



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

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 014-06



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. Obermeier A4.06

Date of Adoption: December 6, 2006

Date Mailed: December 22, 2006

Date of Notice of Proposed Amendment was mailed to DLCD: Sept. 29, 2006

<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: _ County UGA _ to _ City SR, Suburban Residential.

Zone Map Changed from: _ County UGA to _ City R-7, Moderate Residential

Location: _ n/a **Acres involved** _ 5.2 _____
Columbia County Tax Assessor Lots 410701203500, 3600, 3700, & 3800

Specify density: Previous _ 1 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: 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 # 014-06 (15600)

COPY

ORDINANCE NO. 3028

**AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF
CERTAIN PROPERTY AT 34652 BACHELOR FLAT ROAD**

WHEREAS, applicant Robert and Lorene Obermeier have requested to annex to the City of St. Helens that certain property at 34652 Bachelor Flat Road. This property is also described as Columbia County Tax Lots 410701203500, 3600, 3700, & 3800; and

WHEREAS, the applicant have 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 determine the incorporated Comprehensive Plan Map designation and the zone map designation; and

WHEREAS, appropriate notice has been given and a public hearing was held November 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.

Y-100

5. The land is classified as Developing in accordance with Chapter 1.150 of the St. Helens Community Development Code and OAR 660-08-0005.
6. In support of the above annexation and zoning, the Council hereby adopts the Obermeier annexation and Zone Map Amendment Findings of Fact and Conclusions of Law dated December 6, 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:	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

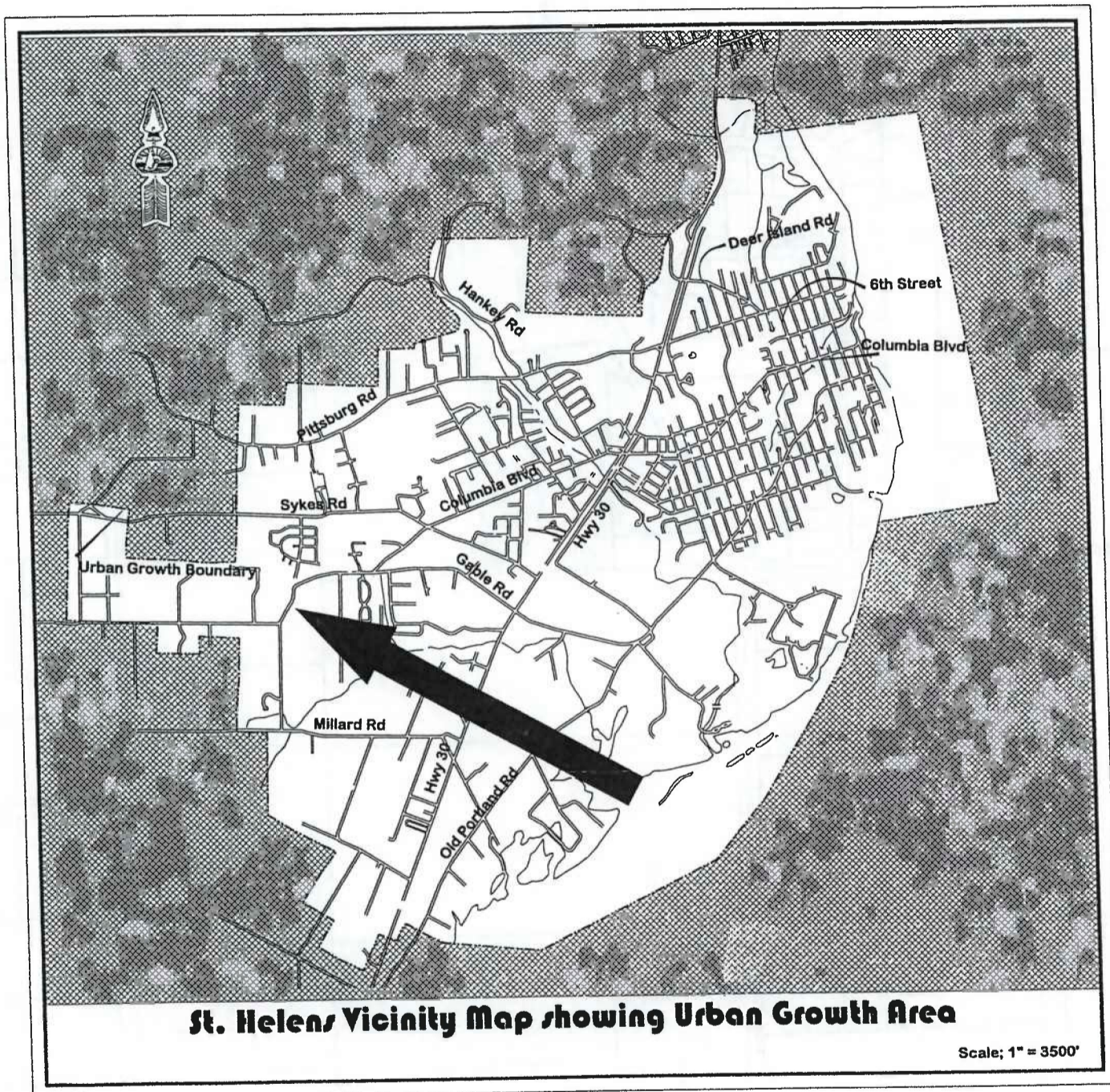
Signed by:



