



Oregon
Theodore R. Kubongski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

9/14/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of St. Helens Plan Amendment
DLCD File Number 005-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, September 24, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Jacob Graichen/Skip Baker, City of St. Helens
Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA/

FORM 2

DLCD

Notice of Adoption

DEPT OF

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

SEP 04 2009
**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: **City of St. Helens** Local file number: **ZA.3.08**
 Date of Adoption: **September 2, 2009** Date Mailed: **September 3, 2009**
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **July 21, 2008**
 Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

This proposal is for a new zoning district specific to the Houlton area within the City of St. Helens. Current zoning of this area is generally General Commercial (GC) or Mixed Use (MU).

This proposal also involves a Comprehensive Plan and Zone Change of property lying north of the Houlton area. That property has a Comp Plan Designation of General Commercial and is zoned Mixed Use. It will be changed to a General Residential Comp designation and R5 zoning.

Does the Adoption differ from proposal? Yes, Please explain below:

Boundary changes & text refined.

Plan Map Changed from: **General Commercial** to: **General Residential**
 Zone Map Changed from: **CG & MU / MU** to: **HBD / R5**
 Location: **East side of Hwy 30; along Columbia Blvd and St. Helens St.** Acres Involved: **53**
 Specify Density: Previous: **n/a** New: **n/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No
 If no, do the statewide planning goals apply? Yes No
 If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

n/a

Local Contact: **Jacob A. Graichen**

Phone: (503) 366-8204 Extension: n/a

Address: **PO Box 278**

Fax Number: 503-397-4016

City: **St. Helens**

Zip: 97051

E-mail Address: **jacobg@ci.st-helens.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

City of St. Helens
ORDINANCE NO. 3110

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS COMPREHENSIVE PLAN MAP FOR CERTAIN PROPERTY FROM GENERAL COMMERCIAL TO THE GENERAL RESIDENTIAL DESIGNATION; AND TO AMEND THE CITY OF ST. HELENS ZONING DISTRICT MAP FOR CERTAIN PROPERTY FROM MIXED USE TO GENERAL RESIDENTIAL; AND TO AMEND THE CITY OF ST. HELENS ZONING DISTRICT MAP FOR CERTAIN PROPERTY FROM GENERAL COMMERCIAL AND MIXED USE TO HOULTON BUSINESS DISTRICT; AND TO AMEND THE ST. HELENS MUNICIPAL CODE, CHAPTER 17.32, ZONES AND USES.

WHEREAS, pursuant to SHMC 17.20.020(1)(c) the St. Helens Planning Director initiated a legislative change to the St. Helens Municipal Code, Title 17 (Community Development Code) to make regulatory changes to the Houlton (uptown) area; and

WHEREAS, pursuant to the SHMC and Oregon Revised Statutes, the City has provided notice to: the Oregon Department of Land Conservation and Development on July 21, 2008 and December 8, 2008; all property owners of the subject properties listed in the Columbia County Tax Assessor records on January 8, 2009 and June 12, 2009; all property owners within 300 feet of the subject properties listed in the Columbia County Tax Assessor records on January 8, 2009; and the local newspaper of record on January 21, 2009; and

WHEREAS, the St. Helens Planning Commission has conducted a public hearing on February 10, 2009 and, following deliberation, made a recommendation of approval to the City Council; and

WHEREAS, the St. Helens City Council has conducted public hearings on April 15, 2009 and July 15, 2009 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 proposed amendments be approved.

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 Comprehensive Plan Map is amended to change the boundaries of the General Commercial designation to the General Residential designation for the property described on **Attachment "A,"** attached hereto and made part of this reference.

Section 3. The City of St. Helens Zoning District Map is amended to change the zoning boundaries of the Mixed Use, MU, zone to the General Residential, R5, zone for the property described on **Attachment "A,"** attached hereto and made part of this reference.

