



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

04/14/2014

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 001-14

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: Wednesday, April 30, 2014

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
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 001-14 (20168)
[17833]
Received: 4/9/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of St. Helens

Local file no.: **Annexation A.4.13**

Date of adoption: April 2, 2014

Date sent: 4/9/2013

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): Yes 01.07.14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Yes. Only because the exact zoning designaion for the annexed property was not yet determined.

Local contact (name and title): Jacob A. Graichen, AICP, City Planner

Phone: (503) 366-8204

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

Street address: 265 Strand Street

City: St. Helens

Zip: 97051

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from RSUR to SR 0.94 acres. A goal exception was required for this change. NO

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 34540 Bachelor Flat Road; 4N1W-7AC-703

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Columbia County's R-10	to St. Helens' R10	Acres: 0.94
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address): 34540 Bachelor Flat Road; 4N1W-7AC-703

List affected state or federal agencies, local governments and special districts: Columbia County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

This is an annexation of approx 0.94 acres. Annexation is triggered by property owner's desire for City of St. Helens sanitary sewer service. The annexation includes a change to the City's Comprehensive Plan Map and Zoning District Map as a matter of standard procedure. No exceptions to Statewide Planning Goals are involved.

City of St. Helens
ORDINANCE NO. 3172

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN
PROPERTY AT 34540 BACHELOR FLAT ROAD

WHEREAS, applicant Jerry and Sandra Neider have requested to annex to the City of St. Helens certain property at 34540 Bachelor Flat Road. This property is also described as **Parcel 1 of Partition Plat No. 1995-50, Columbia County, Oregon** and depicted 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 March 5, 2014 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:

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

Section 2. The property described as **Parcel 1 of Partition Plat No. 1995-50, Columbia County, Oregon** and depicted 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 Suburban Residential, R10.

Section 4. The St. Helens Comprehensive Plan Map is hereby amended to reflect that the property described herein shall be designated as Suburban Residential, SR.

Section 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.

Section 6. In support of the above annexation and zoning, the Council hereby adopts the A.4.13 Annexation and Zone Map Amendment Findings of Fact and Conclusions of Law dated April 2, 2014.

Section 7. The City Council does hereby refer the final decision to annex this property to the voters of the City of St. Helens.

Section 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: March 19, 2014
Read the second time: April 2, 2014

APPROVED AND ADOPTED this 2nd day of April, 2014 by the following vote:

Ayes: Locke, Carlson, Conn, Peterson
Abstain: Morten
Nays: None



Randy Peterson, Mayor

ATTEST:



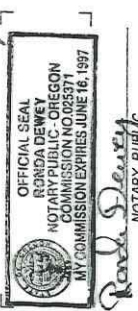
Kathy Payne, City Recorder

A - 434

PARTITION PLAT NO. 1995-50 AND PROPERTY LINE ADJUSTMENT FOR ROBERT E. WEBSTER IN A PORTION OF PARCEL 1, PARTITION PLAT 1994-48 IN THE NORTHEAST QUARTER, OF SECTION 7 TOWNSHIP 4 NORTH, RANGE 1 WEST WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON NOVEMBER 1, 1995

DECLARATION KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, ROBERT E. WEBSTER, KENNETH B. AND LINDA A. MILLER, HUSBAND AND WIFE, AND BYRON W. HEGSTAD AND NEDMI B. HEGSTAD, HUSBAND AND WIFE, AND ROBERT CONGDON AND ROGER D. CONGDON, HUSBAND AND WIFE, HAVE CONVEYED TO THE STATE OF OREGON AND COLUMBIA COUNTY THE LAND DESCRIBED IN THE ATTACHED CERTIFICATE AND MORE PARTICULARLY DESCRIBED IN THE ATTACHED PARTITION PLAT NO. 1994-48 AND WE HAVE CAUSED THE SAME TO BE PARTITIONED AND SURVEYED INTO PARCELS AS SHOWN ON THE ATTACHED MAP AND WE HEREBY DEDICATE THE ADDITIONAL RIGHT-OF-WAY AS SHOWN HEREON TO THE PUBLIC FOREVER AS A PUBLIC HIGHWAY, AND WE HEREBY GRANT THE EASEMENT AS SHOWN FOR THE PURPOSE INDICATED HEREON, FOREVER.

