



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT



May 4, 2006

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 001-06

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. This amendment was submitted without text.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 18, 2006

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

<paa> ya/



DEPT OF

APR 28 2006

NOTICE OF ADOPTION

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of St. Helens

Local File No. DaltonZMA1.06

Date of Adoption: April 19, 2006

Date Mailed: April 27, 2006

Date of Notice of Proposed Amendment was mailed to DLCD: Jan 26, 2006

_____ Comp Plan Text Amendment _____ Comp Plan Map Amendment
_____ Land Use Regulation Amendment yes _____ Zoning Map Amendment
_____ New Land Use Regulation _____ Other _____

Summary of the adopted amendment: none

Describe how the adopted amendment differs from the proposed amendment.(If same, write same; if not applicable write, N/A).same

Plan Map Changed from: _n/a

Zone Map Changed from: _Planned Development Overlay zone added over existing zones.

Location: Columbia County Tax Assessor Lot 513301100102 Acres involved 3.75 acres.

Specify density: Previous _4 DU per acre _____ New: 4DU per acre _____

Applicable Goals: _1,2,9,10,11,12,&14 _____ Was an Exception Adopted? ___no___

Did the DLCD receive notice of Proposed Amendment 45 days prior to final hearing?

Yes ___X___ NO _____ _____ The Statewide Planning Goals do not apply.

_____ The Emer. Circumstances Req'd Expedited

Review.

Affected State or Federal Agencies, Governments or Special Districts: Columbia County, St. Helens Rural Fire District, and St. Helens Rural School District.

Local contact: Skip Baker

Phone No. 503-397-6272

Address: P.O.Box 278

City: St. Helens, OR

Zip code: 97051

Mail to: Plan Amendment Specialist, DLCD, 635 Capitol St. NE., Ste. 150, Salem, OR. 97301

DLCD # 001-06
(14969)

ORDINANCE NO. 2995

FILE COPY

**AN ORDINANCE TO AMEND THE ST HELENS ZONING MAP
TO ADD A PLANNED DEVELOPMENT OVERLAY ZONE FOR
LOTS 6 AND 7 OF DALTON VIEW ESTATES SUBDIVISION**

WHEREAS, applicants have requested to amend the St. Helens Community Development Code Zone Map for Lots 6 & 7 of Dalton View Estates Subdivision (**Exhibit A**) to add a Planned Development Overlay Zone; and

WHEREAS, the St. Helens Planning Commission did hold a duly noticed public hearing and did conclude to recommend such a change to the City Council; and

WHEREAS, the City Council did hold a duly noticed public hearing and did find that after due consideration of all the evidence in the record compared to the criteria that they agreed with the application; 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:

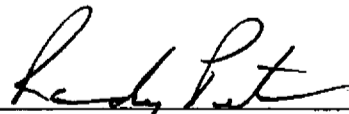
1. The above recitations are true and correct and are incorporated herein by this reference.
2. The St. Helens Zone Map is amended to add a planned development overlay zone for Lots 6 & 7 of Dalton View Estates Subdivision.
3. In support of the above zone map amendment, the Council hereby adopts the Findings of Fact and Conclusions of Law (**Exhibit B**) dated April 19, 2006 for Zone Map Amendment to Lots 6 & 7 of Dalton View Estates Subdivision.
4. 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: April 4, 2006
Read the second time: April 4, 2006
Read the third time: April 19, 2006
Approved by the Mayor: April 19, 2006

Attested by:



