

City of St. Helens  
**ORDINANCE NO. 3251**

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN  
PROPERTY LOCATED AT THE END OF WINDY RIDGE DRIVE, ALSO  
DESCRIBED AS PARCEL 2 OF PARTITION PLAT NO. 2002-13

**WHEREAS**, applicant Tammy Cinnera has requested to annex to the City of St. Helens certain property described as **Parcel 2 of Partition Plat No. 2002-13, Columbia County, Oregon**. This property is also 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 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 February 19, 2020 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 2 of Partition Plat No. 2002-13, 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 "Established" 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 amendments described herein, the Council hereby adopts the **Annexation A.5.19** Findings of Fact and Conclusions of Law, attached hereto as **Exhibit B** and made part of this reference.

**Section 7.** 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 4, 2020  
Read the second time: April 1, 2020

**APPROVED AND ADOPTED** this 1<sup>st</sup> day of April, 2020 by the following vote:

Ayes: Locke, Carlson, Topaz, Morten, Scholl

Nays: None

  
\_\_\_\_\_  
Rick Scholl, Mayor

ATTEST:

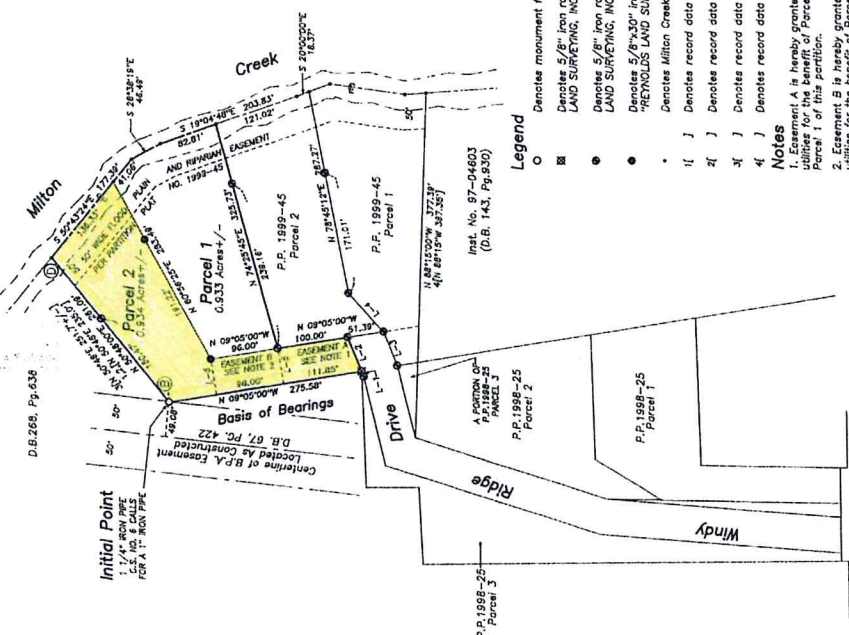
  
\_\_\_\_\_  
Kathy Payne, City Recorder

**Partition Plat No. 2002-13**  
 For David & Sharon Oliver  
 Situated in Parcel 3, P.P. 1999-45  
 And In The N. 1/2 of Section 5, T.4N., R.1W., W.M.  
 And The S. 1/2 of Section 32, T.5N., R.1W., W.M.,  
 Columbia County, Oregon  
 June 19, 2002



Scale: 1" = 100'  
 50' 100' 150' 200' 250' 300' 350' 400' 450' 500'

**Reynolds**  
 Land Surveying, Inc.  
 32990 Stone Road  
 Wilson, OR 97142  
 (503) 387-5516  
 REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
 DAVID E. REYNOLDS  
 No. 1217  
 GENERAL DATES: 12-31-2002



**Line Table**

COURSE	BEARING	DISTANCE
L-1	N 87°45'15"E	81.62
L-2	N 87°45'15"E	31.39
L-3	S 77°45'15"E	21.07
L-4	S 77°45'15"E	21.07
L-5	N 87°45'15"E	50.00

- Legend**
- Denotes monument found as noted.
  - ⊗ Denotes 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." per Partition Plat No. 1999-25 found.
  - Denotes 2/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." set.
  - Denotes 2/8"x30" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." set.
  - Denotes Milton Creek centerline point.
  - || J Denotes record data per County Survey No. 5.
  - || J Denotes record data per Inst. No. 91-05291, Per. 4.
  - || J Denotes record data per D.B. 268, Pg. 638.
  - || J Denotes record data per Inst. No. 97-4603 (D.B. 143, Pg. 830).

**Notes**

1. Easement A is hereby granted as an easement for ingress, egress and utilities for the benefit of Parcel 2 of P.P. 1999-45 and for the benefit of Parcel 1 of this partition.
2. Easement B is hereby granted as an easement for ingress, egress and utilities for the benefit of Parcel 1 of this partition.
3. A Geodetic Control Monument was previously tied to the boundary of Partition Plat No. 1999-45.
4. This partition is subject to a Road Maintenance Agreement per Inst. No. 99-08357, Clerk's Records, Columbia County, Oregon.
5. This partition is subject to a Road Maintenance Agreement per Inst. No. 99-08357, Clerk's Records, Columbia County, Oregon.
6. This partition is subject to a Road Maintenance Agreement per Inst. No. 99-08357, Clerk's Records, Columbia County, Oregon.
7. This partition is subject to a Waiver of Remonstrance per Inst. No. 99-16645.

**Narrative**

The purpose of this survey is to partition Parcel 3 of Partition Plat No. 1999-45. I, the undersigned, David E. Reynolds, a Registered Professional Land Surveyor in the State of Oregon, do hereby certify that I have correctly surveyed and marked with proper monuments the land represented on the attached Partition Plat No. 2002-13. The Initial Point is a 1 1/4" iron pipe found at the Northwest corner of said Parcel 3, Partition Plat No. 1999-45.

**Surveyor's Certificate**

I, David E. Reynolds, a Registered Professional Land Surveyor in the State of Oregon, do hereby certify that I have correctly surveyed and marked with proper monuments the land represented on the attached Partition Plat No. 2002-13. The Initial Point is a 1 1/4" iron pipe found at the Northwest corner of said Parcel 3, Partition Plat No. 1999-45.

**Declaration**

Know all people by these presents that we David V. Oliver and Sharon A. Oliver are the owners of the land represented on the attached partition map and more particularly described in the accompanying Surveyor's Certificate and have caused the same to be partitioned into parcels as shown on the annexed map, in accordance with ORS Chapter 92 and do hereby grant the easements shown for the purposes shown thereon.

David V. Oliver  
 Sharon A. Oliver

**Acknowledgment**

State of Oregon } S.S.  
 County of Columbia }

Know all people by these presents, on this 19th day of August, 2002, before me, Notary Public, that David V. Oliver and Sharon A. Oliver are the owners of the land represented on the attached partition map and more particularly described in the foregoing declaration and that said declaration was executed freely and voluntarily by them.



**Approvals**

Approved by 14th day of August 2002 Taxes From July 1 2002  
 Through June 30 2003  
 Have Been Paid.  
 Columbia County Planning Department  
 Approved this 14th day of August, 2002.  
 Columbia County Director of Finance and Taxation



I do hereby certify that the attached Partition Plat was received for recording on the 14th day of August 2002 at 9:05 o'clock A.M., instrument No. 2002-13 and recorded as Partition Plat No. 2002-13  
 Columbia County Clerk  
 By Sharon A. Oliver

ORDINANCE No. 3251 - EXHIBIT "A"

**CITY OF ST. HELENS PLANNING DEPARTMENT  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
Annexation A.5.19**

**APPLICANT:** Tammy Cinnera  
**OWNERS:** Same as applicant  
**ZONING:** Columbia County's Single-Family Residential (R-10)  
**LOCATION:** North End of Windy Ridge Drive, 5N1W-32DC-2300  
**PROPOSAL:** The property owner filed consent to annex because they desire to connect to City water.

**SITE INFORMATION / BACKGROUND**

The subject property is an undeveloped flag-shaped lot at 40,511 square feet or 0.93 acres. The lot was partitioned in 1999 via Partition Plat 1999-45 and again in 2002 via Partition Plat 2002-13. Partition Plat 1999-45 notes a 50 foot wide floodplain and riparian easement for Milton Creek in the rear of the property. The subject property is encumbered by two utility and access easements to Windy Ridge Drive benefitting the two properties south of the subject property.

Windy Ridge Drive is a developed local classified street without frontage improvements (sidewalks, curb, and landscape strip) on either side. The parcel is sloped heavily to the back of the parcel, where Milton Creek runs through. City water is available in Windy Ridge Drive to serve the property. The City's sanitary sewer is not easily accessible. It is located approximately 265 feet away and crosses two private properties.

**Abutting Zoning**

North - County's Single-Family Residential (R-10)  
East - City's Moderate Residential (R7)  
South - City's Suburban Residential (R10)  
West - City's Suburban Residential & County's Single-Family Residential (R-10)

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows: February 11, 2020 before the Planning Commission and February 19, 2020 before the City Council.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on January 21, 2020 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 29, 2020. Notice was sent to the Oregon Department of Land Conservation and Development on January 2, 2020 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), the Transportation Systems Plan (Ord. No. 3150), the Corridor Master Plan (Ord. No. 3181), the Parks & Trails Master Plan (Ord. No. 3191), the Riverfront Connector Plan (Ord. No. 3241), and the Housing Needs Analysis (Ord. No. 3244).

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 do not need to be analyzed per this section.

(a)(iii) 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." However, during the 2016 Legislative Assembly, Senate Bill 1578 was passed. It states that a City shall annex the territory without submitting the proposal to the electors if certain criteria are met:

1. Property is within the UGB
2. Property will be subject to the City's Comprehensive Plan
3. Property is contiguous to the City limits or is separated by only a public right of way or body of water
4. Property conforms to all other City requirements

As this proposal meets these criteria, this property will **not** be subject to a majority vote among the electorate.

Other provisions applicable to this proposal are discussed elsewhere herein.

**(b)** There is no evidence of a change in neighborhood, or mistake or inconstancy 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 Single-Family Residential (R-10) and the City’s zoning options given annexation are Moderate Residential (R7) or Suburban Residential (R10).**

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 to the County 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)**

**Water** - The site has access to connect to City Water. 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 has substantial capacity available.

**Sewer** - The City’s sanitary sewer is located approximately 265 feet away and crosses two private properties. Due to the difficulty of connecting through this route, the applicant will likely apply through Columbia County Land Development Services to develop an onsite (septic) system. However, if the applicant desired to hook to City sanitary sewer, 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.

**Transportation** - As described above, this proposal poses no significant impact on a transportation facility.

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

**(b)** There are no existing uses on the vacant property. The proposed use is a detached single-family dwelling. This use would be a permitted use in the corresponding zoning districts.

**Finding:** 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 west side of the subject property. 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 of real property or the city council. This annexation request was initiated by the property owner. 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 also required. The City has met these requirements and notified DLCD 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. 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 Windy Ridge Drive. Windy Ridge Drive is a local-classified developed street without frontage improvements (sidewalks, curb, and landscape strip) on either side. 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 desired.

The existing right-of-way width of Windy Ridge Drive is sufficient for the local street right-of-way width standard of 50 feet.

**(e)** The subject property is not greater than 10 acres in gross 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). The City's zoning options given annexation are Moderate Residential (R7) or Suburban Residential (R10). The Comprehensive Plan designation would thus be Suburban Residential (Incorporated) (SR). The Council finds that R10 zoning is appropriate to be consistent with its neighboring lots.

**Finding:** Upon annexation, the subject property's Comprehensive Plan designation shall be General Residential (Incorporated) and be zoned Suburban Residential (R10).

#### **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 classifies *buildable land* as:

Residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year flood plain; or
- (e) Cannot be provided with public facilities.

This property is subject to natural resource protection measures under Goal 5, due to the presence of Riparian Corridor R-MI-26a with a 50 foot upland protection zone and a portion of which is within the 100-year flood plain. Therefore, this property is not considered buildable land under OAR 660-008-0005.

**Finding:** The subject property should be designated as “established” in accordance with SHMC 17.112.

#### CONCLUSION & DECISION

**Based upon the facts and findings herein, the City Council approves this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Suburban Residential (Incorporated) SR, be zoned Suburban Residential (R10), and designated as “established” given the following condition:**

Windy Ridge Drive frontage 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.

\*This annexation will **not** be subject to voter approval subsequent to this land use process.\*

  
\_\_\_\_\_  
Rick Scholl, Mayor

4/1/2020  
\_\_\_\_\_  
Date