



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: October 23, 2015

Jurisdiction: City of St. Helens

Local file no.: ZA.2.15

DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/22/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 41 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 003-15 {23893}

Received: 10/22/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of St. Helens

Local file no.: **ZA.2.15**

Date of adoption: Oct. 21, 2015

Date sent: Oct. 22, 2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): July 24, 2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Yes. For residential uses in the HBD zone, instead of creating different non-conforming rules, the city made residential uses on the ground level permitted uses or conditional uses depending on the type.

Local contact (name and title): Jacob Graichen

Phone: (503) 366-8204

E-mail: jacob@ci.st-helens.or.us

Street address: 265 Strand Street

City: St. Helens

Zip: 97051-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Section SHMC 17.32.175, Houlton Business District. Section 17.80.065, Storage in front yard (changed to "Storage related to residential uses and use of recreational vehicles related to residential uses). New Section 17.80.066, Use of recreational vehicles related to non-residential uses.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

City of St. Helens
ORDINANCE NO. 3197

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL
CODE CHAPTERS 17.32 AND 17.80

WHEREAS, pursuant to St. Helens Municipal Code 17.20.020(1)(c) the Planning Director initiated a legislative change to adopt text amendments to the Community Development Code (St. Helens Municipal Code Title 17); and

WHEREAS, pursuant to the St. Helens Municipal Code and Oregon Revised Statutes, the City has provided notice to: the Oregon Department of Land Conservation and Development on July 1, 2015 and July 24, 2015, all property owners within the Houlton Business District zoning district listed in the Columbia County Tax Assessor records on July 21, 2015, and the local newspaper of record on July 29, 2015; and

WHEREAS, the St. Helens Planning Commission did hold a duly noticed public hearing on August 11, 2015 which was continued to September 8, 2015, and, following deliberation, made a recommendation of approval to the City Council; and

WHEREAS, the St. Helens City Council conducted a public hearing on September 16, 2015 and having the responsibility to approve, approve with modifications, or deny an application for a legislative change, has deliberated and found that based on the information in the record and the applicable criteria in the SHMC that the code amendments be approved.

NOW, THEREFORE, THE CITY OF ST. HELENS ORDAINS AS FOLLOWS:

Section 1. The above recitations are true and correct and are incorporated herein by reference.

Section 2. The City of St. Helens Municipal Code (Development Code) is hereby amended, attached hereto as **Attachment "A"** and made part of this reference.

Section 3. In support of the code amendments described herein, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Attachment "B"** and made part of this reference.

Section 4. Severability. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be servable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 5. Provisions of this Ordinance shall be incorporated in the St. Helens Municipal Code and the word "ordinance" may be changed to "code," "article," "section," or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that Whereas clauses and boilerplate provisions need not be codified.

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: October 7, 2015
Read the second time: October 21, 2015

APPROVED AND ADOPTED this 21st day of October, 2015 by the following vote:

Ayes: Locke, Carlson, Conn, Morten, Peterson

Nays: None



Randy Peterson, Mayor

ATTEST:



Kathy Payne, City Recorder

underline words are added
~~words stricken~~ are deleted

**CHAPTER 17.32
 ZONED AND USES**

[...]

17.32.175 Houlton business district – HBD.

[...]

(2) Uses Permitted Outright. In the HBD zone, the following uses are permitted outright, subject to the modifications to development standards and conditions as specified herein and all other applicable provisions of this code as noted under additional requirements:

(a) Historic residential structures (as listed in the comprehensive plan) with or without any auxiliary dwelling unit per Chapter 17.128 SHMC, and nonresidential historic structures (as listed in the comprehensive plan).

(b) Dwellings: single detached or attached, duplexes, and dwellings above permitted uses.

~~(b) Residential above Nonresidential Permitted Uses.~~

~~(i) Dwelling, single family.~~

~~(ii) Dwelling, duplex.~~

~~(iii) Dwelling, townhouse.~~

~~(iv) Dwelling, multifamily.~~

~~(v) Other residential uses as per ORS Chapter 443.~~

(c) Public and institutional uses.