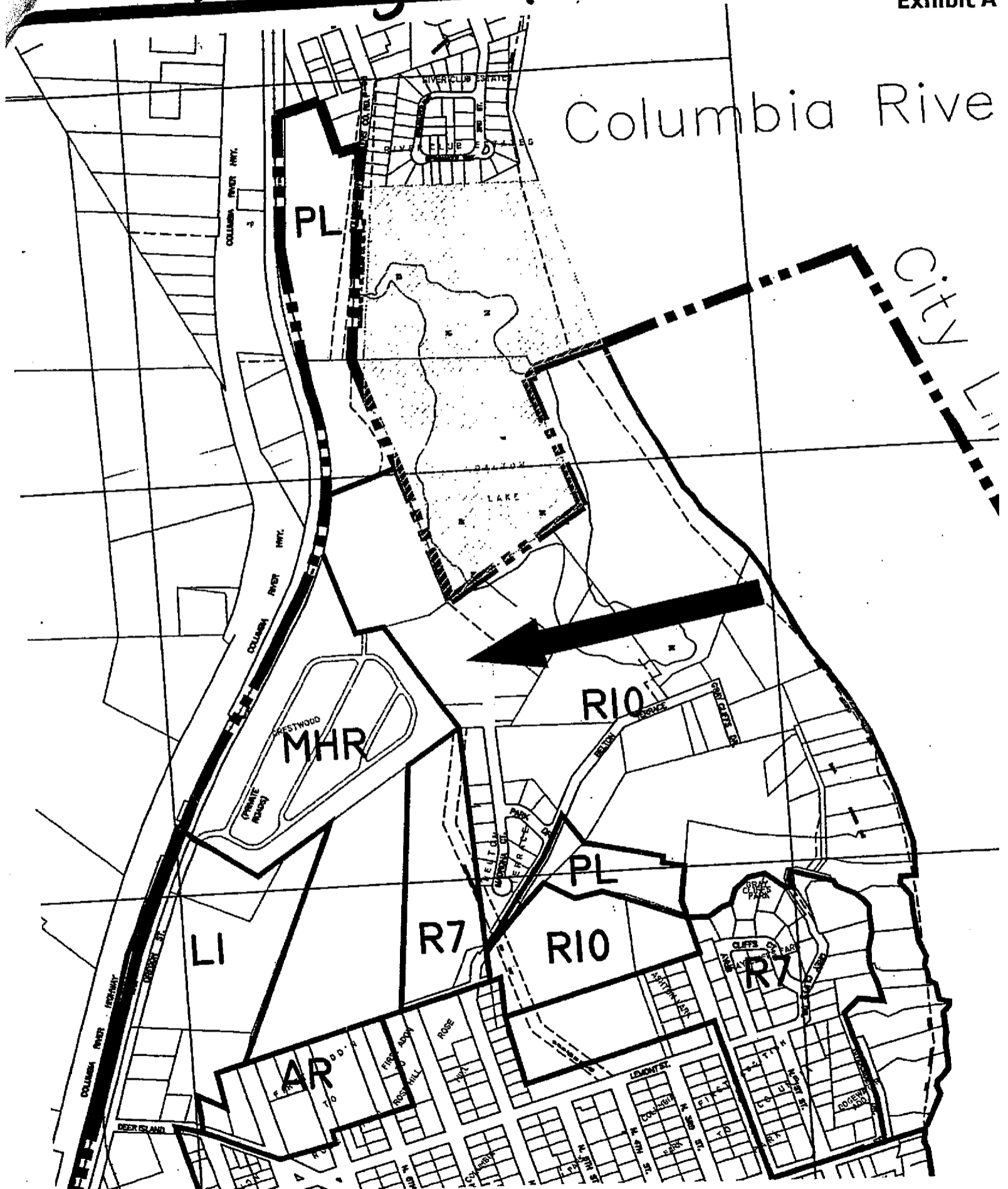
Brian D. Little, City Recorder



Randy Peterson, Mayor

1988 Zoning Map

Exhibit A



100.00'	69.02'	39°32'44"	67.86'	S 81°22'14"W
10.00'	13.20'	75°38'10"	12.28'	N 41°02'19"W
80.00'	20.17'	14°26'48"	20.12'	N 04°00'10"E
50.00'	64.34'	73°43'58"	60.00'	N 49°05'24"W

