



COUNCIL PUBLIC HEARING

Wednesday, August 03, 2022

APPROVED MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Doug Morten
Councilor Patrick Birkle
Councilor Stephen R. Topaz

MEMBERS ABSENT

Councilor Jessica Chilton

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Jacob Graichen, City Planner
Jenny Dimsho, Associate Planner
Tina Curry, Event Coordinator

OTHERS

Keith Locke	Howard Blumenthal	Brad Hendrickson	Tracy Brown
Steve Toschi	Jerry Belcher	Audrey Webster	Art Leskovich
Jim Coleman	Brenda Herren-Kenaga	Darren Boe	Scott Jacobson
David Williamson	Robyn Toschi	Gina Harrington	Brady Preheim

OPEN PUBLIC HEARING – 6:00 p.m.

TOPIC

1. Street Vacation of Sections of Right-of-Way along N. River Street, N. 1st Street, Columbia Blvd. and S. River Street (Keith Locke, et. al.)

City Planner Graichen reviewed preliminary matters. Council President Morten was advised by legal counsel to say that he knows Keith Locke well from serving on Council together. It's up for debate if he should recuse himself from the vote but would like to deliberate. Graichen asked Council President Morten if he feels indifferent in the decision. Council President Morten said yes. Councilor Topaz declared that he also has a relationship with Keith Locke from time serving on the Council together. He does not feel indifferent in his decision making on this matter. Mayor Scholl declared that he has a relationship with Keith Locke and an abutting property owner, Steve Toschi. He does not feel that he has a favoritism. He will listen to the facts and be able to move forward. Councilor Birkle declared that knows Keith Locke as an acquaintance but feels he can make an objective decision. Graichen asked if anyone wants to challenge the ability of Council to make a fair decision on this matter. There was no objection from the audience for the Council to make a fair decision.

Associate Planner Dimsho reviewed the staff report. A copy is included in the archive packet for this meeting. Planning Commission reviewed the proposal and recommended denial of the street vacation request. Park & Recreation Commission also reviewed the proposal, based on the relation to surrounding

trails, and recommended denial. Council must determine if the public interest will be prejudiced by this street vacation. Dimsho referred to the Connector Plan and showed what it proposes for that area. The plan protects that area for its great view of the river. Staff is not comfortable recommending approval of any right-of-way in that area because they don't know what is planned for the future. Dimsho talked about utilities that would be impacted by the street vacation. Columbia River PUD objects to the proposed street vacation.

Councilor Topaz talked about the original street from Columbia Blvd. to N. River Street being very steep. Are there pictures of it? Staff did not have any. Mayor Scholl said it was very steep and a sharp corner. It was used for the boat launch. Councilor Topaz asked if the launch and dock at Grey Cliffs Park is included in the Master Plan. Dimsho said no. Councilor Topaz asked that because they have vacated the sidewalk near Nob Hill and now people must walk in the street.

TESTIMONY IN FAVOR

- ◆ Brad Hendrickson. (Mayor Scholl allowed him to go first because he needed to leave.) He received a street vacation on his end of 1st Street, so doesn't see why Keith would not be approved. There will never be a street by the City's pump station because of the cliff. Columbia River PUD opposed the street vacation because of utilities. However, there will still be setbacks for building even with an easement. The plan is for the developer to make a stairway down to River Street.

Mayor Scholl recalls Brad's street vacation. They were only asking for 15 feet and left 50 feet of right-of-way. Graichen confirmed that is correct.