Randy Peterson, Mayor

Subject Property

~ Approximate Location ~

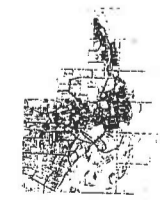




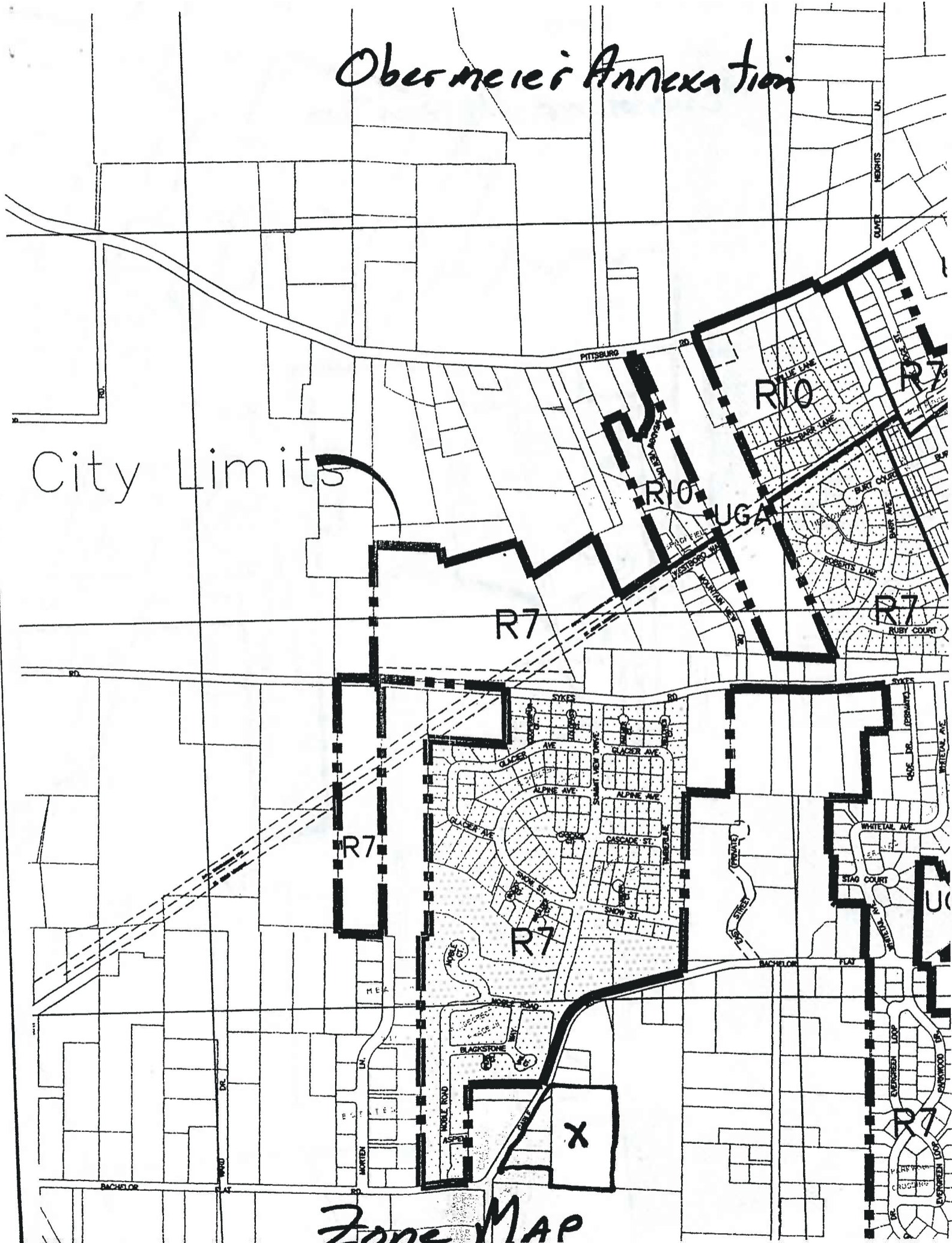
4107-012-3500/3600/3700/3800



1 in. = 369.9 feet

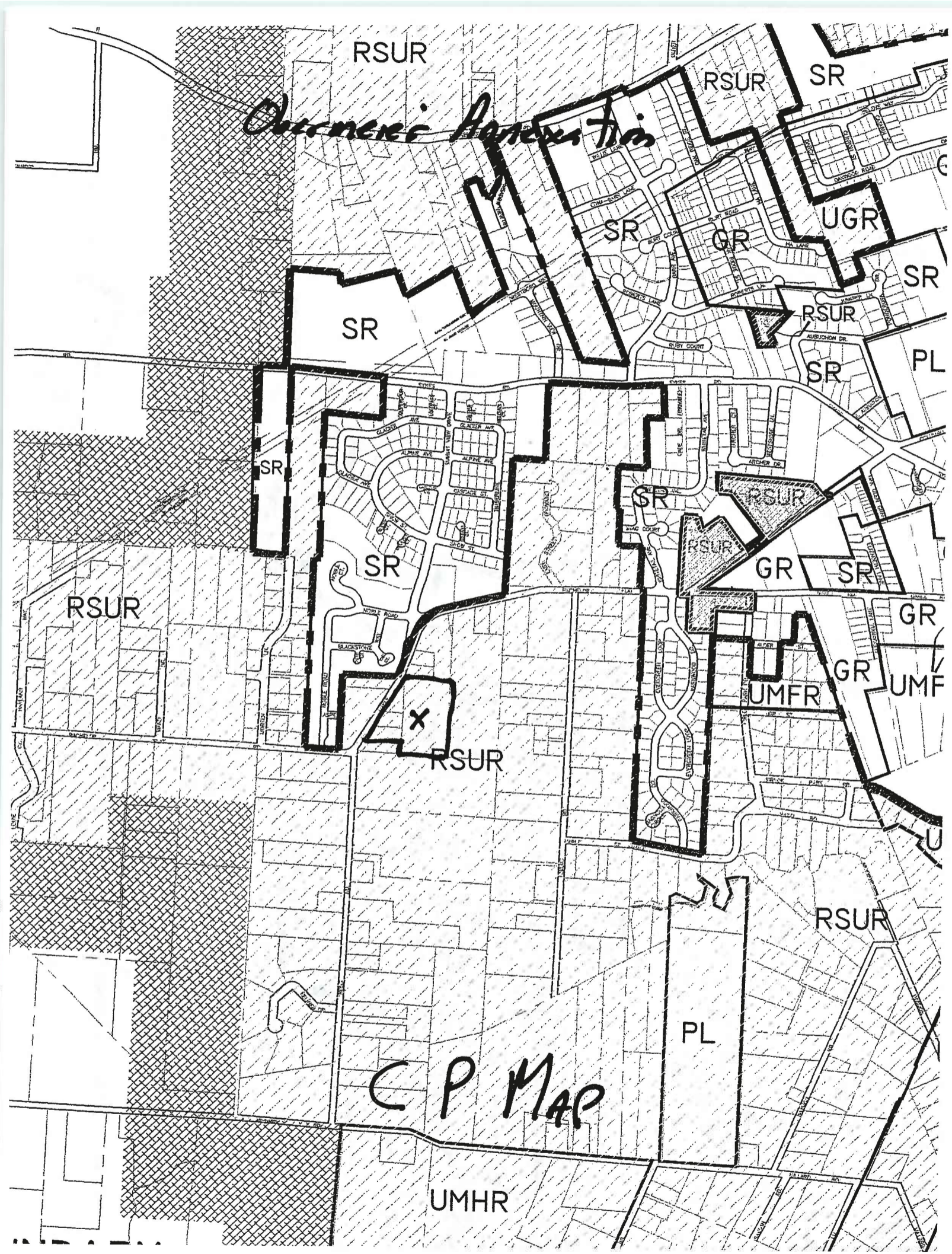


Obermeier Annexation



City Limits

Zone MAP



FINDINGS OF FACT AND CONCLUSIONS OF LAW
Obermeier Annex A5.06

REQUEST:

Robert and Lorene Obermeier have requested that certain property be annexed into the City of St. Helens, Oregon.

PUBLIC HEARING:

A Public Hearing was held on Nov. 14, 2006 in front of the Planning Commission and 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 properties proposed for annexation on Oct. 12, 2006 by first class mail. Notice was published in The Chronicle Nov. 1 & 8 2006. Notice was sent to Oregon Department of Land Conservation and Development Sept 29, 2006.

LOCATION:

The property is located at 34652 Bachelor Flat Road. The site is also known as Columbia County Tax Assessor tax lots 3500, 3600, 3700, & 3800 on map 4107012 (aka. 4107AB)

SITE INFORMATION:

The site is about 5.2 acres in area and is partly developed.

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

The School District stated that due to financial and facility limitations it will have difficulty in

Obermeier Annexation F&C

meeting the needs of additional students. City Engineering states that the nearest sewer line for possible connection is about 2,500 feet and that the right of way abutting this site is substandard in width and in improvements. There is sufficient sewer capacity in the downstream lines and in the plant. McNulty Water District would be the primary water provider.

