



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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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 012-05

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

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DEPT OF

APR 14 2006

LAND CONSERVATION  
AND DEVELOPMENT

NOTICE OF ADOPTION

Jurisdiction: City of St. Helens

Local File No. PortA9.05

Date of Adoption: Mar. 1, 2006

Date Mailed: April 13, 2006

Date of Notice of Proposed Amendment was mailed to DLCD: Dec. 29, 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: \_Unincorporated Industrial \_ to Incorporated Industrial.

Zone Map Changed from: \_County Industrial to \_City Industrial.

Location: 58523 Old Portland Road Acres involved \_\_1.92 acres  
Columbia County Tax Assessor Lot 410801401100

Specify density: Previous \_0 DU per acre \_\_\_ New: 0 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 #  
012-05  
(14905)

**FILE COPY**

**ORDINANCE NO. 2989**

**AN ORDINANCE TO ANNEX AND DESIGNATE THE  
ZONE OF CERTAIN PROPERTY AT APPROXIMATELY  
58645 MCNULTY WAY**

WHEREAS, applicant Port of St. Helens has requested to annex to the City of St. Helens that certain property described in **Exhibit A**. This property is generally located at 58645 McNulty Way, also described as Columbia County Tax Lot 410801401100.

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 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:

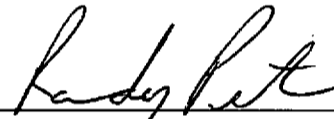
1. The above recitations are true and correct and are incorporated herein by this reference.
2. The property described above is hereby accepted for annexation to the City of St. Helens.
3. The St. Helens Zoning Ordinance Map is hereby amended to reflect that the property described herein shall be zoned LI, Light Industrial.
4. The St. Helens Comprehensive Plan Map is hereby amended to reflect that the property described herein shall be designated as LI, Light Industrial.

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

# SE1/4 NE1/4 SEC.08 T4N R1W COLUMBIA COUNTY

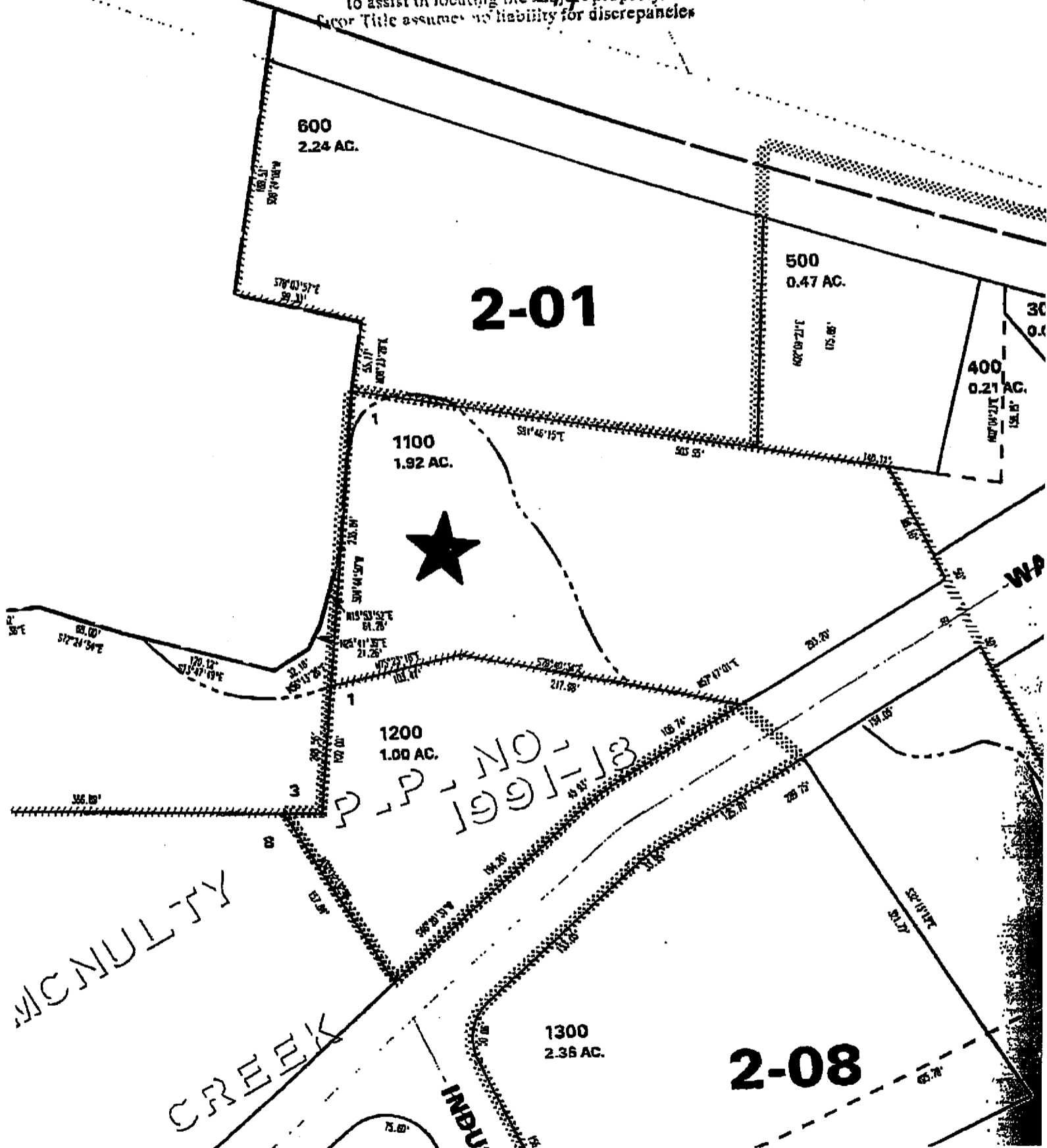
Scale 1" = 100'



