

City of St. Helens
ORDINANCE NO. 3281

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN
PROPERTY LOCATED SOUTHEAST OF THE INTERSECTION OF PITTSBURG
ROAD AND MEADOWVIEW DRIVE

WHEREAS, applicant Jeanne Morain has requested to annex to the City of St. Helens certain property located southeast of the intersection of Pittsburg Road and Meadowview Drive. This property is also described in **Exhibit A** and depicted per **Exhibit B**; and

WHEREAS, the applicant has consented in writing to the proposed annexation; and

WHEREAS, the applicant constitutes 1) all the owners of the property to be annexed, and 2) more than half of the owners of the property to be annexed own more than half of such property representing more than half of the assessed value pursuant to ORS 222.170(1); and

WHEREAS, the City Council must determine the incorporated Comprehensive Plan Map designation and the Zone Map designation; and

WHEREAS, appropriate notice has been given and a public hearing was held February 16, 2022 on the annexation proposal; and

WHEREAS, the Council has considered 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 this reference.

Section 2. The property described in **Exhibit A** and depicted in **Exhibit B** is hereby accepted for annexation to the City of St. Helens.

Section 3. The St. Helens Zoning Ordinance Map is hereby amended to reflect that the property described herein shall be zoned Moderate Residential (R7).

Section 4. The St. Helens Comprehensive Plan Map is hereby amended to reflect that the property described herein shall be designated as Suburban Residential (Incorporated).

Section 5. The land is classified as "Developing" in accordance with Chapter 17.112 of the St. Helens Community Development Code (SHMC Title 17) and OAR 660-08-0005.

Section 6. In support of the above annexation and amendments described herein, the Council hereby adopts the Annexation A.5.21 Findings of Fact and Conclusions of Law, attached hereto as **Exhibit C** and made part of this reference.

Section 7. 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: March 2, 2022
Read the second time: March 16, 2022

APPROVED AND ADOPTED this 16th day of March 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;

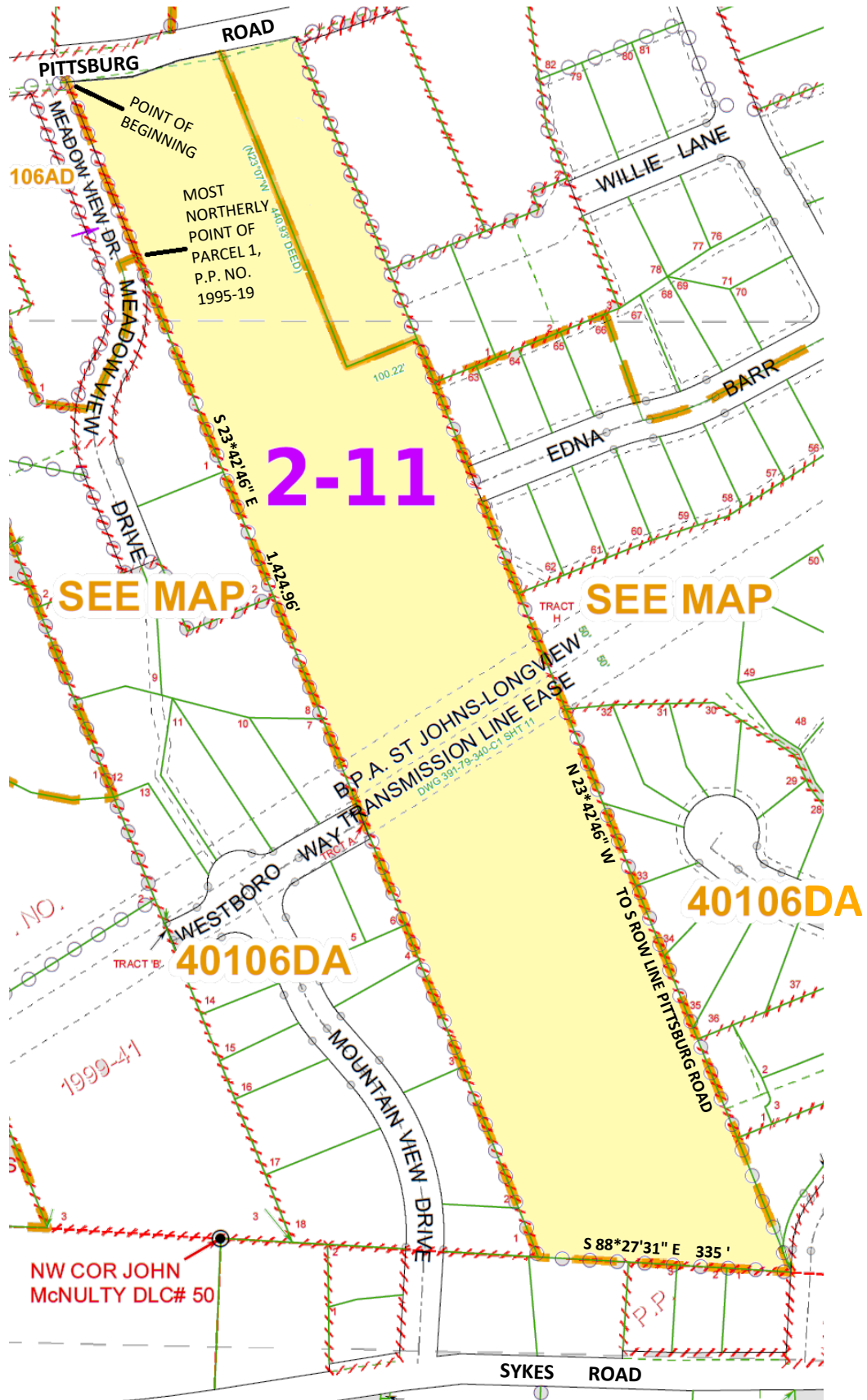
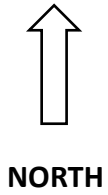
Thence, North 23°42'46" West to the southerly right-of-way line of Pittsburg Road;

