *Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:*
    - A. *A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street;*
    - B. *A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.*

2. *All other provisions of the base zone shall apply except as modified by this chapter.*

**Applicant Response:** The proposed subdivision meets the density calculation requirements set forth in the base zoning district but does incorporate lot design changes. The site has a few restrictions such as wetlands and existing road stubs that require modification to conventional lot layout and design. Many of the lots are laid out in a traditional fashion with widths averaging 50' and depths averaging 96'. However, there are lots that incorporate a flagpole or shared driveways. The applicant acknowledges the applicability and flexibility to specific development standards within the PUD overlay. Setbacks, building height and other site specific development standards will be reviewed when the individual lots are reviewed and permitted.

#### **17.148.090 Applicability of site development review chapter**

*The provisions of Chapter 17.96 SHMC shall apply to all uses except as provided by Chapter 17.96 SHMC.*

**Applicant Response:** The applicant acknowledges the applicability of 17.96. Section 17.96 lists single-family dwellings as an exception to this review. This provision is not applicable.

#### **17.148.110 Application submission requirements – Preliminary development plan**

#### **17.148.120 Approval standards**

**Applicant Response:** The applicant acknowledges the applicability of the chapters listed in this section, this narrative addresses all applicable criteria with justifications of how this planned development meets the sections. In addition, the planned development provides ample open space and landscaping that can be enjoyed by the community. The open space includes a trail as well as each individual lot containing its own yard. The

Comstock Subdivision 7/5/2022

PD.2.22 Overlay zone request

Map No: 4N1W-6D-604 and 4N1W-6AD-2600

RECEIVED

JUL 5 2022

CITY OF ST. HELENS

**17.20.120 The standards of the decision. The planning commission approved Ordinance No. 3281, section 3 of the approved annexation of the subject property at R7.**

Ord. No. 3281 Exhibit "C" A.5.21 F&C

- *The city's housing needs are technically met for the next approximate 20 years. The highest density zoning is the only category that is close to a deficiency (i.e., no large surplus)*
- *The Planning Commission recommended R7 for the entire property in part because the sensitive lands and their respective upland protection zones will dictate a certain amount of protected open space for the subdivision. The sensitive lands create there separate and distinct development areas which will inherently result in a subdivision that contains more open space and separation. This Commission felt this would be perceived as a less dense development overall. The City Council agreed with this.*

**Finding:** Upon annexation, the subject property's Comprehensive Plan designation shall be Suburban Residential (Incorporated) SR and be zoned entirely Moderate Residential, R7.

(ORS 197.175(1) Statewide Planning Goals 1, 2, 10, 11 and 12 were satisfied for the approval of the annexation of this property. The planning commission determined the need for higher density housing had been met with other properties and that the subject property would be at R7 zoning. The original applicant for the annexation voiced the family's desire for the property to be zoned at R7 and to incorporate the property's natural elements into the existing community. The family also wanted a contribution to the existing community in way of a jogging trail in order for the community to enjoy the natural elements of the wetlands and property features.

This proposed overlay PD.2.22 does not have a perceived less dense development with open space and separation for the entire property as noted in *Ord. No. 3281 Exhibit "C" A.5.21 F&C*. This development has 46 lots of which only 9 are at R7 or above. This completely wipes out any natural space with the exception of what has been mandated by regulation to retain. This plan is against the zoning established by the Planning Commission and City Council in the approval of the annexation. It is also against the original desire of annexation applicant. During prior meetings it was established that there is local wildlife that use this land and that it was important to continue to support their habitat. I am concerned of the impact this dense housing development will have on the existing ecosystem. I am also concerned about the additional traffic. The existing community is facing a possible total of 92 more cars traveling on Barr and Mountain View with the assumption of two cars per home for the proposed 46 lots. How does this higher density overlay plan benefit the public and the quality of life in a smaller community setting like St. Helens? I am in opposition to this preliminary plat and site plan PD.2.22.

**17.148.060 Planned development allowed and disallowed.**

No objections. Drainage and wetlands have been considered in the planned development.

Thank you,

Rhonda Kirtland

Parcel 1, Tax Lot 3201



July 11, 2022

City of St. Helens Planning Commission  
265 Strand Street  
St. Helens, OR 97051

**RE: Planned Development overlay zone on a 12 acres property. Purpose is to facilitate a planned development residential subdivision. (PD.2.22)**

Dear Commission Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO commend the City, and support the adoption of PD.2.22. Additionally, the planning staff created an inciteful and detailed staff report, with well written Goal 10 findings. This will be used as a good example for other jurisdictions. Good luck with the continuation of this project!