Section 4. The City of St. Helens Zoning District Map is amended to change the zoning boundaries of the Mixed Use, MU, and General Commercial, GC, zones to the Houlton Business District, HBD, zone for the property described on **Attachment "A,"** attached hereto and made part of this reference.

Section 5. Chapter 17.32, Zones and Uses, of the St. Helens Municipal Code is hereby amended, attached hereto as **Attachment "B"** and made part of this reference.

Section 6. In support of the aforementioned amendments described herein, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Attachment "C"** and made part of this reference.

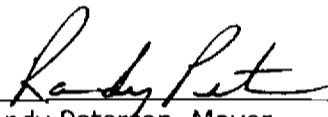
Section 7. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be servable.

Section 8. 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 9. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

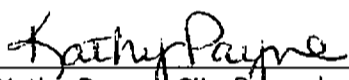
Read the first time: August 12, 2009
Read the second time: September 2, 2009

APPROVED AND ADOPTED this 2nd day of September, 2009.



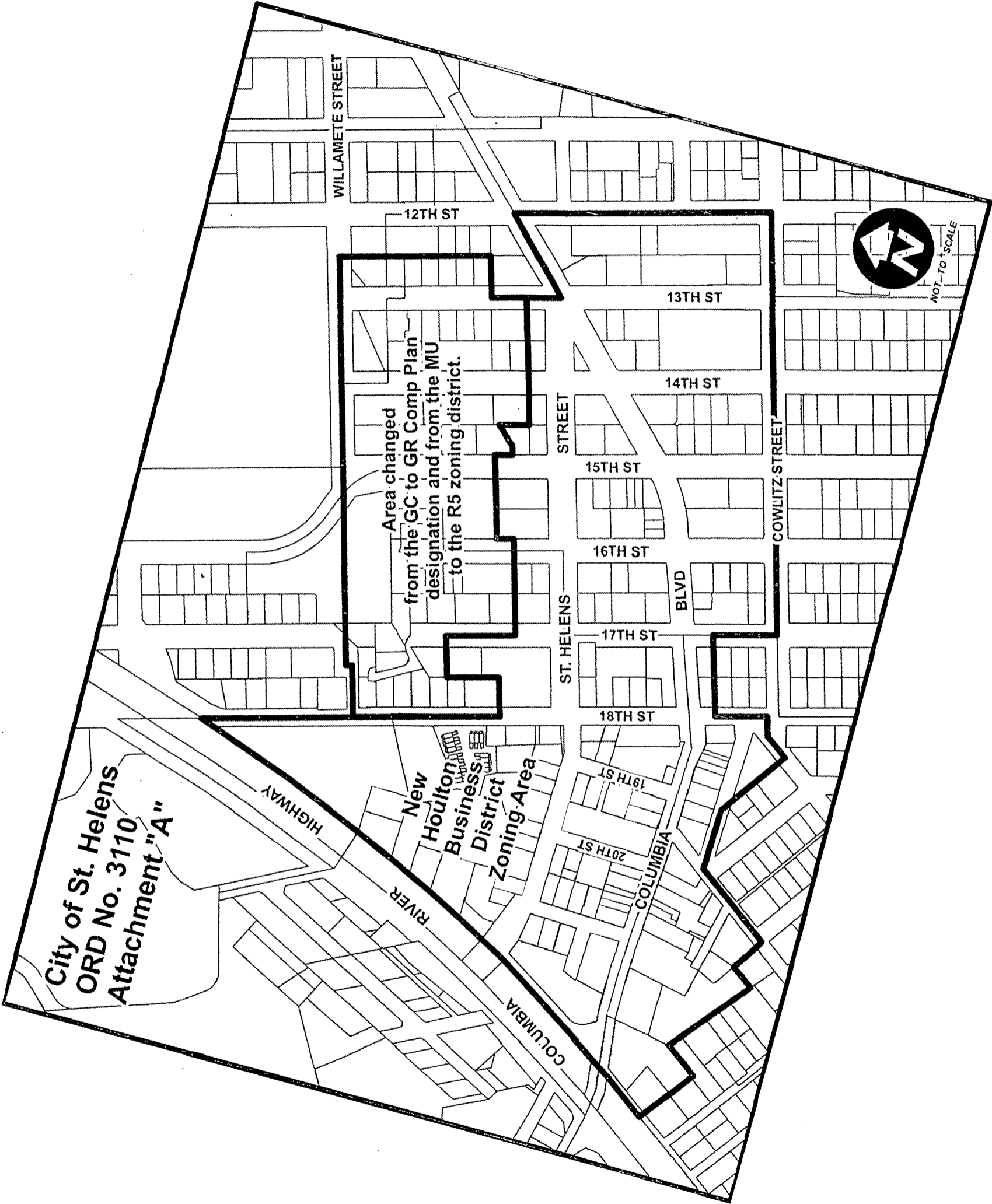
Randy Peterson, Mayor

ATTEST:



Kathy Payne, City Recorder

**City of St. Helens
ORD No. 3110
Attachment "A"**



WILLAMETE STREET

12TH ST

13TH ST

14TH ST

15TH ST

16TH ST

17TH ST

18TH ST

19TH ST

20TH ST

STREET

ST. HELENS

COWLITZ STREET

BLVD

COLUMBIA

COLUMBIA

RIVER

HIGHWAY

New Houlton Business District Zoning Area



NOT TO SCALE

SHMC 17.32.010 is expanded to include a zoning district within the City of St. Helens classified and designated as follows:

Houlton Business District HBD

The following section is added to SHMC Chapter 17.32:

17.32.175 Houlton Business District – HBD.

(1) Purposes. The HBD zone is intended to provide an innovative and flexible zoning category that may be used to implement the St. Helens comprehensive plan economic goals and policies and the strategic plan goals and policies for economic development. The strategy is to provide opportunities for traditional neighborhood design and mixed residential and commercial uses in the redeveloping Houlton area. The HBD zone is designed to preserve and revitalize older developed areas, by eliminating certain nonconformities, providing for more mixed use development in individual buildings, and other more flexible development regulations which acknowledge the developed nature of the