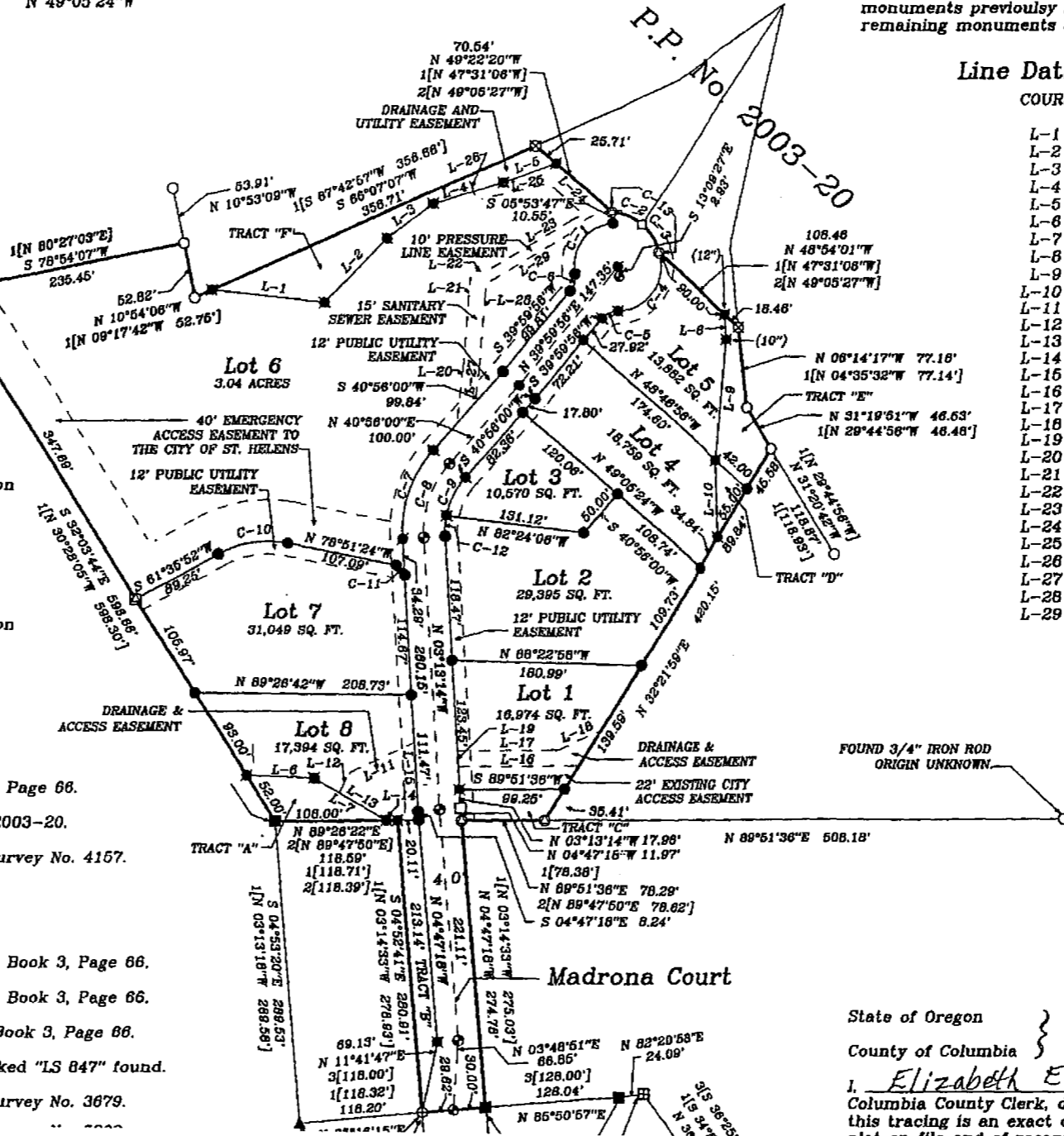
North line of Belton terrace per County Survey No. 5292. I found the other monuments as shown on County Survey NO. 5292. I found the interior sub monuments previously set by Dewey Surveying. I remaining monuments as shown.

