



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

September 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 005-06



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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 22, 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
SEP 05 2006
CONSERVATION

NOTICE OF ADOPTION

Jurisdiction: City of St. Helens

Local File No. Dahlgren A2.06

Date of Adoption: August 16, 2006

Date Mailed: September 1, 2006

Date of Notice of Proposed Amendment was mailed to DLCD: April 26, 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: _County Industrial _to_ _City Industrial_____.

Zone Map Changed from: _County Industrial to_ _City Heavy Industrial_____.

Location: _n/a **Acres involved** _5.7_____.
Columbia County Tax Assessor Lots 410801401400 & 1300

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: ODOT, Columbia County, and St. Helens Rural Fire 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 # 005-06
(15183)

ORDINANCE NO. 3016

**AN ORDINANCE TO ANNEX AND DESIGNATE THE
ZONE OF CERTAIN PROPERTY AT APPROXIMATELY
35855 INDUSTRIAL WAY**

WHEREAS, applicant Eric Dahlgren has requested to annex to the City of St. Helens that certain property described in Exhibit A. This property is generally located at 35855 Industrial Way, also described as Columbia County Tax Lots 4108-014-01300 & 01400; 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 June 21, 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 HI, Heavy Industrial.
4. The St. Helens Comprehensive Plan Map is hereby amended to reflect that the property described herein shall be designated as HI, Heavy 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 August 16, 2006.

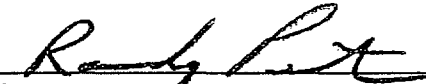
7. The City Council does hereby refer the final decision to annex this property to the voters of the City of St. Helens.
8. The effective date of this Ordinance shall be the date of the successful approval by the voters of the City of St. Helens, in accordance with the City Charter and other applicable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

Read the first time:	July 19, 2006
Read the second time:	July 19, 2006
Read the third time:	August 16, 2006
Approved by the Mayor:	August 16, 2006

Attested by:



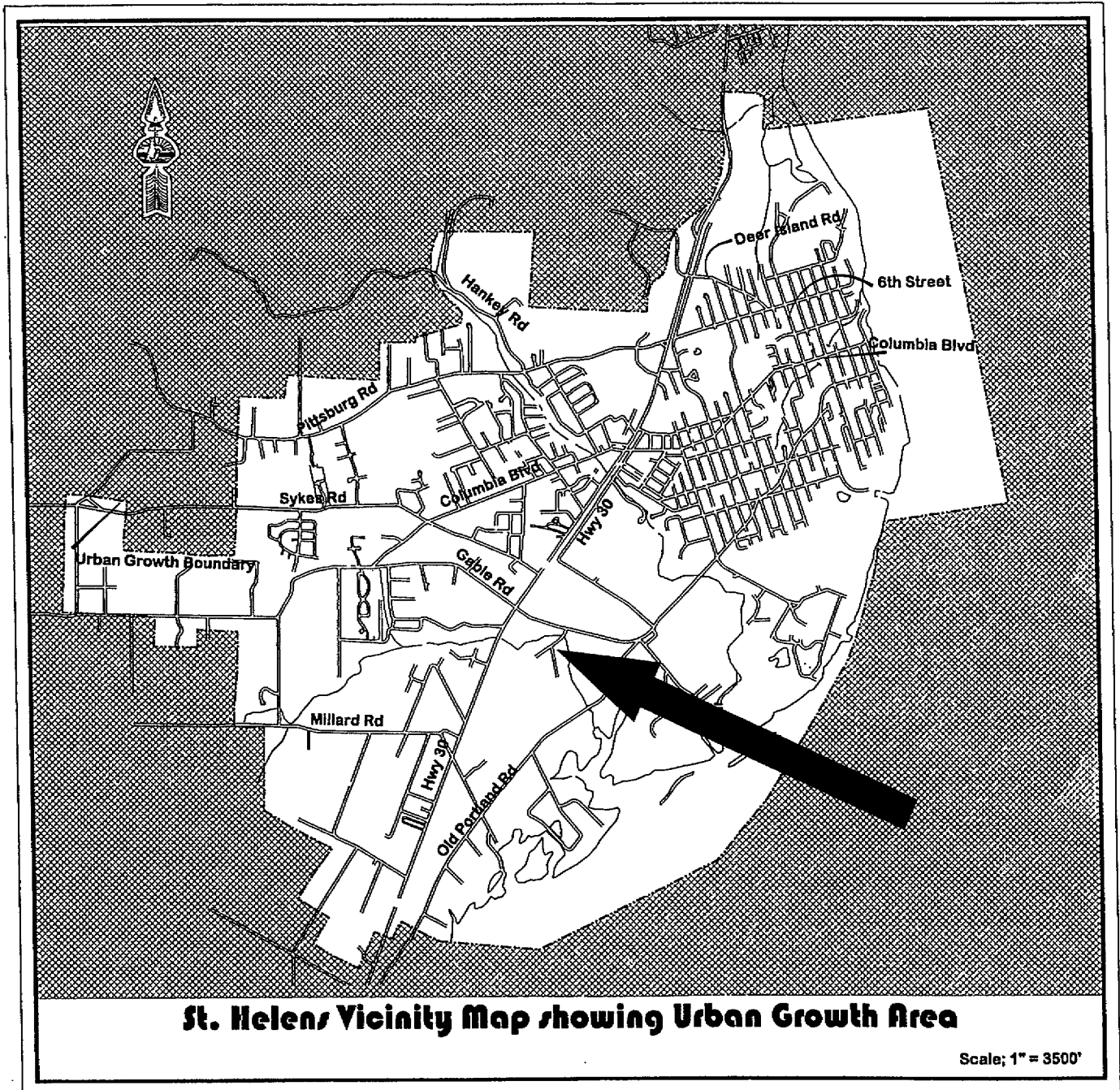
Brian D. Little, City Administrator



Randy Peterson, Mayor

Subject Property

~ Approximate Location ~