properties involved. The location for the establishment of the HBD zone shall be targeted for existing developed areas, such as the existing commercial uptown, which could benefit from revitalization in the form of specific long-range planning, mixed uses and innovative development options and community improvement programs. The land use designations absorbed by the HBD zone include general commercial (GC) and mixed use (MU).

(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 non-residential historic structures (as listed in the Comprehensive Plan).

(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.

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

- (a) Auction sales, services and repairs.
- (b) Broadcast facilities without dishes over 36 inches or transmitter/receiver towers.
- (c) Bus and train stations/terminals.
- (d) Business with outdoor storage (those businesses permitted in permitted uses).
- (e) Child care facility/day nursery.
- (f) Drive-up businesses and services (including those associated with food sales, pharmacies and such).

- (g) Funeral homes.
- (h) Hospitals, clinics, nursing homes, and convalescent homes.
- (i) Laundromats and dry cleaners.
- (j) Religious assembly, excluding cemeteries.
- (k) Parking lots/facilities, private.
- (l) Nurseries and greenhouses.
- (m) 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.

(a) The maximum building height shall be 45 feet.

(b) The maximum lot coverage including all impervious surfaces shall be 90 percent; provided, however, for new construction or existing legally constructed buildings seeking new or revised development approvals, lot coverage may be increased up to 100 percent by payment of a lot coverage fee established by resolution of the city council. The lot coverage fee shall be deposited into the Houlton Business District community capital improvement account to offset loss of landscaping and open space in the HBD zone.

(c) There is no minimum lot size requirement.

(d) No minimum setback requirements applicable to all uses except for as required in Chapter 17.64 SHMC.

(e) The maximum front yard setback shall be zero feet. The maximum setback may be increased with the condition that 100 percent of the increased setback is used for pedestrian amenities with the building use, such as patio dining for restaurant, sidewalk cafe, plaza, or courtyard.

