



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 010-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 29, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Skip Baker, City Of St. Helens

<paa> ya/



DEPT OF

SEP 11 2006

LAND CONSERVATION AND DEVELOPMENT
NOTICE OF ADOPTION

Jurisdiction: City of St. Helens

Local File No. ZA4.06

Date of Adoption: September 6, 2006

Date Mailed: September 7, 2006

Date of Notice of Proposed Amendment was mailed to DLCD: June 26, 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: _Planned Development Overlay Zone.

Location: Columbia County Tax lot 410500000600.

Acres involved _4.24cres.

Specify density: Previous _4 DU per acre ___ New: 4 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 # 010-06 (15347)

ORDINANCE NO. 3010

AN ORDINANCE TO AMEND THE ST. HELENS ZONING MAP TO ADD A PLANNED DEVELOPMENT OVERLAY ZONE FOR ABC PLANNED COMMUNITY DEVELOPMENT

WHEREAS, applicants have requested to amend the St. Helens Community Development Code Zone Map for property south of Pittsburg Road and between Helens Way terminus and north of Ha Lane (**Exhibit A**) to add a Planned Development Overlay 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

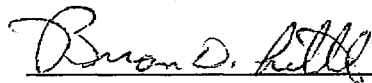
WHEREAS, the Council has considered findings of compliance with criteria and law applicable to the proposal.

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 add a planned development overlay zone for property described in Exhibit A.
3. In support of the above zone map amendment, the Council hereby adopts the Findings of Fact and Conclusions of Law (**Exhibit B**) dated September 6, 2006 for Zone Map Amendment to property described in Exhibit A.
4. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

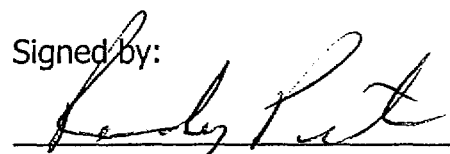
Read the first time:	August 16, 2006
Read the second time:	August 16, 2006
Read the third time:	September 6, 2006
Approved by the Mayor:	September 6, 2006

Attested by:



Brian D. Little, City Administrator

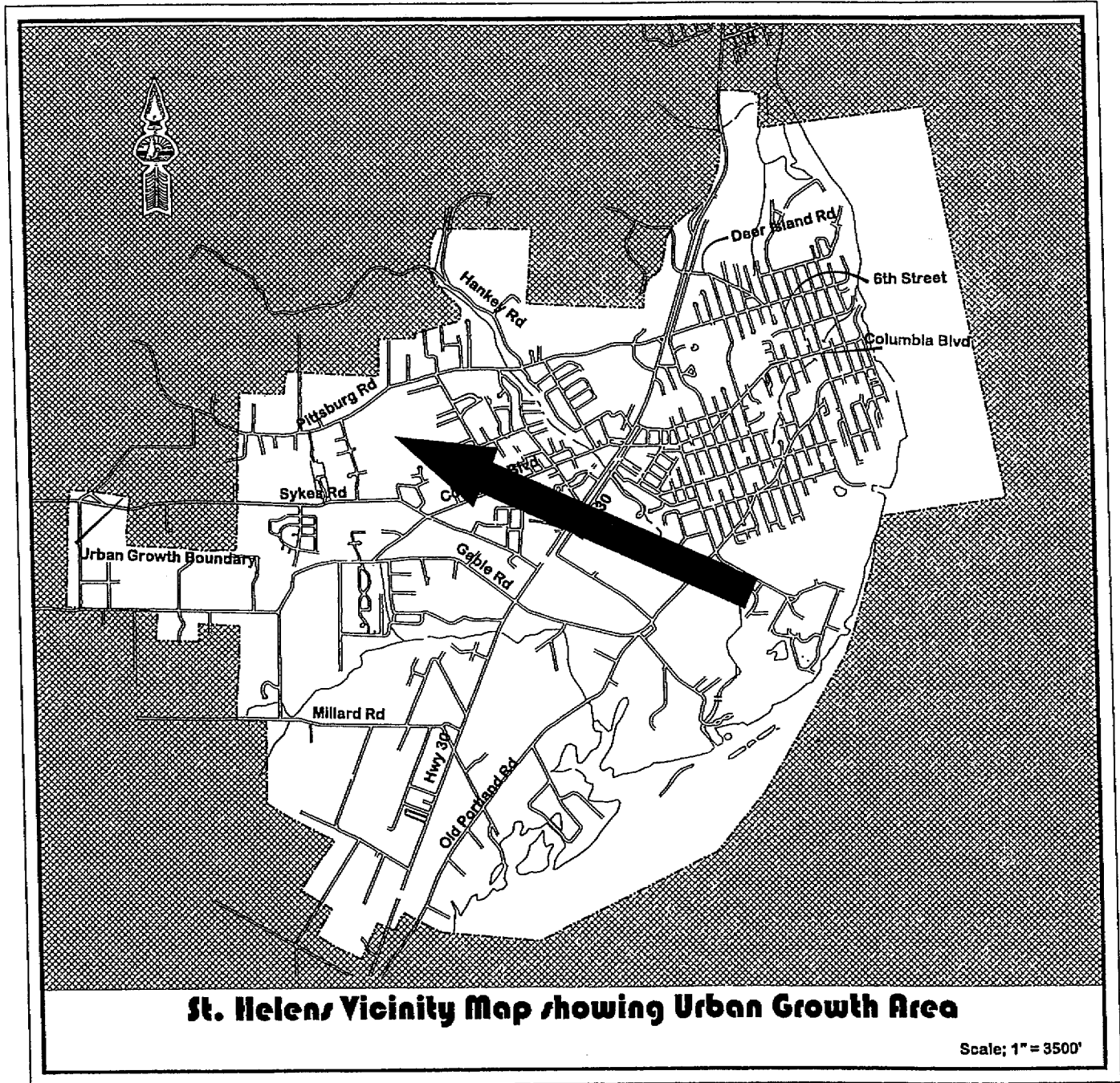
Signed by:



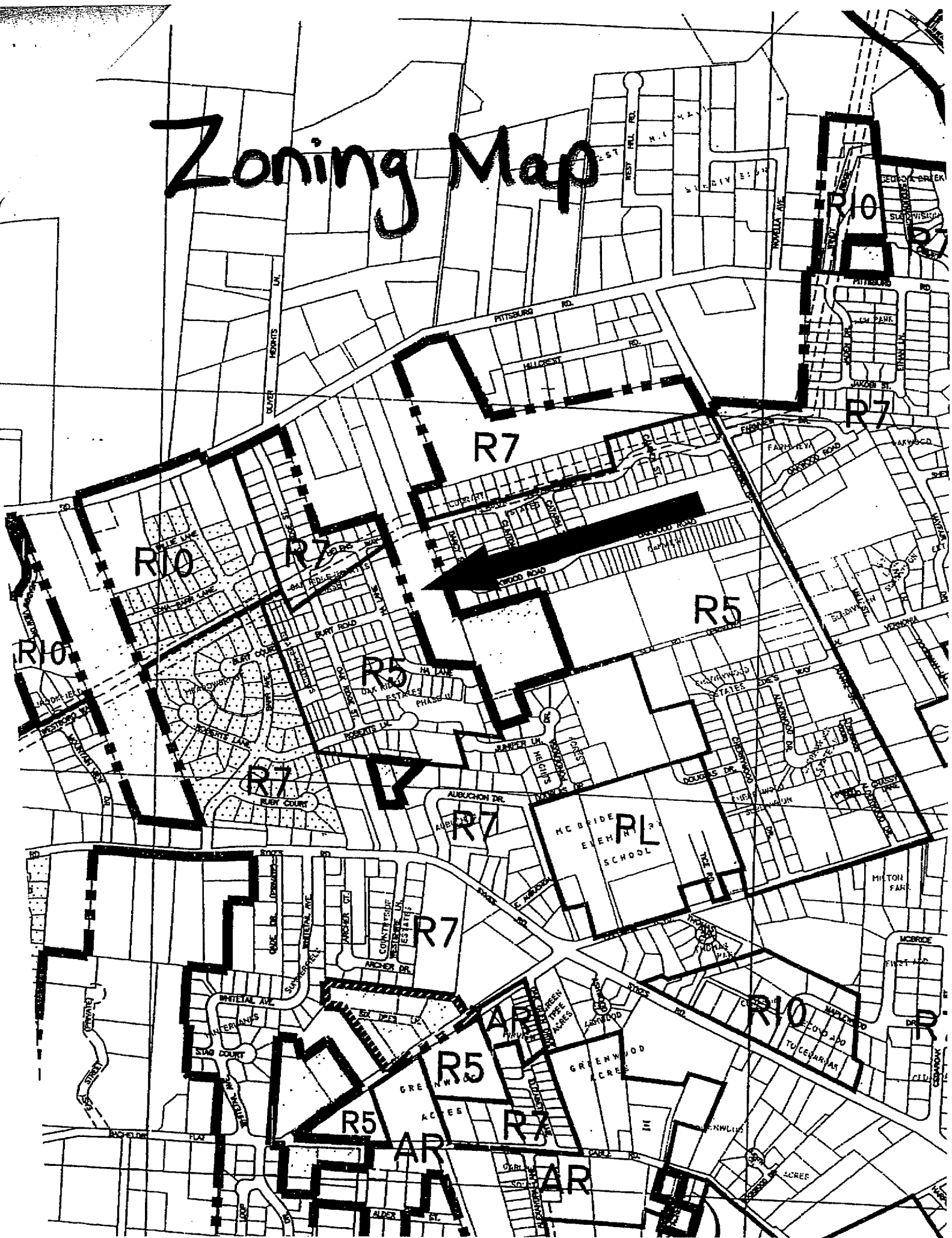
Randy Peterson, Mayor

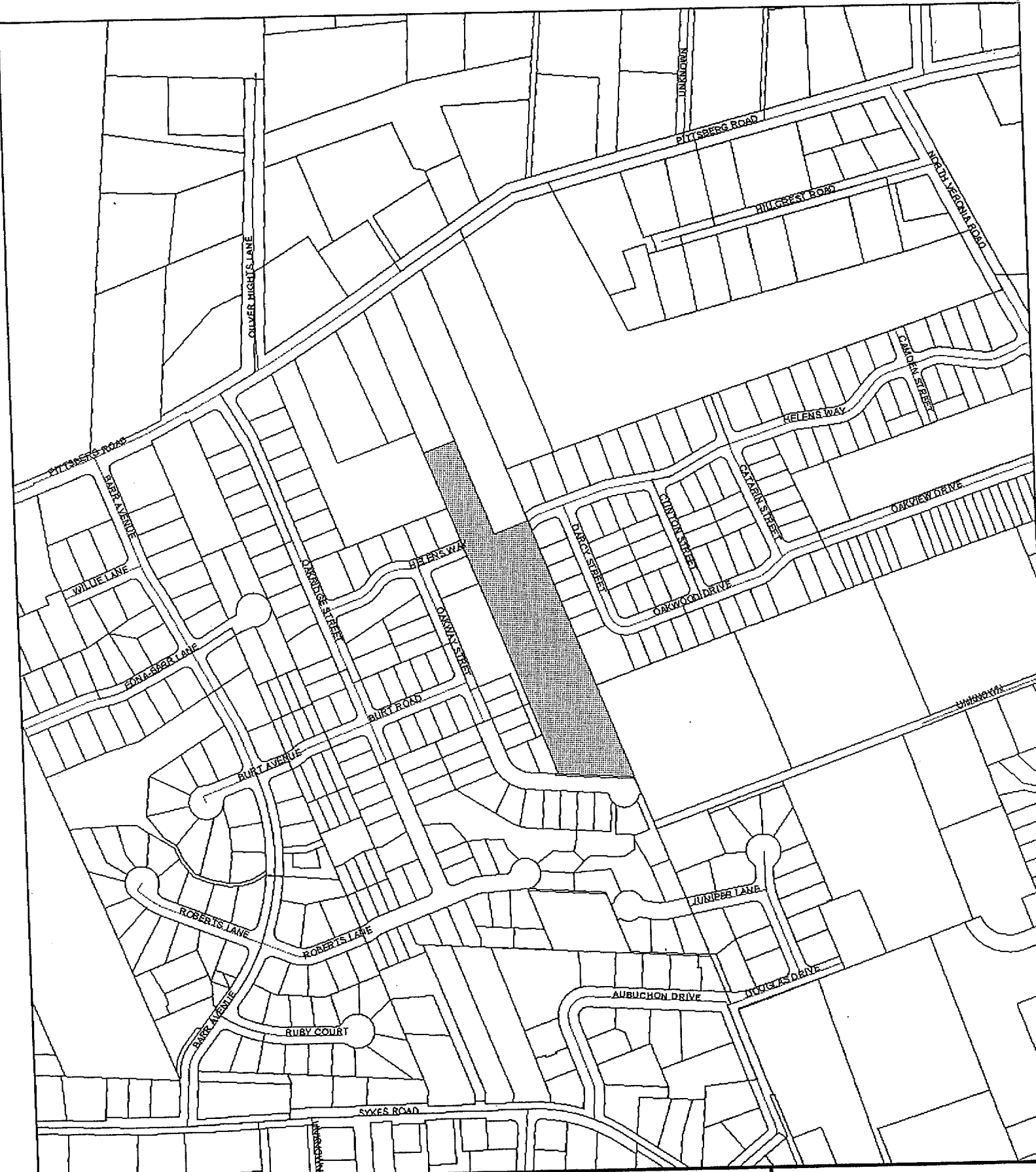
