



# 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 003-08



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

In person  electronic  mailed

SEP 08 2008

LAND CONSERVATION AND DEVELOPMENT

Use DLCD Use Only

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: **A.2.08**

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

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

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/25/2008

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".

Annexation of property requires Comprehensive Plan and Zone Map change. Comprehensive Plan change from Rural Suburban Unincorporated Residential, RSUR to Suburban Residential (incorporated), SR. Zone change from County zoning to Suburban Residential, R10. Annexation desired for City water service.

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

Plan Map Changed from: **RSUR**

to: **SR**

Zone Map Changed from: **Columbia County Zoning** to: **R10**

Location: **Near northern terminus of Windy Ridge Drive**

Acres Involved: **1**

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

New: **n/a**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 # 003-08 (16969)

**DLCD file No.** \_\_\_\_\_

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

Columbia County

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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**

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## **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. 3092****AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF  
CERTAIN PROPERTY AT 60006 WINDY RIDGE DRIVE**

WHEREAS, applicant Steven Jonker and Agnes Duaves have requested to annex to the City of St. Helens certain property at 60006 Windy Ridge Drive. This property is also described as Columbia County Map & Tax Lot Number(s) 5N1W-32DC-2303; and

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 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 August 13, 2008 on the annexation proposal; and

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

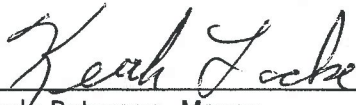
NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

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 Suburban Residential, R10.
4. The St. Helens Comprehensive Plan Map is hereby amended to reflect that the property described herein shall be designated as Suburban Residential, SR.
5. The land is classified as "Developing" in accordance with Chapter 17.112 of the St. Helens Community Development Code (SHMC Title 17) and OAR 660-08-0005.
6. In support of the above annexation and zoning, the Council hereby adopts the A.2.08 Annexation and Zone Map Amendment Findings of Fact and Conclusions of Law dated September 3, 2008.
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:  
Read the second time:

August 13, 2008  
September 3, 2008

**APPROVED AND ADOPTED** this 3<sup>rd</sup> day of September, 2008.

  
\_\_\_\_\_  
Randy Peterson, Mayor  
*President*

ATTEST:

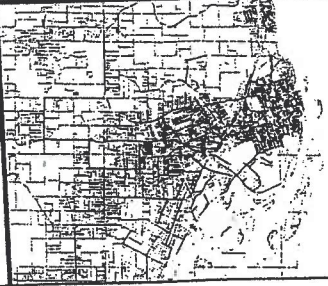
  
\_\_\_\_\_  
Kathy Payne, City Recorder



# 60006 Windy Ridge Drive



1 in. = 232.1 feet



**CITY OF ST. HELENS PLANNING DEPARTMENT  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
Annexation A.2.08**

**APPLICANT:** Steven Jonker  
**OWNER:** Steven Jonker & Agnes Duaves

**ZONING:** County zoning is R10?; City Comp Plan Designation is Rural Suburban Unincorporated Residential, RSUR

**LOCATION:** 60006 Windy Ridge Drive; 5N1W-32DC-2303; Parcel 1 of P.P. 2002-13

**PROPOSAL:** The applicants have petitioned the City that certain property be annexed into the City of St. Helens

**The 120-day rule (ORS 227.178) for final action for this land use decision is October 21, 2008.**

**SITE INFORMATION**

The site is a parcel approximately 0.93 acres in size, irregular in shape that slopes downward from Windy Ridge Drive (a paved road lacking frontage improvements such as curb, sidewalk and gutter) to Milton Creek. There is a detached single-family dwelling currently (at least as of July 22, 2008) being constructed. Purpose of annexation is to obtain City services for that dwelling.

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows:

August 12, 2008 before the Planning Commission  
August 13, 2008 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on July 21, 2008 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on July 26, 2008. Notice was sent to the Oregon Department of Land Conservation and Development on June 25, 2008.

**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 (1) – Quasi-judicial amendment and standards criteria**

- (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.
- (b) Consideration may also be given to:
- (i) 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. (Ord. 2875 § 1.020.040, 2003)

**Discussion:** (a)(i) The Comprehensive Plan designation for the subject property is Rural Suburban Unincorporated Residential, RSUR. The policy of RSUR designated lands is to zone them R7 or R10 upon annexation, though under certain circumstances per SHMC 19.12.060(2)(c), a zoning of R5 or AR is possible, albeit one of the factors for R5 or AR zoning is the property to be annexed is undeveloped and exceeds two acres in size. Given that the two parcels to the south of the property where annexed as R10, that zoning would be the best option to maintain the zoning pattern.

Moreover, once annexed, an incorporated Comprehensive Plan designation is necessary. Of them, the City's R10 zone falls within the Suburban Residential, SR designation.

Finally, there is no evidence that this proposal will be contrary to the health, safety and welfare of the community.

