



# COUNCIL REGULAR SESSION

Wednesday, November 15, 2023 at 7:00 PM

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## COUNCIL MEMBERS:

Mayor Rick Scholl  
Council President Jessica Chilton  
Councilor Mark Gundersen  
Councilor Russell Hubbard  
Councilor Brandon Sundeen

## LOCATION & CONTACT:

HYBRID: Council Chambers & Zoom (details below)

Website | [www.sthelensoregon.gov](http://www.sthelensoregon.gov)

Email | [kpayne@sthelensoregon.gov](mailto:kpayne@sthelensoregon.gov)

Phone | 503-397-6272

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## AGENDA

### CALL REGULAR SESSION TO ORDER

### PLEDGE OF ALLEGIANCE

### ST. HELENS POLICE ASSOCIATION PRESENTATION TO COUNCIL

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

### ORDINANCES – *Final Reading*

- 1. Ordinance No. 3297:** An Ordinance to Amend the City of St. Helens Comprehensive Plan Map for Certain Property from Light Industrial (LI) Designation to the General Commercial (GC) Designation and the Zoning District Map from the Light Industrial (LI) Zone to the General Commercial (GC) Zone

### APPROVE AND/OR AUTHORIZE FOR SIGNATURE

- 2.** Appeal AP.2.23 Findings of Fact and Conclusions of Law for New Police Station

### CONSENT AGENDA FOR APPROVAL

- 3.** City Council Work Session, Public Hearings, and Regular Session Minutes dated October 18, 2023
- 4.** OLCC Licenses
- 5.** Accounts Payable Bill Lists

### WORK SESSION ACTION ITEMS

### COUNCIL MEMBER REPORTS

### MAYOR SCHOLL REPORTS

### OTHER BUSINESS

### ADJOURN

**VIRTUAL MEETING DETAILS**

Join: <https://us02web.zoom.us/j/85424097891?pwd=TGJ6V1dIL1gxK1BWS3RHVFA3ZU0xUT09>

Meeting ID: 854 2409 7891

Passcode: 271519

Dial: 669-444-9171

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

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

City of St. Helens  
**ORDINANCE NO. 3297**

AN ORDINANCE TO AMEND THE CITY OF ST. HELENS COMPREHENSIVE PLAN  
MAP FOR CERTAIN PROPERTY FROM THE LIGHT INDUSTRIAL (LI)  
DESIGNATION TO THE GENERAL COMMERCIAL (GC) DESIGNATION AND THE  
ZONING DISTRICT MAP FROM THE LIGHT INDUSTRIAL (LI) ZONE TO THE  
GENERAL COMMERCIAL (GC) ZONE

**WHEREAS**, applicants have requested to amend the City of St. Helens Comprehensive Plan Map and Zoning District Map for property identified as Columbia County Tax Assessor Map Number 4N1W-9BB-300 and 4NW-8AD-200 from Light Industrial (LI) to General Commercial (GC), and Light Industrial (LI) to General Commercial (GC) respectively; and

**WHEREAS**, the St. Helens Planning Commission did hold a duly noticed public hearing and did concluded to not recommend such a change to the City Council; and

**WHEREAS**, the City Council did hold a duly noticed public hearing and did find that after due consideration of all the evidence in the record compared to the criteria, that they agreed with the application; and

**WHEREAS**, the Council has considered the findings of compliance with criteria and law applicable to the proposal.

**NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:**

**Section 1.** The above recitations are true and correct and are incorporated herein by reference.

**Section 2.** The City of St. Helens Comprehensive Plan Map is amended to change the plan designation boundaries of the Light Industrial (LI) designation to the General Commercial (GC) designation for the property described herein.

**Section 3.** The City of St. Helens Zoning District Map is amended to change the zoning district boundaries of the Light Industrial (LI) zone to the General Commercial (GC) zone for the property described herein.

**Section 4.** This Comprehensive Plan Map and Zone District Map Amendment is modified to include the following provisions on the subject property:

Any development and/or redevelopment of the subject property shall not trigger more than 700 daily trips within the TSP planning horizon of 2031 (as adopted in 2011 with Ord. No. 3150).

**Section 5.** In support of the aforementioned Comprehensive Plan Map and Zone District Map Amendment, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Attachment "A"** and made part of this reference.

**Section 6.** The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

Read the first time:  
Read the second time:

November 1, 2023  
November 15, 2023

Item #1.

**APPROVED AND ADOPTED** this 15<sup>th</sup> day of November, 2023 by the following vote:

Ayes:

Nays:

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Rick Scholl, Mayor

ATTEST:

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Kathy Payne, City Recorder

## CITY OF ST. HELENS PLANNING DEPARTMENT FINDINGS OF FACT AND CONCLUSIONS OF LAW

**APPLICANT:** Columbia Community Mental Health (CCMH)

**OWNER:** Same as applicant

**ZONING:** Light Industrial (LI)

**LOCATION:** 58646 McNulty Way; 4N1W-9BB-300 & 4N1W-8AD-200

**PROPOSAL:** Comprehensive Plan Map Change from Light Industrial (LI) to General Commercial (GC) and a Zoning Map Amendment from Light Industrial (LI) to General Commercial (GC)

The 120-day rule (ORS 227.178) for final action for this land use decision is **not applicable**.

### SITE INFORMATION / BACKGROUND

The subject properties abut Gable Road and McNulty way. McNulty Creek cuts through the southeast portion of the property. There is extensive permitting history on the two subject properties which is summarized below:

2003 – CCMH received approval with County file (DR 3-09) to develop a 4.1-acre site with a 20,766 sq. ft. main CCMH building. County building permits approved in 2004.

2005 – 4.1-acre lot is annexed into the City.

2016 – 5.67-acre lot records restrictive covenant to bind smaller lots into one (Inst. No. 2016-010344)

2016 – CCMH received approval with SDRm.5.16 & SL.3.16 for a parking lot expansion partially in the McNulty Way right-of-way, and in close proximity to McNulty Creek.

2017 – CCMH received approval with County file DR 17-03 to build a 2,505 sq. ft. modular building on the 5.67-acre lot and convert an existing detached single-family dwelling into supporting office.

2018 – CCMH received approval with County file DR 18-07 to build two additional modular offices at 1,440 sq. ft. and 560 sq. ft. on the 5.67-acre lot

2019 – As part of DR 18-07 approval, the 5.67-acre lot was annexed into the City because the main campus building was already connected to City water.

The main campus building is connected to City sewer with a private pump station and pressurized system. All other structures utilize on-site septic systems. All structures are connected to City water.

### PUBLIC HEARING & NOTICE

**Public hearing** before the Planning Commission for *recommendation to the City Council*: September 12, 2023. Public hearing before the City Council: October 18, 2023.

**Notice** of this proposal was sent to the Oregon Department of Land Conservation and Development on August 1, 2023, through their PAPA Online Submittal website.

**Notice** of this proposal was sent to surrounding property owners within 300 feet of the subject properties on August 23, 2023, via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

**Notice** was published on August 30, 2023, in The Chronicle newspaper.

### **AGENCY REFERRALS & COMMENTS**

**Columbia County Public Works:** We have no comments or concerns with this CPZA application. Gable Road is a City Street in this area.

### **APPLICABLE CRITERIA, ANALYSIS & FINDINGS**

#### **SHMC 17.20.120(1) and (2) – Standards for Legislative Decision**

- (1) The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:
- (a) The statewide planning goals and guidelines adopted under ORS Chapter 197;
  - (b) Any federal or state statutes or guidelines found applicable;
  - (c) The applicable comprehensive plan policies, procedures, appendices and maps; and
  - (d) The applicable provisions of the implementing ordinances.
  - (e) A proposed change to the St. Helens zoning district map that constitutes a spot zoning is prohibited. A proposed change to the St. Helens comprehensive plan map that facilitates a spot zoning is prohibited.
- (2) Consideration may also be given to:
- (a) Proof of a change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

**(1) (a) Discussion:** This criterion requires analysis of the applicable statewide planning goals. The applicable goals in this case are Goal 1, Goal 2, Goal 9, and Goal 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 required too. Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties. 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.*

The City notified DLCD as required by state law prior to the public hearings to consider the proposal. There are no known federal or regional documents that apply to this proposal. Comprehensive Plan consistency is addressed further below. Given the inclusion of local, state, regional and federal documents, laws, participation and opportunity for feedback as applicable, Goal 2 is satisfied.

***Statewide Planning Goal 9: Economic Development***

*This goal requires that cities and counties have enough land available to realize economic growth and development opportunities. Commercial and industrial development takes a variety of shapes and leads to economic activities that are vital to the health, welfare and prosperity of Oregon's citizens. To be ready for these opportunities, local governments perform Economic Opportunity Analyses based on a 20-year forecast of population and job growth.*

This goal is satisfied when it can be shown that the proposal will not negatively affect industrial or other employment land, as such lands are catalysts to economic development. This zone change request is to re-zone a total of 9.84 acres from Light Industrial to General Commercial, both of which support economic development opportunities and employment lands.

According to the 2008 Economic Opportunities Analysis (Ord. 3101), St. Helens should have no shortage of industrial land over the next 20 years. Projections of future employment and industry demand indicate that St. Helens has a surplus of industrial zoned lands and parcels of at least 78 acres. Since 2008, the City has rezoned 25 acres of Heavy Industrial to the Riverfront District zoning district (Ord. No. 3215) and approximately 1 acre from Light Industrial to Apartment Residential zoning (Ord. No. 3220). This means there is still a 52-acre industrial land surplus. In addition to a surplus of industrial zoned lands, the EOA also found that there is a shortage of approximately 10 acres of commercial lands. Given the surplus of industrial-zoned lands and a shortage of commercial lands as described in the EOA, the Council found this proposal complies with Goal 9.

***Statewide Planning Goal 12: Transportation***

*Goal 12 requires local governments to "provide and encourage a safe, convenient and economic transportation system." Goal 12 is implemented through DLCD's 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.*

A traffic impact analysis shall be submitted with a plan amendment or zone change application,

as applicable, pursuant to Chapter 17.156 SHMC. See Section (d) for a more detailed discussion of the TPR and implementing ordinances. Based on Section (d) below, Goal 12 is met.

**Finding:** The Council finds that the reduction of Light Industrial land will not negatively affect the available lands for industrial economic development.

**Finding:** Based on the determinations of Council, there are no conflicts with Statewide Planning Goals 2, 9, and 12.

**(1) (b) Discussion:** This criterion requires analysis of any applicable federal or state statutes or guidelines applicable to this zone change.

**Finding:** There are no known applicable federal or state statutes or guidelines applicable to this zone change request.

**(1) (c) Discussion:** This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices, and maps. The applicable Comprehensive Plan goals and policies are:

**19.12.090 Light industrial category goals and policies.**

*(1) Goals. To provide a place for smaller and/or less intensive industrial activities where their service and transportation requirements can be met, and where their environmental effects will have minimal impact upon the community.*

*(2) Policies. It is the policy of the city of St. Helens to:*

*(a) Apply this category where light industrial concerns have become established and where vacant industrial sites have been set aside for this purpose.*

*(b) Encourage preserving such designated areas for light manufacturing, wholesaling, processing and similar operations by excluding unrelated uses which would reduce available land and restrict the growth and expansion of industry.*

*[...]*

**19.12.070 General commercial category goals and policies.**

*(1) Goals. To establish commercial areas which provide maximum service to the public and are properly integrated into the physical pattern of the city.*

*(2) Policies. It is the policy of the city of St. Helens to:*

*(a) Encourage new commercial development in and adjacent to existing, well-established business areas taking into account the following considerations:*

*(i) Making shopping more convenient for patrons;*

*(ii) Cutting down on street traffic;*

*(iii) Maximizing land through the joint use of vehicular access and parking at commercial centers; and*

*(iv) Encouraging locations that enjoy good automobile access and still minimize traffic hazards.*

*(b) Designate sufficient space for business so that predictable commercial growth can be accommodated and so that an adequate choice of sites exists.*

*[...]*

It does not appear that the site has ever been developed previously with light industrial uses.



Prior uses along Gable Road were detached single-family dwellings. The location along Gable Road is classified as a minor arterial roadway by the TSP, which means it is a highly trafficked, accessible, convenient location for commercial activity. The entrance to Wal-Mart, which is an already existing well-established business area is less than 1,000 feet away from this property.

**Finding:** The Council finds that the proposal complies with the General Commercial goals and policies to locate commercial areas which are convenient for patrons, have good auto access, and are already adjacent to existing, well-established business areas.

**(1)(d) Discussion:** This criterion requires an analysis of the implementing ordinances. The CCMH campus would be considered a “office” use which is an allowed use in the proposed GC zoning district. “Office” use is not an allowed used in the existing LI zoning district. With the proposed re-zoning, the land use of the property would become conforming.

**Finding:** The Council finds that the zone change furthers the implementing ordinances of the GC zoning district by classifying CCMH as a conforming “office” use.

SHMC 17.08.060 is also a relevant implementing ordinance.

#### **SHMC 17.08.060 Transportation planning rule compliance**

(1) A proposed comprehensive plan amendment, zone change, or land use regulation change, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060 (the “Transportation Planning Rule” or “TPR”). “Significant” means the proposal would:

- (a) Change the functional classification of an existing or planned transportation facility
- (b) Change standards implementing a functional classification system
- (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
  - (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

TPR compliance requires a comparison of reasonable worst-case development of the site under existing and proposed zoning. One of the two subject properties was developed in 2004 with a 20,766 sq. ft. CCMH office building. The building and related parking occupy all of the developable area, with the remainder encumbered by wetlands and floodplain. This site is unlikely to be redeveloped with a different use within the planning horizon of the TSP.

To assist with the analysis for the remaining property, the applicant prepared a TPR analysis memo. The property is underdeveloped with a few smaller office buildings and related parking. It also includes some undevelopable area wetlands. CCMH plans to develop the site with which support individuals with mental health and substance abuse issues who fall within the priority groups identified by OHA. The memo notes that the Oregon Health Authority is providing CCMH grant funding which requires that the facilities they develop remain in CCMH ownership

for at least 20 years, which exceeds the forecasting requirements of the TPR. The outright permitted uses of the proposed General Commercial zoning district (and the high traffic generators) like retail are not ones that CCMH has any intention of developing.

Vehicle trip generation for the planned CCMH uses is anticipated to be low. Therefore, the applicant is proposing to apply a trip cap to future development, instead of conducting a full analysis of reasonable worst case uses in the GC zone.

The TPR memo concludes with a recommended trip cap of 1,107 daily trips for the site. This will ensure future development will not significantly impact the city or state transportation system, meeting the TPR requirements. Given the proximity of the site to the already-at-capacity Gable Road and US 30 intersection, the City Council found that a trip cap of 700 daily trips for the site would help lessen the impact to the surrounding transportation systems,

**Finding:** The City Council finds the trips generated by the proposed zone change would not result in a significant impact to the city or the state transportation system with a condition of a trip cap of 700 daily trips for the underdeveloped lot.

**Finding:** There are no other applicable standards of any provision of this code or other applicable implementing ordinance to be reviewed for the purpose of this proposal not already addressed herein.

