



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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AMENDED 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 003-07

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: October 16, 2007

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Skip Baker, City of St. Helens

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ORDINANCE NO. 3051

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN PROPERTY AT 35090 PITTSBURG ROAD

WHEREAS, applicant Ron Still has requested to annex to the City of St. Helens that certain property at 35090 Pittsburg Road. This property is also described as Columbia County Tax Lots 410502307500; and

WHEREAS, the applicant have 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 recommend the property for annexation to the voters; 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 September 5, 2007 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:

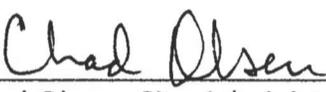
1. The above recitations are true and correct and are incorporated herein by this reference.
2. The property described above is hereby accepted for annexation to the City of St. Helens.
3. The St. Helens Zoning Ordinance Map is hereby amended to reflect that the property described herein shall be zoned R-7, Moderate Residential.
4. The St. Helens Comprehensive Plan Map is hereby amended to reflect that the property described herein shall be designated as SR, Suburban

Residential.

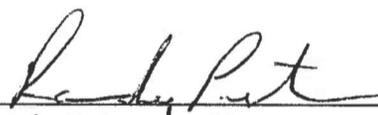
5. The land is classified as Developing in accordance with Chapter 1.150 of the St. Helens Community Development Code and OAR 660-08-0005.
6. In support of the above annexation and zoning, the Council hereby adopts the Still annexation and Zone Map Amendment Findings of Fact and Conclusions of Law dated September 19, 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:	September 5, 2007
Read the second time:	September 5, 2007
Read the third time:	September 19, 2007
Approved by the Mayor:	September 19, 2007

Attested by:

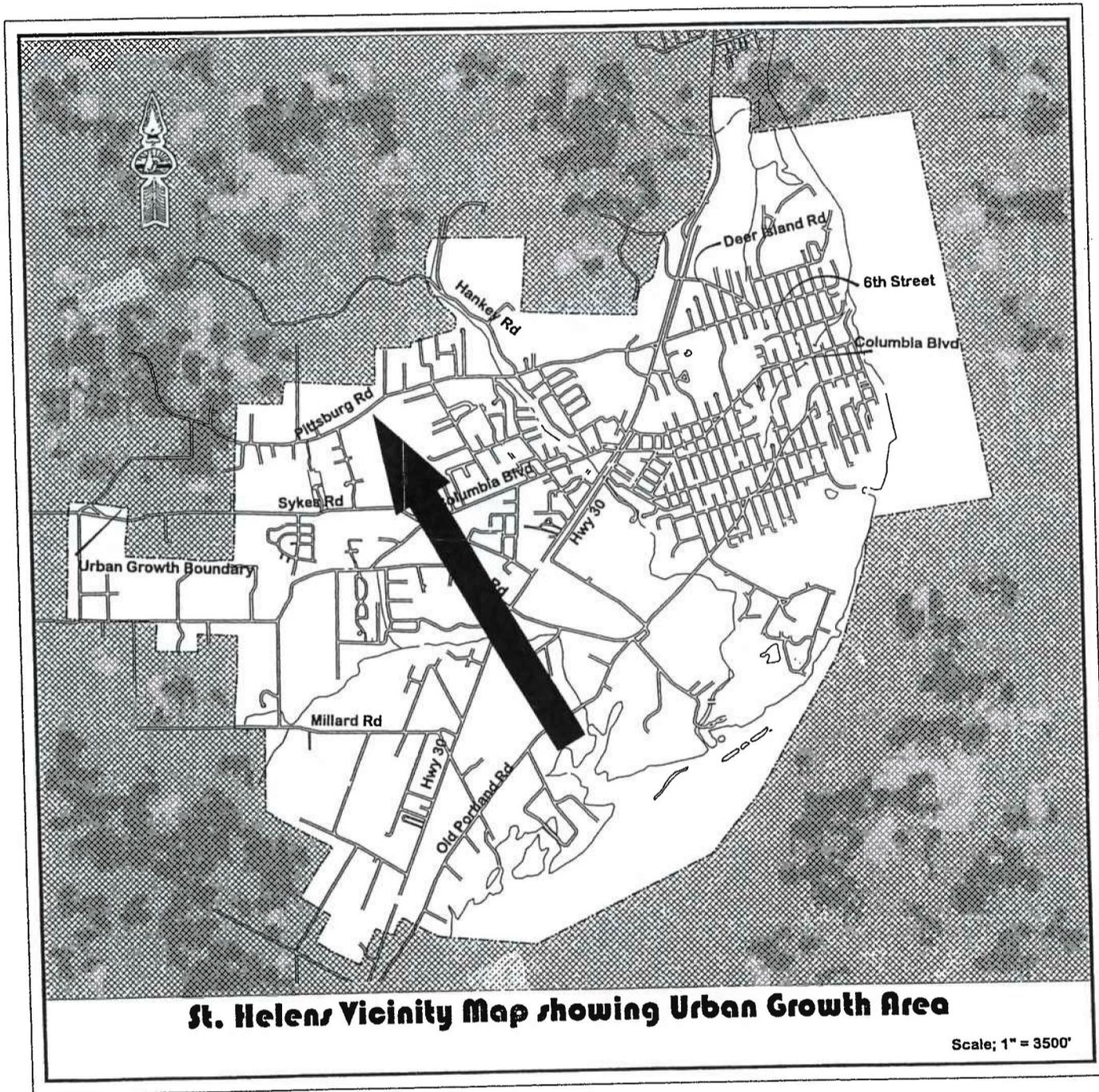

Chad Olsen, City Administrator

Signed by:


Randy Peterson, Mayor

Subject Property