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

ORD. NO. 3281 EXHIBIT B

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

COLUMBIA COUNTY



**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Annexation A.5.21**

APPLICANT: Jeanne Morain
OWNERS: Chieko Comstock
ZONING: Columbia County’s Single-Family Residential (R-10)
LOCATION: Southeast of the intersection of Pittsburg Road & Meadowview Drive
4N1W-6D-604 and 4N1W-6AD-2600
PROPOSAL: The property owner filed consent to annex because they would like to use the City’s development rules and connect to City utilities.

SITE INFORMATION / BACKGROUND

The subject property is made up of two undeveloped lots, one lot at 1-acre and one at 11 acres. Both lots abut Pittsburg Road to the north. Meadowview Drive abuts and follows the westerly property line for about 270 feet. Willie Lane, although not entirely developed as a street stub, has potential to connect to the property from the east side (See PP 2003-10). Edna Barr Lane (part of the Meadowbrook Subdivision Phase 4) is stubbed to the eastern property line too. About halfway through the property, there is a riparian area (R-MC-18) which has a 75’ upland protection zone. This stream divides the property approximately into two halves. The northern half slopes from Pittsburg Road to this stream gradually, and then very steeply once close. The southern half of the property is relatively flat. Just to the south of the stream, Westboro Way stubs to the west side of this property. Just south of Westboro Way, there are wetlands (MC-2) with a 50’ upland protection zone. These wetlands divide the southern half further into two halves, creating three distinct areas for development. The remaining southern third has potential to connect to Barr Avenue through via easement or by a mechanism that brings the public right-of-way to the property (i.e., right-of-way dedication or lot line adjustment).

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: January 11, 2022. Public hearing before the City Council: February 16, 2022.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on December 7, 2021 through their PAPA Online Submittal website.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property on December 17, 2021 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on December 29, 2021 in The Chronicle newspaper.

AGENCY REFERRALS & COMMENTS

Columbia County Land Development Services: Supports the annexation. The properties are within the City's UGB and are surrounded by incorporated properties on all sides.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.08.040 (1) – Quasi-judicial amendment and standards criteria

- (a) A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:
 - (i) The applicable comprehensive plan policies and map designation; and that the change will not adversely affect the health, safety, and welfare of the community; and
 - (ii) The applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197, until acknowledgment of the comprehensive plan and ordinances; and
 - (iii) The standards applicable of any provision of this code or other applicable implementing ordinance.
- (b) Consideration may also be given to:
 - (i) Any applicable evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

Discussion: (a)(i) The Comprehensive Plan designation for the subject property is Rural Suburban Unincorporated Residential (RSUR).

