



PLANNING COMMISSION

Tuesday, November 09, 2021 at 7:00 PM

AGENDA

CALL TO ORDER & FLAG SALUTE

TOPICS FROM THE FLOOR (Not on Public Hearing Agenda): Limited to five minutes per topic

CONSENT AGENDA

- A. Planning Commission Minutes Dated October 12, 2021

PUBLIC HEARING AGENDA (times are earliest start time)

- B. 7:00 p.m. Annexation at 35480 E Division Road - Hughes
- C. 7:10 p.m. Annexation at 58471 Columbia River Hwy - Patel
- D. 7:20 p.m. Annexation at 58284 Old Portland Road - Port of St. Helens

ACCEPTANCE AGENDA: Planning Administrator Site Design Review

- E. Site Design Review (Minor) at 1370 Columbia Blvd - Tanner

PLANNING DIRECTOR DECISIONS (previously e-mailed to the Commission)

- F. Accessory Structure at 2724 Sykes Road - Weltsch
- G. Temporary Use Permit at 305 S Columbia River Hwy - Breslin Properties, LLC
- H. Home Occupation at 255 N 5th Street - Starkey

PLANNING DEPARTMENT ACTIVITY REPORT

- I. Planning Department Activity Report - October

ADJOURNMENT

NEXT REGULAR MEETING: December 14, 2021

VIRTUAL MEETING DETAILS

Join: <https://us06web.zoom.us/j/89137825513?pwd=RkVSZ3A0NINQZ2I5Yi9yUUl6TEFPdz09>

Meeting ID: 891 3782 5513

Passcode: 058293

Dial by your location: +1 253 215 8782 US (Tacoma)

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PLANNING COMMISSION

Tuesday, October 12, 2021, at 7:00 PM

DRAFT MINUTES

Members Present: Chair Cary
Vice Chair Hubbard
Commissioner Webster
Commissioner Semling
Commissioner Lawrence
Commissioner Pugsley

Members Absent: Commissioner Cavanaugh

Staff Present: City Planner Graichen
Associate Planner Dimsho
Community Development Admin Assistant Sullivan
Councilor Birkle

Others: Peter Olsen
Keller Associates

1. 7:00 P.M. CALL TO ORDER & FLAG SALUTE

2. CONSENT AGENDA

A. Planning Commission Minutes Dated August 10, 2021

Commissioner Webster requested a correction under "deliberations."

Motion: Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Draft Minutes as amended dated August 10, 2021. [AYES: Vice Chair Hubbard, Commissioner Pugsley, Commissioner Lawrence, Commissioner Webster, Commissioner Semling NAYS: None]

B. Planning Commission & City Council Joint Meeting Minutes dated September 22, 2021

Motion: Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Draft Minutes dated September 22, 2021. [AYES: Vice Chair Hubbard, Commissioner Pugsley, Commissioner Lawrence, Commissioner Webster, Commissioner Semling NAYS: None]

3. TOPICS FROM THE FLOOR (Not on Public Hearing Agenda): Limited to five minutes per topic

There were no topics from the floor.

4. SANITARY SEWER AND STORM WATER MASTER PLAN PRESENTATION

C. Storm Water Executive Summary

D. Sanitary Sewer Executive Summary

Peter Olsen, with Keller Associates, presented the report. He said they take all the data they collect through the study and establish a storm and planning criteria to develop and evaluate future Storm Water and Sanitary Sewer Master Plans. He said they create a hydrologic and hydraulic computer model to try to mimic the system that is currently in place and then they evaluate where the deficiencies are. Then they add in future development and pipelines to address those deficiencies. The presentation showed the differences between the current and proposed updates. He also reviewed the engineering design standards, Municipal Code, and Comprehensive Plan for our City when creating the Master Plan. They gave several recommendations to update the code. They provided recommendations for staffing for yearly replacements of pipeline, manholes, pump stations and catch basins.

Chair Cary asked about the stormwater treatment requirements for development on new projects. Olsen explained the plan was to recommend improvements and identify deficiencies for the system, but not for the quality of the stormwater.

Chair Hubbard asked about new development and if they would be required to put in a retention system. Olsen agreed that this would be a requirement based on the City design standards.

There was some discussion about some problematic areas in the city for drainage.

5. PUBLIC HEARING AGENDA (times are earliest start time)

E. 7:30 p.m. Variance at 544 & 564 S 12th Street - McGhie

Commissioner Pugsley recused herself from the hearing as she is the co-owner of the real estate company who has been hired to sell the property for the City. She stated that the applicant is also Commissioner Pugsley's client.

Chair Cary's ex-parte contact did not impact his ability to make a fair decision in the matter.

City Planner Jacob Graichen presented the staff report dated October 5, 2021. He mentioned this was a City surplus lot. He said the property was unique as it had several public utilities running through the center of the property requiring a 15-foot easement. He said the applicant was requesting a variance for the front setback in order to maintain a reasonable building footprint. Graichen mentioned there could be a zero-foot front setback. He said the Commission could also recommend a six-foot setback instead of the normal 20-feet. He said with the new Development Code amendments there was a front porch encroachment into the setback that is allowed. It was increased from three-feet to four-feet. He mentioned the applicant was requesting to move the porch all the way to the lot line which would be six-foot.

He discussed the street and sidewalk development. He said this was in an area with an 80-foot right-of-way. He mentioned even if a zero-foot setback was allowed the house would still be very far back from the street since the improved road is skewed to the opposite side of the right-of-way. Graichen showed a map of the houses currently on the street and how there were already houses located at the zero-foot setback.

McGhie, John. Applicant. McGhie said he is excited to build a house in St. Helens. He understood the sewer easements were important, and he is just trying to build a house correctly according to the City Development Code.

In Favor

No one spoke in favor.

Neutral

No one spoke as neutral testimony.

In Opposition

No one spoke in opposition.

End of Oral Testimony

There were no requests to continue the hearing or leave the record open.

Close of Public Hearing & Record

The applicant waived the opportunity to submit final written argument after the close of the record.

Deliberations

There was a small discussion about the setbacks and the porch encroachment.

Motion: Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Variance allowing a 0' front yard (setback) as recommended by staff. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Webster, Commissioner Pugsley, Commissioner Lawrence; Nays: None]

Motion: Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Chair to sign the Findings when prepared. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Webster, Commissioner Lawrence, Commissioner Pugsley; Nays: None]

F. 8:00 p.m. Annexation at 58241 Division Road – McPherson

Associate Planner Jennifer Dimsho presented the staff report dated October 5, 2021. She presented a map to orient the Commission on where the property was located. She said the applicant wants to connect to the sewer so they can develop the back portion of the property. She said they would review the improvements of development later in the process, not at Annexation. She said Columbia County did not have any concerns with this property annexing into the City. She mentioned the current zoning was Columbia County R10 and based on our Comprehensive Plan zoning, it could be zoned into the City as R10 or R7. She said staff recommended R7. Dimsho said that in addition to consistency with adjacent zoning, there is surplus of R10 properties based on the Housing Needs Analysis.

In Favor

No one spoke in favor.

Neutral

No one spoke as neutral testimony.

In Opposition

No one spoke in opposition.

End of Oral Testimony

There were no requests to continue the hearing or leave the record open.

Close of Public Hearing & Record

The applicant waived the opportunity to submit final written argument after the close of the record.

Deliberations

The Commission agreed with staff's recommendation for approval.

Motion: Upon Commissioner Webster's motion and Commissioner Lawrence's second, the Planning Commission unanimously recommended approval of the Annexation to City Council as recommended by staff. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Webster, Commissioner Pugsley, Commissioner Lawrence; Nays: None]

G. 8:15 p.m. Annexation at 35285 Millard Road – Columbia Soil & Water Conservation District

Associate Planner Jennifer Dimsho presented the staff report dated October 5, 2021. She shared a map of the property to orient the Commission on where it was located. She said the annexation has been on hold since May of 2011. She recommended R7 zoning for this property, due to the surrounding zoning. She said they could not approve this annexation unless the previous annexation for 58241 Division Road was approved, so that the subject property would be abutting property in City limits. She said Columbia County had no concerns with annexation. She mentioned the use, upon annexation, would be a public facility (major), which means it would not create a non-conforming use.

In Favor

No one spoke in favor.

Neutral

No one spoke as neutral testimony.

In Opposition

No one spoke in opposition.

End of Oral Testimony

There were no requests to continue the hearing or leave the record open.

Close of Public Hearing & Record

The applicant waived the opportunity to submit final written argument after the close of the record.

Deliberations

The Commission agreed with staff's recommendation for approval.

Motion: Upon Commissioner Webster's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved the Annexation as recommended by staff. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Webster, Commissioner Pugsley, Commissioner Lawrence; Nays: None]

6. PLANNING COMMISSION TERM EXPIRATIONS AND VACANCIES

Graichen discussed the upcoming vacancies of Commissioner Pugsley and Vice Chair Hubbard. He asked them if they wished to continue for another term. He said neither had served two full terms so if they wished to continue it would just move forward.

Both Commissioners agreed to continue.

Motion: Upon Commissioner Webster's motion and Commissioner Lawrence's second, the Planning Commission unanimously approved the Commissioner Pugsley and Vice Chair Hubbard to another term. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Webster, Commissioner Pugsley, Commissioner Lawrence; Nays: None]

Graichen also discussed Commissioner Cavanaugh. She has missed three consecutive meetings without an approved absence. This is presumed to be nonconformance of duty and justification to be removed from the Commission. He mentioned the Council would have to provide a public hearing to provide an opportunity for any rebuttal to formally vacate the position. He mentioned himself and Community Development Administrative Assistant Sullivan reached out several times to make a connection via email or phone with Commissioner Cavanaugh with no response.