" IRON PIPE AT
ER CAPLES D/C
WN IN CSBT BK
"C", PAGE 240.

Tracts being conveyed:

square feet	Being conveyed to
3,631'	Dalton Lake Homeowners Association
4,907'	Dalton Lake LLC
2,664'	City of St. Helens
1,141'	City of St. Helens
4,415'	City of St. Helens
8,639'	Dalton Lake Homeowners Association

- as record data per C.S. No. 4157
- as record data per C.S. No. L-1141.
- as record data per Belton Terrace Plat Book 3, Page 66.
- as 5/8" iron rod found per Partition Plat No. 2003-20.
- as 5/8" iron rod found per Columbia County Survey No. 4157.
- as calculated position, not set or found.
- as monument found as noted.
- as 5/8" iron rod found per Belton Terrace Plat Book 3, Page 66.
- as 1/2" iron rod found per Belton Terrace Plat Book 3, Page 66.
- as 2" iron pipe found per Belton Terrace Plat Book 3, Page 66.
- as 5/8" iron rod with a yellow plastic cap marked "LS 847" found.
- as 5/8" iron rod found per Columbia County Survey No. 3679.



Line Data:

COURSE	BEARING	DISTAN
L-1	S 84°01'50"E	108
L-2	N 45°10'28"E	85
L-3	N 53°08'50"E	55
L-4	N 72°48'14"E	68
L-5	N 70°27'37"E	53
L-6	S 87°54'47"E	65
L-7	S 80°05'07"E	81
L-8	S 04°09'13"E	23
L-9	S 05°32'57"W	118
L-10	S 01°39'40"E	74
L-11	N 65°35'18"E	87
L-12	N 29°54'53"E	22
L-13	S 60°05'07"E	53
L-14	N 89°26'22"E	11
L-15	N 03°13'14"W	81
L-16	N 89°51'36"E	114
L-17	N 89°51'36"E	91
L-18	N 65°13'43"E	41
L-19	N 03°13'14"W	11
L-20	N 06°20'09"E	6
L-21	N 04°09'28"E	7
L-22	N 88°15'27"E	1
L-23	N 59°24'13"E	10
L-24	N 47°31'56"W	4
L-25	S 76°55'18"W	7
L-26	N 19°02'43"W	2
L-27	N 06°20'09"E	4
L-28	N 04°09'28"E	6
L-29	N 59°24'13"E	9

State of Oregon }
 County of Columbia } S.S.
 I, Elizabeth E. Huser
 Columbia County Clerk, do hereby certify that
 this tracing is an exact copy of the original
 plat on file and of record in the Columbia

FINDINGS OF FACT AND CONCLUSIONS OF LAW
Dalton Lake Planned Community Development 1.06

APPLICANT: Dalton Lake, LLC

OWNER: same

NOTICE: All notices sent in accordance with CDC 1.070.

REQUEST:

Applicant has requested a Planned Development Overlay zone and a preliminary plat for a subdivision be approved.

GENERAL INFORMATION:

1. Location- The site is located at approximately 275 Madrona Court.
2. Field Inspection- The site is rolling with wetland issues near it.
3. Comprehensive Plan- The Comprehensive Plan designates the site as Suburban Residential.
4. Zoning- The City Zoning Map designates the property as R-10, Suburban Residential.
5. Access- Access to the property is from Madrona Court.
6. Use - Residential.
7. Referrals were sent to St. Helens City Engineer, Public Works Department, Police Department, Building Dept. and St. Helens Rural Fire District.

No one has raised any objections to date except for the School District.

CRITERIA AND EVALUATION:

1. 1.180.060 Planned Development Allowed and/or Disallowed:

Finding: The proposed site is not designated as "Established nor Developing" per the current zoning map.

Finding: The site is proposed to be about 3.75 acres.

Conclusion: The proposed overlay zone is allowed per the size and location requirements.

This criteria is met.

2. 1.180.070 Applicability and Allowed Uses:

Finding: R-10 zones allows single detached dwellings.

