



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

11/27/2009

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of St. Helens Plan Amendment  
DLCD File Number 005-09

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: Friday, December 11, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Jacob A. Graichen, City of St. Helens  
Gloria Gardiner, DLCD Urban Planning Specialist  
Gary Fish, DLCD Regional Representative  
Angela Lazarean, DLCD Urban Planner  
Thomas Hogue, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

## Notice of Adoption

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

<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
DEPT OF		
NOV 20 2009		
LAND CONSERVATION AND DEVELOPMENT		
For DLCD Use Only		

Jurisdiction: **City of St. Helens**

Local file number: **CPZA.1.09**

Date of Adoption: **November 18, 2009**

Date Mailed: **November 19, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 8/25/2009

☐ 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".

**Changing four parcels totaling approximately 5.73 acres from Heavy Industrial to Light Industrial.**

Does the Adoption differ from proposal? Please select one

Different file local file number (was ZA.1.09)

Plan Map Changed from: **Heavy Industrial**

to: **Light Industrial**

Zone Map Changed from: **Heavy Industrial**

to: **Light Industrial**

Location: **SE corner of McNulty Way & Industrial Way**

Acres Involved: **5.73**

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

New: **n/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<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 checked="" type="checkbox"/>	<input 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 File No. 005-09 (17793) [15852]



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

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

n/a

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Local Contact: **Jacob A. Graichen**

Phone: (503) 366-8204 Extension: n/a

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, or by emailing **[larry.french@state.or.us](mailto:larry.french@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 **[larry.french@state.or.us](mailto:larry.french@state.or.us)** - **Attention: Plan Amendment Specialist.**

Updated March 17, 2009



**City of St. Helens**  
**ORDINANCE NO. 3121**

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS COMPREHENSIVE  
PLAN MAP FOR CERTAIN PROPERTY FROM HEAVY INDUSTRIAL TO THE  
LIGHT INDUSTRIAL DESIGNATION; AND TO AMEND THE CITY OF ST.  
HELENS ZONING DISTRICT MAP FOR CERTAIN PROPERTY FROM THE  
HEAVY INDUSTRIAL TO THE LIGHT INDUSTRIAL ZONE.

**WHEREAS**, pursuant to SHMC 17.20.020(1)(c) the St. Helens Planning Director initiated a legislative change to the St. Helens Municipal Code, Title 17 (Community Development Code) to amend the City of St. Helens Comprehensive Plan and Zoning District Maps for property identified as Columbia County Tax Assessor Map Number 4N1W-8AD-1300, 1400, 1401 and 1402, also known as Lots 2 and 3, McNulty Creek Industrial Park -- Phase One Subdivision to the City of St. Helens, Columbia County, Oregon from the Heavy Industrial to the Light Industrial Comprehensive Plan designation and zoning district; 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 ORDAINS AS FOLLOWS:**

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

**Section 2.** The City of St. Helens Comprehensive Plan Map is amended to change the boundaries of the Heavy Industrial designation to the Light Industrial designation for the property described herein.

**Section 3.** The City of St. Helens Zoning District Map is amended to change the zoning boundaries of the Heavy Industrial zone to the Light Industrial zone for the property described herein.

**Section 4.** In support of the aforementioned Comprehensive Plan Map and Zone District Map Amendments, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Attachment "A"** and made part of this reference.

**Section 5.** 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:  
Read the second time:

November 4, 2009  
November 18, 2009

**APPROVED AND ADOPTED** this 18th day of November, 2009.

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

ATTEST:

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

**CITY OF ST. HELENS PLANNING DEPARTMENT  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
Comprehensive Plan Map & Zone Map Amendments CPZA.1.09**

**APPLICANT:** City of St. Helens  
**OWNER:** Eric Dahlgren (3 of 4 parcels) and Alderwood Properties, LLC (1 of 4 parcels)  
**ZONING:** Heavy Industrial, HI  
**LOCATION:** 4N1W-8AD-1300, 1400, 1401 and 1402  
**PROPOSAL:** Comprehensive Plan Map and Zoning District Map change from Heavy Industrial to Light Industrial

**The 120-day rule (ORS 227.178) for final action for this land use decision is not applicable as the City is the applicant.**

**SITE INFORMATION**

The site is flat, though slopes downward on the east side towards Milton Creek. It is partially developed on the south side with three buildings (two fully built and one under construction) used as an industrial park. The site is void of frontage improvements including but not limited to sidewalks. There is 100-year floodplain on the site and possibly sensitive lands associated with the creek.

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows:

Oct. 13, 2009 before the Planning Commission  
Oct. 21, 2009 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on Sept. 18, 2009 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 Sept. 23, 2009. Notice was sent to the Oregon Department of Land Conservation and Development on Aug. 25, 2009.

**At their Oct. 13, 2009 meeting, the Planning Commission unanimously recommended that the Council approve this proposal.**

**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 17.20.120(1) – Standards for Legislative Decision**

The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:

- (a) The statewide planning goals and guidelines adopted under ORS Chapter 197;
- (b) Any federal or state statutes or guidelines found applicable;

- (c) The applicable comprehensive plan policies, procedures, appendices and maps; and
- (d) The applicable provisions of the implementing ordinances.

