



COUNCIL REGULAR SESSION

Wednesday, June 07, 2023 at 7:00 PM

COUNCIL MEMBERS:

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Patrick Birkle
Councilor Mark Gundersen
Councilor Brandon Sundeen

LOCATION & CONTACT:

HYBRID: Council Chambers & Zoom (details below)
Website | www.sthelensoregon.gov
Email | kpayne@sthelensoregon.gov
Phone | 503-397-6272
Fax | 503-397-4016

AGENDA

CALL REGULAR SESSION TO ORDER

PLEDGE OF ALLEGIANCE

VISITOR COMMENTS – *Limited to three (3) minutes per speaker*

PROCLAMATION

1. St. Helens High School Choir and Band Programs Excel

ORDINANCES – *First Reading*

2. **Ordinance No. 3292:** An Ordinance to Annex and Designate the Zone of Certain Property at 35046 Maple Street
3. **Ordinance No. 3293:** An Ordinance to Annex and Designate the Zone of Certain Property at 35082 Maple Street
4. **Ordinance No. 3294:** An Ordinance to Annex and Designate the Zone of Certain Property at 58927 Firlok Park Street
5. **Ordinance No. 3295:** An Ordinance to Change the Name of Mill Street as Located Along the South Side of Lot 8, Block 10, City of St. Helens, to Wapama Way
6. **Ordinance No. 3296:** An Ordinance Amending the St. Helens Municipal Code Chapter 12.20, and Adding Chapter 12.22 Regarding Camping on Public Property

RESOLUTIONS

7. **PUBLIC COMMENT - Increasing Garbage & Recycling Rates**

Resolution No. 1980: A Resolution Establishing Garbage & Recycling Rates and Superseding Resolution No. 1963

8. **PUBLIC COMMENT - Increase in Utility Rates**

Resolution No. 1981: A Resolution to Establish Water, Sewer, Storm Drainage Utility Rates and Charges, and Administrative Rules

9. **PUBLIC COMMENT - Increase in Public Safety Fee**

Resolution No. 1982: A Resolution Adopting a Community Public Safety Fee

- 10. Resolution No. 1983:** A Resolution of the City of St. Helens Declaring the City's Election to Receive State Revenues
- 11. Resolution No. 1984:** A Resolution of the Common Council of the City of St. Helens, Oregon Adopting Budget, Making Appropriations, and Levying Taxes for the Fiscal Year Beginning July 1, 2023
- 12. Resolution No. 1985:** A Resolution of the St. Helens City Council, Establishing the City Employee Compensation Schedule for Fiscal Year 2023-2024
- 13. Resolution No. 1986:** A Resolution of the St. Helens City Council, Adopting a Code of Conduct for City Boards, Committees, and Commissions

AWARD BID AND/OR CONTRACT

- 14.** Award Bid and Authorize Mayor to Sign Contract with Hampton Tree Farms, LLC for the Pinkney Road Timber Sale at \$519.58 per MBF

CONSENT AGENDA FOR APPROVAL

- 15.** Council Work Session, Executive Session, and Regular Session dated April 19, 2023

WORK SESSION ACTION ITEMS**COUNCIL MEMBER REPORTS****MAYOR SCHOLL REPORTS****OTHER BUSINESS****ADJOURN****VIRTUAL MEETING DETAILS**

Join: <https://us02web.zoom.us/j/82641917545?pwd=SXdTYWFwVmFhQTkvT3JLOS85Y00vdz09>

Meeting ID: 826 4191 7545

Passcode: 531808

Dial: 719-359-4580

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Hall at 503-397-6272.

Be a part of the vision and get involved...volunteer for a City Board or Commission! For more information or for an application, go to www.sthelensoregon.gov or call 503-366-8217.

City of St. Helens
PROCLAMATION
 By Mayor Rick Scholl

St. Helens High School Choir & Band Programs Excel
June 7, 2023

Whereas, the City of St. Helens is proud to be home to the outstanding St. Helens High School; and

Whereas, the St. Helens High School diligently serves the students of the City of St. Helens, and the band and choir programs provide a curriculum that challenges students, builds character, and develops personal musicianship; and

Whereas, the St. Helens High School Chor Leonis members, under the direction of Eric Stearns, recently traveled to Corvallis, Oregon to compete at the 2023 OSAA State Choir Championship; and

Whereas, the St. Helens High School Wind Ensemble members, under the direction of Noelle Freshner, recently traveled to Corvallis, Oregon to compete at the 2023 OSAA State Band Championship; and

Whereas, the St. Helens High School Jazz Band members, under the direction of Noelle Freshner, recently traveled to Gresham, Oregon to compete at the 2023 OMEA State Jazz Championship; and

Whereas, the City of St. Helens recognizes the outstanding commitment to excellence by the students, directors, and leadership of the St. Helens High School Choir and Band Programs.

Now, therefore, I, Mayor Rick Scholl of the City of St. Helens do hereby recognize and honor the outstanding achievement of the St. Helens High School Chor Leonis members for placing second in the 4A 2023 OSAA State Choir Championships, St. Helens High School Wind Ensemble Members for placing second in the 4A 2023 OSAA State Band Championship, and St. Helens High School Jazz Band members for placing first in the 4A 2023 OMEA State Jazz Championship.

Be it further proclaimed that I urge all citizens of St. Helens to recognize your achievements and celebrate these successes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of St. Helens to be affixed at St. Helens City Hall on this 7th day of June 2023.



MAYOR:

 Rick Scholl, Mayor

ATTEST:

 Kathy Payne, City Recorder

City of St. Helens
ORDINANCE NO. 3292

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN
PROPERTY AT 35046 MAPLE STREET

WHEREAS, applicant James & Iline May have requested to annex to the City of St. Helens certain property at 35046 Maple Street. This property is also described per **Exhibit A** and depicted per **Exhibit B**; 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 May 17, 2023 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 in **Exhibit A** and depicted in **Exhibit B** 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.1.22 Findings of Fact and Conclusions of Law, attached hereto as **Exhibit C** 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: June 7, 2023
Read the second time: June 21, 2023

APPROVED AND ADOPTED this 21st day of June, 2023 by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

EXHIBIT A
LEGAL DESCRIPTION

A parcel of land located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, Township 4 N., Range 1 W., Willamette Meridian, Columbia County, Oregon, more specifically described as follows:

Beginning at a point, which is the Northwest corner of Lot 21 of the Firlok Park Subdivision, Columbia County, Oregon;

Thence, along the West line of said Lot 21, South $0^{\circ}33'$ West a distance of 5.05' to the **True Point of Beginning**;

Thence, South $81^{\circ}37'$ East a distance of 144.84' to a point;

Thence, South $0^{\circ}33'$ West to a point on the South line of Lot 22 of said Firlok Park Subdivision;

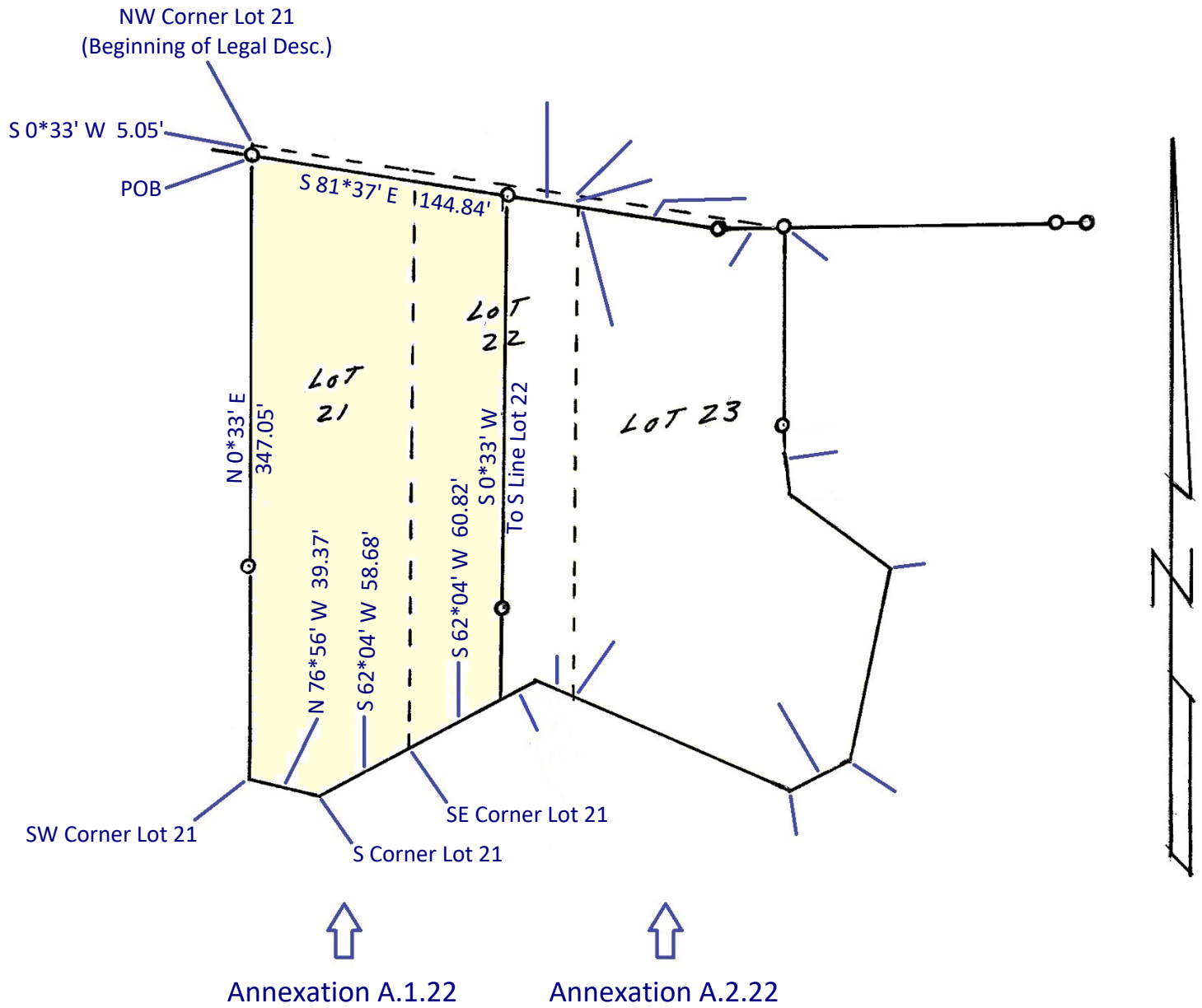
Thence, along said South line, South $62^{\circ}04'$ West a distance of 60.82' to the Southeast corner of Lot 21 of said Firlok Park Subdivision;

Thence, along the South line of said Lot 21, South $62^{\circ}04'$ West a distance of 58.68' to the most Southerly corner of said Lot 21;

Thence, continuing along the South line of said Lot 21, North $76^{\circ}56'$ West a distance of 39.37' to the Southwest corner of said Lot 21:

Thence, along the West line of said Lot 21, North $0^{\circ}33'$ East a distance of 347.05' to the **True Point of Beginning**.

EXHIBIT B
S.W. 1/4 N.W. 1/4 SEC.8 T.4N. R.1W. W.M.
COLUMBIA COUNTY



**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Annexation A.1.22**

APPLICANT: James & Illine May
OWNERS: Jason Groulx & Melissa McDowell
ZONING: Columbia County's Single-Family Residential (R-10)
LOCATION: 35046 Maple Street; 4N1W-8BC-1800
PROPOSAL: The property owner filed consent to annex because they desired to connect to City sanitary sewer.

SITE INFORMATION / BACKGROUND

The subject property is an irregular shaped lot at 45,302 square feet or 1.04 acres. It is developed with a detached single-family dwelling with McNulty Creek running along the southern property line. The site is accessed off Maple Street, which is a developed local classified street without frontage improvements (sidewalks and curb) abutting the property. It is developed with frontage improvements across the street. It is a Columbia County jurisdiction road. The parcel is generally flat sloping towards McNulty Creek with large fir trees located along the street and large trees along the creek.

Abutting Zoning

North – City Moderate Residential (R7)
 East - County's Single-Family Residential (R-10) and City Mixed Use (MU)
 South - County's Single-Family Residential (R-10) and City Mixed Use (MU)
 West – County's Single-Family Residential (R-10)

PUBLIC HEARING & NOTICE

Hearing dates are as follows:
 April 11, 2023 before the Planning Commission
 May 17, 2023 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on March 20, 2023 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 March 29, 2023. Notice was sent to the Oregon Department of Land Conservation and Development on February 21, 2023 via e-mail.

AGENCY REFERRALS & COMMENTS

Columbia County Roads Department: Does not have any comments or concerns for the annexation of this property. In the future, if this property goes through development that requires

a building permit, then they will need to obtain an access permit through the County Public Works Department.

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). Zoning and Comprehensive Plan designations are addressed under SHMC 17.28.030 (1).

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. Sewer and water capacity to serve this property is addressed in more detail under SHMC 17.28.030 (1) below. By this review process, the proposal complies with this aspect of the Comprehensive Plan. There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC.

There is no known conflict with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC. Zoning and Comprehensive Plan designations are addressed under SHMC 17.28.030 (1).

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) 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 Suburban Residential (R10) or Moderate Residential (R7).**

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 property is within the McNulty water service district, which serves the existing dwelling.

Sewer – The existing single-family dwelling is currently connected to City sewer. This was approved by the County with Columbia County Permit No. 192-22-000423-PLM which had its

final inspection approved on April 15, 2022. The existing dwelling was served by an on-site system prior to this connection.

With regards to *capacity*, the City's wastewater treatment plant currently has a daily limit (physically and as permitted by DEQ) to handle over 50,000 pounds of Biochemical Oxygen Demand (BOD) and a monthly average limit of 26,862 pounds. This 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. Sanitary sewer *capacity* is adequate.

With regards to *conveyance*, the city adopted a new **Wastewater Master Plan (WWMP)** in November 2021 that identifies undersized trunk lines already operating at or above capacity that further development of the subject (e.g., land division creating new parcels) would depend on. The WWMP can be found here:

<https://www.sthelenoregon.gov/engineering/page/public-infrastructure-master-plans>

Sewer pipes are considered "at capacity" when peak flows exceed 85% of the full depth of the pipe in accordance with industry standards. This depth is based on the maximum depth of flow ratio (d/D), where "d" is the depth of flow and "D" is the pipe diameter. The WWMP includes an exhibit—Figure 18—that shows that the sanitary sewer main route between the subject property to the wastewater treatment plant has multiple areas that are operating at or above 100%, which is much greater than the industry and city standard 85% "at capacity" flows.

This annexation may still be approved given the sanitary sewer conveyance circumstances based on the following:

First, some of the issues are actively planned to be resolved. City Public Works and Engineering staff have begun to address the necessary sanitary sewer infrastructure upgrades having received a loan with Oregon DEQ's State Revolving Fund Program to fund both priority 1 projects (in basins 4 and 5) and priority 3 projects in basin 6. Basin 6 is applicable to this proposal and will resolve much of the conveyance deficiency between the subject property and the WWTP. City Public Works and Engineering indicate an anticipated 4-year timeframe (from October 2022, when DEQ approved a \$16.4 million loan) for completion of these upgrades.

Second, further development of the subject property is unlikely in the near future. The location of existing development is inefficient for land division and the existing dwelling is valued at approximately \$400,000 by itself, and less likely to be sacrificial for redevelopment. Moreover, the natural constraints (flood plain and sensitive lands) addressed under SHMC 17.112.020 below are additional impediments to redevelopment.

Third, if the subject property was redeveloped with a proposal that required a land use permit (e.g., Site Development Review or Partition) while the conveyance issue still exists, the city may implement a proportional fee as a condition of approval to contribute to the conveyance projects in the WWMP to help offset the deficiency. Because single-family dwellings and duplexes are not subject to Site Development Review per SHMC 17.96.020, the fee would not apply to that type of development. As an existing detached single-family dwelling developed property, this fee would not apply to this annexation.

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) The land use of the subject property is a detached single-family dwelling. This is a permitted use in the corresponding zoning district.

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 addressed under SHMC 17.28.030 (1) above. There is no evidence that adequate infrastructure will not be available to serve the annexed area if redeveloped in the future.

- ***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 Maple Street. Maple Street is classified as a local street with a minimum right-of-way width of 50', which is met. There are no frontage improvements (sidewalks and curb) abutting the subject property. 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 or right-of-way dedications. As such, no improvements are warranted with this proposal. At the time of future land division and/or development, these items would be considered.

