



Oregon

Theodore R. Kubongoski, 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

4/19/2010

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 006-09

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, April 30, 2010

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

<paa> YA





FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within 5 Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

DATE STAMP

**DEPT OF**

APR 12 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of St. Helens**

Local file number: **CPZA.2.09**

Date of Adoption: **April 7, 2010**

Date Mailed: **April 9, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 9-15-09

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".

**Comprehensive Plan and Zoning district change from Moderate Residential, R7 to Highway Commercial, HC.**

**This change would make a street the division line between Moderate Residential and Highway Commercial zoning by removing the Moderate Residential "strip zoning" along two streets.**

Does the Adoption differ from proposal? Yes, Please explain below.

**Original file number was CPZA.1.09. It was changed to correct a clerical error.**

**Original application included two land owners. Mid-process one of the land owners removed themselves and their property from the application. Decision thus includes less property than originally. In short, any property that was included in this proposal south of the unimproved South Road (Maplewood Drive) right-of-way is now excluded.**

Plan Map Changed from: **Suburban Residential, SR** to: **Highway Commercial, HC**

Zone Map Changed from: **Moderate Residential, R7** to: **Highway Commercial, HC**

Location: **SE corner of Matzen & McBride Streets intersection**

Acres Involved: **2.55**

Specify Density: Previous: **7,000 s.f. min.**

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>
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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 File No. 006-09 (17834) [16082]



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

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

**ODOT**

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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 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp, (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

City of St. Helens  
**ORDINANCE NO. 3129**

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS COMPREHENSIVE PLAN MAP FOR CERTAIN PROPERTY FROM THE SUBURBAN RESIDENTIAL, SR DESIGNATION TO THE HIGHWAY COMMERCIAL, HC DESIGNATION AND THE ZONING DISTRICT MAP FROM THE MODERATE RESIDENTIAL, R7 ZONE TO THE HIGHWAY COMMERCIAL, HC ZONE

**WHEREAS**, applicants have requested to amend the City of St. Helens Comprehensive Plan Map and Zoning District Map for property as shown in **Attachment "A"** attached hereto and made part of this reference, and identified as Columbia County Tax Assessor Map Number 4N1W-5DD-700, 900, 1000, 1100, 1200, 1600 and 1900, from Suburban Residential to Highway Commercial, and Moderate Residential to Highway Commercial, respectively; 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 Comprehensive Plan Map is amended to change the plan designation boundaries of the Suburban Residential, SR designation to the Highway Commercial, HC designation for the property described herein.

**Section 3.** The City of St. Helens Zoning District Map is amended to change the zoning district boundaries of the Moderate Residential, R7 zone to the Highway Commercial, HC zone for the property described herein.

**Section 4.** This Comprehensive Plan Map and Zone District Map Amendment is modified to include the following provisions on the subject property:

That any new development proposal on the subject property, in its vacant state, that normally requires a decision by the Planning Director, be subject to review and approval by the Planning Commission; and

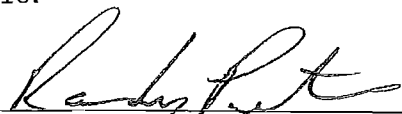
That for any development proposal on the subject property, in its vacant state, all property owners of record within 300' or as required by law at the time the application is deemed complete, whichever is greater, shall be provided notice as required by law.

**Section 5.** In support of the aforementioned Comprehensive Plan Map and Zone District Map Amendment, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Attachment "B"** and made part of this reference.

**Section 6.** The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

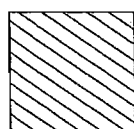
Read the first time: March 17, 2010  
Read the second time: April 7, 2010

**APPROVED AND ADOPTED** this 7th day of April, 2010.

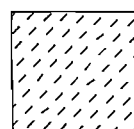
  
\_\_\_\_\_  
Randy Peterson, Mayor

ATTEST:

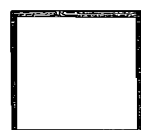
  
\_\_\_\_\_  
Kathy Payne, City Recorder



Moderate Residential, R7 Zoning District and Suburban Residential, SR Comprehensive Plan Designation.



Highway Commercial, HC Zoning District and Highway Commercial, HC Comprehensive Plan Designation.



Properties proposed to have zoning changed from R7 to HC, and Comprehensive Plan changed from SR to HC.



NOT TO SCALE



**CITY OF ST. HELENS PLANNING DEPARTMENT  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
Comprehensive Plan Map & Zoning District Map Amendment CPZA.2.09**

**APPLICANT:** Ralph Goodwin, for the estate of Thelma Violette

**OWNER:** same as applicant

**ZONING:** Moderate Residential, R7 & Highway Commercial, HC

**LOCATION:** S. side of McBride St. E. of Matzen Street & E. side of Matzen St. S. of McBride St.

**PROPOSAL:** Comprehensive Plan Map change from Suburban Residential, SR to Highway Commercial, HC and Zoning District Map change from Moderate Residential, R7 to Highway Commercial, HC.