(f) Interior or Side Yard Setbacks. New buildings containing any nonresidential use abutting residential districts require one foot of setback for each foot of building wall height on the side abutting the residential zone, with a minimum setback of 10 feet. For yards abutting other nonresidential districts, no setback is required, subject to building code requirements. Note: Where the HBD zone abuts a residential zone and the uses are more than 30 feet above the proposed commercial use, then the height of the topography counts as part of the setback, e.g., 35-foot bluff behind a commercial building is same as 35-foot setback on that side.

(g) Rear Yard Setbacks. New buildings containing nonresidential uses abutting residential districts require one foot of setback for each foot of building wall height with a minimum setback of 10 feet (see above note). For yards abutting other nonresidential districts, no rear setback is required, subject to building code requirements.

(h) The minimum lot width at the street and building line shall be 20 feet.

(i) The minimum lot depth shall be 50 feet.

(j) Minimum open space shall be 10 percent, except when the lot coverage fee is paid as per subsection (4)(b) of this section.

(k) No maximum building size.

(l) No additional or new on-site parking is required for sites with existing development footprint coverage in excess of 50 percent of the site area (change of use or remodeling without a change to the existing footprint of existing development are also exempt).

(m) Except for subsection (4)(l) of this section, new development shall meet required on-site parking requirements with credit, on a one-for-one basis of parking spaces in rights-of-way

abutting the site. On-street parking (in rights-of-way) shall be based upon parallel parking or existing and fractions do not count. Moreover, parking standards shall be for normal sized vehicles, for the purpose of the parking credit.

(n) New development can buy out of on-site parking requirements by paying into the HBD community capital improvement account (a fund shall be designated for future HBD located parking facilities), an amount set by city council in a resolution.

(o) Notwithstanding the standards of SHMC 17.32.175(4)(a)-(n), residential uses per SHMC 17.32.175(5)(a)(i) and (ii) 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 HBZ zone, except for the following:

(i) Historic residential structures (listed in 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) Residential density above permitted uses shall be based on the standard of one dwelling unit for each full 500 interior square feet of non-residential 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) Outdoor storage of goods and materials must be screened.

(d) 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 non-business 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) 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) of this section.

(b) The Visual Clearance Area requirements of SHMC Chapter 17.76 do not apply to the Houlton Business District.

(c) Overlay district Chapter 17.148 SHMC, Planned Development, shall not apply to the HBD zone.

(d) Supplemental Provisions Chapters. These standards shall apply except as modified herein:

- (i) Chapter 17.36 SHMC, Historic Sites and Overlay District;
- (ii) Chapter 17.44 SHMC, Sensitive Lands;
- (iii) Chapter 17.52 SHMC, Environmental Performance Standards;
- (iv) Chapter 17.60 SHMC, Manufactured/Mobile Home Regulations;
- (v) Chapter 17.64 SHMC, Additional Yard Setback Requirements and Exceptions;
- (vi) Chapter 17.68 SHMC, Building Height Limitations – Exceptions;
- (vii) Chapter 17.72 SHMC, Landscaping and Screening;
- (viii) Chapter 17.80 SHMC, Off-Street Parking and Loading Requirements;
- (ix) Chapter 17.84 SHMC, Access, Egress, and Circulation;
- (x) Chapter 17.88 SHMC, Signs;
- (xi) Chapter 17.96 SHMC, Site Development Review;
- (xii) Chapter 17.100 SHMC, Conditional Use;
- (xiii) Chapter 17.104 SHMC, Nonconforming Situations;
- (xiv) Chapter 17.108 SHMC, Variance;
- (xv) Chapter 17.116 SHMC, Temporary Uses;
- (xvi) Chapter 17.120 SHMC, Home Occupations;
- (xvii) Chapter 17.124 SHMC, Accessory Structures;
- (xviii) Chapter 17.132 SHMC, Tree Removal;
- (xix) Chapter 17.136 SHMC, Land Division – Subdivision;
- (xx) Chapter 17.140 SHMC, Land Division – Land Partitioning – Lot Line

Adjustment;

- (xxi) Chapter 17.144 SHMC, Expedited Land Divisions;
- (xxii) Chapter 17.148 SHMC, Planned Development;
- (xxiii) Chapter 17.152 SHMC, Street and Utility Improvement Standards.