(e) The subject property is not greater than 10 acres in gross size. An 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 options for zoning are Suburban Residential (R10) or Moderate Residential (R7). The Planning Commission recommended Suburban Residential (R10). The City Council agreed. The Comprehensive Plan designation would be Suburban Residential (Incorporated) (SR).

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

Discussion: In addition to already being developed with a single-family dwelling, this property is subject to natural resource protection measures under Goal 5 due to the presence Riparian Corridor R-MC-12 with a 50' upland protection zone and 100-year floodplain which constrains

approximately the southern third of the property. Therefore, this property is not considered buildable land under OAR 660-008-0005.

Finding: The subject property should be designated as “established.”

CONCLUSION & DECISION

Based upon the facts and findings herein, and the recommendations of staff and the Planning Commission, the City Council approves this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Suburban Residential (SR), be zoned Suburban Residential (R10), and be designated as “established.”

Rick Scholl, Mayor

Date

City of St. Helens
ORDINANCE NO. 3293

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN
PROPERTY AT 35082 MAPLE STREET

WHEREAS, applicant Travis James has requested to annex to the City of St. Helens certain property at 35082 Maple Street. This property is also described per **Exhibit A** and depicted per **Exhibit B**;

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 May 17, 2023 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 in **Exhibit A** and depicted in **Exhibit B** 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.2.22 Findings of Fact and Conclusions of Law, attached hereto as **Exhibit C** 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: June 7, 2023
Read the second time: June 21, 2023

APPROVED AND ADOPTED this 21st day of June, 2023 by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

EXHIBIT A
LEGAL DESCRIPTION

A parcel of land located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, Township 4 N., Range 1 W., Willamette Meridian, Columbia County, Oregon, more specifically described as follows:

Beginning at a point, which is the Northwest corner of Lot 23 of the Firlok Park Subdivision, Columbia County, Oregon;

Thence, along the West line of said Lot 23, South $0^{\circ}33'$ West a distance of 5.05' to the **True Point of Beginning**;

Thence, North $81^{\circ}37'$ West a distance of 36.83' to a point;

Thence, South $0^{\circ}33'$ West to a point on the South line of Lot 22 of said Firlok Park Subdivision;

Thence, along said South line, North $62^{\circ}04'$ East a distance of 17.10' to an interior corner of said Lot 22;

Thence, continuing along said South line, South $67^{\circ}15'$ East a distance of 23.18' to the Southwest corner of Lot 23 of said Firlok Park Subdivision;

Thence, along the South line of said Lot 23, South $67^{\circ}15'$ East a distance of 132.72' to the most Southerly corner of said Lot 23;

Thence, North $62^{\circ}23'$ East a distance of 36.43' to the Southeast corner of said Lot 23;

Thence, along the East line of said Lot 23, North $12^{\circ}26'$ East a distance of 107.70' to the most Easterly corner of said Lot 23;

Thence, continuing along said East line, North $52^{\circ}22'$ West a distance of 66.20' to an interior corner of said Lot 23;

Thence, continuing along said East line, North $10^{\circ}54'$ West a distance of 26.77' to an interior corner of said Lot 23;

Thence, continuing along said East line, North $1^{\circ}10'$ West a distance of 125.50' to the Northeast corner of said Lot 23;

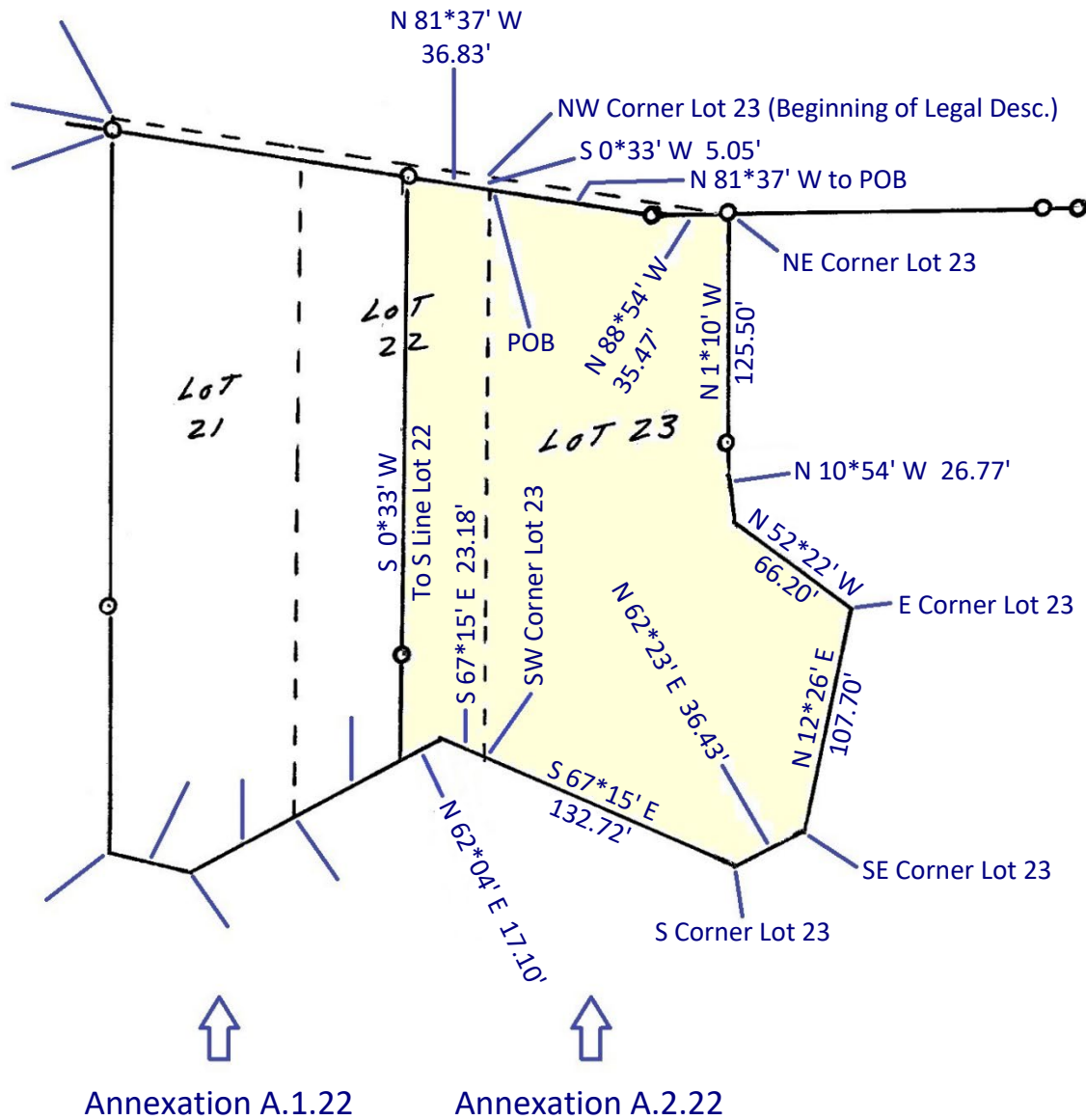
Thence, North $88^{\circ}54'$ West a distance of 35.47 feet to a point;

Thence, North $81^{\circ}37'$ West to the **True Point of Beginning**.

EXHIBIT B

S.W. 1/4 N.W. 1/4 SEC.8 T.4N. R.1W. W.M.

COLUMBIA COUNTY



**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Annexation A.2.22**

APPLICANT: Travis Jenkins
OWNERS: Same
ZONING: Columbia County's Single-Family Residential (R-10)
LOCATION: 35082 Maple Street; 4N1W-8BC-1900
PROPOSAL: The property owner filed consent to annex because they desire to connect to City sanitary sewer.

SITE INFORMATION / BACKGROUND

The subject property is an irregular shaped lot at 51,400 square feet or 1.18 acres. It is developed with a detached single-family dwelling, but a permit has been issued through Columbia County for a new detached single-family dwelling (County Permit No. 192-22-001312-DWL). The new dwelling is currently under construction. McNulty Creek runs along the southern property line. The site is accessed off Maple Street, which is a developed local classified street without frontage improvements (sidewalks and curb) abutting the property, although it is developed with frontage improvements across the street. Maple Street is a Columbia County jurisdiction road. The parcel is generally flat sloping towards McNulty Creek with large trees bordering the southern property line.

Abutting Zoning

North – City Moderate Residential (R7)
 East - County's Single-Family Residential (R-10) and City Mixed Use (MU)
 South - County's Single-Family Residential (R-10) and City Mixed Use (MU)
 West – County's Single-Family Residential (R-10)

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

April 11, 2023 before the Planning Commission
 May 17, 2023 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on March 20, 2023 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 March 29, 2023. Notice was sent to the Oregon Department of Land Conservation and Development on February 21, 2023 via e-mail.

AGENCY REFERRALS & COMMENTS

Columbia County Roads Department: The applicant already has an active access permit for this property. The applicant must complete all access improvements and meet all City of Saint Helens standards to obtain final sign off for their access.

Columbia County Land Development Services: Has no concerns about the annexation of this property that is located within the City of St. Helens' UGB and is adjacent to city limits.

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). Zoning and Comprehensive Plan designations are addressed under SHMC 17.28.030 (1).

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. Sewer and water capacity to serve this property is addressed in more detail under SHMC 17.28.030 (1) below. By this review process, the proposal complies with this aspect of the Comprehensive Plan. There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC.

There is no known conflict with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC. Zoning and Comprehensive Plan designations are addressed under SHMC 17.28.030 (1)

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 Suburban Residential (R10) or Moderate Residential (R7).**

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 property is within the McNulty water service district, which serves the existing dwelling. McNulty water will serve the new dwelling as well.

Sewer - The site is not currently hooked to City sewer. Access to the City sewer is available in Maple Street abutting the property. The County issued a building permit for a new detached single-family dwelling (County Permit No. 192-22-001312-DWL) which is currently under construction. As part of the approval, the County required the new dwelling to connect to the City's sewer.

With regards to *capacity*, the City's wastewater treatment plant currently has a daily limit (physically and as permitted by DEQ) to handle over 50,000 pounds of Biochemical Oxygen Demand (BOD) and a monthly average limit of 26,862 pounds. This 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. Sanitary sewer *capacity* is adequate.

With regards to *conveyance*, the city adopted a new **Wastewater Master Plan (WWMP)** in November 2021 that identifies undersized trunk lines already operating at or above capacity that further development of the subject property (e.g., land division creating new parcels) would depend on. The WWMP can be found here:

<https://www.sthelenoregon.gov/engineering/page/public-infrastructure-master-plans>

Sewer pipes are considered "at capacity" when peak flows exceed 85% of the full depth of the pipe in accordance with industry standards. This depth is based on the maximum depth of flow ratio (d/D), where "d" is the depth of flow and "D" is the pipe diameter. The WWMP includes an exhibit—Figure 18—that shows that the sanitary sewer main route between the subject property to the wastewater treatment plant has multiple areas that are operating at or above 100%, which is much greater than the industry and city standard 85% "at capacity" flows.

This annexation may still be approved given the sanitary sewer conveyance circumstances based on the following:

First, some of the issues are actively planned to be resolved. City Public Works and Engineering staff have begun to address the necessary sanitary sewer infrastructure upgrades having received a loan with Oregon DEQ's State Revolving Fund Program to fund both priority 1 projects (in basins 4 and 5) and priority 3 projects in basin 6. Basin 6 is applicable to this proposal and will resolve much of the conveyance deficiency between the subject property and the WWTP. City Public Works and Engineering indicate an anticipated 4-year timeframe (from October 2022, when DEQ approved a \$16.4 million loan) for completion of these upgrades.

Second, further development of the subject property is unlikely in the near future given that the remaining land outside for future land division and development is so limited. The property is already developed with a single-family dwelling, in addition to construction for the new a new single-family dwelling. Moreover, the natural constraints (flood plain and sensitive lands) addressed under SHMC 17.112.020 below are additional impediments to redevelopment.

Third, if the subject property was redeveloped with a proposal that required a land use permit (e.g., Site Development Review or Partition) while the conveyance issue still exists, the city may implement a proportional fee as a condition of approval to contribute to the conveyance projects in the WWMP to help offset the deficiency. Because single-family dwellings and duplexes are

not subject to Site Development Review per SHMC 17.96.020, the fee would not apply to that type of development. As a property that has an existing detached single-family dwelling and is already approved to be developed with another, this fee would not apply to this annexation.

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) The land use of the subject property is a detached single-family dwelling with a new 2nd dwelling under construction. This is a permitted use in the corresponding zoning district.

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 addressed under SHMC 17.28.030 (1) above. There is no evidence that adequate infrastructure will not be available to serve the annexed area if redeveloped in the future.

- ***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 Maple Street. Maple Street is classified as a local street with a minimum right-of-way width of 50', which is met. There are no frontage improvements (sidewalks and curb) abutting the subject property. 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 or right-of-way dedications. As such, no improvements are warranted with this proposal. At the time of future land division and/or development, these items would be considered.

(e) The subject property is not greater than 10 acres in gross size. An 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 options for zoning are Suburban Residential (R10) or Moderate Residential (R7). The Planning Commission recommended Suburban Residential (R10). The City Council agreed. The Comprehensive Plan designation would be Suburban Residential (Incorporated) (SR).

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

Discussion: In addition to already being developed with a single-family dwelling, this property is subject to natural resource protection measures under Goal 5 due to the presence Riparian Corridor R-MC-12 with a 50' upland protection zone and 100-year flood plain which constrains

approximately the southern half of the property. Therefore, this property is not considered buildable land under OAR 660-008-0005.

Finding: The subject property should be designated as “established.”

CONCLUSION & DECISION

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

All Columbia County Road Department Access requirements must be completed.

Rick Scholl, Mayor

Date

City of St. Helens
ORDINANCE NO. 3294

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN
PROPERTY AT 58927 FIRLOK PARK STREET

WHEREAS, applicant Toni & Robert Loveland have requested to annex to the City of St. Helens certain property at 58927 Firlok Park Street. This property is also described per **Exhibit A** and depicted per **Exhibit B**; 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 May 17, 2023 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 **Exhibit A** and depicted in **Exhibit B** 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 Apartment Residential (AR).

Section 4. The St. Helens Comprehensive Plan Map is hereby amended to reflect that the property described herein shall be designated as General Residential (GR).

