



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT



May 11, 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 002-06

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: May 25, 2006

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
Skip Baker, City of St. Helens

<paa> ya/

NOTICE OF ADOPTION

DEPT OF

MAY 05 2006

Jurisdiction: City of St. Helens

Local File No. Roach A.1.06 LAND CONSERVATION AND DEVELOPMENT

Date of Adoption: April 19, 2006

Date Mailed: April 4, 2006

Date of Notice of Proposed Amendment was mailed to DLCD: Jan. 27, 2006

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

Summary of the adopted amendment: Annexation and Zone Map Amendment

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: Rural Suburban Unincorporated Residential to Suburban Residential.

Zone Map Changed from: County Residential to R-7 Moderate Residential.

Location: 58692 Dogwood Lane Acres involved .42 acres.
Columbia County Tax Assessor Lot 410802301500.

Specify density: Previous 1 DU per acre New: 5 DU 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 # 002-06(14975)

ORDINANCE NO. 2996

FILE COPY

**AN ORDINANCE TO ANNEX AND DESIGNATE THE
ZONE OF CERTAIN PROPERTY AT APPROXIMATELY
58692 DOGWOOD LANE**

WHEREAS, applicant Gerald Roach has requested to annex to the City of St. Helens that certain property described in **Exhibit A**. This property is generally located at 58692 Dogwood Lane, also described as Columbia County Tax Lot 410802301500; and

WHEREAS, the applicant has 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 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 March 15, 2006 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.

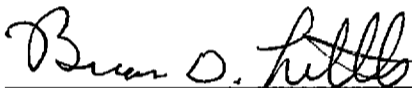
5. In support of the above annexation and zoning, the Council hereby adopts the Roach Annexation and Zone Map Amendment Findings of Fact and Conclusions of Law (**Exhibit B**) dated April 19, 2006.

6. The City Council does hereby refer the final decision to annex this property to the voters of the City of St. Helens.

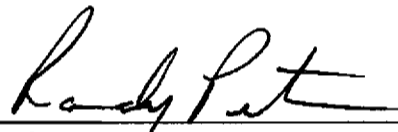
7. The effective date of this Ordinance shall be the date of the successful approval by the voters of the City of St. Helens, in accordance with the City Charter and other applicable laws.

Read the first time: April 4, 2006
Read the second time: April 4, 2006
Read the third time: April 19, 2006
Approved by the Mayor: April 19, 2006

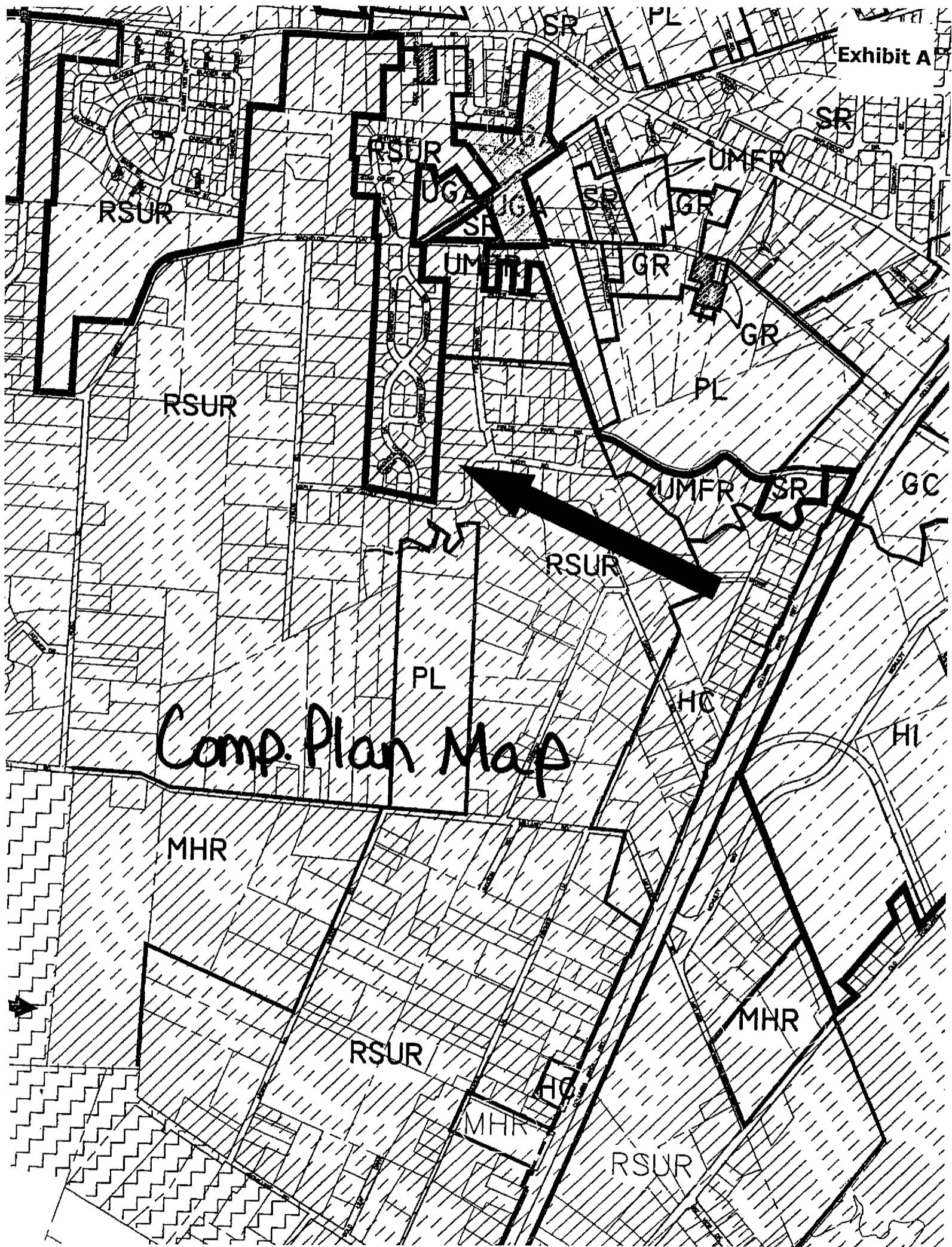
Attested by:

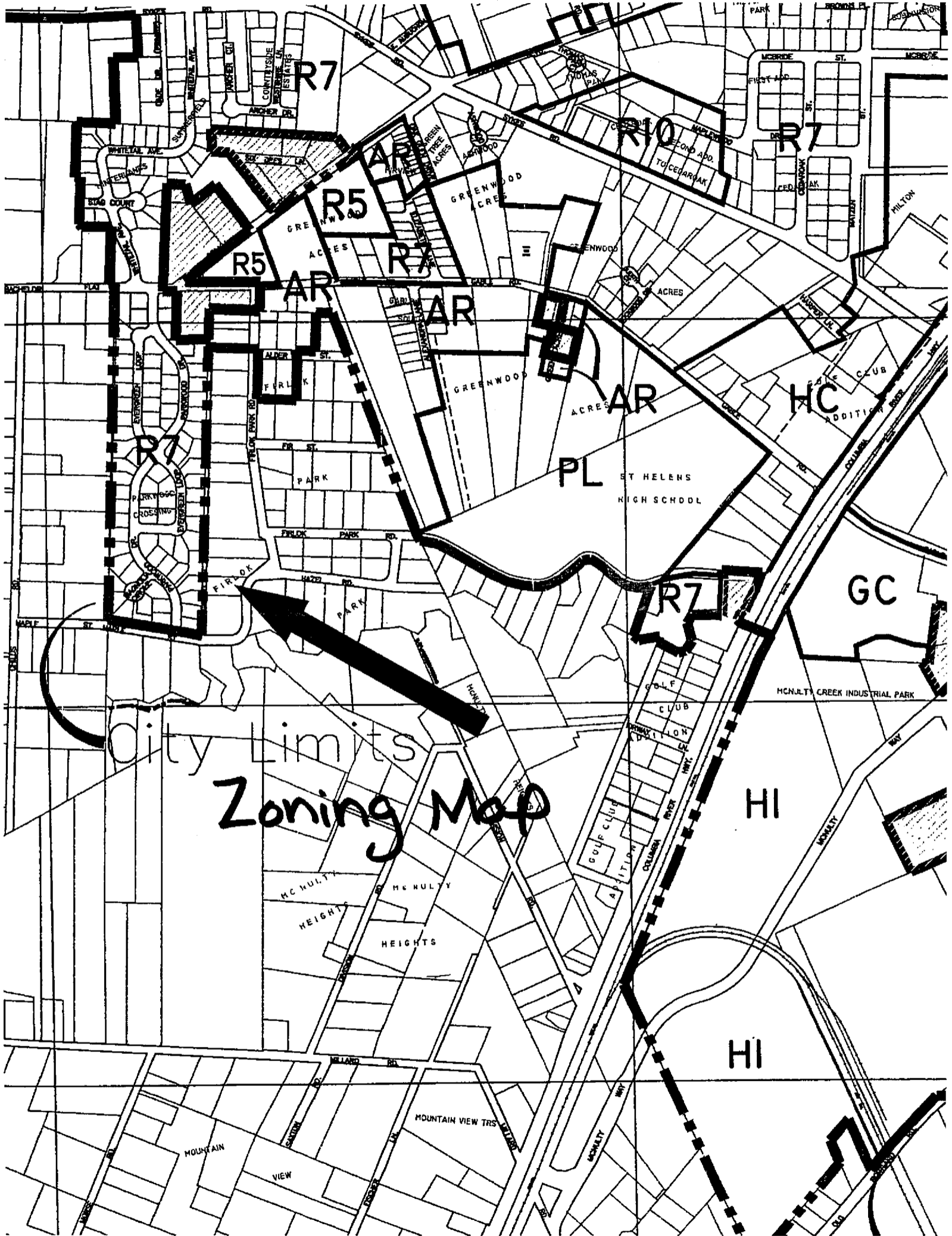


Brian D. Little, City Recorder



Randy Peterson, Mayor





City Limits
Zoning Map



4108-023-01500



1 in. = 252.2 feet



SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That RETTA MAE BLOCKSON, who acquired title as RETTA MAE HATLEY, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto KENNETH BOLING AND PATRICIA BOLING, husband and wife hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the County of Columbia, State of Oregon, described as follows, to-wit:

Tract 16 FIRLOK PARK according to the Plat thereof recorded in Volume 2 of Plats page 101 records of Columbia County, Oregon; Excepting therefrom mineral rights as reserved by the State of Oregon in Deed recorded September 1, 1942 in Book 70, page 562 Columbia County Deed Records.

This Deed is in fulfillment of that certain Contract dated 10/10/86 recorded 10/12/88 by Fee No. 88-5287 Records of Columbia County, Oregon.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the grantee and grantee's heirs, successors and assigns forever. And the grantor hereby covenants to and with the grantee and grantee's heirs, successors and assigns that the real property is free from encumbrances created or suffered thereon by grantor and that grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$25,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 13th day of December, 1993, if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Retta Mae Blockson
RETTA MAE BLOCKSON

STATE OF OREGON, County of Columbia ss.
This instrument was acknowledged before me on 12/13/93 by Retta Mae Blockson
This instrument was acknowledged before me on by as of

Bonnie Belliste
Notary Public for Oregon
My commission expires 1/12/94

RETNA BLOCKSON
Grantor's Name and Address
KENNETH BOLING
Grantor's Name and Address
PATRICIA BOLING, Address, Zip
58692 DOGWOOD LANE
ST. HELENS, OR 97051
Mail requested otherwise send all fee statements to (Name, address, Zip)
NO CHANGE

STATE OF OREGON
I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.
2839 '94 MAR 21 12:44
Instrument # 94-2839
Pages 1
FLYNN & HUBER, County Clerk
By: E. Nelson
Records # 3500
Fee \$ 0600

88-5287-10

FINDINGS OF FACT AND CONCLUSIONS OF LAW
Roach Annexation A1.06

REQUEST:

Gerald Roach has requested to annex property into the City of St. Helens, Oregon.

PUBLIC HEARING:

A Public Hearing was held on March 14, 2006 in front of the Planning Commission and on March 15, 2006 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 February 13, 2006 by first class mail. Notice was published in the local newspaper Feb. 22 & March 1, 2006. Notice was sent to Oregon Department of Land Conservation and Development Jan. 27, 2006.

LOCATION:

The property is located 58692 Dogwood Lane. The site is also known as Columbia County Tax Assessor tax lot 1500 on map 4108023.

SITE INFORMATION:

The site is about .42 acres in area.

REFERRALS: Sent to the following:

1. St Helens Police, Public Works, Parks, Building Official, Waste Water Treatment Plant 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: Helens Way abuts this site on either side and would probably traverse this site if ever developed. The street meets City standards up to the termination points on either side.

Finding: There is no sewer line in front of this property but there is one not very far from the property and there is access to it.

Finding: There is a water line to this site.

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

Finding: Dogwood Lane and Maple Street are County roads and are substandard to the City Standards for paved width, right of way, curbs, gutters and sidewalks.

Finding: The City has a Urban Growth Management Agreement with Columbia County that all roads annexed into the City shall meet city standards or the owner must sign a Waiver of Remonstrance for future Local Improvement District formation to improve the road.

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 west side.

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 on this property.

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 west and RSUR on the north, east, and south sides.

Finding: The amount of R-7 lands is about 606 acres with R-10 lands being about 141 acres or 77% versus 23% when the desired ratio is 85%/15% of all residential zoned lands.

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 development of two lots.

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 abuts the City on the west side.

Finding: The surrounding lots are already partly developed.

The Planning Commission held a hearing and received staff report and evidence into the record and deliberated to a recommendation to the council to annex this property at 58692 Dogwood Lane into the City with a Comprehensive Plan Map designation of SR, Suburban Residential, zone map designation of R-7, Moderate Residential and land classification of “developing” in accordance with the criteria stated in the Staff Report and the following conclusions and additional condition:

The City Council held a hearing and based upon the criteria and evidence in the record found in favor of the applicant and agreed with the recommendations of the Planning Commission.

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 mostly abuts developed lands except for a portion on the southeast side and the very north side.

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.

Additional Condition of Approval:

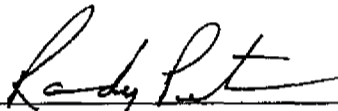
The owner must sign a Waiver of Remonstrance for formation of a future Local Improvement District to improve Dogwood Lane and Maple Street to city standards.

Attested to:

Signed by:



Brian Little, City Administrator



Randy Peterson, Mayor

4/22/06
Date

4/22/06
Date