



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

September 10, 2008

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 002-08



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: September 26, 2008

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
Jacob Graichen, City of St. Helens

<paa> ya/

Notice of Adoption

SEP 08 2008

LAND CONSERVATION AND DEVELOPMENT

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **City of St. Helens**

Local file number: **ZA.1.08**

Date of Adoption: **9/3/2008**

Date Mailed: **9/5/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/20/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Zone map amendment involving approx 0.17 developed acres from General Commerical, GC to Olde Towne St. Helens, OTSH.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **GC**

to: **OTSH**

Location: **NE 1/4 of St. Helens & S. 2nd Streets**

Acres Involved: **0.17**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 002-08 (16905)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: **Jacob A. Graichen**

Phone: (503) 366-8204 Extension:

Address: **PO Box 278**

Fax Number: **503-397-4016**

City: **St. Helens**

Zip: **97051-**

E-mail Address: **jacobg@ci.st-helens.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - **ATTENTION: PLAN AMENDMENT SPECIALIST**.

ORDINANCE NO. 3089

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS ZONING DISTRICT MAP FROM THE GENERAL COMMERCIAL ZONE TO THE OLDE TOWNE ST. HELENS ZONE

WHEREAS, applicants have requested to amend the City of St. Helens Zoning District Map for property identified as Columbia County Tax Assessor Map Number 4N1W-3BA-5400 and 4N1W-3BA-5500, also known as Lot 1 and the 25 foot west portion of Lot 22, Block 17, St. Helens Subdivision to the City of St. Helens, Columbia County, Oregon from General Commercial, GC, to Olde Towne St. Helens, OTSH; 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 the findings of compliance with criteria and law applicable to the proposal.

NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

Section 1. The above recitations are true and correct and are incorporated herein by reference.


Section 2. The City of St. Helens Zoning District Map is amended to change the zoning boundaries of the General Commercial zone to the Olde Towne St. Helens zone for the property described herein.

Section 3. In support of the aforementioned Zone District Map Amendment, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Attachment "A"** and made part of this reference.

Section 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 13, 2008
Read the second time: September 3, 2008

APPROVED AND ADOPTED this 3rd day of September, 2008.

