



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

March 3, 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 009-05

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: March 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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NOTICE OF ADOPTION

DEPT OF

Jurisdiction: City of St. Helens

Local File No. CoxA.5.05

FEB 28 2006

Date of Adoption: Feb. 15, 2006

Date Mailed: February 27, 2006

LAND CONSERVATION AND DEVELOPMENT

Date of Notice of Proposed Amendment was mailed to DLCD: Nov. 18, 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-7 Moderate Residential.

Location: 35068 Pittsburg Rd Acres involved 4.0 acres.
Columbia County Tax Assessor Lot 410500000600.

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: 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 # 009-05 (14821)

ORDINANCE NO. 2985

COPY

**AN ORDINANCE TO ANNEX AND DESIGNATE THE
ZONE OF CERTAIN PROPERTY AT APPROXIMATELY
35068 PITTSBURG ROAD**

WHEREAS, applicant Asset Construction, LLC and Craig & Ann Cox have requested to annex to the City of St. Helens certain property described in **Exhibit A**. This property is generally located at 35068 Pittsburg Road and is also described as Columbia County Tax Lot 410500000600; and

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 January 18, 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. A designation of Developing is approved for this property.

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 February 15, 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.

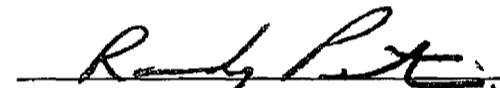
Read the first time:	February 1, 2006
Read the second time:	February 1, 2006
Read the third time:	February 15, 2006
Approved by the Mayor:	February 15, 2006

Attested by:



Brian D. Little, City Recorder

Signed by:



Randy Peterson, Mayor

ATTACHMENT A

Parcel 2: Beginning at the most Southerly Southeast corner of the Francis Perry Donation Land Claim in Section 5, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon; thence North 22°38' West along the East line of said Perry Claim 474.06 feet to a point in the North line of Aubuchon as per plat on file and of record in the office of the County Clerk; thence North 22°38' West along said Perry line 563.7 feet to the true point of beginning of the parcel herein described; thence North 22°38' West along said Perry line a distance of 810.74 feet to the South line of a tract described in a deed to Nels Nelson et ux recorded in Book 125, page 568, Deed Records; thence following the boundaries of

said Nelson tract South 67°22' West a distance of 106.6 feet and North 22°38' West a distance of 554.5 feet to the South line of a tract described in a deed to Charles D. Rigdon et ux recorded in Book 116, page 497, Deed Records of Columbia County, Oregon; thence South 67°22' West along said Rigdon line a distance of 97.36 feet to the West line of a tract described in a deed to Clarence Ellery recorded in Book 77, page 371, Deed Records of Columbia County, Oregon; thence South 22°38' East along said Ellery line a distance of 1272.1 feet; thence South 88°15' East a distance of 224.1 feet to the true point of beginning.-----

FINDINGS OF FACT AND CONCLUSIONS OF LAW
Asset/Cox Annexation A5.05

REQUEST:

Asset Construction, LLC and Craig & Ann Cox have requested to annex a property into the City of St. Helens, Oregon.

PUBLIC HEARING:

A Public Hearing was held on January 10, 2006 in front of the Planning Commission and on January 18, 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 December 2, 2005 by first class mail. Notice was published in the local newspaper December 21, 2005. Notice was sent to Oregon Department of Land Conservation and Development Nov. 18, 2005.

LOCATION:

The property is located just south of 35068 Pittsburg Rd. The site is also known as Columbia County Tax Assessor tax lot 0600 on map 4105000.

SITE INFORMATION:

The site is about 4 acres 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 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 as the sewer has excess capacity at the plant of over twice the use rate domestically.

Finding: Helens Way abuts this site on either side and would probably traverse this

site if ever developed. The street meets City standards up to the termination points on either side.

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 to 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: The applicable comprehensive plan policies that directly relate to this request are for zone map amendment and one relating to size of the property

Finding: The policy for Rural Suburban Unincorporated Residential designated land is to zone it either R-7 or R-10 normally unless there is a mutual recommendation from the County and City to zone it R-5 or AR due to a pattern of development in the City and within the Urban Growth Area that shows other lands are more appropriate for these designations.

Finding: The site is about 4 acres in size.

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, east and south 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 three sides.

Finding: Most of the surrounding lots are developed.

There was no testimony or evidence entered into the record other than the application.