APPLICANT TESTIMONY

- ◆ Keith Locke. Looking at the map on the screen, he pointed out the water and gas lines. The water line is 21 feet from his property line. The gas line only serves his property so would have to be relocated. Part of the plan is to move the power poles, which costs just under \$15,000. They can add a condition that if the poles don't get moved and the stairway isn't put in, the vacation doesn't happen. He talked about the bike path. He killed it once when he was on Council because it is unsafe. Keith reviewed his PowerPoint presentation. A copy is included in the archive packet for this meeting. It's a 70-degree slope where the bike path would be. The recommended slope for a bike path is between two and 10-degrees. With enough money anything can be built. About 30 years ago, he was on the Riverfront Committee. They met for several months and recommended to remove the road at the end of his street and make a two-way street at the bottom. Their recommendation was to make another one-way road with a bike path to access the marina. From what he hears that recommendation is gone now. The stairway is the only safe way to get down that hill. He is offering to put in a safe bike path. He pointed out the trail above Grey Cliffs Park, which is not safe.
- ◆ Tracy Brown, Land Use Planning Consultant. He continued to review the PowerPoint presentation. He pointed out the trail from Keith's house down to the street. The 80-foot right-of-way on Columbia Blvd. is probably about six inches from the front of Keith's house. The big oak tree is in the right-of-way and will need to be compromised for development. Tracy pointed out the right-of-way on Columbia Blvd. There are historic driveways and stairs encroaching into the right-of-way. The request is to not only support future development, but also clean up what is existing. He went on to review what is proposed. Most of the applicants are proposing to just increase lot size. Keith is proposing to develop his property with condos. Tracy addressed concerns in the staff report.
 - The 80-foot right-of-way on Columbia Blvd. is not needed
 - Development will increase value and create a significant revenue for the Urban Renewal District

- They propose to construct a viewing platform on Columbia Blvd. and pedestrian stairway down to River Street
- Frontage improvements on Columbia Blvd. and N. 1st Street would be completed
- Reviewed other options that would leave more right-of-way

Keith pointed out his property and the surrounding properties that do not meet setback requirements and encroach into the right-of-way. His house is historic but it's a money pit. It's been remodeled multiple times, there was a fire in the 1930's, and it's been a rental for 60-70 years. It was built before plumbing and electricity. If someone wants to buy it, they can move it. There are no views with all the trees around there. The whole thing needs to be cleaned up. He is proposing high end condos there. Each unit would bring in about \$8,000/year to the Urban Renewal District. This is a good project for the City. He'll be putting in \$300,000 - 400,000 in improvements. His request is to leave this meeting open until the first meeting in September. He will provide more information at that time.

TESTIMONY IN FAVOR CONTINUED

- ◆ David Williamson. He is a trustee of the small piece of property on the corner. The lot is about 60x60. It's a corner lot with larger setbacks. It's in a location with a view of the river. They don't see a downside. An easement for the utilities or moving them should be adequate.
- ◆ Darren Boe. The location for the proposed bike path is a drop-off. The view he has of the marina is amazing. It would be a benefit for more people to be able to experience that view. He has worked on the path that goes down to River Street. It needs to be improved or removed and replaced with stairs.

TESTIMONY IN NEUTRAL - None

TESTIMONY IN OPPOSITION

- ◆ Brady Preheim. He is in opposition. The house is worth saving. They don't need 15 condos in that area. It would not be beneficial to the City. He finds it troublesome that Keith admitted to eliminating the possible trail that was going to be funded by another citizen. He used his position on the Council to kill that project. Now he wants the property given to him because it wasn't developed. That is an ethical concern and should not be given to him.
- ◆ Brenda Herren-Kenaga. She is very concerned about the views. She understands the argument for sharing the views, which is why she wants to preserve them. She referred to the "Green and Blue Spaces and Mental Health, New Evidence and Perspectives for Action" copyrighted in 2021 by the World Health Organization. It found that, "...Across blue space categories, the most pronounced effects were found for affect and affective disorders...Qualitative studies pointed towards unique and beneficial characteristics of blue spaces, including the visual openness of the space and fluidity of the water." The University of Washington found that being near water can benefit mental health. The symptoms of depression and anxiety have doubled during the pandemic, especially for teenagers and young adults, which represents about 13.5% of the current population. They also need to consider people with disabilities and affect sound has on them. She fails to see how a stairway is in the best interest of the public. If the gravel pathway is unsafe, how can she trust him to build another pathway?
- ◆ Jerry Belcher and Scott Jacobson, Parks & Recreation Commission members. Jerry is not opposed to people making money. Keith has every right to develop his property. He is here about the property on both sides of Columbia Blvd. The rest of it does not concern him. The property belongs to citizens and it's the Council's responsibility to oversee it. What is in the public's best interest? He's concerned about the viewpoint. The Urban Trail runs along the east side of River

Street. He would like to have a crosswalk there going up to it. There is only viewpoint that has ADA access. Parks & Recreation Manager Shanna Duggan made the Urban Trail a priority this year and it's included in the Master Plan. If you take 50 feet away, it only leaves 30 feet and would shrink the area of the overlook. The Urban Trail will add a lot to St. Helens and the overlook is a vital part of it. It's not all about money. He hopes Keith makes a lot of money developing the property, but they should not be giving the public property away. He showed pictures to Council of the Urban Trail, a copy of which is included in the archive packet for this meeting. It will draw people and help citizens. Scott hopes to get more details in September. There was a lot of speculation. When you buy a piece of property it has boundaries, and you know what they are. He agreed with Jerry's testimony. Jerry repeated that the property belongs to the citizens of St. Helens and has future value.

