



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

September 15, 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 009-06



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: September 29, 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 11 2006

NOTICE OF ADOPTION

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of St. Helens

Local File No. ZA3.06

Date of Adoption: September 6, 2006

Date Mailed: September 7, 2006

Date of Notice of Proposed Amendment was mailed to DLCD: June 16, 2006

Comp Plan Text Amendment Comp Plan Map Amendment
Land Use Regulation Amendment yes Zoning Map Amendment
New Land Use Regulation Other

Summary of the adopted amendment: 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: none

Zone Map Changed from: General Commercial to Mixed Use.

Location: 1850 to 1944 St. Helens Street

Acres involved 30,600 square feet.

Specify density: Previous 25DU per acre New:25 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 # 009-06 (15325)

ORDINANCE NO. 3022

**AN ORDINANCE TO AMEND THE ST. HELENS ZONING MAP FOR
GENERAL COMMERCIAL PROPERTY TO MIXED USE ZONE**

WHEREAS, applicants have requested to amend the St. Helens Community Development Code Zone Map for Lots 2 through 6 of Block 1 of Midway Subdivision and the lot at 1850 North 18th Street from GC, General Commercial, to MU, Mixed Use zone; and

WHEREAS, the St. Helens Planning Commission did hold a duly noticed public hearing and did conclude to 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 application; 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 Zone Map is amended to change the zoning boundaries of GC, General Commercial to MU, Mixed Use for those lot shown on the attached map and also known as Lots 2 through 6 of Block 1 of Midway Subdivision and the lot at 1850 North 18th Street.
3. In support of the above zone map amendment, the Council hereby adopts the Findings of Fact and Conclusions of Law dated September 6, 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:	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:

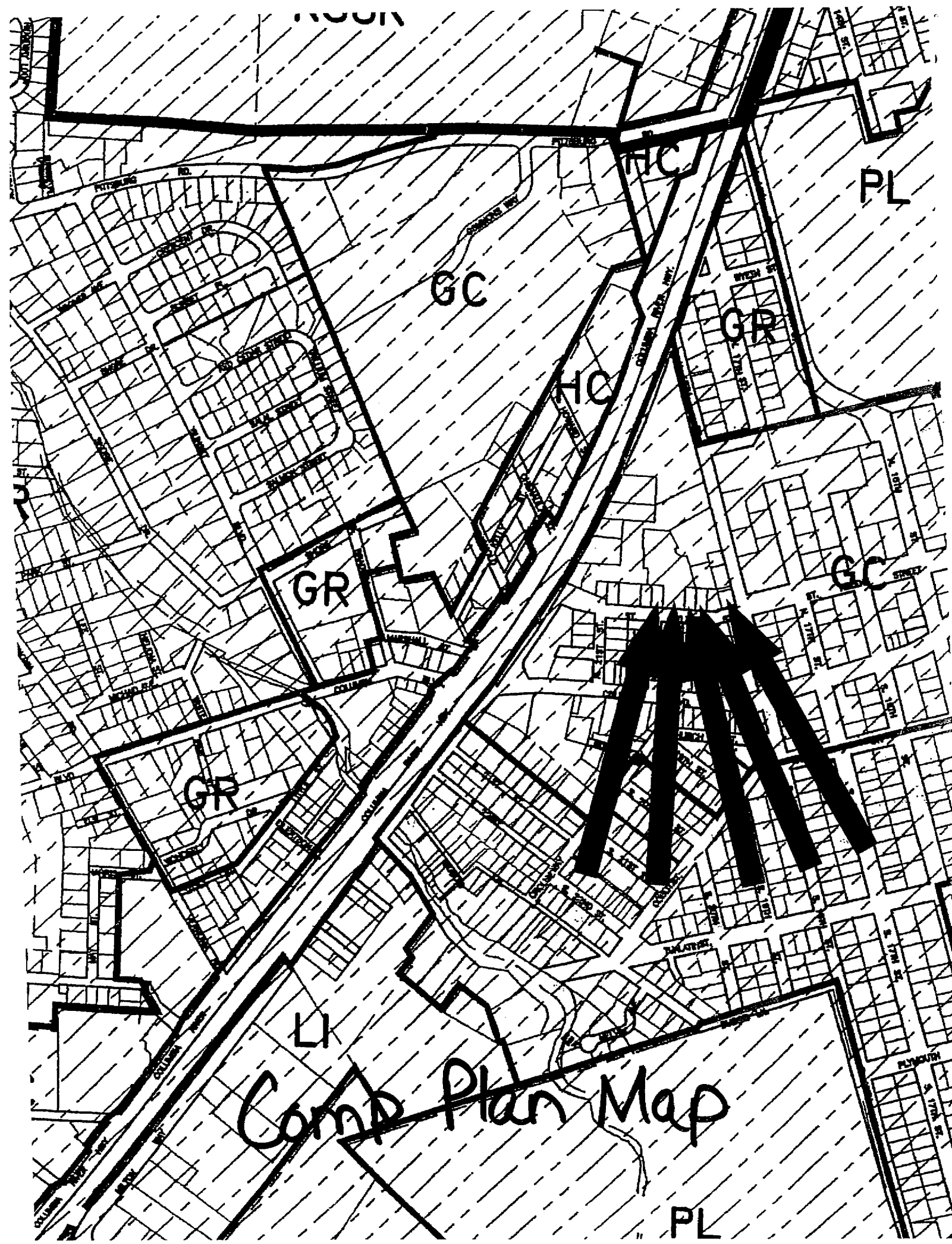


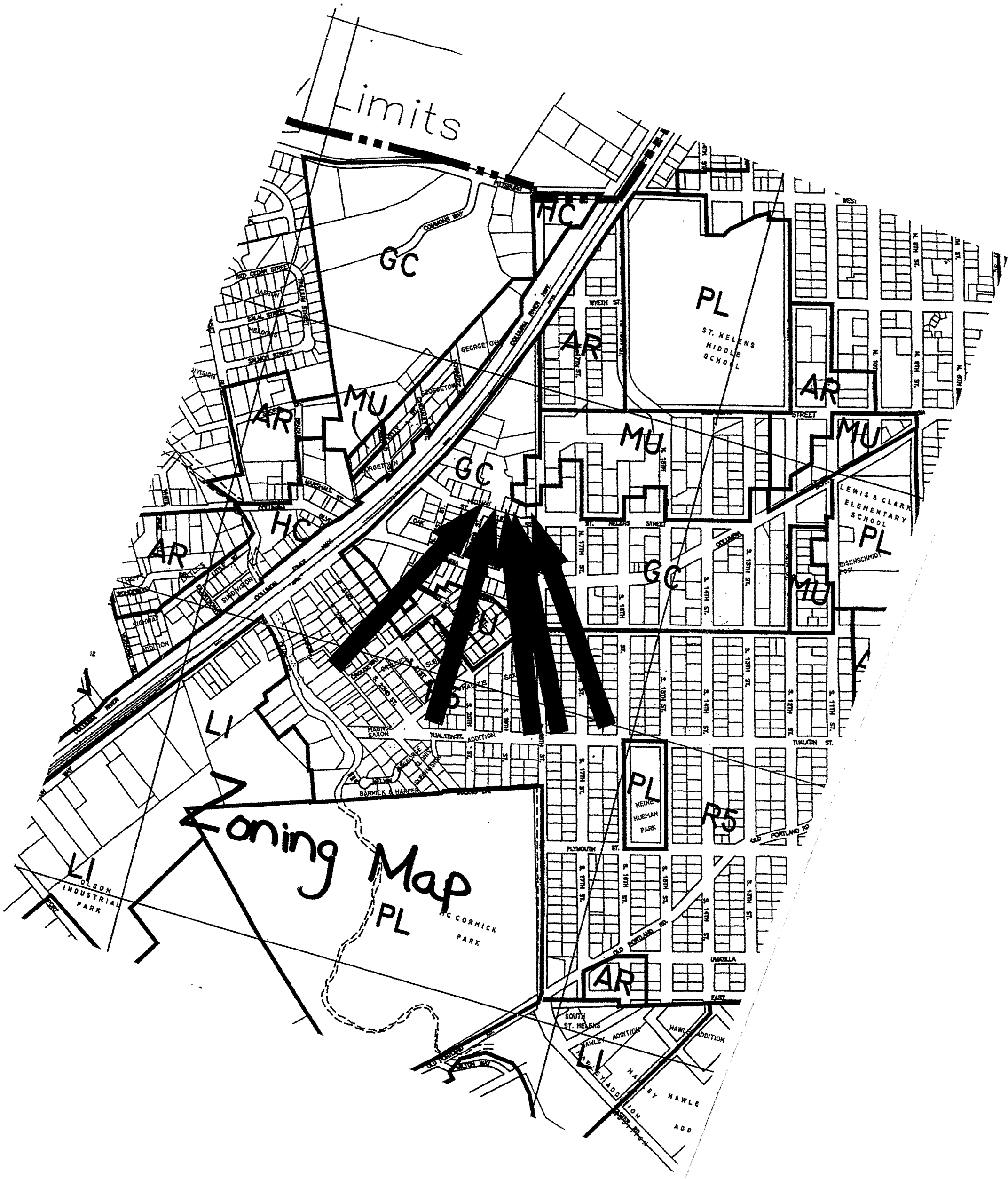
Brian D. Little, City Administrator

Signed by:



Randy Peterson, Mayor





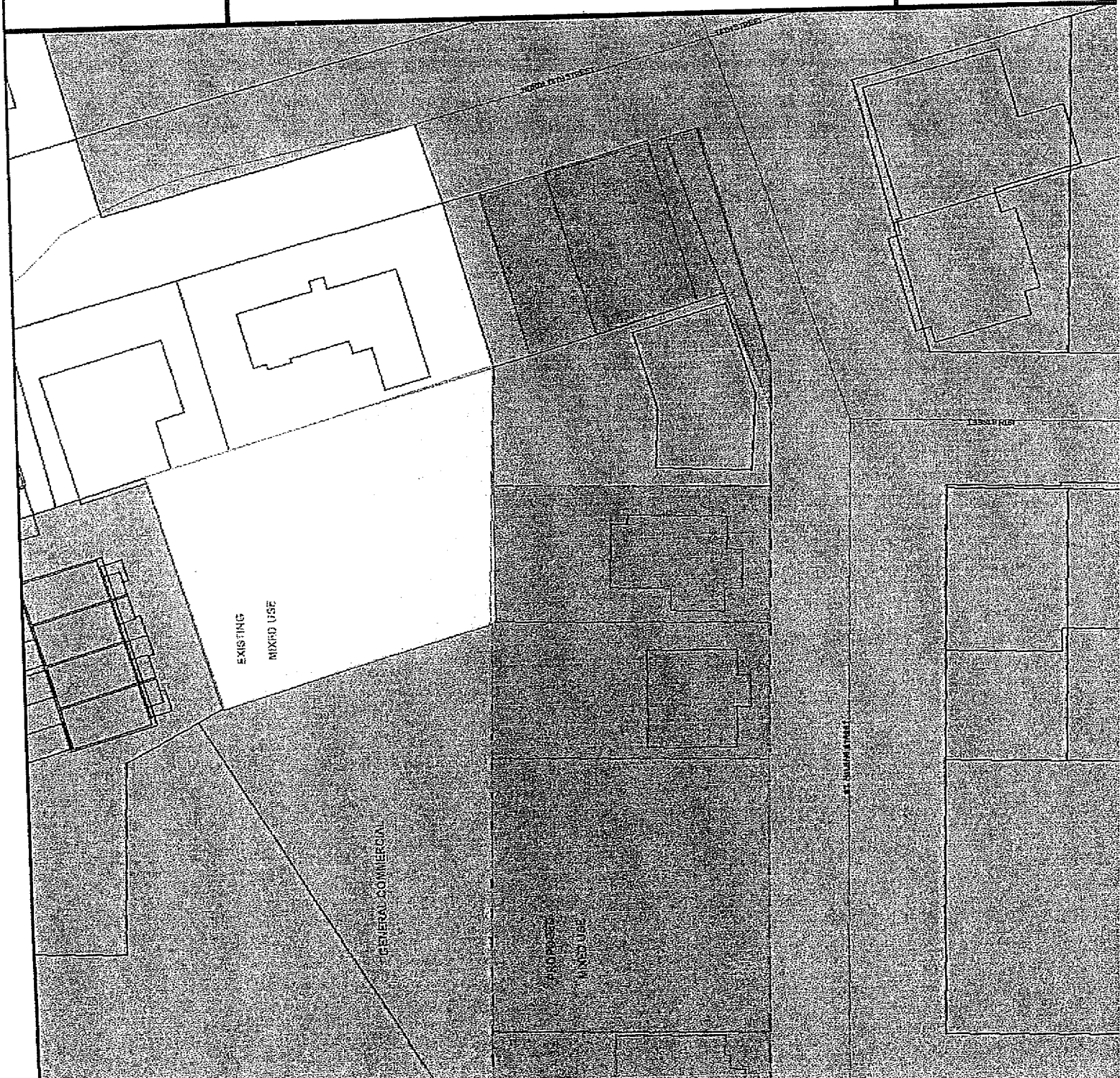


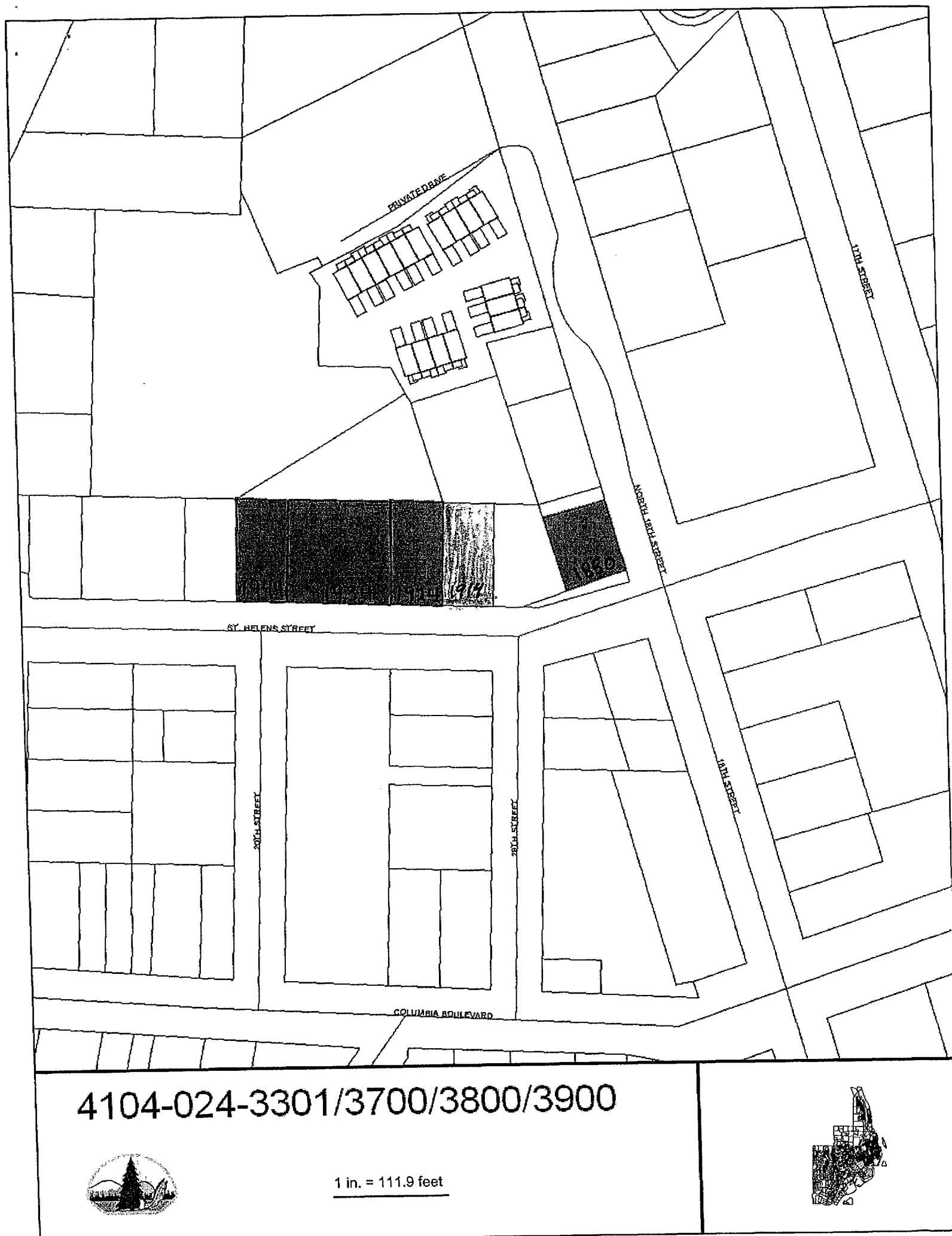
Title Line 1

- Taxic000500
- Buildings
- Street Centerlines
- City Zones

- AR
- GC
- HC
- HI
- LI
- MC
- MHR
- MU
- PD
- PL
- R10
- R5
- R7
- UGA
- WG

1 in. = 50.0 feet





FINDINGS OF FACT AND CONCLUSIONS OF LAW
Nicholas et al ZMA 3.06

REQUEST:

To change some General Commercial zoned lots to Mixed Use zoned lots for lots 2 - 6 Block 1 of Midway Subdivision and property located at 1850 St. Helens Street as some of the property owners want the flexibility of using their properties for residential uses as has been the case for many years.

PUBLIC HEARING:

A Public Hearing was held August 8, 2006 in front of the Planning Commission and on August 16, 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 three lots involved in this request by first class mail. Notice was published in the local newspaper July 26, 2006. Notice was also sent to the Department of Land Conservation and Development on June 16, 2006.

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,

There have been no adverse comments on the replies to date.

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

Consideration may also be given to any applicable 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:

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: There are no known conflicts with the Acknowledged Comprehensive Plan. This will allow for existing dwellings to become conforming.

Finding: This will allow the general character of the immediate are to be maintained as primarily residential as it is presently.

