



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

September 18, 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 006-06



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: October 2, 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/email



DEPT OF

SEP 12 2006

LAND CONSERVATION
AND DEVELOPMENT

NOTICE OF ADOPTION

Jurisdiction: City of St. Helens

Local File No. AtachisonA3.06

Date of Adoption: September 6, 2006

Date Mailed: September 11, 2006

Date of Notice of Proposed Amendment was mailed to DLCD: May 10, 2006

<input type="checkbox"/> Comp Plan Text Amendment	yes	<input type="checkbox"/> Comp Plan Map Amendment
<input type="checkbox"/> Land Use Regulation Amendment	yes	<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> New Land Use Regulation		<input type="checkbox"/> 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 UGA **to** City SR, Suburban Residential.

Zone Map Changed from: County UGA **to** City R-7, Moderate Residential

Location: n/a **Acres involved** 2.5
Columbia County Tax Assessor Lots 410604400500 & 600

Specify density: Previous 1 DU per acre New: 4 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 **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 # 006-06 (15225)

ORDINANCE NO. 3008

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN PROPERTY AT 34876 SYKES ROAD

WHEREAS, applicant Roy and Pauline **Atchison** have requested to annex to the City of St. Helens that certain property described in Exhibit A. This property is generally located at 34876 Sykes Road, and is also described as Columbia County Tax Lots 410604400500 & 600; 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 determine the incorporated Comprehensive Plan Map designation and the zone map designation; and

WHEREAS, appropriate notice has been given and a public hearing was held July 19, 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. The land is classified as Developing in accordance with Chapter 1.150 of the St. Helens Community Development Code and OAR 660-08-0005.
6. In support of the above annexation and zoning, the Council hereby adopts the Atchison Annexation and Zone Map Amendment Findings of Fact and Conclusions of Law dated September 6, 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.

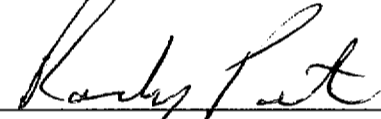
Read the first time:	August 16, 2006
Read the second time:	August 16, 2006
Read the third time:	September 6, 2006
Approved by the Mayor:	September 6, 2006

Attested by:



Brian D. Little, City Administrator

Signed by:



Randy Peterson, Mayor

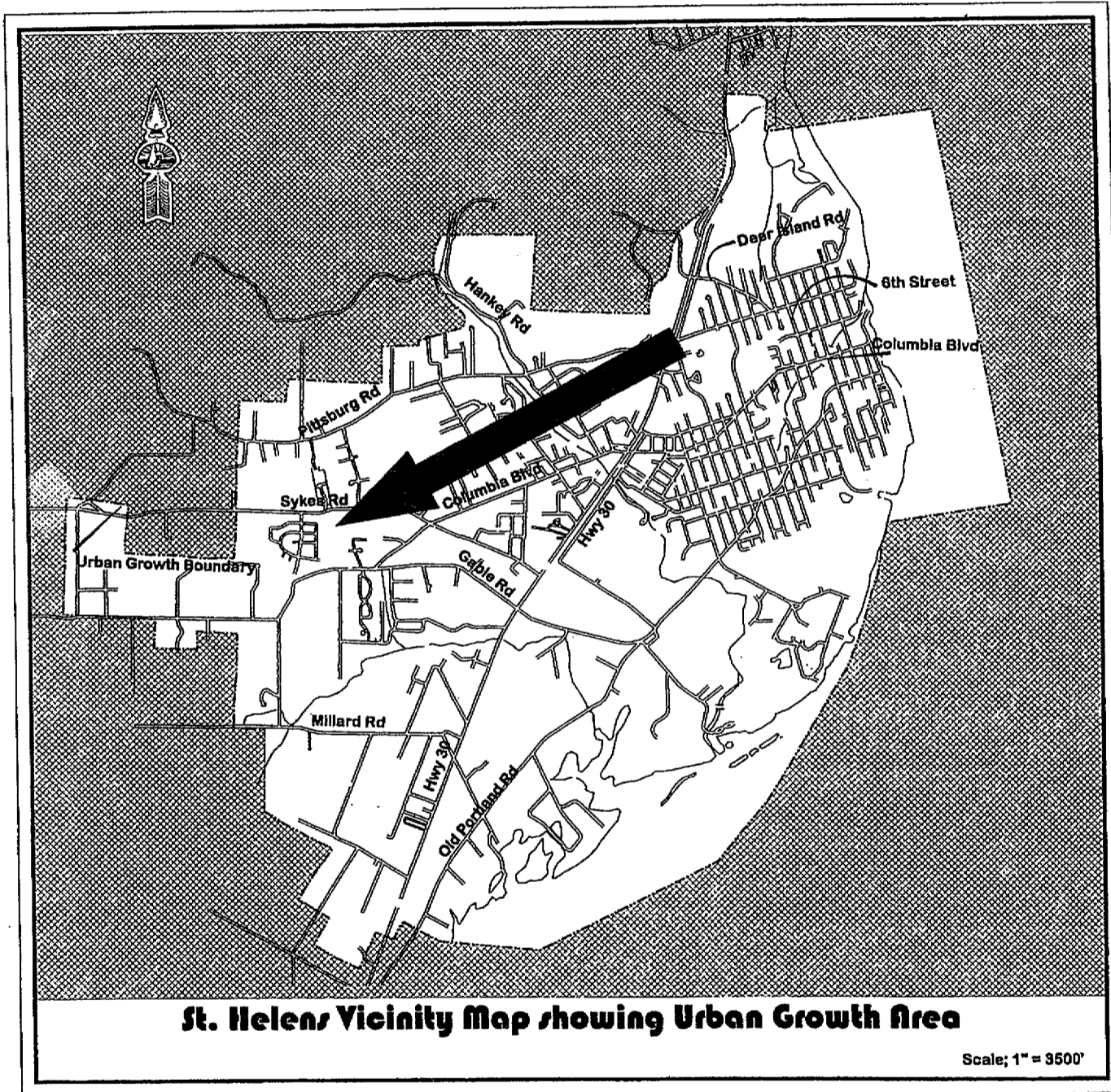
Exhibit A

LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 0°49' WEST A DISTANCE OF 722.61 FEET AND SOUTH 89°11' EAST A DISTANCE OF 220.40 FEET FROM THE NORTHWEST CORNER OF THE JOHN MCNULTY DONATION LAND CLAIM IN SECTION 6, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON, SAID POINT BEING THE SOUTHEAST CORNER OF THAT CERTAIN TRACT AS CONVEYED BY HAZEL B. GOODALL TO CEDRIC LEROY OLSEN BY DEED RECORDED IN BOOK 91, PAGE 149, DEED RECORDS OF COLUMBIA COUNTY, OREGON; THENCE SOUTH 89°11' EAST A DISTANCE OF 209.60 FEET; THENCE NORTH 0°49' EAST A DISTANCE OF 539.31 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE COUNTY ROAD (KNOWN AS THE SYKE ROAD); THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY OF SAID COUNTY ROAD A DISTANCE OF 211.30 FEET, TO THE NORTHEAST CORNER OF SAID OLSEN TRACT; THENCE ALONG THE EAST LINE OF SAID OLSEN TRACT, SOUTH 0°49' WEST A DISTANCE OF 522.41 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN THAT CERTAIN PARCEL OF REAL PROPERTY AS CONVEYED TO BURT L. POWELL AND LEONA POWELL, HUSBAND AND WIFE, DESCRIBED IN DEED RECORDED IN BOOK 97, PAGE 325, DEED RECORDS OF COLUMBIA COUNTY, OREGON.-----