Motion: Upon Commissioner Lawrence's motion and Vice Chair Hubbard's second, the Planning Commission unanimously agreed that no excuse was granted for absence of Commissioner Cavanaugh and to vacate the position. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Webster, Commissioner Pugsley, Commissioner Lawrence; Nays: None]

Graichen discussed the interview committee to bring on another Commissioner. He asked if anyone would like to volunteer. Commissioner Pugsley, Vice Chair Hubbard and Commissioner Webster all volunteered.

7. ACCEPTANCE AGENDA: Planning Administrator Site Design Review

1. Site Design Review (Minor) at 454 Milton Way – Crown Castle
2. Site Design Review (Minor) at 155 N Columbia River Hwy – Victorico's

Motion: Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission unanimously approved the Acceptance Agenda. [Ayes: Vice Chair Hubbard, Commissioner Semling, Commissioner Webster, Commissioner Pugsley, Commissioner Lawrence; Nays: None]

8. PLANNING DIRECTOR DECISIONS (previously e-mailed to the Commission)

1. Sign Permit at 100 St. Helens Street – RY Industries, LLC

9. PLANNING DEPARTMENT ACTIVITY REPORT

- H. Planning Department Report – August

Vice Chair Hubbard asked a question about the southwest corner of the Pittsburg and Highway 30 location and was wondering about the continuance of cleanup. Graichen mentioned he had spoken with Code Enforcement and had planned to go out again to check the progress.

- I. Planning Department Report – September

10. FOR YOUR INFORMATION ITEMS

Dimsho said that in preparing for the Annual Planning Department report to Council, she discovered that on average, the City has processed one annexation every year for nine years and that this year they were on track to process nine annexations before the end of the year. She said it was a signal of the growth coming to our city.

Councilor Birkle discussed the joint City Council and Planning Commission meeting. He said he thought there was a desire from the Planning Commission to not just be informed but be more actively involved in the recommendations that go before the City Council.

11. ADJOURNMENT

NEXT REGULAR MEETING: November 9, 2021

There being no further business before the Planning Commission, the meeting was adjourned 9:23 p.m.

Respectfully submitted,

Christina Sullivan
Community Development Administrative Assistant

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Annexation A.3.21**

DATE: November 2, 2021
TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner
APPLICANT: Kenneth Hughes
OWNERS: KRH Rentals, LLC / Kenneth & Betty Hughes
ZONING: Columbia County's Commercial-General (C-3)
LOCATION: 35480 East Division Road
 4N1W-8CA-3800 & 3201
PROPOSAL: The property owner filed consent to annex because they would like to connect City sewer.

SITE INFORMATION / BACKGROUND

This application for annexation contains two lots. The first lot is 13,939 square feet (0.32 acres) and is developed with a multi-dwelling building with three units. There are also six small accessory structures (approximately 10' x 10') with travel trailer hookups to sewer, water, and electrical panels for six trailers. The multi-dwelling building, the accessory structures, and travel trailer storage use appears to pre-date the County's land use and building permitting records. However, the County recently processed a plumbing permit (192-21-001520-PLM) to connect the multi-dwelling building to City sewer, and to install six individual sewer and water hookups for travel trailers. Access is completely gravel, except for a small paved portion near Division Road (see next page).



Left: Subject property looking southwest. Trailers and accessory structures to the left and multi-family building to the right.

Bottom: Multi-family building looking northeast. RV space #6 to left.



Access to this property is partially improved off East Division Road with a gravel driveway that goes through the second lot which is included in this application for annexation. The second lot is vacant and irregular shaped at 2,420 square feet (0.06 acres). This lot abuts East Division Road and US 30. It was sold to the applicants from ODOT in October 2000. Prior to that, a portion of this irregular-shaped property was remnant right-of-way old alignment of Division Road which was vacated from the County in 1999. There are curb-tight frontage improvements along US 30 abutting this lot.



Subject property's access. Photo taken from E. Division Rd. looking south to US 30.

Pictured driveway approach is within the E. Division Rd. right-of-way. Frontage improvements (curb, gutter, and sidewalks) can be seen along US 30.

Abutting Zoning

North – County's Commercial-General (C-3)

East – County's Commercial-Highway (C-5) & City's Heavy Industrial (HI)

South - County's Commercial-General (C-3)

West - County's Commercial-General (C-3)

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: November 9, 2021. Public hearing before the City Council: December 1, 2021.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on September 29, 2021 through their PAPA Online Submittal website.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property on October 15, 2021 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on October 27, 2021 in The Chronicle newspaper.

AGENCY REFERRALS & COMMENTS

ODOT: It looks like the St. Helens wants to bring these 2 lots into annexation with the city, and no new development changes to the existing accesses is proposed. As such, ODOT has no comment on the application.

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 Highway Commercial. Applicable designation and zoning district for annexation are discussed later.

There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC. Note that SHMC 19.08.030 discusses public services and facilities and includes utility provisions (e.g., water and sewer) as well as services such as police and library. In sum, all services are intertwined; the consent to annexation allows connection to City sewer to support existing and future development on the subject property, and, once annexed, all other City services/facilities. By this process, the proposal complies with this aspect of the Comprehensive Plan.

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

There is no known conflict with the addendums to the Comprehensive Plan which includes Economic Opportunities Analysis (Ord. No. 3101), Waterfront Prioritization Plan (Ord. No. 3148), the Transportation Systems Plan (Ord. No. 3150), the Corridor Master Plan (Ord. No. 3181), the Parks & Trails Master Plan (Ord. No. 3191), the Riverfront Connector Plan (Ord. No. 3241), and the Housing Needs Analysis (Ord. No. 3244).

Finally, there is no evidence that this proposal will be contrary to the health, safety, and welfare of the community.

(a)(ii) The City's Comprehensive Plan has been adopted by the State, thus, the applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197 do not need to be analyzed per this section.

(a)(iii) In addition, Section 3 of the City’s Charter states that “annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate.” However, during the 2016 Legislative Assembly, Senate Bill 1578 was passed. It states that a City shall annex the territory without submitting the proposal to the electors if certain criteria are met:

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

This property is separated by only a public right-of-way to City limits. 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 Commercial-General (C-3) and the City's only zoning option given annexation is Highway Commercial.**

Generally, when comparing potential land use impact on transportation facilities, the *reasonable worst case scenario* for the existing and proposed designation/zone are considered. The potential land uses are very similar for both the City and County. The City's zoning is comparable to the County with regards to the possible intensity of uses allowed and potential vehicular trips generated. Thus, this proposal will not affect an existing or planned transportation facility.

Finding: No transportation facility will be significantly affected by this proposal. No traffic impact analysis is warranted.

SHMC 17.28.030 (1) – Annexation criteria

- (a) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
- (b) Comply with comprehensive plan amendment standards and zoning ordinance amendment standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and
- (c) Complies with state laws; and
- (d) Abutting roads must meet city standards or property owner will be required to sign and record an irrevocable consent to local improvement district; and
- (e) Property exceeding 10 acres in gross size must show a need on the part of the city for such land if it is designated residential (e.g., less than five years' supply of like designated lands in current city limits).

Discussion: (a) Water – The site is currently connected to McNulty Water. The nearest City water line is near Les Schwab on Highway 30 approximately 680 feet away from the subject property.

Sewer – Since the applicant filed a consent to annex, they have connected the property 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. Thus, any potential uses that occur on the subject property can be accommodated by the

City's sanitary sewer system as infrastructure is in place and there is substantial capacity available.

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

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

(b) The land use of the subject property is a multi-dwelling building with four units. This is not an allowed use in the City's Highway Commercial (HC) zoning district. This will create a non-conforming use of the property upon annexation into the City. The subject property is also being used as a travel trailer park, which is a Conditional Use within the City's HC zoning district. It was also not developed using the City's standards for travel trailer parks, so this use will also be considered a non-conforming use upon annexation into the City.

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."

The subject property is served by McNulty water. City sewer capacities are adequate to serve the subject property. This is explained above. The existing development is adequately served.

- ***Statewide Planning Goal 12: Transportation.***

Goal 12 requires cities, counties, metropolitan planning organizations, and ODOT to provide and encourage a "safe, convenient and economic transportation system." This is accomplished through development of Transportation System Plans based on inventories of local, regional and state transportation needs. Goal 12 is implemented through OAR 660, Division 12, also known as the Transportation Planning Rule ("TPR"). The TPR contains numerous requirements governing transportation planning and project development.

Traffic impacts and the City's provisions that address the TPR are explained above. This proposal will not significantly affect an existing or planned transportation facility.

(d) The subject property has access off East Division Road, and there is a small section (about 60') of abutting frontage without improvements. The subject property also abuts Highway 30. Highway 30 is a major arterial with curb-tight sidewalks abutting the subject property, which does not meet our typical cross section standard. The existing right-of-way for major arterials is 101', which is also not met. **However, this property 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.

(e) The subject property is not greater than 10 acres in gross size. A needs analysis is not necessary.

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

SHMC 17.28.030 (2) – Annexation criteria

The plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's comprehensive plan map designation.