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.1.23 Findings of Fact and Conclusions of Law, attached hereto as **Exhibit C** 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: June 7, 2023
Read the second time: June 21, 2023

APPROVED AND ADOPTED this 21st day of June, 2023 by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

EXHIBIT A
LEGAL DESCRIPTION

A parcel of land located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, Township 4 N., Range 1 W., Willamette Meridian, Columbia County, Oregon, more specifically described as follows:

Beginning at a point on the West right-of-way line of Firlok Park Street, which is the Southeast corner of Partition Plat No. 2005-40 recorded as instrument number 2005-17675 on December 30, 2005 in Columbia County records, also the **True Point of Beginning**;

Thence, Southerly along said West right-of-way line a distance of 118' to a point;

Thence, North 89°27' West a distance of 192.8' to a point;

Thence, North 0°33' West a distance of 18' to a point;

Thence, North 89°27' West a distance of 20' to a point on the East line of the Parkwood Crossing Phase 1 Subdivision, City of St. Helens, Columbia County, Oregon;

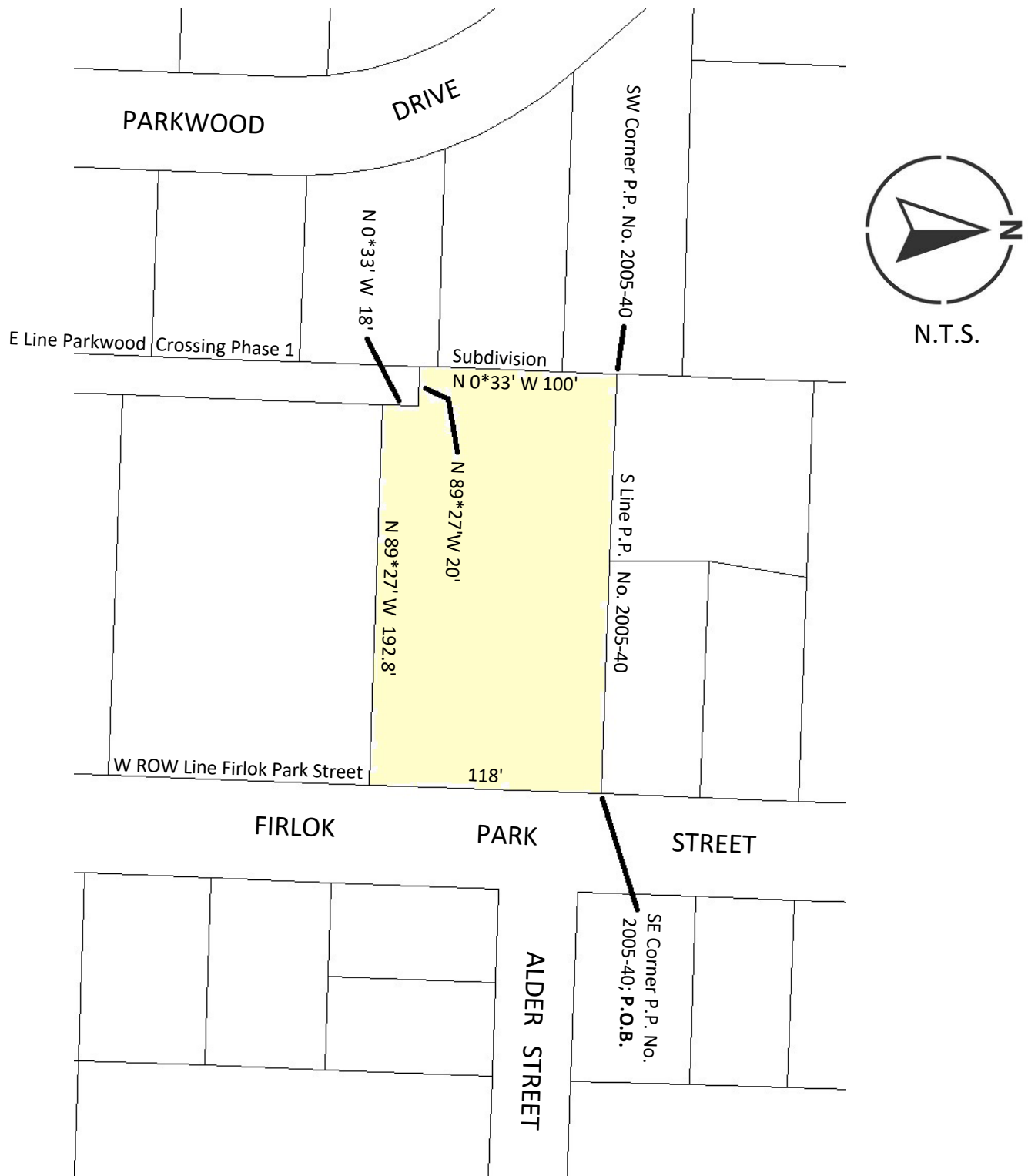
Thence, along said East line, North 0°33' West a distance of 100' to a point, which is the Southwest corner of Partition Plat No. 2005-40 recorded as instrument number 2005-17675 on December 30, 2005 in Columbia County records;

Thence, Easterly along the South line of said Partition Plat to the **True Point of Beginning**.

EXHIBIT B

N.W. 1/4 N.W. 1/4 SEC.8 T.4N. R.1W. W.M.

COLUMBIA COUNTY



**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Annexation A.1.23**

APPLICANT: Toni & Robert Loveland
OWNERS: Same
ZONING: Columbia County's Multi-Family Residential (MFR)
LOCATION: 58927 Firlok Park Street; 4N1W-8BB-2000
PROPOSAL: The property owner filed consent to annex because they desire to use the City's development rules and connect to City sanitary sewer.

SITE INFORMATION / BACKGROUND

The subject property is a rectangular shaped lot at 24,394 square feet or 0.56 acres. The property is developed with an existing detached single-family dwelling and two separate accessory structures. It is accessed by Firlok Park Street, which is a developed collector classified street without frontage improvements (sidewalks, curb, and landscape strip) on either side. The road is within the County's jurisdiction. The parcel slopes to the back with the North Fork McNulty Creek bordering the western property line. The dwelling is connected to City water, but not City sewer, although it is available in the Firlok Park Street right-of-way abutting the property.

Abutting Zoning

North – City Apartment Residential (AR)
 East – City Apartment Residential (AR)
 South – County Multi-Family Residential (MFR)
 West – City Moderate Residential (R7)

PUBLIC HEARING & NOTICE

Hearing dates are as follows:
 April 11, 2023 before the Planning Commission
 May 17, 2023 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on March 20, 2023 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 March 29, 2023. Notice was sent to the Oregon Department of Land Conservation and Development on February 21, 2023 via e-mail.

AGENCY REFERRALS & COMMENTS

Columbia County Roads Department: Does not have any comments or concerns for the annexation of this property. In the future, if this property goes through any development that requires a building permit then they will need to obtain an access permit through the County Public Works Department.

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 Multi-Family Residential (UMFR). Zoning and Comprehensive Plan designations are addressed under SHMC 17.28.030 (1).

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. Sewer and water capacity to serve this property is addressed in more detail under SHMC 17.28.030 (1) below. By this review process, the proposal complies with this aspect of the Comprehensive Plan. There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC.

There is no known conflict with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC. Zoning and Comprehensive Plan designations are addressed under SHMC 17.28.030 (1)

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 Multi-Family Residential (MFR) and the City's only zoning option given annexation is Apartment Residential (AR).**

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 existing single-family dwelling is currently served by City water. Regarding capacity, 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 site is not currently hooked to City sewer, although it is available for connection in the Firlok Park Street right-of-way. The existing dwelling is served by an on-site system. The applicant has indicated a desire to build a 2nd dwelling on the property, which would be required to connect to City sewer.

With regards to *capacity*, the City's wastewater treatment plant currently has a daily limit (physically and as permitted by DEQ) to handle over 50,000 pounds of Biochemical Oxygen Demand (BOD) and a monthly average limit of 26,862 pounds. This 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. Sanitary sewer *capacity* is adequate.

With regards to *conveyance*, the city adopted a new **Wastewater Master Plan (WWMP)** in November 2021 that identifies undersized trunk lines already operating at or above capacity that this development would depend on. The WWMP can be found here:

<https://www.sthelensoregon.gov/engineering/page/public-infrastructure-master-plans>

Sewer pipes are considered "at capacity" when peak flows exceed 85% of the full depth of the pipe in accordance with industry standards. This depth is based on the maximum depth of flow ratio (d/D), where "d" is the depth of flow and "D" is the pipe diameter. The WWMP includes an exhibit—Figure 18—that shows that the sanitary sewer main route between the subject property to the wastewater treatment plant has multiple areas that are operating at or above 100%, which is much greater than the industry and city standard 85% "at capacity" flows.

This annexation may still be approved given the sanitary sewer conveyance circumstances based on the following:

First, some of the issues are actively planned to be resolved. City Public Works and Engineering staff have begun to address the necessary sanitary sewer infrastructure upgrades having received a loan with Oregon DEQ's State Revolving Fund Program to fund both priority 1 projects (in basins 4 and 5) and priority 3 projects in basin 6. Basin 6 is applicable to this proposal and will resolve much of the conveyance deficiency between the subject property and the WTP. City Public Works and Engineering indicate an anticipated 4-year timeframe (from October 2022, when DEQ approved a \$16.4 million loan) for completion of these upgrades.

Second, further development of the subject property is unlikely in the near future. The location of existing single-family dwelling and detached garage is inefficient for land division and leaves little developable area left on the property. Moreover, the natural constraints (flood plain and sensitive lands) addressed under SHMC 17.112.020 below are additional impediments to redevelopment.

Third, if the subject property was redeveloped with a proposal that required a land use permit (e.g., Site Development Review or Partition) while the conveyance issue still exists, the city may implement a proportional fee as a condition of approval to contribute to the conveyance projects in the WWMP to help offset the deficiency. Because single-family dwellings and duplexes are not subject to Site Development Review per SHMC 17.96.020, the fee would not apply to that type of development. As an existing detached single-family dwelling developed property, this fee does not apply to this annexation.

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) The proposed land use of the subject property is a detached single-family dwelling. This is a permitted use in the corresponding zoning district.

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 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 addressed under SHMC 17.28.030 (1) above. There is no evidence that adequate infrastructure will not be available to serve the annexed area if redeveloped in the future.

- ***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 Firlok Park Street. Firlok Park Street is classified as a collector street with a minimum right-of-way width of 60', which is not met. There are also no frontage improvements (sidewalks, curb, landscaping strip) abutting the subject property. 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 or right-of-way dedications. As such, no improvements are warranted with this proposal. At the time of future land division and/or development, these items would be considered.

(e) The subject property is not greater than 10 acres in gross size. An 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 Unincorporated Multifamily Residential (UMFR). The City's only option for zoning is Apartment Residential (AR). The Comprehensive Plan designation would be General Residential (Incorporated) (GR).

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

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.

Discussion: In addition to already being developed with a single-family dwelling, this property is subject to natural resource protection measures under Goal 5 due to the presence of Wetland MC-9 (Type I) with a 75' protection zone and Riparian Corridor R-MC-13 with a 50' upland protection zone. Therefore, this property is not considered buildable land under OAR 660-008-0005.

Finding: The subject property should be designated as “established.”

CONCLUSION & DECISION

Based upon the facts and findings herein, and the recommendations of staff and the Planning Commission, City Council approves this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of General Residential (GR), be zoned Apartment Residential (AR), and be designated as “established.”

Rick Scholl, Mayor

Date

City of St. Helens
ORDINANCE NO. 3295

**AN ORDINANCE TO CHANGE THE NAME OF MILL STREET AS LOCATED ALONG
 THE SOUTH SIDE OF LOT 8, BLOCK 10, CITY OF ST. HELENS, TO WAPAMA WAY**

WHEREAS, redevelopment of the Riverfront District contemplates development, expansion and extension of an existing 40' wide, 100' long segment of public right-of-way located along the south side of Lot 8, Block 10, City of St. Helens; and

WHEREAS, City of St. Helens Ordinance No. 707, which vacated some of this right-of-way in 1941 and Sanborn maps from the early 20th century identify this street as Mill Street; and

WHEREAS, pursuant to St. Helens Municipal Code 17.152.030(12) no street name shall be used which will duplicate or be confused with the names of existing streets in Columbia County emergency communications district, except for extensions of existing streets; and

WHEREAS, there is already a Mill Street with established uses and addresses off of North Vernonia Road within the City of St. Helens municipal boundary;

WHEREAS, as required by ORS 227.120, the Planning Commission considered the need to change the name on March 21, 2023 and made recommendation to the City Council;

WHEREAS, as required by ORS 227.120, the City Council held a public hearing on April 5, 2023, continued to May 3, 2023, to allow for interested person and the general public input to consider name options;

WHEREAS, staff communicated with Columbia 9-1-1 Communications District throughout the process to ensure any selected name would be acceptable;

WHEREAS, the City Council deliberated on the matter on May 3, 2023 and May 17, 2023, making a final decision on May 17, 2023.

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 reference.

Section 2. The 40' wide, 100' long segment of public right-of-way located along the south side of Lot 8, Block 10, City of St. Helens, and any expansion and/or extension thereof shall be known as Wapama Way.

Section 3. 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: June 7, 2023
 Read the second time: June 21, 2023

APPROVED AND ADOPTED this 21st day of June, 2023, by the following vote:

Ayes:

Item #5.

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

City of St. Helens
ORDINANCE NO. 3296

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE CHAPTER 12.20,
AND ADDING CHAPTER 12.22 REGARDING CAMPING ON PUBLIC PROPERTY

WHEREAS, the St. Helens City Council recognizes that its current policies for camping on public property need to be amended given ORS 195.530 (Oregon HB 3115 from the 2021 legislative session), case law from the 9th Circuit Court of Appeals (e.g., *Martin v. Boise* and *Blake v. Grants Pass*) and other legal standards at the time of adoption.

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 reference.

Section 2. The City of St. Helens Municipal Code is hereby amended, attached hereto as **Attachment "A"** and **Attachment "B"** and made part of this reference.

Section 3. Severability. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 4. Provisions of this Ordinance shall be incorporated in the St. Helens Municipal Code and the word "ordinance" may be changed to "code," "article," "section," or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that Whereas clauses and boilerplate provisions need not be codified.

Section 5. Emergency. Conditions in the City of St. Helens are such that this Ordinance is necessary for the immediate preservation of the public health, peace, and safety. An emergency is hereby declared to exist by unanimous vote of the Council, and this Ordinance shall be in full force and effect after its passage and approval by the Mayor.

Read the first time: June 7, 2023
Read the second time: June 21, 2023

APPROVED AND ADOPTED this 21st day of June, 2023 by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

underlined words are added
~~words-stricken~~ are deleted

[...] means skipping text as it reads in the code (e.g., to focus on text being edited in this document)

CHAPTER 12.20 RIGHT-OF-WAY REGULATIONS

[...]

12.20.010 Definitions.

For the purpose of this chapter, the following mean:

~~(1) “Campsite” means any place where bedding, sleeping bag, or other sleeping matter or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or shelter, or any vehicle or part thereof.~~

~~(2)~~(1) “City” means the city of St. Helens, Oregon.

~~(3)~~(2) “Person” means individual, corporation, association, firm, partnership, joint stock company, and similar entities.

~~(5)~~(3) “Public rights-of-way” include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas, including subsurface and air space over these areas.

~~(6) “To camp” means to set up, or to remain in or at, a campsite.~~

~~(7)~~(4) “Within the city” means territory over which the city now has or acquires jurisdiction for the exercise of its powers.

[...]

~~12.20.060 Camping in public rights-of-way or on public property.~~

~~(1) It is unlawful for any person to camp in or upon any public right-of-way or public property, unless otherwise specifically authorized by the city administrator.~~

~~(2) Violation of this section shall be punishable by a fine of not more than \$250.00.~~

All text of this Attachment "B" is new for the St. Helens Municipal Code

CHAPTER 12.22 SLEEPING AND CAMPING ON PUBLIC PROPERTY

12.22.010 Findings and Purpose.

(1) The City of St. Helens hereby adopts the provisions of this Chapter regulating sleeping, lying, camping and keeping warm and dry on public property. Pursuant to ORS 195.530, and ORS 195.500, the City of St. Helens recognizes the social nature of the problem of homeless individuals camping on public property and implements the following laws as part of its policies to ensure the most humane treatment for removal of homeless individuals from camping sites on public property per ORS 195.500, 195.505, and 195.530.

(2) The City of St. Helens finds as follows:

(a) The use of public property for sleeping, keeping warm and dry that is within 100 yards of any privately owned or rented property that is not in conformance with places, manners, and time described herein necessarily affects the health and safety of the public, the quiet enjoyment of the persons owning or renting property, whether it be for residential or business purposes.

(b) Public places, roads, parks, trails, rights of way, the waterfront and public property being clean, and safe are vital for the health, safety, and wellbeing of the public.

(c) The dangers of unlawful use of public property to the public health, safety and welfare are the same regardless of the economic circumstances of the persons violating the law.

(d) Persons experiencing homelessness are homeless for wide a variety of reasons that include, but are not limited to:

- (i) Insufficient funds to afford stable housing;
- (ii) Mental illness;
- (iii) Addiction to drugs and/or alcohol;
- (iv) Personal preferences and lifestyle choices; and
- (v) Any and all of the above.

(e) The City of St. Helens cannot reasonably supply areas of public property for people to sleep and keep warm and dry who are experiencing homelessness other than on a temporary basis.

12.22.020 Definitions.

For the purpose of this Chapter, the following mean:

(1) "Camping" or "To Camp" means to establish a Campsite either through occupation or storage of personal property on any location of City Property for more than 24 consecutive hours.

(2) "Campsite" means a location upon City Property where Camping Materials are placed. Resting or sleeping in a vehicle is not a campsite. Resting or sleeping in a vessel in a waterway pursuant to Chapter 8.28 SHMC is not a campsite.

(3) "Camping Materials" include, but are not limited to, tents, huts, awnings, lean-tos, chairs, tarps, collections of personal property and/or similar items that are, or reasonably appear to be,

arranged and/or used as camping accommodations.

(4) “City Property” includes, but is not limited to, parks, rights of way, parking lots, easements, or other land owned, leased, controlled, or managed by the City of St. Helens.

(5) “Public rights-of-way” include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas, including subsurface and air space over these areas.

(6) “Personal Property” means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

(7) “Relocated” or “To relocate” means to move off of City Property or to a different City Property. This definition does not include moving to another portion of the same City Property.