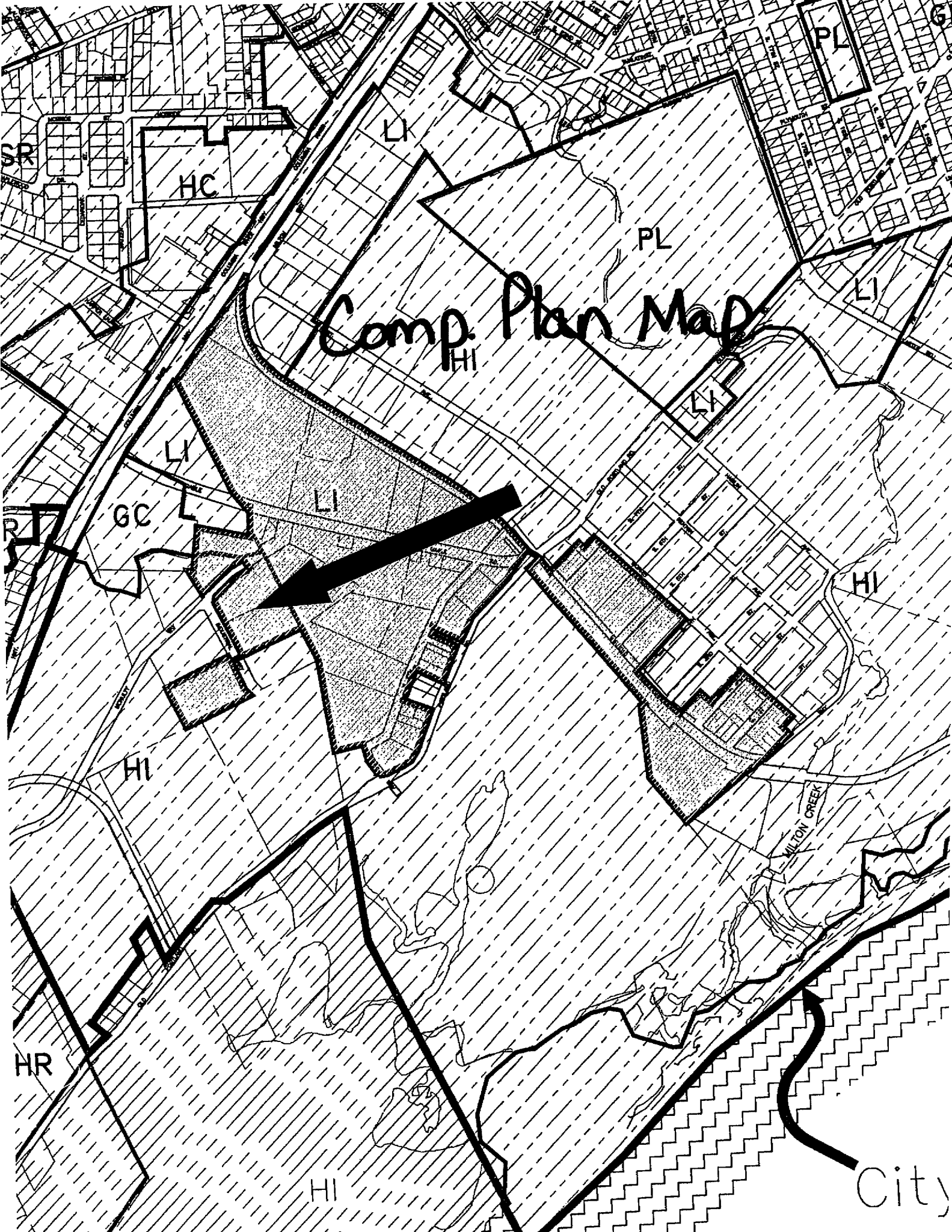


4108-014-01300/01400

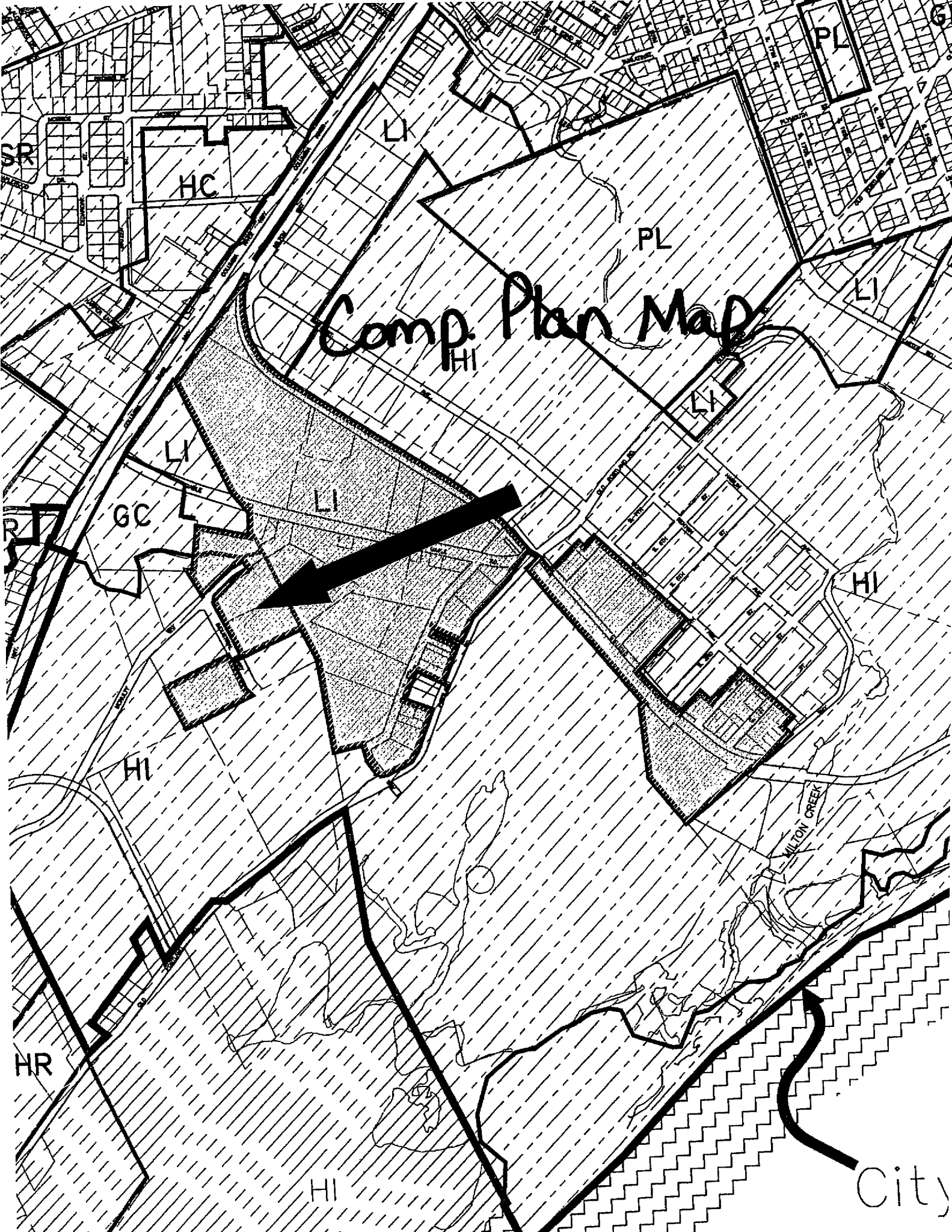


1 in. = 466.0 feet

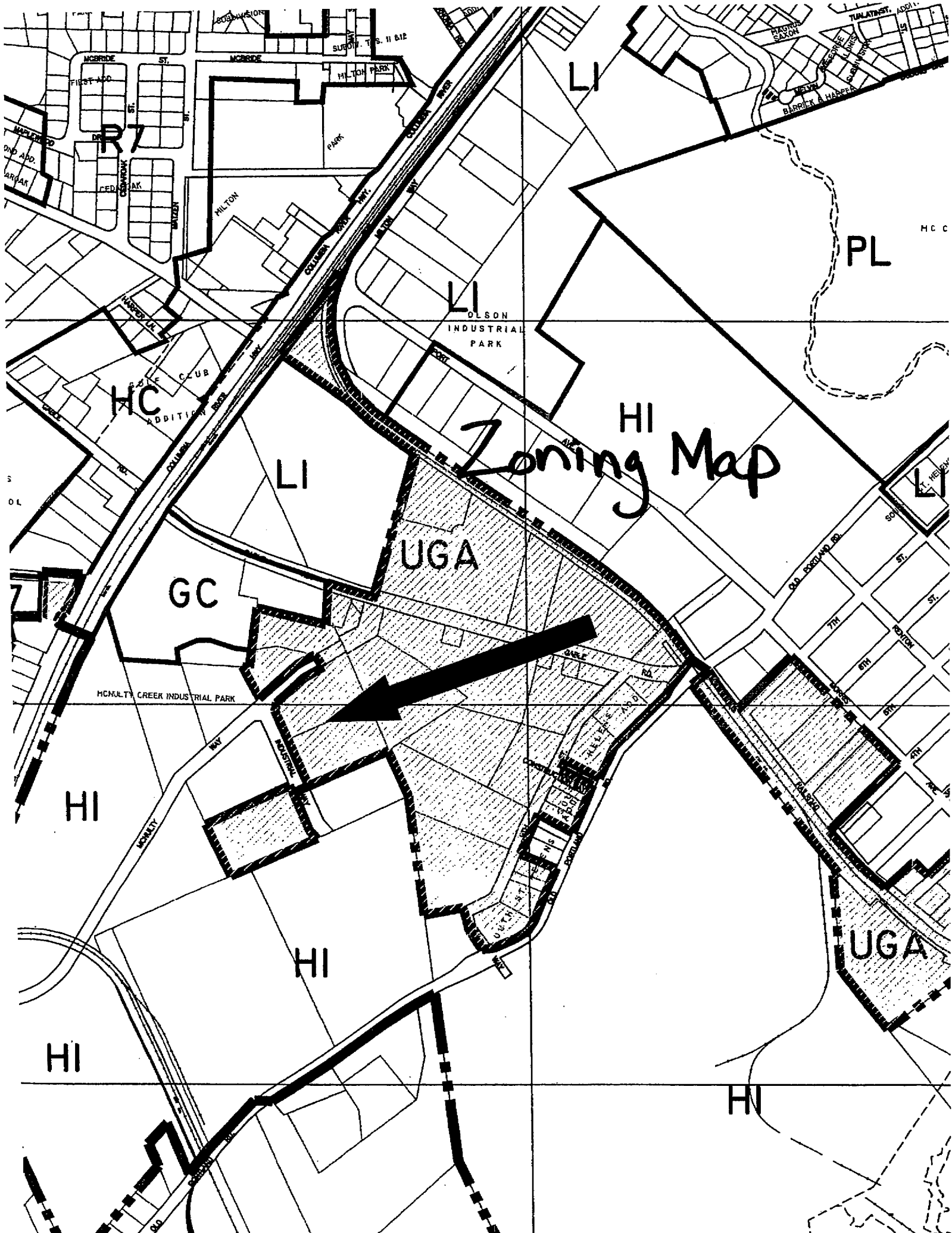




Comp. Plan Map