3. 1.180.080 Applicability of the Base Zone Provisions:

Finding: Minimum lot size, lot depth and lot width standards do not apply in accordance with the Code, Section 1.180.080.A.1.

Finding: Site coverage for these zones apply and are a maximum coverage of 75%.

Finding: No plans submitted to show the footprint or impervious coverage of any lots.

Finding: The building height limits do not apply as this site is not within 100 feet of an "Established" area.

Finding: All the lots meet the front yard setback requirement of 20 feet minimum.

Conclusion: The base zone provisions are met as applicable.

This criteria is met.

4. 1.180.090 Applicability of Site Development Review Chapter:

Finding: Site Development Review Chapter 1.128 does not apply to developments of single dwelling units or duplexes.

Finding: This application is for single dwellings.

Conclusion: The Site Development Review Chapter does not apply to this development.

This criteria is met.

5. 1.180.100 Phased Development

Finding: The applicant is requesting two phases. Phase One will be immediate and Phase Two is open ended not to exceed seven years.

Finding: Phases are allowed based upon a time schedule not to exceed seven years total.

Finding: The applicant is proposing to construct the infrastructure to serve Phase One (Lots 1-8) at the outset and the remaining infrastructure when Phase Two is viable or before seven years.

Finding: No temporary public facilities are proposed except for the emergency accessway.

Conclusion: This criteria is met.

This criteria is met.

6. 1.180.120 Approval Standards:

Finding: Chapter 1.172 for Partitions and Lot Line Adjustments is not applicable as this is for a subdivision.

Finding: Chapter 1.170 for Subdivisions is applicable.

The following criteria are from this chapter:

- A. The proposed preliminary plat complies with the City's comprehensive plan, the applicable sections of this Code and other applicable ordinances and regulations;

Finding: The proposed preliminary plat complies with the Comprehensive Plan, most of the applicable sections of the implementing Code and any other applicable ordinances and regulations.

Finding: The Comprehensive Plan has been approved and acknowledged by the State of Oregon, Department of Land Conservation and Development.

Finding: This report encompasses all of the known ordinances and regulations governing Planned Developments.

- B. The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92[.090(1)];

Finding: The proposed development name of Dalton Lake Planned Development is not duplicative per the Columbia County Surveyor's office.

- C. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the City determines it is in the public interest to modify the street or road pattern; and

Finding: The primary road of Madrona Court remains the same and the new road to the northwest has been moved from the previous location to accommodate terrain issues and lot locations.

Finding: This dead end arrangement was previously approved due to the nature of a major highway and railroad corridor to the northwest restricting access to another road.

Finding: The new road will be the same as Madrona Court

Finding: The St. Helens Code and the St. Helens Engineering Department have stated that local streets serving no more than 20 dwelling units and not exceeding 400 feet in length for dead-end streets must be in a right of way of at least 36 feet and be no less than 24 feet wide with other requirements such as sidewalks, curbs, and gutters as per Section 1.184.

Finding: There was testimony by opponents about the size of the street and the amount of traffic and the standards show that this size street is allowed to serve up to 50 dwelling units and that the projection for this development and future developments does not exceed the standard.

D. An explanation has been provided for all common improvements.

Finding: There will be some common areas and they will be owned by a Home Owners Association or deeded to the City.

E. Lot Dimensions:

Finding: All lots meet the minimum requirements of the zone.

F. Through Lots:

Finding: There are no through lots proposed.

G. Large Lots:

Finding: There are no lots proposed to exceed twice the minimum lot size when all other requirements are factored into the overall lot size.

Finding: The applicant has proposed a 24 foot wide paved street in a 40 foot wide right of way with a 5 foot wide sidewalk on both sides and curb and gutter per the minimums of Section 1.184.

Conclusions: The requirements of Chapter 1.170 are met.

This criteria is met.

