



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

October 1, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of St. Helens Plan Amendment
DLCD File Number 002-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 16, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Larry Ksionzyk, Community Development Planning Specialist
Bob Cortright, DLCD Transportation & Growth Management Coordinator
Skip Baker, City of St. Helens

<paa> ya/

ORDINANCE NO. 3041

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN PROPERTY ON THE NORTH SIDE OF GABLE ROAD APPROXIMATELY 1,100 FEET EAST OF HIGHWAY 30

WHEREAS, applicant Lance Harris has requested to annex to the City of St. Helens that certain property described in **Exhibit A**. This property is generally located about 1,100 feet east of Highway 30 on the north side of Gable Road and is described as Columbia County Tax Lots 410801000300 & 400; and

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

WHEREAS, the owner 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 recommend the property for annexation to the voters; and

WHEREAS, the City Council must designate the incorporated Comprehensive Plan Map designation and the zone map designation; and

WHEREAS, appropriate notice has been given and a public hearing was held June 20, 2007 for 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:

1. The above recitations are true and correct and are incorporated herein by this reference.
2. The property described above is hereby accepted for annexation to the City of St. Helens.
3. The St. Helens Zoning Ordinance Map is hereby amended to reflect that the property described herein shall be zoned LI, Light Industrial.
4. The St. Helens Comprehensive Plan Map is hereby amended to reflect that the property described herein shall be designated as LI, Light Industrial.

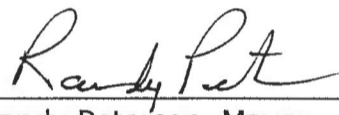
6. In support of the above annexation and zoning, the Council hereby adopts the Columbia County Annexation and Zone Map Amendment Findings of Fact and Conclusions of Law dated August 1, 2007.
7. The City Council does hereby refer the final decision to annex this property to the voters of the City of St. Helens.
8. The effective date of this Ordinance shall be the date of the successful approval by the voters of the City of St. Helens, in accordance with the City Charter and other applicable laws.

Read the first time:	July 18, 2007
Read the second time:	July 18, 2007
Read the third time:	August 1, 2007
Approved by the Mayor:	August 1, 2007

Attested by:



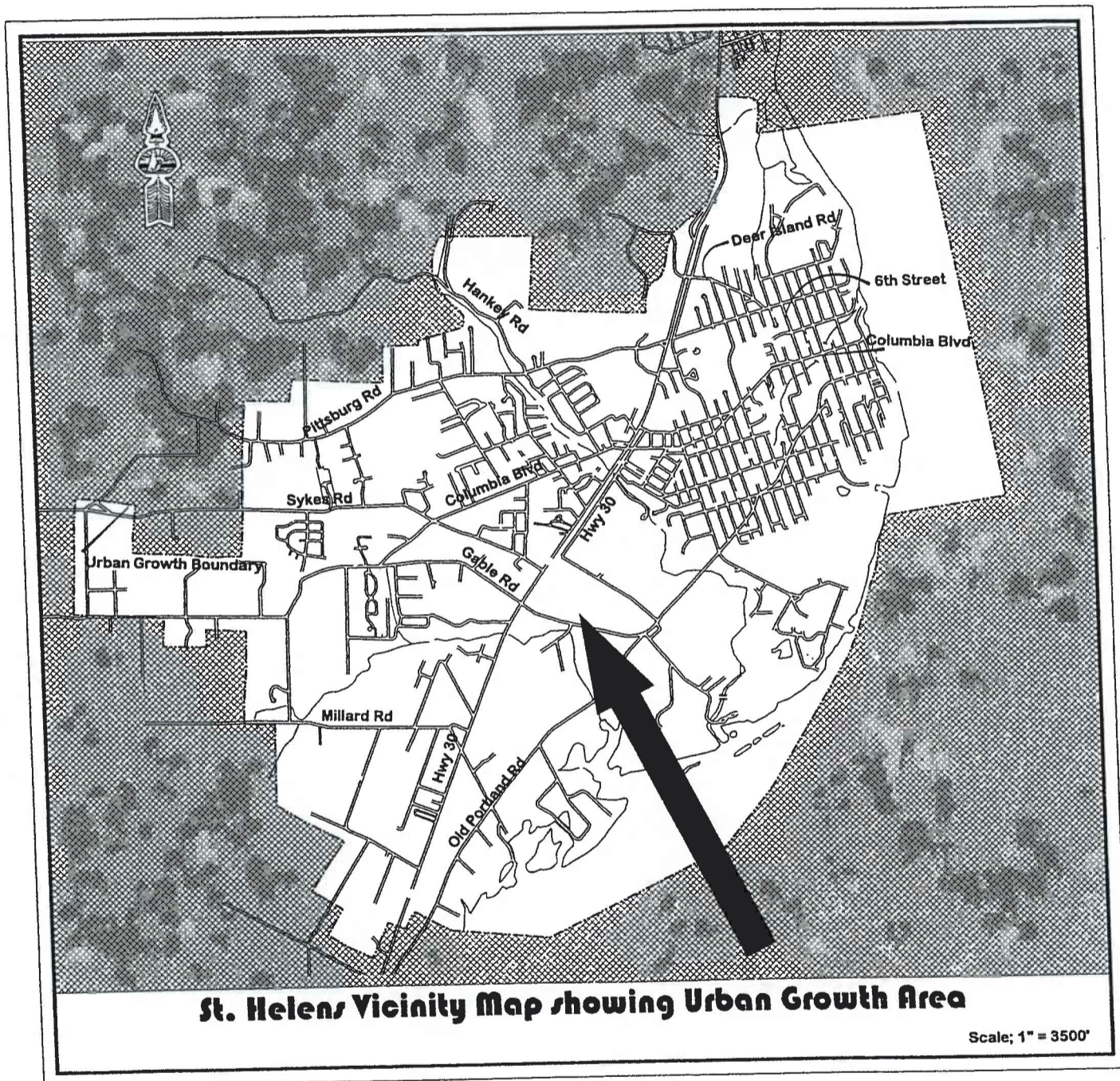
Chad Olsen, Interim City Administrator



Randy Peterson, Mayor

Subject Property

~ Approximate Location ~

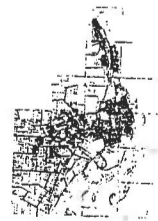


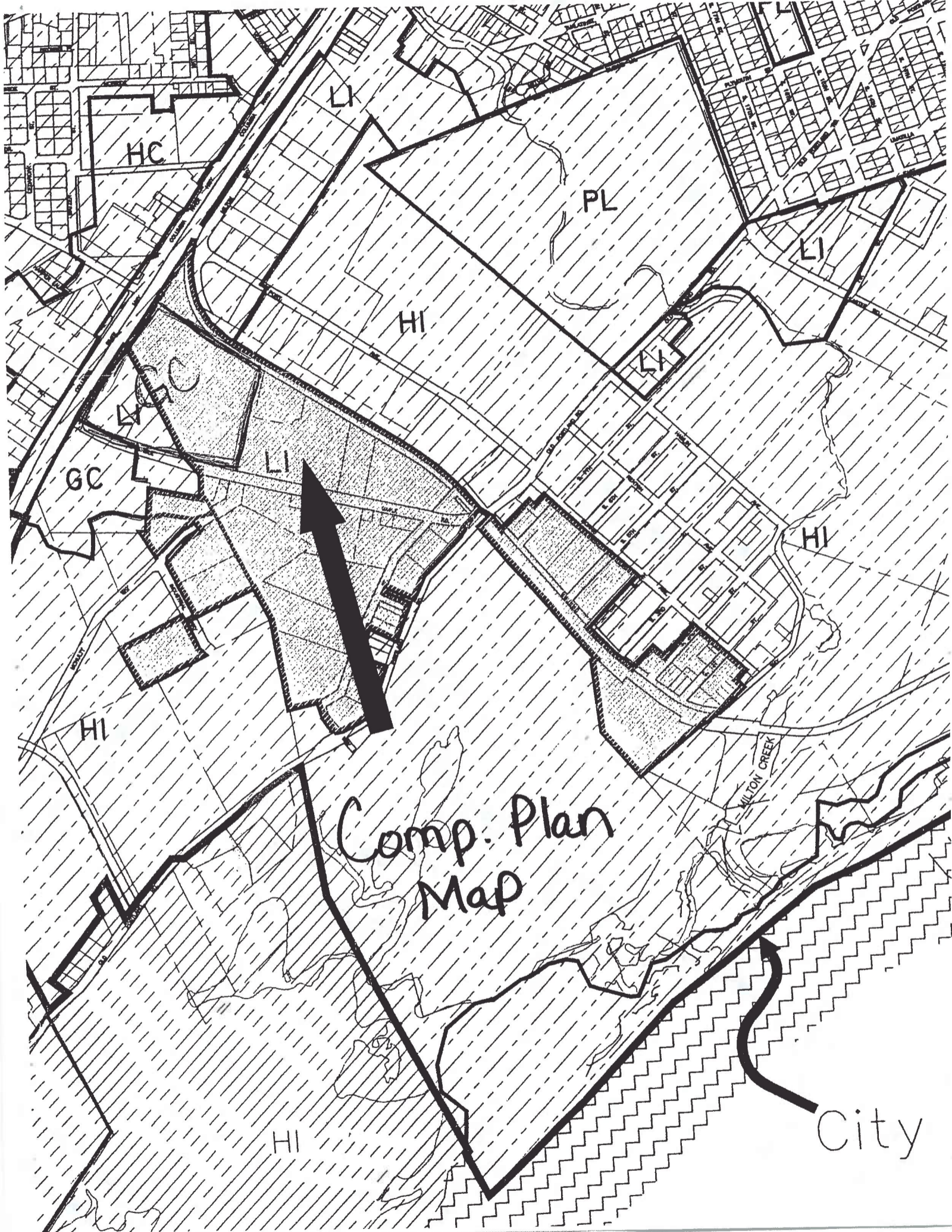


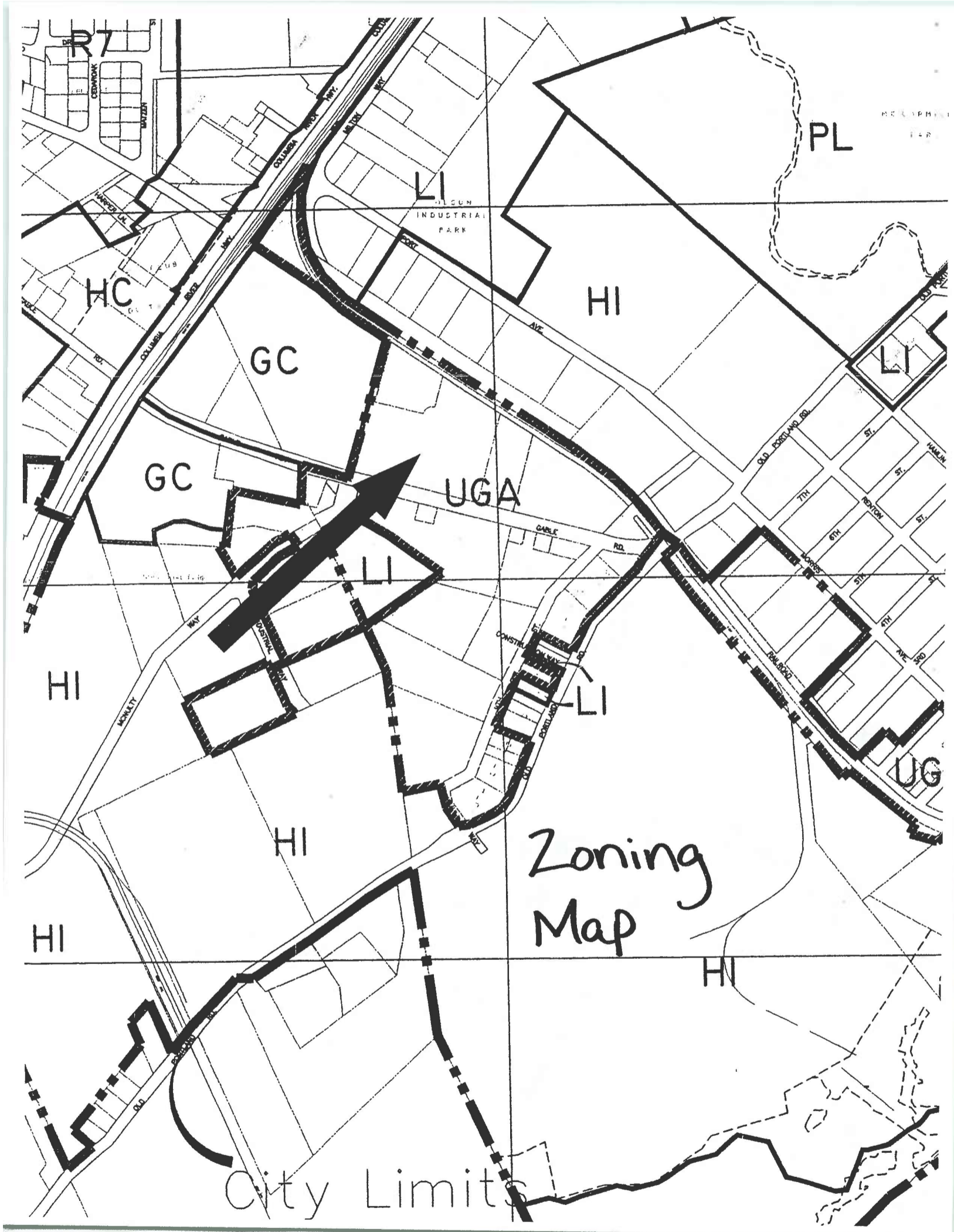
4108-010-300/400



1 in. = 400.0 feet







FINDINGS OF FACT AND CONCLUSIONS OF LAW
Harris/Otto Annexation and Zone Map Amendment

REQUEST:

Lance Harris has requested to annex a property into the City of St. Helens, Oregon.

PUBLIC HEARING:

A Public Hearing was held on June 12, 2007 in front of the Planning Commission and was held on June 20, 2007 in front of the City Council.

NOTICE OF PUBLIC HEARING:

A notice of this Public Hearing on this annexation request and zoning amendment was sent to property owners within 300 feet of the properties proposed for annexation on May 21, 2007 by first class mail. Notice was published in the local newspaper May 30, 2007. Notice was sent to Oregon Department of Land Conservation and Development May 2, 2007.