(d) Amphitheater public uses.

(e) Historical and cultural exhibits.

(f) Education and research facilities.

(g) Library services.

(h) Government administrative facilities/ offices.

(i) Lodge, fraternal and civic assembly.

(j) Parking lots, public.

(k) Public facilities, minor.

(l) Public facilities, major.

(m) Public or private park.

(n) Public or private recreation facilities.

(o) Public or private schools/colleges.

(p) Public safety and support facilities.

(q) Artisan workshops.

(r) Art studios, galleries.

(s) Amusement services.

(t) Bars.

(u) Bed and breakfast facilities.

(v) Business and personal services, such as barber shops, beauty shops, tailors, laundries,

printing, and locksmiths.

- (w) Eating and drinking establishments – all (e.g., restaurant, diner, coffee shop).
- (x) Offices – all (e.g., medical, business or professional).
- (y) Financial institutions.
- (z) Hardware stores, without outdoor storage.
- (aa) Health and fitness clubs.
- (bb) Hotels or motels.
- (cc) Kiosks.
- (dd) Pawn shops.
- (ee) Pet shop and supplies.
- (ff) Repair and maintenance facilities/shops for permitted retail products.
- (gg) Rental centers.
- (hh) Residential storage facilities (in conjunction with three or more dwelling units).
- (ii) Retail sales establishments – all.
- (jj) Small equipment sales, rental and repairs facilities/shops, without outside storage.
- (kk) Theaters, indoors.
- (ll) Trade and skilled services without outdoor storage, such as plumbing, HVAC, electrical, and paint sales/services facilities/shops.
- (mm) Type I and II home occupation (per Chapter 17.120 SHMC).
- (nn) Used product retail (e.g., antique dealers, secondhand dealers, flea markets).
- (oo) Veterinary medical services, without outdoor facilities for animal housing.
- (pp) Transient housing.
- (qq) Watercraft sales, rental, charters, without outdoor storage.
- (rr) Car washes.
- (ss) Produce stands.
- (tt) Shopping centers and plazas.
- (uu) Residential facility.
- (pp) Residential home.

(3) Conditional Uses. In the HBD zone, the following conditional uses may be permitted upon application, subject to provisions of Chapter 17.100 SHMC and other relevant sections of this code:

- (a) Auction sales, services and repairs.
- (b) Auxiliary dwelling units.
- ~~(b)~~ (c) Broadcast facilities without dishes over 36 inches or transmitter/receiver towers.
- ~~(e)~~ (d) Bus and train stations/terminals.
- ~~(d)~~ (e) Business with outdoor storage (those businesses permitted in permitted uses).
- ~~(e)~~ (f) Child care facility/day nursery.
- ~~(f)~~ (g) Drive-up businesses and services (including those associated with food sales, pharmacies and such).
- (h) Dwellings on same level as nonresidential use.
- ~~(g)~~ (i) Funeral homes.
- ~~(h)~~ (j) Hospitals, clinics, nursing homes, and convalescent homes.
- ~~(i)~~ (k) Laundromats and dry cleaners.
- ~~(j)~~ (l) Marijuana retailer and/or medical marijuana dispensary.
- (m) Multidwelling units.

- ~~(k)~~ (n) Religious assembly, excluding cemeteries.
- ~~(l)~~ (o) Parking lots/facilities, private.
- ~~(m)~~ (p) Nurseries and greenhouses.
- ~~(n)~~ (q) Vehicle repair, service, and sales.

(4) Standards Applicable to All Uses. In the HBD zone, the following standards and special conditions shall apply and shall take precedence over any conflicting standards listed in this code:

[...]

(o) Notwithstanding the standards of subsections (4)(a) through (n) of this section, these residential uses per subsections (5)(a)(i) and (ii) of this section are subject to the following:

- (i) Single-dwelling units, attached or detached, and duplexes shall comply with the R-5 standards; and
- (ii) Multidwelling units shall comply with AR standards.

[...]

(5) Special Conditions Permitted and Conditional Uses.

