

City of St. Helens
ORDINANCE NO. 3286

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS ZONING DISTRICT MAP
TO ADD A PLANNED DEVELOPMENT OVERLAY ZONE FOR CERTAIN PROPERTY
LOCATED AT THE SOUTHEAST CORNER OF THE PITTSBURG ROAD AND
MEADOWVIEW DRIVE INTERSECTION

WHEREAS, applicants have requested to amend the City of St. Helens Zoning District Map for property described in **Exhibit "A"** and depicted as **Exhibit "B"** attached hereto and made part of this reference to add a Planned Development Overlay Zone; and

WHEREAS, the St. Helens Planning Commission did hold a duly noticed public hearing and did conclude to recommend such a change with modifications 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 with the modifications as recommended by the Planning Commission; 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 Zoning District Map is amended to add a Planned Development Overlay Zone for the property described herein.

Section 3. In support of the aforementioned Zone District Map Amendment, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Exhibit "C"** and made part of this reference.

Section 4. The two parcels that make up the property shall be used together as a Planned Development (not separately or individually) for the Planned Development Overlay Zone to be utilized.

Section 5. The minimum lot size and minimum side yard (setback) of the underlying zoning district (currently Moderate Residential, R7) shall apply and are 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.

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:	August 3, 2022
Read the second time:	August 17, 2022

APPROVED AND ADOPTED this 17th day of August 2022 by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

EXHIBIT A
LEGAL DESCRIPTION

A parcel of land located in the E ½, of Section 6, Township 4 N., Range 1 W., Willamette Meridian, Columbia County, Oregon, more specifically described as follows:

Beginning at a point at the Southeast corner of the intersection of Pittsburg Road and Meadow View Drive also the **True Point of Beginning**;

Thence, Southerly along the east right-of-way line of Meadow View Drive to the most Northerly point of Parcel 1 of Partition Plat No. 1995-19 (recorded as instrument no. 95-04731);

Thence, South 23°42'46" East a distance of 1,424.96 feet;

Thence, South 88°27'31" East a distance of 335 feet;

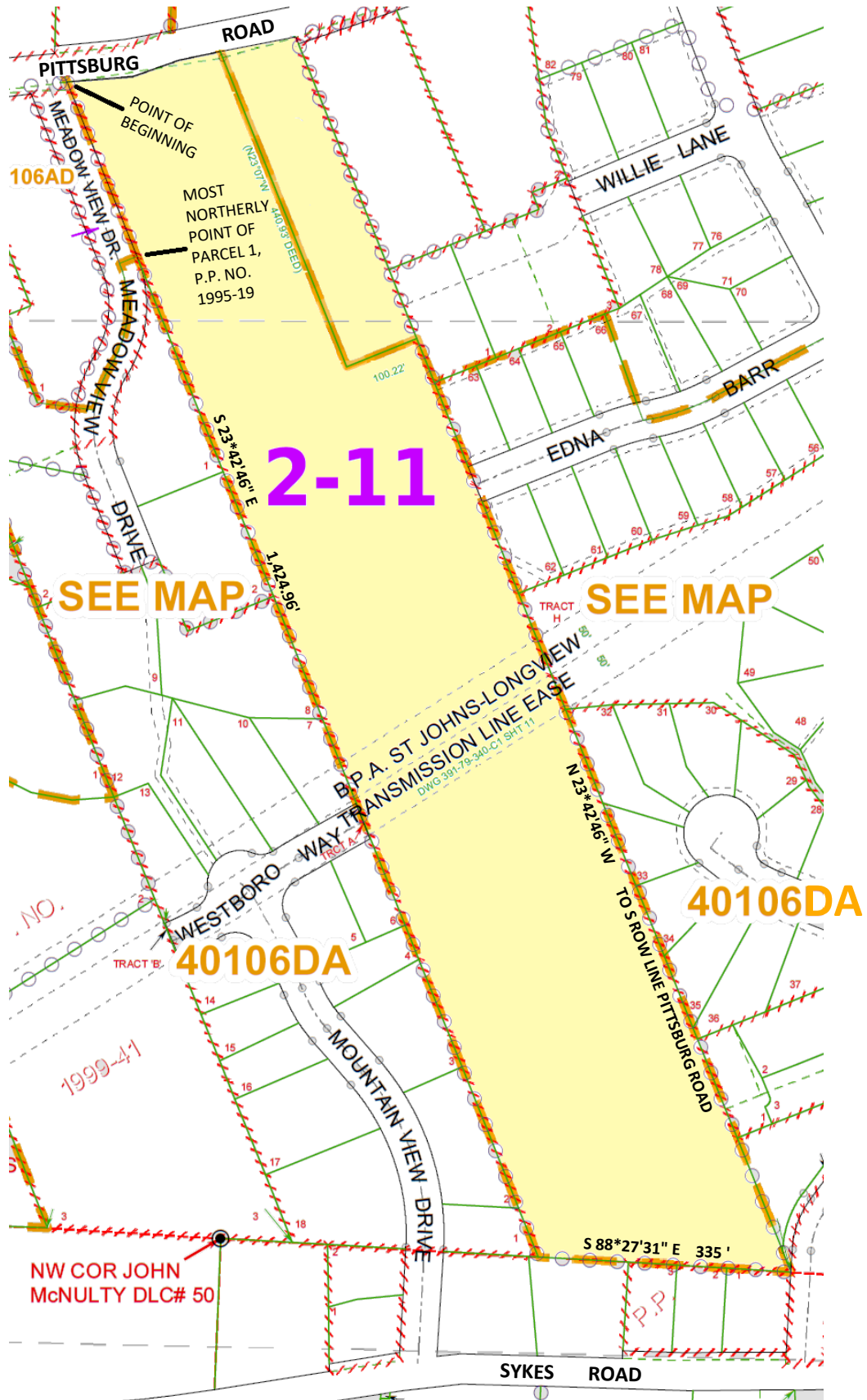
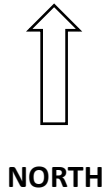
Thence, North 23°42'46" West to the southerly right-of-way line of Pittsburg Road;

