



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/Coastal Fax: (503) 378-6033

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

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

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 007-05

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 March 1, 2006, 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: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Skip Baker, City of St. Helens

<paa> ya/

NOTICE OF ADOPTION

Jurisdiction: City of St. Helens

Local File No. SealCPZMA3.05

DEPT OF

Date of Adoption: March 1, 2006

Date Mailed: April 13, 2006

APR 14 2006

Date of Notice of Proposed Amendment was mailed to DLCDC: Sep 13, 2005

LAND CONSERVATION
AND DEVELOPMENT

<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: 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 410503100200/400 Acres involved 5.96 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 DLCDC 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: 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, DLCDC, 635 Capitol St. NE., Ste. 150, Salem, OR. 97301

DLCDC #

*007-05
(14678)*

AN ORDINANCE TO AMEND THE ST. HELENS COMPREHENSIVE PLAN & ZONING MAPS TO CHANGE APPROXIMATLEY 6 ACRES OF LAND NEAR DOUGLAS DRIVE FROM SUBURBAN AND MODERATE RESIDENTIAL TO GENERAL RESIDENTIAL

WHEREAS, applicants (Seal) have requested to amend the St. Helens Comprehensive Plan Map and the Zone Map for approximately 6 acres of land located near Douglas Drive from SR, Suburban Residential, and R-7, Moderate Residential, to GR, General Residential, designation and R-5, General Residential zone; and

WHEREAS, the St. Helens Planning Commission did hold a duly noticed public hearing and did not recommend such a change to the City Council; and

WHEREAS, the City Council did hold a duly noticed public hearing and did find that after due consideration of all the evidence in the record compared to the criteria that they agreed with the applicant; 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:

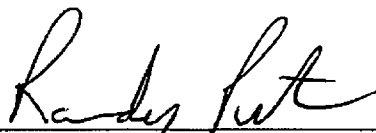
1. The above recitations are true and correct and are incorporated herein by this reference.
2. The St. Helens Comprehensive Plan Map is amended to change the designation from SR, Suburban Residential to GR, General Residential and to change the zone map for the same properties from R-7, Moderate Residential to R-5, General Residential.
3. In support of the above map amendments, the Council hereby adopts the Findings of Fact and Conclusions of Law dated March 1, 2006.
4. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

Read the first time:	February 15, 2006
Read the second time:	February 15, 2006
Read the third time:	March 1, 2006
Approved by the Mayor:	March 1, 2006

Attested by:



 Brian D. Little, City Recorder



 Randy Peterson, Mayor

4105-031-00200/00400

This Map for Assessment
and Taxation Purposes
ONLY

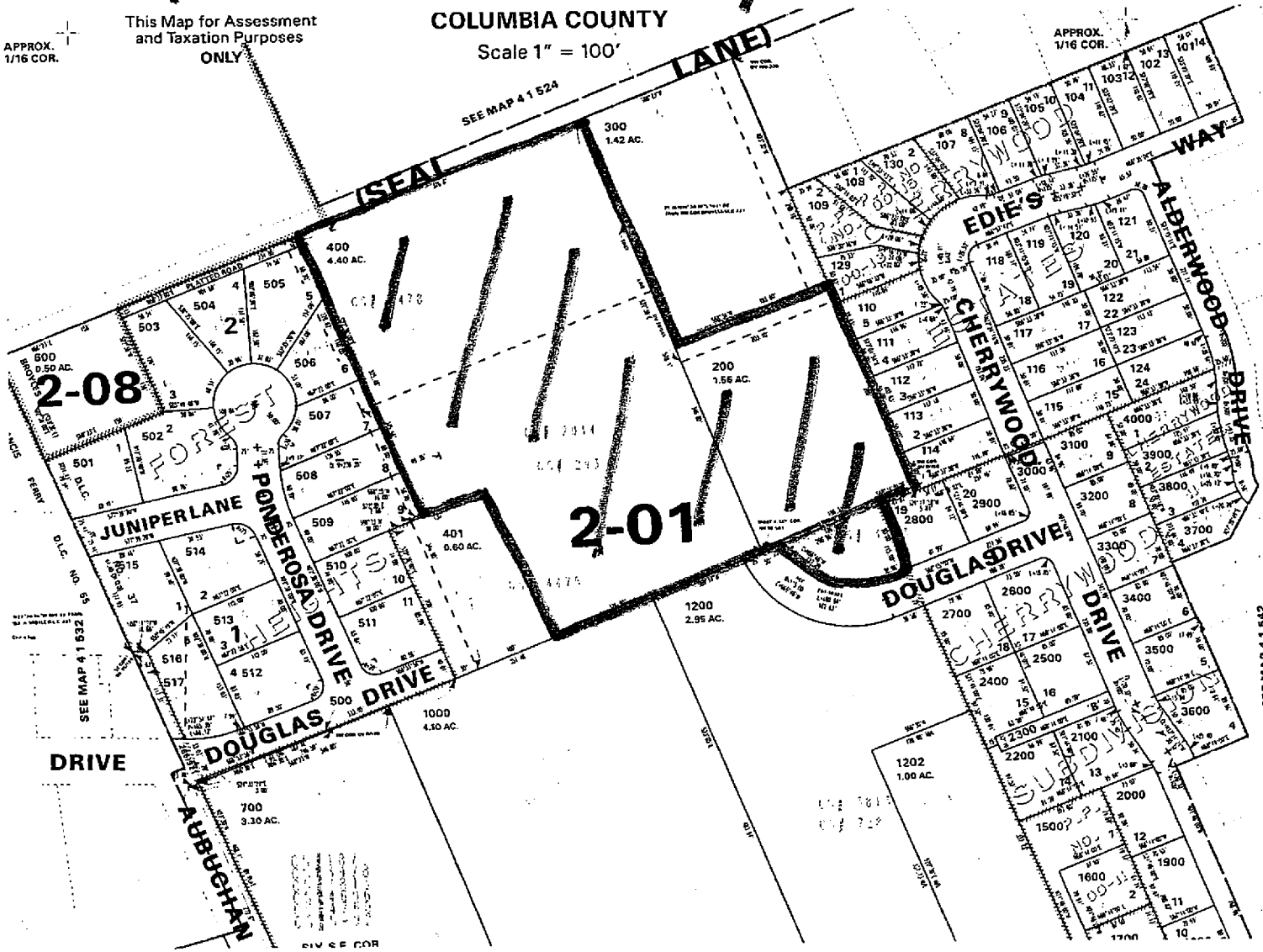
COLUMBIA COUNTY

Scale 1" = 100'

APPROX.
1/16 COR.

APPROX.
1/16 COR.

S.I.P



SEE MAP 41524

SEE MAP 41642

FINDINGS OF FACTS AND CONCLUSIONS OF LAW
Seal Comprehensive Plan and Zone Map Amendments

REQUEST:

To change approximately 6 acres of moderate residentially zoned land to general residential and to change the land from suburban residential designated land to general residential land.

PUBLIC HEARING:

A Public Hearing was held on November 8, 2005 in front of the Planning Commission and on December 7, 2005 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 October 19 & 26 2005. Notice was also sent to the Department of Land Conservation and Development on September 13, 2005.

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 and CRPUD stated that they have an easement on the property.

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: See applicant's application.

Finding: The surrounding lands are zoned R-5, General Residential on two sides, R-7, Moderate Residential on one side and PL, Public Lands on the remaining side.

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 20% R-5 and the current mix is 14%.

Finding: There were several neighbors concerned that the increased density of the zone would be a safety hazard on the local roads, that the uses would adversely impact the schools and that natural wildlife attributes would be adversely impacted.

Finding: The applicant showed that the increased density would result in about 12 more lots than the current allowed density and that either developments would increase the impact on the schools beyond what is already not acceptable and that the local roads would not be impacted significantly by 12 more lots.

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 held a public hearing to receive public input and then to made 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

Finding: The proposed changes are being accomplished in accordance with the processes set out 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 to the Council based upon insufficient basis to support a need to change the comprehensive plan map designation and zone map from moderate density residential to more dense residential.

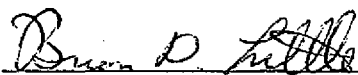
The City Council received new information from the applicant and the evidence in the record from the Planning Commission and new evidence into the record and based upon the criteria listed and explained in the staff report and based upon the evidence in the record found in favor of the applicant that there is sufficient basis to increase the density of the residential land uses.

CONCLUSIONS:

1. The first criterion appears to be met as there are policies that apply and the request meets the intent or letter of the policies and there does not appear to be any harm to the health, safety or welfare of the community as regards this request.
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.

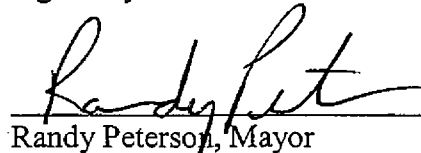
The City Council approves the request to amend the Comprehensive Plan Map to General Residential for the Seal properties described in the application and per the attached map and approves amending the zone map to be R-5, General Residential.

Attested by:



Brian D. Little, City Administrator

Signed by:



Randy Peterson, Mayor