12.22.030 Camping and Storage of Personal Property Upon City Property Prohibited.

(1) It is unlawful for any person To Camp upon City Property unless otherwise specifically authorized by law or by declaration of the City Manager. In no event shall a City Manager’s declaration exceed 30 days unless expressly approved by the City Council.

(2) Notwithstanding subsection (1) of this Section, it is unlawful to establish a Campsite for any period of time at the following locations, unless otherwise authorized by law or by declaration of the City Manager:

(a) City Parks, except as provided by Chapter 8.24 SHMC for recreation purposes and based on properly obtained permits and paid fees as opposed to this Chapter which is based on no permit or fee per subsection (4)(a) of this Section;

(b) City Property within 100 yards of any ground floor entrance of any building lawfully used as a residence or business;

(c) City Property within 100 yards of any school property occupied by a lawfully existing school or school related use;

(d) Within any publicly owned building that is not established or maintained for the purpose of sleeping, resting, shelter, camping, or other similar activities;

(e) Within 50’ of any part of the shore to McNulty Creek and Milton Creek and any docks thereto;

(f) Within 75’ of the shore to the Columbia River, Multnomah Channel and Scappoose Bay and any docks thereto;

(g) All residential zoning districts and the Riverfront District zoning district per Chapter 17.32 SHMC, including the sidewalks therein; and

(h) Any Public right-of-way, with the exception of sidewalks not otherwise specifically regulated. As to sidewalks not otherwise specifically regulated, a Campsite that does not restrict the free movement of pedestrian travel, including those pedestrians that require the use of a wheelchair or other assistive device to navigate the sidewalks does not violate this ordinance until it becomes Camping per SHMC 12.20.020(1). A campsite that restricts pedestrian travel is a violation of this Section in all areas of the City.

(3) Notwithstanding subsections (1) and (2) of this Section, it is unlawful to store Personal Property, including but not limited to, Camping Materials and Campsites, on any City Property for any purpose that:

(a) Occupies more than a 12 foot x 12 foot area;

(b) Obstructs any passageway, including but not limited to a street, roadway, sidewalk, pedestrian way, bikeway, and trail;

(c) Remains in any location without being removed or Relocated at least once every 24 hours; and

(d) Results in any removal, mutilation or clearing of vegetation, or ground disturbance including but not limited to digging, burrowing, tunneling, excavating, and quarrying.

(4) In addition to the provisions of subsections (1), (2), and (3) of this Section, Camp sites and Camping engaged in under this Section shall:

(a) Not require a permit or fee;

(b) Be maintained in an orderly fashion; shall not include littering; shall not include the spreading of rubbish;

(c) Maintain the Campsite in a clean, sanitary, and nonpolluting condition during use of and upon vacating the Campsite; and

(d) Comply with all applicable provisions of the St. Helens Municipal Code, and State and Federal Law, in addition to this Chapter.

(5) The City shall remove individuals and unclaimed Personal Property from a Campsite as provided by ORS 195.500 and 195.505.

12.22.040 Violation.

(1) Upon encountering a person who seeks to sleep, camp, or keep warm and dry upon City Property or Public rights-of-way in a place, manner, or time that is inconsistent with this Chapter, law enforcement personnel and/or public services personnel shall use their best judgment concerning the individual circumstances of such person and direct them to available city services, county services, state services, or non-profit service agencies, and locations within and/or outside the City of St. Helens where a person may find services to help them.

(2) Violation of this Chapter is punishable by a fine not to exceed \$50. The amount imposed shall be at the discretion of the judge. The judge may reduce or eliminate the fine if the person cited demonstrates they have meaningfully engaged with a local social services provider within 14 days of receiving a citation under any provision of SHMC 12.20.030.

City of St. Helens
RESOLUTION NO. 1980

**A RESOLUTION ESTABLISHING GARBAGE & RECYCLING
 RATES AND SUPERSEDING RESOLUTION NO. 1963**

WHEREAS, Hudson Garbage continues to be a community resource, faithfully serving homes and businesses to keep St. Helens clean with little fanfare; and

WHEREAS, Hudson Garbage has experienced dramatic upward cost pressures over the past several years. They have had to adjust wages to remain competitive with the Portland and Longview markets, especially for drivers and mechanics. This year, they are faced with rising diesel fuel prices which are up 67% year over year, and the County disposal tip fee is scheduled to increase 5.1% on July 1; and

WHEREAS, given these pressures, Hudson Garbage is requesting an increase of 6.5% on all rates, retroactive to July 1, 2023.

NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:

Section 1. Effective July 1, 2023, garbage and recycling rates for the City of St. Helens are hereby adopted as set forth in **Exhibit A**, attached hereto and made a part hereof by this reference.

Section 2. This Resolution supersedes Resolution No. 1963.

Approved and adopted by the City Council on June 7, 2023, by the following vote:

Ayes:

Nays:

 Rick Scholl, Mayor

ATTEST:

 Kathy Payne, City Recorder

HUDSON GARBAGE SERVICE
RATES EFFECTIVE July 1, 2023
CITY OF ST. HELENS

Item #7.

ST. HELENS CITY

RESIDENTIAL SERVICES

	RATE FREQUENCY	CURRENT RATE	NEW RATE
WEEKLY			
(1) 35 Gallon Cart Weekly	PER MONTH	\$ 31.11	\$ 33.13
Each Additional 35 Gallon Cart Weekly	PER MONTH	\$ 18.38	\$ 19.57
(1) 65 Gallon Cart Weekly	PER MONTH	\$ 47.86	\$ 50.97
Each Additional 65 Gallon Cart Weekly	PER MONTH	\$ 42.12	\$ 44.85
(1) 95 Gallon Cart Weekly	PER MONTH	\$ 64.58	\$ 68.78
Each Additional 95 Gallon Cart Weekly	PER MONTH	\$ 56.83	\$ 60.52
EOW			
(1) 35 Gallon Cart Every Other Week	PER MONTH	\$ 22.46	\$ 23.92
Each Additional 35 Gallon Cart Every Other Week	PER MONTH	\$ 13.68	\$ 14.57
(1) 65 Gallon Cart Every Other Week	PER MONTH	\$ 34.51	\$ 36.75
Each Additional 65 Gallon Cart Every Other Week	PER MONTH	\$ 30.37	\$ 32.34
(1) 95 Gallon Cart Every Other Week	PER MONTH	\$ 46.29	\$ 49.30
Each Additional 95 Gallon Cart Every Other Week	PER MONTH	\$ 40.73	\$ 43.38
MONTHLY			
(1) 35 Gallon Cart OAM	PER MONTH	\$ 6.80	\$ 7.24
(1) 35 Gallon Cart OAM - With Recycle	PER MONTH	\$ 12.42	\$ 13.23
ON-CALL			
(1) 35 Gallon Cart On Call	PER PICKUP	\$ 6.23	\$ 6.63
Each Additional 35 Gallon On Call After First	PER PICKUP	\$ 5.48	\$ 5.84
RECYCLE - GREENWASTE			
(1) 65 Gallon Recycle Weekly - Only Recycle or On Call Garbage	PER MONTH	\$ 9.98	\$ 10.63
(1) 65 Gallon Recycle Weekly - Additional or OAM Garbage	PER MONTH	\$ 8.78	\$ 9.35
(1) 95 Gallon Greenwaste EOW	PER MONTH	\$ 9.98	\$ 10.63
(1) 95 Gallon Greenwaste EOW - With Garbage Service	PER MONTH	\$ 4.62	\$ 4.92

HUDSON GARBAGE SERVICE
RATES EFFECTIVE July 1, 2023
CITY OF ST. HELENS

Item #7.

ST. HELENS CITY

	RATE FREQUENCY	CURRENT RATE	NEW RATE
OTHER RESIDENTIAL			
Res Extra Can/Car, Bag or Box (32-35 Gallons)	PER PICKUP	\$ 4.78	\$ 5.09
Res Every Other Week Off Week	PER PICKUP	\$ 6.17	\$ 6.57
Res Extra Bag (12 Gallon Kitchen Bag)	PER PICKUP	\$ 3.42	\$ 3.64
Res Overfill/Overweight Cart or Can	PER PICKUP	\$ 2.80	\$ 2.98
Res Oversize Can	PER PICKUP	\$ 2.80	\$ 2.98
Res Special Trip Off Day	PER PICKUP	\$ 20.00	\$ 20.00
Res Walk In Fee	PER MONTH	\$ 4.50	\$ 4.79
Res Drive In Fee	PER MONTH	\$ 4.50	\$ 4.79
Drive-In Additional 100Ft Increments	PER MONTH	\$ 2.51	\$ 2.67
Res Restart Fee - Includes Cart Re-delivery	ONE TIME	\$ 25.00	\$ 25.00
Returned Check Fee	ONE TIME	\$ 20.00	\$ 20.00
Res Time Fee (Labor for Clean Up - Per Min)	PER MIN	\$ 1.25	\$ 1.34

COMMERCIAL

Temp 2 Yard Container (First 7 Days)	PER PICKUP	\$ 77.68	\$ 82.73
Comm Daily Rental Fee (After 7 Days)	PER DAY	\$ 2.51	\$ 2.67
Comm Container Overfill/Overweight	PER YARD	\$ 18.71	\$ 19.93
Comm Container Extra Yardage Fee	PER YARD	\$ 18.71	\$ 19.93
Comm Time Fee (Labor for Clean Up - Per Min)	PER MIN	\$ 1.25	\$ 1.33
Return Trip Charge - Business	PER PICKUP	\$ 20.00	\$ 20.00
Walk-In - Business	PER PICKUP	\$ 4.88	\$ 5.20

BULKY

TIRE under 16" no/rim	PER PICKUP	\$ 6.46	\$ 6.88
TIRE under 16" w/rim	PER PICKUP	\$ 15.07	\$ 16.05
HOT WATER HEATER	PER PICKUP	\$ 33.81	\$ 36.01
SM MATTRESS	PER PICKUP	\$ 11.19	\$ 11.92
M/LG MATTRESS	PER PICKUP	\$ 16.69	\$ 17.77
SM FURNITURE	PER PICKUP	\$ 15.98	\$ 17.02
M/LG FURNITURE	PER PICKUP	\$ 33.35	\$ 35.52
SM APPLIANCE*	PER PICKUP	\$ 16.46	\$ 17.53
M/LG APPLIANCE*	PER PICKUP	\$ 33.81	\$ 36.01

*(No refrigerators, freezers, Freon or compressors)

WEEKLY

(1) 35 Gallon Cart Weekly Business	PER MONTH	\$ 21.30	\$ 22.68
Each Additional 35 Gallon Cart Weekly Business	PER MONTH	\$ 20.62	\$ 21.96
(1) 65 Gallon Cart Weekly	PER MONTH	\$ 47.86	\$ 50.97
Each Additional 65 Gallon Cart Weekly	PER MONTH	\$ 42.12	\$ 44.85
(1) 95 Gallon Cart Weekly	PER MONTH	\$ 64.58	\$ 68.78
Each Additional 95 Gallon Cart Weekly	PER MONTH	\$ 56.83	\$ 60.52

HUDSON GARBAGE SERVICE
RATES EFFECTIVE July 1, 2023
CITY OF ST. HELENS

ST. HELENS CITY

	RATE FREQUENCY	CURRENT RATE	NEW RATE
<u>EOW</u>			
(1) 35 Gallon Cart Every Other Week Business	PER MONTH	\$ 12.75	\$ 13.58
Each Additional 35 Gallon Cart Every Other Week Business	PER MONTH	\$ 12.62	\$ 13.44
(1) 65 Gallon Cart Every Other Week	PER MONTH	\$ 23.74	\$ 25.28
Each Additional 65 Gallon Cart Every Other Week	PER MONTH	\$ 20.89	\$ 22.25
(1) 95 Gallon Cart Every Other Week	PER MONTH	\$ 46.29	\$ 49.30
Each Additional 95 Gallon Cart Every Other Week	PER MONTH	\$ 40.73	\$ 43.38
<u>OTHER COMMERCIAL</u>			
(1) 35 Gallon On Call Business	PER MONTH	\$ 6.23	\$ 6.63
(1) 35 Gallon 1x Monthly Business	PER PICKUP	\$ 6.80	\$ 7.24
Comm Overfill/Overweight Can/Cart Business	PER PICKUP	\$ 2.80	\$ 2.98
(1) 65 Gallon Recycle Weekly - Only Recycle or On Call Garbage	PER MONTH	\$ 9.98	\$ 10.63
(1) 65 Gallon Recycle Weekly - Additional or OAM Garbage	PER MONTH	\$ 5.63	\$ 6.00
(1) 95 Gallon Recycle Weekly - Only Recycle or On Call Garbage	PER MONTH	\$ 9.98	\$ 10.63
(1) 95 Gallon Recycle Weekly - Additional or OAM Garbage	PER MONTH	\$ 5.63	\$ 6.00
(1) 95 Gallon Yard Waste EOW	PER MONTH	\$ 4.62	\$ 4.92
<u>CONTAINER SERVICE</u>			
1 Yard Container On Call - Additional Pick Up	PER PICKUP	\$ 32.27	\$ 34.37
1 Yard Every Other Week Service	PER MONTH	\$ 66.56	\$ 70.89
1 Yard Container Weekly Service	PER MONTH	\$ 107.52	\$ 114.51
*Each additional	PER MONTH	\$ 99.24	\$ 105.69
1 Yard Container 2 x Weekly Service	PER MONTH	\$ 199.94	\$ 212.94
*Each additional	PER MONTH	\$ 184.11	\$ 196.08
1 Yard Container 3 x Weekly Service	PER MONTH	\$ 296.40	\$ 315.67
*Each additional	PER MONTH	\$ 259.52	\$ 276.39
1 Yard Container 4 x Weekly Service	PER MONTH	\$ 381.87	\$ 406.69
*Each additional	PER MONTH	\$ 327.90	\$ 349.21
1 Yard Container 5 x Weekly Service	PER MONTH	\$ 479.24	\$ 510.39
*Each additional	PER MONTH	\$ 414.23	\$ 441.15
1.5 Yard Container On Call - Additional Pick Up	PER PICKUP	\$ 42.40	\$ 45.16
1.5 Yard Every Other Week Service	PER MONTH	\$ 95.10	\$ 101.28
1.5 Yard Container Weekly Service	PER MONTH	\$ 151.86	\$ 161.73
*Each additional	PER MONTH	\$ 140.90	\$ 150.06
1.5 Yard Container 2 x Weekly Service	PER MONTH	\$ 289.07	\$ 307.86
*Each additional	PER MONTH	\$ 269.57	\$ 287.09
1.5 Yard Container 3 x Weekly Service	PER MONTH	\$ 426.26	\$ 453.97
*Each additional	PER MONTH	\$ 394.09	\$ 419.71
1.5 Yard Container 4 x Weekly Service	PER MONTH	\$ 542.10	\$ 577.34
*Each additional	PER MONTH	\$ 500.63	\$ 533.17
1.5 Yard Container 5 x Weekly Service	PER MONTH	\$ 686.05	\$ 730.64
*Each additional	PER MONTH	\$ 621.44	\$ 661.83

HUDSON GARBAGE SERVICE
RATES EFFECTIVE July 1, 2023
CITY OF ST. HELENS

Item #7.