**(1) (e) Discussion:** This criterion requires that the proposed change is not a spot zone. The definition of “spot zoning” per Chapter 17.16 SHMC:

*Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.*

The proposal is to amend the Zoning Map from Light Industrial (LI) to General Commercial (GC) and the Comprehensive Plan Map from Light Industrial (LI) to General Commercial (GC). The property borders the following zones:

**North:** City LI and County Light Manufacturing (M-2)

**South:** City LI and County Light Manufacturing (M-2)

**East:** County Light Manufacturing (M-2)

**West:** City LI and City GC

Given that these properties abut GC to the west, and LI on the other 3 sides, there is not a conflict with the property abutting a highly incompatible zone (e.g., a residential zone). Looking at the zoning map for surrounding uses, the GC zone extends from US 30 a similar width as this proposal along Gable Road frontage. This zone change continues the trend of GC lands along Gable Road, which is a higher classified roadway (minor arterial) according to the TSP. Higher classified roadways typically warrant commercial uses, given the increased traffic.

**Finding:** The City Council finds this proposal is not a “spot zone” per Chapter 17.16 SHMC.

## CONCLUSION & DECISION

**Based on the facts and findings herein, City Council approves of the Comprehensive Plan Map and Zoning District Map Change, with the following condition of approval:**

Any development and/or redevelopment of the site shall not trigger more than 700 daily trips within the TSP planning horizon of 2031 (as adopted in 2011 with Ord. No. 3150).

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Rick Scholl, Mayor

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Date



## CITY OF ST. HELENS PLANNING DEPARTMENT

**M E M O R A N D U M**

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**TO:** City Council

**FROM:** Jacob A. Graichen, AICP, City Planner

**RE:** Council decision for the Appeal AP.2.23 of Conditional Use Permit CUP.4.23, Sensitive Lands Permits SL.4.23 (floodplain) and SL.5.23 (wetlands), and Sign Permit S.14.23 for the proposed new police station.

**DATE:** November 8, 2023

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At your October 18, 2023 regular session, you deliberated on the public hearing for the matter identified above that occurred earlier that day and determined that the applications can be approved with certain findings and conditions. This reversed the Planning Commission's denial of this matter.

Attached are the Findings of Fact and Conclusion of Law for this decision, which incorporates the Council's decision. This is included as an authorization for Mayor's signature item on the November 15, 2023 regular session.

Your authorization of the Mayor's signature will formalize this decision. Staff will send post decision notices (notice to appeal) once we have the final executed version. The appeal authority on this matter is the Oregon Land Use Board of Appeals (LUBA).

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

**Appeal AP.2.23 [Conditional Use Permit CUP.4.23  
Sensitive Lands Permits SL.4.23 (floodplain) and SL.5.23 (wetlands)  
Sign Permit S.14.23]**

**APPLICANT:** City of St. Helens

**OWNER:** same as applicant

**ZONING:** The site is predominately zoned Light Industrial, LI, with a small portion of General Residential, R5 along Old Portland Road

**LOCATION:** 4N1W-9AB-1500; east corner of the Old Portland Road/Kaster Road (S. 18<sup>th</sup> Street) intersection

**PROPOSAL:** New police station on undeveloped property

**PUBLIC HEARING & NOTICE**

The original **public hearing** before the Planning Commission took place on September 12, 2023. The public hearing before the City Council for appeal of the Planning Commission's denial of the matter was October 18, 2023.

**Notice** of this proposal was sent to the Oregon Division of State Lands as required by ORS 227.350. Notice of proposed wetlands development, on August 11, 2023.

**Notice** of the appeal to the City Council was sent to surrounding property owners within 300 feet of the subject property on September 28, 2023, via first class mail. Notice was sent to agencies by e-mail on the same date.

**Notice** of the appeal to City Council was published on October 4, 2023 in The Chronicle newspaper.

**APPLICABLE CRITERIA, ANALYSIS & FINDINGS**

**Permitting History:** In an aerial photo from 1983 at City Hall there are multiple buildings on the site. Google Earth imagery shows no buildings in 1990 and none have been built on the site since.

The city purchased the subject property from Boise White Paper, LLC in 2015 (inst. no. 2015-8180).

There is a sign at the intersection on this property with some history itself. Sign Permit S.28.02 from 2002 was to replace an existing sign here. It was added onto via a permit in 2003 (S.18.03 or S.19.03). That sign was replaced by a 2019 sign per permit (S.3.19) while in city ownership.

Portions of the 7<sup>th</sup> Street and S. 16<sup>th</sup> Street rights-of-way were vacated via Ordinance No. 3283 in June 2022. This area is now part of the subject property. This was done because the originally

assumed parcel for this proposal was not large enough as was discovered during plan development. One of the requirements of this vacation included:

A 50' wide easement shall be granted that follows the power line, as may be relocated due to development plans, between Kaster Road and S. 15<sup>th</sup> Street as a condition of land use approval to develop property that abuts the vacated right of way.

This proposal is development as contemplated in Ordinance No. 3283 and the easement shall be a condition of approval of this matter. The power lines were assumed to be moved as part of the Police Station development at the time the Vacation was processed and CRPUD was ok with the delay of the easement so the exact location could be determined based on the final power line location. An easement is needed even if the power lines do not need to be moved.

\* \* \*

**Zoning Compliance:** The site is predominately zoned Light Industrial, LI, with a small, approximately 7,100 square foot area along Old Portland Road zoned General Residential, R5.

“Public safety facility” and “public facility, major” are listed as conditional uses in both zoning districts. “Public safety facility” is defined as:

“Public safety facilities” means providing protection pursuant to fire, life, and safety code sections together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

Preliminary plans (prior to this application) included the municipal court, the council chambers, and staff offices for non-emergency personnel, where the “public facility” category applied as well. However, this proposal is strictly a police station, thus “public safety facility” is the proper use category. This is important as certain requirements, such as off-street parking and public access needs differ between a police station and a public facility that includes non-emergency personnel functions.

Given the diminutive area of R5 zoning and its location, the key issues are the minimum front yard (setback) and 40% maximum building/structure coverage. No buildings or structures are proposed within the R5 zoned area, so no issues.

Standards specific to the LI zone include:

(4) Standards.

(a) The standards for the LI zone shall be determined by the proximity to residential zones and the anticipated off-site impacts.

(b) The maximum height within 100 feet of any residential zone shall be 35 feet.

**(a)** The site is in close proximity to a residential zone to the north. There was no specific testimony or evidence provided regarding the proximity to any residential zone or use.

**(b)** The proposed building is within 100 feet of residential zoning on the north side; thus the 35' maximum height applies. The building is approximately 17' in height.

\* \* \*

**Sensitive Lands:** There are sensitive lands as identified in the Development Code. This includes:

- Wetlands, including upland protection zones associate with “significant” wetlands per Chapter 17.40 SHMC
- Area of Special Flood Hazard—Chapter 17.46 SHMC

**Wetlands, including upland protection zones associate with “significant” wetlands per Chapter 17.40 SHMC**

The city’s local wetlands inventory identifies a wetland in close proximity to the site, wetland M-15 (or MI-15), which is a Type II wetland with a 50’ upland protection zone.

The city completed an environmental assessment to determine the exact boundaries as required. The state approved these wetland delineations via DSL WD # 2019-0324 (Revised) and WD # 2022-0251. The wetland is also subject to the state Removal-Fill Law, and there is a waterway as identified in WD # 2022-0251 also subject to the state Removal-Fill Law.

Impacts to the wetland M-15 (or MI-15) protection zone are proposed for site grading for nearby improvements, emergency accessway (secondary site access), and fence/secure parking area. Note that due to existing utilities, sanitary sewer line and related road/berm in particular, which have been in place since before 2003 when the current wetland rules took effect, there are some preexisting impacts to the protection zone already. These are described in the wetlands assessment from Wetlands Solutions Northwest, LLC dated June 23, 2023 and by staff at the City Council’s October 18, 2023 public hearing.

The consultant narrative explains the standards in greater detail and wetland protection zone restoration is proposed. Given some of the pretexting impacts as described above, the enhancement exceeds a 1:1 ratio.

As noted below under Conditional Use Permit criteria, a notice on the deed that some or all of the unused portion is intended for future police station expansion and that a land division action or transfer of ownership must consider how much area is needed for future expansion is required. This shall include any wetland zone preservation, and mitigation area for impacts as that affects the developable area.

Note that ensuring restoration plantings and maintenance for at least 2 years to ensure survival will be necessary.

**Area of Special Flood Hazard—Chapter 17.46 SHMC**

The subject property and adjacent streets are identified as being within a Special Flood Hazard Area (SFHA) as identified by Flood Insurance Rate Maps (FIRM) No. 41009C0456D and

41009C0452D. The subject property is *partially* covered by flood zone AE (100-year flood) and zone X (500-year flood).

Pursuant to SHMC 17.46.040(1)(a):

Development Permit Required. A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in SHMC 17.46.030(2). The development permit shall be required for all structures, including manufactured dwellings, as set forth in the definitions (SHMC 17.46.020), and for all development including fill and other activities, also as set forth in the definitions (SHMC 17.46.020).

The building itself is not within the Area of Special Flood Hazard (100-year flood).

Some development (e.g., fill, landscaping, and flat work) is proposed in the Area of Special Flood Hazard (100-year floodplain). Thus, there are still necessary considerations for developing in the floodplain.

#### **SHMC 17.46.050(1) – Provisions for flood hazard reduction** (applicable general standards)

**General Standards.** In all areas of special flood hazard, the following standards are required:

(a) Alteration of Watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood-carrying capacity is not diminished. Require compliance with SHMC 17.46.040(3)(d) and (e).

**Finding(s):** No watercourse is proposed to be impacted. The proposal is far from the floodway.

(b) Anchoring.

(i) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(ii) All manufactured dwellings shall be anchored per subsection (3)(c) of this section.

**Finding(s):** No structure is proposed to be located within the Area of Special Flood Hazard (100-year flood).

(c) Construction Materials and Methods.

(i) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**Finding(s):** This shall be a condition of approval. Plans shall demonstrate compliance. Improvements proposed within the Area of Special Flood Hazard (100-year flood) that this would apply to includes but is not limited to: site lighting, site furnishings, planters, and water connection infrastructure.

The consultant narrative notes that these provisions will be further demonstrated at time of permitting.



(d) Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems.

(i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(ii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

(iii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

**Finding(s):** An on-site sanitary sewer system is not involved or proposed. An on-site waste disposal system is only allowed in very limited circumstances in the city; this property or development does not fit within those circumstances.

Water infrastructure is proposed within the Area of Special Flood Hazard (100-year flood). This includes a Fire Department Connection (FDC) and hydrant. Relocation will be necessary to be out of flood prone areas. The secondary access to the site will enable access to Kaster and this relocated firefighting infrastructure.

(e) Electric, Mechanical, Plumbing, and Other Equipment. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above one foot above the base flood elevation (BFE) or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, if replaced as part of a substantial improvement, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall meet all the requirements of this section.

**Finding(s):** There is no building involved, but lighting improvements are proposed within the Area of Special Flood Hazard (100-year flood), so electric components will need to comply.

(f) Tanks.

(i) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

(ii) Above-ground tanks shall be installed (elevated) at or above one foot above the base flood elevation (BFE) or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

**Finding(s):** The only tank proposed is associated with a generator, which will be located outside of the Area of Special Flood Hazard (100-year flood).

(g) Subdivision Proposals and Other Proposed Developments.

(i) All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals, base flood elevation data.

(ii) All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) shall:

(A) Be consistent with the need to minimize flood damage.

(B) Have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage;

(C) Have adequate drainage provided to reduce exposure to flood hazards.

**Finding(s):** This is not a subdivision but is an “other proposed development.” The area to be developed is less than 5 acres, so additional base flood elevation data is not warranted. There is limited utilities/development within the Area of Special Flood Hazard (100-year flood).

Though not required, the proposal incorporates elevating the building and surrounding area above grade. Per plans (sheet C1.20), the finished floor of the building is proposed to be 64 feet, with the immediate surrounding improved area above 63 feet. The height will be increased such that the finished floor is about 2 feet above the highest estimated BFE within the building footprint (i.e., about 62 feet, rounded up).

(h) Use of Other Base Flood Data.

(i) When base flood elevation data has not been provided in accordance with SHMC 17.46.030(2), the local floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source in order to administer this section. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of subsection (1)(g) of this section.

(ii) Base flood elevations shall be determined for development proposals that are five acres or more in size or are 50 lots or more, whichever is lesser, in any A Zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of clear and objective information such as historical data, high water marks, FEMA-provided base level engineering data, and photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

**Finding(s):** Base flood elevation data is known based on the FIRMs (AE zone). The developed area will be less than 5 acres.

(i) Structures Located in Multiple or Partial Flood Zones. In coordination with the State of Oregon Specialty Codes:

(i) When a structure is located in multiple flood zones on the community's flood insurance rate maps (FIRM) the provisions for the more restrictive flood zone shall apply.

(ii) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

**Finding(s):** There is only one Area of Special Flood Hazard (100-year flood) zone that applies.

(j) AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

**Finding(s):** There is no AH flood zone.

**SHMC 17.46.050(2) – Provisions for flood hazard reduction** (applicable specific standards)

**Finding(s):** The standards of this section focus on buildings within the Area of Special Flood Hazard (100-year flood). No buildings are proposed within the mapped 100-year flood area.

**SHMC 17.46.050(3) – Provisions for flood hazard reduction** (additional specific standards for special flood hazard areas with Base Flood Elevations)

**Finding(s):** The standards of this section address residential construction (structures), non-residential construction (structures), manufactured dwellings, recreational vehicles, and appurtenant (accessory) structures. None of these are proposed within the Area of Special Flood Hazard (100-year flood).

**SHMC 17.46.050(6) – Critical facility.**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA). Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities construction within the SFHA shall have the lowest floor elevated at least three feet above the base flood elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

SHMC 17.46.020 defines “critical facility as:

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

**Finding(s):** The proposed use is a critical facility as defined. 17.46.050(6) specifies that critical facilities be outside the limits of the special flood hazard area (100-year flood) to the extent possible and that they be permissible within this area only if no feasible alternative is available. There is extra stringent (compared to non-critical facility development) elevation, site access and toxic substance considerations.

“Facility” is not defined by Chapter 17.46 SHMC, but “building” and “structure” are. The City Council as the city’s legislative body interprets and clarifies that “critical facility” means a building and not land or other improvements that are not a building or structure. The Council recognizes that SHMC 17.46.050(6) starts with “Construction of new critical facilities...” and that the definitions of “new construction” and “start of construction” per SHMC 17.46.020 applies to structures and not adjoining property or streets adjacent to the subject property.

The Council also acknowledges that the closest analogue is in the Oregon Structural Specialty Code Section 1604.5, which classifies police station buildings (not property) as Risk Category IV essential facilities. This analogue is supported by SHMC 17.46.030(3) which acknowledges coordination and use in conjunction with the Oregon Specialty Codes.

The proposal has been designed to keep the police station building outside of the Special Flood Hazard Area (100-year flood). As the proposed police station building is outside of the Special Flood Hazard Area (100-year flood) the provisions of 17.46.050(6) do not apply, other than avoidance of the Special Flood Hazard Area for the building and its access. Regarding access, a secondary paved driveway/road suitable for emergency vehicles and located outside of the Special Flood Hazard Area is incorporated into the design. Having the building and a means of ingress and egress outside of the 100-year flood provides safe access and operation of the police station in the event of a flood.