Thank you for your consideration of our comments.

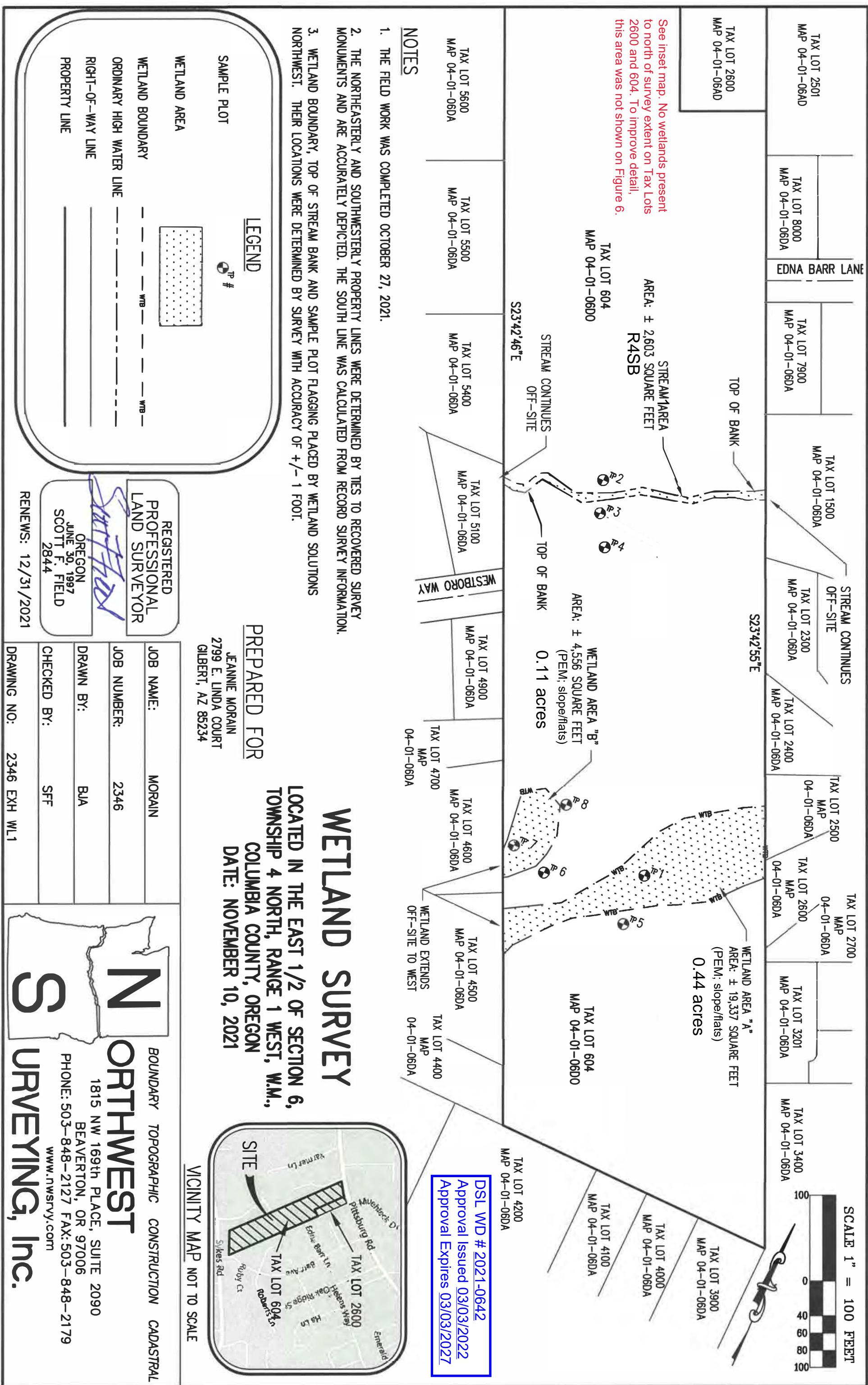
Sincerely,

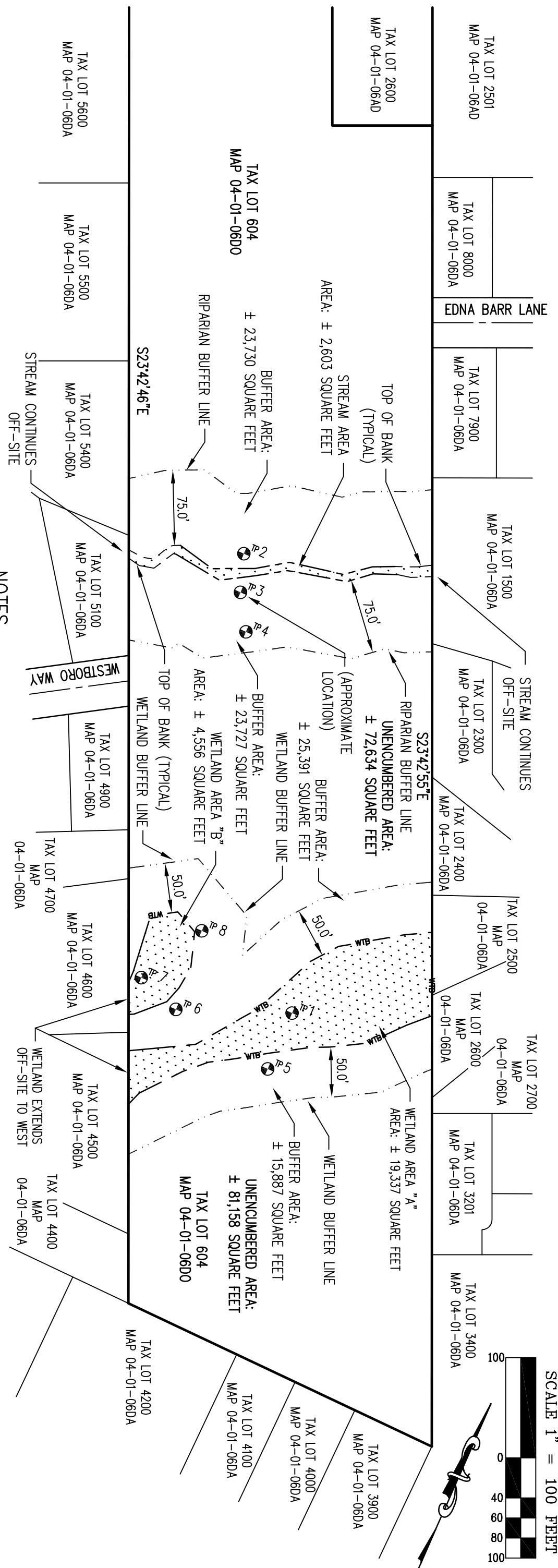
A handwritten signature in black ink that reads "Allan Lazo".

Allan Lazo  
Executive Director  
Fair Housing Council of Oregon

Cc: Gordon Howard, DLCD

**1221 SW Yamhill Street, Portland, Oregon 97205**





## NOTES

1. THE FIELD WORK WAS COMPLETED OCTOBER 27, 2021.
2. THE NORTHEASTERLY AND SOUTHWESTERLY PROPERTY LINES WERE DETERMINED BY TES TO RECOVERED SURVEY MONUMENTS AND ARE ACCURATELY DEPICTED. THE SOUTH LINE WAS CALCULATED FROM RECORD SURVEY INFORMATION.
3. WETLAND BOUNDARY, TOP OF STREAM BANK AND SAMPLE PLOT FLAGGING PLACED BY WETLAND SOLUTIONS NORTHWEST. THEIR LOCATIONS WERE DETERMINED BY SURVEY WITH ACCURACY OF +/- 1 FOOT.

**PRELIMINARY** **PROFESSIONAL**  
**LAND SURVEYOR**

LOCATED IN THE EAST 1/2 OF SECTION 6,  
TOWNSHIP 4 NORTH, RANGE 1 WEST, W.M.,  
COLUMBIA COUNTY, OREGON  
DATE: NOVEMBER 8, 2021

# WETLAND AND RIVER WAR

**LOCATED IN THE EAST 1/2 OF SECTION 6,  
TOWNSHIP 4 NORTH, RANGE 1 WEST, W.M.,  
COLUMBIA COUNTY, OREGON  
DATE: NOVEMBER 8, 2021**

