



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

02/10/2012

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 003-11

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, February 24, 2012

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 Graichen, City of St. Helens  
Angela Lazarean, DLCD Urban Planner  
Anne Debbaut, DLCD Regional Representative  
Thomas Hogue, DLCD Economic Development Policy Analyst

Angela Lazarean, DLCD Urban Planner

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FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE STAMP

DEPT OF

FEB 06 2012

LAND CONSERVATION AND DEVELOPMENT  
For Office Use Only

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

Jurisdiction: **City of St. Helens**

Local file number: **A.1.11**

Date of Adoption: **2/1/2012**

Date Mailed: **2/3/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 10/14/11

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Annexation**

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

Annexation of approximately 145.3 acres of industrial land lying on the south side of Old Portland Road and north of Scappoose Bay. Annexation triggered by request of property owner for City Sewer Service related to construction of a plastic bottle recycling plant (ORPET).

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

Plan Map Changed from: **Unincorporated Heavy Indust.** to: **Heavy Industrial, HI**

Zone Map Changed from: **Columbia County's M-1** to: **Heavy Industrial, HI**

Location: **58144 Old Portland Road; T4N R1W Sec. 8, 9, 16, 17** Acres Involved: **145**

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 003-11 (19015) [16933]



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

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

Columbia County

DEPT OF

FEB 06 2012

Local Contact: **Jacob Graichen**

Phone: (503) 366-8204 Extension: \_\_\_\_\_

Address: 265 Strand Street / PO Box 278

Fax Number: 503-397-4016

City: St. Helens

Zip: 97051-

E-mail Address: [jacobg@ci.st-helens.or.us](mailto:jacobg@ci.st-helens.or.us)

## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

# City of St. Helens

P.O. BOX 278      PHONE (503) 397-6272

St. Helens, Oregon  
97051

February 3, 2012

Dear Affected Party,

The City Council approved the Findings of Fact & Conclusions of Law and approved Ordinance No. 3156, signifying that their decision to approve the annexation and amend the City's Zoning and Comprehensive Plan Maps for property owned by the Port of St. Helens located at 58144 Old Portland Road is final. The approval date was February 1, 2012. Although the Council is referring this annexation to the voters, their decision to annex and zone this property is also a land use decision and subject to an appeal process.

If you presented testimony or evidence into the record, you may be entitled to appeal the decision of the City Council to the Oregon Land Use Board of Appeals (LUBA). You normally have twenty-one (21) calendar days after the decision is final or the date of the letter of notice (if the notice is more than five working days after the decision). If you desire to appeal this decision you should contact the Land Use Board of Appeals in Salem to obtain further instructions and to confirm your rights to appeal.

LUBA's contact information is as follows:

Address: 550 Capitol Street NE, Suite 235  
Salem, OR 97301-2552

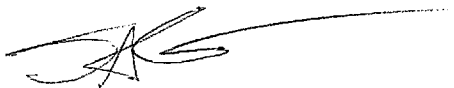
Phone: (503) 373-1265

Website: [www.oregon.gov/LUBA/index.shtml](http://www.oregon.gov/LUBA/index.shtml)

The Findings of Fact and other documents for this file (A.1.11) are available for review at City Hall and copies can be obtained for a nominal fee.

If you have any questions, please contact this office.

Respectfully yours,



Jacob A. Graichen, AICP, City Planner

City of St. Helens  
**ORDINANCE NO. 3156**

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF  
CERTAIN PROPERTY AT 58144 OLD PORTLAND ROAD

**WHEREAS**, applicant Port of St. Helens has requested to annex to the City of St. Helens certain property at 58144 Old Portland Road. This property is also described per **Exhibit A**; 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 January 4, 2012 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 ORDAINS AS FOLLOWS:**

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

**Section 2.** The property described in **Exhibit A** is hereby accepted for annexation to the City of St. Helens.

**Section 3.** The St. Helens Zoning Ordinance Map is hereby amended to reflect that the property described herein shall be zoned Heavy Industrial, HI.

**Section 4.** The St. Helens Comprehensive Plan Map is hereby amended to reflect that the property described herein shall be designated as Heavy Industrial, HI.

**Section 5.** In support of the above annexation and zoning, the Council hereby adopts the A.1.11 Annexation and Zone Map Amendment Findings of Fact and Conclusions of Law dated February 1, 2012.

