



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

April 20, 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 001-07

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: May 9, 2007

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

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DEPT OF

APR 19 2007

NOTICE OF ADOPTION

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of St. Helens

Local File No. Teegar

Date of Adoption: April 4, 2007

Date Mailed: April 18, 2007

Date of Notice of Proposed Amendment was mailed to DLCD: Jan. 26, 2007

Comp Plan Text Amendment, Land Use Regulation Amendment, New Land Use Regulation, Comp Plan Map Amendment, Zoning Map Amendment, 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 .83 Columbia County Tax Assessor Lots 410402405700,4000,4100,5200, 5600 & 5400.

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 # 001-07 (15829)

FILE COPY

ORDINANCE NO. 3035

**AN ORDINANCE TO AMEND THE ST HELENS ZONING MAP FROM
GENERAL COMMERCIAL PROPERTY TO MIXED USE ZONE**

WHEREAS, applicants have requested to amend the St. Helens Community Development Code Zone Map for Tax Lots 410402404000, 4100, 5200, 5400, 5600, & 5700 also known as Lots 7 & 9, Block 1 of Midway Subdivision and Lots 2, 3, 4, 9, & 11 of Block 4 of Midway Subdivision in Columbia County, Oregon 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 CITY COUNCIL DOES
ORDAIN AS FOLLOWS:**

1. The St. Helens Zone Map is amended to change the zoning boundaries of GC, General Commercial, to MU, Mixed Use for those lots shown on the attached map.
2. In support of the above zone map amendment, the Council hereby adopts the Findings of Fact and Conclusions (Ref: Attachment A).
3. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

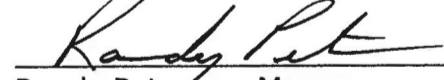
Read the first time:	March 21, 2007
Read the second time:	March 21, 2007
Read the third time:	April 4, 2007
Approved by the Mayor:	April 4, 2007

Attested by:



Brian D. Little, City Administrator

Signed by:



Randy Peterson, Mayor

ATTACHMENT A

FINDINGS OF FACT AND CONCLUSIONS OF LAW Teegarden et al ZMA 1.07

REQUEST:

To change some General Commercial zoned lots to Mixed Use zoned lots for tax lots 410402404000, 4100, 5200, 5400, 5600, & 5700 located along St. Helens and North 21st Streets because the 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 on March 13, 2007 in front of the Planning Commission and on March 21, 2007 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 six lots involved in this request by first class mail. Notice was published in the local newspaper February 28, 2007. Notice was also sent to the Department of Land Conservation and Development on January 26, 2007.

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:

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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: This will allow the general character of the immediate are to be maintained as a mixture of residential and commercial uses.

Finding: This area has seen little demand for commercial use.

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

Finding: There are commercial uses on the south side of St. Helens Street and at the intersection with North 21st Street and across the street to the west on N. 21st 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 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 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.

The primary purpose for the request is to allow existing home owners to obtain favorable financing and to allow uses to continue while the economy decides which uses are best suited for these properties.

The Planning Commission received testimony into the record and all was favorable. The Commission deliberated and found that they support a recommendation to the Council to approve the application.

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.

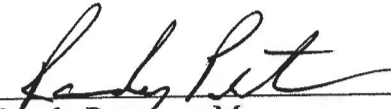
The City Council held a public hearing and received reports and testimony into the record. After consideration of the evidence in the record and evaluation of the criteria, the Council approved the request to amend the zoning map as per the application.

Attested to:

Signed by:



Brian D. Little, City Recorder



Randy Peterson, Mayor

4/4/07
Date

4/4/07
Date