



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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### NOTICE OF ADOPTED AMENDMENT

January 27, 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 006-05

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.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 8, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. 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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DEPT OF

JAN 20 2006

LAND CONSERVATION  
AND DEVELOPMENT

NOTICE OF ADOPTION

Jurisdiction: City of St. Helens

Local File No. AssA.3.05

Date of Adoption: Jan. 18, 2006

Date Mailed: Jan. 19, 2006

Date of Notice of Proposed Amendment was mailed to DLCD: Sept. 9, 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: \_Rural Suburban Unincorporated Residential \_ to Suburban Residential.

Zone Map Changed from: \_County Residential to \_R-10 Suburban Residential.

Location: 59940 Windy Ridge    Acres involved \_1.0 acres.  
Columbia County Tax Assessor Lot 513204302301.

Specify density: Previous \_1 DU per acre \_\_\_ New: 3 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 # 006-05  
(14672)

## **ORDINANCE NO. 2975**

### **AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN PROPERTY AT APPROXIMATELY 59940 WINDY RIDGE DRIVE**

WHEREAS, applicant Asset Construction, Inc. has requested to annex to the City of St. Helens that certain property described in Attachment A. This property is generally located at 59940 Windy Ridge Drive and is also described as Columbia County Tax Lot 513204302301.

WHEREAS, the applicant has consented in writing to the proposed annexation;  
and

WHEREAS, the applicant constitutes all the owners of the property to be annexed; 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 December 7, 2005, on the annexation proposal; and

WHEREAS, the Council has considered findings of compliance with criteria and law applicable to the proposal.

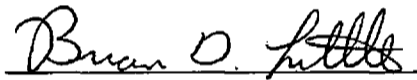
NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

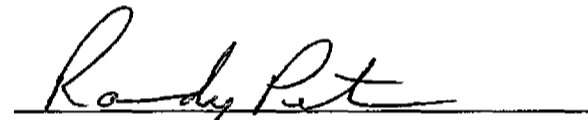
1. The above recitations are true and correct and are incorporated herein by this reference.
2. The property described above is hereby accepted for annexation to the City of St. Helens.
3. The St. Helens Zoning Ordinance Map is hereby amended to reflect that the property described herein shall be zoned R-10, Suburban 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 Columbia County Annexation and Zone Map Amendment Findings of Fact and Conclusions of Law dated January 18, 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: December 21, 2005  
Read the second time: December 21, 2005  
Read the third time: January 18, 2006  
Approved by the Mayor: January 18, 2006

Attested by:

  
\_\_\_\_\_  
Brian D. Little, City Recorder

  
\_\_\_\_\_  
Randy Peterson, Mayor

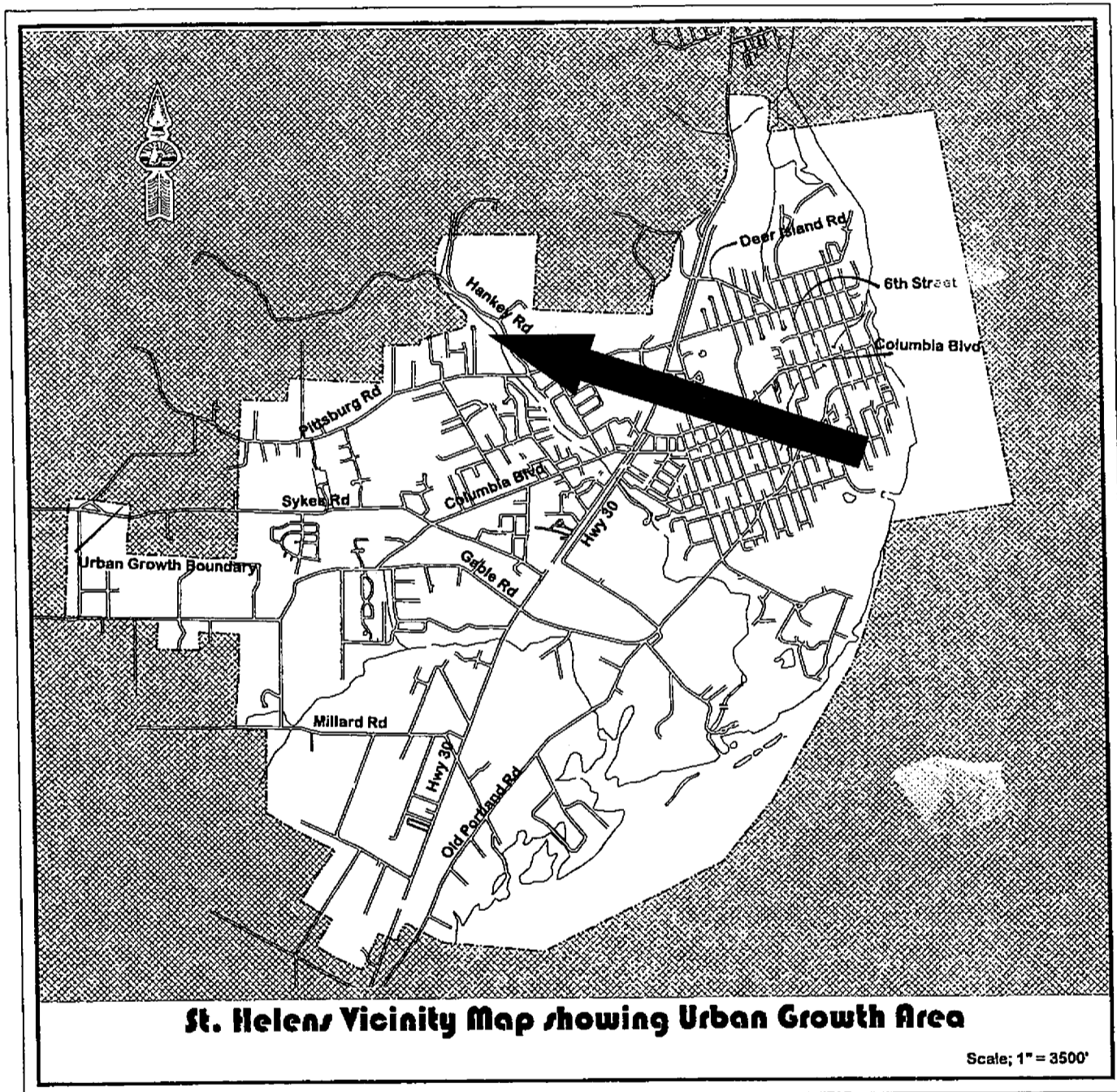
**ATTACHMENT A**