ST. HELENS CITY

	RATE FREQUENCY	CURRENT RATE	NEW RATE
2 Yard Container On Call - Additional Pick Up	PER PICKUP	\$ 50.92	\$ 54.23
2 Yard Every Other Week Service	PER MONTH	\$ 104.66	\$ 111.46
2 Yard Container Weekly Service	PER MONTH	\$ 201.26	\$ 214.34
*Each additional	PER MONTH	\$ 186.60	\$ 198.73
2 Yard Container 2x Weekly Service	PER MONTH	\$ 380.52	\$ 405.25
*Each additional	PER MONTH	\$ 352.17	\$ 375.06
2 Yard Container 3x Weekly Service	PER MONTH	\$ 570.84	\$ 607.94
*Each additional	PER MONTH	\$ 498.55	\$ 530.96
2 Yard Container 4x Weekly Service	PER MONTH	\$ 724.22	\$ 771.29
*Each additional	PER MONTH	\$ 631.14	\$ 672.16
2 Yard Container 5x Weekly Service	PER MONTH	\$ 903.84	\$ 962.59
*Each additional	PER MONTH	\$ 776.44	\$ 826.91
3 Yard Container On Call - Additional Pick Up	PER PICKUP	\$ 65.13	\$ 69.36
3 Yard Container 1x Weekly Service	PER MONTH	\$ 263.63	\$ 280.77
3 Yard Container 2x Weekly Service	PER MONTH	\$ 492.49	\$ 524.50
3 Yard Container 3x Weekly Service	PER MONTH	\$ 721.38	\$ 768.27
3 Yard Container 4x Weekly Service	PER MONTH	\$ 950.25	\$ 1,012.02
3 Yard Container 5x Weekly Service	PER MONTH	\$ 1,179.02	\$ 1,255.66
4 Yard Every Other Week Service	PER MONTH	\$ 199.47	\$ 212.44
4 Yard Container 1x Weekly Service	PER MONTH	\$ 322.70	\$ 343.68
4 Yard Container 2x Weekly Service	PER MONTH	\$ 627.88	\$ 668.69
4 Yard Container 3x Weekly Service	PER MONTH	\$ 933.00	\$ 993.65
4 Yard Container 4x Weekly Service	PER MONTH	\$ 1,238.18	\$ 1,318.66
4 Yard Container 5x Weekly Service	PER MONTH	\$ 1,543.35	\$ 1,643.67
5 Yard Container 1x Weekly Service	PER MONTH	\$ 445.16	\$ 474.10
5 Yard Container 2x Weekly Service	PER MONTH	\$ 871.46	\$ 928.10
5 Yard Container 3x Weekly Service	PER MONTH	\$ 1,297.86	\$ 1,382.22

City of St. Helens
RESOLUTION NO. 1981

**A RESOLUTION TO ESTABLISH WATER, SEWER, STORM DRAINAGE
UTILITY RATES AND CHARGES, AND ADMINISTRATIVE RULES**

WHEREAS, St. Helens Municipal Code Chapter 13, Section 02.040 states rates, fees, and other charges for utility services, including, but not limited to, delinquent fees, reinstatement fees, and any other account fees, shall be set or amended by Council in a public forum after considering a staff report to provide an overview and allowing for public comments and testimony. Council shall pass a rate resolution after the forum; and

WHEREAS, The St. Helens City Council conducted a work session concerning utility rates and charges on May 4, 2022. At that work session a staff report on utility rates and charges was presented and a quorum of the Council was present and accepted the facts and findings contained in that staff report; and

WHEREAS, on June 7, 2023, a public meeting was held by the City Council to consider changes to the current schedule of utilities rates and charges. At that meeting the Council afforded the public time to comment on the proposed utilities rates and charges.; and

WHEREAS, the City Council concludes it is appropriate to charge utilities rates, fees, and service charges to fund the operations, maintenance, and capital improvement of the City's municipal utilities systems; and

WHEREAS, the City Council has determined the proposed schedule of utilities rates, fees, and service charges hereinafter specified and established are just, reasonable, and necessary.

NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:

Section 1: Amendment and updating of utilities rates, fees, and service charges. In accordance with St. Helens Municipal Code Chapter 13, this Resolution reaffirms the methodology and provides the basis for utilities rates, fees, and service charges.

Section 2: Scope of amendment and update of utilities rates, fees, and service charges. The utilities rates, fees, and service charges established by this Resolution are separate from, and in addition to, any other applicable taxes, fees, assessments, or charges, including but not limited to system development charges, which are required by the City of St. Helens or represent a condition of a land use or development approval.

Section 3: Effective date. This Resolution shall become effective upon its adoption by the St. Helens City Council.

Section 4: Review. This Resolution may be reviewed at the pleasure of the City Council, and the rates may be amended as appropriate.

Section 5: Repeal of prior resolution. Resolution No. 1966 (September 21, 2022) is hereby rescinded and replaced with new rates, fees, and service charges effective immediately.

Section 6: Schedule of new rates. Itemized in the following Exhibits is the schedule of utilities rates, fees, and service charges effective for the first full billing cycle beginning on or after July 15, 2023.

APPROVED AND ADOPTED by the City Council this 7th day of June 2023, by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

Exhibit 1

City of St. Helens
Utility Billing Administrative Rules
Approved by City Council as of June 7, 2023

Rates to be applied for the first full billing cycle beginning on or after July 15, 2023

1. NEW ACCOUNTS AND DEPOSITS

To begin service, a Utility Account Application must be filled out and turned into the Utility Billing office. The application is available at the office and online. There is no deposit required to start service. Water service will not be turned on until an application is reviewed and approved by the Utility Billing staff. A renter is required to receive a signature from the property owner/property manager approving the renter to begin service. With the owner's signature, the owner is acknowledging responsibility for any unpaid bill that is remaining on the account when service ends.

Water Service can be turned on/off by Public Works employees from Monday through Friday 9 AM – 4 PM for no charge. Outside of those hours, water service can be turned on/off by request for a flat fee of \$100. The \$100 will be placed as a charge on the account.

When a customer is new, any old account at the service address must be paid in full before a new account is started and water service is turned on. In the case of renters, an old account bill responsibility will fall to the homeowner to be paid before a new renter's service will be turned on. It is the owner/renter's responsibility to notify the utility billing department when a renter is moving out so that a final bill can be processed.

2. UTILITY ASSISTANCE PROGRAM

The Utility Assistance Program, formally known as the Senior Citizen Discount, was permanently discontinued in December 2013. Customers who previously qualified and were receiving assistance prior to December 2013 will continue to receive a fixed discount of \$10 per month as long as they continue to meet the following criteria each year:

1. Account holder is age 65 or older
2. Currently resides in the residence that receives the Utility Assistance Program
3. Residence is within city limits
4. Provides proof of residency at property (i.e., Electric bill, tax form, etc.)

Failure to show proof of this criteria will result in a loss of the Utility Assistance Program without the option of reapplying. A review of the Utility Assistance Program and participants may be done periodically by City staff as directed by the Finance Director, City Administrator, or City Council.

3. MONTHLY BILLING

Monthly billings are due on the 10th of every month. Payments can be made by cash, check, money order, credit/debit card, online, and by our automated phone payment system. Payments over the phone are not allowed to be taken by staff but can be forwarded to our automated phone payment system. Payments made online are posted to our accounting system daily.

4. **BILLING ADJUSTMENTS**

Misread Meters

If a meter is misread, the City will refund any/all late fees and re-read the meter and adjust bill accordingly for that period.

Leak Adjustments

- a) The water leak adjustment form is available on the City's website and at the Utility Billing counter. This form must be completed within 45 days of the billing date in question.
- b) The water leak adjustment form must be accompanied by a 3rd party statement (plumbing service, etc.) that says a leak was present and repaired and/or receipts for leak repair materials if completed by the homeowner.
- c) If the water leak adjustment is not approved by Utility Billing staff, Finance Director, or City Administrator, the customer will receive notification from the City with a specific reason why from the Finance Director. A customer can request an appeal process with City Council during a public meeting. If the water leak is approved, the City will use the customer's average seasonal usage for the previous 3 years as a base for consumption. If the customer does not have enough history to complete this, the City will use the previous one to three consecutive months of consumption to calculate the leak and volume adjustment amount. Once approved, the leak adjustment amount will be credited back to the customer's account and the customer will be notified by the City.
- e) The minimum credit issued will be \$15.00.

5. **DELINQUENT ACCOUNTS**

Late Fee Assessment

A \$25 late fee is assessed on the 21st of every month. Customers who carryover a balance of equal or less than \$25 will not be charged a late fee or shut off during the billing process.

Shut-Off Procedure

General Process for Shut-off account status:

- 1) Official due date of billing > 10th of every month (or next available business day)
- 2) Late Fee Assessed > 21st of every month (or next available business day)
- 3) Shut-Off Process > Begins on the 1st of every month for the previous billing cycle

On the actual shut-off day, if an account is still in shut-off status, an additional \$75 disconnection fee is placed onto the account and the account must be paid in full by cash, debit, money order, cashier's check, or credit card. Payments via check at this time will not be accepted. Payments made online during shut-off may be required to wait until the next business day and posting of the payment is made by Utility Billing staff before service is restored.

Utility Workers are not allowed to accept any form of payment. Account "past due" amounts must be paid before the meter and water service is turned back on.

Once an account has their water service shut-off, all past due amounts and fees must be paid for service to be turned back on. Once water service has been shut off for one week or more, Utility Billing will notify the City Building Official to begin a notice to vacate the property.

6. **FINAL BILLING**

The City requires that all homeowners and/or tenants give the City at least a one-day notice prior to moving out of the intent to vacate a property to prepare a final bill and close the account. A forwarding address is required for the final bill to be mailed. Final billings, if not paid by the scheduled due date, will be sent to a collection agency for processing and a utility lien is placed on the property for outstanding payments.

7. **TEMPORARY SERVICES FOR NEW CONSTRUCTION**

The City allows temporary service during construction of a new structure needing water, sewer, and storm drainage. The contractor will be required to complete an application just like a new customer. All of the Administration Rules contained herein remain in effect. A \$25.00 non-refundable deposit is required.

8. **NSF PAYMENTS**

Accounts will only be allowed two NSF (non-sufficient funds) before a note is placed on the account to no longer accept checks as payment. If the City receives an NSF notice for a utility payment, the payment is immediately reversed, and the account is charged a \$25 processing fee. A notice will go out to the owner/renter and payment must be made within three business days of notification or water service will be shut off until full payment is received.

9. **TAMPERING WITH METERS & BLOCKING METER ACCESS**

It is illegal to tamper with City meters. This includes turning on/off your meter. City staff should be the only people addressing meters on site. If tampering is found to have happened on a meter, the homeowner is ultimately responsible and will be charged a minimum of \$50 up to and possibly including the cost of the meter and labor time.

If a customer is currently on the City's shut-off list and it is found that the water meter was turned on illegally after City staff turned the service off for non-payment, the account will be charged a minimum of \$100 up to and possibly including the cost of the meter plus labor time if it needs to be replaced. The \$100 fee will be placed on the account and must be paid immediately before service will be properly restored.

If a customer's meter is currently on "lock" status by City staff and it is found that the meter and/or shut-off attachment has been tampered in any way to turn water service on illegally, the account will be charged a minimum of \$200 up to and including the cost of replacing the meter, labor time and potentially including a ticket from the Police Department for tampering which will include a separate fee amount and an appearance day in Municipal Court.

If an account is in shut-off status and the meter is blocked, a fee up to \$75 will be assessed including potential towing/moving costs if necessary, that will be the responsibility of the registered owner of the property moved.

Exhibit 2

City of St. Helens
Water Utility Rates and Charges Amended June 7, 2023
Rates to be applied for the first full billing cycle beginning on or after July 15, 2023

Billings for customers includes two components: Fixed rate and a volume charge for the amount consumed. The two components are added together to compute an invoice for each customer.

Fixed rates include the price the customer pays as a base charge to help cover fixed costs associated with maintaining existing infrastructure, repaying debt used to build that infrastructure, the costs associated with maintaining/reading meters, and the costs associated with billing. Fixed rates are charged for the connections to the water system and are applied based on combination of connection and Equivalent Dwelling Units (EDU) associated to the water connection. Volume rates are based on the customer class for each 100 cubic feet (CCF) of water. The following table lists rates for customers within the City of St. Helens, retail customers outside the City of St. Helens, and wholesale customers.

City of St. Helens rates and charges are effective for billing cycles starting on or after dates shown above. Rates and charges shall be applied to all accounts on a monthly or bi-monthly basis.

WATER UTILITY RATE COMPONENTS	INSIDE CITY LIMITS	OUTSIDE CITY LIMITS
Fixed Rate		
Residential	11.71	23.42
Multifamily	11.71 multiplied by number of Equivalent Dwelling Units (EDU)	23.42 multiplied by number of Equivalent Dwelling Units (EDU)
Commercial / industrial	11.71	23.42
Wholesale		23.42
Volume Rate		
Residential	5.8294	11.6589
Multifamily:		
Duplex	5.6273	11.2547
Apartments	5.5144	11.0289
Commercial / Industrial	4.7272	9.4543
Wholesale		3.5229

Outside the City limits of the City of St. Helens

Except as indicated in the Enterprise Zone Ordinance No. 2500, all properties outside the city limits shall be charged rates identified above.

Application for new service connection outside the city limits for surplus City water shall be reviewed by the Public Works Director and the City Council for facilities planning. Such application shall not be approved by the City Council unless the necessary size of main is extended to serve anticipated growth in the relevant area of the City's Urban Growth Boundary.

No Connection for new service outside the city limits for City water shall be installed unless a consent to annex is submitted to the Planning Department and an outside City water user agreement is signed and received by the City Administrator.

Hydrant Meter

Any customer who receives a permit for a hydrant meter shall pay a deposit of \$200 and shall pay Commercial/Industrial rates for such water usage. Such customer shall also pay a monthly rental fee for the meter of \$25 per month, or portion thereof. Meters must be returned every 12 months for assessment of condition, meter readings, and billings of usage.

Meter Testing

A customer may request the meter providing water service to their property be tested for accuracy. The test will require the following deposits to be collected before testing:

METER SIZE	DEPOSIT
One inch or less	\$100
> One inch and < One and a half inches	\$150
> One and a half inches	\$200

If testing results show the meter was faulty, the deposits will be refunded; if not, then no refund will be given. Adjustments will be governed by the Utility Billing Administrative Rules.

Exhibit 3

City of St. Helens
Sewer Utility Rates and Charges Amended June 7, 2023
Rates to be applied for the first full billing cycle beginning on or after July 15, 2023

Billings for customers include two components: Fixed rate and a volume charge for the amount consumed. The two components are added together to compute an invoice for each customer. Fixed rates include the price the customer pays as a base charge to help cover fixed costs associated with maintaining existing infrastructure, repaying debt used to build that infrastructure, the costs associated with maintaining/reading meters, and the costs associated with billing. Fixed rates are charged for the connections to the sewer system and are applied based on combination of connection and Equivalent Dwelling Units associated to the sewer connection.

Volume rates are based on the customer class for each 100 cubic feet (CCF) of water. The following table lists rates for customers within the City of St. Helens, retail customers outside the City of St. Helens, and wholesale customers.

City of St. Helens rates and charges are effective for billing cycles starting on or after dates shown above. Rates and charges shall be applied to all accounts on a monthly or bi-monthly basis. Certain designated accounts that may be deemed “Large Volume” accounts are billed monthly.

SEWER UTILITY RATE COMPONENTS	INSIDE CITY LIMITS	OUTSIDE CITY LIMITS
Fixed Rate		
Residential (SFR)	18.73	23.41
Multifamily	18.73 multiplied by number of Equivalent Dwelling Units (EDU)	23.41 multiplied by number of Equivalent Dwelling Units (EDU)
Commercial	18.73	23.41
Wholesale	18.73	23.41
Volume Rate		
Residential (SFR)	7.3192	8.9877
Multifamily		
Duplex	5.7418	7.1680
Apartments	5.5205	6.9099
Commercial		
Low Strength	6.4551	7.6965
Medium Strength	8.1639	10.2050
High Strength	11.3606	14.1884
Wholesale		2.1886

Residential Sewer Accounts – Winter Averaging

Volume will be based on a 2-month winter averaging of water consumption. The winter average period will be defined as the 2-month period starting with the first full billing cycle starting on or after January 15 of each year.

Accounts with an average usage of less than one CCF of water consumption are automatically assessed at the 5.50 CCF average.

Customers may request in writing to have the sewer based on actual usage if the property is vacant or consistently averages below one CCF per billing cycle over a 12-month period.

The assigned average for water consumption may be appealed to the Finance Director and could be modified pending a review of the account and findings thereof.

Table Utilized to Define Commercial Strengths

Strength Classification	BOD (mg/l)	TSS (mg/l)
Low	0-250	0-300
Medium	251-500	301-600
High	501-1,000	601-1,200
Special	1,001+	1,201+

The responsible person for paying the sewer charge may appeal the strength classification made by the City. Such appeal shall be made in writing to the Finance Director. The person appealing must provide sufficient information as to the strength of the sewer discharge created by their use so that the Finance Director or designee may evaluate the evidence and determine the proper strength of the waste generated.

Outside City Limit Customers

Except as indicated in the Enterprise Zone Ordinance No. 2500, all properties outside the city limits shall be charged rates identified above or designated specifically by address in Exhibit 5 of this resolution.

Application for new service connection outside the city limits for City sewer shall be reviewed by the Public Works Director and the City Council for facilities planning. Such application shall not be approved by the City Council unless the necessary size of main is extended to serve anticipated growth in the relevant area of the City's Urban Growth Boundary.