Subject Property

~ Approximate Location ~

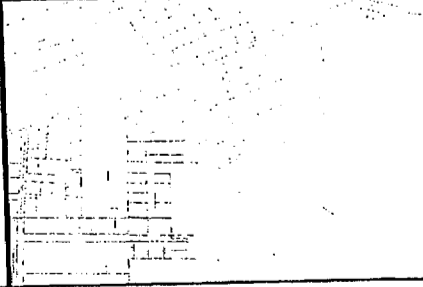




4106-044-00500/00600



1 in. = 294.9 feet



JOHN MCNULTY

COLUMBIA COUNTY

Scale 1" = 100'

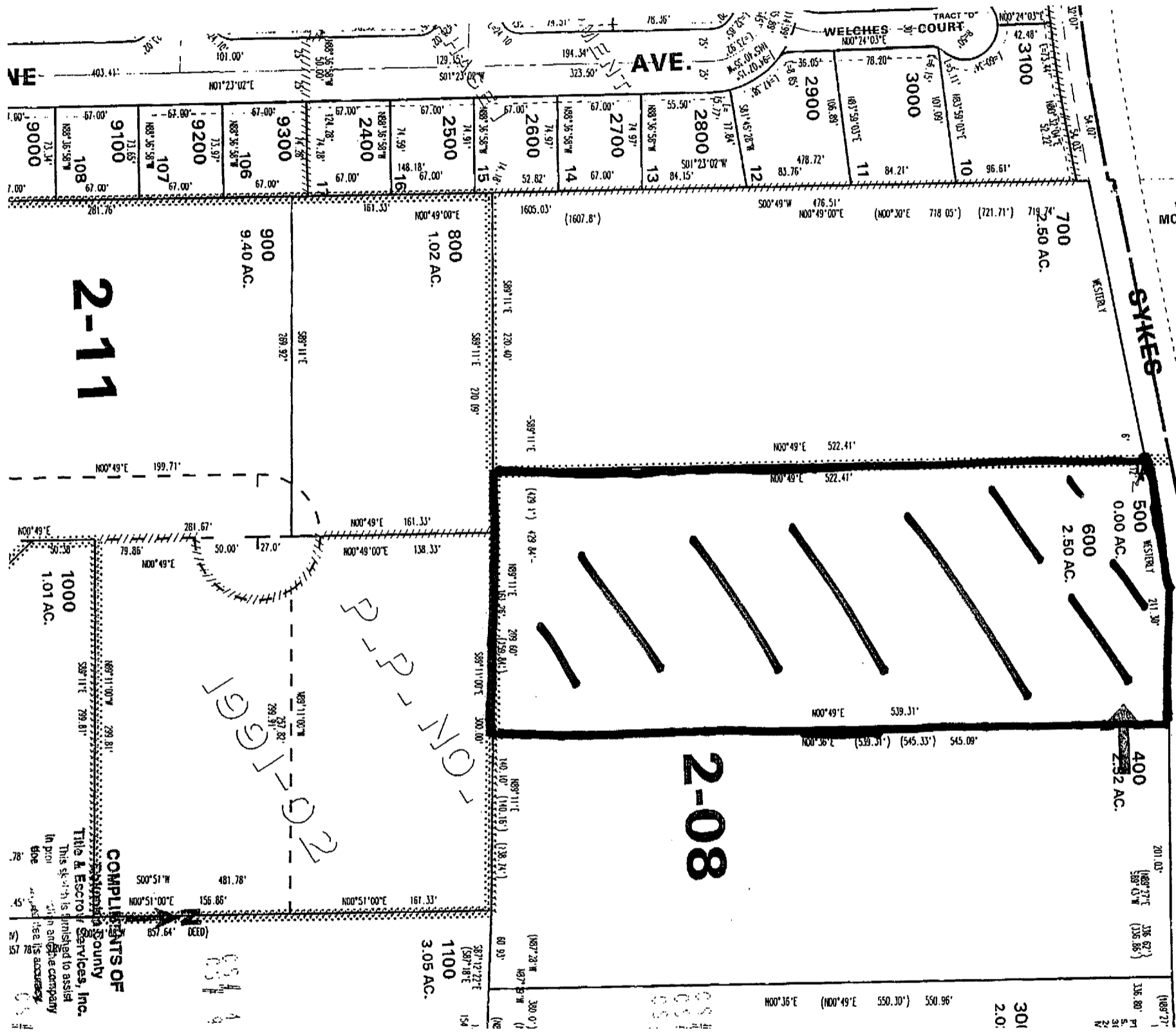
SEE MAP 41641

WEST LINE JOHN MCNULTY D.L.C. NO. 50

SYKES

GO.

RB.