\* \* \*

**Building Height Limitations & Exceptions:** Chapter 17.68 includes height provisions in industrial zoning districts. 17' building height as proposed poses no conflict.

\* \* \*

**Landscaping/buffering/screening:** **Street trees will be required.** Street trees are proposed along Kaster Road, but not along Old Portland Road because it lacks curb and gutter per SHMC 17.72.020(8). Also, as noted below, street frontage improvements are not proposed along Old Portland Road.

There are overhead utility lines along portions of the abutting Kaster Road, thus, street trees need to be “small” per this chapter. This requires a 20' spacing. Plans will need to be revised and there will likely be more trees due to the tighter 20' spacing (plans show 30' and 40' spacing).

Tree location shall also comply with requirements per 17.72.035(2)(d)-(l). This will be reviewed with revised plans.

This chapter requires buffering, but it is not required in this case because nearby uses are separated by rights-of-way and do not technically abut the subject property.

The normal fence height allowed is 6 feet, but a taller fence may be allowed as a condition of approval to mitigate against potential adverse effects. An 8' chain link (with sight obscuring slats) around the secure parking area is justifiable for law enforcement security reasons. Being 8' in height, topping with barbed wire is possible per SHMC 8.12.120.

Same for the 8' walls proposed for the trash enclosure.

**This chapter requires screening (unrelated to buffering above). This applies in this case as follows:**

Because the parking lot will be greater than three spaces, it is required to be screened. For screening in this case, the city usually requires landscaping along the perimeter that includes a balance of low lying and vertical shrubbery and trees. This is proposed for the general use parking area. An eight-foot-tall sight-obscuring fence is proposed for the secure parking area with landscaping proposed along much of that.

Service facilities and equipment (e.g., HVAC and other mechanical units) visible from a public street, customer or residential parking area, any public facility or residential area are required to be screened whether they are ground, wall or roof mounted. In addition, rooftop facilities and equipment are required to be screened from street and adjacent properties.

Details are preliminary at this point. Screening required in all cases.

Refuse container or collection area are required to be screened (e.g., trash enclosure). A trash enclosure is shown on the plans and includes an 8' CMU wall for screening which is part of the security wall.

**Interior parking lot landscaping.** When off-street parking lots have more than 20 spaces, landscape islands are required with trees.

This applies to the non-secure parking area, which is only 6 spaces. The secure parking area is considered to be excluded from this provision because it will be behind an 8' sight obscuring fence and not visible to the general public. This provision is illogical to apply to the secure parking area.

\* \* \*

**Visual Clearance:** Chapter 17.76 SHMC requires proper sight distances at intersections to reduce traffic hazard potential. The required area to maintain clear vision is greater for arterial streets.

This pertains to the access proposed off Kaster Road. As the Kaster Road right-of-way is larger than the minimum the curb line may be used (i.e., edge of vehicle travel). This is not properly depicted on the plans and a proposed mailbox may conflict.

\* \* \*

**Off-Street Parking/Loading:** Off street parking is required because this is new development with no parking exception.

**Dimension and type.** All proposes spaces not within the secure area are standard size and meet the normal dimensional requirements (min. size 9' x 18'). Larger spaces are proposed within the secure area.

**Location.** Parking spaces are required to be within 200' of the building served. All proposed spaces are within 100' of the proposed building.

**Accessible (disabled person) spaces.** Required to comply with State and Federal Standards. A total of 54 parking spaces are proposed. Per the 2022 Oregon Specialty Code, this requires at least 3 accessible spaces, one of which is required to be van accessible. A pair of spaces, with one as van accessible is proposed for the general use parking area. A single van accessible space is proposed within the secure parking area.

Also, accessible parking spaces are required to be located on the shortest route to an accessible pedestrian entrance. Though this is a building code issue, it is relevant to site design. Location of these spaces appears to achieve this.

**Bicycle parking.** 1 lockable space is required at a rate of 20% of vehicle spaces for civic use. Bicycle spaces are required to be within 50' of primary entrances, under cover when possible, and not located in parking aisles, landscape areas, or pedestrian ways.

Based on the 6 spaces of the general use area (visitor parking), 2 bicycle spaces are required. Plans show 2 spaces under cover with a bike rack that permits locking.

**Number of off-street parking spaces required.** The use (per SHMC 17.80.030) is a “public safety service” which requires at least the amount of parking based on the largest shift. This is assumed to be 12 employees and will likely increase during the life of the building. There is much “extra” secure parking to accommodate staff increases.

6 public spaces are proposed to accommodate visitors: two disabled person and four standard spaces. There was no evidence presented that this would be inadequate.

**Aisle width.** Two-way traffic requires a minimum of 24'. 24' is proposed.

**Markings.** All interior drives and access aisles are required to be marked and signed to indicate direction flow. Plans demonstrate this.

**Surface area.** All areas used for parking, storage or maneuvering of vehicles (including things towed by vehicles) shall be paved. No vehicular gravel area is proposed.

**Wheel stops.** Wheel stops are required along the boundaries of a parking lot, adjacent to interior landscape area, and along pedestrian ways. Curbing or walls front the parking spaces. Walkways between parking spaces and the building exceed 7' wide, which would be the minimum needed to maintain a 4' min. width walkway and accommodate the code-assumed 3' vehicle overhang between the front wheel and bumper.

**Drainage.** Drainage plans will be required to prevent ponding, prevent water flow across pedestrian ways and to address pollutants from vehicles (e.g., oil/water separation).

A preliminary storm water report has been provided to explain how the proposed system, including a storm water pond, will address water quantity and quality. Final storm water plans will be necessary.

**Lighting.** Required to be directed to avoid glare from surrounding residences and roads/streets. Lighting plan has been submitted that demonstrates this will probably be the case.

**Loading/unloading driveways.** Uses such as a school or other meeting place designed to accommodate > 25 people at one time are required to have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers.

Being strictly a police station, large meetings and such are not anticipated.

**Off-street loading spaces.** New or altered buildings or structures which receive and distribute material or merchandise by truck are required to maintain off-street loading and maneuvering area if they are at least 10,000 square feet in size.

This applies to commercial or industrial uses. As a civic use, this is not applicable.

\* \* \*

**Access/egress/circulation: Joint access and reciprocal access easements.** Joint access via easement is allowed by the code provided there is satisfactory legal evidence of such (e.g., easements) and the legal means of allowing the shared access is provided to the City. In this case, there are multiple lots of record (ORS Chapter 92) involved. The St. Helens Industrial Business Park Parcelization Framework and Funding Plan (Resolution No. 1910) includes use of the 7<sup>th</sup> Street right-of-way as a consolidated access point.

**Public street access.** All vehicular access and egress per Chapter 17.84 SHMC is required to directly connect to a public or private street approved by the city for public use. Moreover, vehicular access is required to be within 50' of principle entrances.

The site abuts the following streets:

Street/Road Name	Public or Private	Street Class (TSP)	Jurisdiction	Improved?
Old Portland Road	Public	Minor Arterial	City of St. Helens	partial; no curb or sidewalk
Kaster Road	Public	Collector	City of St. Helena	partial, no curb (except close to Old Portland Road) or sidewalk

The site utilizes these streets for access and brings vehicle access within the statutory distance of the primary entrance.

**Vehicular access spacing, amount, etc.** As an arterial classified street, direct access from Old Portland Road would not normally be allowed and is not proposed.

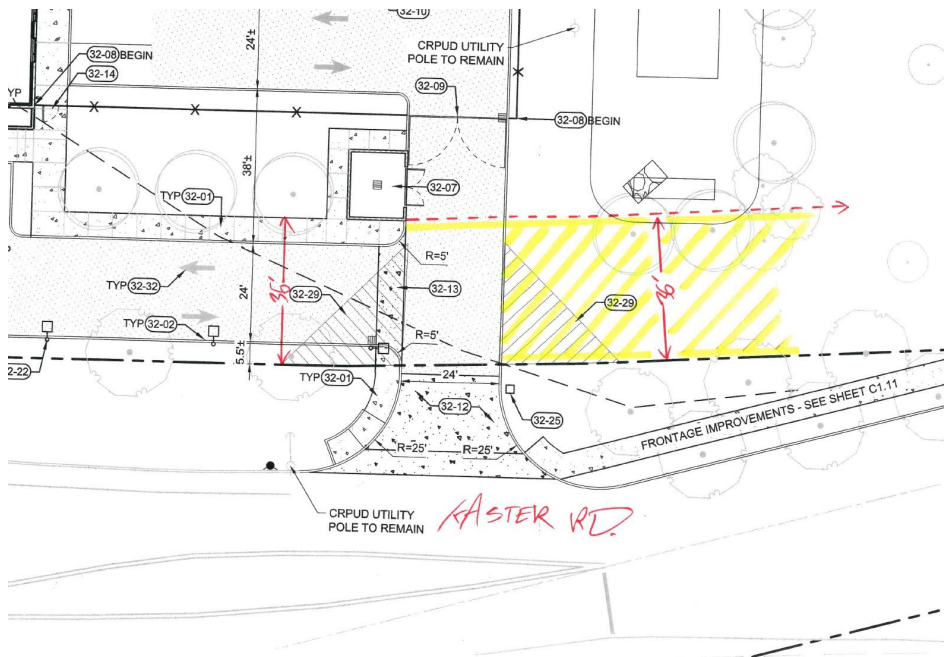
The main access drive is proposed using Kaster Road. This driveway is 300'+ away from Old Portland Road and there are no existing driveways on the same side of Kaster Road for the purpose of determining driveway spacing.

A second means of access to the property is proposed via S. 15<sup>th</sup> Street, which leads to Old Portland Road.

For public/institutional developments, the number of access points is supposed to be minimized to protect the function, safety and operations of streets. Moreover, the number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. How the expansion area will be designed is unknown, but ensuring the Kaster Road access point can be used for the southerly "expansion area" of the site

is important to honor these code provisions and efficient use of the expansion area, which was one of the factors for choosing this site for the police station (see below). This is also supported in the St. Helens Industrial Business Park Parcelization Framework and Funding Plan (Resolution No. 1910) as mentioned above.

The current plans honor this somewhat, but the storm water pond, including related grading work, encroaches. Based on the current plan, a swath of land 36' wide along Kaster Road shall be preserved from grading interruptions and other encroachments. This will require plan revisions.



**LEFT:** Area to be preserved for future internal access along the storm water pond and beyond. This will impact the storm water pond design.

**Pedestrian access (interior walkways).** Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multibuilding commercial, institutional, and industrial complexes. Walkways also shall provide access to existing and planned transit stops adjacent to the development site. Unless impractical, walkways should be constructed between a new development and neighboring developments.

A walkway is proposed on all sides of the building connecting all building main doors to a walkway leading to Kaster Road. A main gate is proposed for the secure parking area.

If enough space is reserved (36' from the Kaster Road property line) as described above, a walkway aligning with the proposed one could be included with a future drive along and past the storm water pond.

Where a site for proposed commercial, institutional, or multifamily development is located within at least one-quarter mile of an existing or planned transit stop, the proposed pedestrian



circulation system must include a safe and direct pedestrian walkway from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop.

There is no transit stop within a quarter mile, but there could be as the St. Helens Industrial Business Park develops. Walkway connections to the surrounding streets, are anticipated to provide pedestrian access to nearby transit stops.

Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum six-inch vertical separation (curbed) or a minimum three-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards.

Proposed vehicle crossings are only 24' wide; consultant narrative notes concrete or pavement markings will be used. Plans show concrete to contrast with asphalt, but pavement marking would be acceptable too. All walkways exceed 4' in width.

Required walkways shall be paved with hard-surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways shall be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.

No other paths are proposed now, but the Council included requirements for future path planning to be include on the final plans and a condition that they be installed at later date when funds are available.

**Access requirements based on type and intensity of use.** For uses with off-street parking lots up to 100 spaces, like this proposal, at least one access point with minimum 24' drive width is required. This is proposed via Kaster.

**Director's authority to restrict access.** Per SHMC 17.84.110(2) and (3):

(2) In order to eliminate the need to use public streets for movements between commercial or industrial properties, parking areas shall be designed to connect with parking areas on adjacent properties unless not feasible. The director shall require access easements between properties where necessary to provide for parking area connections.

(3) In order to facilitate pedestrian and bicycle traffic, access and parking area plans shall provide efficient sidewalk and/or pathway connections, as feasible, between neighboring developments or land uses.

Kaster Road, as it exists today (between Old Portland Road and the paper mill parking lot), is a Collector classified street. Once the St. Helens Industrial Business Park is built out, it will be a key route for many users and traffic function along this segment of Kaster Road will be critical.

A key aspect of honoring these standards has already been mentioned in this report, which is maintaining area for road and walkway extension by and past the storm water pond. This allows efficient use of a single access point for transportation function and allows for proper expansion—the ability to expand being a key issue in the site selection process (see below). These criteria are further basis for this condition of approval.

\* \* \*

**Signs:** New signs require permits per Chapter 17.88 SHMC. A sign permit has been incorporated into this decision.

Since the proposed sign is not in the small R5 zoned area along Old Portland Road, the applicable sign district is the commercial/industrial sign district. A monument sign is proposed and is possible for public facilities such as the proposed police station.

For public facilities, a monument or ground mounted sign is possible along each street frontage.

This is important considering two existing signs on the site. One near the intersection of Old Portland Road and Kaster Road, was approved in 2019 by Sign Permit S.3.19. This sign was approved as a pole sign, a type of freestanding sign like monument signs. One pole sign is allowed per SHMC 17.88.060(1)(b) and only one freestanding sign is allowed per street frontage per 17.88.095(5).

The existing sign close to the intersection can be based on Old Portland Road frontage and the new one for the police station based on Kaster Road, resulting in two freestanding signs, one per street frontage. Note there is also a second existing freestanding sign, which appears to have been in place for years or decades along Kaster Road towards the midpoint between Old Portland Road and the Fir Street right-of-way. This is technically a separate property and can stay (i.e., not mandated to move or be removed as a condition of approval).

For the proposed new sign, maximum sign area allowed is 40 square feet per face. Per SHMC 17.88.080(1) the sign area could be considered the metal plate behind the “St. Helens Police” letters. The plate area is 10” x 15’4” or approximately 13 square feet.

Maximum monument sign height is six feet. Sign is incorporated with a raised planter, with a total height of 4 feet.

Freestanding signs, such as the proposed monument sign, in commercial/industrial sign districts shall not be within 50 feet from the property line of any residential property as measured from the street frontage. The closest residential property at 1691 Old Portland Road is much more than 50’ away.

The proposed sign will be illuminated by an external lighting source. Such lighting is required to be directed and shielded to limit direct illumination of any object other than sign.

\* \* \*

**Solid Waste/Recyclables:** Chapter 17.92 SHMC includes provisions for functional and adequate space for on-site storage and efficient collection of mixed solid waste and recyclables subject to pick up and removal by haulers.

Proposed trash enclosure area exceeds the minimum approximate 55 square feet area requirement and is in a good location to be accessible by waste haulers. Minimum 10' wide gate is required; such is proposed. It will be enclosed by 8' tall CMU walls, exceeding the minimum 6'. The location combined with drive aisles, should enable a trash hauler vehicle to maneuver within the site, preventing maneuvering in the street.

