



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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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 010-05

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/

DEPT OF

APR 14 2006

NOTICE OF ADOPTION

Jurisdiction: City of St. Helens

Local File No. PaseroA.6.05

**LAND CONSERVATION
AND DEVELOPMENT**

Date of Adoption: March 1, 2006

Date Mailed: April 13, 2006

Date of Notice of Proposed Amendment was mailed to DLCD: Dec. 15, 2005

<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: _Rural Suburban Unincorporated Residential _ to Suburban Residential.

Zone Map Changed from: _County Residential to _R-7 Moderate Residential.

Location: 570 North Vernonia Road **Acres involved** _9.0 acres.
Columbia County Tax Assessor Lots 410502103800 & 3900.

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 #
010-05
(14882)

FILE COPY

ORDINANCE NO. 2986

**AN ORDINANCE TO ANNEX AND DESIGNATE THE
ZONE OF CERTAIN PROPERTY AT APPROXIMATELY
570 N. VERNONIA ROAD AND 35422 PITTSBURG ROAD**

WHEREAS, applicant Karl Pasero has requested to annex to the City of St. Helens certain property described in **Exhibit A**. This property is generally located at 35422 Pittsburg Road and 570 North Vernonia Road and is also described as Columbia County Tax Lots 410502103800 & 3900.

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 February 15, 2006, on the annexation proposal; and

WHEREAS, the Council has considered findings of compliance with criteria and law applicable to the proposal.

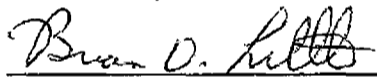
**NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS
FOLLOWS:**

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.

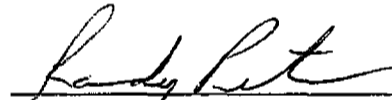
4. The St. Helens Comprehensive Plan Map is hereby amended to reflect that the property described herein shall be designated as SR, Suburban Residential.
5. A designation of Developing is approved for this property.
6. In support of the above annexation and zoning, the Council hereby adopts the Columbia County Annexation and Zone Map Amendment Findings of Fact and Conclusions of Law dated March 1, 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 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



4105-021-03800/03900



1 in. = 507.9 feet



JUL 14 2005 5:25PM

KEY TITLE ST. HELENS

NO. 643 P. 5/6

5-41 (63) (64)

EXHIBIT A

BARCAIN AND SAVE OFFED

BOOK 172 PAGE 721

We, P. Bert Pasero and Opal Pasero, husband and wife, grantors herein, do hereby convey to

Angelo Pasero Jr. and Iris Thelma Pasero, husband and wife,

all that real property situated in Columbia County, State of Oregon, described as:

Commencing at a point which point is the corner of the Donation Land Claim of Aaron Broyles and the Donation Land Claim of Francis Perry, which is described in the field notes of U.S. Survey as being 24.50 chains West of the Southeast corner of said Perry D.L.C. from thence running on Claim line South 66°30' West 6.96 chains to a rock; thence running South 31°05' East 9.65 chains to a post; thence running East 7.44 chains to a post; thence running North 10.51 chains to a post set on North line of said Claim; and running thence West 5.35 chains along said line to the place of beginning, and containing 10 acres of land as surveyed by A.B. Little March 1, 1897, said described tract being in Section 5, Township 4 North of Range 1 West of the Willamette Meridian, Columbia County, Oregon, save and except parcel conveyed to Angelo Pasero Jr., et ux by deed recorded in Book 69, page 477, Deed Records.

This deed is an exchange deed between the parties hereto and there is no payment involved in this transfer.

The foregoing recital as to consideration is true as I verily believe.

Dated this 30 day of November, 1968.

P. Bert Pasero (SEAL)
Opal Pasero (SEAL)

RECORDED TO AND FORMING PART OF DOCUMENT

Acknowledgment of Maker

I HEREBY CERTIFY that, on the 18th day of November, 1968, in the presence of Public Notary, P. Bert Pasero and Opal Pasero, who is personally known to me, appeared before me and acknowledged to me that they the parties mentioned in the aforesaid instrument on the making thereof, and whose names are subscribed therein, signed the same, and that they executed the same voluntarily, and that they are the full and legal owners of the premises.