Subject Property

~ Approximate Location ~



Zoning Map



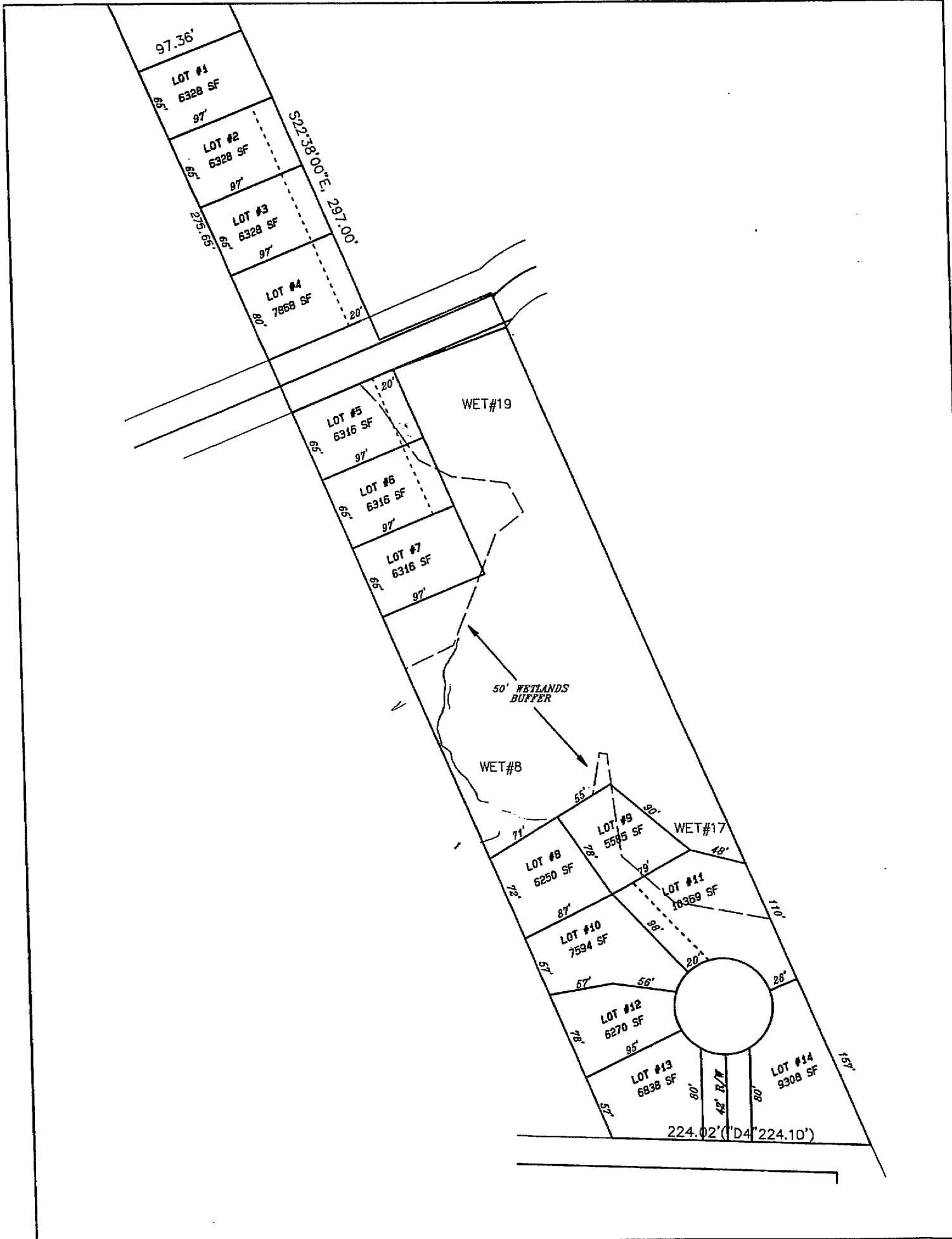


4105-000-00600



1 in. = 372.9 feet





97.36'