- ◆ Howard Blumenthal. That viewpoint is a great place. Vacating it would limit access to people with disabilities. It's a lot easier to go down a trail than steep stairs. St. Helens is full of steep trails. Even if he builds fewer units, he would still be putting a sizable amount of money into the Urban Renewal District. There is a lot of rock there that will impact the development. Oak trees and view corridors are very precious in this area. He hates to see the right-of-way be given away.
- ◆ Steve and Robyn Toschi. He is abutting, affected, and at large. He reviewed a PowerPoint presentation. A copy is included in the archive packet for this meeting. This is a horrible deal for the City and the public. It's priceless view property that they are asking to take away from the public forever. He is asking that Council not turn their back on the community. He showed a picture from the end of 1st Street. It is a steep hill but has an 80-foot right-of-way that could be used to create a path. It's first-class property that should have wide streets with public improvements. In 2016, the public said access to the river and public views were priorities. Now they are looking at giving them away. If they give it away, there will be buildings blocking the view. He pleaded with the Council to not give it away. Steve went on to show pictures of junk on the property. He disagreed that Keith is a developer. The historic building sign is covered with a no trespassing and camera sign, with four pot plants below it. Wayne Weigandt was going to put in a path and pay for it, and Keith killed it when he was on Council. Now Keith wants it for himself. When Keith was a public official, he failed to declare a bias. His private interest was never exposed. Is it in the public interest? Keith says he wants to develop. If an abutting property doesn't give consent, you cannot go through with it. He and Robyn did not consent, as well as others. The City is interpreting abutting different than he is. He pointed out how his property abuts the subject property. If there is a building there, it will be in his front yard. The property is right next to his. He agreed with Brenda. As the world gets more crowded, they need these open spaces. Council should find that this is prejudicial and reject this application. They should also find that his property abuts per the Development Code.

Graichen said there was a request to continue the Street Vacation. There is a question of whether they want to save the rebuttal.

The applicant requested the opportunity to rebut what was said tonight.

Graichen said Council needs to continue to a date and time certain. The applicant wants to submit additional testimony. It's a continuation of tonight's meeting and allows anyone to submit additional testimony.

Jerry asked if he could make a statement tonight after the applicant. Graichen said normally the applicant has the opportunity to rebut as the last say. Does Council want to give additional time tonight? Mayor Scholl agreed to allow the applicant to rebut tonight and then allow for questions.

Jerry Belcher asked if the property could be sold after the Street Vacation is granted. Mayor Scholl said yes.

REBUTTAL

Tracy Brown said that Keith has never represented himself as a developer. He is preparing the property for development. Staff contacted their attorney about Steve Toschi's property, and it was determined that the property is not abutting per State statute for street vacations. Steve mentioned the definition of abutting in the Development Code, but this is not a Development Code item. Once they get to a land use application, then the Development Code is applicable. Right now, it is just a concept. Mayor Scholl pointed out that Keith has given testimony tonight about the development and how it would benefit the City. They will investigate the definition of abutting further. Tracy repeated that the Development Code does not apply until there is a land use application. A lot of the pictures submitted were incorrect. The vision of where the buildings were shown will stay in the right-of-way. Some of the testimony is trying to kill development on that property. It's unfair to say Keith can't develop. He has development rights on his property.

Keith Locke distributed information to the Council, a copy of which is included in the archive packet for this meeting. He will provide more information for the next meeting.

Steve Toschi stated that there is no ruling of whether Council will continue the hearing.

Mayor Scholl requested staff further investigate the definition of abutting as it relates to street vacation.

Steve will be providing additional information for the record to City Recorder Payne.

MOTION: Motion made by Council President Morten and seconded by Councilor Topaz to continue the public hearing to September 7, 2022, at 5:30 p.m. in the Council Chambers. Voting Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz

RECESS PUBLIC HEARING – 8:07 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne
Kathy Payne, City Recorder

/s/ Rick Scholl
Rick Scholl, Mayor