There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC. Note that SHMC 19.08.030 discusses public services and facilities and includes utility provisions (e.g., water and sewer) as well as services such as police and library. In sum, all services are intertwined; the consent to annexation allows connection to City sewer to support existing and future development on the subject property, and, once annexed, all other City services/facilities. By this process, the proposal complies with this aspect of the Comprehensive Plan.

Annexing this property creates no conflicts with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC. In addition, there is no known conflict with the addendums to the Comprehensive Plan which includes Economic Opportunities Analysis (Ord. No. 3101), Waterfront Prioritization Plan (Ord. No. 3148), the Transportation Systems Plan (Ord. No. 3150), the Corridor Master Plan (Ord. No. 3181), the Parks & Trails Master Plan (Ord. No. 3191), the Riverfront Connector Plan (Ord. No. 3241), and the Housing Needs Analysis (Ord. No. 3244). **However, there are Comprehensive Plan policies and the Housing Needs Analysis does apply to the applicable designation and zoning district for annexation. These are discussed further below.**

There is no evidence that this proposal will be contrary to the health, safety, and welfare of the community.

(a)(ii) The City’s Comprehensive Plan has been adopted by the State, thus, the applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197 do not need to be analyzed per this section.

(a)(iii) In addition, Section 3 of the City’s Charter states that “annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate.” However, during the 2016 Legislative Assembly, Senate Bill 1578 was passed. It states that a City shall annex the territory without submitting the proposal to the electors if certain criteria are met:

1. Property is within the UGB
2. Property will be subject to the City’s Comprehensive Plan
3. Property is contiguous to the City limits or is separated by only a public right of way or body of water
4. Property conforms to all other City requirements

This property is within the UGB, will be subject to the City’s Comprehensive Plan, and is contiguous to the City limits on three sides. As this proposal meets these criteria, this property will **not** be subject to a majority vote among the electorate.

Other provisions applicable to this proposal are discussed elsewhere herein.

(b) There is no evidence of a change in neighborhood, or mistake or inconstancy in the Comprehensive Plan or Zoning Map.

Finding: The quasi-judicial amendment and standards criteria are met.

SHMC 17.08.060 – Transportation planning rule compliance

- (1) Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060 (the Transportation Planning Rule (“TPR”). “Significant” means the proposal would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (i) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
 - (iii) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Amendments That Affect Transportation Facilities. Comprehensive plan amendments, zone changes or land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:

- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060.
 - (c) Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
 - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (3) Traffic Impact Analysis. A traffic impact analysis shall be submitted with a plan amendment or zone change application, as applicable, pursuant to Chapter 17.156 SHMC.

Discussion: This section reflects State law regarding the Transportation Planning Rule (TPR): 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. **Current zoning of the property is Columbia County’s Single-Family Residential (R-10) and the City’s default zoning options are Moderate Residential (R7) or Suburban Residential (R10).**

Generally, when comparing potential land use impact on transportation facilities, the *reasonable worst case scenario* for the existing and proposed designation/zone are considered. The potential land uses are very similar for both the City and County for R7 and R10 zoning districts. In addition, the City’s zoning is comparable to the County with regards to the possible intensity of uses allowed and potential vehicular trips generated. Thus, this proposal will not affect an existing or planned transportation facility.

There are *special considerations* for zoning properties R5 or AR upon annexation. These are discussed under SHMC 17.28.030 (2) below. City R5 and AR zoning allows 5,000 and 4,000 square feet, respectively, for single-family dwellings, while County R-10 zoning requires 10,000 square feet. For purposes of the TPR, this is doubles the potential intensity of use of the property. If R5 or AR zoning is considered for all or a portion of the subject property as part of this annexation, a transportation impact analysis would be warranted. No such analysis has been provided to support AR or R5 zoning. However, the city will have the opportunity to require a traffic impact analysis with any future subdivision proposal too.

Finding: Transportation facilities will not be significantly affected by this proposal, as the Council selected R7 zoning for the entire property.

SHMC 17.28.030(1) – Annexation criteria

- (a) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
- (b) Comply with comprehensive plan amendment standards and zoning ordinance amendment standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and
- (c) Complies with state laws; and

- (d) Abutting roads must meet city standards or property owner will be required to sign and record an irrevocable consent to local improvement district; and
- (e) Property exceeding 10 acres in gross size must show a need on the part of the city for such land if it is designated residential (e.g., less than five years' supply of like designated lands in current city limits).