ROBERT E. WEBSTER, NEOMI B. HEGSTAD, BYRON W. HEGSTAD, KENNETH B. MILLER, ROBERT CONGDON



ACKNOWLEDGEMENT: STATE OF OREGON } S.S. COUNTY OF COLUMBIA

KNOW ALL PEOPLE BY THESE PRESENTS, ON THIS 29th DAY OF November, 1995, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED ROBERT E. WEBSTER, KENNETH B. MILLER AND LINDA A. MILLER TO ME KNOWN AS THE IDENTICAL PERSONS NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION, AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED SAID DECLARATION AS THEIR FREE AND VOLUNTARY ACT AND DEED.



ACKNOWLEDGEMENT: STATE OF WASHINGTON } S.S. COUNTY OF CLARK

KNOW ALL PEOPLE BY THESE PRESENTS, ON THIS 29th DAY OF November, 1995, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED BYRON W. HEGSTAD AND NEDMI B. HEGSTAD, HUSBAND AND WIFE TO ME KNOWN AS THE IDENTICAL PERSONS NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION, AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED SAID DECLARATION AS THEIR FREE AND VOLUNTARY ACT AND DEED.

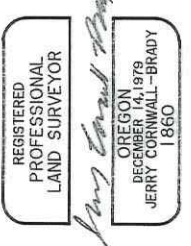


ACKNOWLEDGEMENT: STATE OF WASHINGTON } S.S. COUNTY OF CLARK

KNOW ALL PEOPLE BY THESE PRESENTS, ON THIS 29th DAY OF November, 1995, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED ROBERT CONGDON AND ROGER D. CONGDON TO ME KNOWN AS THE IDENTICAL PERSONS NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION, AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED SAID DECLARATION AS THEIR FREE AND VOLUNTARY ACT AND DEED.

SURVEYOR'S CERTIFICATE

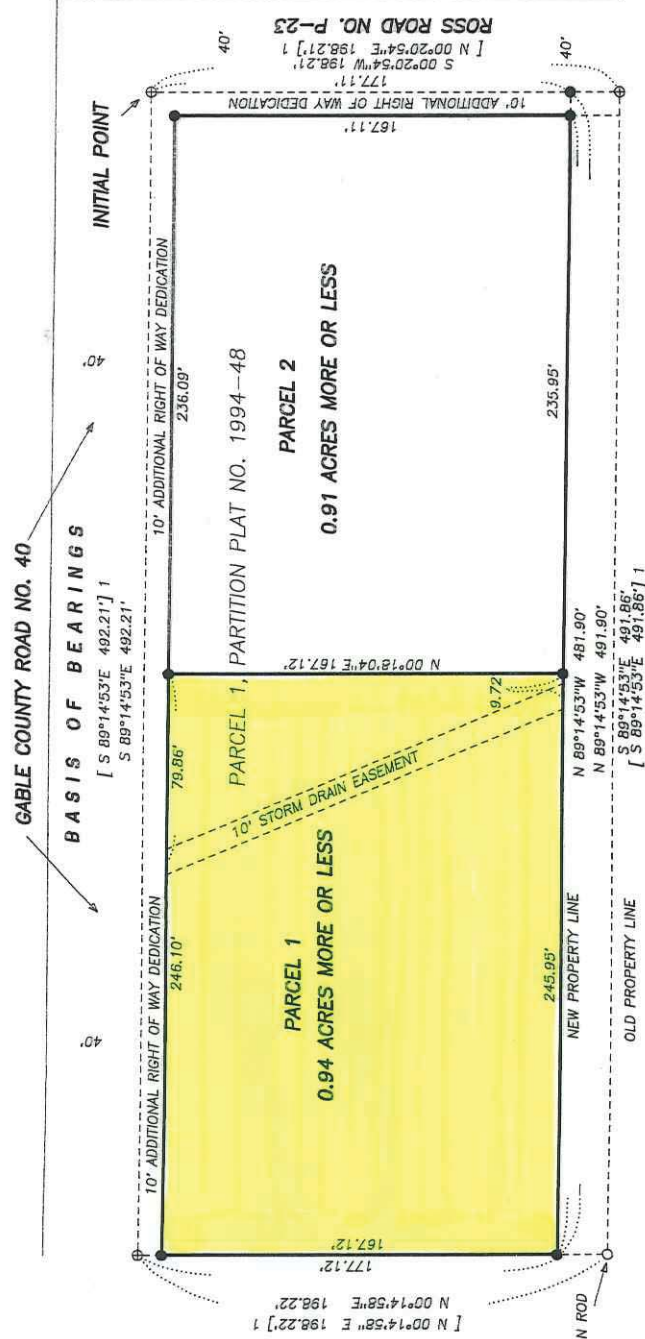
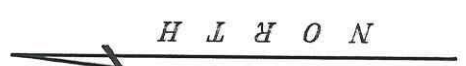
JERRY CORNWALL-BRADY, A PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, HEREBY CERTIFY I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP. SAID LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE INITIAL POINT, SAID POINT BEING A 5/8" IRON ROD MARKED WITH A YELLOW PLASTIC CAP MARKED "BRADY LS 1860", SAID POINT ALSO BEING THE NORTHEAST CORNER OF PARTITION PLAT NO. 1994-48 ON FILE AND RECORD IN THE CLERK'S OFFICE OF COLUMBIA COUNTY, OREGON; THENCE SOUTH 0°20'54" WEST ALONG THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 177.11 FEET; THENCE NORTH 89°14'53" WEST A DISTANCE OF 491.90 FEET TO THE WEST LINE OF SAID PARCEL 1; THENCE NORTH CORNER THEREOF; THENCE SAID WEST LINE A DISTANCE OF 177.12 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89°14'53" EAST A DISTANCE OF 492.21' TO THE INITIAL POINT.