Note that because it includes a sanitary sewer drain, it must be designed to prevent storm water infiltration, including but not limited to a roof. A roof is proposed and is mandatory as long as there is a sanitary sewer drain.

\* \* \*

**Site Development Review:** See consultant narrative.

\* \* \*

**Conditional Use:** These are important considerations for the Commission. Pursuant to SHMC 17.100.040:

(1) The planning commission shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

- (a) The site size and dimensions provide adequate area for the needs of the proposed use;
- (b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
- (c) All required public facilities have adequate capacity to serve the proposal;
- (d) The applicable requirements of the zoning district are met except as modified by this chapter;
- (e) The supplementary requirements set forth in Chapter 17.88 SHMC, Signs; and Chapter 17.96 SHMC, Site Development Review, if applicable, are met; and
- (f) The use will comply with the applicable policies of the comprehensive plan.

**Findings:** (a) Due to surrounding wetlands, rock/topography, and the floodplain, fitting the proposal to the site took effort. Originally, the site was assumed to fit into the area between Old Portland Road and the now vacated 7<sup>th</sup> Street right-of-way.

Early plans included development east of the now proposed secure parking area, but using this area was scrapped due to rock features. As the site concept developed, the storm water pond needed to fit and the city vacated the 7<sup>th</sup> Street right-of-way. So now that it includes the original intended property, the vacated right-of-way, and the property lying south of the vacated right-of-way, there is more practical expansion area (expansion was a basis for site selection as noted below) since expanding east into rock may not be practical, and removal of the rock will be more challenging once the facility is built. Also, note that expanding northward towards Old Portland

Road approaches the 100-year flood area, which is best avoided for police stations (a type of critical facility per Chapter 17.46 SHMC as described previously herein).

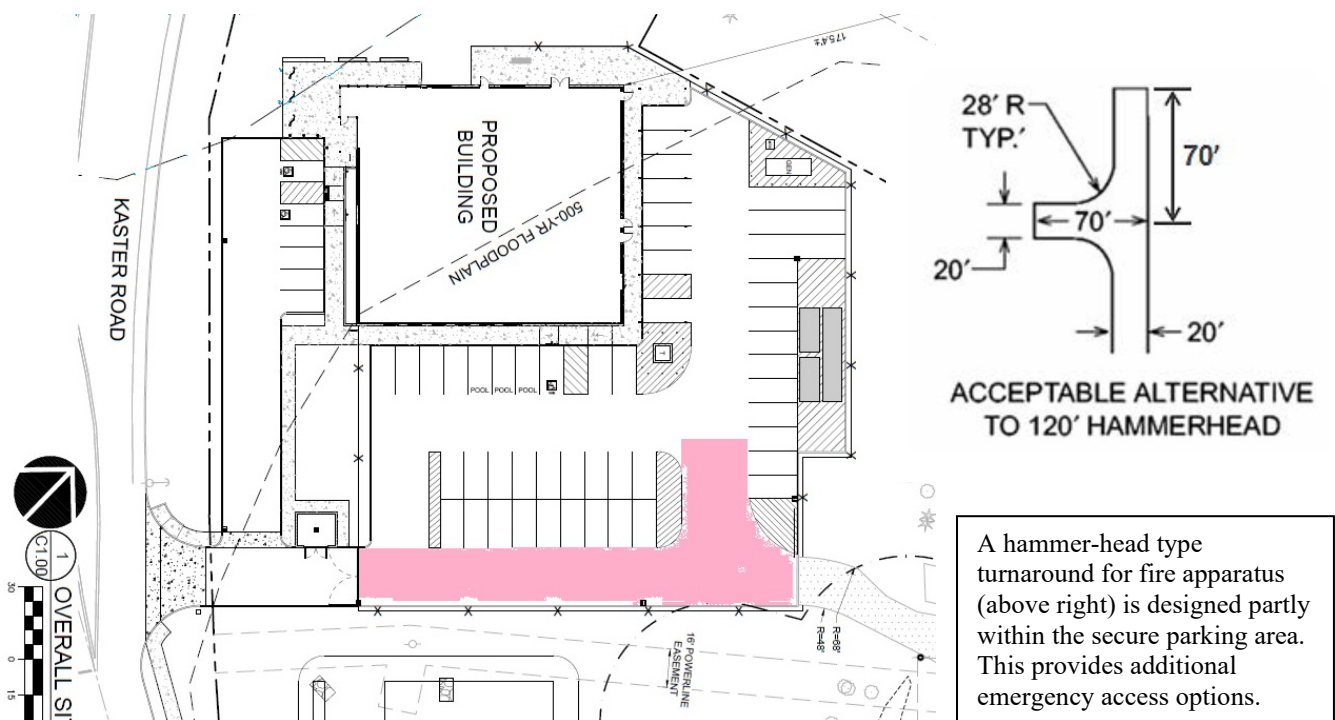
**(b) This criterion asks if the characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features. This is a key criterion to consider for this matter.**

At the City Council's October 18, 2023 public hearing, staff explained the key pros and cons for consideration of this criterion, which included several exhibits in the staff presentation which is part of the record.

First the cons, which mostly pertains to flood issues in the immediate proximity of the site. As noted above, the proposed building and most of the site improvements are outside of the 100-year flood. However, per the adopted flood data per SHMC 17.46.030(2) both Old Portland Road and the northerly approximate 150' of Kaster Road are subject to several feet of flooding depth. This includes the Kaster Road (S. 18<sup>th</sup> Street)/Old Portland Road intersection. Flood depth along Old Portland Road abutting the subject property could be approximately 5 feet, for example.

Because there is no outlet from Kaster Road southbound to access the city's greater street network, the subject property relies on Old Portland Road for access to most of the city. Such a flooding event could impact access to and from the site, but a secondary access to S. 15<sup>th</sup> Street is included in the design. This access avoids flood areas within the subject property itself and leads to a place on Old Portland Road that is not impacted by flood waters.

In addition, a hammer-head turnaround meeting Fire Code has been included in the design of the parking lot to help mitigate potential road blockage and provide additional emergency access options.



Other lesser cons include the site having less convenient overflow parking and less pedestrian access compared to the existing Police Station site at 150 S. 13<sup>th</sup> Street, which is amongst the improved street grid as opposed to the edge of it where the subject property is located. The current police station is surrounded by streets with on-street parking. The subject property abuts two streets (Old Portland Road and Kaster Road), which are both higher classified streets with greater traffic and designs that normally do not allow on-street parking. The subject property also abuts S. 15<sup>th</sup> Street and will incorporate a secondary access from it.

There is ample room for expansion on the subject property, which could include parking improvements. Also, the City Council requires that proposed project include a plan for a future pedestrian connection to either Kaster Road or Old Portland Road. The pedestrian connection would be constructed when funds become available.

There are some cons, but mitigation has been incorporated which includes: elevating the building and related site improvements even though it is not necessary per Chapter 17.46 SHMC, providing a secondary access to reach an area of Old Portland Road not impacted by floodwaters, having expansion area (which could be used for simple additions like parking) and provisions for future pedestrian connections.

The pros of the site provide the key reasons it was selected and why the Council approves of this proposal. Several police officers testified at the October 18, 2023 public hearing in support of these. This includes:

1. This city already owns the property. Originally, a total of ten sites were considered. This included some city owned and privately owned sites. Using a city owned site is a significant cost savings because it avoids adding land acquisition expenses to the project.
2. Good accessibility. The subject property is at the corner of an intersection of two major streets: Old Portland Road and Kaster Road. Old Portland Road is classified as a minor arterial street and Kaster Road as a collector street per the city's Transportation Systems Plan. Higher class streets like arterials and collectors are intended to provide connections between areas within the city.

A related challenge is the railroad that parallel's and abuts US30. The US30/RR line cuts a north/south swath through the middle of town, dividing it. The city has no over or under-passes; all railroad crossings are at grade. Rail activity commonly blocks intersections in St. Helens. The subject property is more-or-less equidistant to all six RR crossings within the St. Helens Urban Growth Boundary. A map included in staff's presentation at the October 18, 2023 public hearing demonstrates this. This location is ideal to serve both sides of the US30/RR line of St. Helens.

3. Ability to expand. Police staff emphasized the ability to expand as a consideration to help eliminate or minimize future deficiencies, such as those experienced for years at the current police station. As noted and depicted as part of staff's presentation at the October

18, 2023 City Council public hearing, the subject property has more expansion area than any other site previously considered.

To ensure future expansion potential, a notice on the deed that some or all of the unused portion is intended for future police station expansion and that a land division action or transfer of ownership must consider how much area is needed for future expansion, shall be a condition of approval.

The pros demonstrate careful consideration by the city for this site and the Council finds the site is appropriate for a police station and that potential problems have been mitigated by design or conditions of approval.

The pros and cons analysis as described under this criterion explains some key factors for consideration. However, this is a comprehensive consideration that is not limited to these items. As such and considering all factors of the proposal, the City Council finds that the site design demonstrates that the site is suitable for a police station. The size and shape accommodate the proposed use, the topography contains relatively minor slopes conducive to development, wetlands are avoided, wetland protection zones are only minimally impacted, and flood hazards are addressed by locating the building outside the Special Flood Hazard Area (100-year flood), elevating the building, providing drainage paths for water to flow around the building, and providing secondary access to the building in the event of flooding. The subject site is proximate to Columbia River Highway (US30) and the Riverfront District (downtown/waterfront), thereby allowing efficient response of public safety personnel.

(c) There is no evidence of public facility shortfalls, except for sanitary sewer, which is explained more below.

(d) There is no issue with zoning standards as noted elsewhere herein.

(e) Site Development and sign standards both apply and can be met or met with conditions.

(f) The Development Code implements the Comprehensive Plan policies. It is not necessary to evaluate specific Comprehensive Plan policies for the purpose of rendering a decision on this matter. However, this Conditional Use Permit follows a determination that the existing police station is inadequate and a related site selection process for a new location. The following Comprehensive Plan policy is noteworthy from a need and ensuring policing quality in the future standpoint:

19.08.030(3)(u). Take necessary actions to help ensure the area maintains its current fire and police quality; specifically take into consideration the effects of fire and police protection in the siting and design of all new development.

The existing police station at 150 S. 13<sup>th</sup> Street is dated and insufficient for current and future staff. The current St. Helens Police Station was built in 1971 to serve an approximate population of 6,200, less than half today's current population of around 14,355. The station has seen almost no change to the original 2,200 square feet of office space and garage. Notable limitations includes that the current facility is not ADA accessible, its emergency and seismic standards are

antiquated, digital data storage is poorly accommodated, not all of the police vehicle fleet can be stored securely, lack of private interview space, lack of space for officer training, insufficient lockers for staffing levels, lack of changing rooms for both male and female officers, and no armory. Police staff have noted the inability to get certain funding/grants based on the current station's inadequacy.

To help offset these deficiencies, a modular building donated by the school district was added around 2018 (file SDRm.9.18) to the site to increase floor area, generally for senior administrative staff work. But this building lacks running water or lavatory facilities. To use these facilities, someone would need to exit the modular building to the outside to enter the original 1971 building.

A new facility is needed to ensure a quality law enforcement program for St. Helens. This land use entitlement is an important step towards this.

\* \* \*

**Tree Removal/Preservation:** Chapter 17.132 SHMC addresses the preservation of trees with a diameter at breast height (DBH) >12 inches. Protection is preferred over removal per this Chapter and Site Development Review Chapter 17.96 SHMC.

Tree plan is required because there are many trees (>10) on the subject property. Per the existing conditions plans, there are approximately 430 trees total on the subject property. Of these approximately 282 have a DBH  $\geq$  12 inches. Of these larger DBH trees, only 33 are proposed for removal. This could change slightly with final plans but as more than 50% of trees with a DBH > 12 inches will be saved, replacement is necessary only at 1:1 ratio.

Plans submitted with this application show 47 new landscaping trees and 47 wetland buffer enhancement mitigation for almost 100 new trees. This number may change with final plans, but 1:1 replacement of larger DBH trees should be easily met.

Protection of trees will be required (as well as wetlands and related protection zones). This is explained in the Sensitive Lands Assessment conducted by Wetland Solutions Northwest, LLC and will need to be included on final plans to ensure contractors and others follow the protection plan during site development.

Note that extra tree plantings will also help with tree mitigation related to Partition PT.2.23 intended to create a new parcel for a new PGE electrical substation to serve the St. Helens Industrial Business Park.

\* \* \*

**Street/Right-of-Way Standards:** Old Portland Road is classified as a minor arterial per the 2011 Transportation Systems Plan (TSP). It is also part of the 2019 Riverfront Connector Plan (RCP), which is a refinement of the TSP. The RCP calls for 60' of right-of-way, which is

already in place. However, it also calls for a roundabout at the Old Portland Road / Kaster Road (S. 18<sup>th</sup> Street) intersection.

This roundabout will require right-of-way dedication and improvements that have not been developed beyond planning level in the 2019 RCP. When and exactly how (i.e., final construction plans) are not known at this time. Generally, substantial improvements and significant landscaping for the police station are outside of the assumed roundabout area.

Because the roundabout is to-be-determined, the transition areas of frontage improvements (sidewalk, etc.) area also unknown at this time. As such, staff does not recommend street frontage improvements along most of the site close to Old Portland Road. The roundabout will be a city-initiated project and who be able to install the improvements later.

However, the area of the subject property along Kaster Road south of the proposed driveway is outside the anticipated area of design impact for the roundabout. The driveway provides an opportunity for a transition to the normal collector street standard that applies to Kaster Road. This is a significant project that would normally require frontage improvements, and this is an appropriate area for improvements for this project.

The Kaster Road right-of-way meets or exceeds the minimum 60' width required, so no dedication anticipated.

\* \* \*

### **Utility Standards:**

**Water:** Water is available along both Old Portland Road and Kaster Road.

**Sanitary Sewer:** Sewer is available along a mainline within the site (within the vacated 7<sup>th</sup> Street right-of-way).

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

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

Sewer pipes are considered “at capacity” when peak flows exceed 85% of the full depth of the pipe in accordance with industry standards. This depth is based on the maximum depth of flow ratio (d/D), where “d” is the depth of flow and “D” is the pipe diameter. The WWMP includes an exhibit—Figure 18—that shows that there is a potential overflow within Kaster Road by the subject property and that there is a segment of mainline between Kaster Road and the wastewater treatment pond that is over capacity now.

Pipeline surcharging occurs as flows exceed the capacity of a full pipe, causing wastewater to back up into manholes and services. In addition to potentially backing up into homes and health risks associated with sanitary sewer overflows, Oregon DEQ prohibits all sanitary sewer



overflows and can fine cities for allowing such and has done so to other jurisdictions. Examples of DEQ fines can be found here:

<https://www.oregon.gov/deq/Pages/enforcement-actions.aspx>

Given this issue, SHMC 17.152.090(4) must be considered:

Permits Denied. Development permits may be restricted by the commission or council (i.e., the applicable approval authority) where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

There is a current deficiency (undersized pipes for existing demand) of a widespread scale within the city per the WWMP including infrastructure this development would need to utilize that could result in surcharging, fines (e.g., for violation of Oregon DEQ standards) and public health risks.

