



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

April 19, 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 003-06

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: April 26, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

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

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APR 14 2006

LAND CONSERVATION AND DEVELOPMENT

NOTICE OF ADOPTION

Jurisdiction: City of St. Helens

Local File No. RubyCPZMA1.06

Date of Adoption: April 5, 2006

Date Mailed: April 13, 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: none

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

Plan Map Changed from: n/a to n/a.

Zone Map Changed from: n/a to n/a.

Location: Columbia County Tax Assessor Lot 410503402100 Acres involved 1.84 acres.

Specify density: Previous 5 DU per acre New: no change

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 # 003-06 (14976)

FINDINGS OF FACT AND CONCLUSIONS OF LAW
RUBY COMPREHENSIVE PLAN AND ZONE MAP AMENDMENTS
RUBY CPZA1.06

REQUEST:

To change approximately 1.84 acres of moderate residentially zoned land to apartment residential and to change the land from suburban residential designated land to general residential land.

PUBLIC HEARING:

A Public Hearing was held 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 zoning amendment was sent to property owners within 300 feet of the lot involved in this request by first class mail. Notice was published in The Spotlight March 1, 2006. Notice was also sent to the Department of Land Conservation and Development on January 27, 2006.

REFERRALS were sent to the following:

1. St Helens City Engineer, Police, Parks, Building Official, Waste Water Treatment Plant Superintendent, and Public Works Manager.
2. Columbia County Land Development Services, Public Health Authority, Roadmaster, Planning Commission, and Board of Commissioners and County Surveyor.
3. St. Helens Rural Fire District.
4. St. Helens Rural School District
5. Columbia 911
6. Columbia River PUD, Qwest, PGE, and NW Natural
7. ODOT Region 1,

The School District stated that this change would possibly impact them.

CRITERIA:

The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

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

- and
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

EVALUATION:

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

Finding: The applicant stated that due to a severe shortage of AR, Apartment Residential zoned lands that this site should be considered for change to AR zone status.

Finding: The surrounding lands are zoned AR, Apartment Residential on the west side partly and R-7, Moderate Residential on most of the other sides.

Finding: One of the policies of the Comprehensive Plan is to encourage the distribution of low income and/or multi-family housing throughout the City rather than limiting them to a few large concentrations.

Finding: The desired mix of housing is 35% for AR and the current mix is 12%.

Finding: The opponents testified that they had purchased land next to this site predicated on the current zoning and that intensification of the residential would negatively affect the value of their properties adjacent to this site.

Finding: The opponents testified that this location is not the best to increase the amount of AR zoned properties as there is significant lands already zoned AR on the west side of this site.

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

Finding: Goal 1 is Citizen Involvement and the Code has numerous requirements for notice to the public as regards land use decisions and many opportunities for participation in the processes.

Finding: The Planning Commission is holding a public hearing to receive public input and then to make a recommendation to the City Council for their final decision.

Finding: The St. Helens Comprehensive has been approved by the State and is Acknowledged.

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

in the current Development Code and in particular Chapter 1.060 which states the process necessary for changes to the Code.

Finding: Notice was sent to Department of Land Conservation and Development more than 45 days prior to the first evidentiary hearing and placed in the local newspaper more than 14 days prior to the hearing and sent to all property owners more than 20 days prior to the first hearing date.

The Planning Commission recommended denial based upon the applicant's failure to convince them that there is a need for more AR zoned property at this location and based upon their concerns for negative impacts to an adjacent transportation facility that they perceive as already overloaded for its condition.

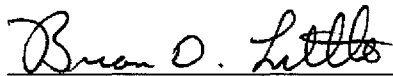
The City Council considered the applicant's comments on there being two minor arterials at either end of this site to adequately handle any increased traffic demands due to intensification of the residential land use by a change in zoning. But the Council also found that the Planning Commission's basis for recommending denial was valid in that the applicant has not shown that this is the best location to change more lands to AR even though there is a general need for more AR zoned lands.

CONCLUSIONS:

1. The first criterion is not met as the applicant has not convinced the approving authority that this is the best location for a change in zoning and that it will not harm to the health, safety or welfare of the community.
2. The second criterion is met as the Comprehensive Plan is already acknowledged by the State.
3. The third criterion appears to be met as there does not appear to be any conflict with the standards applicable of any provision of the Community Development Code or other applicable implementing ordinance.