~~(a) Any residential use is prohibited at or below the first floor of any building in the HBD zone, except for the following:~~

~~(i) Historic residential structures (listed in the city's comprehensive plan and/or registered and recognized by the state or federal government); or~~

~~(ii) Any residential use at or below the first floor of a building legally established at the time of adoption of this zoning district may continue as a conforming use, provided the type of residential use does not change (e.g., additional dwelling units shall not be allowed). Conformance is lost if the first floor (or below) residential use is "discontinued or abandoned" (as defined by Chapter 17.104 SHMC) for any reason for a period of six months, or immediately following a lawful change of use. Once conformance is lost, any residential use at or below the first floor of any building on that property shall be prohibited.~~

~~(b) (a) Residential density above permitted uses shall be based on the standard of one dwelling unit for each full 500 interior square feet of nonresidential use provided. Outdoor dining areas and similar permitted outdoor uses may only be included in the calculation when such areas are not located within a right-of-way.~~

~~(c) (b) Outdoor storage of goods and materials must be screened.~~

~~(d) (c) Outdoor display of goods and materials for retail establishments is permitted on private property in front of the retail establishment, provided such displays do not block safe ingress and egress from all entrances, including fire doors. In addition, outdoor display goods and materials shall be properly and safely stored inside during nonbusiness hours. No outdoor display may block safe pedestrian or vehicular traffic. Outdoor displays shall not encroach in public rights-of-way, including streets, alleys or sidewalks, without express written permission of the city council.~~

~~(e) (d) Kiosks may be allowed on public property, subject to the approval of a concession agreement with the city.~~

(6) Additional Requirements.

(a) Residential Density Transition. The residential density calculation and transition provisions of Chapter 17.56 SHMC shall not apply to the HBD zone for residential uses above permitted uses. Densities are determined for residential uses by the formula in subsection (5)(b)(a) of this section.

[...]

CHAPTER 17.80 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

[...]

- 17.80.060 On-site vehicle stacking areas required for drive-in use.
- 17.80.065 Storage in front yard related to residential uses and use of recreational vehicles related to residential uses.
- 17.80.066 Use of recreational vehicles related to non-residential uses.
- 17.80.070 Loading/unloading driveways required on site.

[...]

17.80.065 Storage in front yard related to residential uses and use of recreational vehicles related to residential uses.

Boats, trailers, campers, camper bodies, travel trailers, recreation vehicles, or commercial vehicles in excess of three-fourths-ton capacity may be stored ~~in a required front yard on a property~~ in a residential zone or other property with a lawful residential use subject to the following:

(1) No such unit shall be parked in a visual clearance area of a corner lot or in the visual clearance area of a driveway which would obstruct vision from an adjacent driveway or street;

(2) No such unit, regardless of whether or not it is within a building, shall be used for any living purposes except that one camper, house trailer or recreational vehicle may be used for sleeping purposes only by friends, relatives, or visitors on land entirely owned by or leased to the host person for a period not to exceed 14 days in one calendar year; provided, that such unit shall not be connected to any utility, other than temporary electricity hookups; and provided, that the host person shall receive no compensation for such occupancy or use; ~~and~~

(a) This provision does not apply to lawful land uses that specially allow occupancy of a recreational vehicle, such as travel trailer parks per the Development Code or per ORS 197.

(3) Any such unit ~~parked in the front yard~~ visible from a public right-of-way shall have current state license plates or registration and must be kept in mobile condition; and

(4) The property shall have a lawful principle use.

17.80.066 Use of recreational vehicles related to non-residential uses.

Except where specifically allowed by the Development Code (e.g., travel trailer parks) and per ORS 197, use of recreational vehicles for any living purposes is prohibited on property with non-residential zoning or without a lawful residential use. Parking or storage is possible given compliance with the St. Helens Municipal Code.

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Development Code Amendments ZA.2.15**

APPLICANT: City of St. Helens
LOCATION: All areas within the Houlton Business District, HBD & city wide
PROPOSAL: Amendment to zoning law and residential use, and RV usage

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

PUBLIC HEARING & NOTICE

Hearing dates are as follows: August 11, 2015 before the Planning Commission, continued to September 8, 2015. September 16, 2015 before the City Council.

