



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

January 2, 2007

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 012-06



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: January 12, 2007

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

<paa> ya/

DEPT OF

DEC 26 2006

LAND CONSERVATION
AND DEVELOPMENT

NOTICE OF ADOPTION

Jurisdiction: City of St. Helens **Local File No.** JillsonZA.5.06
Date of Adoption: December 6, 2006 **Date Mailed:** December 22, 2006
Date of Notice of Proposed Amendment was mailed to DLCD: Sept. 21, 2006

Comp Plan Text Amendment **Comp Plan Map Amendment**
 Land Use Regulation Amendment **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: _no change **to** _no change

Zone Map Changed from: _GC, General Commercial to _MU, Mixed Use

Location: _n/a **Acres involved** _1.99_____
Columbia County Tax Assessor Lots 410401307500,7600,6700,6800,
5900,4800,5800 & 8000.

Specify density: Previous _25 DU 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: ODOT, Columbia County, and St. Helens Rural Fire 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 # 012-06 (15577)

ORDINANCE NO. 3029

COPY

**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 Zoning Map for Lots 10-14 of Block 122, Lots 8-11 & 13-15 of Block 129, and Lots 12 & 13 of Block 138, St. Helens Subdivision 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

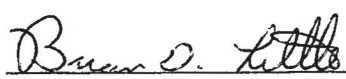
WHEREAS, the Council has considered findings of compliance with criteria and law applicable to the proposal.

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 Zoning Map is amended to change the zoning boundaries of GC, General Commercial, to MU, Mixed Use, for those lots shown on the attached map and also known as Lots 10-14 of Block 122, Lots 8-11 and 13-15 of Block 129, and Lots 12-13 of Block 138.
3. In support of the above Zoning Map Amendment, the Council hereby adopts the Findings of Fact and Conclusions of Law dated December 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:	November 15, 2006
Read the second time:	November 15, 2006
Read the third time:	December 6, 2006
Approved by the Mayor:	December 6, 2006

Attested by:


Brian D. Little, City Administrator

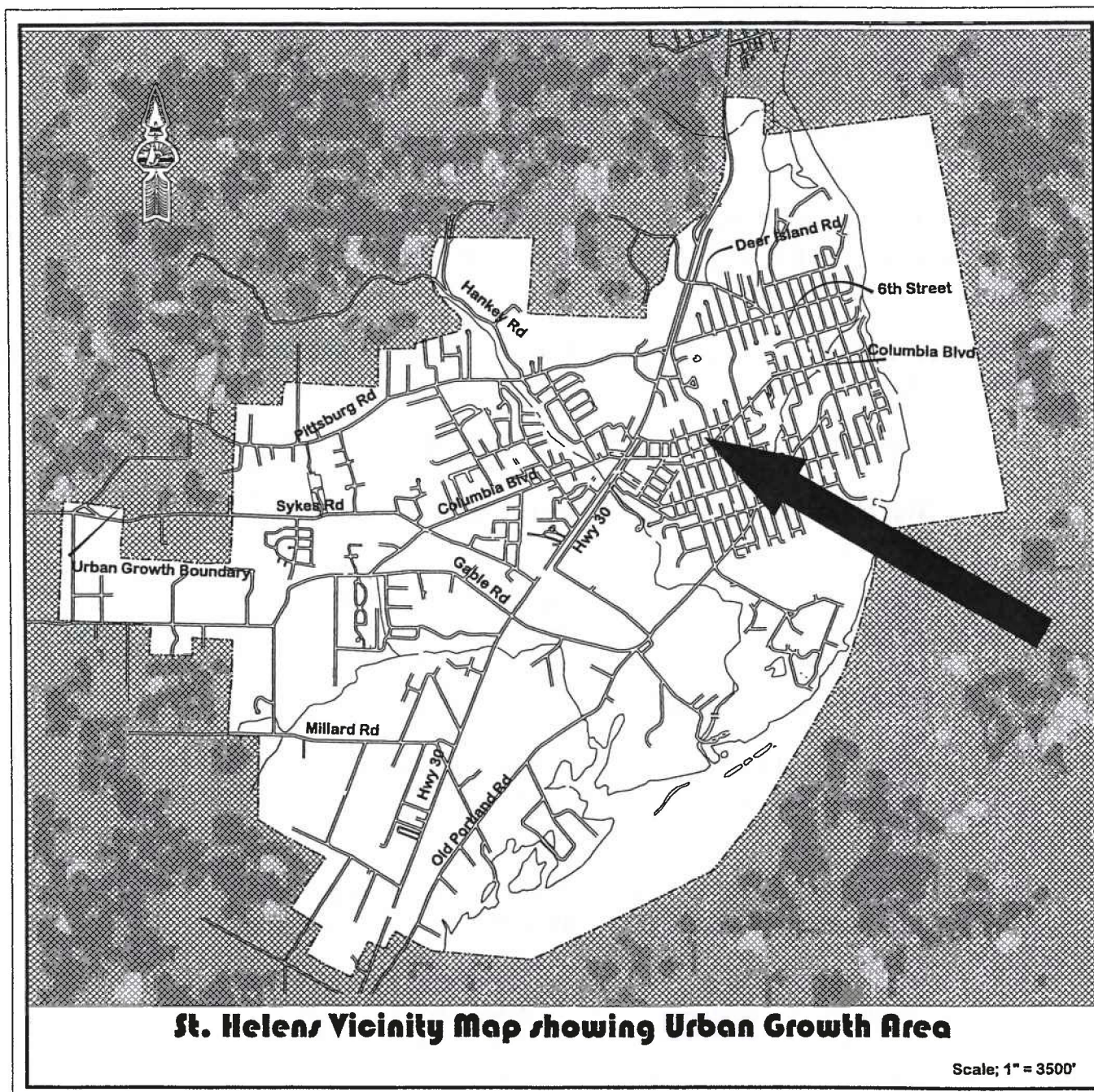
Signed by:

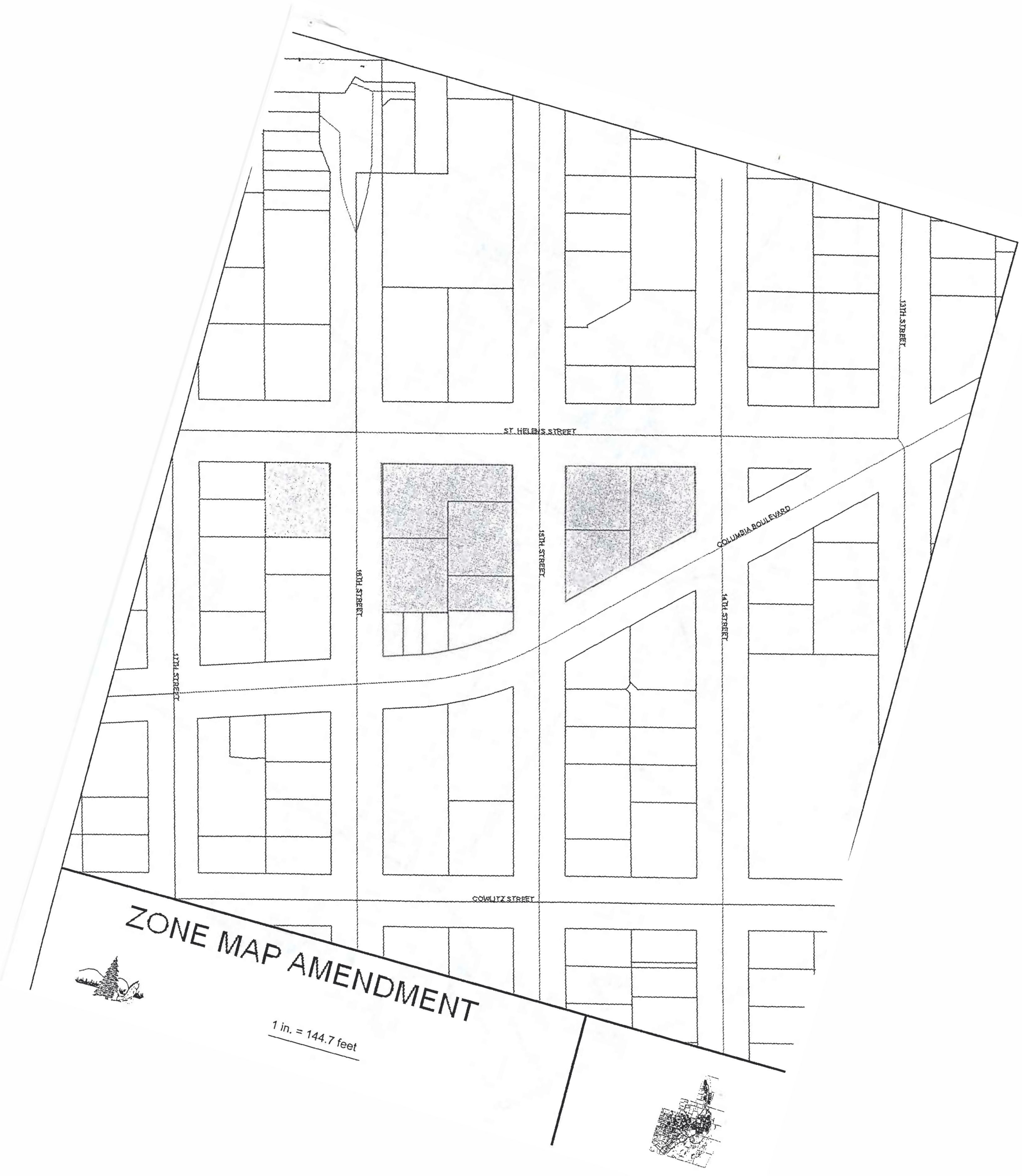

Randy Peterson, Mayor

7900

Subject Property

~ Approximate Location ~



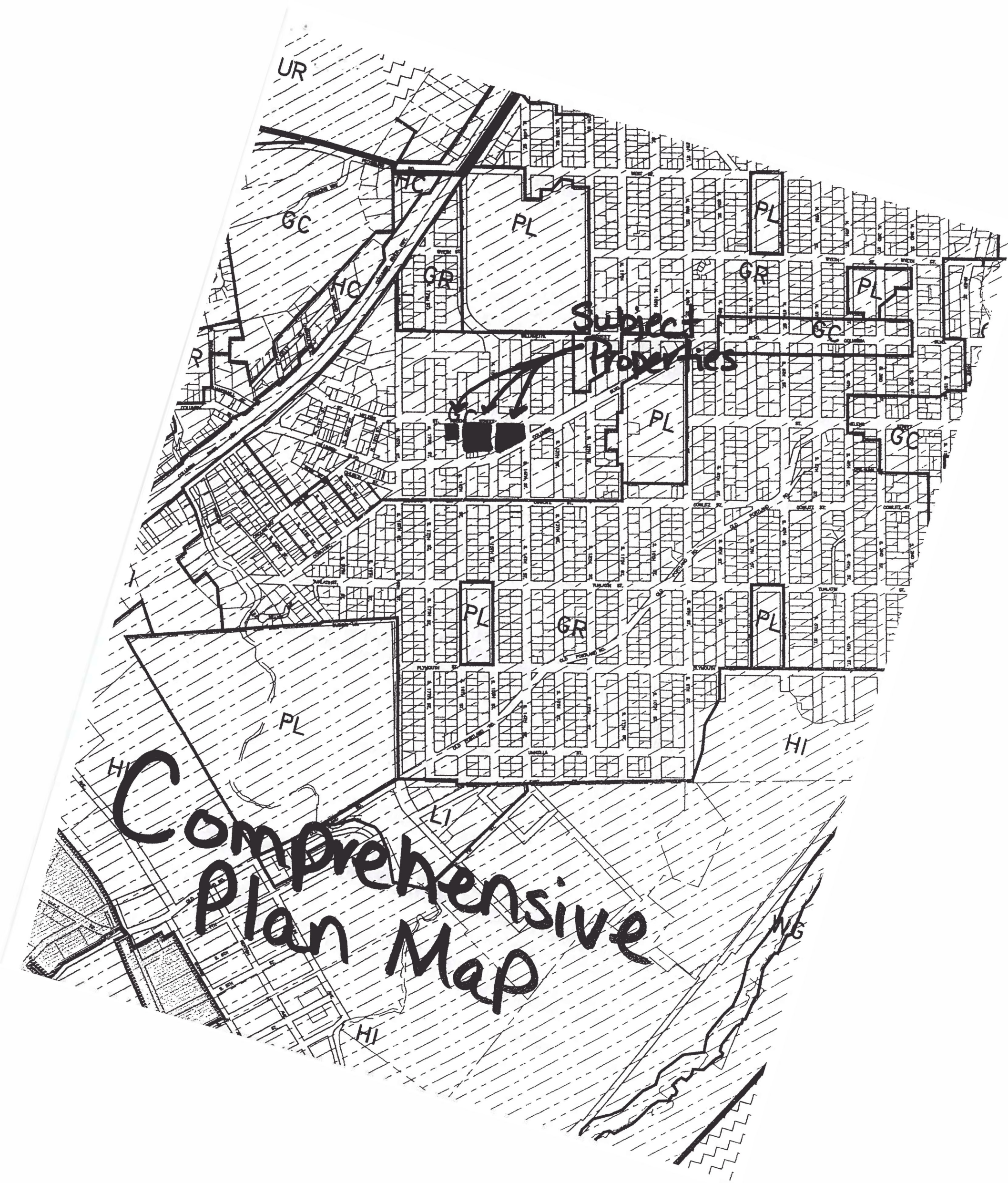


ZONE MAP AMENDMENT

1 in. = 144.7 feet







FINDINGS OF FACT AND CONCLUSIONS OF LAW
Jillson Zone Map Amendment ZA5.06

REQUEST:

To change some General Commercial zoned lots to Mixed Use zoned lots for lots 10-14 Block 122, lots 8-11 & 13-15 of Block 129 and lots 12 & 13 of Block 138 of St. Helens Subdivision 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 Nov. 14, 2006 in front of the Planning Commission and on Nov. 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 three lots involved in this request by first class mail. Notice was published in the local newspaper Nov. 1 & 7, 2006. Notice was also sent to the Department of Land Conservation and Development on Sept. 21, 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: There are two houses on two lots and the other 12 are vacant and have been vacant for over 10 years.

Finding: This area has seen little demand for commercial use and the proposed change should not stop future uses for commercial.

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

Finding: There are some commercial uses on the north side of St. Helens Street and at the intersection with North 15th Street.

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 held a public hearing and made a recommendation to the City Council and then the City Council Held a public hearing to decide on the application.

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.

Summary: The proposed change is to allow economics to dictate the use of these lots.

The Planning Commission met Nov. 14, 2006, held a public hearing and based upon the evidence in the record, found that they favor recommending to the City Council that the application be approved to change the zoning for several lots from General Commercial to Mixed Use.

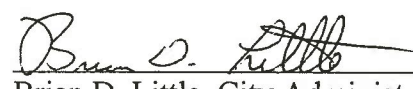
The City Council held a public hearing and based upon the evidence in the record, the criteria and the recommendation from the Planning Commission, found in favor of the applicants to change the zone map for the properties listed in the request above from General Commercial to Mixed Use.

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.

Attested to:

Signed by:


Brian D. Little, City Administrator


Randy Peterson, Mayor