LOT #1
6328 SF

97'

LOT #2
6328 SF

97'

LOT #3
6328 SF

97'

LOT #4
7868 SF

97'

S22.38.00"E. 297.00'

27.15.05'

LOT #5
6316 SF

97'

LOT #6
6316 SF

97'

LOT #7
6316 SF

97'

WET#19

50' WETLANDS
BUFFER

WET#8

LOT #8
6250 SF

72'

LOT #10
7594 SF

57'

LOT #12
6270 SF

78'

LOT #13
6838 SF

57'

LOT #9
5585 SF

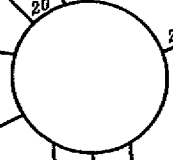
70'

LOT #11
18369 SF

87'

LOT #14
9308 SF

95'



224.02' (1"D4' 224.10')

110'

80'

48' R/W

80'

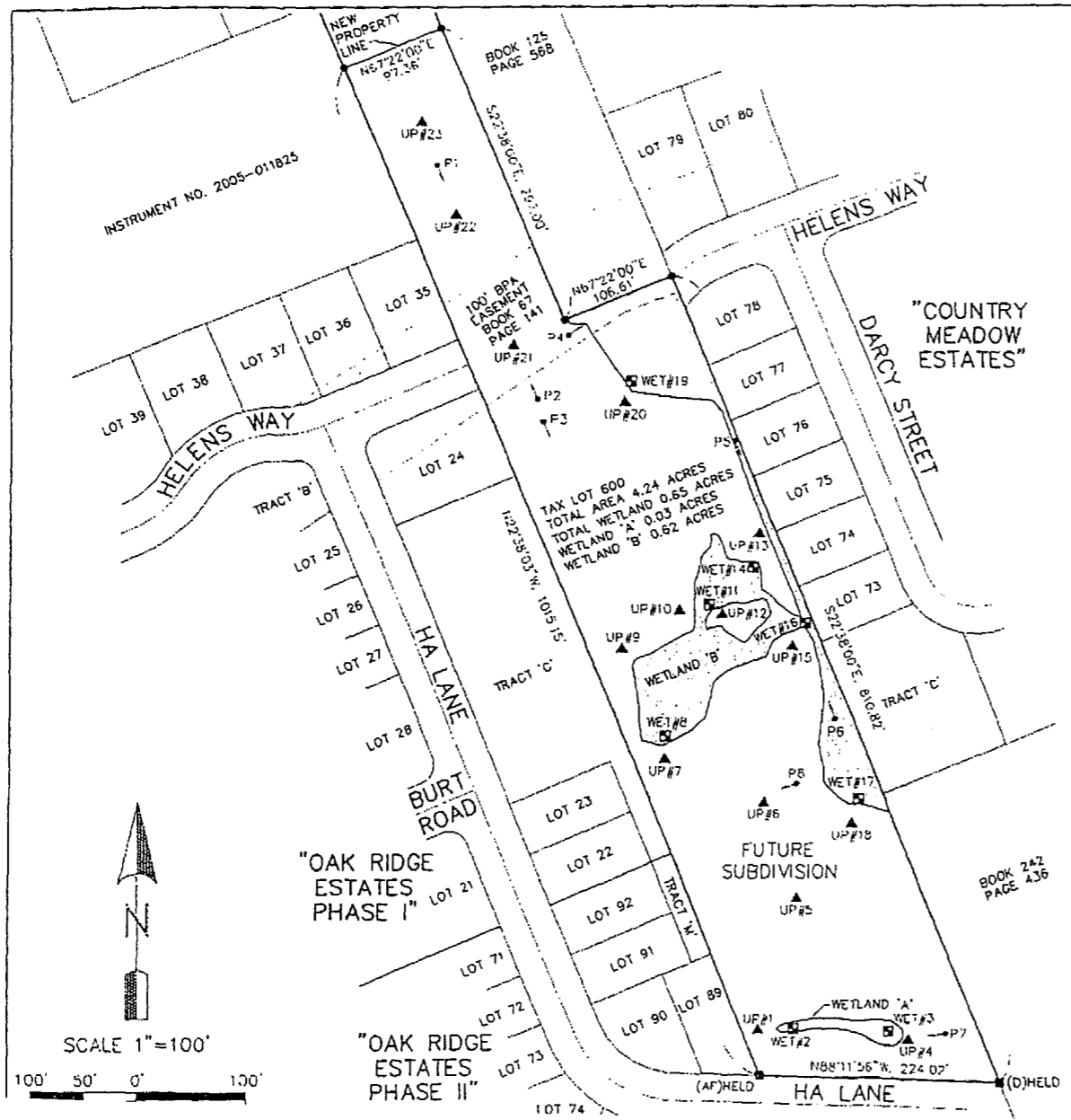
153'