Discussion: The Comprehensive Plan designation is currently Unincorporated Highway Commercial (UHC). The City's only zoning option given annexation is Highway Commercial (HC). The Comprehensive Plan designation would thus be Highway Commercial (Incorporated) (HC).

Finding: Upon annexation, the subject property's Comprehensive Plan designation shall be Highway Commercial (Incorporated) and zoned Highway Commercial (HC).

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.

OAR 660-008-0005 generally defines “Buildable Land” as vacant residential property not constrained by natural hazards or resources, and typically not publicly owned.

Finding: The subject property is not zoned residential. This provision does not apply.

CONCLUSION & RECOMMENDATION

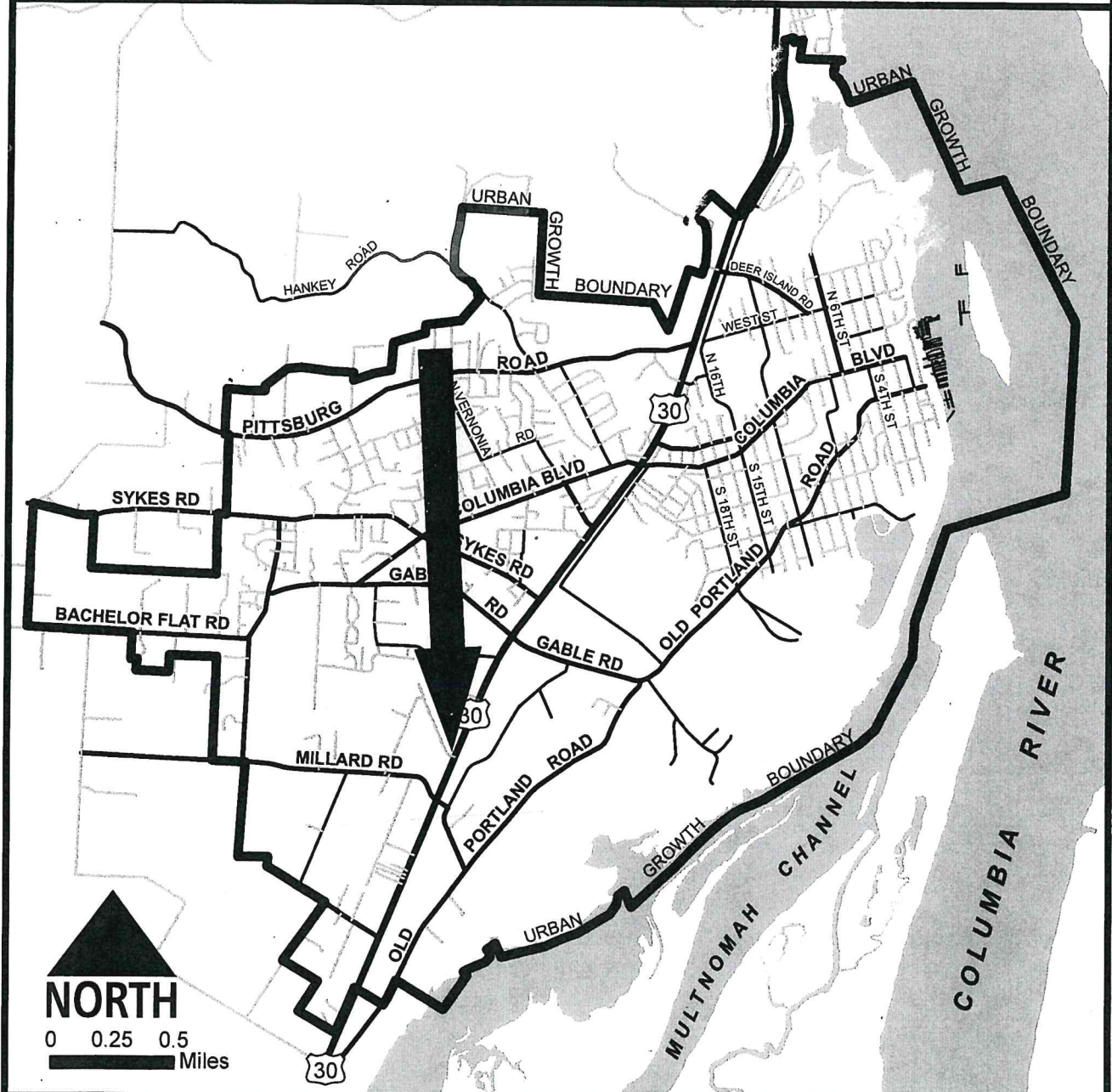
Based upon the facts and findings herein, staff recommends approval of this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Highway Commercial (Incorporated) HC and be zoned Highway Commercial (HC).

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

Attachments: General Map
Taxlot Map
Aerial Map

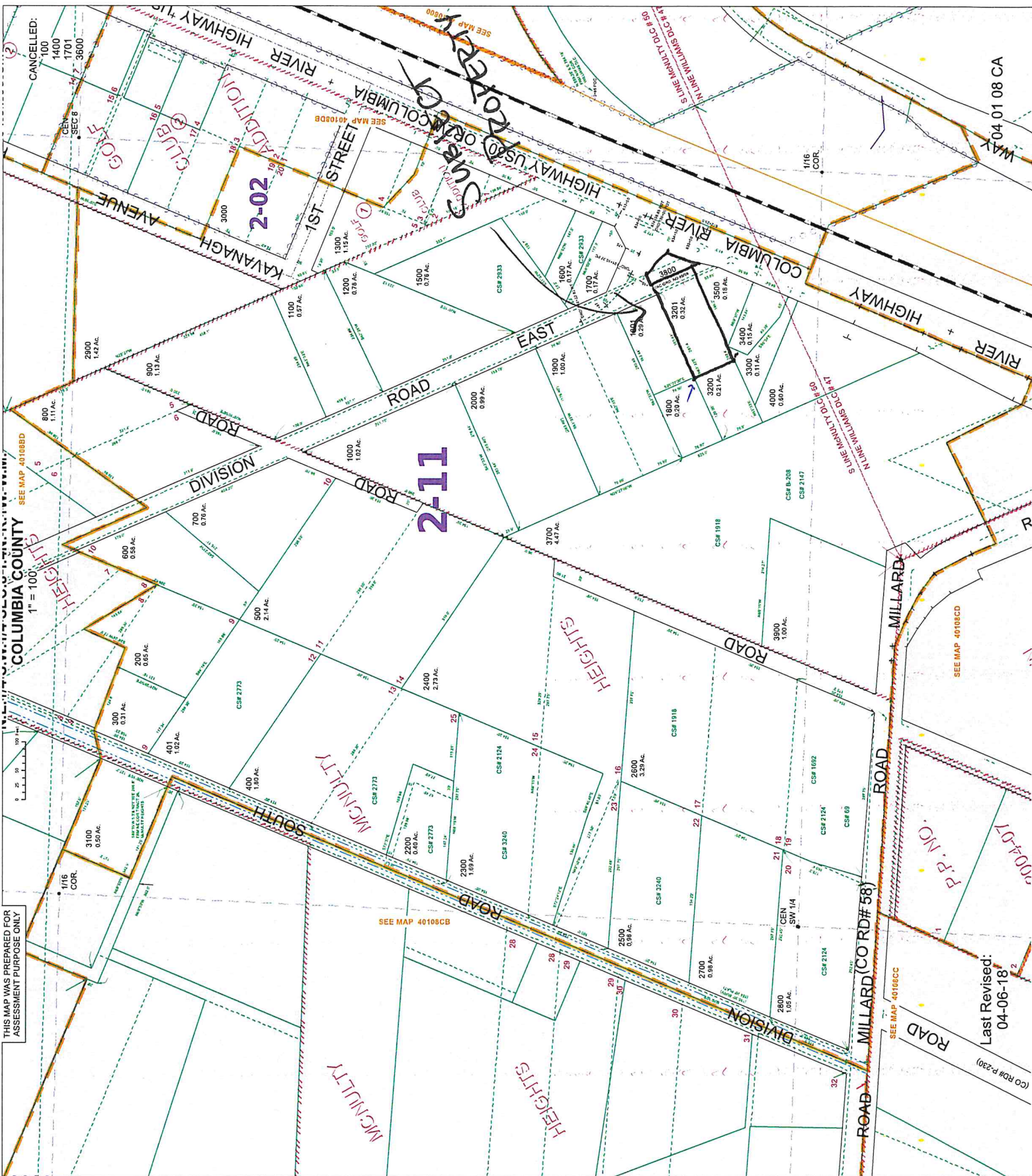
SUBJECT PROPERTY

~ Approximate Location ~

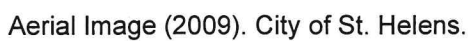


City of St. Helens Urban Growth Boundary Area Vicinity

jag/Dec. 2013



Item B.



**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Annexation A.6.21**

DATE: November 2, 2021
TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner
APPLICANT: Shivam Patel
OWNERS: Sahjahand Investments, LLC
ZONING: Columbia County's Commercial-General (C-3)
LOCATION: 58471 Columbia River Highway
 4N1W-8AC-2600 & 2700
PROPOSAL: The property owner filed consent to annex because they would like to use the City's development rules and connect to City sewer.

