



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 008-06



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

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DEPT OF

SEP 12 2006

LAND CONSERVATION AND DEVELOPMENT

NOTICE OF ADOPTION

Jurisdiction: City of St. Helens

Local File No. TECAA4.06

Date of Adoption: September 6, 2006

Date Mailed: September 11, 2006

Date of Notice of Proposed Amendment was mailed to DLCD: May 22, 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 UGA to City GR, General Residential.

Zone Map Changed from: County UGA to City R-5, General Residential

Location: n/a Acres involved 4.28
Columbia County Tax Assessor Lot 410500000400

Specify density: Previous 1 DU per acre New: 5 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 # 008-06 (15252)

ORDINANCE NO. 3009

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN PROPERTY AT THE WEST END OF SEAL ROAD

WHEREAS, applicant TECA Development, LLC representing Georgie **DeLashmutt** has requested to annex to the City of St. Helens that certain property described in Exhibit A. This property is generally located at the west end of Seal Road, and is also described as Columbia County Tax Lot 410500000400; 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-5, General Residential.
4. The St. Helens Comprehensive Plan Map is hereby amended to reflect that the property described herein shall be designated as GR, General 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 TECA 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.

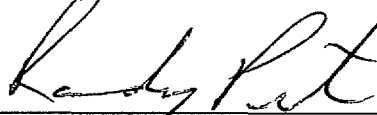
Read the first time:	August 16, 2006
Read the second time:	August 16, 2006
Read the third time:	September 6, 2006
Approved by the Mayor:	September 6, 2006

Attested by:



Brian D. Little, City Administrator

Signed by:



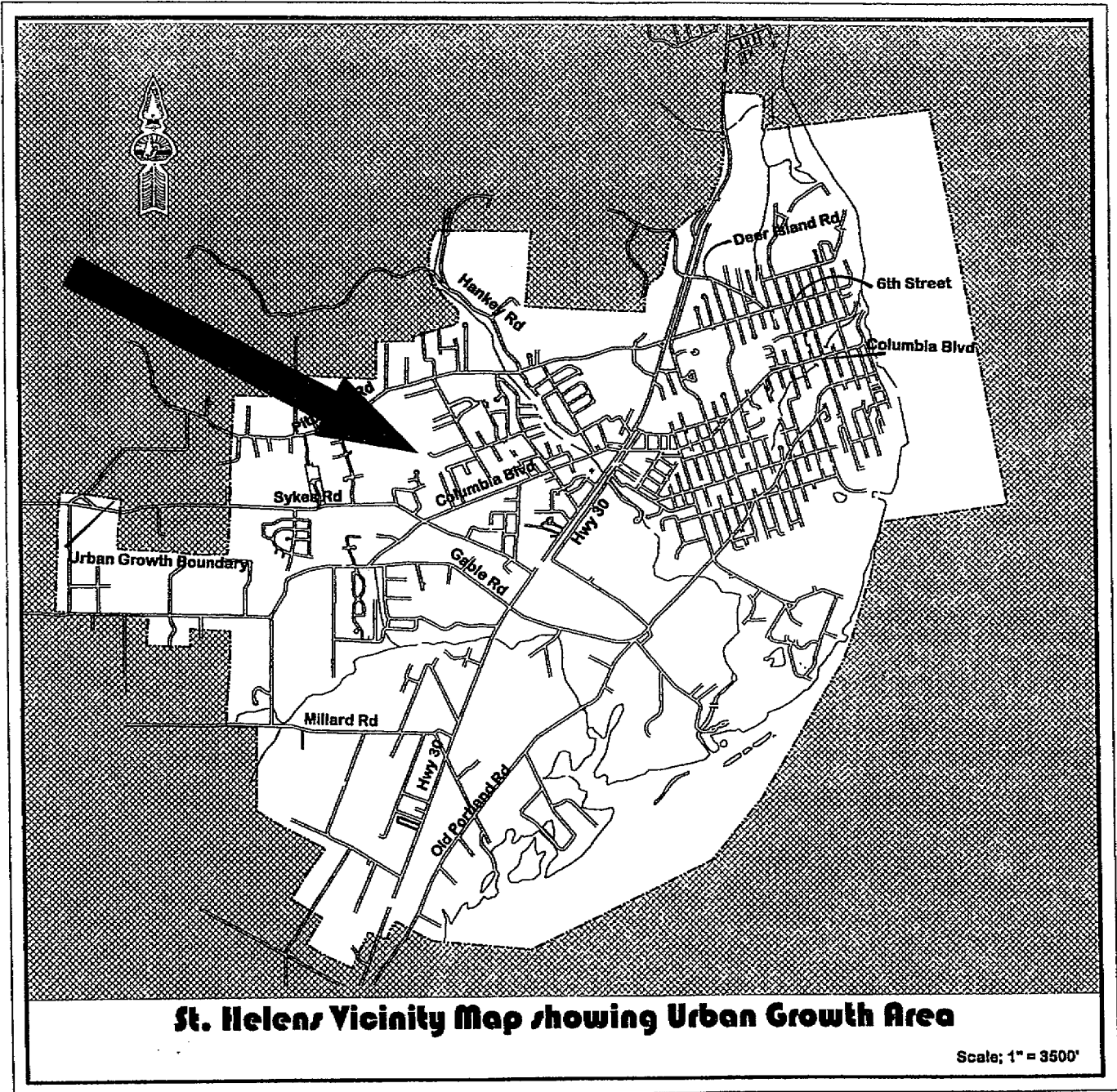
Randy Peterson, Mayor

LEGAL DESCRIPTION

Beginning on the West line of the Aaron Broyles Donation Land Claim #37, Section 5, Township 4 North of Range 1 West, Willamette Meridian, Columbia County, Oregon, North 22°38' West 1302.9 feet from the Southwest corner of said claim; North 68°20' East 433.5 feet; thence North 22°38' West 455.3 feet; thence South 66°30' West 433.5 feet; thence South 22°38' East 455.3 feet to point of beginning, Columbia County, Oregon, EXCEPTING THEREFROM a strip of land 24 feet in width for roadway along the South side as conveyed to Delmer B. Seal, et al., by deed recorded June 1, 1955 in Book 125, page 610, Deed Records of Columbia County, Oregon.

