



COUNCIL PUBLIC HEARING

Wednesday, January 04, 2023

APPROVED MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Councilor Patrick Birkle
Councilor Mark Gundersen
Councilor Brandon Sundeen

MEMBERS ABSENT

Councilor Jessica Chilton

STAFF PRESENT

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

OTHERS

Kylie Bellar	Chris Murphy	Steve Palmer
Deb Parsons	Ron Murphy	Brady Preheim
Steve Topaz	Karee Steinhauser	Nick Hellmich
Steve Toschi	Ty Steinhauser	Sharrie Ryan
Terry Waymire		

OPEN PUBLIC HEARING – 6:30 p.m.

TOPIC

- 1. Vacation of the East 40 ft. of the N. 9th Street Right-of-Way Abutting Lots 5, 6, 7, and 8 of Block 76 of the St. Helens Subdivision (Murphy Family Trust and Kylie Bellar)**

City Planner Graichen reviewed preliminary matters. There were no conflicts of interest or bias in this matter. There was no objection from the audience for Council to make a fair decision.

Associate Planner Dimsho reviewed the staff report. A copy is included in the archive packet for this meeting. The applicant received signatures from 67.8% of the affected properties. Planning Commission recommended denial because not all abutting owners signed consent. The applicant has since reduced the requested vacation by 30 feet, and that issue is no longer valid. Dimsho reviewed concerns from Engineering. Some of them are no longer an issue after the reduction. The subject property is in a canyon with nearby wetlands. Future development is considered with street vacations.

Staff recommendations if approved:

1. The applicant shall coordinate with the City on a public storm line improvement that connects the natural drainageway into the public system. Construction of the storm line and legal description for a public storm easement by a surveyor licensed in the state of Oregon shall be completed at

the applicant's expense prior to the ordinance for this vacation. This shall be completed within one year from the date of the Council's decision.

2. A legal description shall be provided by a surveyor licensed in the state of Oregon for a 15-foot-wide public waterline easement over the existing water main and through the proposed street vacation for future extension. This shall be completed at the applicant's expense prior to the ordinance for this vacation. This shall be completed within one year from the date of the Council's decision.
3. If Council wants to retain public right-of-way for a fire turnaround, this is the placeholder condition of approval.

APPLICANT TESTIMONY

- ◆ Chris and Ron Murphy. Chris explained the reason for the street vacation is to increase their parking area at the end of the driveway. They will also provide a turnaround for vehicles, emergency response, and deliveries. The City's proposed turnaround is partially over a steep solid rock slope. It's currently a private road with no public access. There's a four-foot drop on the side if emergency vehicles need to turn around. Ron doesn't completely understand the drainage issue. The City put in a culvert, and it has been completely dry. The City put in a storm drain several years ago near 10th Street. There is no water coming down that hill. The area they are trying to vacate has no standing water. If you go to the west, there is a wetland.

TESTIMONY IN FAVOR – None

NEUTRAL TESTIMONY

- ◆ Terry Waymire, 191 N. 9th Street. He lives up the hill from the subject property. They diminished the size of the requested area to vacate. He pointed out a storm drain in the area. It hasn't flooded there in years. He talked about Kylie Bellar plugging up the storm drain with wood to keep the skunks out of there. He went on to talk about the conditions of the surrounding area.

APPLICANT TESTIMONY CONTINUED

- ◆ Kylie Bellar, 164 N. 9th Street. She was not aware of a petition to reduce anything to make it work for the neighbors. She no longer wants to participate in the street vacation. The driveway is part of her lot and wants to keep it how it is.

Dimsho requested Kylie submit her withdrawal in writing.

NEUTRAL TESTIMONY CONTINUED

- ◆ Steve Palmer, 254 N. 10th Street. There was a lot of flooding in the area years ago. When they first moved in, his lot would flood, and he would have a lake in there. The culverts on 8th Street were not enough to handle the water. He contacted the City and they connected the stormwater from Wyeth Street. That took care of half of the water that used to collect there. As far as he knows, that alleviated the flooding. A storm sewer on N. 9th Street would do nothing.
- ◆ Steven Toschi, St. Helens resident and Planning Commission member. He's here as an individual and to help guide the Planning Commission. He's a licensed attorney in Oregon and California. He has spent a lot of time researching "abutment," which is his focus tonight. He reviewed a PowerPoint presentation. A copy is included in the archive packet for this meeting.
 - Reviewed ORS 271
 - Reviewed the definition of abut/abutting in the Development Code. One of the neighbor's did not give consent, so Planning Commission recommended denial.
 - He showed an example of a street vacation that affected him. Street vacations can significantly impact the neighbor. He was entitled to protection as an abutting neighbor.

TESTIMONY IN OPPOSITION – None

REBUTTAL

- ◆ Ron Murphy. What they are proposing for a turnaround, will not affect drainage. They will be adding to the culvert. They are concerned about emergency vehicles coming down and turning around. It's not going to increase traffic. It's a private driveway and not maintained by the City. This would allow them to maintain the brush.

CLOSE PUBLIC HEARING – 7:10 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne
Kathy Payne, City Recorder

/s/ Rick Scholl
Rick Scholl, Mayor