WET#17

48'

26'

80'



WETLANDS DELINEATION MAP
 FOR ASSET CONSTRUCTION LLC
 OF THE LAND DESCRIBED IN BOOK 252, PAGE 628
 IN THE NW 1/4 AND SW 1/4 OF SECTION 5, T4N, R1W, WM
 CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON
 SURVEYED FEBRUARY 13, 2006

- LEGEND**
- (D) ■ FOUND MONUMENT, AS DESCRIBED
 - MONUMENT SET 1/24/06, 5/8" x 30" REBAR W/YELLOW PLASTIC CAP INSCRIBED "RAL LS 2725"
 - UP#1 ▲ SAMPLE POINT OUTSIDE WETLAND BOUNDARY
 - WET#2 ■ SAMPLE POINT INSIDE WETLAND BOUNDARY
 - P3 ▽ PHOTO POINT
 - ▭ WETLANDS AREA

DESCRIPTIONS OF FOUND MONUMENTS

(D) 5/8" IRON REBAR 0.4' UP, SET IN COUNTY SURVEY MAP NO. 2135, HELD FOR THE SOUTHEAST CORNER OF PARCEL 2, BOOK 252, PAGE 628

(A) 5/8" IRON REBAR WITH YELLOW PLASTIC CAP INSCRIBED "BRADY LS '860", 0.1' DOWN, SET IN COUNTY SURVEY MAP NO. 8-61, HELD FOR TRUE CORNER

ACCURACY STATEMENT

THE HORIZONTAL ACCURACY OF THIS SURVEY IS 1 FOOT IN 10,000 FEET.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Robert Alan Johnson

OREGON
 JULY 25, 1995
 ROBERT ALAN JOHNSON
 #2725

EXPIRES 6/30/07

JOHNSON LAND SURVEYING, INC.
 10185 SW HOODVIEW DR, TIGARD, OR 97224
 (503)639-7919, FAX:(503)670-9050
 jsurvey@verizon.net

Figure 2

FINDINGS OF FACT AND CONCLUSIONS OF LAW
PLANNED DEVELOPMENT OVERLAY ZONE AMENDMENT
ABC Planned Community Development ZA4.06

REQUEST:

Applicant has requested a Planned Development Overlay zone for a site.

GENERAL INFORMATION:

1. Location- The site is located on an abutting property on the south side of 35068 Pittsburg Road located between the ends of Helens Way and on the north side of Ha Lane.
2. Field Inspection- The site is slopes to the southeast with wetlands in various areas.
3. Comprehensive Plan- The Comprehensive Plan designates the site as Suburban Residential.
4. Zoning- The City Zoning Map designates the property as R-7 Moderate Residential.
5. Access- Access to the property is from Helens Way and Ha Lane.
6. Use - Residential.
7. Referrals were sent to St. Helens City Engineer, Public Works Department, Police Department, Building Dept. and St. Helens Rural Fire District.

No one has raised any objections to date except for the School District.

CRITERIA AND EVALUATION:

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 flexibility in development design due to topography and wetland issues.

Finding: This will allow the wetlands to be preserved while allowing the owner use of their property.

Finding: This area has significant wetlands and topographical issues that are in the interest of the public to preserve as much as is practical.

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. There has been a major change in the community directly impacting these properties in as much as the public has chosen to protect significant wetlands.

The Planning Commission held a public hearing and found that based upon the evidence in the record and the applicable criteria that they agree to recommend the amendment to the Zone Map to

add a Planned Community Development Overlay zone on this site.

CONCLUSIONS:

1. The first criteria for a zone map amendment 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 for the zone map amendment is met as the Comprehensive Plan is already acknowledged by the State.
3. The third criteria for the zone map amendment 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.
4. The major change in public attitude is one of additional protections for significant wetlands.


The City Council received the staff report into the record, the Planning Commission recommendation, and other evidence and then considered the record, the applicable criteria, and found in favor of the applicant to amend the zone map to add a planned development overlay zone on the site as described above in General Information #1.

Attested to:

Signed by:



Brian D. Little, City Recorder



Randy Peterson, Mayor

9/6/06
Date

9/6/06
Date