City



Zoning Map



HC

LI

UGA

GC

HI

PL

HI

HI

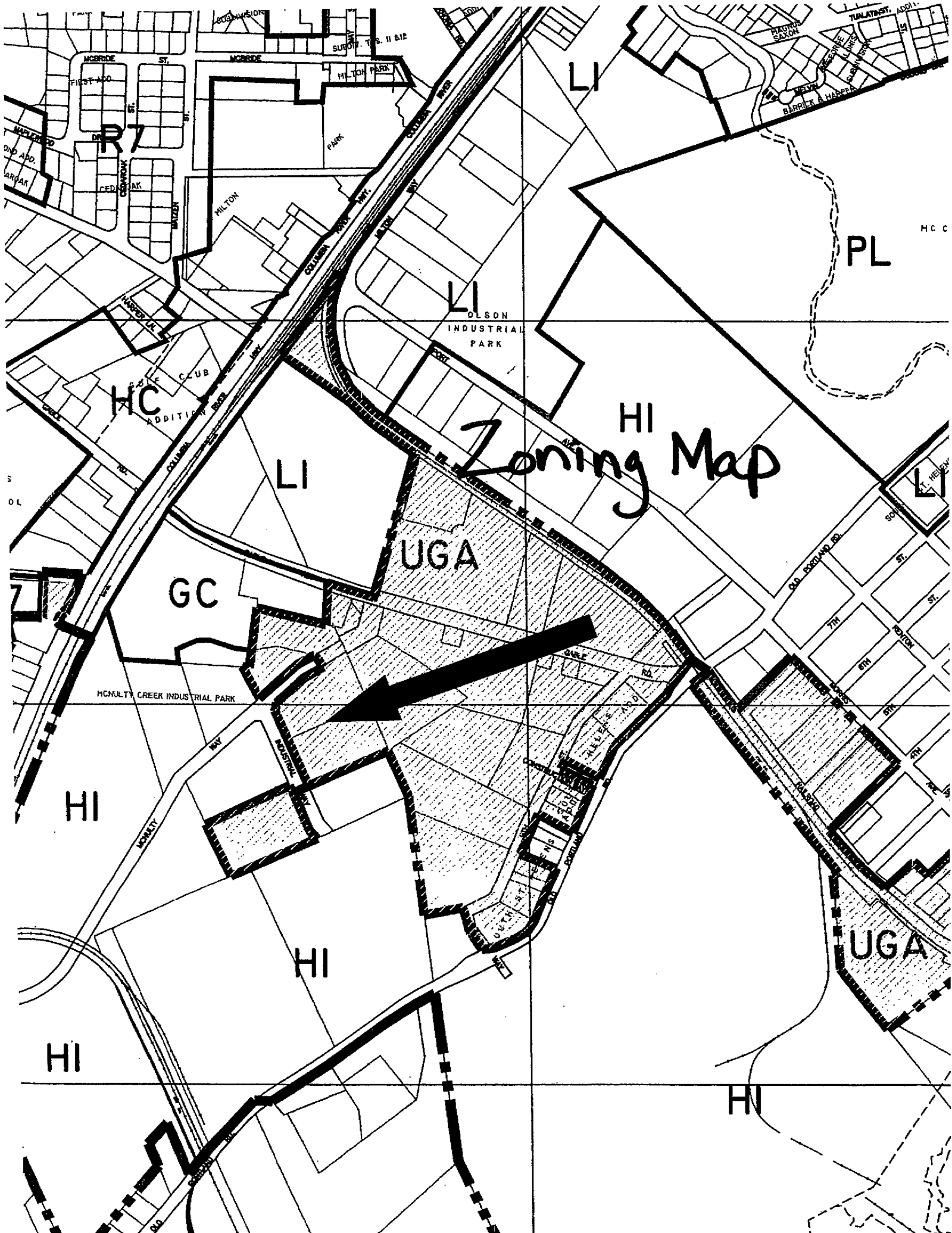
HI

HI

UGA

OLSON INDUSTRIAL PARK

MCMULTY CREEK INDUSTRIAL PARK



FINDINGS OF FACT AND CONCLUSIONS OF LAW
Dahlgren Annexation A2.06

REQUEST:

Eric Dahlgren has requested to annex a property into the City of St. Helens, Oregon.