No connection for new service outside the city limits for City sewer shall be installed unless a consent to annex is submitted to Planning Department and an outside City sewer user agreement are signed and received by the Utility Billing Department.

Dormant Sewer Lines

Testing of a dormant existing sewer line connected to an old building or to be reused for a new building will be at a cost of time and materials.

Surcharges – Special Strength

All surcharges shall be based on total metered water supply into the premises for flow and customers will provide to the City regular testing results of samples. A sewer flow meter and alternative sampling or re-sampling at customer expense may be approved by the Water Quality Manager. The concentration

of each pollutant in excess of the above limits shall be used to determine the monthly surcharge for the period throughout the time interval between sample periods.

The concentration shall be the average value of five consecutive daily tests taken over a period of five days, except when another period is specified by the Water Quality Manager. Samples shall be taken at an approved manhole or other location determined by the Water Quality Manager to be suitable so that samples will be representative.

Surcharges – Special Strength charges are as follows:

<u>BOD (mg/l)</u>	<u>TSS (mg/l)</u>	<u>Rate per ccf of Usage</u>
1,001-2,000	1,201-2,400	\$14.64
2,001-4,000	2,401-4,800	\$22.69
4,001-8,000	4,801-9,600	\$37.45
8,001-16,000	9,601-19,200	\$65.49
16,001-32,000	19,201-38,400	\$121.11

Acceptance and pricing for loads in excess of table above will be at the discretion of the Water Quality Manager.

Exhibit 4

City of St. Helens
Storm Utility Rates and Charges Amended June 7, 2023
Rates to be applied for the first full billing cycle beginning on or after July 15, 2023

Billings for customers are based upon either measured impervious surface or number of Drainage Residential Units (DRU) for a property. The measurements are broken down into components of single-family units or equivalent residential units.

Rates and charges shall be applied to all accounts on a monthly basis.

STORM DRAINAGE UTILITY RATES	MONTHLY Fixed charge*
Residential	16.79
Single Family Home (1 DRUs)	16.79
Duplex (2 DRUs)	16.79 multiplied by number of Equivalent Dwelling Units (EDU)
Triplex (3 DRUs)	
Fourplex (4 DRUs)	
Five or more (Based on Impervious surface)	
Commercial (Based on impervious surface)	16.79
Industrial (Based on impervious surface)	16.79
All other Users (Based on impervious surface)	16.79

*Fixed charge represents one DRU or 2,500 sq. ft. of impervious surface. As dwelling units or impervious surface measurements increase the fixed charge increases accordingly.

Exhibit 5**City of St. Helens****McNulty PUD Water Users – Sewage Charges by City of St. Helens Amended June 7, 2023
Rates to be applied for the first full billing cycle beginning on or after July 15, 2023**

The City of St. Helens is establishing Sewage rates for customers that have locations outside of city limits that are receiving water from McNulty PUD. Volume rates are based on each 100 cubic feet (CCF) of water averaged over a calendar's previous year.

Estimated Schedule of Utility Rates:

McNulty Usage Reports on Volume from previous calendar year cycle will determine Sewage rates to be effective July 15, 2023.

The following table lists rates for customers outside the city limits of St. Helens receiving water from McNulty PUD:

LOCATION OF CUSTOMER	CITY SEWAGE RATE
35369 Millard Road	106.20
58581 Columbia River Highway	89.70
58606 Kavanagh Avenue	72.63
58563 Columbia River Highway	30.17
35531 Firway Lane	43.90
35031 Millard Road	47.03
58209 Columbia River Highway	123.87
35285 Millard Road	29.14
34950 Pittsburg Road	173.18
35092 Pittsburg Road	50.19

City of St. Helens
RESOLUTION NO. 1982

A RESOLUTION ADOPTING A COMMUNITY PUBLIC SAFETY FEE

WHEREAS, the City of St. Helens has created a public safety fund to help facilitate the funding of a public safety facility; and

WHEREAS, the City finds that it is in the public's interest to construct a new public safety facility to meet the needs of our growing community; and

WHEREAS, the City Budget Committee recommended an increase to cover debt service for the public safety facility; and

WHEREAS, the public has been given opportunity to comment on the increase; and

WHEREAS, funds raised from the fee will support public safety within our city; and

WHEREAS, the public safety fee increase will be effective July 15, 2023; and

WHEREAS, the public safety fee will end once the new public safety facility debt is satisfied; and

WHEREAS, Resolution No. 1944 (December 15, 2021) is hereby rescinded.

NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:

Section 1. Fees and charges.

<u>FEE TYPE</u>	<u>AMOUNT</u>	<u>FEE BASE</u>
Public Safety	\$10.00 per month	per EDU

Approved and adopted by the City Council on June 7, 2023, by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

City of St. Helens
RESOLUTION NO. 1983

A RESOLUTION OF THE CITY OF ST. HELENS DECLARING THE
CITY'S ELECTION TO RECEIVE STATE REVENUES

The City of St. Helens resolves as follows:

Section 1. Pursuant to ORS 221.770, the City hereby elects to receive state revenues for fiscal year 2023-2024.

Approved and adopted by the City Council on June 7, 2023, by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

City of St. Helens
RESOLUTION NO. 1984

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ST. HELENS,
OREGON ADOPTING BUDGET, MAKING APPROPRIATIONS, AND LEVYING TAXES
FOR THE FISCAL YEAR BEGINNING JULY 1, 2023

BE IT RESOLVED that the Common Council of the City of St. Helens, Oregon, hereby adopts the budget for fiscal year 2023-2024 in the total of \$93,134,640 now on file in the office of the City Recorder of said City.

BE IT RESOLVED that the amounts for the fiscal year beginning July 1, 2023, and for the purposes shown below are hereby appropriated as follows:

FUND

General Fund

Administration	693,200
City Recorder/HR	393,000
City Council	136,000
Municipal Court	471,700
Police	5,615,000
Library	837,800
Finance	1,075,900
Parks	626,800
Recreation	427,100
Planning	432,500
Building	556,300
Information Technology	803,500
General Services	290,400
Contingency	887,900
	<u>13,247,100</u>

Community Enhancement Fund

Administration	100,000
Police	94,000
Library	203,570
Parks	38,490
Recreation	698,120
Building	83,350
Transitional Housing	3,340
	<u>1,220,870</u>

Street Fund

Operations	1,312,300
Capital Outlay	1,222,600
Debt Service	61,000
Contingency	327,900
	<u>2,923,800</u>

Visitor Tourism Fund

Operations	345,000
Contingency	154,900
	<u>499,900</u>

Street SDC Fund

Materials & Services	330,000
Capital Outlay	500,000
Contingency	1,628,500
	<u>2,458,500</u>

Community Development Fund

Economic Planning	328,000
Industrial Business Park	467,500
Riverfront	15,378,000
Forestry	120,000
Central Waterfront	900,000
Contingency	2,522,670
	<u>19,716,170</u>

Water SDC Fund

Materials & Services	30,000
Capital Outlay	320,000
Contingency	1,160,500
	<u>1,510,500</u>

Sewer SDC Fund	
Materials & Services	65,000
Capital Outlay	331,800
Contingency	<u>1,663,900</u>
	2,060,700

Storm SDC Fund	
Materials & Services	11,000
Capital Outlay	200,000
Contingency	<u>386,400</u>
	597,400

Parks SDC Fund	
Materials & Services	10,000
Capital Outlay	992,000
Contingency	<u>164,400</u>
	1,166,400

Water Fund	
Water Distribution	3,508,000
Water Filtration	588,000
Capital Outlay	2,480,000
Debt Service	464,200
Contingency	<u>763,500</u>
	7,803,700

Sewer Fund	
Sewer Collections	2,952,900
Primary Treatment	401,600
Secondary Treatment	623,200
Pump Service	165,200
Capital Outlay	7,284,200
Debt Service	670,500
Contingency	<u>2,861,000</u>
	14,958,600

Storm Fund	
Operations	2,021,600
Contingency	<u>1,000,300</u>
	3,021,900

Public Works Operations	
Engineering	748,600
PW Operations	2,960,700
Facilities Maintenance	584,400
Contingency	<u>400,000</u>
	4,693,700

Public Safety Fund	
Materials & Services	600,000
Capital Outlay	12,761,400
Debt Service	<u>506,500</u>
	13,867,900

Technology Fund	
Transfers	70,000

Total Appropriations 89,817,140

Unappropriated 3,317,500

Total Budget 93,134,640

BE IT RESOLVED that the Common Council of the City of St. Helens, Oregon, hereby imposes tax provided for in the adopted budget at the rate of \$1.9078 per \$1,000 of assessed value for tax year 2023-2024 upon the assessed value of all taxable property within the city limits of St. Helens.

Subject to the General
Government Limitation
 \$1.9078 / \$1,000

Excluded from the General
Government Limitation
 N/A

Approved and adopted by the City Council on June 7, 2023, by the following vote:

Ayes:

Nays:

 Rick Scholl, Mayor

ATTEST:

 Kathy Payne, City Recorder

City of St. Helens
RESOLUTION NO. 1985

A RESOLUTION OF THE ST. HELENS CITY COUNCIL, ESTABLISHING THE CITY
EMPLOYEE COMPENSATION SCHEDULE FOR FISCAL YEAR 2023-2024

NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:

Section 1. The Salary Schedules, attached as **Exhibit A**, represent the wages for the AFSCME Union Employees, St. Helens Police Association Employees, Unrepresented Employees, Hourly Employees, and Elected Officials effective July 1, 2023.

Approved and adopted by the City Council on June 7, 2023, by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

AFSCME UNION EMPLOYEES Effective July 1, 2023	MONTHLY SALARY RANGE				
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
Library Technician I Library Technician I - Makerspace Specialist Recreation Program Specialist Parks & Recreation Administrative Assistant	3,763.94	3,952.14	4,149.75	4,357.23	4,594.00
Library Technician I/Communications Asst.	3,895.14	4,089.90	4,294.40	4,509.10	4,734.56
Library Technician II Parks Utility I Utility Worker I	3,969.00	4,167.46	4,375.83	4,594.62	4,824.35
Administrative Billing Specialist	4,049.49	4,251.96	4,464.56	4,687.79	4,922.18
Community Development Administrative Assistant Building and Administration Secretary Municipal Court Clerk Public Works Office Assistant Engineering Technician I WWTP Operator I	4,187.30	4,396.77	4,616.50	4,847.33	5,089.69
Utility Worker II Engineering Technician II Parks Utility II	4,660.28	4,893.29	5,137.94	5,394.84	5,664.58
Librarian I	4,894.01	5,138.70	5,395.64	5,665.42	5,948.69
Parks Specialist Collections System Operator Mechanic II Building Maintenance Utility Worker Utility Plumber Water Systems Operator Water System Filtration Operator	4,920.47	5,166.48	5,424.80	5,696.04	5,980.86
Water/Wastewater Operator II	5,011.98	5,262.58	5,525.70	5,801.99	6,092.08
Engineer Tech III	5,424.30	5,695.52	5,980.30	6,279.32	6,593.28
Pretreatment Coordinator PW Construction Inspector Building Inspector Communications Officer	5,850.98	6,143.53	6,450.70	6,773.24	7,111.90
Engineer I	6,080.30	6,384.32	6,703.52	7,038.70	7,390.64
Associate Planner & Comm. Dev. Project Manager Engineer II	6,448.53	6,770.96	7,109.51	7,464.98	7,838.23

Grade	POLICE ASSOCIATION EMPLOYEES Effective July 1, 2023 6% COLA	MONTHLY SALARY RANGE								
		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
PD-1	Records and Evidence Specialist	4,886.54	5,011.26	5,140.47	5,271.93	5,406.76	5,546.09	5,687.66	5,833.73	5,983.17
PD-3	Code Enforcement Officer	5,212.38	5,346.09	5,483.17	5,623.62	5,767.44	5,915.75	6,067.44	6,222.50	6,382.05
PD-5	Patrol Officer	6,514.63	6,682.05	6,852.84	7,029.24	7,209.02	7,394.41	7,583.18	7,778.68	7,977.56
PD-7	Detective	6,840.48	7,015.76	7,195.53	7,380.93	7,569.69	7,764.08	7,962.95	8,167.45	8,376.44
PD-9	Corporal	7,035.98	7,216.88	7,401.15	7,591.04	7,785.42	7,985.43	8,189.92	8,400.03	8,615.76

Grade	UNREPRESENTED EMPLOYEES Effective 7-1-2023 5% COLA	Unrep Leave	MONTHLY SALARY RANGE								
			STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
U-1	Accountant I	C	4,968.60	5,095.65	5,226.90	5,360.25	5,497.80	5,639.55	5,783.40	5,932.50	6,083.70
U-2			5,095.65	5,226.90	5,360.25	5,497.80	5,639.55	5,783.40	5,932.50	6,083.70	6,240.15
U-3			5,226.90	5,360.25	5,497.80	5,639.55	5,783.40	5,932.50	6,083.70	6,240.15	6,399.75
U-4	Deputy City Recorder	C	5,360.25	5,497.80	5,639.55	5,783.40	5,932.50	6,083.70	6,240.15	6,399.75	6,564.60
	Accountant II	C	5,497.80	5,639.55	5,783.40	5,932.50	6,083.70	6,240.15	6,399.75	6,564.60	6,732.60
U-5	IT Specialist I	C									
U-6			5,639.55	5,783.40	5,932.50	6,083.70	6,240.15	6,399.75	6,564.60	6,732.60	6,904.80
U-7			5,783.40	5,932.50	6,083.70	6,240.15	6,399.75	6,564.60	6,732.60	6,904.80	7,082.25
U-8			5,932.50	6,083.70	6,240.15	6,399.75	6,564.60	6,732.60	6,904.80	7,082.25	7,263.90
U-9	Accountant III	C	6,083.70	6,240.15	6,399.75	6,564.60	6,732.60	6,904.80	7,082.25	7,263.90	7,449.75
U-10	Government Affairs Specialist	C	6,240.15	6,399.75	6,564.60	6,732.60	6,904.80	7,082.25	7,263.90	7,449.75	7,640.85
U-11	IT Specialist II	B	6,399.75	6,564.60	6,732.60	6,904.80	7,082.25	7,263.90	7,449.75	7,640.85	7,837.20
	Parks Field Supervisor	B	6,564.60	6,732.60	6,904.80	7,082.25	7,263.90	7,449.75	7,640.85	7,837.20	8,037.75
	Public Works Supervisor	B									
U-12	PW Field Sup./ Safety Coordinator	B									
U-13			6,732.60	6,904.80	7,082.25	7,263.90	7,449.75	7,640.85	7,837.20	8,037.75	8,243.55
U-14			6,904.80	7,082.25	7,263.90	7,449.75	7,640.85	7,837.20	8,037.75	8,243.55	8,454.60
	HR Coordinator/City Recorder	A	7,082.25	7,263.90	7,449.75	7,640.85	7,837.20	8,037.75	8,243.55	8,455.65	8,671.95
U-15	Facilities Maintenance Supervisor	B									
U-16	IT Specialist III	B	7,263.90	7,449.75	7,640.85	7,837.20	8,037.75	8,243.55	8,455.65	8,671.95	8,894.55
U-17	Sergeant	C	7,449.75	7,640.85	7,837.20	8,037.75	8,243.55	8,455.65	8,671.95	8,894.55	9,122.40
	Building Official	A	7,640.85	7,837.20	8,037.75	8,243.55	8,455.65	8,671.95	8,894.55	9,122.40	9,356.55
U-18	Water Quality Manager	B									
U-19		B	7,837.20	8,037.75	8,243.55	8,455.65	8,671.95	8,894.55	9,122.40	9,356.55	9,597.00
U-20			8,037.75	8,243.55	8,455.65	8,671.95	8,894.55	9,122.40	9,356.55	9,597.00	9,842.70
U-21	Parks and Recreation Manager	B	8,243.55	8,455.65	8,671.95	8,894.55	9,122.40	9,356.55	9,597.00	9,842.70	10,094.70
U-22			8,455.65	8,671.95	8,894.55	9,122.40	9,356.55	9,597.00	9,842.70	10,094.70	10,354.05
	Library Director	A	8,671.95	8,894.55	9,122.40	9,356.55	9,597.00	9,842.70	10,094.70	10,354.05	10,619.70
U-23	City Planner	A									
	Lieutenant	A	8,894.55	9,122.40	9,356.55	9,597.00	9,842.70	10,094.70	10,354.05	10,619.70	10,891.65
U-24	Enginneering Manager	B									
U-25			9,122.40	9,356.55	9,597.00	9,842.70	10,094.70	10,354.05	10,619.70	10,891.65	11,170.95
U-26			9,356.55	9,597.00	9,842.70	10,094.70	10,354.05	10,619.70	10,891.65	11,170.95	11,457.60
U-27			9,597.00	9,842.70	10,094.70	10,354.05	10,619.70	10,891.65	11,170.95	11,457.60	11,750.55
U-28			9,842.70	10,094.70	10,354.05	10,619.70	10,891.65	11,170.95	11,457.60	11,750.55	12,051.90
	Finance Director	A	10,094.70	10,354.05	10,619.70	10,891.65	11,170.95	11,457.60	11,750.55	12,051.90	12,361.65
U-29	Public Works Director	A									
U-30	Chief of Police	A	10,354.05	10,619.70	10,891.65	11,170.95	11,457.60	11,750.55	12,051.90	12,361.65	12,678.75
U-31			10,619.70	10,891.65	11,170.95	11,457.60	11,750.55	12,051.90	12,361.65	12,678.75	13,003.20
U-32			10,891.65	11,170.95	11,457.60	11,750.55	12,051.90	12,361.65	12,678.75	13,003.20	13,337.10
U-33			11,170.95	11,457.60	11,750.55	12,051.90	12,361.65	12,678.75	13,003.20	13,337.10	13,678.35
U-34			11,457.60	11,750.55	12,051.90	12,361.65	12,678.75	13,003.20	13,337.10	13,678.35	14,029.05
U-35	City Administrator	A	11,750.55	12,051.90	12,361.65	12,678.75	13,003.20	13,337.10	13,678.35	14,029.05	14,389.20