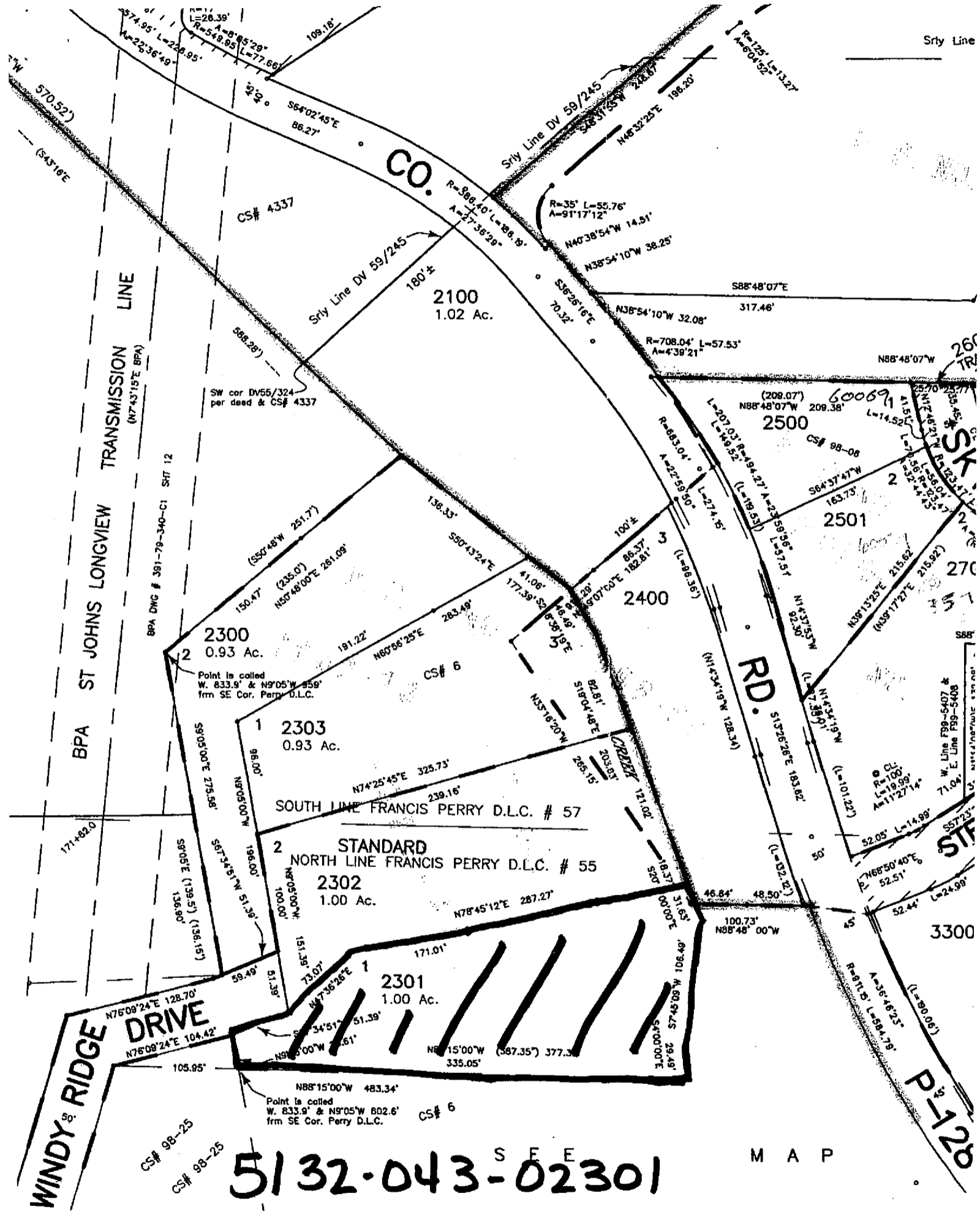
Legal Description

Parcel 1 of Partition Plat No. 1999-45, recorded December 29, 1999, Fee No. 99-17218  
in Columbia County, Oregon.

# Subject Property

~ Approximate Location ~



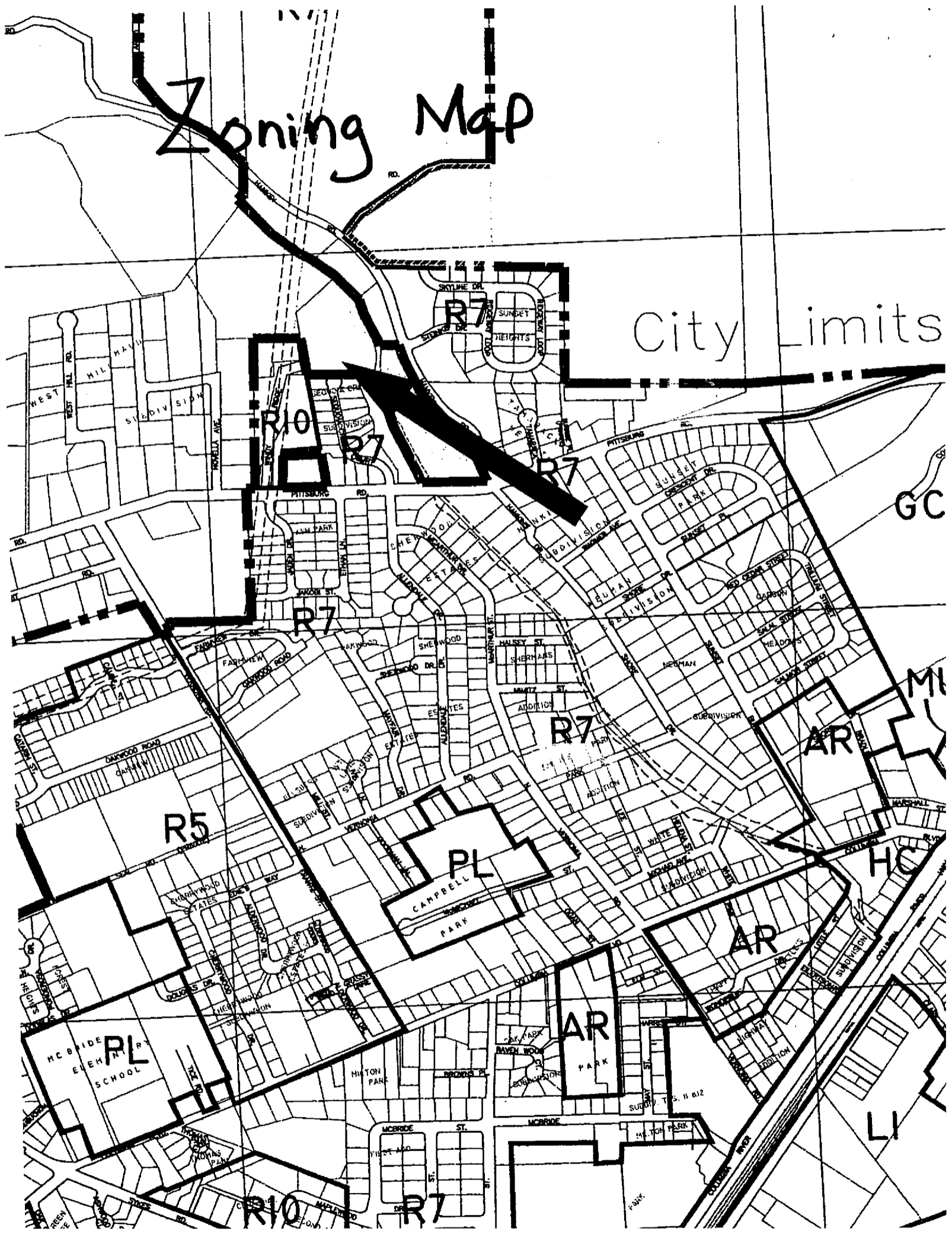


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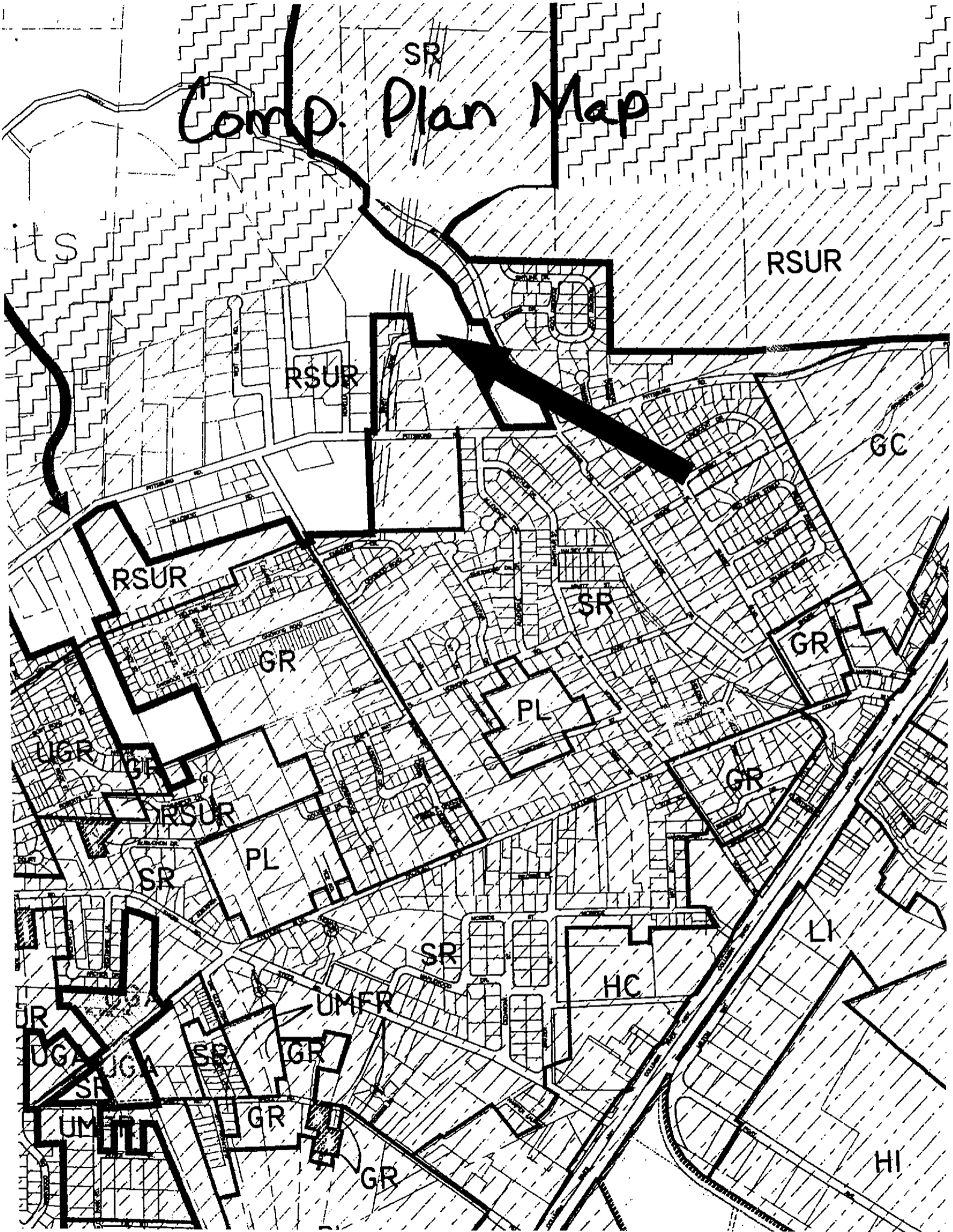
P-128

# Zoning Map





# Comp. Plan Map



FINDINGS OF FACT AND CONCLUSIONS OF LAW  
Asset Construction LLC Annexation

REQUEST:

Asset Construction, LLC has requested to annex their property into the City of St. Helens, Oregon.

PUBLIC HEARING:

A Public Hearing was held on November 8, 2005 in front of the Planning Commission and another was held on Dec. 7, 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 October 11, 2005 by first class mail. Notice was published in the local newspaper Oct. 19 & 26, 2005. Notice was sent to Oregon Department of Land Conservation and Development Sept. 9, 2005.

LOCATION:

The property is located just east of 59940 Windy Ridge Rd. The site is also known as Columbia County Tax Assessor tax lot 2301 on map 5132043.

SITE INFORMATION:

The site is about 1 acre in area.

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.

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: Windy Ridge Road is local street with a 50 foot wide right of way and about 25 feet of pavement without sidewalks, curbs, and gutters. There are several houses already on this street.

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 in front of this site.

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

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 and east 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 currently.

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-10 to the west, R-7 to the east and RSUR on the north and south sides.

Finding: The amount of R-7 lands is still below the recommended ratio of 85% of all lands designated as RSUR, Rural Suburban Unincorporated Residential.

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 or three 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 surrounded by the City on at least two sides.

Finding: The surrounding lots are already developed at less than the zone will allow.

The Planning Commission received the staff report into the record and there was no testimony from anyone. The Planning Commission decided to accept the staff report and recommendations with the exception of zoning in which they voted to recommend zoning it R-10.

The City Council received the staff report and the Planning Commission recommendation into the record. There was no testimony from anyone of this application.


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 is surrounded by land that is either vacant or less than the allowed urban densities for the zone designated by the Comprehensive Plan.
8. The zone should be R-10, 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.

The recommending authority should consider an additional condition of approval be to improve the street or at least a Waiver of Remonstrance for future Local Improvement District.

The City Council considered the record, the recommendation and the criteria and found in favor of the applicant to annex the property into the City Limits, to zone the property R-10, Suburban Residential, to change the Comprehensive Plan Map designation to SR, Suburban Residential and to find the property is "Developing" per Ordinance No. 2875.

Signed by:

  
Randy Peterson, Mayor

1/18/06  
Date