Discussion: (a) Water – City water is available adjacent to the property in multiple locations: within Pittsburg Road, stubbed at Westboro Way to the west, stubbed at Edna Barr Lane to the east, located along Meadowview Drive and along Barr Avenue.

Regarding capacity, the City's current water capacity is 6 million gallons/day and the peak flow, usually in the summer, is 3 to 4 million gallons/day. Additionally, the City has the capacity of approximately 10 million gallons to meet future demands. Any additional uses that occur on the subject property can be accommodated by the City's municipal water system as infrastructure has substantial capacity available.

Sewer – City sanitary sewer is available to the property in multiple locations: stubbed at Westboro Way to the west and stubbed at Edna Barr Lane and along Barr Avenue to the east. Within Pittsburg Road, the sanitary sewer is located approximately 615 feet away from the edge of the subject property.

With regards to capacity, the City's wastewater treatment plant currently has a daily limit (physically and as permitted by DEQ) to handle over 50,000 pounds of Biochemical Oxygen Demand (BOD) and a monthly average limit of 26,862 pounds. This is the "loading" or potency of the wastewater received by the plant. The average daily BOD is well below this at only 1,500 pounds. Thus, any potential uses that occur on the subject property can be accommodated by the City's sanitary sewer system as infrastructure is in place and there is substantial capacity available.

Transportation - Transportation facilities will not be significantly affected by this proposal assuming with R7 zoning. Given the size of the property, a traffic impact analysis is likely to be required at the time of application for land division (e.g., subdivision).

Finding: Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area.

(b) The land use of the subject property is entirely vacant. Zoning considerations are discussed under SHMC 17.28.030(2) below.

Finding: There is no known conflict with the Comprehensive Plan and implementing ordinances.

(c) With regards to Oregon Revised Statutes (ORS), city annexations of territory must be undertaken consistent with ORS 222.111 to 222.183.

Pursuant to ORS 222.111(1), a City may only annex territory that is not within another City, and the territory must either be contiguous to the annexing City or be separated from the City only by

a body of water or public right-of-way. The subject property is not within another City's jurisdiction and City of St. Helens corporate limits lies on the east, south, and west of the subject property.

Although undertaking an annexation is authorized by state law, the manner in which a city proceeds with annexation is also dictated in the city charter. ORS 222.111(1) references a city's charter as well as other ORS. St. Helens' Charter requirements pertaining to annexations are noted above.

Per ORS 222.111(2) an annexation may be initiated by the owner of real property or the city council. This annexation request was initiated by the property owner. Further, ORS 222.125 requires that that all property owners of the subject property to be annexed and at least half of the electors residing on the property consent in writing to the annexation. These documents were submitted with the annexation application.

ORS 197.175(1) suggests that all annexations are subject to the statewide planning goals. The statewide planning goals that could technically apply or relate to this proposal are Goals 1, 2, 10, 11 and 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 also required. 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.

Generally, Goal 2 requires that actions related to land use be consistent with acknowledged Comprehensive Plans and coordination with affected governments and agencies and be based on an adequate factual base. The City has an adopted Comprehensive Plan, compliance of this proposal which is addressed herein. Moreover, explanation and proof of coordination

with affected agencies and factual base are described herein, as well, including inventory, needs, etc.

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.

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. Bubbled in red reflects the surplus of low density lands, medium density lands, and deficit of high density lands. These numbers reflect a projection of residential land needs accommodating a 20-year housing demand forecast (from 2019).

Low density lands include:
R10 and R7 zoning

Medium density lands include:
R5 and MHR

High density lands include:
AR zoning

Since the fundamentals of the Housing Needs Analysis (HNA) are met, the City Council was not compelled to select AR or R5 zoning, and instead considered R7 or R10 which was consistent with surrounding development and zoning.

Demographic broad spectrum housing availability in both quantity and variety of type.

As shown by the table below, both R5 and AR allow both attached single-family dwellings and multifamily development (3 or more units), that the R10 and R7 zones do not allow. Further discussion of zoning is under SHMC 17.28.030 (2) below.