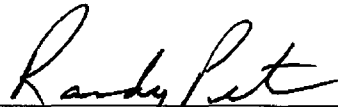
Dated this 5th day of April, 2006.

Attested by:



Brian D. Little, City Recorder

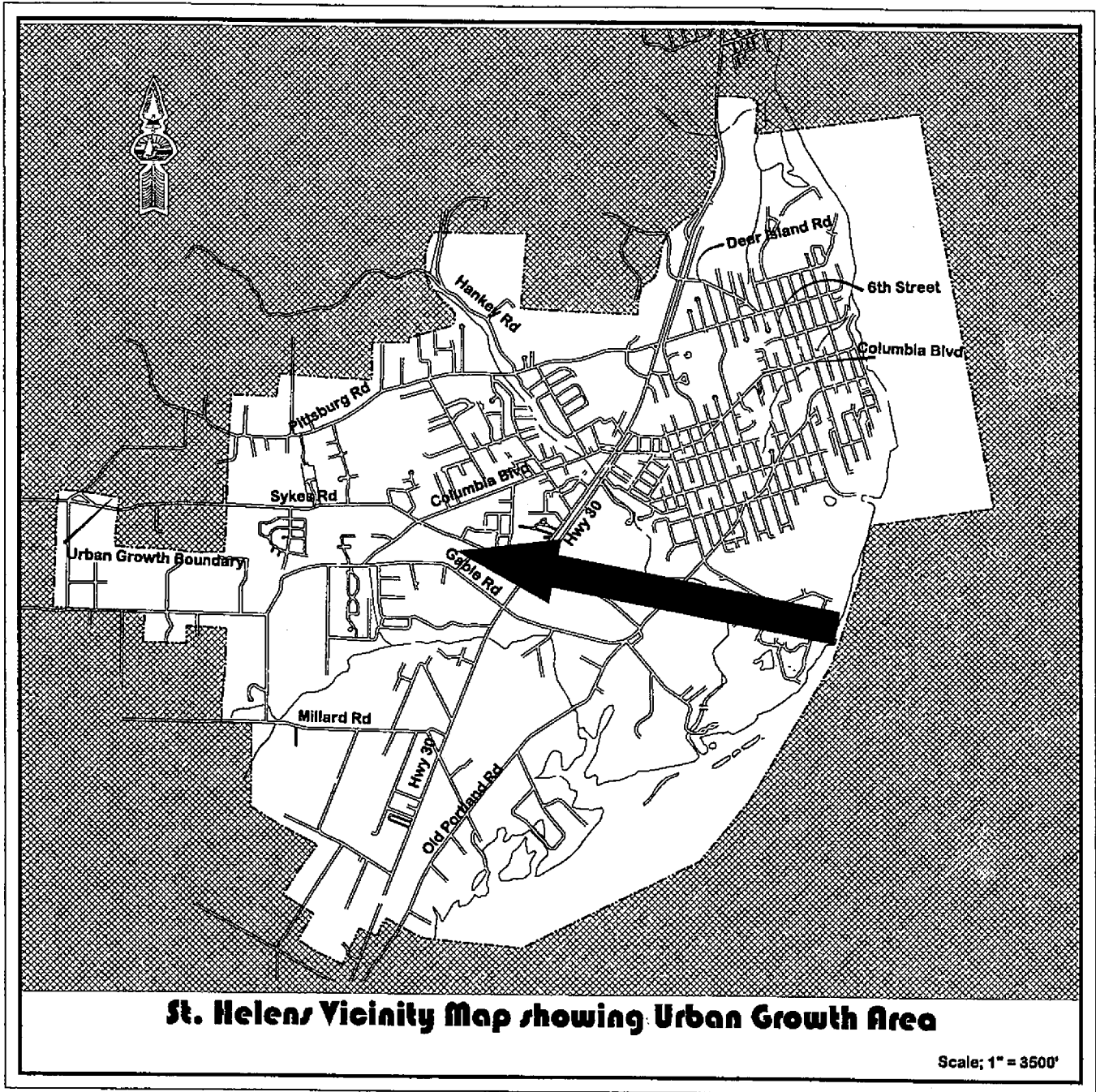
Approved by:



Randy Peterson, Mayor

Subject Property

~ Approximate Location ~



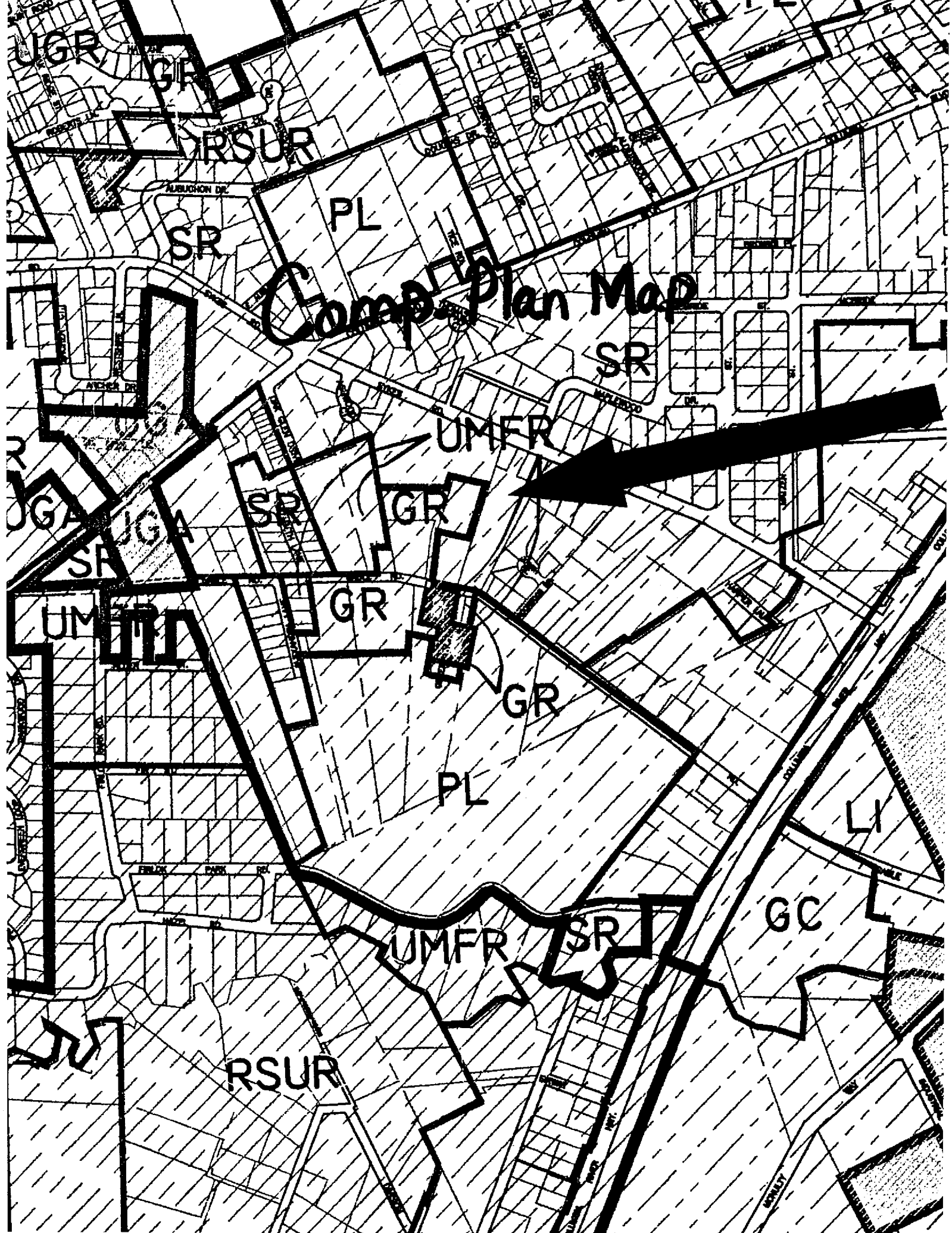


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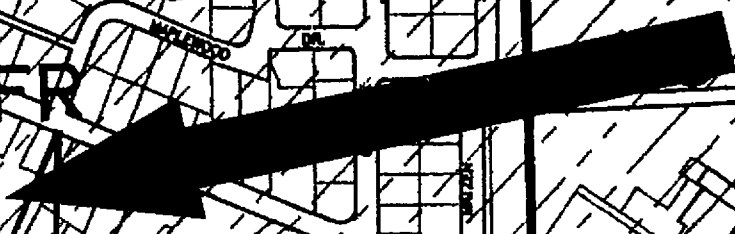


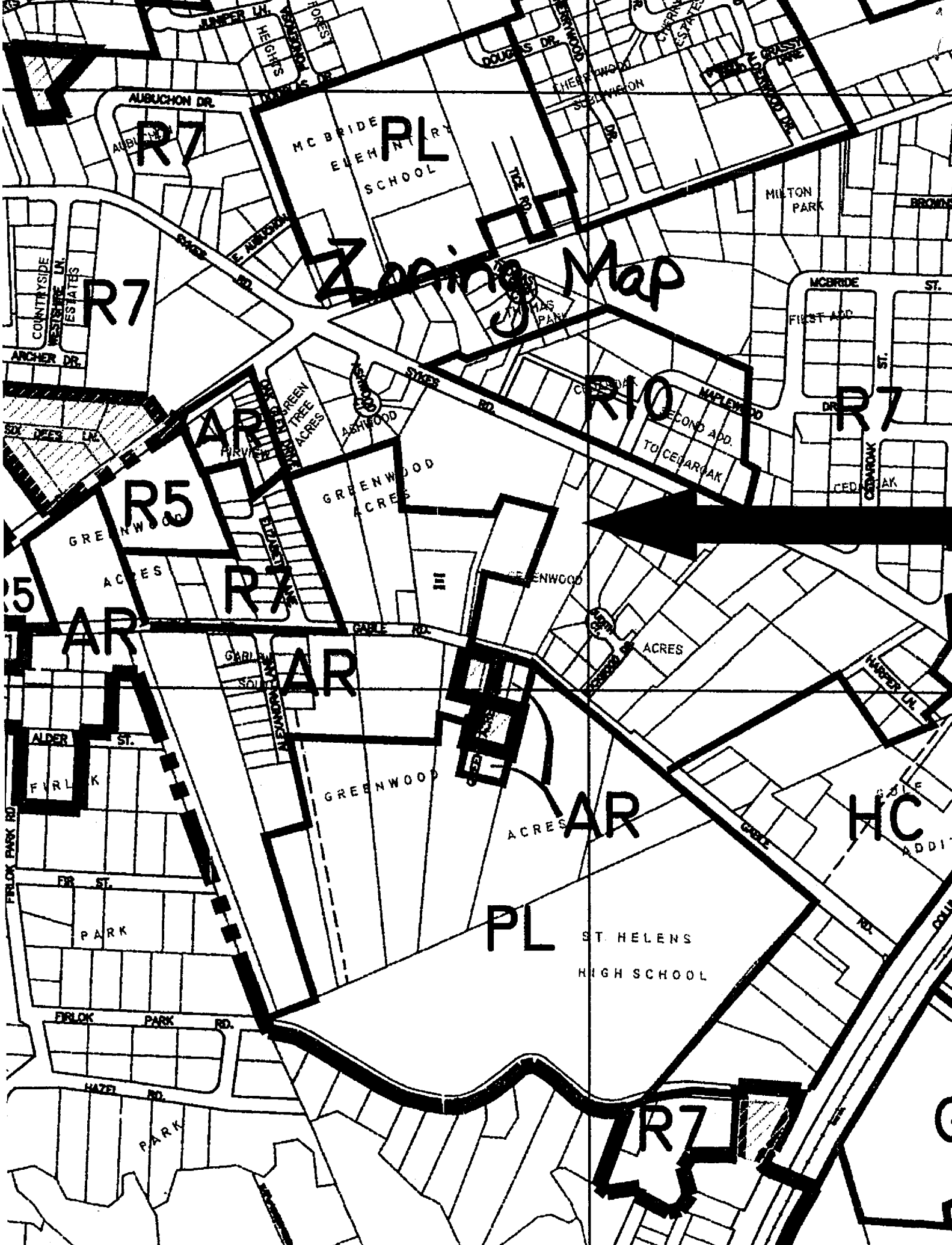
1 in. = 385.5 feet





Comp. Plan Map





Zoning Map

R7

PL

MC BRIDE
ELEMENTARY
SCHOOL

R7

R5

R10

R7

R5

AR

AR

AR

AR

HC

PL

ST. HELENS
HIGH SCHOOL

R7

PARK PARK RD

ALDER ST.

FIR ST.

PARK

PARK PARK RD.

HAZEL RD.

PARK

AUBUCHON DR

AUBUCHON DR

AUBUCHON DR

ARCHER DR

50' WIDE LN

ACRES

ALDER ST.

FIR ST.

PARK

PARK PARK RD.

HAZEL RD.

PARK

GREENWOOD ACRES

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