~ Approximate Location ~



St. Helens Vicinity Map showing Urban Growth Area

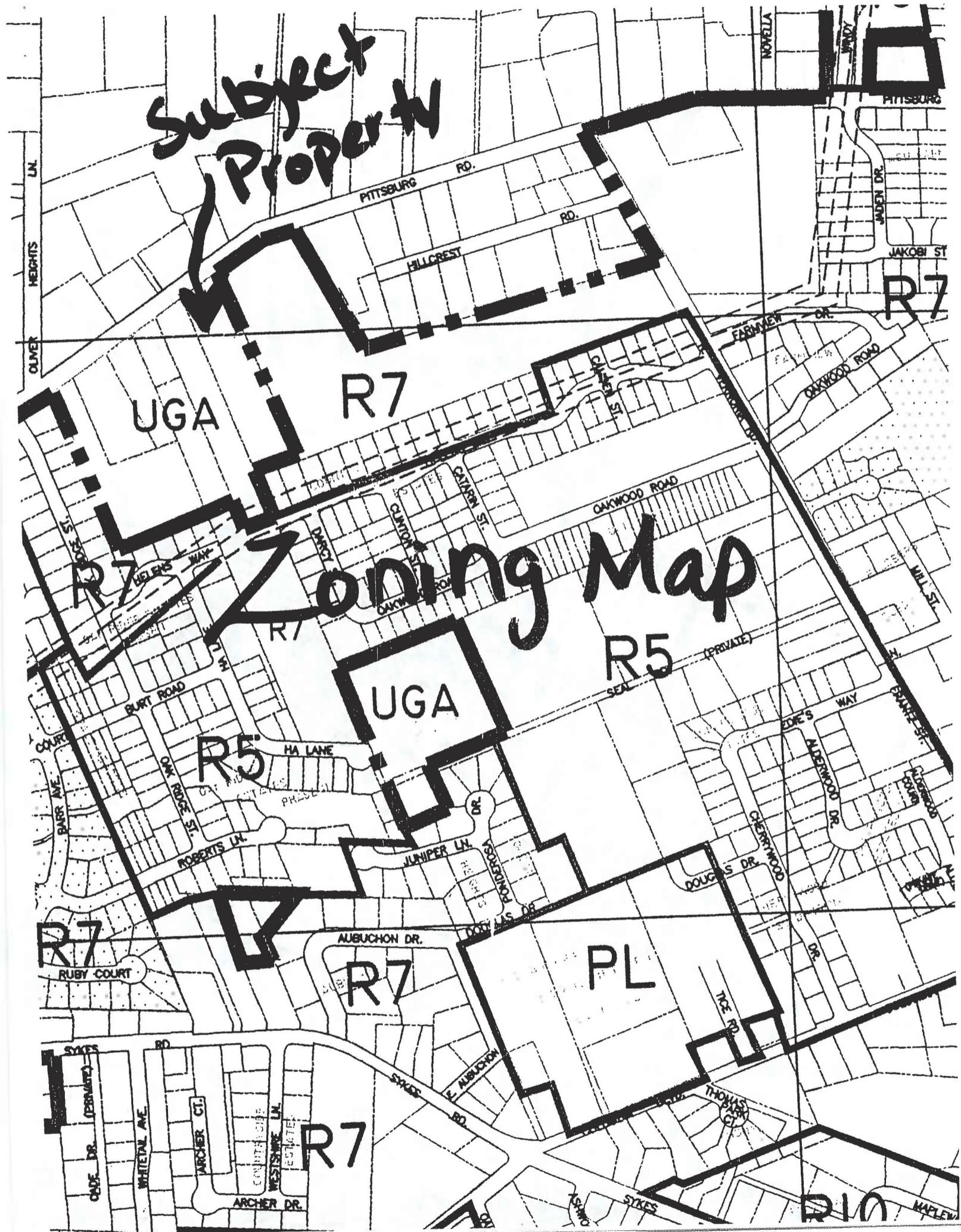
Scale: 1" = 3500'