(a)(ii) The City's Comprehensive Plan has been adopted by the State, thus, the applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197 needn't be analyzed.

(a)(iii) Other provisions applicable to this proposal are discussed elsewhere herein.

**Finding:** The Zone District Map amendment criteria are met as they relate to this annexation request, given that the Comprehensive Plan designation is Suburban Residential, SR and the zoning is Suburban Residential, R10 upon annexation.

#### **SHMC 17.28.030 (1) – Annexation criteria**

- (a) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
- (b) Comply with comprehensive plan amendment standards and zoning ordinance amendment standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and
- (c) Complies with state laws; and



- (d) Abutting roads must meet city standards or property owner will be required to sign and record an irrevocable consent to local improvement district; and
- (e) Property exceeding 10 acres in gross size must show a need on the part of the city for such land if it is designated residential (e.g., less than five years' supply of like designated lands in current city limits).

**Discussion:** (a) The City's current water system has excess capacity of approximately 100% or about twice the consumption rate. The City's sewer has excess processing 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 in the UGA that the City has. Storm water capacity is not an issue as it ultimately ends up in the Columbia River. If there is any conveyance issue with water, sewer or storm, improvements (i.e. exactions) would be required at the time of development in relation to the intensity and nature of that development.

With regards to the road system, the closest intersection that the City's Transportation System Plan (TSP) includes is that of Pittsburg Road and North Vernonia Road. Based on the TSP (from June 1997), this intersection has levels of service (LOS) for the 2016 growth forecast under all scenarios (i.e. no build condition and the TSM, TDM, road system, and combination alternatives) of "A." LOS of A-C is generally considered adequate. In conclusion, there is no evidence that this annexation will compromise the City transportation system.

Finally, with regards to public facilities, as noted under AGENCY REFERRALS & COMMENTS above, service agencies have been notified of the proposal and none responded identifying conflicts with the proposed annexation and their respective provided service.

(b) There does not appear to be any conflicts with the Comprehensive Plan or implementing ordinances. The subject property's Comprehensive Plan designation and respective zoning given annexation are noted above.

(c) Pursuant to ORS 222.111(1), a City may only annex territory that is not within another City, and the territory must either be contiguous to the annexing City or be separated from the City only by a body of water or public right-of-way. The subject property is not within another City's jurisdiction and City of St. Helens corporate limits abuts the subject property on the south and east sides.

Further, ORS Chapter 222 requires that that all property owners of the subject property to be annexed and at least half of the electors residing on the property consent in writing to the annexation. These documents were submitted with the annexation application.

(d) The subject property abuts one street/road: Windy Ridge Drive. It lacks frontage improvements; there is no sidewalk, curb or gutter, rather, just an asphalt roadway and a ditch. City standards require such improvements. As such, the street abutting the subject property shall be brought into compliance with City street standards or property owner(s) will be required to sign and record an irrevocable consent to a local improvement district.

(e) The subject property is less than 10 acres in size, thus, showing a need on the part of the city for such land (if designated residential) is not necessary.

**Finding:** The annexation approval criteria are met for this proposal, given that the street abutting the subject property is brought into compliance with City street standards or property owner(s) sign and record an irrevocable consent to a local improvement district.

### SHMC 17.112.020 – Established & Developed Area Classification criteria

(1) Established Area.

(a) An “established area” is an area where the land is not classified as buildable land under OAR 660-08-0005;

(b) An established area may include some small tracts of vacant land (tracts less than an acre in size) provided the tracts are surrounded by land which is not classified as buildable land; and

(c) An area shown on a zone map or overlay map as an established area.

(2) Developing Area. A “developing area” is an area which is included in the city’s buildable land inventory under the provisions of OAR except as provided by subsection (1)(b) of this section. (Ord. 2875 § 1,150.020, 2003)

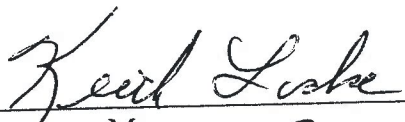
**Discussion:** OAR 660-008-0005 generally defines “Buildable Land” as vacant residential property not constrained by natural hazards or resources, and typically not publicly owned. Though having certain environmental constraints (slope and riparian area of Milton Creek), it is privately owned and is underdeveloped (i.e. greater density is possible). As such, the subject property can be classified as a “developing area.”

**Finding:** The subject property should be designated as “developing” in accordance with SHMC 17.112 and OAR 660-008-0005.

### CONCLUSION & DECISION

Based upon the facts and findings herein, the City Council approves of this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Suburban Residential, SR, be zoned Suburban Residential, R10 and designated as “Developing,” with the condition that:

The street abutting the subject property shall be brought into compliance with City street standards (or) property owner(s) shall sign and record an irrevocable consent to a local improvement district.

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

*President*

*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