NOTARY PUBLIC
SIDNEY H. BROWN
182 WEST 10th ST. ASTORIA, OREGON

Signature of Notary Public

RECORDED TO AND

We, Angelo Pasero Jr. and Iris Thelma Pasero, husband and wife, grantors herein.

do hereby convey to F. Bert Pasero and Opal Pasero, husband and wife,

all that real property situated in Clatsop County, State of Oregon, described as:

Beginning at a point on the line between the Donation Land Claims of Aaron Broyles and Francis G. Perry in Township 11 North, Range 1 West of the Willamette Meridian, and which point is 5.35 chains East of that corner corner to said Donation Land Claim of Aaron Broyles and Francis G. Perry, which is described in the field notes of the United States survey as being 24.50 chains East of the Southeast corner of said Perry Donation Land Claim at which said point of beginning is set a post; thence running East 9.70 chains to a post; thence running South 10.51 chains to a post; thence West 9.50 chains to a post; thence North 22.91 chains to the point of beginning.

This deed is an exchange done between the parties hereto and there is no payment involved in this transfer.

The foregoing recital as to consideration is true as I verily believe.

Dated this 30 day of November, 1968.

Angelo Pasero Jr. (SEAL)
Iris Thelma Pasero (SEAL)

STATE OF OREGON)
County of Clatsop) ss

November 26 1968

Personally appeared the above named Angelo Pasero Jr. and Iris Thelma Pasero and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon
My commission expires: 11-26-1972

1000-1
STATE OF OREGON
RECORDED OR
NOV 25 1 09 PM 1968

Return: A. N. Pasero
Rt. 2 Box 730
St. Helens, Oregon

874
5275

FINDINGS OF FACT AND CONCLUSIONS OF LAW
Pasero Annexation

REQUEST:

Karl Pasero has requested to annex his property into the City of St. Helens, Oregon.

PUBLIC HEARING:

A Public Hearing was held on February 14, 2006 in front of the Planning Commission and February 15, 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 January 10, 2006 by first class mail. Notice was published in the local newspaper Jan. 25 & Feb. 1, 2006 Notice was sent to Oregon Department of Land Conservation and Development December 15, 2005.

LOCATION:

The property is located at 570 North Vernonia Road and 35422 Pittsburg Rd. The site is also known as Columbia County Tax Assessor tax lots 3800 and 3900 on map 4105021.

SITE INFORMATION:

The site is about 9 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. Any 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: Jakobi Street deadends on the east side of this site. The street meets City standards up to the termination points on either side. North Vernonia Road is a collector and does not meet City Standards for that portion abutting this site nor does Pittsburg Road meet City minor arterial standards for that section abutting this site.

Finding: There are sewer lines near the southwest corner of this site and in Jakobi Street.

Finding: There are water lines in North Vernonia and Pittsburg Roads and in Jakobi Street.

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, 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 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-7 to the east and south and RSUR on the north and west 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 while both the R-7 and R-10 are collectively above the recommended 30% of all residential lands.

Finding: There is no agreement by the County nor findings to support a pattern of development in the City and UGA that R-5 or AR designations are more appropriate.

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 for development.

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 two sides.

Finding: The lots to the east and south are already developed.

The Planning Commission held a public hearing and based upon the evidence in the record decided unanimously to recommend annexation with Comprehensive Plan Map designation change to Suburban Residential and Zone Map change to R-,7, Moderate Residential and land map classification of developing.

The City Council held a public hearing and based upon the record and the recommendation of the Planning Commission finds in favor of the applicant to annex into the City Limits, to amend the Comprehensive Plan Map designation to Suburban Residential, the amend the Zone Map to change to zone to R-7, Moderate Residential and to classify the land 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 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.

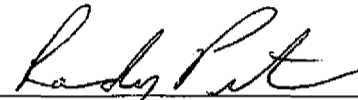
10. The land should be designated as Developing in accordance with Chapter 1.150 of the St. Helens Community Development Code and OAR 660-08.0005.

Attested by:

Signed by:



Brian D. Little, City Administrator



Randy Peterson, Mayor