7. Provisions of the following chapters:

A. 1.100 Density Computation and Limitations:

Finding: The applicant has indicated that there are steep slopes streams, and wetlands on this site and combined with the normal density calculations and adding in tree retention transfers there can be 14 lots on 3.864 acres.

Finding: I have reviewed the calculations and they appear to follow the guidelines in Chapters 1.100 and 1.160.

Finding: The application is for 14 lots.

Finding: There was testimony by opponents about the density exceeding the zone and yet there are no facts to substantiate this claim or concern.

Conclusions: The application is within the number of allowed lots.

B. 1.096 Solar Access Requirements

Finding: The applicant has explained how he meets the Solar Access requirements for new development and I concur with his calculations.

Conclusion: The solar access requirements are met.

C. 1.104 Additional Yard Area Requirements

Finding: Madrona Court and the new unnamed road are local streets and the front property line of the proposed lots are at least 20 feet from the centerline.

Finding: The minimum setback for buildings from a local street is 25 feet plus the yard setback.

Finding: This requirement is not clearly shown on the plat.

Conclusion: This requirement is not met but can be.

D. 1.106 Building Height Limitations:

Finding: This site is not within 100 feet of an Established Area and thus is exempt from any building height limitations.

Conclusion: This standard does not apply.

E. 1.108 Landscaping and Screening.

Finding: The only landscaping requirements are that each lot must have at least 25% of the lot landscaped and the entire development must have at least 20% landscaping.

Finding: The proposed landscaping on each lot plus the common areas exceeds the 20% minimums.

Conclusion: This criteria is met.

F. 1.110 Visual Clearance Area.

Finding: There is no evidence that the visual clearance areas on the corners of intersections cannot be met during the building permit stage.

Conclusion: This standard can be met.

G. Off-street Parking and Loading Requirements.

Finding: Each dwelling unit requires two on-site parking spaces.

Finding: The applicant has sufficient space on each lot for either a two car garage or two car driveway/parking area.

Conclusion: The minimum parking space requirements can be met.

H. 1.116 Access, Egress, and Circulation.

Finding: The application shows access from Madrona Court on a 24 paved road with two 5 foot wide sidewalks in a 40 foot wide right of way which is in accordance with City Standards. Some private streets/driveways are shown to one or two lots and they are at least 10 feet wide per the standards.

Finding: The entire subdivision was approved with a knowledge that Madrona Court exceeds the deadend limitations of the Code.

Conclusion: This standard is met.

I. 1.122 Signs

Finding: No signs are proposed except for street signs.

Conclusion: This requirement is met.

J. 1.156 Accessory Structures

Finding: No accessory structures are proposed.

Conclusion: This requirement is met.

8. Relationship to natural and physical environment.

Finding: This development is next to a large significant wetland.

Finding: This development does not appear to encroaches into the protection zone of the wetland.

Finding: Tract F is a tract of land including a portion of a significant wetland protection zone.

Finding: A Declaration of CC&R's has been included in the application.

Finding: The declaration does not explain the responsibilities of the Home Owners' Association to maintain Tract F.

Finding: A tree plan has not been submitted with the application even though the general plan has been stated in the narrative of the plat.

Conclusion: The natural environment will be altered by removal of some trees.

This criteria is met or can be met for tree removal after a tree mitigation plan is approved.

9. Buffering, screening and compatibility between adjoining uses.

Finding: All adjoining uses are the same.

Conclusion: Not applicable.

This criteria is met/not applicable.

10. Privacy and noise

Finding: This requirement is for non-residential uses and this application is for residential uses.

Conclusion: This requirement is not applicable.

This criteria is met/not applicable.

11. Private outdoor area.

Finding: This requirement is for multi-dwelling development and is not applicable for single and duplex construction.

Conclusion: This requirement is not applicable.

This criteria is met.

12. Shared outdoor recreation areas.

Finding: This requirement applies to multi-dwelling uses and this use is not multi-dwellings.

Conclusion: This requirement does not apply.

This criteria is met/not applicable.

13. Access and circulation

Finding: Previously addressed

Conclusion: Previously addressed.