TABLE: P = Permitted N = Not allowed C = Conditionally Permit

Current Residential Uses by Zoning District – December 2021

Zone Use	R10	R7	R5	AR	MHR	MU	RD, Marina	RD, Plaza	RD, Mill	HBD	GC	HC	LI	HI	PL
Detached SFD	P	P	P	P	P	P	N	N	N	P	N	N	N	N	N
Attached SFD	N	N	P	P	N	P	N	N	P	P	N	N	N	N	N
Manf Home	P	P	P	P	P	P	N	N	N	P	N	N	N	N	N
M Home Park	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N
Duplex	P	P	P	P	P	P	N	N	N	P	N	N	N	N	N
Multifam (3+)	N	N	C	P	C	C	C	N	P	C	C	N	N	N	N
ADU / 2 nd Detached SFD	P	P	P	P	P	P	N	N	N	P	N	N	N	N	N
RV Park	N	N	N	N	C	C	C	N	N	N	C	C	C	C	C
Above DU	N	N	N	N	N	P	P	P	P	P	P	C	N	N	N
Cottage Clust	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

Statewide Planning Goal 11: Public Facilities and Services.

Goal 11 requires cities and counties to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The goal requires that urban and rural development be "guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."

City sanitary sewer and water capacities are adequate to serve the subject property. This is explained above. The existing development is adequately served.

Statewide Planning Goal 12: Transportation.

Goal 12 requires cities, counties, metropolitan planning organizations, and ODOT to provide and encourage a "safe, convenient and economic transportation system." This is accomplished through development of Transportation System Plans based on inventories of local, regional and state transportation needs. Goal 12 is implemented through OAR 660, Division 12, also known as the Transportation Planning Rule ("TPR"). The TPR contains numerous requirements governing transportation planning and project development.

Traffic impacts and the City's provisions that address the TPR are explained above. This proposal will not significantly affect an existing or planned transportation facility if zoned R7 or R10.

(d) The subject property has access off Pittsburg Road which lacks frontage improvements abutting the property. Pittsburg Road is a county-jurisdiction road and is classified as a minor arterial. The existing right-of-way for minor arterials is 60' which is not met. Some sections of Pittsburg Road abutting this property are at 40' and some are at 50'. **However, this property not the subject of a current development land use review, which provides the legal nexus and proportionality to require such frontage improvements or right-of-way dedications.** As such, no improvements are warranted with this proposal. At the time of future land division and/or development, these items would be considered.

(e) The subject property is greater than 10 acres in size and will be zoned residential. Therefore, this criterion requires that a "need" of the annexation for the city. Need in the context of this criterion is not defined (and not explicitly related to the Housing Needs Analysis), except one example is given (i.e., less than 5 years' supply) in the criterion.

Per a Oregon Housing and Community Services publication Building on New Ground: Meeting Oregon's Housing Need (February 2021) <https://www.oregon.gov/ohcs/about-us/Documents/RHNA/02-21-2021-ECONW-OHCS.pdf>:

In the last few years, the region's housing affordability crisis has deepened. The 2020 wildfire season destroyed entire communities, resulting in the loss of 4,000 homes. The COVID crisis has resulted in growing unemployment and economic uncertainty, which, without further policy intervention, will accelerate economic inequities and increase the number of households facing housing instability and homelessness. Population continues to increase in the region.

Over the next 20 years, Oregon will need about 584,000 total new homes. Nearly one quarter of these units are needed now to accommodate today's population. These roughly 140,000 homes would overcome Oregon's chronic underproduction of housing, house those who are currently experiencing homelessness, and add supply to the overall market to increase housing choice and reduce cost burdening for low-income households.

To begin making progress toward this need, over the next five years, the state would need to add between 145,000 and 195,000 units. In other words, Oregon's housing developers would need to produce between 30,000 units and 40,000 units every year. Over the past 5 years, Oregon has seen an average of just 20,000 units per year. Our state would need to increase its total production of housing by at least 50 percent, and as much as double production to tackle underproduction in the near term.

This land remaining in the County and not utilizing the city's standards for urban density does not support addressing this trend. There is an undisputed need for housing in the region.

Another need are proper street connections. Several streets stub to the subject property. At least two of these: Willie Lane and Edna-Barr Lane are "dead-end" streets greater than 150 feet with no fire turn around meeting any acceptable standards. A subdivision with urban density will help resolve this: the land division will warrant consideration of street extensions within the site and the urban density will make street extensions/development more feasible.