The Council finds this development can still be approved under these circumstances given this criterion based on the following findings or conditions of approval:

- The deficient conveyance infrastructure this development depends on for sanitary sewer appears to be a priority 3 in the WWMP. Priority rankings include three categories. There is no priority 2 conveyance improvements. The difference between priority 1 and 3, is priority 1 includes areas that have been reported to have overflows or significant surcharging during wet weather events, whereas priority 3 areas are where there have been infrequent or no observations of historical overflows or surcharging.
- City Public Works and Engineering staff have already begun to address the necessary sanitary sewer infrastructure upgrades having already received a State Revolving Fund Program loan (for below market rate loans) from Oregon DEQ to fund both priority 1 projects (in basins 4 and 5) and priority 3 projects in basin 6. Basin 6 is applicable to this proposal. City Public Works and Engineering indicate an anticipated 4-year timeframe (from October 2022) for completion of these upgrades.
- A condition of approval to require a fee per equivalent dwelling unit will be included. This is not a System Development Charge pursuant to ORS 223.299(4)(b); it is a temporary charge by order for development and land divisions proposed under these circumstances until the infrastructure is in order per the WWMP. The nexus is clear as it relates to the sewer conveyance deficiency and an amount has been determined based on calculations to determine fair proportionality—see attached **St. Helens Wastewater Collection System New Sewer Connection Surcharge memo**.

**For this project, the fee per equivalent dwelling unit is \$1,800**, and this estimated amount is determined to be a fair share quantity for this proposal. It is based on October 2022 dollars, and inflation must be considered.

- Though denial of this proposal itself does not warrant a moratorium or public facilities strategy as there is no prior stoppage or restriction of permits, authorizations, or approvals\*, the city recognizes that the sanitary sewer conveyance problems identified in the WWMP are widespread and denial could set a precedence of action that if continued for projects under similar circumstances, could be construed as a pattern or practice that at some point could warrant a moratorium or public facilities strategy.

\*Per ORS 197.524 a local government is required to adopt a public facilities strategy under ORS 197.768 or a moratorium on construction or land development under ORS 197.505 to 197.540 when it engages in a pattern or practice of delaying or stopping the issuance of permits, authorizations or approvals necessary for land divisions or construction due to the shortage of public facilities (like sanitary sewer).

**Storm Sewer:** There is an existing storm line through the site that will be incorporated for use. Stormwater is proposed to be managed via an on site via a stormwater pond in addition to conveyance infrastructure. Per the Geotech report infiltration is not feasible for the site.

A preliminary drainage report has been provided. Final drainage plans will be required.

**Other:** There is existing overhead utility along Old Portland Road and Kaster Road. O/h utility may remain as long as no new poles are needed.

\* \* \*

**Trails/bikeways:** Bicycle amenities are anticipated in the 2019 Riverfront Connector Plan; when the roundabout contemplated at the Kaster Road (S. 18<sup>th</sup> Street)/Old Portland Road intersection and surrounding improvements are done. As noted above, the roundabout is not a requirement of this proposal.

There is nothing specific for Kaster Road beyond the design impact area of the 2019 Riverfront Connector Plan roundabout, except for bike lanes as part of collector streets as identified in the 2010 Transportation Systems Plan. As noted above, improvements to some of Kaster Road is a requirement of this proposal.

There is potential to advance trail #7 in the 2015 Parks and Trails Master Plan, which is intended to eventually provide a connection between McCormick Park and Nob Hill Nature Park, within or adjacent to the subject property. However, the Council finds the proposal will not principally benefit from a bikeway and/or trail (path) and no requirement to include the cost of construction of such is merited, other than as related to road improvements. Sidewalks related to the future street improvements such as the Kaster Road (S. 18<sup>th</sup> Street)/Old Portland Road intersection roundabout may provide some connectivity too.

Nevertheless, the City Council requires that the proposed project include a plan for a future pedestrian connection to either Kaster Road or Old Portland Road. The pedestrian connection would be constructed when funds become available.

\* \* \*

**Traffic Impact Analysis:** An August 29, 2022, letter from the consultant addresses Traffic Impact Analysis (TIA) thresholds and demonstrates a TIA is not warranted.

\* \* \*

**Other Considerations:** There is a turnaround built in the design of the secondary access, but it is behind the secure fence. If the fence is closed the secondary access is a >500' long narrow road with no outlet or turn-around. Plans show a means of restricting vehicular access including do not enter signage. This may solve this issue, but any blockage will need to be acceptable to the Fire Marshall to ensure emergency access.

Normal minimum width for minimum for fire apparatus access is 20'. A section of the secondary access is only 15' wide. This will need Fire Marshall ok as part of final plan approval. Preliminary conversations with the Fire Marshall suggest this will be acceptable, but this process is not a substitute for review of final plans subsequent to this Conditional Use Permit et. al., process.

\* \* \* \* \*

### CONCLUSION & DECISION

**Based on the facts and findings herein, the City Council approves this Conditional Use Permit CUP.4.23, Sensitive Lands Permits SL.4.23 (floodplain) and SL.5.23 (wetlands), and Sign Permit S.14.23, with the following conditions of approval:**

1. This **Conditional Use Permit** approval is valid for a limited time (to establish the use) pursuant to SHMC 17.100.030. This Conditional Use Permit approval is valid for 1.5 years. A 1-year extension is possible but requires an application and fee. If the approval is not vested within the initial 1.5 year period or an extension (if approved), this is no longer valid and a new application would be required if the proposal is still desired. See SHMC 17.100.030.
2. The following shall be required prior to any development or building permit issuance:
  - a. Final plans as submitted with any development or building permit(s) shall comply with the plans submitted with this Conditional Use Permit, et. al. with the following additions and/or corrections:
    - i. Proposed power line easement, as required by Ordinance No. 3283, shall be depicted on plans and any modifications to the plan to ensure no conflicts with said easement, per CRPUD, shall be included on the plans. See conditions 2.d and 3.b.
    - ii. Existing tree and wetland/protection buffer protection methods during construction shall be incorporated.
    - iii. For development within the Area of Special Flood Hazard (100-year flood), plans shall specify how improvements will be constructed with materials and utility

equipment resistant to flood damage and methods and practices that minimize flood damage. Statements that state such, alone, would be insufficient in this regard.

- iv. The FDC along Old Portland Road shall be moved to Kaster Road, near the new driveway location, which is outside of a flood prone area and accessible by the secondary access.
  - v. Fire apparatus turnaround as incorporated into the secure parking area and secondary access to the site shall be depicted on the plans. “No parking fire access” or comparable markings shall be included within the secure fenced area *as depicted in this report*.
  - vi. Fire Marshall shall approve the secondary access between S. 15<sup>th</sup> Street and Kaster Road including but not limited to fences, bollards and required locks necessary for access. Plans shall be modified as necessary. Fire Marshal requirements shall be incorporated into plans so final requirements (condition 3 of these conditions of approval) are clear.
  - vii. Street trees along Kaster Road shall be “small” per Chapter 17.72 SHMC. This requires a 20’ spacing. Tree location shall also comply with requirements per 17.72.035(2)(d)-(l).
  - viii. As per condition 5.
  - ix. Vision clearance per Chapter 17.76 shall be properly depicted. Mailbox proposed may be a conflict, though details for that have been provided. In any case, plans shall omit conflicts with this.
  - x. Plans shall not have obstructions or constraints against allowing use of the Kaster Road access south (southeast) of the site. To continue the internal access design in this direction no improvements or grading, including the storm water pond and related grading work, shall occur within 36’ of the Kaster Road property line. *See depiction of this in this report.*
  - xi. If trash enclosure will include a sanitary sewer drain, it must be designed to prevent the infiltration of stormwater, including but not limited to a roof.
  - xii. Tree and wetland (and related upland protection zone, as applicable) protection during construction.
  - xiii. The proposed project shall include a plan for future pedestrian connection to either Kaster Road or Old Portland Road. See condition 9.
- b. Engineering construction plans shall be submitted for review and approval addressing all public improvements including but not limited to:

Street frontage improvements along Kaster Road between the proposed Kaster Road access point (driveway) and Fir Street.

- c. A final drainage plan certified by a registered professional engineer shall be reviewed and approved by City Engineering to address water quality to protect surrounding wetlands and/or riparian areas/streams), water quantity (e.g., to prevent ponding and for storm water retention if needed) and conveyance of storm water. Drainage plan shall comply with City, State and Federal standards.
- d. If power lines within the subject property will not be relocated, a 50' wide easement shall be granted for them as required by Ordinance No. 3283. If said power lines will be relocated, see condition 3.
- e. An additional "fair share" fee shall be paid per equivalent dwelling unit (EDU) based on the portions of the city wastewater collection system between the subject property and the wastewater treatment plant, that this development depends on, that are at or above capacity as identified in the 2021 Wastewater Master Plan. Estimated per EDU cost is \$1,800 based on October 2022 dollars. Inflation adjustment to value at time of building permit issuance shall be included.
- f. A Notice shall be recorded on the deed(s) of the subject property indicating that, in addition to other laws, no portion of the subject property shall be transferred to a different ownership unless the city finds that the remaining buildable area is sufficient for future expansion of the police station. This also includes maintaining shared access between the parcels on either side of the now vacated 7<sup>th</sup> Street right-of-way as required by the conditions herein. The Planning Commission, if one exists at the time, shall provide a recommendation as to this matter before any final decision is made.

Notice shall also note the presence of wetlands and associated uplands protection zones subject to protection per city law and that some protection zone was enhanced as per this Conditional Use Permit, et.al. effort.

- g. Ensuring restoration plantings and maintenance for at least 2 years to ensure survival is required. How this will be done shall be identified. See condition 3.c.
3. The following shall be required **prior to** Certificate of Occupancy by the City Building Official:
- a. All improvements necessary to address the requirements herein shall be in place.
  - b. A 50' wide easement shall be granted for relocated power lines within the subject property, if any. Note condition 2.d.
  - c. If minimum 2-year planting maintenance will be ensured by a private third party (e.g., landscape contractor) for wetland/buffer enhancement, contract shall be in place.
  - d. As per condition 5.

4. 8' high fencing and walls shall be allowed. Topping with barbed wire is possible per SHMC 8.12.120.
5. Service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened, **regardless if such screening is absent on any plan reviewed by the City. This includes but is not limited to ground mounted, roof mounted or building mounted units.** See SHMC 17.72.110(2).
6. This Conditional Use Permit, et. al., is for allowance of a public safety facility only. It does not address and is not a substitute for approval of non-police function at the site such a public facility.
7. No plan submitted to the City for approval shall contradict another.
8. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17).
9. The pedestrian connection per condition 2.a.xiii shall be constructed when funds become available.

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Rick Scholl, Mayor

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Date

**City of St. Helens**  
*Consent Agenda for Approval*  
**CITY COUNCIL MINUTES**

Presented for approval on this 15<sup>th</sup> day of November, 2023 are the following Council minutes:

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2023

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- Work Session, Public Hearings, and Regular Session Minutes dated October 18, 2023

**After Approval of Council Minutes:**

- ☐ Scan as PDF Searchable
- ☐ Make one double-sided, hole-punched copy and send to Library Reference
- ☐ Minutes related to hearings and deliberations get copied to working file
- ☐ Save PDF in Minutes folder
- ☐ Update file name & signature block on Word document & copy Word document into Council minutes folder in Shared Drive
- ☐ Upload & publish in MuniCode
- ☐ Email minutes link to distribution list
- ☐ Add minutes to HPRMS
- ☐ Add packet and exhibits to HPRMS
- ☐ File original in Vault
- ☐ Update minutes spreadsheet



# COUNCIL WORK SESSION

Wednesday, October 18, 2023

## DRAFT MINUTES

### MEMBERS PRESENT

Mayor Rick Scholl  
 Council President Jessica Chilton  
 Councilor Mark Gundersen  
 Councilor Russell Hubbard  
 Councilor Brandon Sundeen

### STAFF PRESENT

John Walsh, City Administrator  
 Kathy Payne, City Recorder  
 Lisa Scholl, Deputy City Recorder  
 Crystal King, Communications Officer  
 Mouhamad Zaher, Public Works Director  
 Suzanne Bishop, Library Director  
 Brian Greenway, Police Chief

Evin Eustice, Police Sergeant  
 Matt Smith, Police Corporal  
 Jeremy Howell, Police Officer  
 Dylan Gaston, Police Detective  
 Adam Reathke, Police Officer  
 Bill Monahan, Contracted City Attorney

### OTHERS

Steve Topaz	Ron Trommlitz	Stephanie Patterson
Eddie Dunton	Michael Sykes	Jennifer Massey
Steve Toschi	Paul Vogel	Jennifer Shoemaker
Jane Garcia	Adam	M. Millar
Art Leskovich	Erin Salisbury	JK
Melanie Olson	Brady Preheim	John Krueger
Eric Smythe	Jenni Gilbert	Scott Jacobson
Drew Layda		

### CALL WORK SESSION TO ORDER – 2:00 pm

### PRESENTATION ON POTENTIAL DEVELOPMENT OF INDUSTRIAL BUSINESS PARK

John Krueger, Colliers Site Expansion Services, presented an overview of the company via PowerPoint slides, printed copies of which he distributed to the Council at the beginning of the meeting and took back at the end of the meeting. Due to the proprietary nature and global competition of solar and green energy, the potential development would be referred to as "Project Sprint." Key items highlighted included the global nature of the company, the manufacturing of solar panels, and the three steps to make their final product, the second and third of which they were talking about doing in St. Helens which would be to manufacture solar cells and panels. They were looking to site 1.75 and 2.5 million square feet of space and looking at close to \$1.5 billion of investment for the two plants.

Questions from the Council were addressed as follows:

- Project Sprint hoped to see production development in 18-24 months; they would have to move quickly, which was why they liked a collaborative community.
- As many materials as possible would be sourced in the U.S. and possibly locally.



- They estimated the majority of the 1500 employees needed would be hired in the first year of operation of the plant and a second hiring within 24 months of opening.
  - They were working on a wage survey to determine wage ranges for a variety of skill sets.
  - For the skill sets needed, some semi-conductor experience would be nice with more warehouse-based manufacturing on the cell side and some experience working around equipment. Advanced distribution experience would be great. They were looking for specific skill sets around engineering, quality control, manufacturing, process flow, and appropriate handling of the raw materials.
- Normally, advancement was necessary and they would tie advancement into training programs including when working with the Governor's Office and Business Oregon.
- What the company would bring to the community and state could help each achieve their respective goals, including helping the City on the power issue.

City Administrator Walsh was excited about what the project could do for the region and the state as well as for the opportunity to turn the City's finances around quite a bit.

Mayor Scholl spoke about the history of having the workforce in St. Helens, especially with the four former mills. There were about 50,000 people available and about 700 acres of industrial property, but the problem was the power issue and the mills are no longer here.

Mr. Krueger thanked the Council for the opportunity, adding if anybody would like further information, they should not hesitate to call his cell phone anytime.