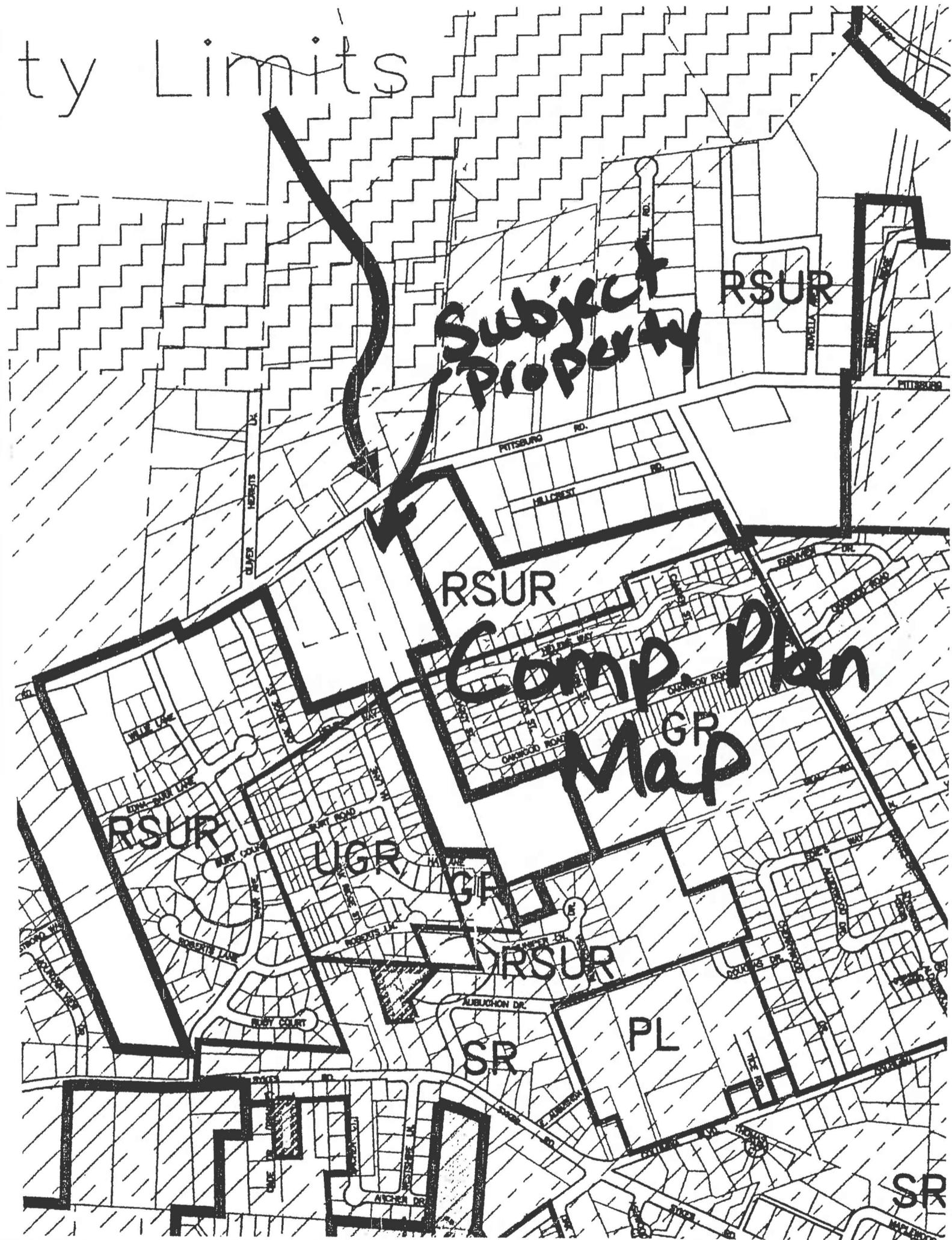
4105-023-07500



1 in. = 268.7 feet



ty Limits



FINDINGS OF FACT AND CONCLUSIONS OF LAW
Still Annexation

REQUEST:

Ron Still has requested to annex his property into the City of St. Helens, Oregon.

PUBLIC HEARING:

A Public Hearing was held on August 14, 2007 in front of the Planning Commission and in front of the City Council on September 5, 2007..

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 June 27, 2007 by first class mail. Notice was published in the local newspaper Aug. 1, 2007. Notice was sent to Oregon Department of Land Conservation and Development June 13, 2007.

LOCATION:

The property is located at 35090 Pittsburg Rd. The site is also known as Columbia County Tax Assessor tax lot 7500 on map 4105023.

SITE INFORMATION:

The site is about 2.25 acres in area.

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 as the sewer has excess capacity at the plant of over twice the use rate domestically.

Finding: Pittsburg Road abuts this property to the north and is a County road that is substandard in right of way width and improvements.

Finding: The will be a sewer line in the abutting development to the east as this site is scheduled to be included in a development with the abutting property to the east.

Finding: There are water lines in Pittsburg Road.

Finding: The School District already includes this land in its district boundaries.

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 the east and south sides.

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: The residents have consented to the annexation application.

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 a Rural Suburban Unincorporated Residential (RSUR) designated area according to the Comprehensive Plan Map.

Finding: The policy of the Comprehensive Plan for RSUR designated lands is that the City of St. Helens should "Zone the RSUR land as either R-7 or R-10 and currently the property has R-7 to the east and south and RSUR on the north and west sides.

Finding: The amount of R-7 lands is still below the recommended ratio of 85% of all lands designated as RSUR, Rural Suburban Unincorporated Residential while both the R-7

and R-10 are collectively above the recommended 30% of all residential lands.

Finding: There is no agreement by the County nor findings to support a pattern of development in the City and UGA that R-5 or AR designations are more appropriate.

Finding: The Comprehensive Plan Map will need to reflect incorporated designation of Suburban Residential after annexation is completed.

Finding: This property has residential as its primary use.

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 Rural Suburban Unincorporated Residential 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 has potential for development.

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 is generally surrounded by the City on two sides.

Finding: The lots to the east and south are already developed.

The Planning Commission recommends to the Council in favor of annexation with the zone recommended to be R-7, Moderate Residential and the designation to change to SR, Suburban Residential and for the land to be classified as Developing.

The City Council received the staff report and all evidence into the record and based upon the criteria listed in the Staff Report and the recommendation of the Planning Commission found in favor of the applicant.

CONCLUSIONS:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area except the street does not meet City Standards.
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 except for street standards.
7. The property mostly abuts lands within the City on the east and south sides.
8. The zone should be R-7, Suburban Residential in keeping with the Comprehensive Plan Map and policies of the Plan.
9. The new designation should be SR, Suburban Residential on the Comprehensive Plan Map after annexation is completed.
10. The land should be designated as Developing in accordance with Chapter 1.150 of the St. Helens Community Development Code and OAR 660-08.0005.

The Council finds that the property at 35090 Pittsburg Road should be placed on the ballot at the next available election and will be zoned R-7, Moderate Residential, designated SR, Suburban Residential on the Comprehensive Plan Map and shall be classified as developing if the

annexation is approved by the voters.

Signed by:

Randy Peterson

Randy Peterson, Mayor

Date 9/19/07