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

* * *

**Comprehensive Plan Map Amendment, Zoning District Map Amendment, & Text
Amendment; ZA.3.08**

APPLICANT: City of St. Helens

OWNER: n/a

ZONING: Proposed affected area is zoned Mixed Use, MU and General Commercial, GC

LOCATION: Former Houlton site between Columbia River Hwy & 12th Street; and between the Willamette Street and Cowlitz Street rights-of-way.

PROPOSAL: Changes being proposed are twofold. First, the City is proposing a new zone—the Houlton Business District—to better accommodate the Houlton (uptown) area. Second, the City proposes both a Comprehensive Plan change from General Commercial to General Residential and Zone change from MU to R5 of the area generally north of St. Helens Street and south of the Willamette Street right-of-way.

The 120-day rule (ORS 227.178) for final action for this land use decision is n/a.

SITE INFORMATION

Area proposed for the Houlton Business District is approximately 62.30 acres. Area proposed to be changed to a residential designation and zoning is approximately 18.72 acres.

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

February 10, 2009 before the Planning Commission

April 15, 2009 before the City Council

July 15, 2009 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on January 8, 2009 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on January 21, 2009. Notice was sent to the Oregon Department of Land Conservation and Development on July 21, 2008 & December 8, 2008.

Special notices sent to affected property owners on June 12, 2009 via first class mail.

AGENCY REFERRALS & COMMENTS

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

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.20.120 – 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;
- (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:

Statewide Planning Goal 1 is Citizen Involvement.

Goal 1 requires opportunity for citizens to be involved in all phases of the planning process. 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. Mailed notice of these hearings are required for the applicant, affected agencies and those requesting notice. Legal notice in a newspaper of general circulation is required too. The City has met these requirements and notified property owners within 300' of the subject property pursuant to SHMC 17.24.130. Finally, the City notified DLCD of the proposal.

Given scheduled public hearings and notice provided, Goal 1 is satisfied.

Statewide Planning Goal 2 is Land Use Planning.

This Statewide Planning Goal states that "All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs." 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.

Goal 2 is satisfied.

Statewide Planning Goal 3 on Agricultural Lands.

This goal is not applicable as agricultural land is not involved.

Statewide Planning Goal 4 on Forest Lands.

This goal is not applicable as forest land is not involved.

Statewide Planning Goal 5 on Open Spaces, Scenic and Historic Areas, and Natural Resources.

This goal addresses the conservation and protection of both natural and cultural resources. Natural resources are inventoried within the subject area in the form of wetlands. There are wetlands designated as significant by the City, subject to City regulation and “jurisdictional wetlands” governed by Oregon Division of State Lands, but not City regulation. The protections of these resources will not be changed by the proposal.

Cultural resources are identified within the proposed area too, in the form of Designated Landmarks officially recognized by the City as having historical importance. Those buildings are: a detached single family dwelling – 255 N. 14th Street, a detached single family dwelling – 1320 St. Helens Street, and 2194 Columbia Boulevard, a former train station, currently occupied by the Chamber of Commerce.

The proposed amendments include provisions to protect historic resources. As such inventoried resources will remain as protected as they are currently (given adoption of the proposal), Goal 5 is satisfied.

Statewide Planning Goal 6 on Air, Water, and Land Resources Quality.

Goal 6 addresses the quality of air, water and land resources. In the context of text amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality. This proposal will allow a mix of residential and commercial uses. By creating the ability for dwelling units and employment uses within the same proximity, the need to travel is theoretically reduced. This in turn helps reduce certain causes of environmental impact such as the burning of fossil fuels. Moreover, protection rules for wetlands will not change. Further, laws governing environmental quality will still be applicable to any development following adoption of this proposal.