SITE INFORMATION / BACKGROUND

This annexation request contains two lots, one at 11,326 square feet (0.26 acres) and one at 9,148 square feet (0.21 acres). The smaller of the two lots is developed with a detached single-family dwelling, while the larger is undeveloped. The developed lot abuts Columbia River Highway with a paved driveway approach and curb-tight sidewalks. The undeveloped lot abuts Kavanagh Avenue right-of-way in the rear. There is no developed roadway or frontage improvements abutting the property in the back, though it is improved as a gravel road that leads to the subject property heading north from Firway Lane. There are known wetlands within the Kavanagh Avenue right-of-way partially abutting this property and further south.

Kavanagh Avenue right-of-way is also the location of City sewer. The property is connected to McNulty Water. The applicant is interested in developing the subject properties in conjunction with two abutting properties under the same ownership (and already within City limits) with new commercial uses.

Photos of the subject property are on the next page.

Abutting Zoning

North – County's Commercial General (C-3)
 East – City's Heavy Industrial (HI)
 South – City's Highway Commercial (HC)
 West – City's Highway Commercial (HC)



Left: Undeveloped property with single-family dwelling in the background taken from underdeveloped Kavanagh Avenue.

Right: Single-family dwelling on developed lot from Highway 30 facing north.

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: November 9, 2021. Public hearing before the City Council: December 1, 2021.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on September 29, 2021 through their PAPA Online Submittal website.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property on October 15, 2021 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on October 27, 2021 in The Chronicle newspaper.

AGENCY REFERRALS & COMMENTS

ODOT: It looks like the St. Helens wants to bring these 2 lots into annexation with the city, and no new development changes to the existing accesses is proposed. As such, ODOT has no comment on the application.

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 Highway Commercial. Applicable designation and zoning district for annexation are discussed later.

There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC. Note that SHMC 19.08.030 discusses public services and facilities and includes utility provisions (e.g., water and sewer) as well as services such as police and library. In sum, all services are intertwined; the consent to annexation allows connection to City sewer to support existing and future development on the subject property, and, once annexed, all other City services/facilities. By this process, the proposal complies with this aspect of the Comprehensive Plan.

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

There is no known conflict with the addendums to the Comprehensive Plan which includes Economic Opportunities Analysis (Ord. No. 3101), Waterfront Prioritization Plan (Ord. No. 3148), the Transportation Systems Plan (Ord. No. 3150), the Corridor Master Plan (Ord. No. 3181), the Parks & Trails Master Plan (Ord. No. 3191), the Riverfront Connector Plan (Ord. No. 3241), and the Housing Needs Analysis (Ord. No. 3244).

Finally, there is no evidence that this proposal will be contrary to the health, safety, and welfare of the community.

(a)(ii) The City's Comprehensive Plan has been adopted by the State, thus, the applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197 do not need to be analyzed per this section.

(a)(iii) In addition, Section 3 of the City's Charter states that "annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate." However, during the 2016 Legislative Assembly, Senate Bill 1578 was passed. It states that a City shall annex the territory without submitting the proposal to the electors if certain criteria are met:

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

This property is separated by only a public right-of-way to City limits. 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 Commercial-General (C-3) and the City's only zoning option given annexation is Highway Commercial.

Generally, when comparing potential land use impact on transportation facilities, the *reasonable worst case scenario* for the existing and proposed designation/zone are considered. The potential land uses are very similar for both the City and County. The City's zoning is comparable to the County with regards to the possible intensity of uses allowed and potential vehicular trips generated. Thus, this proposal will not affect an existing or planned transportation facility.

Finding: No transportation facility will be significantly affected by this proposal. No traffic impact analysis is warranted.

SHMC 17.28.030 (1) – Annexation criteria

- (a) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
- (b) Comply with comprehensive plan amendment standards and zoning ordinance amendment standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and
- (c) Complies with state laws; and
- (d) Abutting roads must meet city standards or property owner will be required to sign and record an irrevocable consent to local improvement district; and
- (e) Property exceeding 10 acres in gross size must show a need on the part of the city for such land if it is designated residential (e.g., less than five years' supply of like designated lands in current city limits).

Discussion: (a) Water – The site is currently connected to McNulty Water. The nearest City water is approximately 590 feet away.

Sewer – The applicant desires to connect to City sewer which is available in the Kavanagh Avenue right-of-way abutting the subject property. 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. Thus, any potential uses that occur on the subject property can be accommodated by the City's sanitary sewer system as infrastructure is in place and there is substantial capacity available.

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

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

(b) The land use of the subject property is a detached single-family dwelling. This is not an allowed use in the City's Highway Commercial (HC) zoning district. This will create a non-conforming use of the property upon annexation into the City. However, the applicant is aware of this and desires to redevelop the property as a commercial use.

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."

The subject property is served by McNulty water. City sewer capacities are adequate to serve the subject property. This is explained above. The existing development is adequately served.

- ***Statewide Planning Goal 12: Transportation.***

Goal 12 requires cities, counties, metropolitan planning organizations, and ODOT to provide and encourage a "safe, convenient and economic transportation system." This is accomplished through development of Transportation System Plans based on inventories of local, regional and state transportation needs. Goal 12 is implemented through OAR 660, Division 12, also known as the Transportation Planning Rule ("TPR"). The TPR contains numerous requirements governing transportation planning and project development.

Traffic impacts and the City's provisions that address the TPR are explained above. This proposal will not significantly affect an existing or planned transportation facility.

(d) The subject property abuts Highway 30 in the front. Highway 30 is a major arterial with curb-tight sidewalks abutting the subject property, which does not meet our typical cross section standard. The existing right-of-way for major arterials is 101', which is also not met. The subject property also abuts Kavanagh Avenue in the rear with a 50' wide right-of-way, which meets the minimum standard for local streets. Kavanagh Avenue's roadway and street frontage are entirely undeveloped abutting the property. **However, this property 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.

(e) The subject property is not greater than 10 acres in gross size. A needs analysis is not necessary.

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

SHMC 17.28.030 (2) – Annexation criteria

The plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's comprehensive plan map designation.

Discussion: The Comprehensive Plan designation is currently Unincorporated Highway Commercial (UHC). The City's only zoning option given annexation is Highway Commercial (HC). The Comprehensive Plan designation would thus be Highway Commercial (Incorporated) (HC).

Finding: Upon annexation, the subject property's Comprehensive Plan designation shall be Highway Commercial (Incorporated) and zoned Highway Commercial (HC).

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.

OAR 660-008-0005 generally defines "Buildable Land" as vacant residential property not constrained by natural hazards or resources, and typically not publicly owned.

Finding: The subject property is not zoned residential. This provision does not apply.

CONCLUSION & RECOMMENDATION

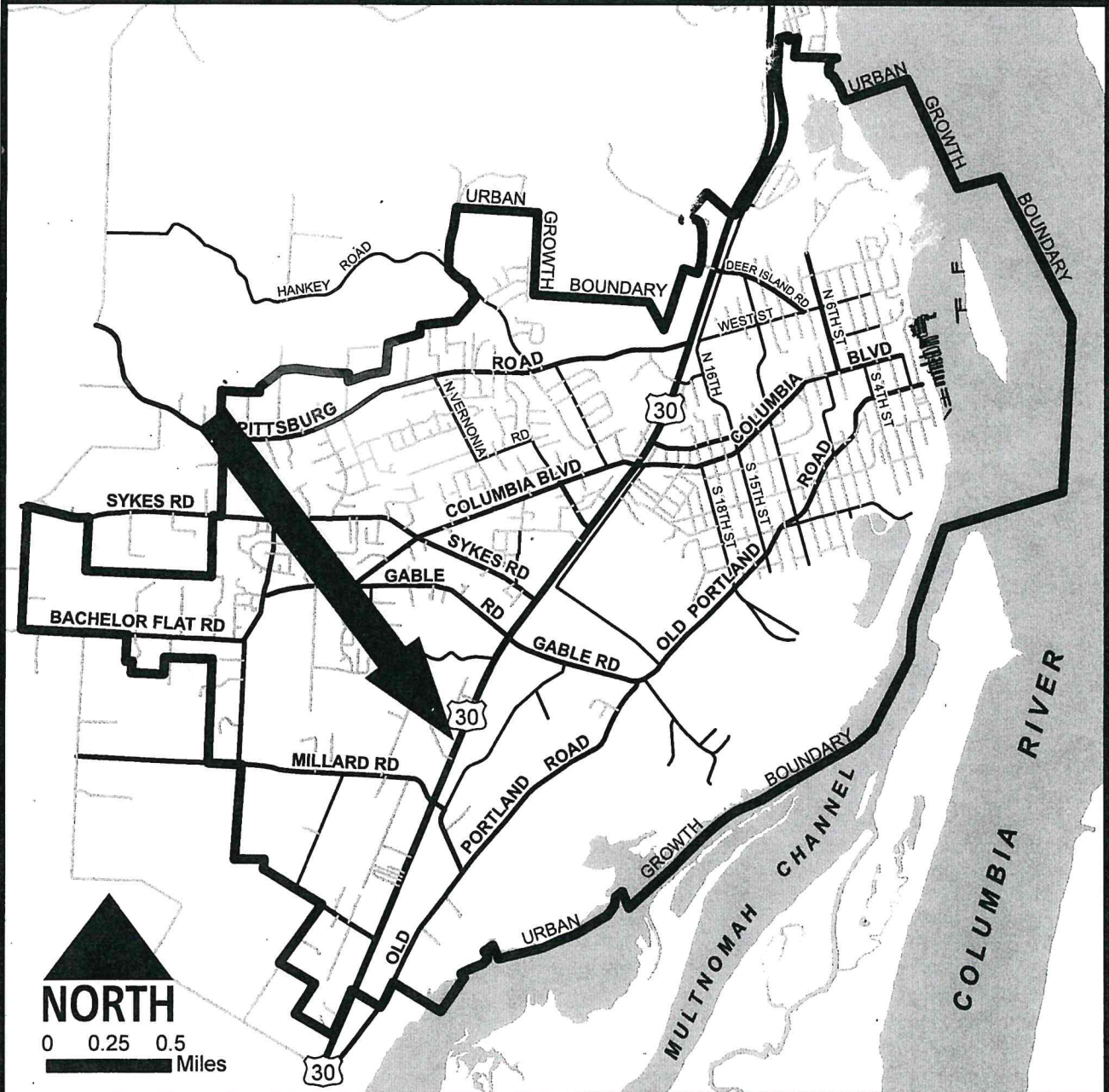
Based upon the facts and findings herein, staff recommends approval of this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Highway Commercial (Incorporated) HC and be zoned Highway Commercial (HC).