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 City's current water system has excess capacity of about 100% or

Obermeier Annexation F&C

about twice the consumption rate as the sewer has excess capacity at the plant of over twice the use rate domestically. McNulty Water District has stated in the past that they can handle any growth into the UGA that the City has.

Finding: Bachelor Flat Road is a minor arterial street with a 40 foot wide right of way and about 25 feet of pavement without sidewalks, curbs, and gutters.

Finding: There is a sewer connection about 2500 feet from this site and the downstream lines and plant have sufficient capacity to handle any future development of this site.

Finding: The current development on this site is served by McNulty Water District as is the Grace Baptist Church located on the south side of the site.

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 apply 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 north and west 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 or electors 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: These properties are located in 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 lands as either R-7 or R-10".

Finding: The desired ratios are for R-10 to be 5% and R-7 to be 25% and currently the R-10 lands are about 13.5% and R-7 are 23%.

Finding: The properties nearby are R-7 zoned or RSUR designated.

Finding: This property has a residence 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 Unincorporated Suburban 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 development of up to 26 lots.

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 contiguous to the City on two sides.

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 is contiguous to the City Limits.
8. The zone should be R-7, Moderate 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.

The Planning Commission held a public hearing and based upon the evidence in the record and the criteria found that they could recommend annexation of the property and that they could recommend the Comprehensive Plan Map designation be changed to SR, Suburban Residential and that the Zone Map be changed to R-7, Moderate Residential and that the site be classified as Developing with the additional condition of approval for the owners to improve the abutting street to City Standards or to sign a Waiver of Remonstrance for a future Local Improvement District to improve the abutting street to City Standards.


The City Council held a public hearing and based upon the evidence in the record and the criteria found that they could approve annexation of the property and once the voters approve the

Obermeier Annexation F&C


annexation that the Comprehensive Plan Map designation be changed to SR, Suburban Residential and that the Zone Map be changed to R-7, Moderate Residential and that the site be classified as Developing with the additional condition of approval for the owners to improve the abutting street to City Standards or to sign a Waiver of Remonstrance for a future Local Improvement District to improve the abutting street to City Standards.

Attested to:

Signed by:



Brian D. Little, City Administrator



Randy Peterson, Mayor