LOCATION:

The property is located 1,100 feet east of Hwy 30 on the north side of Gable Road and is also known as Columbia County Tax Assessor tax lots 300 & 400 on map 4108010.

SITE INFORMATION:

The site is about 10.13 acres in size.

REFERRALS: Sent to the following:

1. St Helens Police, Public Works, Parks, Building Official, Waste Water Treatment Plan Superintendent and Public Works Manager.
2. Columbia County Land Development Services, Surveyor, Planning Commission, Board of Commissioners and Roadmaster.
3. St. Helens Rural Fire District
4. St. Helens School District #502
5. Columbia County 911, Emergency Communications District.
6. Columbia River PUD
7. Portland General Electric
8. Community Public Health Department
9. NW Natural Gas

No adverse comments to date other than the standard statement from the School District about

adding additional students to the school system.

CRITERIA:

The principle criteria for annexation are:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
2. The applicable comprehensive plan policies and implementing ordinance provisions have been satisfied.
3. Complies with State laws.

The property will need to be zoned to conform to the City's adopted Comprehensive Plan and Zoning Map. The criteria for amending the Zoning Map are:

1. The applicable Comprehensive Plan policies and map designation; and that the change will not adversely affect the health, safety, and welfare of the community;
2. Statewide planning goals adopted under Oregon Revised Statutes Chapter 197, until acknowledgment of the Comprehensive Plan and ordinances;
3. The standards applicable of any provision of this Code or other applicable implementing ordinance; and
4. 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.

EVALUATION:

The principle criteria for annexation are:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and

Finding: Service agencies have been notified of this request. Their comments are listed above in the Referrals Section.