**(a) Discussion:**

*Statewide Planning Goal 1 is Citizen Involvement.*

Goal 1 requires opportunity for citizens to be involved in all phases of the planning process. Generally, Goal 1 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.

The City's Development Code is consistent with State law with regards to notification requirements. Pursuant to SHMC 17.20.080 at least one public hearing before the Planning Commission and City Council is required. Mailed notice of these hearings are required for the applicant, affected agencies and those requesting notice. Legal notice in a newspaper of general circulation is required too. The City has met these requirements and notified property owners potentially affected pursuant to ORS 227.186. Finally, the City notified DLCD of the proposal.

Given scheduled public hearings and notice provided, Goal 1 is satisfied.

*Statewide Planning Goal 2 is Land Use Planning.*

This Statewide Planning Goal states that "All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs." Generally, Goal 2 requires that actions related to land use be consistent with acknowledged Comprehensive Plans and coordination with affected governments and agencies and be based on an adequate factual base.

The City has an adopted Comprehensive Plan, compliance of this proposal which is addressed herein. Moreover, explanation and proof of coordination with affected agencies and factual base are described herein, as well, including inventory, needs, etc.

Goal 2 is satisfied.

*Statewide Planning Goal 3 on Agricultural Lands.*

This goal is not applicable as agricultural land is not involved.

*Statewide Planning Goal 4 on Forest Lands.*

This goal is not applicable as forest land is not involved.

*Statewide Planning Goal 5 on Open Spaces, Scenic and Historic Areas, and Natural Resources.*

This goal addresses the conservation and protection of both natural and cultural resources. This proposal does not specifically pertain to any natural or cultural inventoried resources within the City's Urban Growth Boundary.

As the inventoried resources will remain protected, Goal 5 is satisfied.

*Statewide Planning Goal 6 on Air, Water, and Land Resources Quality.*

Goal 6 addresses the quality of air, water and land resources. In the context of text amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards. This proposal doesn't have any direct bearing on environmental law. Further, laws governing environmental quality will still be applicable to any development following adoption of this proposal.

As such, Goal 6 is satisfied.

*Statewide Planning Goal 7 for Areas Subject to Natural Disasters and Hazards.*

Goal 7 deals with development in places subject to natural hazards. It requires that jurisdictions apply "appropriate safeguards" when planning for development there.

In this case, natural hazards are unrelated to the proposal.

As such, Goal 7 is satisfied.

*Statewide Planning Goal 8 on Recreational Needs.*

This goal calls for a government to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. This proposal has no bearing on recreation.

As this proposal will not hinder recreational needs, Goal 8 is satisfied.

*Statewide Planning Goal 9 on Economic Development.*

This Goal is satisfied when it can be shown that the proposal will not negatively affect industrial or other employment land, as such lands are catalysts to economic development.

The City has an adopted Economics Opportunities Analysis (EOA) per OAR 660-009-0015 into its Comprehensive Plan. This proposal will comply with this Goal provided it complies with the EOA.

The EOA notes that light manufacturing shops can thrive in small communities such as St. Helens. Though light manufacturing is possible in both the Heavy Industrial and Light Industrial zoning districts, such use could be displaced by a heavy industrial use in the HI zone, as more intense/involved industrial uses are allowed in the HI zone. Moreover, this subject property consists of smaller parcels ranging from 0.97 to 2.01 acres, which arguably, lend themselves better to light industrial uses that have less off-site impacts and are smaller in scale.

In addition, the EOA is intended to help protect industrial designated lands, but does not differentiate between heavy and light industrial. Thus, this action does not remove any inventoried industrial land. This proposal is consistent with the EOA.



As this proposal will not compromise the City's industrial (and "employment land") base, Goal 9 is satisfied.

*Statewide Planning Goal 10 on Housing.*

This Goal pertains to a local government's provision of the housing needs of its citizenry.

As this proposal will have no bearing on residential uses, Goal 10 is satisfied.

*Statewide Planning Goal 11 on Public Facilities Planning.*

Goal 11 requires local governments to plan and develop a timely, orderly and efficient arrangement of public facilities and services. It further provides that urban and rural development "be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."

Public facilities are water, sanitary sewer, storm water, and transportation systems. Public services include but are not limited to police, fire, health, schools, recreation, and library.

This proposal will not compromise any public facility or service. Goal 11 is satisfied.

*Statewide Planning Goal 12 on Transportation.*

Goal 12 requires local governments to "provide and encourage a safe, convenient and economic transportation system." Goal 12 is implemented through LCDC's Transportation Planning Rule (TPR), OAR 660, Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility.

The first question that needs to be answered is *whether the proposal, as measured at the end of the planning period identified in the adopted transportation system plan would:*

*(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*

*(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

There is a potential affect to traffic in this case. Examining the potential uses in the HI and LI zone, those of the LI zone could have a greater traffic generation potential. To explain, of the uses in the HI zone "motor vehicle sales..." is one of HI's greatest trip generators. Using data from the Institute of Transportation Engineers (ITE), Trip

Generation, 6<sup>th</sup> ed., the weekday average vehicle trip generation per 1,000 square foot gross floor area for new car sales (ITE category 841) is 37.50. In the LI zone, “eating and drinking establishments” is allowed by Conditional Use Permit. The weekday average vehicle trip generation per 1,000 square foot gross floor area for high-turnover (sit-down) restaurant (ITE category 832) is 130.34. Thus given buildings of the same size, there is a 300+% potential traffic increase. Though, a restaurant use on this property is questionable, not being the most visible or traveled area.

The St. Helens TSP did not analyze the intersections of Industrial Way/McNulty Way or McNulty Way/Gable Road. But it did look at the section of Gable Road between McNulty Way and the Highway, as well as the intersection of Gable Road/Columbia River Hwy. Those areas were given a level of service (LOS) D and F, respectively. LOS of C is generally considered adequate.

Of the alternatives in the TSP, the best is the Road System Alternative, which would improve the LOS for the section of Gable Road between McNulty Way and Columbia River Highway to C and the Gable Road/Highway intersection to D. The Road System Alternative includes the extension of McNulty Way to Millard Road to lessen the burden on Gable, particularly for truck traffic. The limitation however, is that the City’s current TSP planning period is to the year 2016. But this extension has been completed, which will help mitigate the Gable Road traffic burden.

The City does not anticipate a significant impact in this case. Though there is potential traffic increase in the change from HI to LI, the transportation facilities in question are some of the City’s primary routes, serving a vast area of the City. This acute change is localized and the uses that would generate significantly higher vehicle trips are unlikely anyways, given the site’s location.

Finally ODOT was notified with no response.

This proposal will have no direct impact on transportation. As such, a traffic impact analysis or similar study is not warranted and Goal 12 is satisfied.

*Statewide Planning Goal 13 on Energy Conservation.*

Goal 13 directs local governments to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. This proposal doesn’t specifically apply to this goal.

Goal 13 is satisfied.

*Statewide Planning Goal 14 on Urbanization.*

This Goal addresses the conversion of rural lands to urban lands. This Goal does not apply.

*Statewide Planning Goal 15 for Willamette Greenway*

As the Willamette Greenway will not be directly impacted, Goal 15 does not apply.

**Finding:** These code amendments are not contrary to the Statewide Planning Goals and Guidelines adopted under ORS Chapter 197.



**(b) Discussion:** All of the federal or state statutes and/or guidelines found applicable should have been addressed above.

**Finding:** These code amendments are not contrary to known federal or state statute, not already discussed.

**(c) Discussion:** The applicable comprehensive plan policies, procedures, appendices and maps are under Chapter 19.08 SHMC. These general goals and policies of the Comprehensive Plan more-or-less reflect the content of the Statewide Planning Goals described above.

Specific Land Use Goals and Policies are discussed under Chapter 19.12 SHMC. Of these, the pertinent sections are 19.12.090 (light industrial category goals and policies) and 19.12.100 (heavy industrial category goals and policies). The key element of these two sections as it applies to this proposal is that of land size. One goal of the HI category states: "To establish large tracts of land where manufacturing and industrial operations of an intensive or heavy character may be carried out with minimal impact upon the community." A goal of the LI category states: "To provide a place for smaller and/or less intensive activities where their service and transportation requirements can be met..." Being smaller parcels ranging from approximately 1 to 2 acres in size, and already abutting light industrial zoning and comp plan designation on the east side, this proposal is consistent with the Comprehensive Plan

**Finding:** These code amendments are not contrary to City (local) laws.

**(d) Discussion:** This is an addition to the City's implementing ordinances. No other implementation law currently in effect will be affected.

**Finding:** These code amendments are not contrary to the City's implementing ordinances (e.g. SHMC Title 17, Community Development Code).

#### **SHMC 17.20.120(2) -- Standards for Legislative Decision**

Consideration may also be given to:

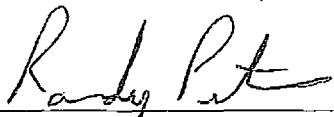
(a) Proof of a change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or implementing ordinance, which is the subject of the application.

**Discussion:** Site already is partially developed with uses only allowed in the Light Industrial Zone. The two complete buildings were up prior to annexation, the process which began in 2006. That file (A.2.06) properly noted the property as being planned for Heavy Industrial and was zoned as such upon annexation. This is a conflict with the current use, as well as proposed uses already on file.

**Finding:** Though not a zoning error, this proposal would alleviate an existing use nonconformance; said use being a viable option for the subject property and consistent with the Comprehensive Plan.

**CONCLUSION & DECISION**

**Based upon the facts and findings herein, the City Council approves of this Comprehensive Plan Map change and Zoning District Map change.**

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

11/18/09  
Date



City of St. Helens  
P.O. Box 278  
St. Helens, OR 97051

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



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