PUBLIC HEARING:

A Public Hearing was held on June 13, 2006 in front of the Planning Commission and on June 21, 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 April 26, 2006 by first class mail. Notice was published in the local newspaper May 31, 2006. Notice was sent to Oregon Department of Land Conservation and Development April 26, 2006.

LOCATION:

The property is located 35855 Industrial Way. The site is also known as Columbia County Tax Assessor tax lots 1300 & 1400 on map 4108014.

SITE INFORMATION:

The site is about 15.7 acres in size.

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 and the sewer has excess capacity at the plant of over twice the use rate residentially.

Finding: Industrial Way abuts this site on the southwest side and McNulty Way on the northwest side. Industrial Way is a local industrial street and does not fully meet City

Standards nor does McNulty Way which is a collector industrial street.

Finding: There are sewer lines in McNulty and Industrial Ways.

Finding: There are water lines in McNulty and Industrial Ways.

Finding: McNulty and Industrial Ways lack curbs, gutters, and sidewalks.

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 three 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: There are no residents.

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 an Unincorporated Heavy Industrial designated area according to the Comprehensive Plan Map.

Finding: The policy of the Comprehensive Plan for Heavy Industrial lands is that the City of St. Helens should zone it as HI, Heavy Industrial and designate it Heavy Industrial.

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 Unincorporated Heavy Industrial 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 is industrial and thus the rule does not apply.

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 abuts the City Limits on three sides.

Finding: Development has begun under the County's jurisdiction to construct industrial general use buildings.

CONCLUSIONS:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and

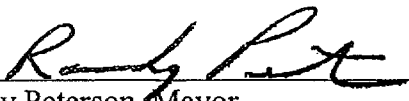
2. The applicable comprehensive plan policies and implementing ordinance provisions have been satisfied.

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 abuts city limits on three sides.
8. The zone should be HI, Heavy Industrial in keeping with the Comprehensive Plan Map and policies of the Plan.
9. The new designation should be HI, Heavy Industrial on the Comprehensive Plan Map after annexation is completed.

The City Planning Commission held a public hearing on June 13, 2006 and received the staff report into evidence. There was no testimony and thus the hearing was closed. The Commission deliberated and decided to recommend annexation of the applicant's property into the City and to recommend the property be zoned incorporated heavy industrial based upon the evidence in the record and the criteria of the Code.

The City Council held a hearing June 21, 2006 and received the reports into the record. There was no verbal testimony. The Council closed the hearing and deliberated. The Council approves the application for annexation and has decided, in accordance with the City's Comprehensive Plan and Zoning Ordinances to designate the land as Heavy Industrial on the Comprehensive Plan Map and on the Zone Map.

Approved by the City Council and signed by:



Randy Peterson, Mayor

8/16/06
Date

PARCEL 1:

A portion of Lot 2 and a portion of Lot 3, MCNULTY CREEK - INDUSTRIAL PARK PHASE ONE, recorded October 2, 1991 in Book 4, Page 9, Plat Records of Columbia County, State of Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of Lot 2, McNulty Creek Industrial Park, Phase One, Columbia County, Oregon;
Thence along the Westerly and Northerly line of said Lot 2, North 25° 22' 11" West a distance of 156.89 feet;
Thence along the arc of a 40.00 foot radius curve to the right (the long chord bears North 10° 29' 10" East, 46.86 feet) a distance of 50.06 feet;
Thence North 46° 20' 31" East a distance of 153.05 feet;
Thence along the arc of a 170.00 foot radius curve to the right (the long chord bears North 52° 03' 46" East, 33.89 feet) a distance of 33.95 feet;
Thence North 57° 46' 47" East a distance of 125.70 feet;
Thence leaving said Northerly line South 32° 13' 13" East a distance of 321.72 feet;
Thence South 63° 43' 40" West a distance of 368.99 feet to the Westerly line of Lot 3 of said McNulty Creek Industrial Park;
Thence North 25° 22' 11" West a distance of 60.00 feet to the POINT OF BEGINNING.

PARCEL 2:

LOTS 2 AND 3 MCNULTY CREEK INDUSTRIAL PARK - PHASE ONE, Columbia County, Oregon;
EXCEPTING THEREFROM that portion conveyed to C & K Food Processing, U.S.A., Inc. a California corporation in deed recorded July 24, 1995 as Columbia County Clerk's Instrument No. 95-06224, records of Columbia County, Oregon.