As such, Goal 6 is satisfied.

Statewide Planning Goal 7 for Areas Subject to Natural Disasters and Hazards.

Goal 7 deals with development in places subject to natural hazards. It requires that jurisdictions apply “appropriate safeguards” when planning for development there.

In this case, there are no identified natural hazards. As such, Goal 7 is satisfied.

Statewide Planning Goal 8 on Recreational Needs.

This goal calls for a government to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. The subject property has not been specifically planned for recreational opportunities. It will not result in any loss of recreation area. Also, recreation facilities and the like will be possible in the HBD zone.

As this proposal will not result in a loss or hindrance of recreational needs, Goal 8 is satisfied.

Statewide Planning Goal 9 on Economic Development.

This Goal is satisfied when it can be shown that the proposal will not negatively affect industrial or other employment land, as such lands are catalysts to economic development. One implementation tool the State has to demonstrate this is the Economic Opportunities Analysis (EOA) pursuant to OAR 660-009-0015. The EOA is required to be adopted into a local government's Comprehensive Plan before it can be relied on for land use decisions. The EAO provides proof that an action that could change industrial and other employment lands to something contrary to employment generation will not preclude economic development for the local jurisdiction.

The City has adopted an Economic Opportunities Analysis (EOA), which became effective January 29, 2009 (i.e. date of DLCD appeal deadline). Though the EOA addresses industrial land mostly, it does note that there is a shortage of useable commercial lands in the City. This proposal involves taking approximately 19 acres from a General Commercial Comprehensive Plan designation to the General Residential designation and from a Mixed Use zone to a General Residential zone. Though on paper it would appear that viable commercial land will be removed from the City's inventory, this shouldn't be the case. These properties are all access by dead-end roads. The roads are through rights-of-way, but not physically through streets due to topography. Because of this topography, the streets are unlikely to be extended in the future and, despite the possibility of commercial uses given the mixed use zone, this area has historically and continues to be dominated by residential use. The market trends have shown that this will continue. Thus, this is not viable commercial property necessary to sustain the City's economic activities. It is not practically useable commercial land.

The HBD zone change aspect of this proposal will not change the ability for commercial use, and thus, will not reduce the City's useable commercial land inventory.

No industrial land will be affected.

As this proposal will not compromise the City's useable "employment land" base, Goal 9 is satisfied.

Statewide Planning Goal 10 on Housing.

This Goal pertains to a local government's provision of the housing needs of its citizenry. This proposal will not remove the ability for residential density and variety.

As this proposal will enable the possibility of a variety of types of dwelling units, Goal 10 is satisfied.

Statewide Planning Goal 11 on Public Facilities Planning.

Goal 11 requires local governments to plan and develop a timely, orderly and efficient arrangement of public facilities and services. It further provides that urban and rural development “be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served.”

The subject property is within City limits and is developed itself and surrounded by development. Any new development would be able to take advantage of nearby public and private facilities and utilities. Given the availability of utilities (i.e. adjacency to existing development and functioning utilities) and the capacity to serve new development, which the City has, Goal 11 is satisfied.

Statewide Planning Goal 12 on Transportation.

Goal 12 requires local governments to “provide and encourage a safe, convenient and economic transportation system.” Goal 12 is implemented through LCDDC’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.

There are two parts to this proposal. One is an area whose Comprehensive Plan designation will be changed from General Commercial to General Residential to allow a simultaneous zone change from Mixed Use to General Residential (R5). The Mixed Use zone allows both residential and commercial uses. General Commercial allows predominately commercial uses. The General Residential (R5) zone is a medium-high density residential zone. Note that the Mixed Use zone allows a similar density in some cases as the R5 zone, and a greater density in others. Thus, for the first part of this proposal the potential traffic generation will be reduced.