JERRY CORNWALL-BRADY LAND SURVEYING 257 SOUTH 1ST. STREET ST. HELENS, OREGON 97051 (503) 397-4115

RENEWAL DATE: 12-31-95 SCALE: 1" = 50'

SURVEY REFERENCES 1. PARTITION PLAT NO. 1994-48



NOTES

1. THERE ARE NO KNOWN GEODETIC CONTROL MONUMENTS WITHIN 1/2 MILE OF THE BOUNDARY OF THIS PLAT.

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO PARTITION THE RECONFIGURED PARCEL 1 OF PARTITION PLAT NO. 1994-48 AND TO DIVIDE THE RECONFIGURED PARCEL INTO TWO PARCELS. MONUMENTS WERE FOUND AT THE CORNERS OF SAID PARCEL 1 AND MONUMENTS WERE SET AS SHOWN HEREON. BEARINGS WERE BASED ON SAID PARTITION PLAT.

STATE OF OREGON COUNTY OF COLUMBIA S.S. I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD ON THE 1st DAY OF December, 1995 AT 2:03 O'CLOCK P.M., INSTRUMENT NO. 95-18244, AND RECORDED AS PARTITION PLAT NO. 1995-50. COLUMBIA COUNTY CLERK, COLUMBIA COUNTY RECORDS, BY [Signature] Deputy



APPROVALS: APPROVED THIS 30th DAY OF November, 1995 [Signature] Director COLUMBIA COUNTY PLANNING DEPARTMENT. APPROVED THIS 30th DAY OF November, 1995 [Signature] COLUMBIA COUNTY SURVEYOR

ACCEPTED THIS 1st DAY OF November, 1995 [Signatures] BOARD OF COUNTY COMMISSIONERS COLUMBIA COUNTY, OREGON

- LEGEND: DENOTES SET 5/8 X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "BRADY LS 1860" DENOTES FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "BRADY LS 1860" DENOTES FOUND OTHER MONUMENT AS NOTED [] 2 DENOTES RECORD DATA PER SURVEY AS DESIGNATED PER NUMBER () 2 DENOTES RECORD DATA PER DEED AS DESIGNATED PER NUMBER

TAXES FROM [Signature] 1995 THROUGH [Signature] 1996 HAVE BEEN PAID. COLUMBIA COUNTY COLLECTOR. BY [Signature] Deputy

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Annexation A.4.13**

APPLICANT: Jerry & Sandra Neider
OWNER: same as applicant
ZONING: Columbia County's Single-Family Residential R-10
LOCATION: 4N1W-7AC-703; 34540 Bachelor Flat Road
PROPOSAL: The property owner filed consent to annex to allow connection to the City's Sanitary Sewer main within the Noble Road right-of-way (across Bachelor Flat Road from the subject property).

The 120-day rule (ORS 227.178) for final action for this land use decision is n/a [Clark v. City of Albany, 142 Or App 207, 921 P2d 406 (1996)].

SITE INFORMATION / BACKGROUND

The subject property lies on the south side of Bachelor Flat Road approximately 235 feet west from the intersection of Bachelor Flat and Ross Roads. The site is developed with a detached single family dwelling built in 1997. The subject property is the result of a land partition recorded in December 1995.