Grade	HOURLY EMPLOYEES (UNREPRESENTED) Effective July 1, 2023	HOURLY RATE				
		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
PTU-1	Seasonal Public Works Maintenance Worker Seasonal Parks Maintenance Worker	15.45	16.54	17.64	-	-
PTU-2	Recreation Assistant	15.45	16.54	-	-	-
PTU-4	Library Assistant	18.15	19.12	20.12	21.18	22.29
PTU-3	Recreation Specialist	17.64	-	-	-	-
PTU-8	Communications Support Specialist	23.92	25.18	26.50	27.91	29.37

ELECTED OFFICIALS Effective July 1, 2023	MONTHLY
Mayor	1,388.25
Council President	1,110.60
Councilor	925.50

City of St. Helens
RESOLUTION NO. 1986

A RESOLUTION OF THE ST. HELENS CITY COUNCIL
 ADOPTING A CODE OF CONDUCT FOR
 CITY BOARDS, COMMITTEES, AND COMMISSIONS

WHEREAS, the purpose of this Code of Conduct is to provide a framework to guide members of City boards, committees, and commissions in their actions; and

WHEREAS, this Code of Conduct operates as a supplement to existing statutes, including (but not limited to) Oregon Ethics Law.

NOW, THEREFORE, the City of St. Helens resolves as follows:

Section 1. The Code of Conduct for City Boards, Committees, and Commissions, attached as Exhibit A and incorporated herein by reference, is hereby adopted.

Approved and adopted by the City Council on June 7, 2023, by the following vote:

Ayes:

Nays:

 Rick Scholl, Mayor

ATTEST:

 Kathy Payne, City Recorder



BOARDS, COMMITTEES, & COMMISSIONS

CODE OF CONDUCT

This Code of Conduct provides a framework to guide members of boards, committees, and commissions in their actions. The Code of Conduct operates as a supplement to existing statutes, including (but not limited to) Oregon Ethics Laws.

Advisory boards, committees, and commissions are referred to generally as “boards” in this code; members of boards, committees, and commissions are referred to generally as “board members.”

Member Conduct.

This section describes the manner in which board members will treat one another, other City officials (elected and appointed), members of the public, and City staff.

Board Conduct During Meetings

- Practice civility, professionalism, and decorum in discussions and debate. Difficult questions, tough challenges to particular points of view, and criticism of ideas and information are legitimate elements of democratic governance. However, this does not allow board members to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments.
- Avoid personal comments that are intended to, or could reasonably be construed to, purposefully offend others. If a board member is offended by the conduct or remarks of another board member, the offended board member is encouraged to address the matter directly with the offending board member at the earliest opportunity and work toward an amicable resolution.

Board Conduct Outside Public Meetings

- Continue professional and respectful behavior outside of public meetings. Board members are viewed by the public as representatives of the City. As such, the same level of decorum and consideration for differing points of view deemed appropriate for board meeting deliberations (outlined above) should be maintained in other public settings and private conversations, particularly when

discussing City business, City officials (elected and appointed), members of the public, and City staff.

- Unless sharing specific information voted on by the majority of the board, you shall express only your personal opinions. Never represent yourself as a spokesperson for the City unless you are authorized by the City to do so. If the City is a subject of the content you are discussing, be clear and open about the fact that you are a member of a City board but that your views do not represent those of the board, the City, its employees, or its elected officials.
- Practice courtesy, civility, and respect when participating in social media forums. Provide accurate information, speak truthfully, and represent the views and positions of the City, the Council, and other individuals forthrightly and in good faith.
- Be aware of the public nature of written notes, calendars, voicemail messages, emails, and social media posts. All written or recorded materials created as part of one's official capacity can potentially be considered public records under Oregon law.
- Understand proper political involvement. Board members, as private citizens, may support political candidates or issues, but such activities must be undertaken separately from their role as a board member. When supporting any candidate or measure, the board member shall be clear that they are supporting as a private citizen, not as a representative of the City.

Board Conduct with the Public

- Be welcoming to speakers at public meetings and treat them with respect. For many citizens, speaking in front of a board is a new and difficult experience. Board members should commit full attention to the speaker. Comments, questions, and non-verbal expressions should be appropriate, respectful, and professional.
- Make no commitments on behalf of the board in unofficial settings. Board members are sometimes asked to explain a board action or to give their opinion about an issue as they meet and talk with citizens. It is appropriate to give a brief overview. Overt or implicit commitments that the City will take specific actions, however, are to be avoided.

Board Conduct with Staff

- Respect the professional duties of City staff. Board members should refrain from disrupting staff from conducting their duties; participating in administrative functions, including directing staff assignments; attending staff meetings unless requested by staff; and impairing the ability of staff to implement policy decisions.

Board Member Values.

The individual attitudes, words, and actions of board members should reflect the values of respect, integrity, and service to the community.

Respect

To show respect to others, board members are expected to:

- Treat board members, City officials (elected and appointed), members of the public, and City staff with patience, courtesy, and civility, even when they disagree on what is best for the community.
- Conduct themselves in a professional, courteous, and respectful manner at all times.
- Be honest with fellow board members, the public, and others.

Integrity

To demonstrate integrity as a public official, board members are expected to:

- Make independent, objective, fair, and impartial judgments and avoid relationships and actions that give the appearance of compromising objectivity, independence, and honesty.
- Adhere to Oregon ethics law requirements regarding gifts, services, or other special considerations, as regulated by the Oregon Government Ethics Commission.
- Excuse themselves from participating in decisions when their financial interests may be affected by the board's action.
- Use public resources, such as staff time, equipment, supplies, or facilities, only for City-related business and only with authorization from the City Administrator or applicable Department Director.
- Protect confidential information concerning litigation, personnel, property, or other affairs of the City.

Service

To serve the public effectively, board members are expected to:

- Review materials provided in advance of the meeting.
- Make every effort to attend meetings. If attendance is not possible, communicate absences with the board chair.
- Be prepared to make difficult decisions when necessary.
- Respect the distinction between the roles of citizens, elected officials, appointed board members, and staff.
- Promote meaningful public involvement in decision-making processes.

- Make decisions after prudent consideration of their long-term impacts to the community.

Accountability.

To ensure public confidence in the integrity of the City of St. Helens, board members are held to a high standard. For this reason, the City Council believes the Code of Conduct is as important to the public process as other rules and procedures. It is recognized that there may be times when action is required to correct and/or prevent behavior that violates the Code of Conduct.

Early recognition of the questioned conduct is encouraged, and progressive counsel may occur with the board member (though it is not required). Should it become necessary for the City Council to consider the removal of a board member, it may designate a staff or council member to contact the board member to make them aware of any concerns regarding alleged misconduct, nonperformance of duty or failure to obey the laws of the federal, state, or local government. The board member has the option to provide a timely response to the concerns within the timelines established by the Council. The City Council reserves the right to remove board members at its discretion whether or not an opportunity to respond has been given.

Use of City Property.

Board members are strictly prohibited from using any intellectual property of the City including letterhead, logos, City social media accounts, and any other City-run or trademarked property, without written permission from the City. Board members are also prohibited from making any social media accounts for City boards.

Board members are not permitted to use any City equipment except in the carrying out of their duties on the board.

City-owned real property is fully owned and maintained by the City or official City volunteers. Board members do not have rights over any City-owned property.

Implementation and Certification.

All board members will be given a copy of the Code of Conduct and will be required to affirm in writing that they have received the Code, understand its provisions, and pledge to conduct themselves by the Code. The City Council may choose to review and update this Code in the future to ensure it remains effective and useful.

Any board member declining to sign the Code of Conduct Certification may be

removed from the board. Any board member who is removed under this provision will not be permitted to be appointed to a City board for a period of three (3) years unless the majority of the City Council establishes an exception.

CODE OF CONDUCT CERTIFICATION

As a member of a City of St. Helens board, I affirm that:

- ✓ I have read and understand the St. Helens Code of Conduct for members of boards, committees, and commissions, and I understand its application to my role and responsibilities while serving on a City board.
- ✓ I pledge to conduct myself by the St. Helens Code of Conduct for boards, committees, and commissions.
- ✓ I understand that the City Council may remove me from my position if my conduct falls below these standards (whether or not the City Council has informed me of concerns and provided me with an opportunity to respond to concerns within any timelines established by Council).
- ✓ I understand that if I refuse to sign this Code of Conduct Certification, I may be removed from my position.

Print Name: _____

Signature: _____

Signed this _____ **day of** _____, **20** _____

Board Appointed to: _____

MEMORANDUM

DATE: May 31, 2023

TO: City Council – City of St Helens

FROM: Brent Keller

SUBJECT: 2023 Timber Sale Bids

Bids were opened for the 2023 City of St Helens ‘Pinkney Road’ Timber Sale at 11:00 am on Wednesday, May 30, 2023. The bid results are as follows:

<u>Bidder</u>	<u>Smith</u>
Hampton Tree Farms, LLC	\$519.58
Interfor US Timber Inc	\$513.07
Olympic Forest Products (RSG)	\$505.00

Prices per MBF (thousand board feet) for Douglas-fir

Total estimated sale value: \$984,185.00

My recommendation is to accept the high bid and award the ‘Pinkney Road’ timber sale to Hampton Tree Farms, LLC.

St Helens Stumpage Sale Bid History

	Sale	Buyer	Douglas-fir
2012	Milton Creek	Columbia Vista	\$ 454.30
2014	Canaan Road	Simpson	\$ 563.99
2014	Section-21	Olympic Forest Products (RSG)	\$ 577.75
2018	Section-28	High Cascade	\$ 681.01
2020	Salmonberry	Olympic Forest Products (RSG)	\$ 624.00
2021	Smith	Interfor	\$ 652.36
2022	Salmon	Interfor	\$ 664.57
2023	Pinkney Road	Hampton Tree Farms, LLC	\$ 519.58



COUNCIL WORK SESSION

Wednesday, April 19, 2023

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Patrick Birkle
Councilor Mark Gundersen
Councilor Brandon Sundeen

STAFF PRESENT

John Walsh, City Administrator	Mouhamad Zaher, Public Works Director
Kathy Payne, City Recorder	Suzanne Bishop, Library Director
Lisa Scholl, Deputy City Recorder	Bill Monahan, Contracted City Attorney
Crystal King, Communications Officer	Peter Hicks, Contracted City Attorney
Jacob Graichen, City Planner	Tina Curry, Contracted Event Coordinator
Jenny Dimsho, Associate Planner/Community Development Project Manager	

OTHERS

Steve Topaz	Brady Preheim
Steve Toschi	Eddie
Robert Salisbury	Jennifer Massey

CALL WORK SESSION TO ORDER – 2:00 pm

VISITOR COMMENTS - *Limited to three (3) minutes per speaker*

- ◆ Brady Preheim. Mr. Preheim stated the report for HB 3115 that said there is only one homeless person in St. Helens is wrong. The city has many more unhoused people. The problem is statewide.

Councilor Birkle clarified the report counted those on public, not private, property in St. Helens, and only one person was seen, adding Mr. Preheim seems to habitually accuse people of lying when he disagrees with information that may be an opinion or a representation, but not necessarily lying.

- ◆ Steve Topaz. Mr. Topaz spoke about DEQ's report on the back of the McCormick property at last week's CAG meeting. A 2016 presentation stated the lagoon would be used as a toxic/contaminated waste dump, but what is already there is considered toxic. The survey by Maul Foster said the water levels were okay, but they did not test the six wells they drilled on the property. They were also told there is no contamination on the Waterfront. A number of things are being described as contaminated. The tribes are concerned about contamination of the channel and have gotten a federal grant to study the Scappoose Bay, including on Nob Hill, looking for Native artifacts. In 1935, an Oregon geology group studied the rock formation which contributes to the lagoon's hazardous condition.

DISCUSSION TOPICS

1. Planning Division Semi-Annual Report - *City Planner Jacob Graichen*

City Planner Jacob Graichen and Associate Planner and Community Development Project Manager Jenny Dimsho presented the spring edition of the semi-annual Planning Department report. A copy is included in the archive packet for this meeting.

Ms. Dimsho reviewed the projects she had been working on which include the St. Helens Industrial Business Park, Riverwalk Project Phase I, and other project management support including Business Oregon Special Public Works Fund loan program projects and Community Development Block Grant projects, Oregon Safe Routes to School Grant, State Historic Preservation Office Veterans Memorial Grant application, Certified Local Government Grant (6th cycle) process, and Urban Renewal Agency support.

Mr. Graichen presented the general planning update. Key highlights included:

- The Planning Commission filled two vacancies, will continue work on House Bill 3115, and has talked about taking on architectural standards.
- The Assessor wanted to clarify address discrepancies in their records, and 125 were corrected.
- He addressed/updated the N. 11th/12th Street Jacob's Bluff Property.

Ms. Dimsho addressed current planning which included the architectural review and land use decisions of the John Gumm School building, the former Dockside building, and the Klondike building.

Mr. Graichen reviewed current planning he had been primarily involved with, including the St. Helens High School project, National Guard Armory review, Columbia Commons commercial subdivision, the Broadleaf Arbor project, Sand Island development, a County referral near Multnomah Industrial park, a mixed use building at 6th Street and Columbia Boulevard, the original Recreation Center building at 1810 Old Portland Road being shared with the Police Department, the County referral of Family Fun RV, and three new annexations.

He reviewed the list of upcoming projects in the next six months including development review in the spring and summer months, the PGE parcel and the substation along with the police station, Mercury TMDL which DEQ imposed on the City to help prevent mercury going into streams, part two of the residential Code amendments for cottage clusters and similar, the psilocybin issue, and the Transportation Systems Plan update.

Ms. Dimsho highlighted two items. The ODOT Community Paths Program awards will be announced in October. The City applied for their grant for trail route analysis from St. Helens to Scappoose. The Department of Land Conservation and Development's Technical Assistance Program will fund the Economic Opportunities Analysis update if the City applies for the program and is successful.

Mr. Graichen concluded by addressing "wild card" upcoming projects including City properties like the Millard Road property and the Riverfront property, as well as state mandates such as those regarding housing.

Mayor Scholl suggested a clause regarding the partialization of PGE in the St. Helens Industrial Business Park. If PGE ever decided to sell, that is of value to not only the City but to whoever the purchaser is, since it is a significant chunk of property. Mr. Walsh stated like a reversionary.

Mayor Scholl suggested renaming Jacob's Bluff. Mr. Graichen clarified if there is a developer they would probably have their own name in mind.

Mayor Scholl and Mr. Graichen discussed state mandates when funding is in question.

Mr. Graichen acknowledged there is a need for more Planning staff, but the questions remain of capacity available versus what can be accomplished and the matter of balancing planning ambitions with other things the City needs to do. He has been hesitant about hiring someone if they would have to let them

go due to the budget. The need for more staff depends on how much the Council wants to see accomplished.