The second part of the proposal includes creating a new zoning designation: the Houlton Business District (HBD), which in essence is a mixed use type zone, again, allowing residential and commercial uses. This area has a Comprehensive Plan designation of General Commercial and that will not change. The current zoning is both General Commercial and Mixed Use. There will be some differences like parking standards, for example, but looking at the Mixed Use and General Commercial zones compared to the HBD, exclusively from a usage standpoint, there will be little difference. Thus, for the second part of this proposal, the potential traffic generation will be the same.

As such, a traffic impact analysis or similar study is not warranted and Goal 12 is satisfied, as potential traffic generation will not be increased by this proposal.

Statewide Planning Goal 13 on Energy Conservation.

Goal 13 directs local governments to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. This proposal doesn't specifically apply to this goal, though, the proposal does include provisions regulating density; and air, light and space. Moreover, with a greater diversity of uses (residential and commercial) potentially intermixed, both jobs and housing are possible in the same location or vicinity, which provides greater efficiency as transportation and similar needs are reduced; this is a catalyst of efficiency.

Goal 13 is satisfied.

Statewide Planning Goal 14 on Urbanization.

This Goal addresses the conversion of rural lands to urban lands. As the subject property is already within City limits and the St. Helens UGB, this Goal does not apply.

Statewide Planning Goal 15 for Willamette Greenway

The subject property is not along or near the Willamette Channel. As the Willamette Greenway will not be impacted, Goal 15 does not apply.

Finding: These code amendments are not contrary to the Statewide Planning Goals and Guidelines adopted under ORS Chapter 197.

(b) Discussion: All of the federal or state statutes and/or guidelines found applicable should have been addressed above.

Finding: These code amendments are not contrary to known federal or state statute, not already discussed.

(c) Discussion: The applicable comprehensive plan policies, procedures, appendices and maps are under SHMC Chapter 19.08. These general goals and policies of the Comprehensive Plan more-or-less reflect the content of the Statewide Planning Goals described above. The following goals and policies of the City's Comprehensive Plan under SHMC Chapter 19.08 are met given the discussion under the respective Statewide Goals above:

- 19.08.010 Citizen involvement (ref: Statewide Planning Goal 1)
- 19.08.020 Economic goals and policies (ref: Statewide Planning Goal 9)
- 19.08.030 Public services & facilities (ref: Statewide Planning Goal 11)
- 19.08.040 Transportation (ref: Statewide Planning Goal 12)
- 19.08.050 Housing (ref: Statewide Planning Goal 10)
- 19.08.060 Natural factors & local resources (ref: Statewide Planning Goals 5, 6 & 7)

The General Commercial Comprehensive Plan designation allows for mixed use type zones, the HBD is such a zone.

The General Residential, R5 zone is one of the zoning districts allowed under the General Residential Comprehensive Plan designation. The R5 zone is not allowed under the General Commercial Comprehensive Plan designation.

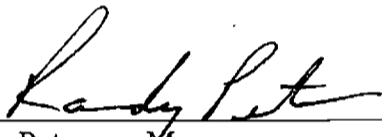
Finding: These code amendments are not contrary to City (local) laws.

(d) Discussion: This is an addition to the City's implementing ordinances. No other implementation law currently in effect will be affected.

Finding: These code amendments are not contrary to the City's implementing ordinances (e.g. SHMC Title 17, Community Development Code).

CONCLUSION & DECISION

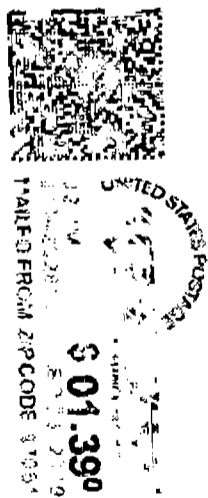
Based upon the facts and findings herein, the City Council approves this Comprehensive Plan Change, Zoning District Change and Text Amendment proposal.



Randy Peterson, Mayor

9/2/09

Date



Attn: Plan Amendment Specialist
Dept. of Land Conservation & Develop.
635 Capitol Street NE, Ste. 150
Salem, OR 97301-2540