The site is rectangular in shape, more-or-less at grade with Bachelor Flat Road, and generally flat. The property's approximate 250 foot Bachelor Flat Road frontage is improved, though lacking right-of-way frontage improvements such as sidewalk, curb and streetscape.

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

February 11, 2014 before the Planning Commission

March 5, 2014 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on January 16, 2014 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 January 22, 2014. Notice was sent to the Oregon Department of Land Conservation and Development on January 7, 2014 via e-mail.

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 Rural Suburban Unincorporated Residential, RSUR. Applicable designation and zoning district for annexation are discussed later.

There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC. Note that 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 this aspect of the Comprehensive Plan.

There is no known conflict with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC.

There is no known conflict with the addendums to the Comprehensive Plan which includes Economic Opportunities Analysis (Ord. No. 3101), Waterfront Prioritization Plan (Ord. No. 3148) or the Transportation Systems Plan (Ord. No. 3150).

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. In addition, Section 3 of the City's Charter states that "annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate."

(b) There is no evidence of a change in neighborhood, or mistake or inconsistency in the Comprehensive Plan or Zoning Map.

Finding: The Quasi-judicial amendment and standards criteria are met.

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 R-10 and the City zoning options given annexation is R7 or R10. Both zoning districts are residential and allow some non residential uses (e.g., churches/religious assembly).*

Generally, when comparing potential land use impact on transportation facilities, the *reasonable worst case scenario* for the existing and proposed designation/zone are considered.

The potential land uses are very similar for both the City and County; the City's zoning is comparable with 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) Currently, the site is served by the McNulty People's Utility District (a water service provider). McNulty PUD's capacity to serve future development is unknown.

The City's water system is nearby with a water main within the Noble Road right-of-way across Bachelor Flat Road from the subject property. The City could (given city law, any agreement between the City and McNulty PUD, and the property owner's desires) provide water service to the property via this 6" wide pressure main line which would likely need to be extended to Bachelor Flat Road (currently falls short) to do so.

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 capacity of approximately 10 million gallons 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 can be served via an 8" wide gravity main line located within the Noble Road right-of-way across Bachelor Flat Road from the subject property. Due to the subject property's grade, gravity service is not anticipated to work. To connect to the City's sanitary sewer system, a septic tank effluent pump (STEP) system appears to be necessary (see Chapter 13.12 SHMC) to connect the site to the sanitary sewer main within the Noble Road right-of-way. Such a system could serve additional properties or the sewer main could be extended to serve additional properties.

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. Thus, 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.

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

Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area.

(b) The existing land use of the subject property is a detached single-family dwelling. This land use would be permitted in the city zoning district (R10 or R7) that takes effect once annexation is completed.

There is no known conflict with the Comprehensive Plan and implementing ordinances.

(c) With regards to Oregon Revised Statutes (ORS), city annexations of territory must be undertaken consistent with ORS 222.111 to 222.183.

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 lies on the opposing side of Bachelor Flat Road.

Although undertaking an annexation is authorized by state law, the manner in which a city proceeds with annexation is also dictated in the city charter. ORS 222.111(1) references a city's charter as well as other ORS. St. Helens' Charter requirements pertaining to annexations are noted above.

Per ORS 222.111(2) an annexation may be initiated by the owner(s) of real property or the city council. This annexation request was initiated by the owner(s).

Further, ORS 222.125 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.

ORS 197.175(1) suggests that all annexations are subject to the statewide planning goals. The statewide planning goals that could technically apply or relate to this proposal are Goals 1, 2, 11 and 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. Moreover, there is no evidence that adequate infrastructure cannot be made available to serve the annexed area if redeveloped. The existing development is adequately served.

- **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: Bachelor Flat Road, is improved (asphalt) but lacking frontage improvements such as sidewalk and curb along the subject property's frontage. 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. **Note a waiver of remonstrance for the subject property was recorded in 1995 when it was created (Columbia County Fee No. 95-10537 recorded December 12, 1995).** Thus, this condition is already met.

The City's Transportation Systems Plan designates Bachelor Flat Road as a Collector Street and if improved, would be subject to Collector standards. The existing right-of-way width is about 30' from centerline and is sufficient for this classification of street, thus, if improved, right-of-way dedication would not be necessary.

(e) The subject property is designated residential but is only approximately 0.94 acres in size. Thus a needs analysis is not necessary.

Finding: The annexation approval criteria are met for this proposal.