**Section 6.** The City Council does hereby refer the final decision to annex this property to the voters of the City of St. Helens.

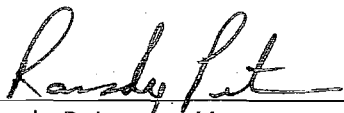
**Section 7.** The effective date of this Ordinance shall be the date of the successful approval by the voters of the City of St. Helens, in accordance with the City Charter and other applicable laws.

Read the first time: January 18, 2012  
Read the second time: February 1, 2012

**APPROVED AND ADOPTED** this 1st day of February, 2012, by the following vote:

Ayes: Morten, Locke, Martyn, Conn, Peterson

Nays: None

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

ATTEST:

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



EXHIBIT A

**LEGAL DESCRIPTION**

Beginning at the SE corner of the Posey Williams Donation Land Claim, in Section 16, Township 4 N, Range 1 W, Willamette Meridian, Columbia County, Oregon, said corner being the TRUE POINT OF BEGINNING;

Thence, along the E line of the Posey Williams Donation Land Claim N 26° 16' 53" W a distance of 1577.00 feet to an angle point of the east line of said Donation Land Claim;

Thence, N 09° 05' 00" W a distance of 65.51 feet;

Thence, S 45° 23' 25" W a distance of 1225.76 feet;

Thence, N 25° 21' 44" W a distance of 915.50 feet to a point on the S side of the Old Portland Road right-of-way;

Thence, along said right-of-way line, S 37° 48' 35" W a distance of 112.12 feet; Thence S 37° 00' 14" W a distance of 193.74 feet; Thence S 37° 17' 52" W a distance of 210.66 feet; Thence along a 5,108.96 foot radius curve (chord bearing S 39° 20' 40" W a distance of 364.94 feet) a curve distance of 365.02 feet; Thence S 41° 23' 29" W a distance of 151.78 feet;

Thence, S 25° 17' 36" E a distance of 857.40 feet;

Thence, S 34° 49' 11" W a distance of 1,016.52 feet to a point on the W line of the Posey Williams Donation Land Claim;

Thence, along the W line of the Posey Williams Donation Land Claim S 25° 17' 36" E a distance of 822.45 feet to the SW corner of said Donation Land Claim;

Thence, S 25° 17' 36" E a distance of 220.00 feet;

Thence, N 74° 26' 24" E a distance of 968.69 feet;

Thence, N 63° 42' 02" E a distance of 409.00 feet;

Thence, N 68° 27' 02" E a distance of 350.15 feet;

Thence, N 57° 37' 02" E a distance of 802.96 feet;

Thence, N 31° 33' 02" E a distance of 245.00 feet;

Thence, N 08° 45' 02" E a distance of 182.00 feet;

Thence, N 49° 09' 02" E a distance of 173.16 feet;

Thence, N 26° 16' 53" W a distance of 460.00 feet to the point of beginning.

**CITY OF ST. HELENS PLANNING DEPARTMENT  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
Annexation A.1.11**

**APPLICANT:** Port of St. Helens  
**OWNER:** same as applicant  
**ZONING:** Columbia County's Heavy Industrial, M-1  
**LOCATION:** 4N1W-17-100; 58144 Old Portland Road  
**PROPOSAL:** Annexation of approximately 145.3 acres

**SITE INFORMATION**

The subject property lies on the SE side of Old Portland Road, between said road and Scappoose Bay. Known as the Multnomah Industrial Park, the developed portion of the site is fairly isolated surrounded by bodies of water and wetlands, very likely historic wetlands in-filled long ago to maximize water access. The property includes a gated driveway off Old Portland Road and railroad spur servicing the site. There are existing industrial businesses on the site, including a plastic bottle recycler (under construction), whose need for City Sanitary Sewer service is the catalyst for this annexation.

The site is irregular in shape, with more-or-less flat topography, except for lower grade wetland areas. The property's approximate 1,000 foot Old Portland Road frontage is improved, though lacking right-of-way improvements such as sidewalk, curb and streetscape.

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows:

December 13, 2011 before the Planning Commission

January 4, 2012 before the City Council

**At their December 13, 2011 public hearing, the Planning Commission recommended approval of this annexation request as written herein.**

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on November 16, 2011 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 November 23, 2011. Notice was sent to the Oregon Department of Land Conservation and Development on October 14, 2011. A draft staff report was also e-mailed to DLCD on November 7, 2011 per their request.