This criteria is a duplication.

14. Landscaping and open space.

Finding: This standard is previously addressed.

Conclusion: This standard was already addressed.

This criteria is duplicative.

15. Signs

Finding: Previously addressed.

Conclusions: Previously addressed

This criteria is duplicative.

16. Parking

Finding: This requirement previously addressed

Conclusion: This requirement previously addressed.

This criteria is duplicative.

17. Drainage.

Finding: The application shows the proposed drainage plan.

Finding: Normally drainage is an engineering design function and not addressed in planning. The Engineering Department will review and require compliance with existing standards before construction. The street and previous subdivision plans were approved for storm drainage and any new street will require additional design.

Conclusion: This standard will need to be addressed in the construction design.

This criteria will be met.

Chapter 1.092 for Sensitive Lands is applicable.

Finding: The applicant has delineated the significant wetland on this site.

Finding: The only significant wetland or protection zone is Tract F.

The Planned Development Overlay Zone designation uses the following criteria:

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

Finding: Overlay zones do not change the underlying zone uses but add some uses, none proposed in this application and change some rules about dimensions and such.

Finding: The lots will be slightly smaller than in some areas nearby and not smaller than other areas nearby.

- b. The applicable Oregon Statewide Planning Goals adopted under Oregon Revised Statutes Chapter 197, until acknowledgment of the Comprehensive Plan and ordinances; and

Finding: The St. Helens Comprehensive Plan, based upon the Oregon Statewide Planning Goals has been acknowledged.

- c. The standards applicable of any provision of this Code or other applicable implementing ordinance.

Finding: There are no standards of the Code not already previously addressed.

The Planning Commission held a public hearing and found that they recommend approval of both applications for the Planned Development Overlay Zone and the development plan to the City Council based upon the criteria as stated in the Staff Report and the evidence in the record.

The City Council held a public hearing and found in favor of the applicant for the Planned Development Overlay Zone and the Preliminary Plat for the development based upon the criteria and evidence in the record with the following additional conditions of approval:

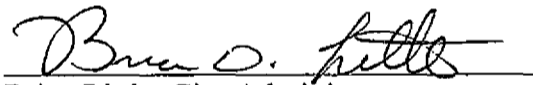
1. A drainage plan is required from a licensed engineer to comply with the City's Engineering Standards.
2. Owner/Developer shall be solely responsible for obtaining all approvals, permits, licenses,

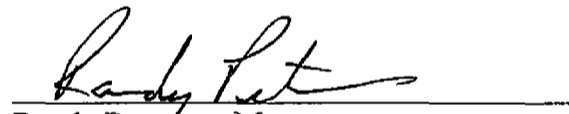
and authorizations from the responsible Federal, State and local authorities, or other entities, necessary to perform land clearing, construction and improvement of the subject property in the location and manner contemplated by Owner/Developer. city has no duty, responsibility or liability for requesting, obtaining, ensuring, or verifying Owner/Developer compliance with the applicable state and federal agency permit or other approval requirements. This conditional land use approval shall not be interpreted as a waiver, modification, or grant of any state or federal agency or other permits or authorizations. Prior to any land clearing and/or physical construction of subdivision improvement, (other than survey work and environmental testing) on the subject property, Owner/Developer shall execute a sworn statement, under penalty of perjury and false swearing, that Owner/Developer has obtained all required, Federal, State and local authorizations, permits and approvals for the construction of the proposed development.

3. In accordance with CDC 1.070.250 a contract agreement to accomplish these additional conditions of approval will be signed.
4. A Home Owners Association is to be formed in accordance with the State regulations and the St. Helens Code to own and manage any common properties or facilities for the subdivision and to own and manage the wetlands tract perpetually or until City approved agreement for another entity to do so.
- 5.. A tree mitigation plan is required prior to final plat approval.

Attested to:

Signed by:


Brian Little, City Administrator


Randy Peterson, Mayor

4/24/06
Date

4/29/06
Date