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 currently Rural Suburban Unincorporated Residential, RSUR. Upon annexation, the Comprehensive Plan designation would thus be (incorporated) Suburban Residential, SR. Given the subject property's size (<2 ac.), there are two zoning options:

- 1) Suburban Residential, R10
- 2) Moderate Residential, R7

Finding: The subject property shall be designated Suburban Residential, SR. The City Council determined that the zoning should be Suburban Residential, R10. This is based on the recommendation from the Planning Commission.

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. There are no inventoried or known natural hazards on the subject property. It is also privately owned and underdeveloped (i.e., a 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.

CONCLUSION & DECISION

Based upon the facts and findings herein, and the recommendations of staff and 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 Suburban Residential, SR, and be zoned Suburban Residential, R10, and designated as “developing.”

Signed by:



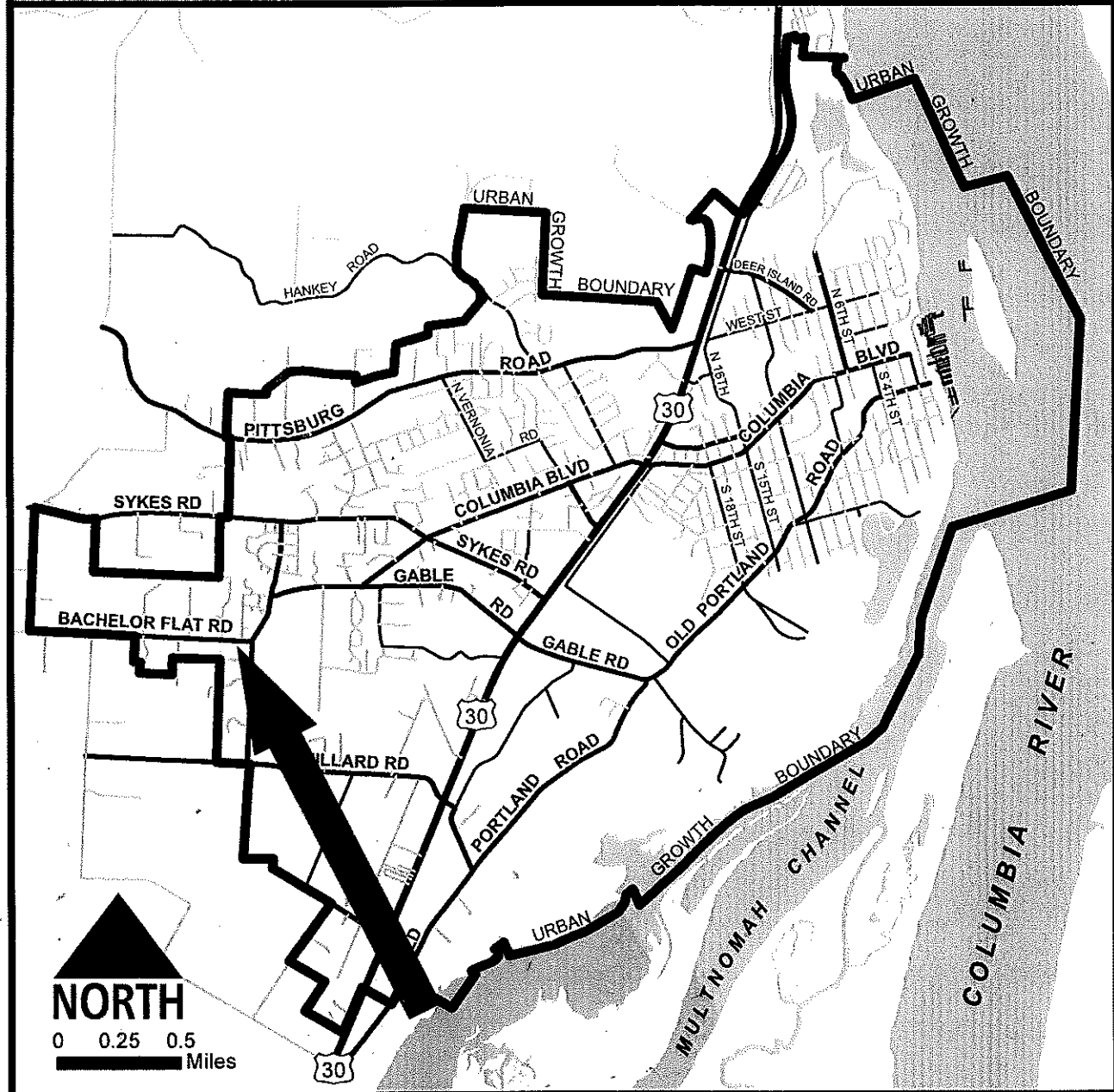
Randy Peterson, Mayor

4-2-14

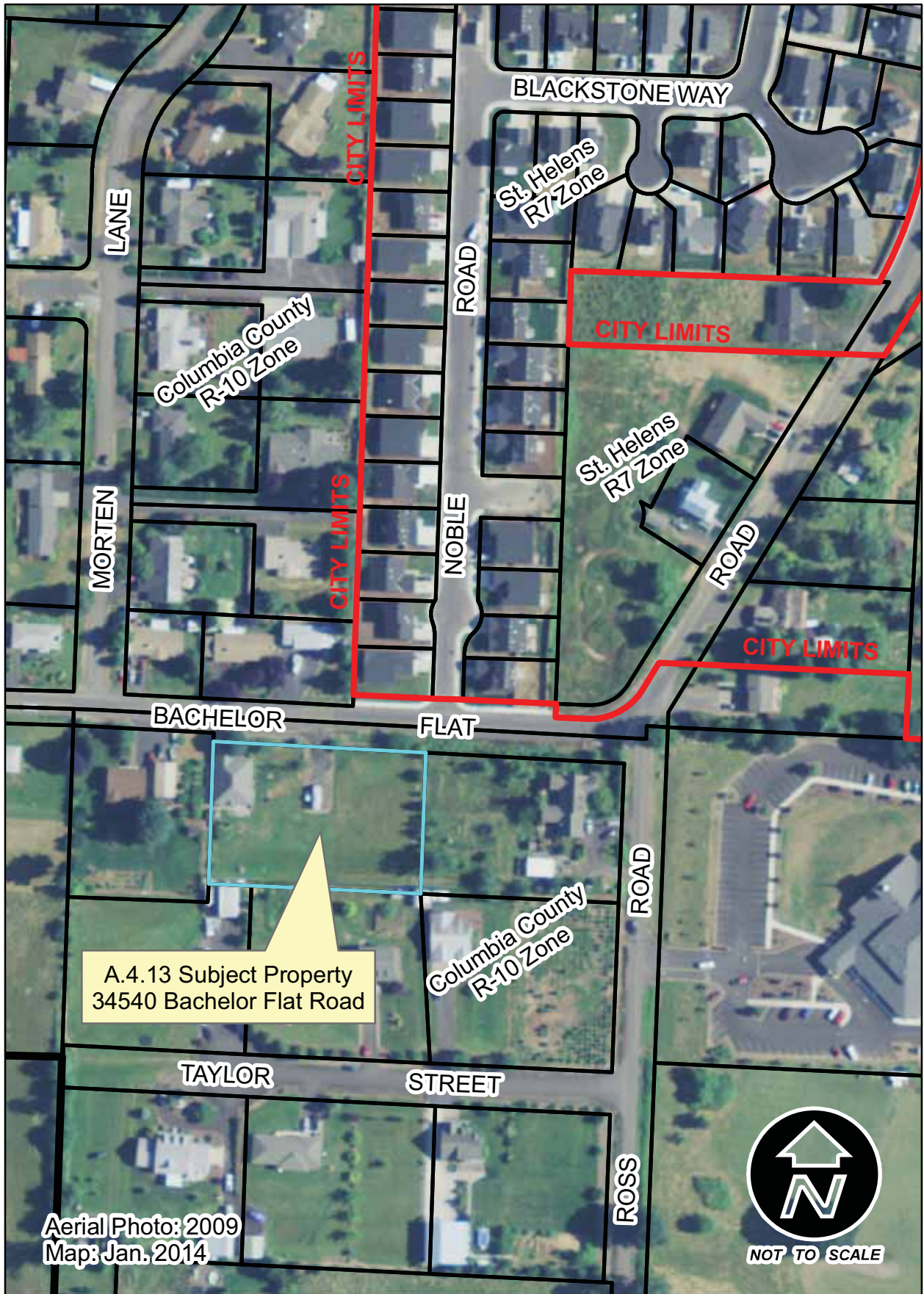
Date

SUBJECT PROPERTY

~ Approximate Location ~



City of St. Helens Urban Growth Boundary Area Vicinity



A.4.13 Subject Property
34540 Bachelor Flat Road

Aerial Photo: 2009
Map: Jan. 2014



NOT TO SCALE