## 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.

**Discussion: (a)(i)** The Comprehensive Plan designation for the subject property is Unincorporated Heavy Industrial, UHI. Applicable designation and zoning district for annexation are discussed later.

SHMC 19.08.020 discusses economic goals and policies and the City’s historic association with the Columbia River. It also states as a goal: “to promote industrial development necessary to provide a balanced tax base for the operation of local government services.” This annexation is triggered by the need for City Sanitary Sewer service for this industrial site. This connection will allow a plastic bottle recycler operation to function on the site and provides an option for future development. Connection to a City service requires consent to annex based on City policy. As an additional option for industrial growth (local jobs, money, etc.), this furthers another goal of this section “to establish greater control over the destiny of local government services.”

SHMC 19.08.030 discusses public services and facilities and includes utility provisions (e.g. water and sewer) as well as services such as police and library. In sum, all services are intertwined; the consent to annexation allows connection to City sewer to support existing and future development on the subject property, and, once annexed, all other City services/facilities. By this process, the proposal complies with the Comprehensive Plan.

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 per this section.

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

**Finding:** The quasi-judicial amendment criteria are met as they relate to this annexation request.

## SHMC 17.08.060 – Transportation planning rule compliance

- (1) Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060 (the Transportation Planning Rule (“TPR”). “Significant” means the proposal would:
  - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  - (b) Change standards implementing a functional classification system; or
  - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
    - (i) 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;
    - (ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
    - (iii) 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.
- (2) Amendments That Affect Transportation Facilities. Comprehensive plan amendments, zone changes or land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
  - (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060.
  - (c) Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
  - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (3) Traffic Impact Analysis. A traffic impact analysis shall be submitted with a plan amendment or zone change application, as applicable, pursuant to Chapter 17.156 SHMC.

**Discussion:** This section reflects State law regarding the Transportation Planning Rule (TPR): 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. *Current zoning of the property is Columbia County’s M-1 and the City zoning option given annexation is HI, both of which are heavy industrial.*

Generally, when comparing potential land use impact on transportation facilities, the *reasonable worst case scenario* for the existing and proposed designation/zone are considered. Given the subject property’s size and access, none of the possible uses can be specifically ruled out.

The potential land uses are very similar for both the City and County; the City's zoning is no more intense than the County's with regards to the possible intensity of uses allowed and potential vehicular trips generated. Thus, this proposal will not affect an existing or planned transportation facility.

**Finding:** No transportation facility will be significantly affected by this proposal. No traffic impact analysis is warranted.

#### **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 water system is available and has been used by the subject property prior to the consent to annexation request. The site is served by a 16" diameter pressure line. In addition, the City's current water capacity is 6 million gallons/day and the peak flow, usually in the summer, is 3 to 4 million gallons/day. Additionally, the City has the space for approximately 10 million gallon capacity to meet future demands. Any additional uses that occur on the subject property can be accommodated by the City's municipal water system as infrastructure is in place and there is substantial capacity available.

Connection to the City's sanitary sewer is the catalyst for this annexation. The site is served by a 15" diameter gravity line which leads to a pump station approximately 1,700 feet northbound (from the subject property's northernmost point adjacent to Old Portland Road) along Old Portland Road. From the pump station there is a 6" and 8" diameter pressure line. Only the 6" line is being utilized to deliver waste water to the City's waste water treatment plant and this is sufficient for current development on the subject property. If future development resulted in more discharge than could be handled by existing utilized infrastructure, the pump station could be upgraded and the unused 8" line could be used individually or in conjunction with the 6" line for adequate conveyance. With regards to capacity, the City's waste water treatment plant currently has the capacity (physically and as permitted by DEQ) to handle 50,000 pounds of Biochemical Oxygen Demand (BOD), which is the "loading" or potency of the wastewater received by the plant. The average daily BOD is well below this at only 1,500 pounds. Any potential uses that occur on the subject property can be accommodated by the City's sanitary sewer system as infrastructure is in place or can be upgraded and there is substantial capacity available.



Note: the Port of St. Helens did not extend the public line from where it's at within the Old Portland Road right-of-way. Rather, they connected a private line to serve the subject property (see attached letter dated November 18, 2011 from the Port of St. Helens).

Storm water capacity is not an issue as it ultimately ends up in the Columbia River (Scappoose Bay in this case). If there is any conveyance issue with water, sewer or storm, improvements would be required at the time of development in relation to the intensity and nature of that development.

As described above, this proposal poses no significant affect on a transportation facility.

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)** The predominant land uses currently on the property are of a heavy industrial nature. The majority if not all existing uses on the property are possible given the City's HI zoning upon annexation.

**(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 is adjacent to it on the north 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.

**State law is reflected in the statewide planning goals adopted under ORS Chapter 197.** The statewide planning goals that technically apply or are related to this proposal are Goal 1, Goal 2, Goal 11 and Goal 12.

- ***Statewide Planning Goal 1: Citizen Involvement.***

*Goal 1 requires the development of a citizen involvement program that is widespread, allows two-way communication, provides for citizen involvement through all planning phases, and is understandable, responsive, and funded.*

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. Legal notice in a newspaper of

general circulation is required too. The City has met these requirements and notified DLCDC of the proposal.

- ***Statewide Planning Goal 2: Land Use Planning.***

*This goal requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.*

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.

- ***Statewide Planning Goal 11: Public Facilities and Services.***

*Goal 11 requires cities and counties to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The goal requires that urban and rural development be "guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."*

City water and sewer capacities are adequate to serve the subject property. This is explained above.

- ***Statewide Planning Goal 12: Transportation.***

*Goal 12 requires cities, counties, metropolitan planning organizations, and ODOT to provide and encourage a "safe, convenient and economic transportation system." This is accomplished through development of Transportation System Plans based on inventories of local, regional and state transportation needs. Goal 12 is implemented through OAR 660, Division 12, also known as the Transportation Planning Rule ("TPR"). The TPR contains numerous requirements governing transportation planning and project development.*

Traffic impacts and the City's provisions that address the TPR are explained above. This proposal will not significantly affect an existing or planned transportation facility.

**(d)** The subject property abuts one street/road: Old Portland Road, which is improved (asphalt) but lacking frontage improvements such as sidewalk and curb, rather having only a ditch. City standards require such improvements. ***However, this property is not the subject of a current development land use review, which provides the legal nexus and proportionality to require such improvements.*** As such, the only option is for the property

owner to be required to sign and record an irrevocable consent to local improvement district, though, the applicant could improve the frontages if they desired.

(e) The property exceeds 10 acres in size, but is not designated residential. This provision does not apply.

**Finding:** The annexation approval criteria are met for this proposal, with the condition that the property owner to be required to sign and record an irrevocable consent to local improvement district for street improvements or complete the street improvements (following the appropriate right-of-way dedication) to City standards.

#### **SHMC 17.28.030 (2) – Annexation criteria**

The plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's comprehensive plan map designation.

**Discussion:** The Comprehensive Plan Designation is Unincorporated Heavy Industrial, UHI. Upon annexation, the Comprehensive Plan designation would thus be (incorporated) Heavy Industrial, HI. There is only one zoning option under that designation: Heavy Industrial, HI.

**Finding:** The subject property shall be designated Heavy Industrial, HI and zoned Heavy Industrial, HI upon annexation.

#### **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.

**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. The subject property is not zoned residential, thus, this provision does not apply.

**Finding:** This provision is not applicable.

### **CONCLUSION & DECISION**

**Based upon the facts and findings herein, and the recommendations of the Planning Commission, the City Council approves this Annexation, subject to voter approval, and that upon annexation, the subject property have a Comprehensive Plan designation of Heavy Industrial (incorporated), HI, and be zoned Heavy Industrial, HI, with the condition that:**



The street(s) 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.

Signed by:

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

2/1/12  
\_\_\_\_\_  
Date



UNITED STATES POSTAGE  
FOREVER  
\$ 01.10<sup>0</sup>  
02 1M FEB 03 2012  
0004262816  
MAILED FROM ZIP CODE 97051



**City of St. Helens**  
PO Box 278  
265 Strand Street  
St. Helens, OR 97051

ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPT. OF LAND CONSERVATION AND DEVELOP.  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OR 97301-2540

DEPT OF

FEB 06 2012

LAND CONSERVATION  
AND DEVELOPMENT