Notice of this proposal was sent to those who own property zoned Houlton Business District, HBD on July 21, 2015 via first class mail. Notice was sent to agencies by mail or e-mail on July 20, 2015 and July 24, 2015. Notice was published in the The Chronicle on July 29, 2015. Notice was sent to the Oregon Department of Land Conservation and Development on July 1, 2015, with a revision sent on July 24, 2015.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no agency referrals/comments were received that are pertinent to the analysis of this proposal.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.20.120(1) – Standards for Legislative Decision

The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:

- (a) The statewide planning goals and guidelines adopted under ORS Chapter 197;
- (b) Any federal or state statutes or guidelines found applicable;
- (c) The applicable comprehensive plan policies, procedures, appendices and maps; and
- (d) The applicable provisions of the implementing ordinances.

(a) Discussion: This criterion requires analysis of the applicable statewide planning goals. The applicable goals in this case are Goal 1 and Goal 2.

Finding(s):

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. The City has met these requirements and notified DLCDC of the proposal. In addition, the City has sent notice to property owners potentially impacted by the proposed changes in land uses allowed on property as required by ORS 227.186.

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., DLCDC) coordinated with regard to the adoption of this proposal. The City notified DLCDC 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

(b) Discussion: This criterion requires analysis of any applicable federal or state statutes or guidelines in regards to the HBD zone amendments.

With regards to the recreational vehicle amendments, ORS 197.475-197.493 provides state policy for mobile homes, manufactured dwelling and recreational vehicle parks. ORS 197.475 summarizes the intent:

ORS 197.475 Policy.

The Legislative Assembly declares that it is the policy of this state to provide for mobile home or manufactured dwelling parks within all urban growth boundaries to allow persons and families a choice of residential settings.

The ORS further clarifies the inclusion of RV's for living purposes under certain circumstances:

ORS 197.493 Placement and occupancy of recreational vehicle.

(1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

- (a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
- (b) Occupied as a residential dwelling; and
- (c) Lawfully connected to water and electrical supply systems and a sewage disposal system.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

The City already has rules about RV's, but clearer language is necessary for enforcement purposes when issues arise. The changes still allow RV usage per ORS 197.493, which allows RVs to locate in manufactured/mobile home parks and RV parks. Looking at the City's Development Code, **manufactured/mobile home parks are possible as a *permitted use* in the following zoning district:**

- Mobile Home Residential, MHR

RV parks are possible as a *conditional use* in the following zoning districts:

- Mobile Home Residential, MHR
- Mixed Use, MU
- Highway Commercial, HC
- General Commercial, GC
- Marine Commercial, MC
- Light Industrial, LI
- Heavy Industrial, HI
- Public Lands, PL

Based on the City's zoning, there is good potential to have designated locations where RV's can be used for living purposes.

Finding: There are no known applicable federal or state statutes or guidelines applicable to the amendments specific to the HBD zone. The proposed amendment applicable to RVs doesn't conflict with State law.

(c) Discussion: This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices and maps.

Finding: The Comprehensive Plan designation for areas zoned HBD is General Commercial, GC. The designation is not a residential category. The general commercial policies are worth noting as they emphasize commercial land uses. Per SHMC 19.12.070(2):