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

- ◆ Ron Trommlitz. Mr. Trommlitz talked about the leaking 2-million-gallon water reservoir, the numerous repairs that were made on it, and the neglect of the City and Kennedy Jenks, noting the improvement of 32,000 gallons was double the original loss of 16,000 gallons.
- ◆ Eric Smythe. Deputy Fire Chief Smythe, Columbia Fire and Rescue, announced the open Fire Board Director position and explained why a member of the Council should apply for the appointment, noting the District needed to work closely with the City as projects like Project Sprint moved forward. The selection would probably be made by the first week of November at a special meeting. The position is a voting seat. He believed a Councilor could be on a board of directors but urged a check with legal counsel.
- ◆ Brady Preheim. Mr. Preheim believed a Councilor serving on the Fire Board was the worst idea he had heard. Council members did not need another elected position. He was opposed to the new police station. His concern was about police staffing. The City needed to stop the idea of building a police station and use the resources to hire police officers. The city needed more police, and an empty building would not help. The City could not afford both. He was happy to hear about the interest in St. Helens from the solar company.
- ◆ Jennifer Buechler and Heather Epperly. Ms. Buechler and Ms. Epperly of the Big Halloween Parade Board spoke of their plans not to hold the parade in 2024 due to not enough support for safety this year. The Police Department was not supportive, initially telling the Board they would have three officers to help, which did not end up happening. They had to have private security risk their lives instead of a patrol car to stop traffic. They spoke about how Oregon State Police was going to help but St. Helens Police said no. CERT was consumed with parking and could not help with closing the streets, which the private volunteers did. As a result, vehicles pushed through crowds on streets that were closed to traffic. They clarified they hired nine private security guards as part of the permit process.

Council President Chilton asked about security, a fee, and sponsors. Ms. Buechler and Ms. Epperly said for the security team they needed, it would probably cost \$25,000 or \$30,000, which is an amount local businesses are unlikely to donate.

Mayor Scholl said he found it alarming St. Helens Police refused to allow the State Police help. Ms. Buechler and Ms. Epperly said they had a lot of outside forces like the County that helped and clarified although it is hard to tell with a parade, they had heard the crowd was 15,000-20,000 people.

Mayor Scholl asked if they would reconsider holding the parade again with more support. Ms. Buechler and Ms. Epperly replied they had discussed that, and a lot would have to happen for it to feel safe, noting last year was the same and this year worse with the response from the local police.

Council President Chilton believed the whole community supported the parade team. She asked how to fix or help the parade.

Public Works Director Zaher said if Public Works could help to let him know. Ms. Buechler and Ms. Epperly said Public Works was fine, however, the Police Department said they did not see or sign off on the permit.

- ◆ Jenni Gilbert. Jenni stated since the Big Halloween Parade was a private event, it was not the police's responsibility. She attended the parade, lived on the parade route, and was in favor of it going away, describing how the event was out-of-hand. Things could have gone very wrong. Even with CERT, way more traffic control was needed; Old Portland Road was backed up all day. The parade is too big for St. Helens. She did not believe the Police Department was on the permit. If the community would like to see more police at events, the City must get them staffed.
- ◆ Steve Topaz. Steve stated he delivered his thoughts and facts at the September 6 Council Work Session and gave them to the Recorder in writing, but what was published in the meeting's agenda were not the words he used or presented. The statement that was proposed to be his presentation was a lie. He addressed how when locating a business, many items were considered and how St. Helens measured up to such requirements. He handed a copy of his statement to the City Recorder and sent a copy to the Council.
- ◆ Steve Toschi. Steve said the Council needs to find paths to make sure outside views are heard. He suggested the City hire attorneys in water law for the proposed wafer production development after what happened with the pot farm sale. The Big Halloween Parade team needed to start event planning on a professional level, especially to address the potential dangers of crowd control. The police were not asking for more money but for more people. They were told staffing would increase, but it did not happen. He encouraged the Council to get a realistic handle on how to propose to pay for the \$2 million increase in funding to staff police.
- ◆ Drew Layda. Drew, candidate for House District 31, was excited about the solar plant. Industry would attract careers. He spoke about the appeal of St. Helens. There was a lot of money in superconductors and solar was a fantastic option for self-sustainability. He was pro-power and energy.

## DISCUSSION TOPICS

### 1. Update on Police Staffing

Chief Greenway first addressed the Big Halloween Parade, noting St. Helens Police Department was not part of the parade permit or any meetings. When the Department first saw the permit, it stated Columbia County, State, and private security would help. Knowing a large crowd was expected, he personally reached out to Lieutenant Andy Hasenkamp with the State Police, but no State Police troopers wanted to work the overtime. The Department could not mandate officers to work overtime. The permit process

needed improving. It was unacceptable to blame St. Helens police officers. St. Helens was woefully understaffed to handle such events. The situation was not the fault of the Police Department, and he was thankful to the four officers who came in to help. It was false to say the police did not communicate about the matter.

Key discussion items regarding the Police Department's involvement in the Big Halloween Parade were as follows:

- Mayor Scholl said there were matters the community could do better when working together. The Council was accountable to each department, their budgets, and the overall budget. The Police Department and the Council needed to work as a team.
- Chief Greenway clarified he did not sign the permit in the end. Council President Chilton agreed that work needed to be done on the permit process.
- Mayor Scholl said the community should see if the parade was even doable for next year and start talking about it early. He added the City was nowhere close to defunding the police, citing numbers from FY2016 to the present that show the increase in police funding of 141 percent, describing the efforts to find funding to add another officer, and emphasizing the Council cared about the Police Department.

Chief Greenway spoke about how the community agreed the police needed more staff and a lot of staffing was driven by the Collective Bargaining Agreement which establishes a minimum of two officers on duty. Any hours outside of their three determined shifts must be negotiated between the City and the union.

Currently, the Department has 21 sworn officers and was authorized for 22, 14 of which were needed to maintain 24/7 on-duty patrol. Some were injured and some were in training. Eleven or 12 officers were currently filling the 14 slots, resulting in an abundance of overtime and concerns about exhausting the officers. He and Walsh had been discussing staffing models to continue 24-hour police response. The sense of urgency stemmed from four retirements that would be occurring in the next nine months. He wanted the citizens to know that even if a response for a non-urgent matter was delayed, officers were committed to excellence and would maintain the same level of service.

Key discussion items regarding the staffing of Police were as follows:

- The Council and staff discussed the vacant position, and Chief Greenway stated that position was not authorized by the Budget Committee to be filled.
  - Chief Greenway clarified the City was not hiring an officer because it does not have the money to hire. Walsh added the Council ultimately approved the budget using \$500,000 of reserve money predicated on not filling the police position.
  - Mayor Scholl stated a discussion was needed with the Finance Director. He added this was not the position the Budget Committee talked about. He would like to look within the budget and try to find funding for the 22nd police position, which he believed was in the budget.
- Chief Greenway acknowledged the Department had made some adjustments such as reducing detectives down to one, which Council President Chilton found unfortunate. It still would take just over a year from the day an officer was hired to be fully trained. However, one out of three would not make it through training. He noted they welcome laterals, but it was a buyer's market, acknowledging St. Helens had a lot to offer.
- The Department used to get over 200 applications, and now they were only getting around 20. It would cost more to hire the wrong person than to have a vacancy and they had not lowered their standards.
- If the police were to have a staffing process, they would have to over-hire and start the process immediately. The worst thing to do would be to wait until someone retired and then filled their position. If the Department over-hired, then when someone retired, the vacancy would be filled immediately.

- It was too late to put police funding on the ballot. In 2012, the staffing study showed what the City needed. Councilor Gundersen noted raising taxes was unpopular, but he wanted to support the police. The City needed to look at something like that since there was no money in the budget.
- Mayor Scholl stressed the City needed to look at the finances of everything in the Police Department, including vehicles. The problem would not be solved overnight, and the matter needed to be revisited, probably with updates once a month. Chief Greenway said whatever they cut affects their recruiting ability and retention.
- Walsh said he understood the need, but the fiscal reality was the City had to be sustainable with finances, especially with the decline in industry.

## **2. City Appointment to Columbia Learning Center Foundation Board of Directors**

Mayor Scholl stated that former Councilor Birkle previously served on the Board representing the Council. The next meeting will be held Thursday. Councilor Gundersen was available for the position.

Walsh addressed the Fire Board's request, and he would be willing to serve on the Board as a non-voting ex officio member. Council President Chilton said she wanted to check with legal counsel about Council members serving on the board, but Mayor Scholl replied it was allowed since Councilor Hubbard served on the Columbia River PUD Board. Councilor Gundersen was also interested in the Fire Board position.

## **ADJOURN – 3:50 pm**

## **EXECUTIVE SESSION – None**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor



# COUNCIL PUBLIC HEARING

Wednesday, October 18, 2023

## DRAFT MINUTES

### MEMBERS PRESENT

Mayor Rick Scholl  
 Council President Jessica Chilton  
 Councilor Mark Gundersen  
 Councilor Russell Hubbard  
 Councilor Brandon Sundeen

### STAFF PRESENT

John Walsh, City Administrator  
 Kathy Payne, City Recorder  
 Lisa Scholl, Deputy City Recorder  
 Jacob Graichen, City Planner  
 Jenny Dimsho, Associate Planner  
 Suzanne Bishop, Library Director

Crystal King, Communications Officer  
 Matt Smith, Police Corporal  
 Dylan Gaston, Police Detective  
 Bill Monahan, Contracted City Attorney  
 Tina Curry, Contracted Event Coordinator

### OTHERS

Steve Topaz	Jennifer Shoemaker
Brady Preheim	Jane Garcia
Steve Toschi	Adrienne Linton
Michelle	Scott Jacobson
B. Gaston	Debbie Parsons
Hayley Starkey	Judy Thompson
Matt R.	Jesse Lagers

Adam St. Pierre	Peter Haultt
Thomas Peck	Kathy Thomas
Mary Anne Anderson	Suzie Dahl
Jen Massey	Leila Wilson
Sabrina Moore	Allison Anderson
Brianna Boice	Todd Jacobson

### OPEN PUBLIC HEARING – 5:00 p.m.

### TOPIC

#### 1. Sale of City-Owned Property located on Kelley Street

City Administrator John Walsh reviewed the property for sale. It is surrounded by other parcels. The sale of the property would make it contiguous with the existing development and allow for more commercial development. Notice of the sale was properly published. The appraisal came back at \$67,000. Some pre-development work has been done on the site.

### PUBLIC TESTIMONY

- ◆ Steve Topaz. The proceedings should stop right now. The public notice must include a full description of the property and a printed or public notice of the appraisal. The appraisal was done but not published in the newspaper. This is the same thing that affected them with the Grow Facility on the Mill site and resulted in court proceedings.

Mayor Scholl requested Attorney Bill Monahan provide feedback on what Steve said. Monahan read through ORS 221.725 Sale of Real Property by City. Notice was published following all the guidelines and the appraisal was made available at the hearing. He confirmed they are compliant.

- ◆ Steve Toschi. He doesn't think that the Council has fully disclosed the nature of the proposed sale. This is a sale of property being traded for 3,600 square cubic yards of fill dirt for a piece of property. The fill has already been delivered to the site for the police station. The Conditional Use Permit was denied by the Planning Commission. Before the hearing, the City went ahead with the deal. There are huge implications of that when the next hearing begins. He is troubled to see that this is on an agenda item. He objects to it.
- ◆ Brady Preheim. He is very confused. This is the biggest case of corruption he has ever seen. Has the dirt already been delivered? Walsh confirmed that it has been delivered. Brady asked how they can accept the dirt for the sale of property when there is no agreement. What happens if they vote no. They are obviously going to vote yes since they already have the dirt. Anyone who votes for this is corrupt. How do you even get dirt for property? There are separate processes. This is corruption. They're getting dirt for a police station that doesn't even have a permit.

Mayor Scholl pointed out that what was said was not exactly true. The dirt was brought in by a respectable contractor who owns the abutting property and the property around it. They talked about this for the Industrial Park Development, not the police station. It benefited the whole development. There was no question that the work performed would exceed the \$67,000. Brady continued to ask if there was an agreement and interrupt the meeting. Mayor Scholl called for order and warned Brady he would be removed from the meeting if he didn't stop interrupting. Mayor Scholl apologized for his behavior. It was brought up when Ken Leahy expressed interest in the property. He guaranteed that the value would exceed \$67,000. It was delivered and covered when there was no rain. The dirt was brought in for the St. Helens Industrial Park. Steve Toschi interrupted and exclaimed that he doesn't believe it was not for the police station when that's the location proposed. Mayor Scholl called for order again.

**CLOSE PUBLIC HEARING – 5:20 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor



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Tina Curry, Contracted Event Coordinator  
Brian Greenway, Police Chief

Jose Castilleja, Police Sergeant  
Evin Eustice, Police Sergeant  
Doug Treat, Police Sergeant  
Matt Smith, Police Corporal  
Dylan Gaston, Police Detective  
Jeremy Howell, Police Officer  
Jamin Coy, Police Officer  
Adam Hartless, Police Officer  
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Iris Wu	Brian Varricchione
CCMH	Alex Tardiff
Catherine Hager	Tony Fleming
Cody Feakin	Jim Coleman
Al Petersen	Shauna Stroup-Harrison

Adam St. Pierre	Peter Hautt
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Jen Massey	Leila Wilson
Sabrina Moore	Allison Anderson
Brianna Boice	Todd Jacobson
Jeff Humphreys	Arthur Leskowich
David Lintz	RLT
Matt	James Shober
Sid Hariharan	Eddie Dunton
Jerimy Kelly	Kai Cater

### OPEN PUBLIC HEARING – 5:30 p.m.

### TOPIC

- 1. Appeal of Planning Commission Decision on Conditional Use Permit (CUP.4.23), Sensitive Lands Permits (SL.4.23 - floodplain and SL.5.23 - wetlands), and Sign Permit (S.14.23) for New Police Station proposed to be located at the Southeast Corner of Old Portland Road and Kaster Road Intersection (City of St. Helens)**

City Planner Jacob Graichen covered preliminary matters. Mayor Scholl turned it over to Attorney Bill Monahan to address conflicts of interest and bias. Monahan explained that potential conflicts of interest

are when someone may have a financial conflict of interest. Actual conflicts of interest are when there is certainty of financial benefit or detriment if the person participates in the decision. Potential conflicts of interest need to be declared, and the person can decide whether to participate. However, actual conflicts of interest must also be declared and the person must step out of participating in the proceedings.

Mayor Scholl pointed out that Councilor Hubbard was on the Planning Commission when they heard this request. Monahan explained that is not an automatic conflict of interest, unless he made a declaration at that time. Conflicts of interest are purely financial related. If he's not able to participate and keep an open mind with the new information heard tonight, then he would not be able to participate because of a bias. This is a de novo hearing, which is brand new.

Councilor Sundeen would like to recuse himself. A lot of people have contacted him about this request.

Attorney Peter Watts, representing the City in the appeal, addressed relevant cases on bias. He is not aware of any cases in Oregon where someone had an actual bias. If they are willing to consider the evidence, change their mind about a matter, and learn something new, then they don't have a bias. It's normal to hear stuff as an elected official. If they're not willing to change their mind, then they should recuse yourself.

Mayor Scholl declared that he would keep an open mind and listen to the facts in this hearing.

Councilor Sundeen declared that this is new for him and he appreciates the clarification.

Council President Chilton, Councilor Gundersen, and Councilor Hubbard all declared they are willing to hear the new evidence.

There were no declarations of ex-parte communication or site visits.