2. Discussion regarding Planning Commission's Proposed Code Amendments regarding Sleeping/Camping on Public Property and House Bill 3115 - *City Planner Jacob Graichen and Planning Commission Chair Steve Toschi*

City Planner Graichen reviewed the requirements of HB 3115 which does not allow the City to prohibit camping, sleeping, and lying on public property, noting the draft in the packet is probably 90 percent to 98 percent completed. The unanimous recommendation from Planning Commission is the general approach of specifying where sleeping, lying, and camping is allowed. The alternative would be based on where camping is not allowed. A copy of the presented documents is included in the archive packet for this meeting.

He outlined Planning Commission's recommendations and the corresponding alternatives, including defining a camp as established once it has been in place more than seven days in a 30-day period, providing the person/people have not been given documented notice to leave. The Commission recommended the time restriction to be five continuous days maximum at specified locations with an option of a declaration of emergency to exceed the five days at designated sites, to be approved by Council, including exceeding 30 days. This would apply to camps as well as parked cars and RVs and is similar to existing parking regulations.

Council President Chilton and Councilor Sundeen asked who would keep track of the five continuous days. He reviewed the proposed violations process of three tiers and the proposed locations of 1810 Old Portland Road, the police station, and Boise Park, noting each site's pros and cons.

Planning Commission Chair Steve Toschi spoke about the mandates and intentions of HB 3115, noting the first section of the law says if the restrictions are developed as part of a public policy for the humane treatment of homeless people, cities and counties could be immune to lawsuits. He described how the Commission chose the proposed sites and explained the thinking behind the Commission's recommendations, including established camping sites versus non-established. The Planning Commission requested to be involved as the matter moves forward. He cautioned the City against taking any action against the man living under the bridge currently because he did not know what legal vehicle the City would use to say he has to move.

Mayor Scholl thanked the Planning Commission for their work on Time, Place, and Manner. He made it clear the City is not welcoming a Portland camp in St. Helens, adding details about his recent meeting with the governor that was not based around homelessness.

Mr. Toschi reassured the public that the Planning Commission believed the Time, Place, and Manner restrictions were the best approach to prevent a situation like in Portland.

Council President Chilton stated her concerns. She was not okay with sites one and two, as they are near three softball fields for families with kids. The restrictions need to include stipulations if the City starts development on the property or if it gets sold or under construction. No one is assigned to enforce any rules regarding the camping. The bathrooms concerned her as she wondered who would pay for and take care of them.

Councilor Sundeen thanked Mr. Toschi and Planning Commission for their work. He asked who will maintain the site because they are not usually left tidy when people leave. He had concerns with all three sites, noting Boise Park is secluded and with a lot of trees and brush which could pose a fire hazard and the Recreation Center, and the ball fields are both used primarily by children and families. He would like Planning Commission to continue to be involved in the discussion.

Councilor Gundersen was concerned whether the homeless camp was even going to be needed. The people he knows about do not want to be in a camp nor told where to go. He asked who will handle the port-a-potties and garbage. Safety and the City's liability was another concern of his.

Councilor Birkle also thanked the Planning Commission and Proactive Committee. He agreed a designated location is a must. He was uncomfortable with site two. Site one with a police presence may be the best location of the choices. He emphasized the importance of having at least one designated area and agreed with Councilor Gundersen that St. Helens will not see an influx of unhoused people. He emphasized the importance of addressing who would maintain the site.

Mayor Scholl asked the Council to visit site two to see how far it is from the ball fields. He stated his opinions about the other prospective sites and was extremely concerned about the encampments and the potential for lawsuits.

City Administrator John Walsh agreed complying with the mandate was a complex issue, wondering would the City's role be more of a manager or facilitator. Staff was trying to find City-owned property to designate.

Mr. Toschi stated Planning Commission recommended designated sites because it would be too much to expect someone who may not have the resources to figure out where all the excluded spaces are. He spoke about the potential risk of the statute the City does adopt being invalidated and how to ameliorate the risk. He agreed cost enforcement would be a concern, adding the City probably should talk about budget for management. He believed the sites would be used by people coming into town to seek help and who could potentially benefit from the City's help.

Mr. Graichen said ideally, the restrictions will be enacted and because the problem in St. Helen's is not to the scale it is elsewhere, the code will just sit in the books and resolutions can be enacted as needed.

Mayor Scholl pondered the idea of changing the site after a seven-day notice if needed, adding the overall policy could be drawn up with the two sites and run by Legal.

Council President Chilton stated she was not comfortable with naming a site within the ordinance. She would prefer a more conservative approach, based on attorney Aaron Hisel's recommendation which was to keep what the City has and say where camping is not allowed, with possibly having ideas in the queue should it need to happen. She suggested adopting the minimum of what the state requires and watching things unfold around the state.

Mr. Toschi agreed with Council President Chilton. His concern was that if they go to court, they would be asked why it is objectively reasonable to have a place without bathrooms for the unsheltered.

Council President Chilton disagreed, adding worries about a lawsuit are unrealistic. The police have stated the city does not have the problems Mr. Toschi thinks they may end up having.

Mr. Walsh suggested establishing a Time, Place, and Manner ordinance and using resolutions for changes if needed.

Councilor Birkle preferred designating a space now and not waiting until an unhoused individual approaches for a place to shelter. They should have a list of potential places.

Mayor Scholl directed Council to take any ideas they may come up with for sites to Mr. Walsh. He will pass them along to the other Councilors who can then tour the sites which Council can discuss at their June meeting.

Council's feedback on the proposals was the police should be the ones to decide whether to allow an extension of the five days camping on public property and not to specify a site in the ordinance but keep the provision in the ordinance that gives the City the tool to select the place.

Break - 4:04 pm.

3. Riverfront and Downtown Parking Plan Discussion - *Public Works Director Mouhamad Zaher*

Public Works Director Mouhamad Zaher reviewed the proposed temporary parking plan, spurred by citizen concerns about parking issues. He showed the parameters of the car park, which will be approximately 100 spots, according to best standards. A fence should be installed April 25 for safety, parameters, and protection from Columbia Park where kids play. Public Works was working on printing signs to let everyone know the parking is temporary as well as painting the lines for the spots. The spots should be open by April 28 at the latest. Parking will only be available 8:00 a.m. to 10:00 p.m. Overnight parking will be towed. No camping or homeless will be allowed in the spots. The solution will only be temporary until the construction reaches the location. At that point, the parking on Strand Street will be opened back up.

Mr. Walsh added that Communications will release information about the temporary parking solution.

Councilor Sundeen asked Public Works to be mindful of ADA accessibility.

Mr. Zaher noted enforcement would be done by the police. He clarified Public Works decided not to close the fence at 10:00 p.m. However, they have the option to close it if the City wants.

Mayor Scholl said he would talk with some of the businesses about reporting if they see someone parking overnight.

4. Review Draft Request for Proposals (RFP) for Janitorial Services

City Recorder Kathy Payne talked about the City's current janitorial service and struggling to get them to do what is required and do it well. Staff got permission to send out a Request for Proposals (RFP) for someone local to help. She put together an RFP which is included in the meeting packet. She will send the RFP to all the janitorial and housecleaning businesses licensed in the City. It is required to consider OregonForward (QRF), and she will send the RFP to the two listed on Oregon's database that service Columbia County. The RFP is on tonight's regular session agenda for approval.

5. Discussion regarding Request for Support of Columbia County Law Enforcement Levy

Mayor Scholl said the request for the levy came to him. He wished Council had more information. He spoke about how the City takes law enforcement very seriously. The police currently provide 24-hour service, and they are asking citizens to pay a little extra for a new station. He wished the County had done more campaigning with open transparency to the police's budget needs for the levy. They are asking for 29 cents per thousand, but he was told a different amount on a call. He had not seen enough justification for it. He wished he would have had some contact with the Sheriff and that the Sheriff was presenting here like he did in Scappoose, adding the opportunity is always open.

Council President Chilton agreed with Mayor Scholl. The City has done a lot to make sure they have 24-hour coverage. It does not make sense for the City to endorse something that would have citizens paying double for a service they already receive in St. Helens.

Councilor Sundeen appreciates the service. He watched the meeting where Sheriff Pixley presented to Scappoose. He would welcome a discussion with the Sheriff or a representative from his department to come and present to this Council.

Councilor Gundersen would like to hear a presentation from the County as well.

Councilor Birkle had concerns about people living outside the City limits who do not have 24-hour service. Without a presentation and discussion, he did not see Council accepting the suggested resolution today.

Council President Chilton requested Chief Greenway be present if the Sheriff comes to present.

Mayor Scholl spoke about past differences in St. Helens' and the County's budgets for policing, adding he would like the County Commissioners to show the fiscal need in their budget.

The Council's consensus was not to support the resolution today.

6. Report from City Administrator John Walsh

Mr. Walsh presented his report:

- Due to hardships from 2008 through 2011, the City relied on Budget reserves. The City finally built the money back after a long time but has started on the path of again using the reserves. He emphasized the need to use resources wisely.
- Staff had still not received the final audit.
- The Boards and Commissions Appreciation Dinner will be held tomorrow at 5:30 pm.
- The Chamber Banquet will be on May 5.
- Black Tie & Blue Jeans will send a packet to the City.
- Carol Green retired last week.
- The RFP was open for general contractor/construction manager for the police station and was getting interest. He spoke about working with the owner's representative and looking at the site to develop an all-weather building pad.
- The Riverwalk design was getting good feedback. Staff had been working with the interpretative signage folks to tell stories along the Waterfront.
- Staff met with electrical engineers, who confirmed Columbia View Park Amphitheater has sufficient electrical supply. Mostly the wiring is great for the audio/visual component. He addressed some tipping point issues which might necessitate a small scope change but nothing of significance.
- He had a nice meeting with Nate Stice, the Regional Solutions representative for the area.
- Typically, this time of year the City would be out to bid by now for the timber harvest. This will be on tonight's agenda.
- Executive Sessions will be held after the Work Session and Regular Session to fit attorney schedules.

Councilor Sundeen asked about Council discussing supporting the high school's Safe & Sober party. Mayor Scholl suggested he bring it up during his report at the regular session for Council to discuss and vote on if needed.

ADJOURN - 4:48 pm.

EXECUTIVE SESSION

- Real Property Transactions, under ORS 192.660(2)(e); and
- Consult with Legal Counsel/Litigation, under ORS 192.660(2)(h).

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor

City of St. Helens

CITY COUNCIL

Executive Session Summary

April 19, 2023

Members Present: Rick Scholl, Mayor
 Jessica Chilton, Council President (present from 4:50 – 5:12 p.m.)
 Patrick Birkle, Councilor
 Mark Gundersen, Councilor
 Brandon Sundeen, Councilor

Staff Present: John Walsh, City Administrator (left at 4:50pm; returned at 7:30 p.m.)
 Kathy Payne, City Recorder
 William Monahan, City Attorney with Jordan Ramis PC (via Zoom from 4:50 – 5:12 p.m.)
 Peter Hicks, City Attorney with Jordan Ramis PC (via Zoom from 4:50 – 5:12 p.m.)
 David Rabbino, City Attorney with Jordan Ramis PC (via phone from 7:50 – 8:25 p.m.)



At 4:50 p.m., Mayor Scholl opened the Executive Session pursuant to the ORS numbers listed below and then gave Council roll call. Other than Labor Negotiator Consultations, representatives of the news media, designated staff, and other persons as approved shall be allowed to attend the Executive Session. All other members of the audience are asked to leave the Council Chambers. Representatives of the news media were specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. Any person in attendance, including the news media, who has a recording device is directed to turn it off.

- **Consult with Legal Counsel/Litigation, under ORS 192.660(2)(h)**
 - Potential litigation with regards to allegations made against City employee.
 - Discussion seeking advice from Counsel about the “litigation” terminology in the statutes.
- **Real Property Transactions, under ORS 192.660(2)(e)**
 - Nothing discussed under this ORS during this portion of the Executive Session.

At 5:12 p.m., the Executive Session was recessed until 7:30 p.m. after the Regular Session this evening.

At 7:40 p.m., Mayor Scholl reconvened the Executive Session pursuant to the ORS numbers listed below and then gave Council roll call.

- **Consult with Legal Counsel/Litigation, under ORS 192.660(2)(h)**
 - Discussion regarding potential litigation with ACSP.
- **Real Property Transactions, under ORS 192.660(2)(e)**
 - Nothing discussed under this ORS.

The Executive Session was adjourned at 8:25 p.m.



ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor

An audio recording of this meeting is archived at City Hall.



COUNCIL REGULAR SESSION

Wednesday, April 19, 2023

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
 Council President Jessica Chilton - via Zoom
 Councilor Patrick Birkle
 Councilor Mark Gundersen
 Councilor Brandon Sundeen

STAFF PRESENT

John Walsh, City Administrator
 Kathy Payne, City Recorder
 Lisa Scholl, Deputy City Recorder
 Tina Curry, Contracted Event Coordinator

OTHERS

Brady Preheim
 Jim Coleman
 Eddie Dunton
 Lew Mason

CALL REGULAR SESSION TO ORDER – 7:00 p.m.

PLEDGE OF ALLEGIANCE

VISITOR COMMENTS – *Limited to three (3) minutes per speaker*
 None

ORDINANCES – *First Reading*

1. Ordinance No. 3290: An Ordinance Vacating a Portion of the North 11th Street and Wyeth Street Rights-of-Way Generally between Blocks 92 and 95 of the St. Helens Subdivision
 Mayor Scholl read Ordinance No. 3290 by title. The final reading will be held at the next meeting.

AWARD BID AND/OR CONTRACT

2. Award Bid and Authorize Mayor to Execute Construction Contract for Replacement of IA15-IA15A Sanitary Sewer Main Located at S. 3rd Street and Tualatin Street to Turney Excavating in the Amount of \$68,250

Motion: Motion made by Councilor Birkle and seconded by Councilor Gundersen to approve '2' above.
Vote: Yea: Mayor Scholl, Councilor Birkle, Councilor Gundersen, Councilor Sundeen; Abstain: Council President Chilton

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

3. Display Agreement and Purchase Order with Western Display Fireworks for 4th of July Fireworks Display
4. Right of Way Dedication Deed for City-Owned Property at N. 11th and N. 12th Streets

Motion: Motion made by Councilor Birkle and seconded by Councilor Sundeen to approve '3' and '4' above. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Gundersen, Councilor Sundeen; Abstain: Council President Chilton

CONSENT AGENDA FOR ACCEPTANCE

5. Library Board Minutes dated February 13, 2023 and Library Board Special Session Minutes dated April 3, 2023
6. Parks and Recreation Commission Minutes dated March 13, 2023
7. Planning Commission Minutes dated March 21, 2023 and Planning Commission Special Session Minutes dated March 22, 2023

Motion: Motion made by Councilor Birkle and seconded by Councilor Gundersen to approve '5' through '7' above. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Gundersen, Councilor Sundeen; Abstain: Council President Chilton

CONSENT AGENDA FOR APPROVAL

8. Council Work Session and Regular Session Minutes dated December 7, 2022
9. Request for Proposals for Janitorial Services
10. OLCC Licenses
11. Accounts Payable Bill Lists

Motion: Motion made by Councilor Sundeen and seconded by Councilor Birkle to approve '8' through '11' above. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Gundersen, Councilor Sundeen; Abstain: Council President Chilton

WORK SESSION ACTION ITEMS

Motion: Motion made by Councilor Gundersen and seconded by Councilor Birkle to authorize the City Forester (Mason, Bruce & Girard) to go out to bid for a timber harvest for a portion of the Salmonberry Watershed property. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Gundersen, Councilor Sundeen; Abstain: Council President Chilton

COUNCIL MEMBER REPORTS

Councilor Sundeen reported...

- There is a work party on Saturday, which is Earth Day, at the Japanese Garden in McCormick Park.
- He and his kids are looking forward to Take Your Child to Work Day next week.

Councilor Gundersen reported...

- HB3115 Review Committee is working well as a team.

Councilor Birkle reported...

- They have some daunting decisions to make after last week's Budget Committee meeting. He hopes the public stays engaged and provides input. He looks forward to the next meeting.
- He is hoping for better weather.

MAYOR SCHOLL REPORTS

- There is temporary parking available on the Waterfront.
- Construction is progressing on the Waterfront property.
- The slough is cleaned out and there are fish in the river. He has done well the last couple days.

OTHER BUSINESS

None

ADJOURN – 7:10 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor