



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

February 7, 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 004-05



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 adoption was adopted by the City on September 5, 2005, and passed the 21-day appeal period from the date of the adoption.

Appeal Procedures*

DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

***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: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Skip Baker, City of St. Helens

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JAN 31 2006

LAND CONSERVATION AND DEVELOPMENT

NOTICE OF ADOPTION

Jurisdiction: City of St. Helens

Local File No. ColCntyMcNulA2.05

Date of Adoption: Sept 21, 2005

Date Mailed: January 30, 2006

Date of Notice of Proposed Amendment was mailed to DLCD: Jun 10, 2005

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: County Light Industrial to City Light Industrial.

Zone Map Changed from: County Light Ind. to City Light Industrial.

Location: 58646 McNulty Way Acres involved 4.17 acres.
Columbia County Tax Assessor Lot 410801400200.

Specify density: Previous 0 DU per acre New: 0 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 # 004-05 (14459)

ORDINANCE NO. 2966

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN PROPERTY AT APPROXIMATELY 58646 MCNULTY WAY

WHEREAS, applicant Columbia County has requested to annex to the City of St. Helens that certain property described in Exhibit A. This property is generally located at 58646 McNulty Way and is also described as Columbia County Tax Lot 410801400200.

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 August 17, 2005 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:

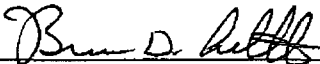
1. The above recitations are true and correct and are incorporated herein by this reference.
2. The property described above is hereby accepted for annexation to the City of St. Helens.
3. The St. Helens Zoning Ordinance Map is hereby amended to reflect that the property described herein shall be zoned 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 September 21, 2005.

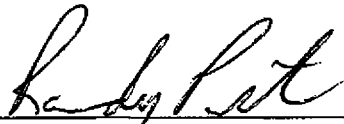
7. The City Council does hereby refer the final decision to annex this property to the voters of the City of St. Helens.
8. The effective date of this Ordinance shall be the date of the successful approval by the voters of the City of St. Helens, in accordance with the City Charter and other applicable laws.

Read the first time:	September 7, 2005
Read the second time:	September 7, 2005
Read the third time:	September 21, 2005
Approved by the Mayor	September 21, 2005

Attested by:



Brian D. Little, City Recorder



Randy Peterson, Mayor

FINDINGS OF FACT AND CONCLUSIONS OF LAW
COLUMBIA COMMUNITY MENTAL HEALTH ANNEXATION

REQUEST:

Columbia County has requested that certain property be annexed into the City of St. Helens, Oregon.

PUBLIC HEARING:

A Public Hearing was held August 9, 2005 in front of the Planning Commission and on August 17, 2005 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 July 18, 2005 by first class mail. Notice was published in The Spotlight August 27, 2005. Notice was sent to Oregon Department of Land Conservation and Development June 10, 2005.

LOCATION:

The property is located at 58646 McNulty Way. The site is also known as Columbia County Tax Assessor tax lot 200 on map 4108014.

SITE INFORMATION:

The site is about 4.17 acres in area and is developed as offices for Columbia Community Mental Health building.

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

There have been no negative comments to date.

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: The site is fully serviced by public utilities and franchise utilities.

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 apply 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 northwest corner diagonally across Gable Road.

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 registered voters living on this site.

Finding: The applicant is the only owner.

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 Light Industrial designated area according to the Comprehensive Plan Map.

Finding: The policy of the Comprehensive Plan for Heavy Industrial designated lands is that the City of St. Helens should "Zone them as Light Industrial".

Finding: This site is surrounded on all sides by Light Industrial zoned properties.

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

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 Light Industrial area.

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

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. The zone designation per the Comprehensive Plan shows that this area is not residential.

Finding: The current use is for services for clients funded by the State through the County under contracts for professional counseling and treatments.

Finding: The building is primarily used for office space such as would be found in an Industrial Park for professional services.

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: The City rules require that properties that desire public water and/or sewer from the City must agree to annexation.

Finding: The owners are following the City rules.

The Planning Commission held a public hearing August 9, 2005 and a representative from the Columbia Community Mental Health organization was the only person to submit evidence or testimony into the record. There were no negative comments from anyone.

The Council hearing also resulted in no comments being presented.

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.

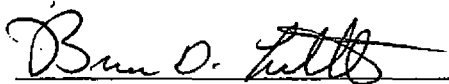
3. Complies with State laws.
4. Complies with the applicable Comprehensive Plan policies and map designation: and the zone change will not adversely affect the health, safety, and welfare of the community;
5. The City's Comprehensive Plan and ordinances have been acknowledged by the State.
6. Meets the standards applicable of any provision of this Code or other applicable implementing ordinance.
7. Is barely contiguous to the City.
8. The zone should be LI, Light Industrial in keeping with the Comprehensive Plan Map and policies of the Plan and the fact that it is surrounded on all side by LI zones.

The commissioners deliberated and based upon the record and the staff report made a unanimous decision to recommend to the City Council the annexation of the Columbia County property located at 58646 McNulty Way into the City and to change the designation from County Light Industrial to City Light Industrial and to zone the property LI, Light Industrial once the voters approve the annexation proposal.

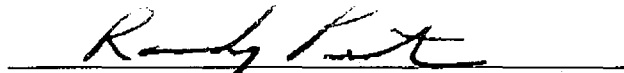
The City Council deliberated and based upon the record, the staff report and the recommendations from the Planning Commission decided to approve the application from Columbia County to annex the property located at 58646 McNulty Way into the City Limits and to change the designation from County Light Industrial to City Light Industrial and to change the zone from County Light Industrial to City LI, Light Industrial once the voters approve the annexation approval.

Attested to by:

Approved by:



Brian Little, City Recorder



Randy Peterson, Mayor

9/21/05

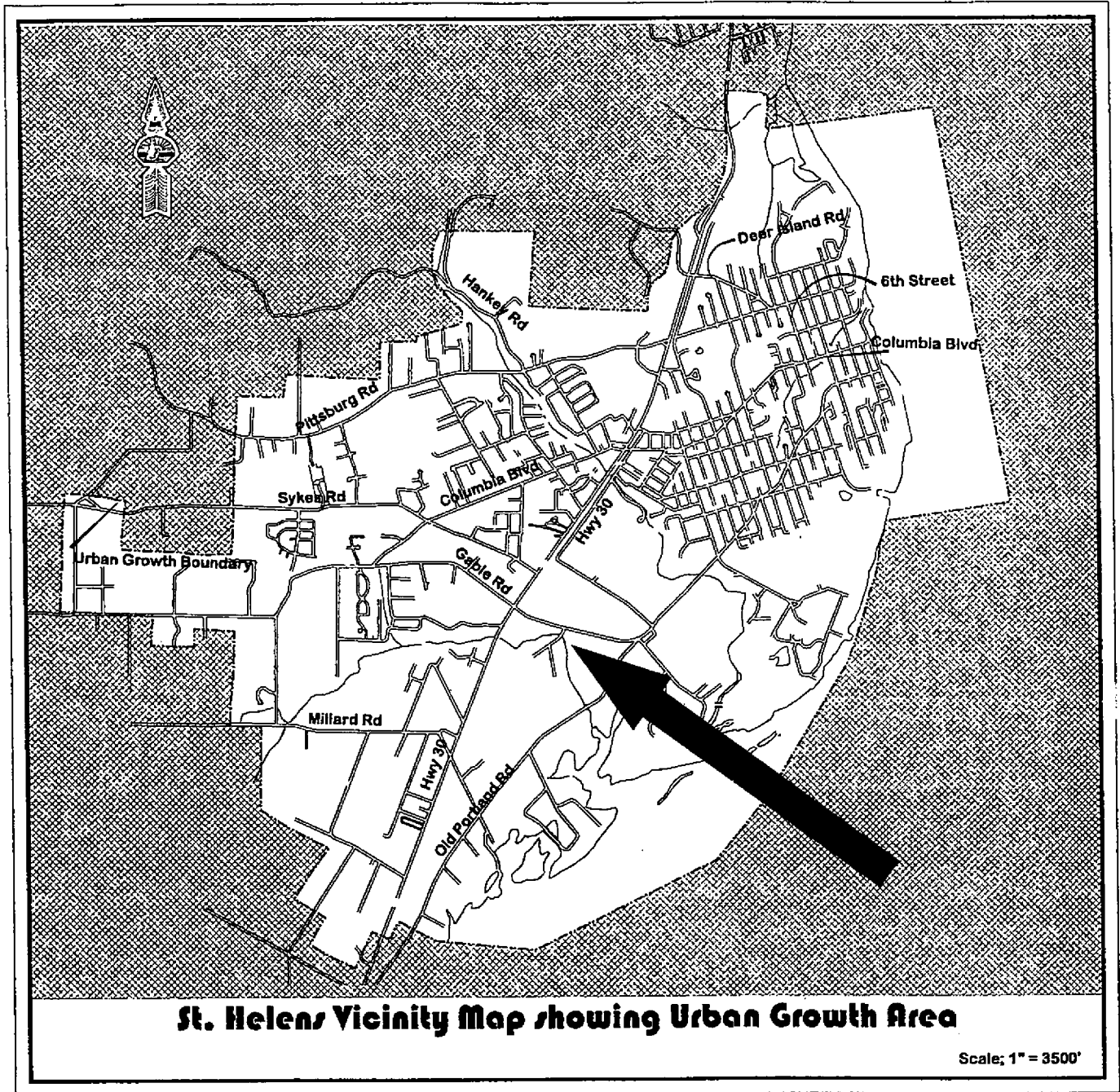
Date

9/21/05

Date

Subject Property

~ Approximate Location ~



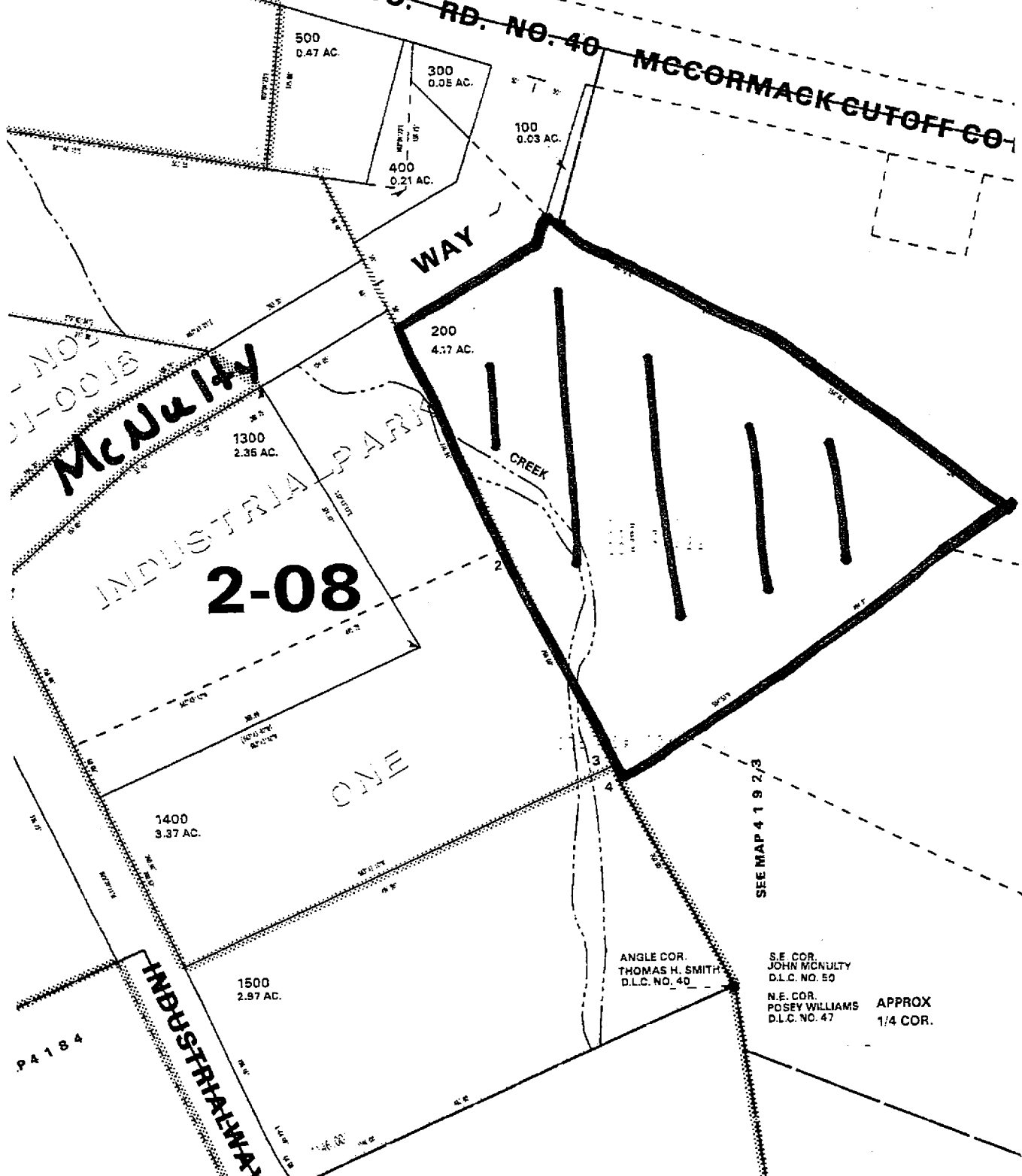
MAP 41811

APPROX.
1/16 COR.

4108-014-00200

Canceled No.

P-189 C.N. **GABLE CO. RD. NO. 40** **MCCORMACK CUTOFF CO.**



W. W.M.
ITY.
PURPOSES ONLY

Wetland #14
FIRM # 452

418
& INDEX

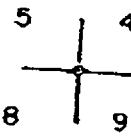
5/04/01c

WEST RD.

SEE MAP 41544

AP

SYDES RD P218
1995-04



CITY

CS# 69

CS# 123

CS# 662

CS# 666

CS# 1246

CS# 1744

SEE MAP

4187R
2-08
(UGB)

SEE MAP 4192

CS# 3699

300
10.57 AC

200
224 AC

103
PR#10021 AC

101
0.05 AC

400
0.03 AC

303
9.47 AC

102
4.17 AC

PERMANENT
OPEN SPACE
(See Plat)

Subject

307
3.25 AC
CITY CREEK INDUSTRIAL

306
2.84 AC

PHASE ONE

309
3.50 AC

314
2.35 AC
PARK

310
3.37 AC

CS# 3816

SEE MAP 1923

308
4.92 AC

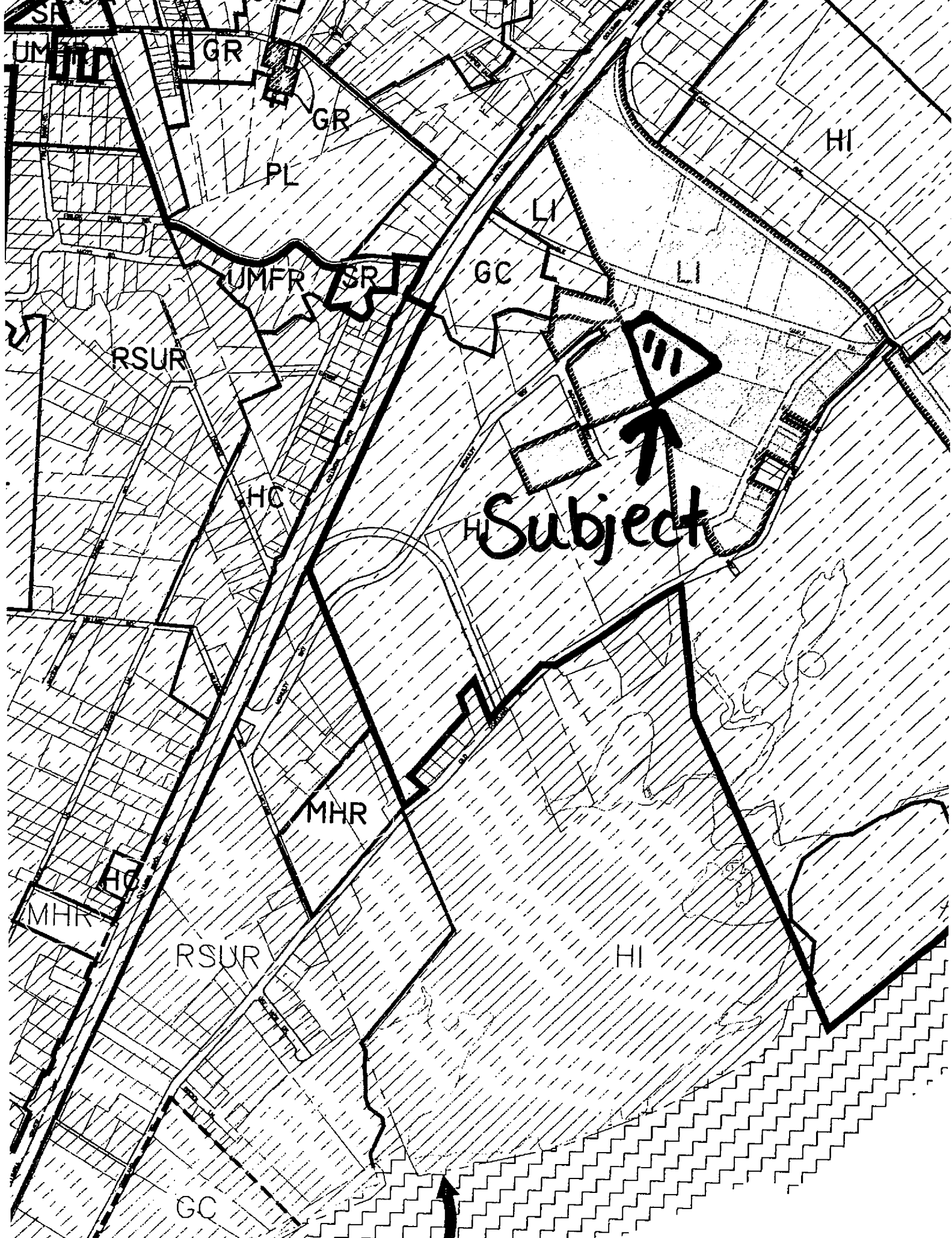
301
10.6 AC

P. M. TID.
1995-39
(UGB)

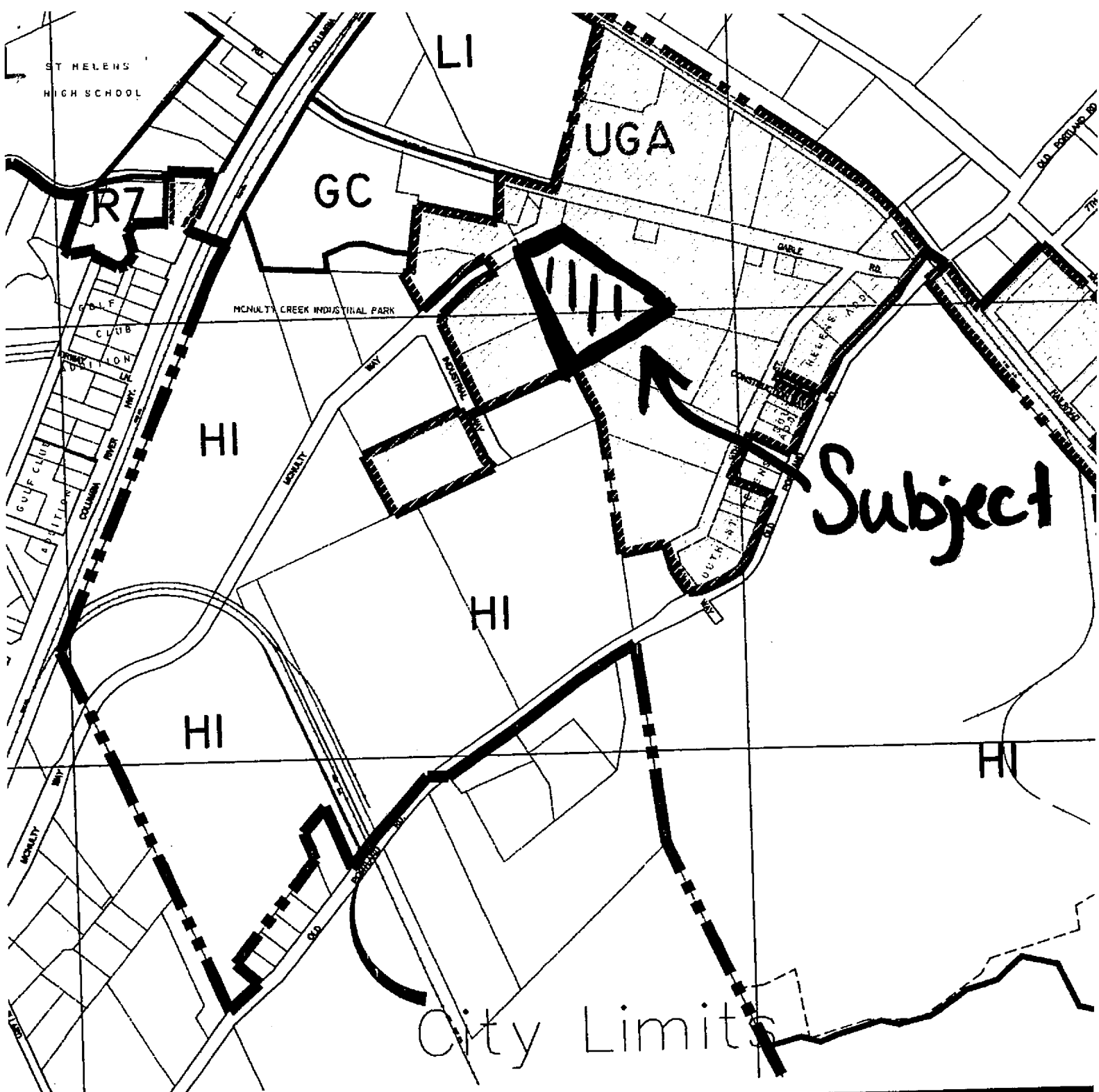
CS# 3264
CS# 3264 A

2-08

- THE SIX M. HILLINGS
- A: NORTHERN HILL
 - B: WESTERN HILL
 - C: EASTERN HILL
 - D: SOUTHERN HILL
 - E: CENTRAL HILL
 - F: WESTERN HILL
 - G: EASTERN HILL
 - H: SOUTHERN HILL



Subject



ZONING PLAN

SCALE; 1" = 600', DATE; 02/09