Graichen asked if there was anyone in the audience who wanted to object to the ability of a Councilor to make a fair decision.

Steve Toschi objects to Mayor Scholl and Council President Chilton participating. A copy of his objections is included in the archive packet. In summary, they both declared that they are accountable for the police station's subject location and voted for Resolution #1986, which he feels is a gag law. He also referred to the last hearing and Mayor Scholl's statement made about the delivery of dirt being for the Industrial Business Park, which he does not agree with. Mayor Scholl objected to Steve. Steve continued to say that Councilors Sundeen, Gundersen, and Hubbard are the only ones who can make a fair decision. Anyone who has been involved in the previous land transaction needs to declare a bias. This decision affects the lives of human beings.

Jen Massey is thankful Councilor Hubbard was selected for the position. However, she does have a concern with his ability to make a fair decision since he already voted against it.

Brady Preheim also objects to Councilor Hubbard. He made the motion in the Planning Commission meeting to deny the application. He is a great addition to the Council but should recuse himself in this case. Mayor Scholl and Council President Chilton have been clear about their support of the police station and the subject location. It is not appropriate for them to make a decision. He objects to everyone except for Councilors Gundersen and Sundeen to make a fair decision.

Council's response to challenges:

Mayor Scholl addressed what has been said about him and explained the need for dirt on St. Helens Industrial Business Park. He is willing to listen and make a fair decision with the facts before him.

Council President Chilton is willing to consider new evidence and will vote.

Councilor Hubbard talked about the Planning Commission looking at the building in the flood plain. Federal law says you cannot put a critical facility in a floodplain. Although, they want to build above it.



Hearing that Kaster Road and Old Portland Road can get over 4.5 feet of water making the police station inaccessible, he determined that it's not the right location. If there are no other places, then it can be done. He still thinks he can make a good judgement.

**Motion:** Motion made by Councilor Gundersen and seconded by Council President Chilton to not disqualify Mayor Scholl. Yea: Council President Chilton, Councilor Gundersen, Councilor Hubbard, and Councilor Sundeen; Abstain: Mayor Scholl

**Motion:** Motion made by Mayor Scholl and seconded by Councilor Gundersen for Council President Chilton to be a voting member. Yea: Mayor Scholl, Councilor Gundersen, Councilor Hubbard, and Councilor Sundeen; Abstain: Council President Chilton

**Motion:** Motion made by Council President Chilton and seconded by Councilor Gundersen for Councilor Hubbard to be a voting member of this decision. Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, and Councilor Sundeen; Abstain: Councilor Hubbard

Graichen went on to present the staff report, a copy of which is included in the archive packet for this meeting. Each time a decision is appealed, you dig deeper because you have more time, which means there is new information to share. A few highlights were:

- Review of area maps and Code criteria
- Building footprint is not within the 100-year floodplain
- Review of flood boundaries versus the actual elevations. The largest Milton Creek flood was in December 1955.
- Review of the proposed sites
- The officers are the boots on the ground. They have the opportunity to testify. If their testimony pertains to the Code and what has been presented, it will strengthen the record if it's appealed.
- Officers prefer the site for access purposes and future expansion
- Planning Commission suggested the secondary access road be 24 feet wide in case of emergency
- Council needs to consider if this is a good location

## PUBLIC TESTIMONY

### Applicant/Applicant Representative

- ◆ Peter Watts. Reported that he practices Municipal and Land Use Law. He has reviewed both the Planning Commission and City Council staff reports. When he first read the Planning Commission staff report, he was very confused. The FEMA flood maps are the only ones they are allowed to use. The maps were most recently updated in 2010. The portion of the site where the building envelope is, is not in the floodplain. In Oregon, there is a Structural Specialty Building Code. Section 1604.5 classifies police station buildings but not property, as Risk Category IV, Essential Facilities. They are looking at pre-dirt on the site, outside of the floodplain, for the police station itself.
- ◆ Police Chief Brian Greenway and Detective Dylan Gaston, Police Association President. Presented a request to overturn the Planning Commission decision. Greenway is here to speak about leadership.

Steve Toschi objected. The testimony should be directed towards the applicable criteria.

Greenway thanked the officers who are here on their own time. These officers are the ones who will be impacted by the decision. The current station is not seismically sound. They know when a flood is coming but typically don't with an earthquake.

Steve Toschi objected again. Watts pointed out that they are not in court and do not get to object to other people's testimony. Monahan explained that the Mayor has the ability to create time, place, and

manner limitations on the presentations. They have not put a time limit on staff identifying the application. The City Planner did a nice job of reviewing the background. They are now in the hearing format where they are taking public testimony. He has not heard any time limitations, but it is inherent to the applicant, being the City, to meet the burden of proof to show that all the criteria have been met. Their decision must be based on criteria, but if other testimony is given that is freedom of speech if the Council is willing to allow it without placing time restrictions. Graichen added that he was focusing on the Conditional Use Permit standard and paraphrasing it when he mentioned that the site is suitable.

Greenway went on to say that the current conditions are not acceptable. The existing building is about 2,200 sq. ft. The average American home is 1,800 sq. ft. The average living room is 150-380 sq. ft. They have 23 employees in a 300 sq. ft area. The proposed station is for the community. He gave a couple examples of how the existing station is failing the community. Working out of a trailer with no running water or restroom, he walked across the parking lot in a downpour and encountered an elderly gentleman in a wheelchair getting soaked. He came to make a police report but was unable to get around the flagpole and into the station because it isn't ADA accessible. In another instance, a young lady came to report a violent rape. They had to take her into a classroom with a duct taped door entry, full of ballistic helmets, and try to comfort the victim of heinous crime. It was unacceptable. He does not want the focus to be on anything else tonight other than serving the community. They need a new police station. Photos of the existing facility were shown. He repeated how unacceptable those conditions are. This is one of the most important decisions the City will make for residents and he's imploring the Council to approve the permit. The ad-hoc committee looked at 10 sites in the city and narrowed it down to three sites. Location is of the utmost importance. They just drew in approximately 20,000 visitors for the Halloween parade and pumpkin lighting. The building needs to be on display so people coming into the community feel safe. Some of the locations they looked at were hidden and they didn't want that. The site is already owned by the City and allows them the ability to grow. He is very proud of the officers. They selected this location. There is over 200 years of law enforcement experience in the police department, four active shooter events, and hundreds of critical incident events that the officers have successfully mitigated. The location also gives them multiple ways to traverse the City if there is a train. There are officers in the room who responded to the retirement home fire last year. The fire department took 33 minutes to get to the retirement home fire, but police got there immediately and saved lives. The officers are not being selfish. They are thinking ahead to the future. The current location is not going to work. If there is a catastrophic incident, the officers will be in the community and not working from the station. He spoke with officers who were here during the 1996 floods and they were able to get through that intersection. There are upcoming retirements and they are going to have to recruit new officers. Housing is hard to come by out here. He has 23 officers and 18 lockers. They need cops to keep the community safe. This will help with recruitment. Officers will leave if this doesn't pass.

Detective Gaston agreed with Greenway. Council made a unanimous decision about the location earlier. Officers agree with the centralized and accessible location. This decision was not rushed and was made with careful consideration of all the aspects. Subject matter experts have evaluated every aspect of the new station, including the location, deeming appropriate and feasible. Over the last two years, they have shown that the facility can be built there. He urges Council to not let a small group of people deter them.

- ◆ Ralph Henderson, Mackenzie Civil Engineer and Thomas Peck, Mackenzie Architect. There are additional colleagues on the call if any questions come up.

Thomas reviewed the location:

- Provides an optimal response location
- Allows for future growth and expansion
- Secondary access serves as ingress and egress if needed
- Building is outside the 100-year flood plain and outside the wetlands
- Minimal impact to the wetland buffer

- Facility was designed with input from the community as a welcoming building

Ralph reviewed the site plan map and the 100-year flood map. The building and secure parking lot are both out of the 100-year floodplain. It will be built 2.2 feet above the 100-year floodplain.

Council President Chilton asked if the flood zones will change as maps are updated. Ralph said they must rely on the current maps. Graichen added that the City first adopted the 1988 maps and then the 2010 maps. Ralph and Thomas confirmed that the secondary access road is out of the 100-year and 500-year flood zone. The finished floor elevation of the building is also raised above the 500-year FEMA floodplain.

Peter confirmed that the secondary access road is outside the floodplain. It would be difficult to widen from 20 to 24 feet because of a basalt rock shelf. If they tried to go the other way it would be close to wetlands. If they choose to approve the request, he suggests they define critical facility consistent with the Oregon Structural Specialty Code Section 1604.5, which classifies the police station building, but not the property, as an essential facility. If they're not comfortable with that definition, they could add a condition that the engineers remove anything that is not natural from the floodplain area. If they don't want this to be the site for the facility, they could agree with the Planning Commission. However, he pointed out that the Planning Commission was looking at very different data than the Council is looking at this evening. He addressed the site selection. Different cities prioritize different criteria. Weight was added to some categories and taken away from others. The subject site became number one. In all the cities he represents he sees how hard it is to attract and retain officers. The current police station sends a message to first responders about whether the community supports them or not. This facility makes good sense. If they define critical facility consistent with the State's Structural Specialty Code, they don't have to make findings that there are no other facilities. The 2010 FEMA map is the only data they are allowed to use. Peter reviewed the conditions of approval and thought most were prudent. A few suggested changes are:

- 2.a.iv., "The FDC along Old Portland Road shall be moved to Kaster Road, near the new driveway location, which is outside of a flood prone area and accessible by the secondary access."
- 2.a.xiii, applicant proposes to delete this condition as existing non-compliant signage has been removed.
- 2.a.xiv, "The proposed project shall include a plan for a future pedestrian connection to either Kaster Road or Old Portland Road. The pedestrian connection shall be construed when funds become available."

Discussion of what the definition of "critical facility" includes.

Mayor Scholl clarified that the facility is not in the 100-year floodplain, even pre-dirt. Peter said yes.

Mayor Scholl talked about the original staff report being very different. Peter said there was a lot of confusion about the maps and which ones were required. In addition to that, there was a lot of speculation and community concern that they were trying to be responsive to. No disrespect to staff, but once he comes in and tells them what they're legally required to do they cannot speculate with maps. He feels very comfortable with this.

Mayor Scholl informed those giving testimony that they have three-minutes, and they must be the speaker of those three-minutes. Steve Toschi objected.

### In Favor

- ◆ Doug Treat, St. Helens Police Graveyard Sergeant. He is in favor of the building and location. He has been here 10 years, first was 1996-2002 and then again after he retired as a Lake Oswego lieutenant. He works with outstanding officers. The officers have such a good reputation that they could go anywhere in the state. Out of 100 applicants, they only take 1%. When he applied in 1996, there were over 200 applicants. Their last interview process had 13 people. They cannot

afford to lose anyone. The current facility is horrible. He gets dressed in the parking lot so his officers can use the facility. The proposed site is central to anywhere they need to go. It will create crashes if they move to a highway location. Day shift received a call reporting a man with a gun at the courthouse today and they were there immediately because they were already out on the road. Even where they are right now, they have to be more cautious traversing residential neighbors when they receive calls of theft in progress at Walmart. He encouraged Council to approve the request. They need the new building for the officers and location for the community.

- ◆ Kolten Edwards, St. Helens Police Officer. He is not in uniform because it's one of his first days off this month. They are lucky to have a room full of smart people here tonight. He travels the Old Portland Road and Kaster Road intersection more than any area in the city. It's a key location with higher speeds and fewer pedestrians. The old hospital lot and Pittsburg Road are both too far out of the city. They are often at the Kaster Road intersection for calls at the bars, park, and apartments. The interview areas in the police station are not suitable and it's embarrassing. He loves this city and grew up here. It needs to happen and happen soon.
- ◆ Adam Hartless, St. Helens Police Officer and citizen. He agrees with the proposed police station location. Location is key to safely and promptly traversing the city. The current station is dilapidated. There are holes in the walls and wires running everywhere. It's more likely that the building will fall in on its own than a flood happening. He encouraged Council to listen to the experts. He pointed out that he's a big guy and his vest does not even fit in a locker, so he has to change at home and then cover up so people don't know where he lives. The building is not beneficial for retention and recruitment. He worked with the Washington County Sheriff's Office last summer and they put lawn chairs in the yard so they didn't have to come into the building.
- ◆ Jennifer Massey. She encouraged Council to look at the whole picture and ramifications of not building the proposed police station. They should look at only the facts and not personal opinions. Maybe all the procedures were not followed but they need to move on since they already have the loan and location. They heard tonight that the facility is not in a floodplain. If something happened, the officers would not be sitting in the station. They are going to be out in the field. They can create a command post wherever they go. Comments against building the police station there should be discredited as it appears there were plans from 2012 to build residences there. In 2003, there was support from the Planning Commission to put a homeless camp in the floodplain. She is disgusted that they would consider putting homeless people there but not a police station.
- ◆ Adam St. Pierre. He is in the field of electrical work and has worked at many police stations. He has never seen electrical work like what is shown in the pictures of the St. Helens Police Station. There is a need for a new police station.
- ◆ Drew Layda. It's good to see the additional information released. There's another law enforcement facility up the street within the 500-year floodplain. The contractors brought in have done an excellent job planning around the floodplain. There are almost all pros and no cons to building a new police station.

## Neutral

- ◆ Shauna Stroup-Harrison. She is disheartened by the lack of foresight when it comes to working within the limitations of land and topography in the community. The floodplain has existed for a long time. She continues to attend meetings where wetlands and floodplains are glazed over.

Lifetime residents here would be aware of how many times that area has flooded. In Vernonia, they build with extensive foundations. Is that an option here? It seems negligent to not have prepared for accommodating flood zones from the beginning. She toured the current police facility and agreed a new police station is needed. As tourism appears to be at the forefront, they must increase safety. She hopes they take into consideration how important adequate policing is to the safety and livability of a community.

### In Opposition

- ◆ Robin Toschi. She is not speaking against the police or the need for a new police station. Speaking to the legal analysis of current laws, St. Helens Municipal Code 17.46.040 says, the construction of critical facilities shall be to the extent possible located outside the special flood zone, and that's where this is. The SFHA shall have the lowest flood elevated at least three feet above the base flood elevation to the height of the 500-year flood zone. Measures should be taken to ensure toxic substances will not be released into the flood waters. She does not believe the City can avoid the requirements of SHMC 17.46.040, which is also why the Planning Commission voted against it. There are other sites available they can consider for a police station, so the City now has the burden of proving there are no alternative sites. The Conditional Use Permit should be denied for that reason. They must protect human life and health, minimize expenditure of public money and costly flood control projects, minimize the need for rescue and relief efforts, and minimize damage to public facilities. She is pro police, but the laws on the books now are what they need to consider.
- ◆ Steve Toschi. The law says if there's any other facility, it should be chosen. They are talking about human life, specifically people dying in a flood and police being unable to get to them. If there was a 100-year flood, the site would be completely under water and police would be completely inaccessible. He reviewed the criteria of 17.46.050(6) Critical Facility, "Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area..." Public safety facility includes the site, improvements, parking lots, greenspace, sidewalks, and buildings associated. The City has known about this problem since 2020. Matt Brown directed Mackenzie to proceed even after being warned that it was in a flood zone. They should deny the application and look at other available sites. If it's appealed, it will be denied by LUBA.
- ◆ Brady Preheim. Two of the ad-hoc committee members were on the Planning Commission and stated they were removed when they objected to the location. He suggested Council talk to the attorney about the dirt that was moved to the property and it being done corruptly. Chief Greenway talked about 23 employees being at the police station. Brady argued that there are never that many. The police station is closed to the public. Staffing is the priority. Why build it to not staff it? They need more police and less buildings.