Finding: This area has seen little demand for commercial use and the change will not stop it.

Finding: This change will allow maximum flexibility in uses for an underutilized area.

Finding: There are commercial uses on the south side of St. Helens Street and at the intersection with North 18th Street but the most recent (4-5 years ago) use proposed for the lands abutting and to the north was condominiums.

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 has is holding a public hearing to receive public input and then to make 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 have 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.

Additional Considerations:

Finding: There have been no mistakes or inconsistencies claimed by anyone and there have been no major changes in the community directly impacting these properties.

The Planning Commission recommended to the City Council for amending the zone map from GC, General Commercial to MU, Mixed Use for the application.

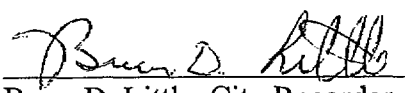
CONCLUSIONS:

1. The first criteria 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 criteria is met as the Comprehensive Plan is already acknowledged by the State.
3. The third criteria 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.

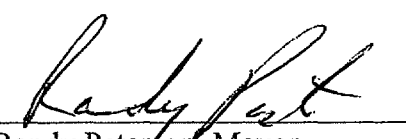
The City Council held a public hearing and received reports and testimony into the record. After consideration of the evidence in the record and evaluation of the criteria, the Council approved the request to amend the zoning map as per the application.

Attested to:

Signed by:



Brian D. Little, City Recorder



Randy Peterson, Mayor

9/6/06
Date

9/6/06
Date