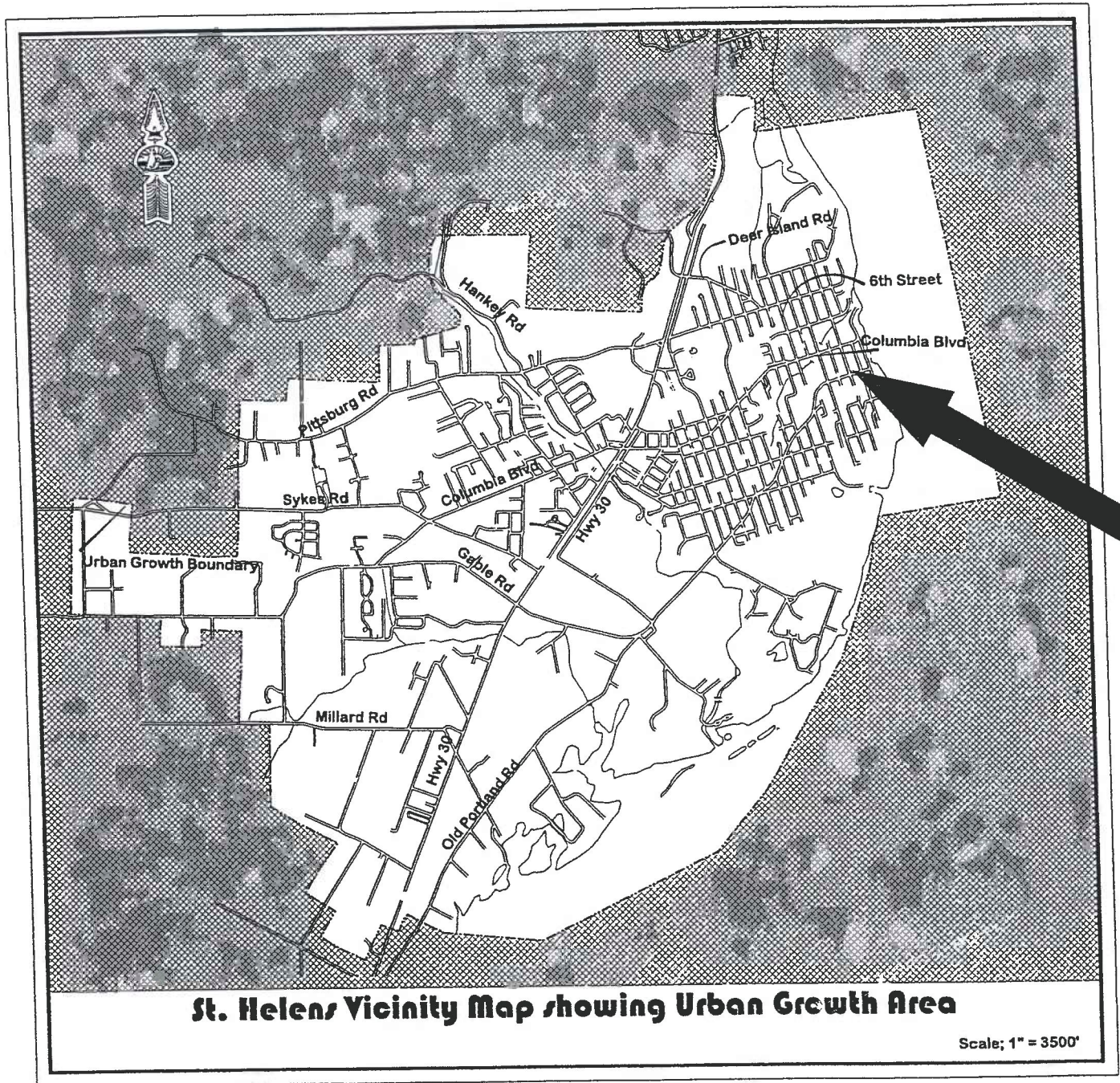

Randy Peterson, Mayor
President

ATTEST:


Kathy Payne, City Recorder

Subject Property

~ Approximate Location ~

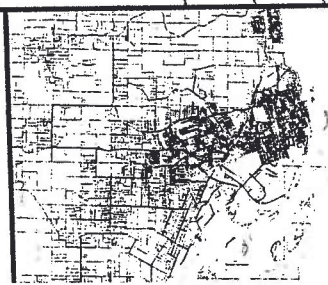




150 St. Helens Street



1 in. = 115.4 feet



IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

NET/4 NW1/4 SEC.03 T4N R1W WM
COLUMBIA COUNTY
Scale 1" = 100'

City's Zoning Map can also
be found at: www.ci.st-helens.or.us

4103-021-
ST. HELENS

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**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Zone Map Amendment ZA.1.08**

APPLICANT: Sam McCord & Ron Schlumpberger

OWNER: same as applicant

ZONING: General Commercial, GC

LOCATION: 150 St. Helens Street; 4N1W-3BA-5400 & 5500

PROPOSAL: Zone map amendment of property from General Commercial, GC to Olde Town St. Helens, OTSH

The 120-day rule (ORS 227.178) for final action for this land use decision is September 11, 2008

SITE INFORMATION

The site is developed with a multiuse building having both commercial space and dwelling units. It is access via both St. Helens Street and South 2nd Street.

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

July 8, 2008 before the Planning Commission

July 16, 2008 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on June 6, 2008 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in The Chronicle on June 21, 2008. Notice was sent to the Oregon Department of Land Conservation and Development on May 20, 2008.

At their July 8, 2008 meeting, the Planning Commission—following a vote of 5 to 0 with two absent commissioners—made a recommendation of approval to the City Council.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no agency referrals/comments have been received that are pertinent to the analysis of this proposal.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.08.040 – Quasi-Judicial Amendments & Standards

(1) Quasi-Judicial Amendments and Standards for Making Decisions.

- (a) A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:
- (i) The applicable comprehensive plan policies and map designation; and that the change will not adversely affect the health, safety, and welfare of the community; and
 - (ii) The applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197, until acknowledgment of the comprehensive plan and ordinances; and
 - (iii) The standards applicable of any provision of this code or other applicable implementing ordinance.

Discussion: (i) The applicable Comprehensive Plan polices follow (those not applicable are omitted):

SHMC 19.08.010 – Citizen Involvement

This section requires opportunity for citizens to be involved in all phases of the planning process. Generally, this section is satisfied when a local government follows the public involvement procedures set out in the statutes and in its acknowledged Comprehensive Plan and land use regulations.

For quasi-judicial zone map amendments, the City’s land use regulations, and Oregon Revised Statutes require notice to the public and to the Department of Land Conservation and Development (DLCD) and public hearings before the City Planning Commission and City Council. By complying with these regulations and statutes, the City complies with this section.

SHMC 19.08.040 – Transportation

Many of the goals and policies deal with traffic demand, congestion and such. Generally, mixed use zoning is thought to help alleviate traffic demand as it allows residential units in commercial areas (putting jobs and beds in the same area). The OTSH zone is a mixed use type zone.

SHMC 19.08.050 – Housing

Generally, the policies of this section are satisfied as the OTSH zone allows more types of residential uses than the GC zone. In other words, the OTSH zone allows additional options for housing.

SHMC 19.12.070 – General Commercial

The OTSH zone is a mixed use type of zone, allowing both residential and commercial uses. More residential uses are allowed in the proposed OTSH zone than the existing GC zone. As such, the policy that applies is policy (d): to emphasize and support existing town centers as business places. By allowing some residential use in a commercial area, there can be more local customers to support that commercial base.

The comprehensive map designation is General Commercial (incorporated); the OTSH zone is a possible zoning under this designation.

There is no evidence to suggest that this zone map amendment will have an adverse effect with regards to the health, safety and welfare of the community. Most new land uses are subject to land use review procedures to specifically address health, safety and welfare.

(ii) As the City has a comprehensive plan recognized by the State, the applicable Oregon Statewide Planning Goals needn't be analyzed.

(iii) There are no other applicable provisions of this code or other applicable implementing ordinance.

Finding: The approval criteria are met for a quasi-judicial zone change are met.

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Council approves this ~~text~~ amendment.



Randy Peterson, Mayor

9/3/08

Date

St. Helens
Box 278
OR 97051



Attn: Plan Amendment Specialist
Dept. of Land Conservation & Develop.
635 Capitol Street NE, Ste. 150
Salem, OR 97301-2540