- (a) Encourage new commercial development in and adjacent to existing, well-established business areas taking into account the following considerations:
 - (i) Making shopping more convenient for patrons,
 - (ii) Cutting down on street traffic,
 - (iii) Maximizing land through the joint use of vehicular access and parking at commercial centers, and
 - (iv) Encouraging locations that enjoy good automobile access and still minimize traffic hazards.
- (b) Designate sufficient space for business so that predictable commercial growth can be accommodated and so that an adequate choice of sites exists.
- (c) Ensure that all commercial enterprises maintain sufficient off-street parking to accommodate their patrons, workers and loading requirements.
- (d) Emphasize and support existing town centers as business places.
- (e) Improve the general appearance, safety and convenience of commercial areas by encouraging greater attention to the design of buildings, parking, vehicle and pedestrian circulation, and landscaping through a site design review procedure.
- (f) Preserve areas for business use by limiting incompatible uses within them.
- (g) Encourage a variety of retail shopping activities to concentrate in the core commercial areas to enhance their attractiveness for a broad range of shoppers; additionally, encourage in this area the development of public spaces such as broad sidewalks, small squares, etc., to facilitate easy, safe, pleasant pedestrian circulation.
- (h) Encourage in-filling of vacant lands within commercial areas.

In addition, per SHMC 19.24.010, the City has an adopted economic opportunities analysis (EOA). The purpose of the EOA was to comply with Oregon Statewide Planning Goal 9 (Economic Development), which in part, requires cities to maintain adequate supplies of industrial and other employment lands to sustain economic activities. Though the EOA focuses more on industrial lands and was adopted in 2009 (during the Great Recession), it does note a shortage of commercial lands to some degree. However, this document is dated and of questionable/limited value today.

When the City created the Houlton Business District zoning district (file ZA.3.08), it prohibited residential use on the ground floor of all buildings as a way of protecting the Houlton commercial area from being overtaken by non-commercial development. Prior to the Great Recession, there was concern that the housing construction boom would overtake the commercial aspects of the Houlton area.

The current proposal is to incorporate the residential use treatment of the Mixed Use (MU) Zoning District into the Houlton Business District (HBD). The MU zone falls under the General Commercial Comprehensive Plan Map designation, just like the HBD zone and the General

Commercial (GC) zone. Below is a table comparing these three zoning districts and the Highway Commercial (HC) zoning district (which falls under the Highway Commercial Comprehensive Plan designation).

TABLE: Comparison of *current* residential use treatment for select zonings, all based on the commercial Comprehensive Plan map designations.

	MU	GC	HC	HBD
Detached SFD	P	.	.	Historic Only
Attached SFD	P	.	.	.
Duplex (2 units)	P	.	.	.
Multi-Dwelling (3+units)	C	C	.	.
Dwelling above 1st floor	P	P	C	P
Dwellings on same level as nonresidential use	C	.	.	.
Auxiliary Dwelling Unit	C	.	.	.

MU = Mixed Use Zone
 GC = General Commercial Zone
 HC = Highway Commercial Zone
 HBD = Houlton Business District Zone

The table above shows that the MU zone is the most liberal commercial-oriented zone in regards to treatment of residential uses. Having the HBD zone adopt such treatment complies with the Comprehensive Plan since the MU zone falls under the same Comprehensive Plan map designation (i.e., General Commercial designation). Thus, the potential for properties to be used for commercial purposes is preserved, while allowing residential use; this allows use flexibility based on market demand.

Compared to the HBD zone’s current residential use treatment, by allowing the existing ground floor residential uses to remain as conforming uses, they are less likely to fall into neglect, it helps promote pride of ownership, and helps to preserve what may be official future historic resources, but are currently “unofficial resources.” This means, that even though the buildings are not listed as “official,” their presence still has some historic and cultural value to the City. Tomorrows historic buildings are the ones being preserved today for future generations. And multiple existing dwelling falling into disrepair resulting in blight would not support the existing and future commercial uses in the area.

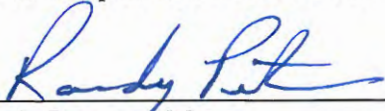
This proposal does not appear to conflict with the General Commercial Comprehensive Plan policies or other aspects of the Comprehensive Plan.

(d) Discussion: This criterion requires analysis of the applicable provisions of the implementing ordinances.

Finding: The proposal modifies the Development Code but findings as to other applicable implementing ordinances are not necessary.

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Council approves the proposed text amendment to the Development Code related to the HBD zone's treatment of residential use in Chapter 17.32 SHMC and RV related rules in Chapter 17.80 SHMC.



Randy Peterson, Mayor

10/21/15

Date