In addition to housing need and transportation need, the Planning Commission also considered that even though the gross acreage of the property is 12 acres, much is encumbered with sensitive lands. When the wetlands, riparian area, and upland protection zones are removed, the net developable acreage is less than 10 acres, which the Commission argued would make this criterion not applicable to the property. However, the criterion explicitly notes gross size, so staff does not recommend relying on this finding by the Commission alone.

Finding: There is a need for both housing at urban densities and transportation improvements.

SHMC 17.28.030 (2) – Annexation criteria

The plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's comprehensive plan map designation.

Discussion: The Comprehensive Plan designation is currently Rural Suburban Unincorporated Residential (RSUR). Upon annexation, the subject property's Comprehensive Plan designation shall be Suburban Residential (Incorporated) SR.

The City's zoning options upon annexation are R7, R10, or under *special circumstances*, R5 or AR. See SHMC 19.12.060(2)(c) below for the special circumstances.

Per SHMC 19.12.060 Rural Suburban Unincorporated Residential Goals and Policies:

- (1) Goals. To provide sufficient area for urban development that will accommodate a variety of housing types.
- (2) Policies. It is the policy of the city of St. Helens to:

- (a) Work with the county on partition and subdivision applications for these lands to ensure that they are divided in a manner that does not hinder future urbanization.
- (b) Zone the rural suburban-unincorporated residential at R7 or R10 upon annexation to the city unless circumstances listed in subsection (2)(c) of this section exist.
- (c) Consider zoning lands with the rural suburban-unincorporated residential category for R5 or AR if the following conditions are found:**
 - (i) The parcel is vacant and larger than two acres in size.**
 - (ii) The carrying capacity of the public services, including but not limited to streets, sewer, and water, are sufficient for higher density development.**
 - (iii) The county and city determine, due to the pattern of development in the city and within the urban growth area, that other lands are more appropriate for these designations.**

The parcel is larger than two acres in size and the public services are available. The City Council may consider if this area warrants higher density than R7 or R10 by looking at the pattern of development in the City and within the Urban Growth Boundary.

Things to consider in relation to the zoning of the property:

- 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).
- However, as noted above, R5 or AR may have an impact on the transportation system (not known without a study). A TIA would be needed as part of this annexation for R5 or AR to be considered. No study is in the record. Note that a TIA would still be required at the time of any future subdivision of 25 or more lots, which is possible for this larger property.
- R5 and AR not only allow higher densities, but also allow uses that are *not* already allowed in surrounding neighborhoods (attached single-family dwellings).
- All surrounding zoning is R10 or R7 which are similar to the types of residential uses allowed. The default zoning for this property would be R10 zoning at the northly half of the property with R7 zoning to the south, using the BPA easement as the dividing line, roughly. Another option that Council could consider while remaining consistent with the surrounding development in the types of housing allowed, would be R7 for the entire site (with no split).
- 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 three 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.

SHMC 17.112.020 – Established & Developed Area Classification criteria

- (1) Established Area.
 - (a) An “established area” is an area where the land is not classified as buildable land under OAR 660-08-0005;
 - (b) An established area may include some small tracts of vacant land (tracts less than an acre in size) provided the tracts are surrounded by land which is not classified as buildable land; and
 - (c) An area shown on a zone map or overlay map as an established area.
- (2) Developing Area. A “developing area” is an area which is included in the city’s buildable land inventory under the provisions of OAR except as provided by subsection (1)(b) of this section.

Discussion: OAR 660-008-0005 classifies *buildable land* as:

Residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered “suitable and available” unless it:

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year flood plain; or
- (e) Cannot be provided with public facilities.

OAR 660-008-0005 generally defines “Buildable Land” as vacant residential property not constrained by natural hazards or resources, and typically not publicly owned. There are areas on the property which are subject to natural resource protection measures (locally significant wetlands and riparian areas). However, there is still ample land classified as buildable for it to be deemed “developing.”

Finding: The subject property should be designated as a “developing area.”

CONCLUSION & DECISION

Based upon the facts and findings herein and the recommendations of staff and the Planning Commission, the City Council approves this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Suburban Residential (Incorporated) SR, be zoned Moderate Residential (R7) and be designated as “developing.”

*This annexation will **not** be subject to voter approval subsequent to this land use process.*

Rick Scholl, Mayor

Date