WETLAND AREA  
WETLAND BOUNDARY



ORDINARY HIGH WATER LINE - - - - -

PROPERTY LINE

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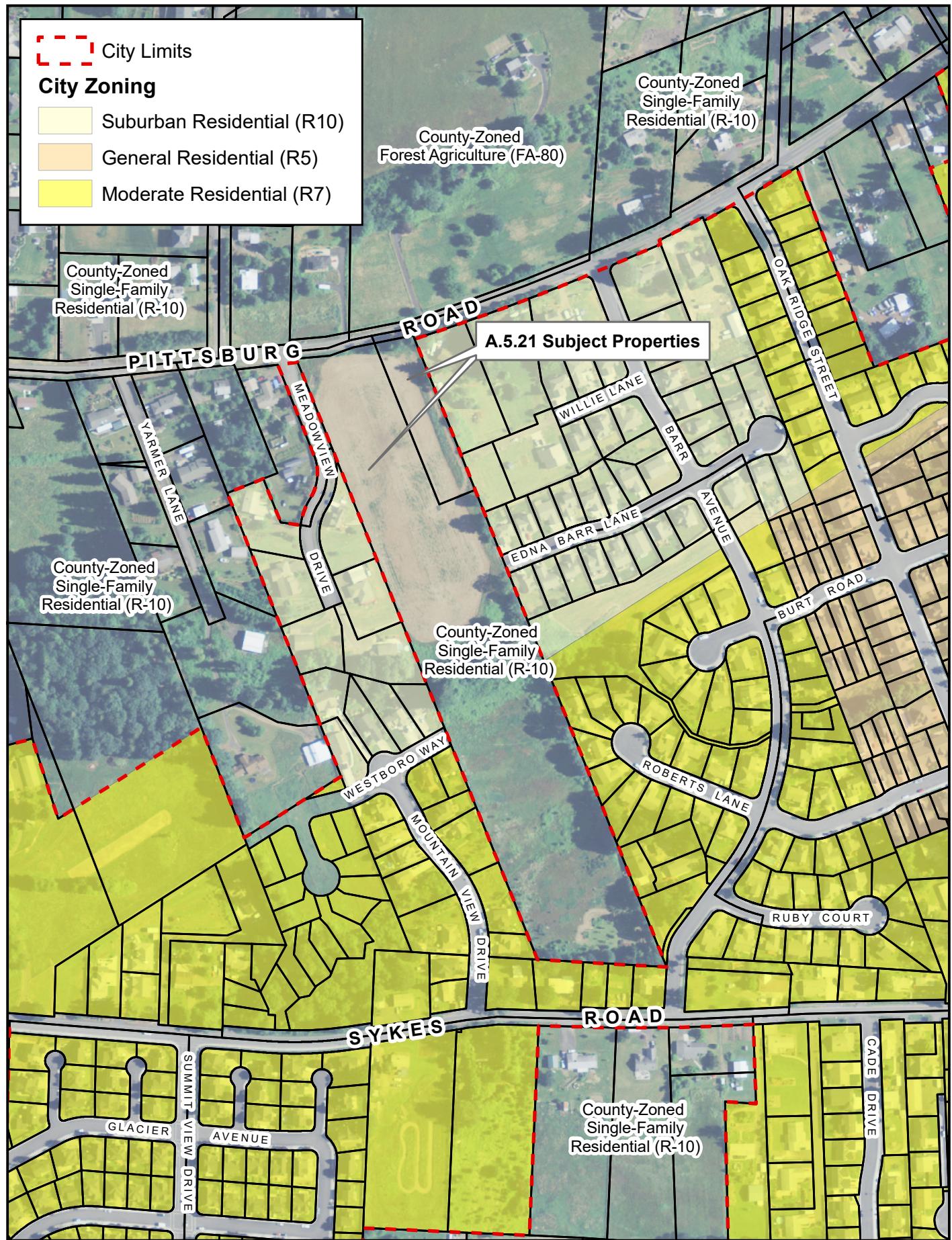
PREPARED FOR  
JEANNIE MORAIN  
2799 E. LINDA COURT  
GILBERT, AZ 85234