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

Attachments: General Map
Taxlot Map
Aerial Map

SUBJECT PROPERTY

~ Approximate Location ~



City of St. Helens Urban Growth Boundary Area Vicinity

jag/Dec. 2013

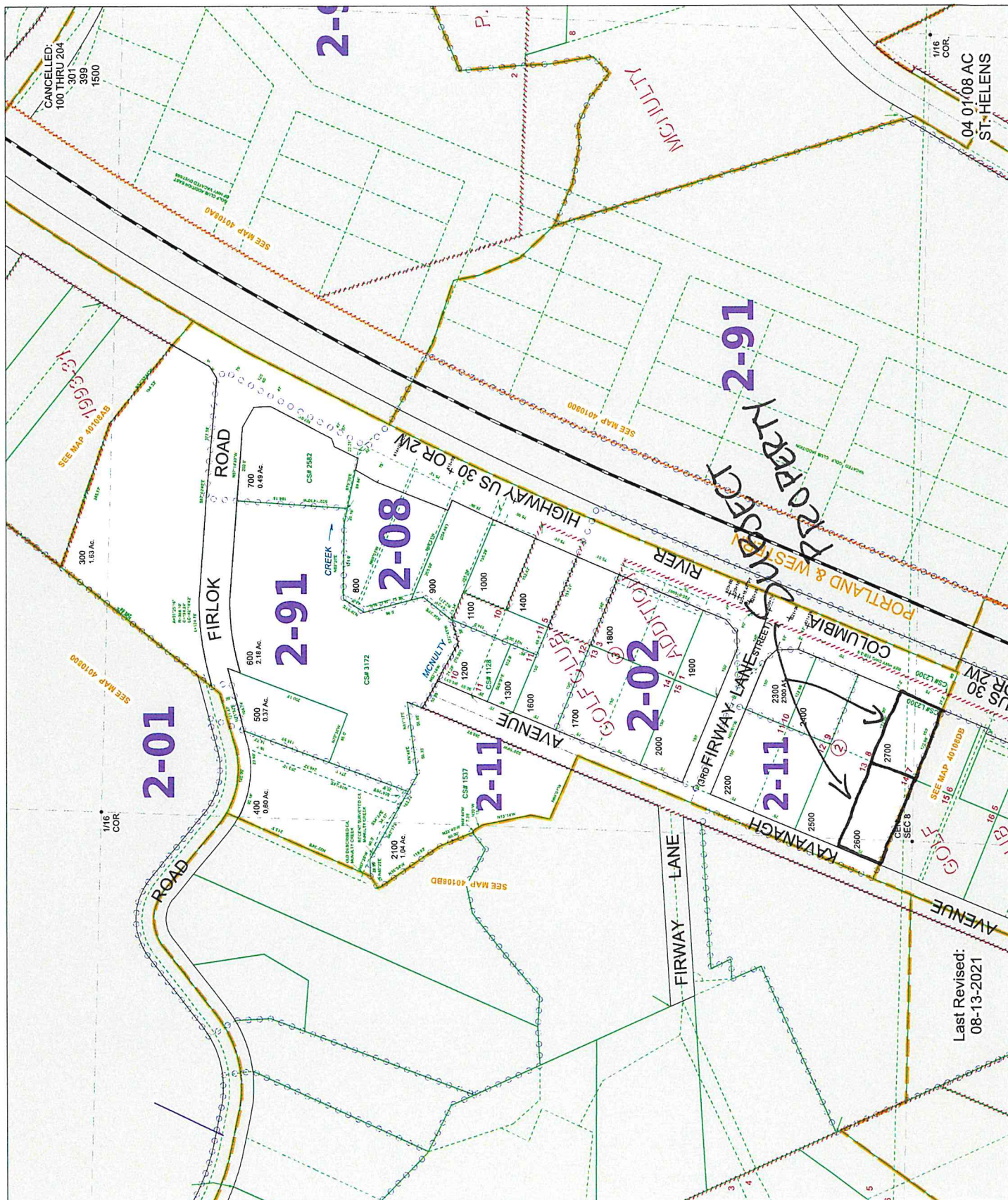
04 01 08 AC
ST. HELENS

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

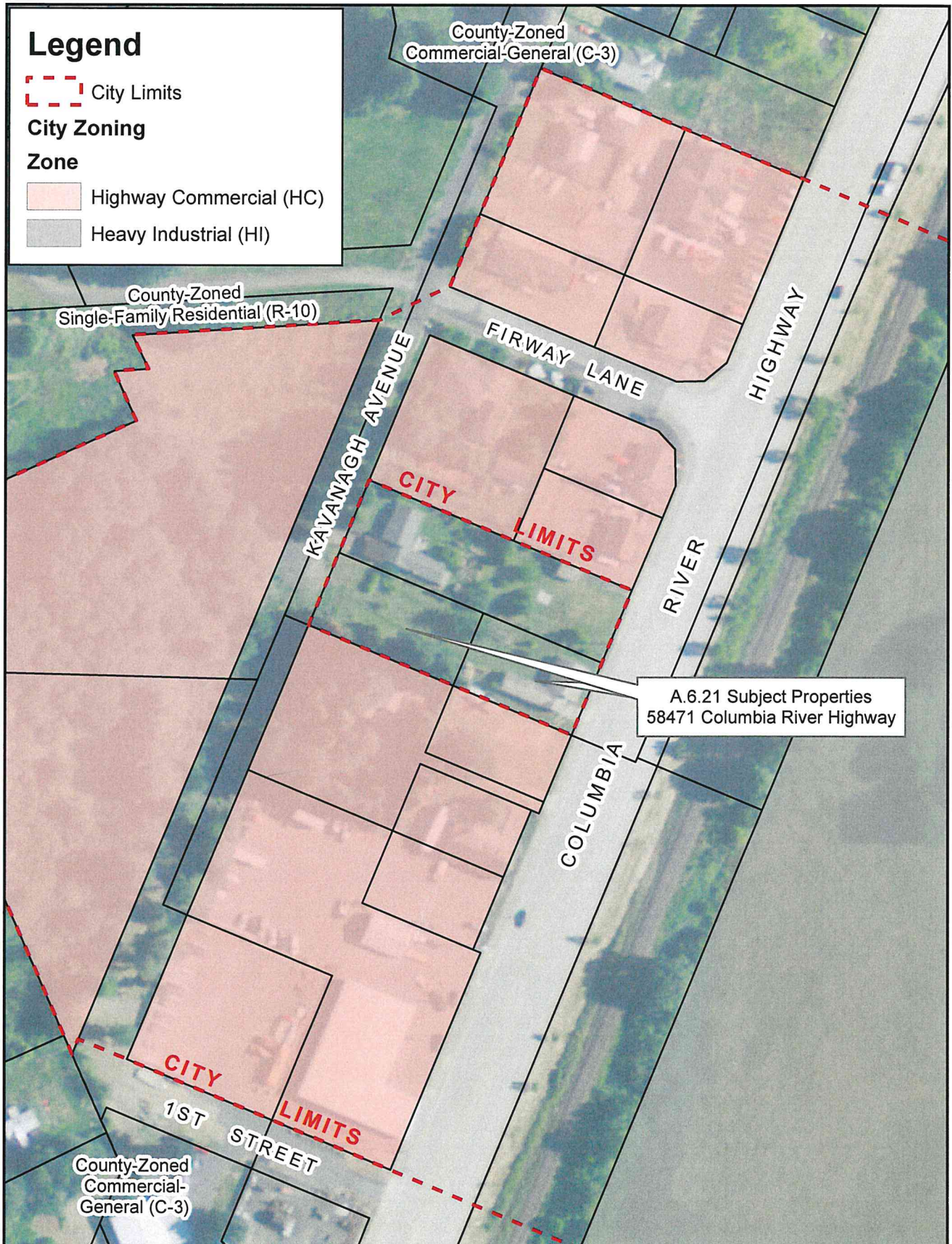
1" = 100'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

Item C.



A.6.21 Annexation Aerial Map



Aerial Image (2009). City of St. Helens.

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Annexation A.10.05**

DATE: November 2, 2021
TO: Planning Commission
FROM: Jennifer Dimsho, AICP, Associate Planner
APPLICANT: Port of Columbia County
OWNERS: Same
ZONING: Columbia County's Heavy Industrial (M-1)
LOCATION: 58284 Old Portland Road
 4N1W-8D-1001
PROPOSAL: The property owner filed consent to annex in 2005 as part of City-initiated effort to reduce the number of "islands" outside of City limits. However, at the time of the 2005 Council public hearing, it was determined that the subject property was not contiguous to City limits. Now, because of a previous annexation in 2013 (A.1.13) which annexed the small vacant blue house on Old Portland Road (pictured on the next page), this property is eligible for annexation.

SITE INFORMATION / BACKGROUND

This annexation is for a property at 1.99 acres (86,684 square feet). The property is entirely vacant and undeveloped with several very large oak trees. It does not have direct access to Old Portland Road, but it is surrounded by property under the same ownership (Port of Columbia County), and there is informal, undeveloped access through the property directly north to a gate along Old Portland Road (pictured below). There is public sanitary sewer and water available within Old Portland Road.



Left: Photo taken from subject property looking north to Old Portland Road fence and gate. Cleared access pictures goes through northern abutting property.

Right: Photo taken from subject property looking southeast across property from northern property line.



58240 Old Portland Road was the subject of a 2013 Annexation (A.1.13). This property abuts the subject property along the southeast corner and is the reason why this annexation is contiguous with City limits and eligible for annexation today.

Abutting Zoning

North – County’s Heavy Industrial (M-1)

East – County’s Heavy Industrial (M-1)

South – County’s Heavy Industrial (M-1)

West – County’s Heavy Industrial (M-1) & City’s Heavy Industrial (HI)

PUBLIC HEARING & NOTICE

Public hearing before the Planning Commission for *recommendation to the City Council*: November 9, 2021. Public hearing before the City Council: December 1, 2021.

Notice of this proposal was sent to the Oregon Department of Land Conservation and Development on October 5, 2021 through their PAPA Online Submittal website.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property on October 15, 2021 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

Notice was published on October 27, 2021 in The Chronicle newspaper.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no comments have been received from relevant agencies regarding this proposal.

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 Heavy Industrial. Applicable designation and zoning district for annexation are discussed later.

There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC. Note that SHMC 19.08.030 discusses public services and facilities and includes utility provisions (e.g., water and sewer) as well as services such as police and library. In sum, all services are intertwined; the consent to annexation allows connection to City sewer to support existing and future development on the subject property, and, once annexed, all other City services/facilities. By this process, the proposal complies with this aspect of the Comprehensive Plan.

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

There is no known conflict with the addendums to the Comprehensive Plan which includes Economic Opportunities Analysis (Ord. No. 3101), Waterfront Prioritization Plan (Ord. No. 3148), the Transportation Systems Plan (Ord. No. 3150), the Corridor Master Plan (Ord. No. 3181), the Parks & Trails Master Plan (Ord. No. 3191), the Riverfront Connector Plan (Ord. No. 3241), and the Housing Needs Analysis (Ord. No. 3244).

Finally, there is no evidence that this proposal will be contrary to the health, safety, and welfare of the community.

(a)(ii) The City's Comprehensive Plan has been adopted by the State, thus, the applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197 do not need to be analyzed per this section.

(a)(iii) In addition, Section 3 of the City's Charter states that "annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate." However, during the 2016 Legislative Assembly, Senate Bill 1578 was passed. It states that a City shall annex the territory without submitting the proposal to the electors if certain criteria are met:

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

This property is separated by only a public right-of-way to City limits. 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 Heavy Industrial (M-1), and the City's only zoning option given annexation is Heavy Industrial.

Generally, when comparing potential land use impact on transportation facilities, the *reasonable worst case scenario* for the existing and proposed designation/zone are considered. The potential land uses are very similar for both the City and County. The City's zoning is comparable to the County with regards to the possible intensity of uses allowed and potential vehicular trips generated. Thus, this proposal will not affect an existing or planned transportation facility.

Finding: No transportation facility will be significantly affected by this proposal. No traffic impact analysis is warranted.

SHMC 17.28.030 (1) – Annexation criteria

- (a) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
- (b) Comply with comprehensive plan amendment standards and zoning ordinance amendment standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and
- (c) Complies with state laws; and
- (d) Abutting roads must meet city standards or property owner will be required to sign and record an irrevocable consent to local improvement district; and
- (e) Property exceeding 10 acres in gross size must show a need on the part of the city for such land if it is designated residential (e.g., less than five years' supply of like designated lands in current city limits).

Discussion: (a) Water – The site is not currently connected to water, but it is available in the Old Portland Road right-of-way. 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 connected to sewer, but it is available within the Old Portland Road right-of-way. Regarding 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. Thus, any potential uses that occur on the subject property can be accommodated by the City's sanitary sewer system as infrastructure is in place and there is substantial capacity available.

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

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

(b) There are no current uses established on the property. The property would be subject to the City's Heavy Industrial zoning district uses.

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."

The subject property is not currently connected to utilities. City sewer and water capacities are adequate to serve the subject property. This is explained above. The existing development is adequately served.

- ***Statewide Planning Goal 12: Transportation.***

Goal 12 requires cities, counties, metropolitan planning organizations, and ODOT to provide and encourage a "safe, convenient and economic transportation system." This is accomplished through development of Transportation System Plans based on inventories of local, regional and state transportation needs. Goal 12 is implemented through OAR 660, Division 12, also known as the Transportation Planning Rule ("TPR"). The TPR contains numerous requirements governing transportation planning and project development.

Traffic impacts and the City's provisions that address the TPR are explained above. This proposal will not significantly affect an existing or planned transportation facility.

(d) The subject property does not directly abut a public right-of-way, so this provision does not apply.

(e) The subject property is not greater than 10 acres in gross size. A needs analysis is not necessary.

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

SHMC 17.28.030 (2) – Annexation criteria

The plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's comprehensive plan map designation.

Discussion: The Comprehensive Plan designation is currently Unincorporated Heavy Industrial (UHI). The City's only zoning option given annexation is Heavy Industrial (HI). The Comprehensive Plan designation would thus be Heavy Industrial (Incorporated) (HI).

Finding: Upon annexation, the subject property's Comprehensive Plan designation shall be Heavy Industrial (Incorporated) and zoned Heavy Industrial (HI).

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.

OAR 660-008-0005 generally defines "Buildable Land" as vacant residential property not constrained by natural hazards or resources, and typically not publicly owned.

Finding: The subject property is not zoned residential. This provision does not apply.

CONCLUSION & RECOMMENDATION

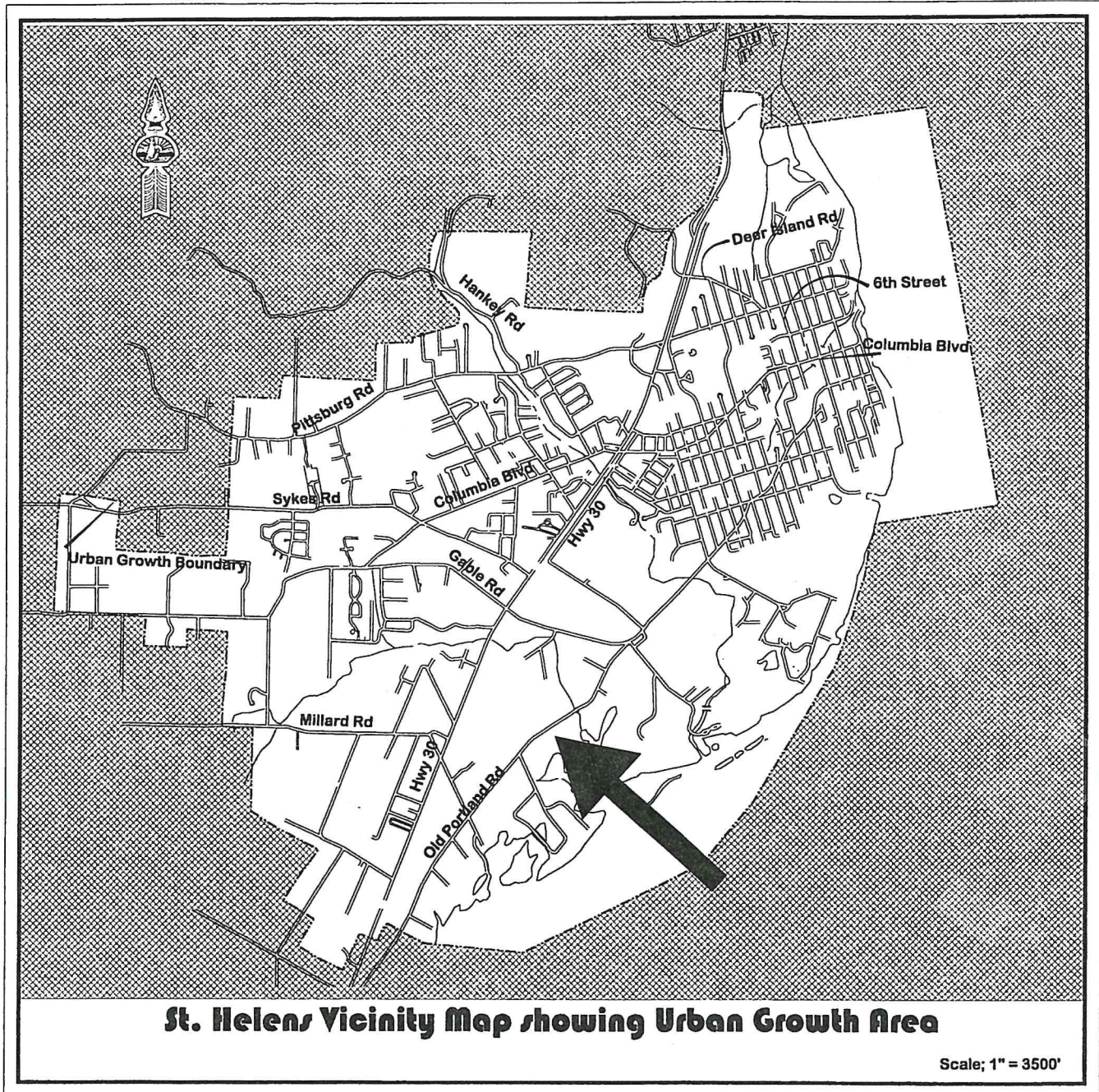
Based upon the facts and findings herein, staff recommends approval of this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Heavy Industrial (Incorporated) HI and be zoned Heavy Industrial (HI).

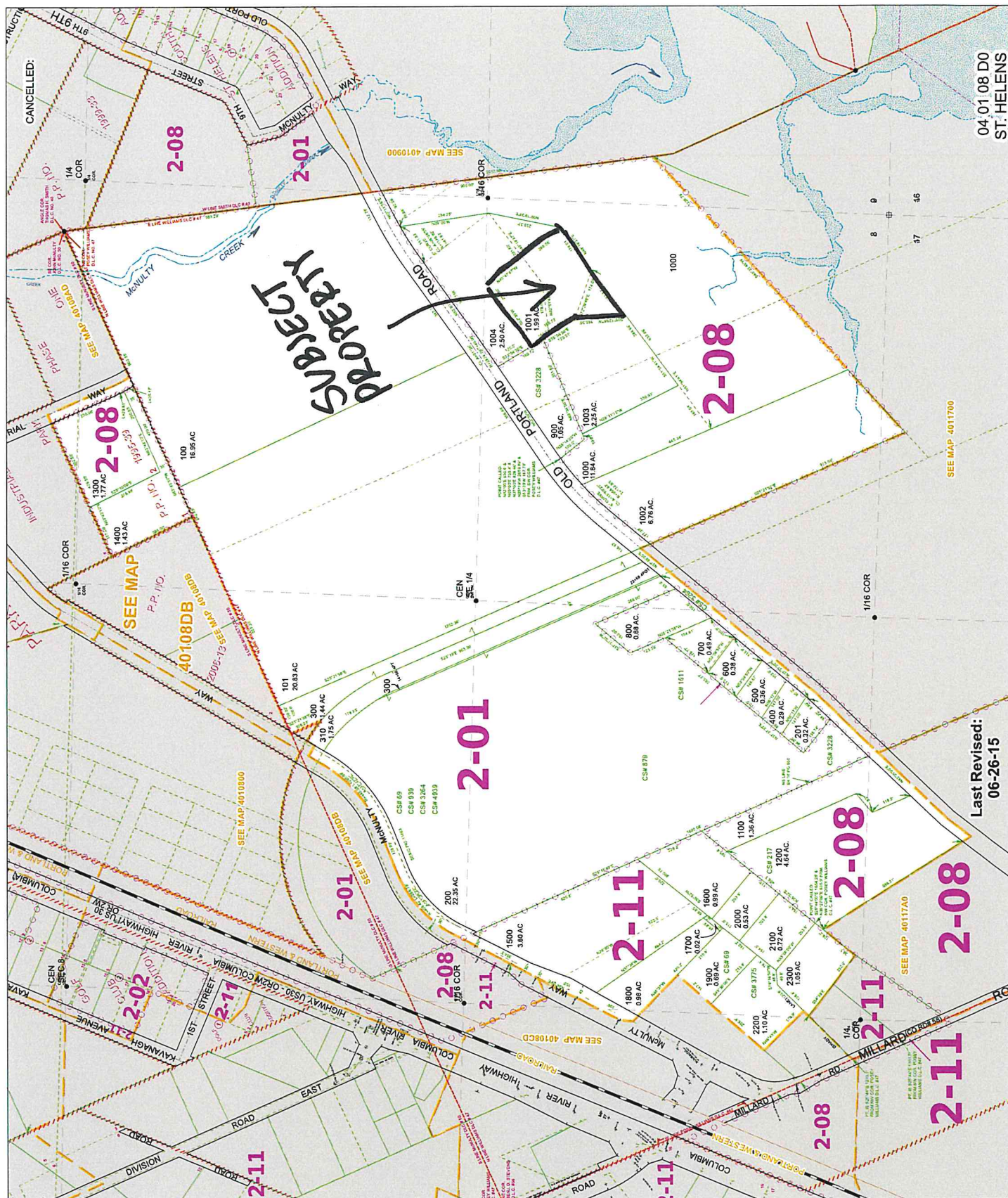
*This annexation will **not** be subject to voter approval subsequent to this land use process.*

Attachments: General Map
Taxlot Map
Aerial Map

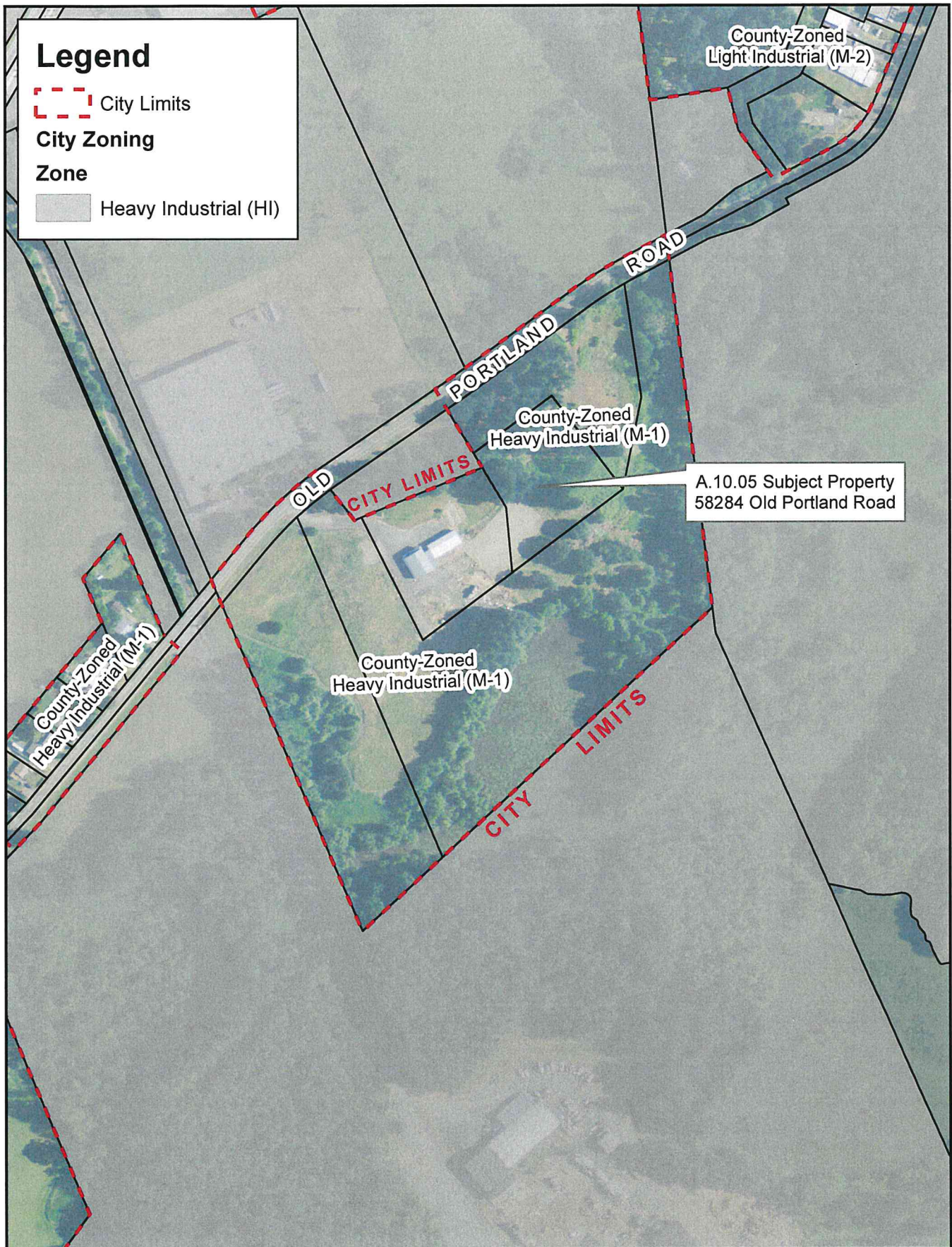
Subject Property

~ Approximate Location ~





A.10.05 Annexation Aerial Map



Aerial Image (2009). City of St. Helens.

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



To: City Council
From: Jacob A. Graichen, AICP, City Planner
cc: Planning Commission

Date: 10.26.2021

This report does not indicate all *current planning* activities over the past report period. These are tasks, processing and administration of the Development Code which are a weekly if not daily responsibility. The Planning Commission agenda, available on the City's website, is a good indicator of *current planning* activities. The number of building permits issued is another good indicator as many require Development Code review prior to Building Official review.

PLANNING ADMINISTRATION—PREAPPLICATIONS MEETINGS

Conducted a pre-application meeting for a potential new fuel station, car wash and convenience store along US30 on property just north of Les Schwab Tires. Associate Planner/Comm. Dev. Project Manager Dimsho took the lead on this one.