Thence, Westerly along said right-of-way line to the **True Point of Beginning**.

ORD. NO. 3286 EXHIBIT B

E. 1/2 SEC.6 T.4N. R.1W. W.M.

COLUMBIA COUNTY



2-11

SEE MAP

SEE MAP

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NW COR JOHN McNULTY DLC# 50

SYKES ROAD

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Planned Developed (overlay zone) PD.2.22**

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.

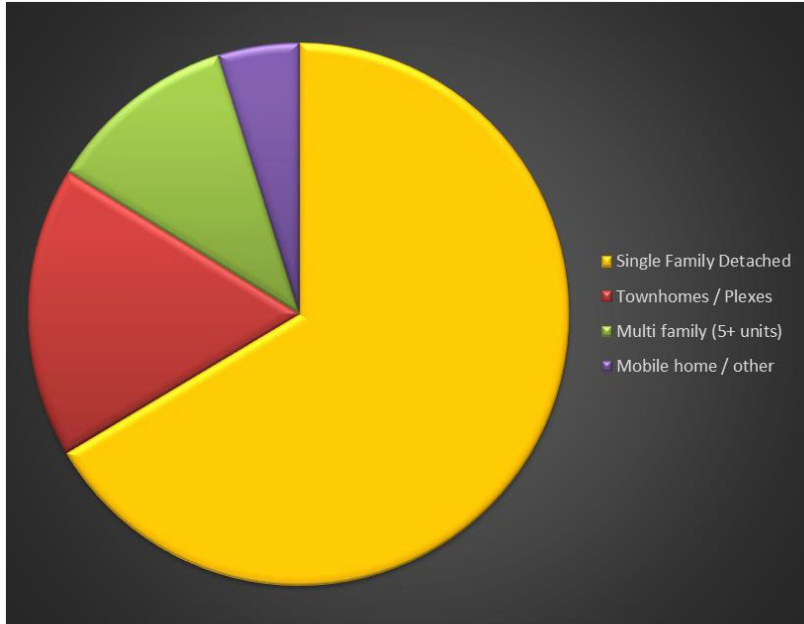
Land Need (net acres)	
Low Density*	240
Medium Density**	40
High Density	24
Manufactured Home Parks	5
Total	309
Buildable Land Inventory (net acres)	
Low Density	532
Medium Density	93
High Density	16
Manufactured Home Parks	45
Commercial/Mixed Use***	19
Total	705
UGB Land Surplus/Deficit (net acres)	
Low Density*	293
Medium Density**	53
High Density	(8)
Manufactured Home Parks	40
Commercial/Mixed Use	19
Total	397
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 Council 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 patters (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 Council (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 and Council 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 then 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 Council'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 Council determined that the minimum lot size and minimum side yard of the R7 zone be maintained to remain consistent with the development patters (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:

SHMC 17.148.080 Applicability of 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.

In addition to receiving much testimony about neighborhood compatibility, the Commission and Council (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 and Council 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).

Note that the Planning 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. The Council did not discuss this but does uphold the Commission’s recommendations as embodied in this decision.

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Council approves 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 zoning district (currently R7) shall be maintained and are 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.

Rick Scholl, Mayor

Date