Finding: The current water system has excess capacity of about 100% or about twice the consumption rate and the sewer has excess capacity at the plant of over twice the use rate residentially.

Finding: Gable Road abuts this site on the south side. Gable Road is a City Minor Arterial and does not fully meet City Standards for width of pavement, curbs, gutters, and sidewalks.

Finding: There are sewer lines in Gable Road but not very close to this site.

Finding: There are water lines in Gable Road.

Finding: The sewer capacity is at approximately 10% at the main plant.

2. The applicable comprehensive plan policies and implementing ordinance provisions have been satisfied.

Finding: There do not appear to be any applicable comprehensive plan policies that directly relate to this request except for the zone map amendment.

Finding: The only implementing ordinance that applies is the Code and this process, including the below required criteria for a zone map amendment, applies to this annexation.

3. Complies with State laws.

Finding: State law in ORS 222 requires the proposed property for annexation to be contiguous to a City Limit as defined by law.

Finding: This site is contiguous to the City Limits on two sides to the north and west.

Finding: State law in ORS 222 requires that all property owners of the proposed property to be annexed and at least half of the electors residing on the property shall be required to consent in writing.

Finding: There are no residents currently.

The criteria for amending the Zoning Map are:

1. The applicable Comprehensive Plan policies and map designation; and that the change will not adversely affect the health, safety, and welfare of the community;

Finding: This property is located in an Unincorporated Light Industrial designated area according to the Comprehensive Plan Map.

Finding: The policy of the Comprehensive Plan for Light Industrial lands is that the

City of St. Helens should zone it as LI, Light Industrial and designate it Light Industrial.

2. Statewide planning goals adopted under Oregon Revised Statutes Chapter 197, until acknowledgment of the Comprehensive Plan and ordinances;

Finding: The St. Helens' Comprehensive Plan has been acknowledged by the State.

3. The standards applicable of any provision of this Code or other applicable implementing ordinance; and

Finding: The Community Development Code specifies a process as per Chapter 1.075, to wit this process is being carried out.

Finding: The Code requires that any changes to the Comprehensive Plan Map and/or Zone Map be in compliance with the current designation shown on the Comprehensive Plan Map and in the policies applicable thereof.

Finding: The Comprehensive Plan Map indicates that this site is located in a Unincorporated Light Industrial area.

Finding: The Code requires that each property annexed into the City must be identified as Established or Developing.

Finding: The definition for an "established area" is an area where the land is not classified as buildable under Oregon Administrative Rule 660-08.0005 which states that buildable shall be land that is residentially designated vacant. Lands which are underdeveloped for the zone can be classified as buildable. This property is industrial and thus the rule does not apply.

4. 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.

Finding: This application is not for development.

Finding: This area of land abuts the City Limits on two sides.

CONCLUSIONS:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and

2. The applicable comprehensive plan policies and implementing ordinance provisions have been satisfied.
3. Complies with State laws.
4. Complies with the applicable Comprehensive Plan policies and map designation: and the zone change will not adversely affect the health, safety, and welfare of the community;
5. The City's Comprehensive Plan and ordinances have been acknowledged by the State.
6. Meets the standards applicable of any provision of this Code or other applicable implementing ordinance.
7. The property abuts city limits on two sides.
8. The zone should be LI, Light Industrial in keeping with the Comprehensive Plan Map and policies of the Plan.
9. The new designation should be City Light Industrial on the Comprehensive Plan Map after annexation is completed.

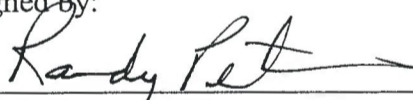
The City Council held a public hearing, received the staff report and other evidence into the record, received testimony, closed the hearing and deliberated. Based upon the recommendation of the Planning Commission, the record and the criteria stated in the Staff Report, the Council found in favor of the application and will recommend that this site be annexed into the City Limits and be zoned LI, Light Industrial upon a positive vote of the citizens at the next available election.

Attested to:



Chad Olsen, Interim City Administrator

Signed by:



Randy Peterson, Mayor