Subject Property

~ Approximate Location ~





4105-000-00400

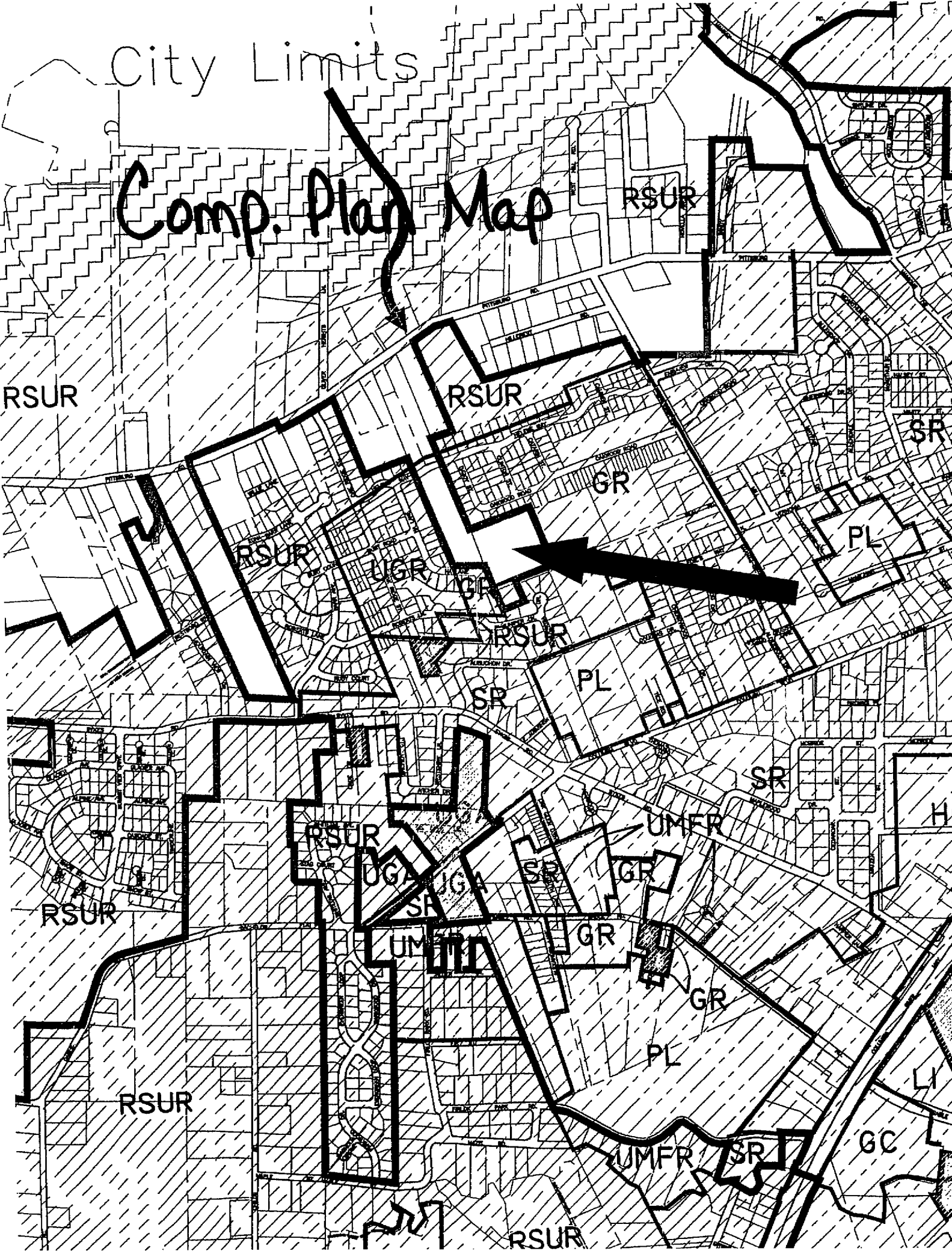


1 in. = 259.7 feet

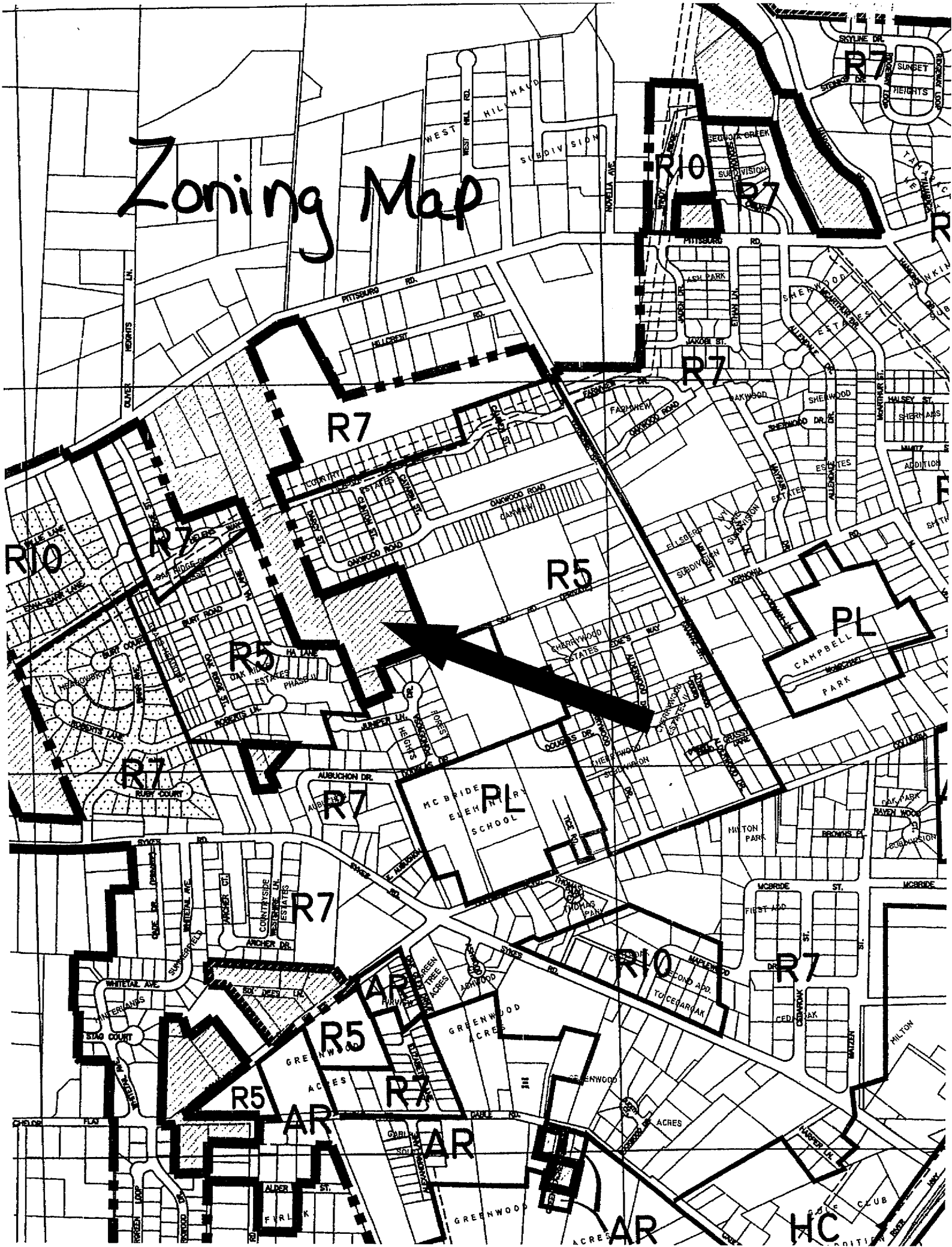


City Limits

Comp. Plan Map



Zoning Map



6 b



TIGOR TITLE

This map is prepared as a preliminary legal description and provided solely to assist in locating the subject property. Tigor Title assumes no liability for discrepancies.

SEE MAP

SEE MAP

SEE MAP 4161

41522

41521

SEE MAP

SEE MAP
41524

101
10.69 AC

41523

2-08

N38°28'W
2443.2' FR.
SW COR.
BROYLES DLC

2-01

SEE MAP

SEE MAP

SEE MAP

41523

600
4.60 AC

41523

41524

400
4.28 AC

1300
0.91 AC

SEE MAP

SEE MAP

41532

41531

SEE MAP 41614

SEE MAP 41641

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4

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FINDINGS OF FACT AND CONCLUSIONS OF LAW
TECA/DeLashmutt4.06

REQUEST:

TECA Development LLC and George DeLashmutt have petitioned the City 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 was held on 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 22, 2006.

LOCATION:

The property is located at the west end of Seal Road. The site is also known as Columbia County Tax Assessor tax lot 400 on map 4105000.

SITE INFORMATION:

The site is about 4.28 acres in area and is vacant.

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: Seal Road is a private street with some portions paved and some gravel in a 25 foot wide easement and about 10 feet wide where improved.

Finding: Ha Lane is a standard local street abutting the site on the west side.

Finding: There is a sewer line in Ha Lane abutting the site.

Finding: There is a water line in Ha Lane abutting the 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 92% of the perimeter.