Had a preliminary Q&A email exchange for potential redevelopment of the old veterinarian property on the corner of US30 and Firlok Park Boulevard.

Had a preliminary Q&A email exchange for potential redevelopment of the portion of the old Friesen Lumber (later Stimpson) site that the County Transit Center along Deer Island Road did not use.

Had another preliminary Q&A meeting for potential right-of-way vacations around 90 Columbia Boulevard.

PLANNING ADMINISTRATION—MISC.

Started working on a beekeeping ordinance for honeybees in residential areas based on the directive of 2015's House Bill 2653 and the Council's blessing to proceed from the August 5, 2021 regular session.

The building permit for Popeyes Louisiana Kitchen was issued this month. This is the final vacant lot in the Matzen Subdivision (former Villette Villa mobile home park) along US30.

Prepared maps and legal descriptions for Oregon Dept. of Revenue preliminary review for yet another annexation for a mostly vacant property at the corner of 1st Street and US30. This adds to the six annexations in the past two months that we've initiated this process for, bringing the total to seven in a three-month period!

Prepared the presentation for the department's semiannual report to the City Council.

Attended groundbreaking ceremony for the apartment project along Gable Road buy US30. They are going to name this development Broadleaf Arbor. They wanted to keep it small (due to covid issues I think). I got the invite due to the Responsible Entity role I undertook to help with the HUD requirements. The flyer is **attached**.

Final inspections for the Kervin's Custom Ironworks, Inc. building along Old Portland Road took place this month. They have a location in Portland and have expressed joy about getting out of Portland soon in their new building. <https://kervinsironworks.com/>

Prepared materials for amendments to the city's beekeeping rules. This is based on the Council's ok to proceed with such amendments at the Council's August 5, 2021 work session. Anticipate this going before the Council next month or December.

DEVELOPMENT CODE ENFORCEMENT

In the June, July, and September department reports, I mentioned an unlawful structure case on the 400 Block of Greycliffs Drive. Citation has been issued and a court date is anticipated next month.

PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)

October 12, 2021 meeting (outcome): The Commission approved a variance for a lot the city is selling on the 400/500 block of S. 12th Street (city is not the applicant) and recommended approval of two annexations, both along Millard Road to the Council. The Council will see these two Annexations next month.

City consultants with city engineering staff presented the proposed sanitary sewer and storm sewer master plans to the Commission.

The Commission also dealt with some membership housekeeping: determination of no excuse for one Commissioner due to nonperformance of duty (too many absences) and term renewals for two other members.

November 9, 2021 meeting (upcoming): The Commission will hold three public hearings, all for annexations. Two are along US30 and one is along Old Portland Road.

COUNCIL ACTIONS RELATED TO LAND USE

Council reappointed Planning Commissioner Hubbard and Pugsley for new terms and removed Cavanaugh for nonperformance of duty.

ASSOCIATE PLANNER—*In addition to routine tasks, the Associate Planner has been working on:*
See attached.

BROADLEAF ARBOR

Gathering Celebration

Wednesday, October 13 / 1:00–2:00 pm

12:45 PM

GUEST ARRIVAL

1:00 PM

PROGRAM

WELCOME REMARKS

NINA REED, Board Chair
Northwest Oregon Housing Authority

**LAND ACKNOWLEDGMENT
& SITE DEDICATION**

WREN CHRISTOPHER

INTRODUCTION

ERIC PAINE, CEO
Community Development Partners

SPEAKERS

STATE SENATOR BETSY JOHNSON
Oregon State Senate, Senate District 16

MARGARET SALAZAR, Executive Director
Oregon Housing and Community Services

MARIA ROJO DE STEFFEY, Regional Director
EngAGE Northwest

FINAL ACKNOWLEDGMENTS

NINA REED, Board Chair
Northwest Oregon Housing Authority

1:45 PM

GROUP PHOTOS

BROADLEAF ARBOR

A Gathering Place

Item I.

Broadleaf Arbor is a new Community for All Ages that will provide 239 affordable homes and intentionally-designed amenities where people of all ages can live, play, and thrive together. The community will feature a trail system along the existing wetlands, gardens, an outdoor play area, and a dedicated community building for services and programming. Apartments will be affordable to households earning between 30%-60% AMI.



THANK YOU



With special thanks to:
State Senator
Betsy Johnson



Community
Development
Partners



From: [Jennifer Dimsho](#)
To: [Jacob Graichen](#)
Subject: October Planning Department Report
Date: Friday, October 22, 2021 2:04:25 PM

Here are my additions to the October Planning Department Report.

GRANTS

1. **OPRD - Local Government Grant – Campbell Park Improvements** - 6-month grant extension granted for the COVID-19 related delay of court surfacing materials. New deadline is April 2022. Concrete pad poured. Furthered work on stormwater retention area (met on site with Parks staff to discuss design, plants ordered and pick up, soil delivered). Area is still being graded by PW.
2. **CDBG- Columbia Pacific Food Bank Project** – JH Kelly continuing \$1.6 million construction bid. Demolition complete. Tracking all requests for information and submittals to ensure questions are answered. Received approval from state for ~16 Change Orders. Will need to submit a final budget amendment and timeline extension. Delay is mostly due to # of Change Orders and COVID-19 relayed lead times for construction materials. Deadline is Dec 31, 2021, but may be granted a 6-month time extension by the state.
3. **Safe Routes to School - Columbia Blvd. Sidewalk Project** – Construction timeline provided by David Evans, who is working through design/engineering process. Worked through change to schedule to allow an additional year for bidding the project to allow the County to replace a culvert which collapsed in 2020 during a heavy rainstorm. New schedule has bidding of the project in January 2022, with construction occurring Summer 2022.
4. **Business Oregon – Infrastructure Finance Authority** – Application for a low-interest loan to fund the streets, utilities, and Riverwalk on the Riverfront property. Contracting is underway.
5. **Oregon Watershed Enhancement Board (OWEB)** – Awarded grant (approximately \$12k) to the Scappoose Bay Watershed Council in a partnership with the City for natural enhancements of the 5th Street trail and Nob Hill Nature Park. Continued tracking all in-kind contributions from the City on this effort. First round of blackberry removal completed by contractor in July. Blackberry spray treatment by contractor in October.
6. **Certified Local Government – Historic Preservation Grant Program** – Letters went out to eligible property owners on 5/24 announcing that there is \$12k available with a 1 to 1 match requirement and a grant deadline of 7/26. Only 1 incomplete application received, so Plan B work plan is for the City's Court/Utility Billing exterior roof and cornice work. Worked with SHPO on work plan and began working through scope with contractors to begin soliciting direct bids. Site visit from 4 contractors so far. Bids are forthcoming. Notice to proceed from SHPO is anticipated on 11/1.
7. **Technical Assistance Grant with the Oregon State Marine Board-** To assist with design and permitting of an in-water facility at Grey Cliffs Park. Preliminary conversations for the project include an accessible non-motorized floating boat launch dock with a separate area designated for fishing. Coordinated survey work to be conducted by OSMB the week of 8/23. Once survey work is complete, a more detailed contract will be drafted for review and approval by Council for the assistance.

8. **US Economic Development Administration (EDA) funding** – Follow up with Rachael Barry and Aryeann (COLPAC) on 10/26 to discuss potential federal funding sources for transportation and utility infrastructure to and within the SHIBP.

PROJECTS & MISC

9. **Riverwalk Design/Engineering (OPRD Grants x2)** – Tribes may remove requirement an archeological survey based on the evidence of former fill in CVP. Environmentally, the project is categorically excluded which means we won't need a full Environmental Assessment for NEPA review! Held our 3rd TAC meeting on 10/13 for Work Order #2 focused on the Rocky Beach. Met with events coordinator and project team on 10/12 to discuss lighting and electrical requirements of the stage/amphitheater in CVP. Discussed interpretive elements with our focus group on 10/7.
10. **Riverfront Streets/Utilities Design/Engineering** – Held two meetings related to “Work Order 1” amendment which added Cowlitz Street extension and Strand near the courthouse. On track for a 60% design cost estimate for 1st Street/Strand Street/Tualatin by 11/4. 100% design work still anticipated to be complete 1/3/22.
11. **St. Helens Industrial Business Park (SHIBP) Public Infrastructure Design (Phase I)** – Scope of work and fee is being refined with Mackenzie before going to Council for approval in November.
12. **Millard Road City-Owned Property Request for Proposals** - RFP closed on 6/11. At the 6/16 Council meeting, Council requested an interview/presentation from Atkins & Dame, Inc. Staff has continued work with Atkins & Dame designer to refine the design and reduce the number of code exceptions/variances proposed in the design. Working with John/Jacob to prepare for a November presentation to Council.
13. **Waterfront Video Project** – Attended regular meetings with production team. Helped coordinate interviews and filming sessions with the production team. Continued review of preliminary/draft videos of interviews and overall video edits.
14. **Oregon American Planners Association (OAPA) Virtual Conference** – Reviewed conference sessions virtually 10/13 – 10/15.
15. **Semi-Annual Presentation to Council** – Prepared presentation for 10/20 Work Session with Jacob.
16. **Special Session for Council on Transportation Plans and Urban Renewal** – Assisting John with a 11/17 meeting. Began organizing an agenda, presentation, and presenters for this meeting.

Jenny Dimsho, AICP

Associate Planner / Community Development Project Manager

City of St. Helens

(503) 366-8207

Please note new email address: jdimsho@sthelensoregon.gov