JOB NUMBER: 2346

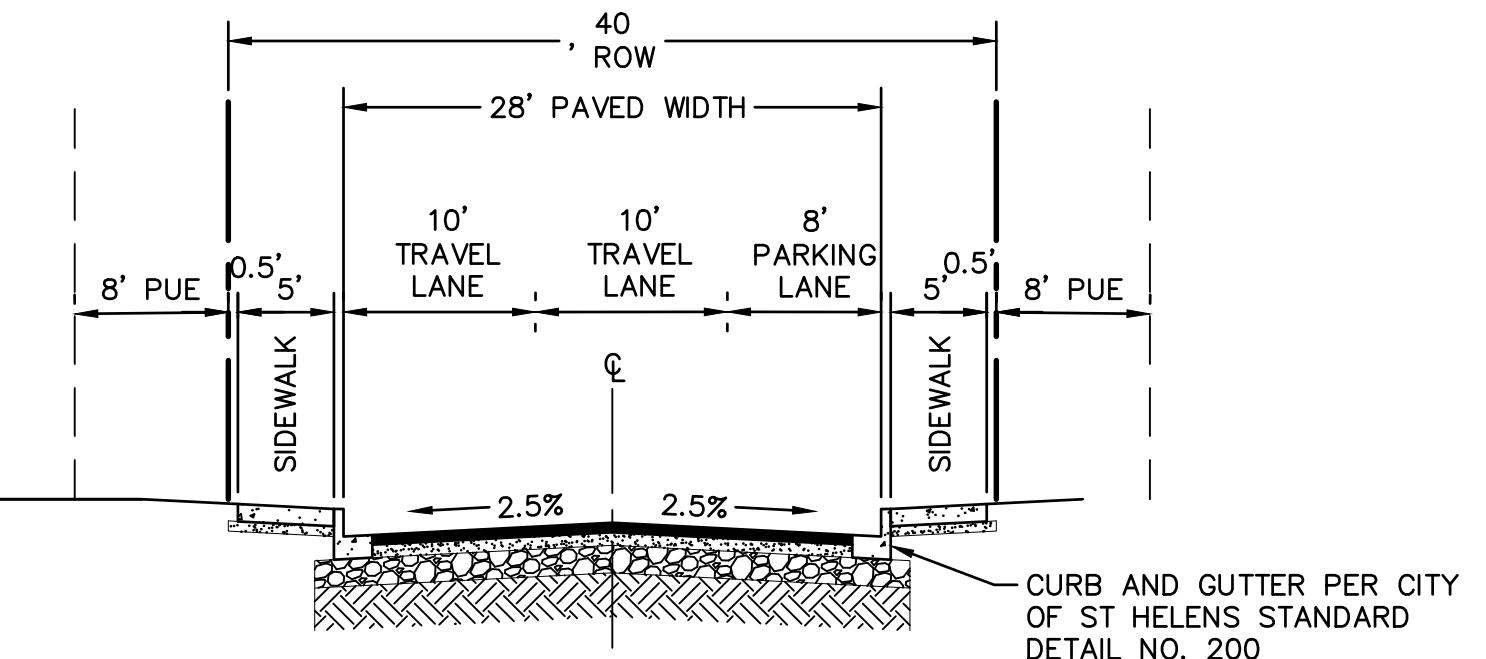
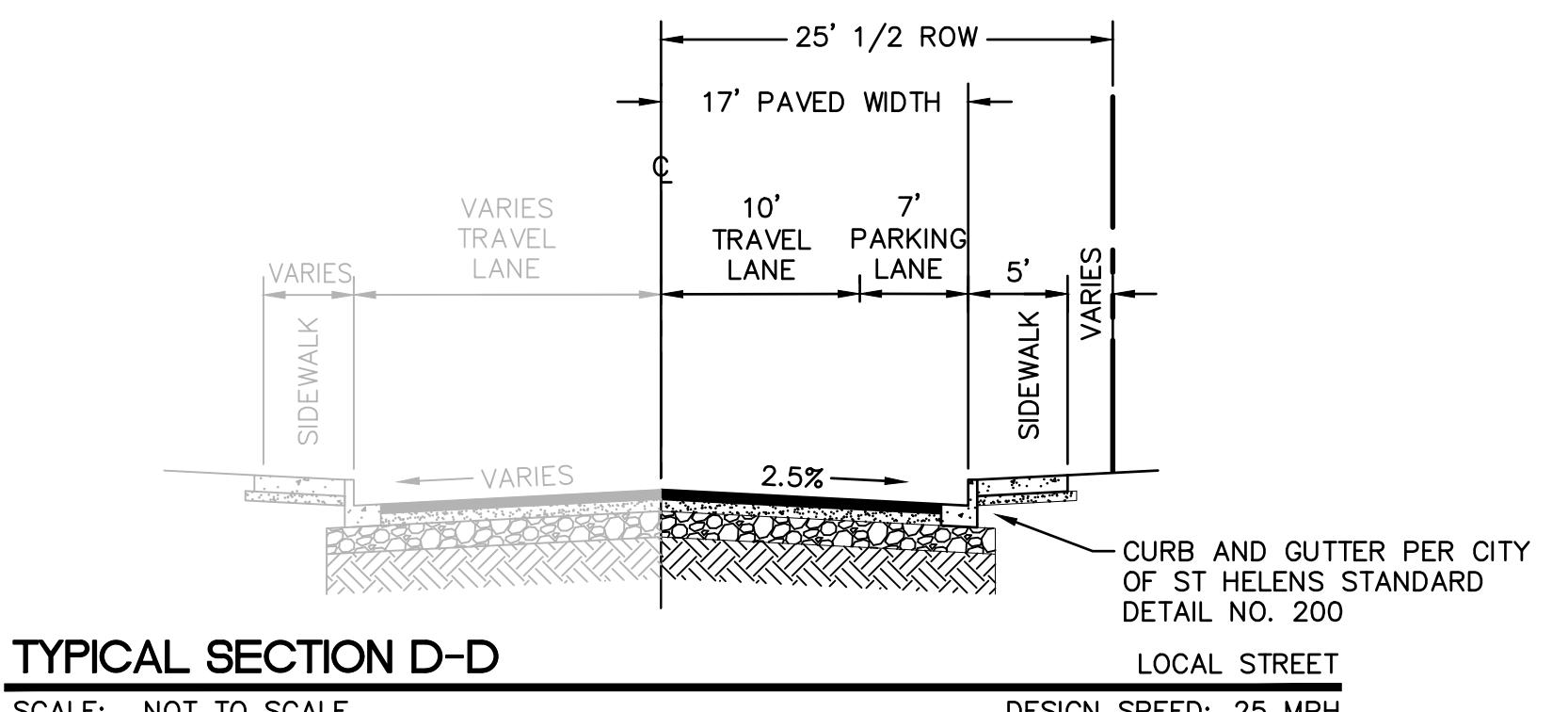
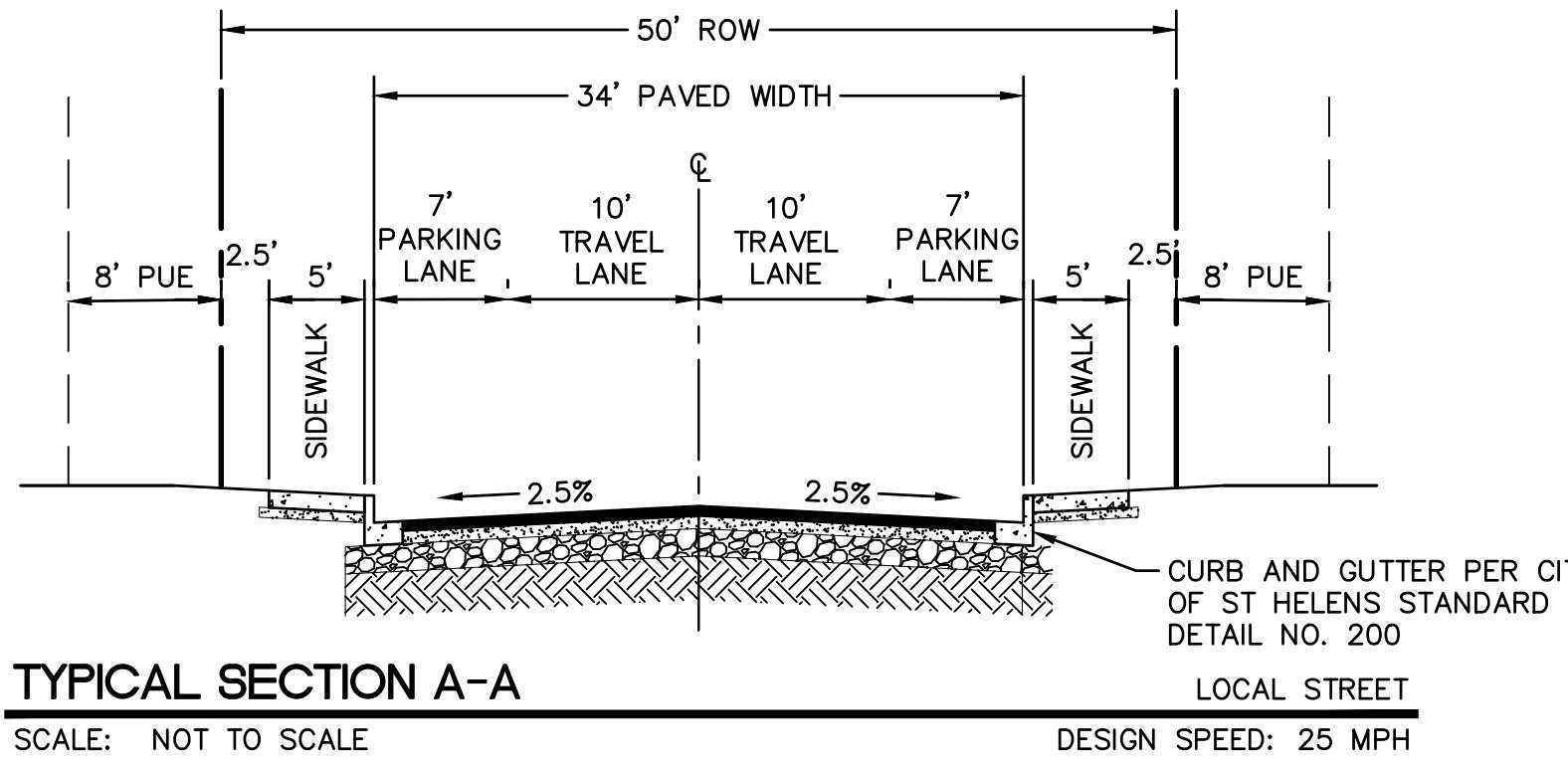
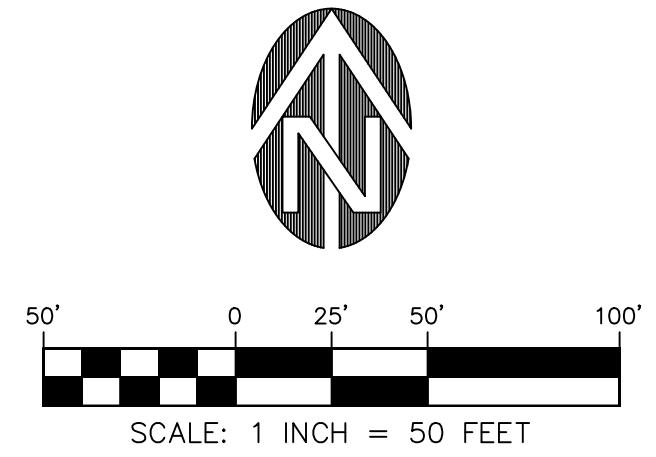
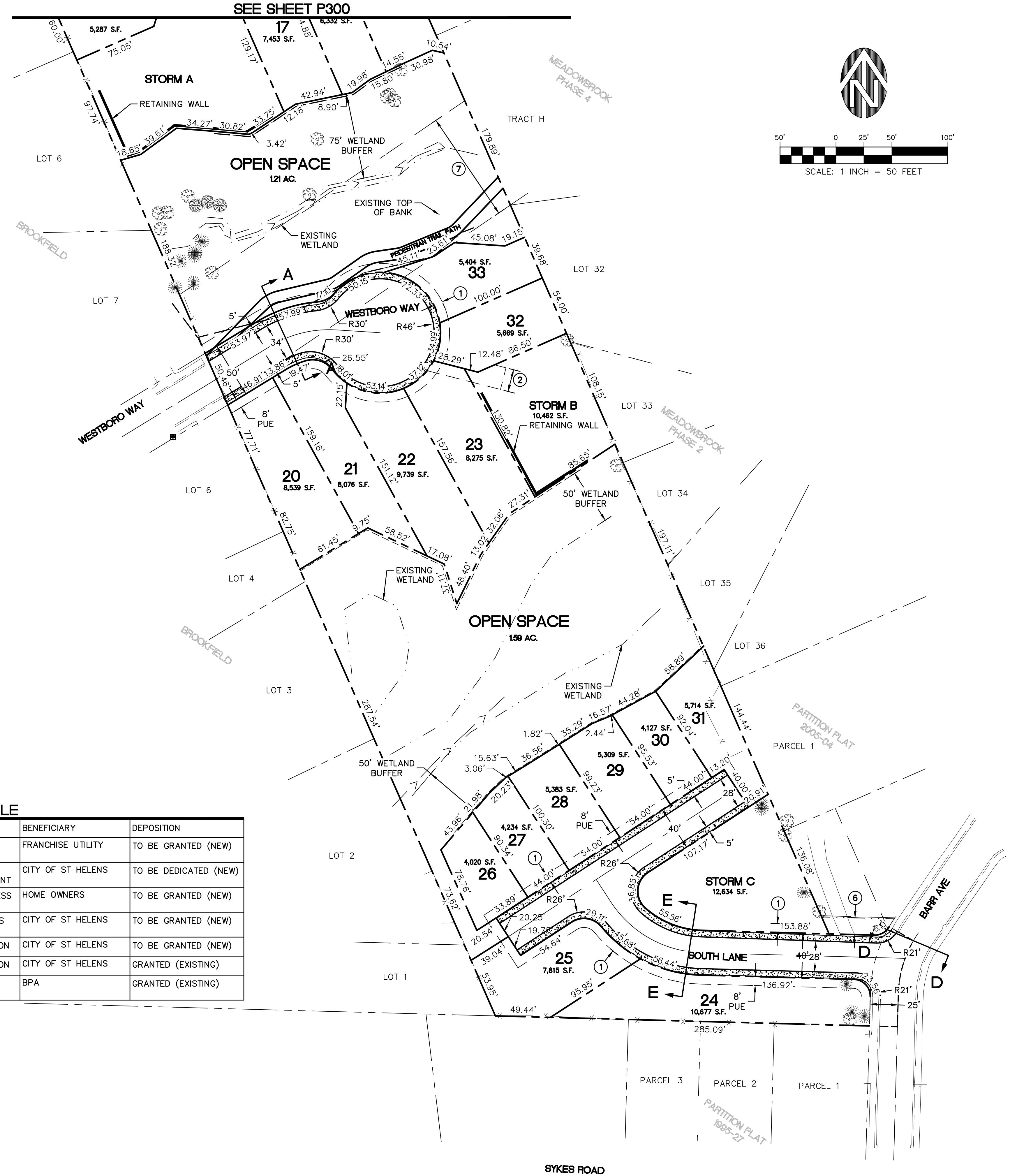
**ORTHWEST**  
1815 NW 169th PLACE, SUITE 2090

**ORTWEST**  
1815 NW 169th PLACE, SUITE 2090  
BEAVERTON, OR 97006  
PHONE: 503-848-2127 FAX: 503-848-2179  
[www.nwsrvy.com](http://www.nwsrvy.com)

## A.5.21 Annexation Aerial Map

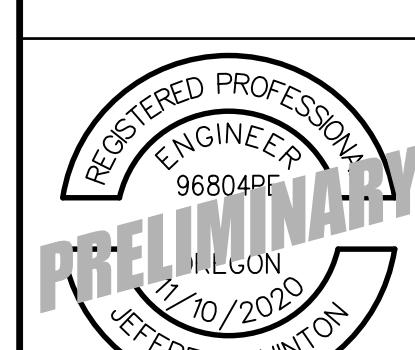






**WESTLAKE CONSULTANTS**

**COMSTOCK SUBDIVISION**  
SE 1/4 SECTION 6, TOWNSHIP 4N, RANGE 1W  
ST. HELENS, OREGON  
(MIDDLE & SOUTH)  
PRELIMINARY PLAT AND SITE PLAN



EXPIRES: 06/30/23

THESE DRAWINGS ARE THE PROPERTY OF WESTLAKE CONSULTANTS, INC. AND ARE NOT TO BE REPRODUCED IN ANY MANNER EXCEPT WITH THE WRITTEN PERMISSION OF WC

REVISIONS	NO.	DATE	DESCRIPTION	DRAFT BY
0	2022/04/04	LAND USE SUBMITTAL		

**LEGEND**

- PROPERTY LINE
- PROPOSED EASEMENT
- PROPOSED CURB
- PROPOSED SIDEWALK
- CENTERLINE
- TOP OF BANK
- WETLAND
- WETLAND BUFFER
- CREEK
- STORMWATER FACILITY BOUNDARY
- RETAINING WALL

**SHEET**  
**P301**  
JOB NO.  
2740-004