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: The site is vacant.

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 but this designation is in review for a change to UGR.

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". The policy for UGR is to zone it R-5.

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 abutting the site are 58% R-5 and the other 42% is R-7.

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 applicant has applied for a Comprehensive Plan Map amendment to change the designation from RSUR to UGR.

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 most sides.

The Planning Commission received testimony and evidence into the record and then decided based upon the criteria and the evidence to recommend that the site be annexed, be designated as GR, General Residential, be zoned as R-5 and be designated as Developing.

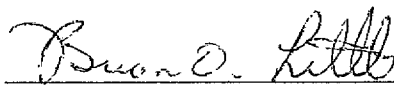
CONCLUSIONS:

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.

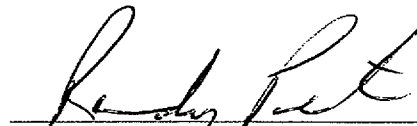
The Council held a public hearing and received the reports into the record. There was no testimony for or against this application. The Council considered the evidence in the record and the criteria that applies to the application and found in favor of the applicant. The Council approved the annexation application with changes to the maps to show that the property will be designated GR, General Residential, zoned R-5, General Residential, and classified as "developing" and will be sent to the voters at the next applicable election.

Attested to:

Signed by:



Brian D. Little, City Recorder



Randy Peterson, Mayor

9/6/06
Date

9/6/06
Date