**The 120-day rule (ORS 227.178) for final action for this land use decision is not applicable per ORS 227.178(7).**

**SITE INFORMATION**

The subject properties are flat and generally vacant, except for remnants of a former mobile home park and a dilapidated duplex off McBride Street. Some of the larger parcels have both R7 and HC zoning, while others are just R7 zoning. All parcels abut HC zoning either to the south or east. Zoning across Matzen or McBride Street is R7. Surrounding uses to the north and west of McBride and Matzen Streets are dominated by single-family dwellings. There are three single-family dwellings on the south side of McBride Street and one on the east side of Matzen Street adjacent to but not of the subject property. Where not vacant, development along the highway is commercial in nature, generally.

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows:

Nov. 10, 2009 and January 12, 2009 before the Planning Commission

March 3, 2010 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on Oct. 15, 2009 and February 4, 2010 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 Oct. 21, 2009 and February 10, 2010. Notice was sent to the Oregon Department of Land Conservation and Development on Sept. 15, 2009.

**Reminder notice of the Jan. 12, 2010 PC hearing sent to those who attended the Nov. 11, 2009 PC hearing on Dec. 31, 2009.**

**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:

- 197;
- (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.

With regards to commercial lands, the EOA notes that:

***“While the City has many businesses to provide goods and services, it is deficient in many businesses that can only be found in Portland, Beaverton, and Longview areas] nearby, where many residents already work. Available land is part of the issue in providing the goods and services needed. The City has one or two large commercial sites, a couple of medium size sites and several small sites available for use.”***

Some of the subject property is a portion of the or one of the large commercial sites and this change would increase the amount of land potentially useable for a large commercial development (i.e. more than 10 acres). It also would allow for potentially smaller commercial sites.

The EAO also notes that:

***“The City has a shortage of commercial zoned lands for the projections and thus in the future the City will need about at least 10 more acres than is currently zoned for commercial uses or reasonably available.”***

This change involves converting approximately 2.55 acres from residential to commercial. Though, some of this acreage may be included with larger commercial development (rather than separate developments) and may not necessary make up the entire 2.55 acres for employment purposes (e.g. new businesses may employ more than just larger businesses), it does increase commercial opportunity and inventory.

Being consistent with the EOA, Goal 9 is satisfied.

*Statewide Planning Goal 10 on Housing.*

The City currently has at least a 20 year supply of residential land within its Urban Growth Boundary. The vast majority of that land is zoned or planned for Moderate Residential, R7 or Rural Suburban Unincorporated Residential, RSUR, respectively.

A loss of about 2.55 undeveloped acres will not compromise the City’s ability to provide for the housing needs of its citizenry.

As this proposal will have no negative impact on residential need, 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.*

Comparing the potential trip generation of the two zonings, even though commercial use is more likely in the HC zoning district, the R7 district does allow a neighborhood store/plaza with a Conditional Use Permit. And generally, commercial uses have greater trip generation rates than residential uses.

The neighborhood store/plaza use is probably the greatest trip generation use possible in the R7 zone. 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 a convenience market open 24 hours (ITE category 851) is 737.99.

There are more commercial and other traffic generating uses in the HC zone, but none appear to be more potentially intense, assuming buildings of equal size, than the convenience market (also possible in the HC zone as a retail establishment use). For example, using the same source of data as above, the weekday average vehicle trip generation per 1,000 square foot gross floor area for a fast-food restaurant without a



drive through window (ITE category 833) is 716. For a fast food restaurant with a drive through window (ITE category 834) the value is 496.12.

Notwithstanding the probability of certain uses occurring at the subject property or the limited strip zoning geometry in some places (as narrow as 60'), the potential trip generation is comparable between the R7 and HI zone. Thus, this proposal will not in and of itself, result in changes to the City's transportation facilities.

*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. There is no specific goal or policy that applies or is not already addressed by the statewide goals discussed above.

**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:** Width of the R7 zoning along Matzen Street is only approximately 60' wide. As the minimum lot depth for the R7 zone is 85', the practicality and usability of this R7 strip zoning is questionable.

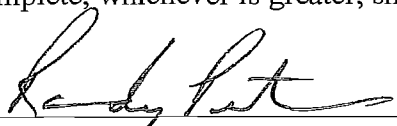
**Finding:** The geometry of some of the zoning area proposed to be changed, supports this decision.

**CONCLUSION & DECISION**

**Based upon the facts and findings herein, the City Council approves these Comprehensive Plan Map and Zoning District Map changes, with the following modifications:**

That any new development proposal on the subject property, in it's vacant state, that normally requires a decision by the Planning Director, be subject to review and approval by the Planning Commission; and

That for any development proposal on the subject property, in its vacant state, all property owners of record within 300' or as required by law at the time the application is deemed complete, whichever is greater, shall be provided notice as required by law.

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

4/7/10  
\_\_\_\_\_  
Date

1 of 31. 34 items  
P.O. Box 278  
Salem, 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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