2-11

2-08

2-11-02

0544

0544

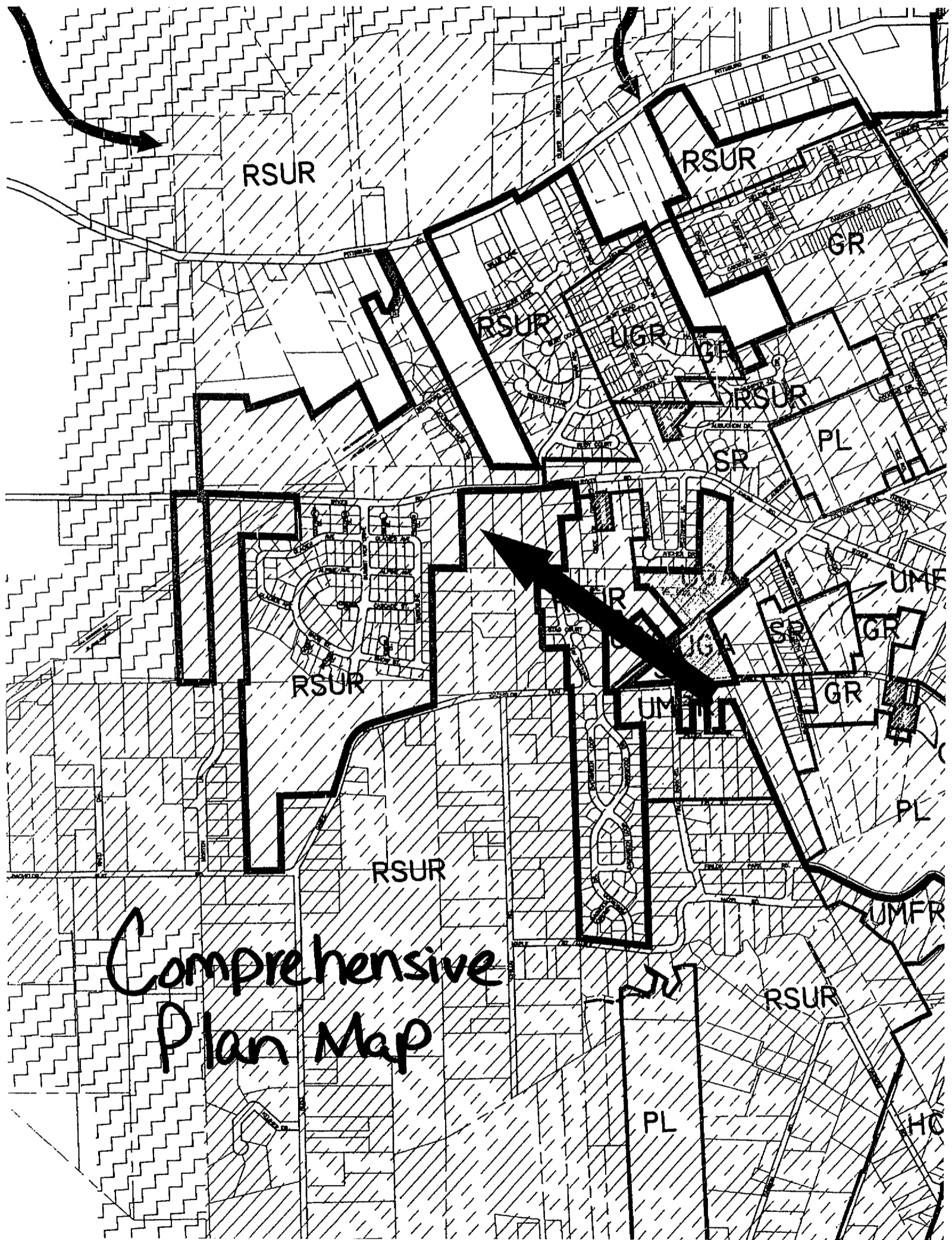
COMPLEMENTS OF

Columbia County

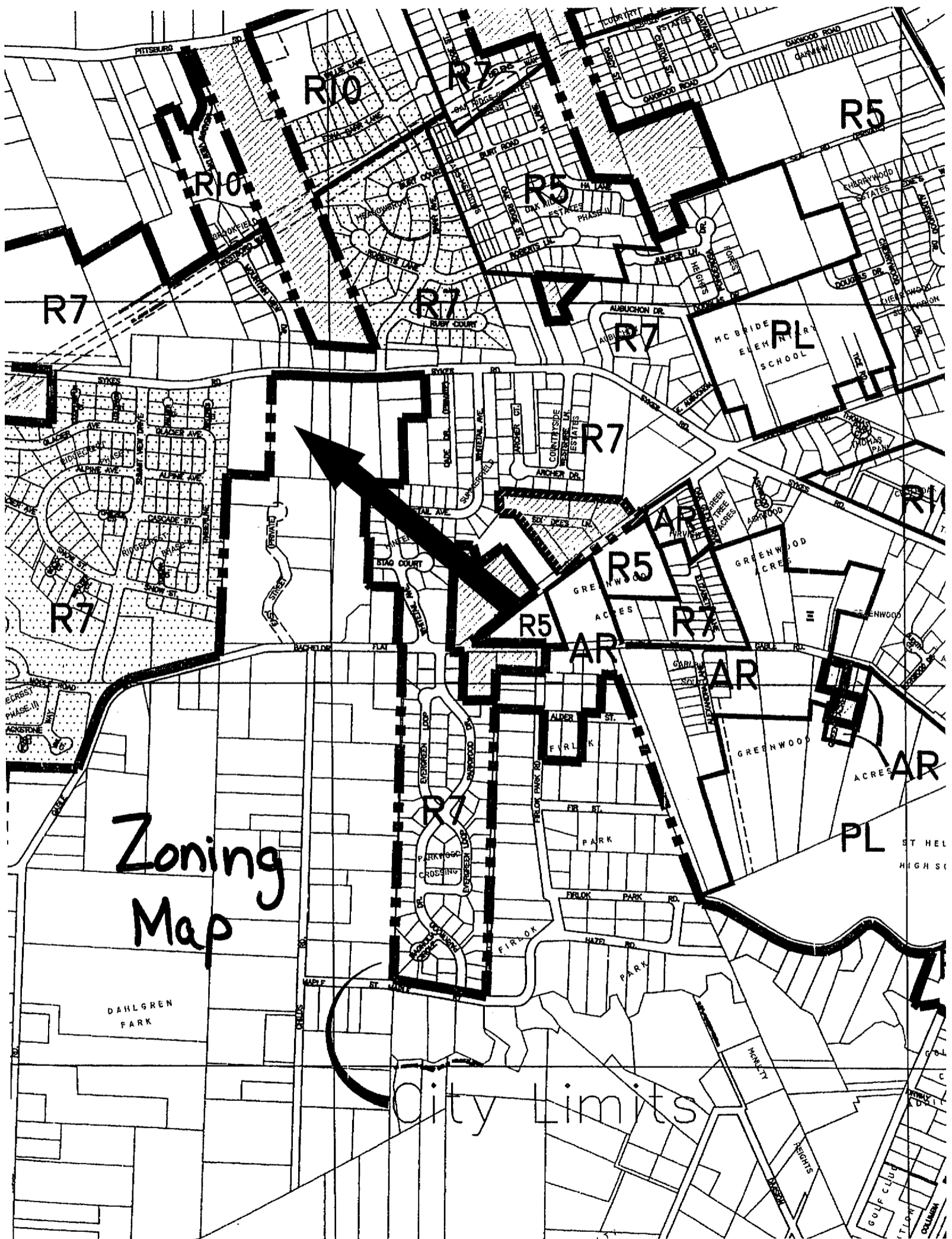
Title & Escrow Services, Inc.

This sketch is furnished to assist in prior title company accuracy.

DEED



Comprehensive
Plan Map



Zoning Map

City Limits

FINDINGS OF FACT AND CONCLUSIONS OF LAW
Atchison Annexation A3.06

REQUEST:

Roy and Pauline Atchison have requested that certain property be annexed into the City of St. Helens, Oregon.

PUBLIC HEARING:

A Public Hearing was held on July 11, 2006 in front of the Planning Commission and July 19, 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 June 19, 2006 by first class mail. Notice was published in The Chronicle June 21, 2006. Notice was sent to Oregon Department of Land Conservation and Development May 10, 2006.

LOCATION:

The property is located at 34876 Sykes Road. The site is also known as Columbia County Tax Assessor tax lots 500 & 600 on map 4106044.

SITE INFORMATION:

The site is about 2.5 acres in area and is partly developed.

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

The School District stated that due to financial and facility limitations it will have difficulty in meeting the needs of additional students. No other negative comments received.

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: Sykes Road is a minor arterial street with a 40 foot wide right of way and about 25 feet of pavement without sidewalks, curbs, and gutters.

Finding: There is an 8 inch sewer line in front of the site.

Finding: There is a 12 inch 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 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 north 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 two residents currently and both have consented in writing to the annexation application.

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: These properties are located in 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 lands as either R-7 or R-10".

Finding: The desired ratios are for R-10 to be 5% and R-7 to be 25% and currently the R-10 lands are about 13.7% and R-7 are 23%.

Finding: The properties nearby are R-7 zoned or RSUR designated.

Finding: This property has a residence 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 Unincorporated Suburban 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 up to 12 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 contiguous to the City on one side.

The Planning Commission received evidence and testimony into the record and based upon the criteria and the evidence decided to recommend to the City Council to annex this site and to designate it on the Comprehensive Plan Map as SR, Suburban Residential, to zone the property R-7, Moderate Residential, and designate the property as developing and include a requirement that the abutting frontage on Sykes Road be developed to City Standards or a Waiver of Remonstrance be signed for a future local improvement district to be formed to improve Sykes Road abutting this site.


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 contiguous to the City Limits.

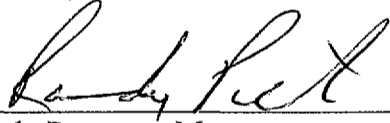
The City Council received the staff report, Planning Commission recommendation and other evidence into the record, considered the evidence in the record relative to the applicable criteria and found in favor of the applicant. The Council approves the application to annex the above referenced property into the City of St. Helens and after voter approval of the annexation to amend the Comprehensive Plan Map to show the site as SR, Suburban Residential and to amend the Zoning Map to show the site as R-7, Moderate Residential and to classify the land as "developing", with the additional condition that the public road abutting the newly annexed site be brought into compliance with the City Street Standards or a Waiver of Remonstrance be completed for any future Local Improvement District to bring the abutting road into compliance with the City Street Standards.

Attested to:

Signed by:



Brian D. Little, City Recorder



Randy Peterson, Mayor

9/6/06

Date

9/6/06

Date