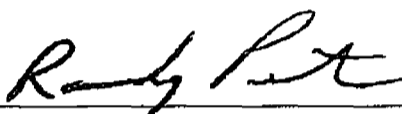
CONCLUSIONS:

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 mostly abuts developed lands except for a portion on the southeast side and the very north side.
8. The zone should be R-7, 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 Planning Commission held a public hearing, received the staff report into the record, there was no negative testimony and the record was closed. The commissioners deliberated and recommended to the Council that the Asset/Cox land be annexed into the city with the zoning changed to R-7, Moderate Residential and the Comprehensive Plan Map designation to be changed to SR, Suburban Residential and the land to be determined as "Developing".

The Council held a public hearing, received the staff report into the record and received the recommendation from the Planning Commission. No testimony was presented at the public hearing thus it was closed along with the record and the Council deliberated to a decision to approve the Asset/Cox Annexation request and decided to amend the designation on the Comprehensive Plan Map to Suburban Residential and to zone it R-7, Moderate Residential and to declare it as Developing for the over lay map.

Signed by:

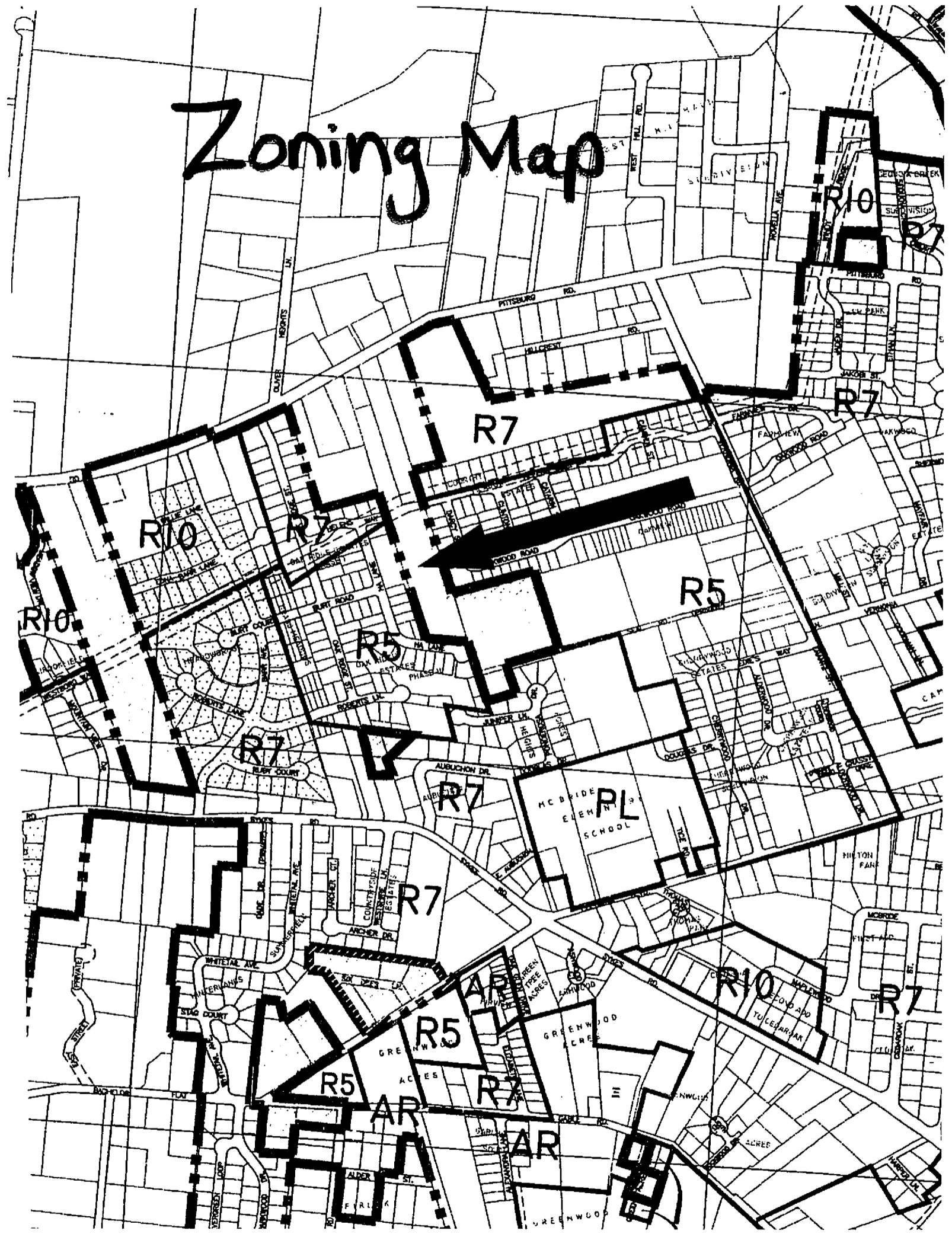


Randy Peterson, Mayor

2/15/06

Date

Zoning Map



Comp. Plan Map

City Limits