## TICOR TITLE

This map and the accompanying legal description are provided solely to assist in locating the subject property. Ticor Title assumes no liability for discrepancies.

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ATTACHMENT A

Lot 1 of McNulty Creek Industrial Park, Parcel 2 of Partition Plat 1991-18.

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
Port McNulty Way Annexation A9.05

REQUEST:

The Port of St. Helens has requested to annex a 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 9, 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 29, 2005.

LOCATION:

The property is located near 58645 McNulty Way. The site is also known as Columbia County Tax Assessor tax lot 1100 on map 4108014.

SITE INFORMATION:

The site is about 1.92 acres in size.

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: McNulty Way abuts this site on the southside. This road is a collector street and does not meet City Standards.

Finding: There is a sewer line nearby.

Finding: There is a water line in McNulty Way near this site.

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 three 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 an Unincorporated Light Industrial designated area according to the Comprehensive Plan Map.

Finding: The policy of the Comprehensive Plan for Light Industrial lands is that the City of St. Helens should zone it as LI, Light Industrial and designate it Light Industrial.

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 Unincorporated Light Industrial 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 is industrial and thus the rule does not apply.

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 abuts the City Limits on one side but is inside a large area that is fully surrounded by the City.

Finding: The lot to the west is already developed.

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 abuts developed land on two sides.

8. The zone should be LI, Light Industrial in keeping with the Comprehensive Plan Map and policies of the Plan.

9. The new designation should be LI, Light Industrial on the Comprehensive Plan Map after annexation is completed.

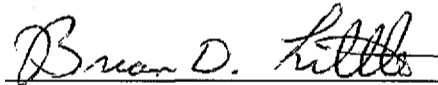
The Planning Commission received no additional evidence into the record at their hearing nor did the Council at their hearing. The Planning Commission recommended annexation and amending the Comprehensive Plan Map to Light Industrial and the Zone Map to Light Industrial.

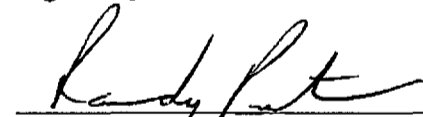
The City Council concurred with the Planning Commission recommendation and ruled in favor of the application with the conditions of approval found in the Staff Report as follows:

1. A waiver of remonstrance for any future local improvement districts to be formed to bring any substandard infrastructure to current standards that would involve this site.
2. In lieu of a waiver of remonstrance, the applicant can bring the roads abutting this site to comply with current city standards as per the Urban Growth Management Agreement between the City of St. Helens and Columbia County.

Attested by:

Signed by:

  
\_\_\_\_\_  
Brian D. Little, City Administrator

  
\_\_\_\_\_  
Randy Peterson, Mayor

ATTACHMENT A

Lot 1 of McNulty Creek Industrial Park, Parcel 2 of Partition Plat 1991-18.

# SE1/4 NE1/4 SEC.08 T4N R1W COLUMBIA COUNTY

Scale 1" = 100'



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