There was a disturbance of Zoom callers saying inappropriate and derogatory statements.

### Rebuttal

Peter Watts addressed some of the concerns addressed.

- SHMC 17.46.020(8), "Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste." The definition does not include what portion of the site would be considered the critical facility, which is why he asked that Council clarify that the definition is consistent with Oregon Structural Specialty Code Section 1604.5, which classifies

police station buildings but not property. Council is entitled to discretion in the interpretation of the Code.

- SHMC 13.30 is not a Land Use Code, it's for funding. Funding includes anything site specific. They need to have clear and objective standards.
- The building is the most important thing to keep people safe. It is far less critically important to the health and safety of people to have grass or landscaping underwater at a lower elevation than the building. They have every reason to believe the building will be dry. It's a couple feet above the floodplain.
- The secondary ingress and egress is outside of the floodplain.
- He does not represent Mackenzie. He was not involved in the process. He was contacted three weeks ago by the City Administrator and chosen to represent the City because he considers this to be a critical facility.

**CLOSE PUBLIC HEARING – 8:19 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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



# COUNCIL PUBLIC HEARING

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David Lintz	RLT
Matt	James Shober
Sid Hariharan	Eddie Dunton
Jerimy Kelly	Kai Cater
Shauna Stroup-Harrison	Nicholas Helmich

### OPEN PUBLIC HEARING – 8:29 p.m.

### TOPIC

#### 1. Comprehensive Plan and Zoning Map Amendment (CPZA.1.23) at 58646 McNulty Way (Columbia Community Mental Health)

Associate Planner Jenny Dimsho covered preliminary matters. She asked if any member of the Council wishes to declare an actual or potential conflict of interest or bias in this matter.

Councilor Gundersen declared that he is employed by Columbia County Mental Health (CCMH). He will abstain from participating in the discussion and decision.

Council President Chilton declared that she is a former employee of CCMH. She will also abstain from participating in the discussion and decision.

Dimsho pointed out that a former Planning Commission member, who is now a City Councilor, made a recommendation. Attorney Bill Monahan explained that he can participate as long as he does not have a conflict of interest.

Dimsho asked if there was anyone in the audience who wanted to object to the ability of a Councilor to make a fair decision.

Brady Preheim objected to Councilor Hubbard participating because he has already heard this.

**Motion:** Motion made by Mayor Scholl and seconded by Councilor Sundeen to allow Councilor Hubbard to stay and be a decision maker.

Discussion. It is not a question of bias on a legislative issue.

**Vote:** Yeah: Mayor Scholl and Councilor Sundeen; Abstain: Councilor Hubbard

Council President Chilton and Councilor Gundersen stepped out.

Dimsho went on to review the staff report, a copy of which is included in the archive packet for this meeting. A few highlights were:

- Request to rezone the property from Light Industrial (LI) to General Commercial (GC).
- Request supports their expansion of facilities.
- The Economic Opportunities Analysis (EOA) shows that there is a surplus of industrial land and shortage of commercial land.
- Planning Commission voted four to one to recommend denial of the application. They felt the reduction of LI land would negatively impact available land for industrial development. It could also create a conflict with the LI land across the street on Gable Road. Staff feel there is no evidence of that. Their adopted document supports the rezoning.
- Reviewed traffic impacts. They are aware that the Highway 30 and Gable Road intersection is already overloaded. However, the decision tonight is whether this will create a significant impact to the transportation facility. With a condition of a trip cap, staff feels the TPR rule is met.
- Staff recommends approval.

## PUBLIC TESTIMONY

### Applicant/Applicant Representative

- ◆ Al Petersen, AKAAN Architecture and Design and Todd Jacobson, Executive Director of CCMH.

Al talked about CCMH's traffic engineer meeting with City staff and ODOT staff. When the transportation consultant proposed their analysis of the trip cap, they heard nothing from ODOT. They assume there are no objections. He went on to review his PowerPoint presentation. A copy is included in the archive packet for this meeting. A few highlights were:

- Reviewed current uses
- Reviewed future uses – additional office space, counseling rooms, additional supporting facilities, crisis receiving center, transitional supportive housing center
- There is a lack of commercial land and an abundance of industrial land.
- Reviewed all the industrial businesses that closed the last few years and how much surplus industrial land that provides.
- Reviewed the Comprehensive Plan section that recognizes the need for housing for special needs and additional commercial zones.



- Addressed the Riverfront Connector Plan and the safety that a curb and landscape buffer give to pedestrians.
- Recommend the rezoning, otherwise they wait for an industrial user to come along. There is a lot of other land available.

Todd added that they serve all Columbia County residents, mostly who are indigent or on the Oregon Health Plan. Columbia County is only going to grow. They will have more people with addiction and behavioral health issues. This is an ideal location to expand and meet the demands of the community. The people are not coming from Portland. They are our citizens in Columbia County. They need to take care of people in the County. They had a detox facility in the past, which was very successful, but it closed due to Covid and shortage of nursing. The arguments he has heard in opposition are the exact reasons why they need this facility. If the zoning doesn't change, the property will sit there not being used.

### In Favor

- ◆ Judy Thompson, NAMI Chair for Columbia County. They are excited about this project. It's logical and sensible. They need to help people and offer care in the community.
- ◆ Kellie Jo Smith, speaking as a business owner. These are our community members, our siblings, and our parents. Anyone going through a mental illness or substance use disorder needs a steppingstone to be successful and that is not available. She hopes they follow the recommendation of staff.
- ◆ Nicholas Helmich. He works at Community Action Team (CAT) and works closely with CCMH. With the amount of mental illness and drug addiction, ignoring it is the wrong approach. They need more facilities and the ability to help people get back on their feet. He understands the argument of needing industry, but there is plenty of industrial land.

### Neutral

- ◆ Adam St. Pierre. When industry comes in, they want 100s of acres. Rezoning is permanent. The new apartments brought a lot of traffic issues. This will bring even more traffic. They need a tax base, which industry would provide.
- ◆ Leila Wilson and Suzie Dahl. Leila owns the 20 acres across the street. Suzie, daughter of Leila, is here to speak on her behalf. The last transportation study was done in 2011, which was prior to the apartments. There is a lot of congestion between there and Railroad Avenue. Leila owns 10 acres across the street to the north and has a rail spur access agreement. It is also zoned LI and could be served by rail. She owns another 7.5 acres off Milton Way. They just want what's best for the community and the safety of the community.
- ◆ Allison Anderson. She serves on the Board of Directors for CCMH. She was the Sales Director for Portland & Western Railroad. They tried to sell that 10-acre piece of property with a rail spur but were unable to because it was too small.
- ◆ Shauna Stroup-Harrison. The Planning Commission was not in favor of this. The Riverfront Connector Plan does not seem applicable here with the lack of space for a tree line median. If CCMH doesn't get it zoned the way they want, they'll sell it. She is confused why they are unable to use the building that is already there. A training facility, like Riverside, would be more community uplifting than bringing in dollars for beds. There is a huge traffic influx right there with a lot of growing pains as the apartments are developed. They need to look at what services

are available to provide for this kind of expansion. They don't have a surplus of land; they have a lack of industry. This town no longer supports living and working families. Jobs have left and they're not bringing in more.

### Opposed

- ◆ Sabrina Moore. The mapping lumped all the light and heavy industrial land, but they serve different uses. Looking at all the uses, they end up with about the same amount of land for LI and GC. The last traffic impact study done was for Broadleaf Arbor, which was over 1,700 trips per day. The proposal has a cap of 1,100 per day. There is a problem there. How will they enforce the traffic cap and ensure people take different paths? She argued that this does seem to be a spot zone. Most of the surrounding property is LI and that is what it is used for. CCMH is proposing to bring a residential use into an industrial neighborhood. She recommends denial of the map amendment and zone change. They should develop the Mixed Use and Residential lots they already have in St. Helens.
- ◆ Brady Preheim. Al did a good job in his presentation. There is a need for congregate housing, but there is enough low incoming housing that does not bring in taxes. The huge development across from Walmart is tax-free. CCMH is also a not-for-profit. They cannot afford to lose more tax base. They are already struggling for police services. Adding more congregate housing will only add to the need for more police.

### Rebuttal

- ◆ Todd Jacobson. He understands the argument about zoning, but they are not selling. This is not housing that will be open to anyone. This is shelter and care with staff on site. Law enforcement will rarely be needed, and if they are, staff will be onsite to support them. It's a treatment program that is transitional and not permanent. They receive care and then go back into the community.
- ◆ Al Petersen. CCMH knows they have a large frontage and will have to improve it to City standards. All the Riverfront Connector Plan standards are safer than what they have now. It will improve Gable Road. Letters from the Moore's don't address the criteria. His presentation addresses the criteria and they must make a decision based on the criteria. Traffic and safety issues will have to be addressed. CCMH is not proposing anywhere near a 300-unit complex. A trip cap of 1,000 is more than generous for what CCMH plans to do.

Councilor Hubbard asked what he envisions as a buildout. Al said originally it was half offices and half detox. In the future, they would add a different form of transitional housing. This is all new and an attempt to deal with the mental health and homelessness issues here.

Mayor Scholl thanked them for being clear about the property.

### CLOSE PUBLIC HEARING – 9:41 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor



# COUNCIL REGULAR SESSION

Wednesday, October 18, 2023

## DRAFT MINUTES

### MEMBERS PRESENT

Mayor Rick Scholl  
Council President Jessica Chilton  
Councilor Mark Gundersen  
Councilor Russell Hubbard  
Councilor Brandon Sundeen

### STAFF PRESENT

John Walsh, City Administrator  
Kathy Payne, City Recorder  
Lisa Scholl, Deputy City Recorder  
Jacob Graichen, City Planner  
Jenny Dimsho, Associate Planner  
Suzanne Bishop, Library Director  
Crystal King, Communications Officer  
Bill Monahan, Contracted City Attorney  
Tina Curry, Contracted Event Coordinator  
Brian Greenway, Police Chief

Jose Castilleja, Police Sergeant  
Evin Eustice, Police Sergeant  
Doug Treat, Police Sergeant  
Matt Smith, Police Corporal  
Dylan Gaston, Police Detective  
Jeremy Howell, Police Officer  
Jamin Coy, Police Officer  
Adam Hartless, Police Officer  
Kolten Edwards, Police Officer  
Brandon Haflich, Police Officer

### OTHERS

Steve Topaz	Jennifer Shoemaker
Brady Preheim	Jane Garcia
Steve Toschi	Adrienne Linton
Michelle	Scott Jacobson
B. Gaston	Debbie Parsons
Hayley Starkey	Judy Thompson
Matt R.	Jesse Lagers
Iris Wu	Brian Varricchione
CCMH	Alex Tardiff
Catherine Hager	Tony Fleming
Cody Feakin	Jim Coleman
Al Petersen	Kellie Jo Smith
Dave Laurenson	Jesse Lagers

Adam St. Pierre	Peter Hautt
Thomas Peck	Kathy Thomas
Mary Anne Anderson	Suzie Dahl
Jen Massey	Leila Wilson
Sabrina Moore	Allison Anderson
Brianna Boice	Todd Jacobson
Jeff Humphreys	Arthur Leskowich
David Lintz	RLT
Matt	James Shober
Sid Hariharan	Eddie Dunton
Jerimy Kelly	Kai Cater
Shauna Stroup-Harrison	Nicholas Helmich

**CALL REGULAR SESSION TO ORDER – 9:45 p.m.**

### PLEDGE OF ALLEGIANCE

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

- ◆ Brady Preheim. Council should vote no on the Kelley Street property sale. What do they plan to do about the dirt that has already been delivered? They had a hearing after the dirt was collected with no agreement. This is corruption.

- ◆ Jennifer Massey.
  - She was happy to hear the discussion taking place in the work session. They need to go back and look at all budgets to see what can be cut.
  - It was interesting to hear that the Police Department has not been involved in the permit process. She looks forward to hearing how that improves.
  - Councilor Gundersen brought up an operating levy and agreed they should consider it to get ahead of the staffing. They're stuck with the funding they have right now but it could improve with industrial development. She strongly encourages Council to consider a levy.
  - She disagreed with the statement that the Police Chief should put on a uniform. They're supposed to oversee and enforce policy and procedure.
  - She is excited about the opportunity for a semi-conductor facility. She has been involved in building and overseeing projects like that. She encouraged the Council to have appropriate representation because they will have many lawyers representing them.
- ◆ Adam St. Pierre. It may be difficult to ask the community to pass a bond when the Council just endorsed the Sheriff's Office bond last year.
- ◆ Dave Laurensen. He thanked Council for the amazing Riverfront Development project. However, there has been a huge lack of communication with business owners. They've all been impacted by the construction. Water and gas service has been turned off during business hours multiple times with no notice. Last Saturday, the contractors were out with steam rollers, asphalt trucks, and excavators downtown on a day when thousands of visitors would be arriving. The superintendent said that someone from the City scheduled it to happen on Saturday, which seemed crazy. They got the job done fast and left. He encouraged a weekly email to be sent on Fridays so businesses and residents know what will happen the following week.

Mayor Scholl addressed the work that was done. It was a company hired by NW Natural Gas. The City would never approve work on a Saturday during Spirit of Halloweentown. He encouraged Dave to call Cal when this happens, as they are supposed to be giving regular updates. Dave said there has been no outreach from Cal. They leave closure signs out when no work is being done. Mayor Scholl will investigate and get back to Dave.

- ◆ Jesse Lagers. There have been a series of challenges in town and he is here to suggest solutions.
  - Ongoing parking problems and congestion with Spirit of Halloweentown trailers downtown. Proposes stricter parking enforcement, designated parking for the trailers, community education, and improvement of public transportation for vendors.
  - Unscheduled street closures, as well as gas and water turnoffs during construction, have created significant disruption. Some of the disruptions have come at the same time as Spirit of Halloweentown, which increases traffic and parking frustrations. That has cost local businesses thousands of dollars in lost revenue and unnecessary overhead. Advanced notification would be nice for everyone.
  - The vacant storefronts are a blight on downtown. A vibrant downtown is needed to draw in more businesses and industry.
  - Businesses downtown are struggling during this time.

## DELIBERATIONS

### 1. Sale of City-Owned Property located on Kelley Street

Mayor Scholl talked about the property. It was appraised at \$67,000. Ken Leahy expressed interest since he owned the surrounding properties. The industrial property needed dirt and Ken is a contractor who handles dirt. It was not a backdoor deal.

Councilor Hubbard said they paid too much for the dirt. The appraisal of the property was two years old. As far as building on a site, that amount of dirt must be brought in layers. He agrees with some of the comments made. They need to be up front about selling property.

Councilor Sundeen is concerned with the process and timing.

Mayor Scholl agreed that the perception is not good. They have the appraisal. Ken owns the adjacent property and has expressed interest for a long time.

Councilor Hubbard asked if there is a policy to go out for bid on property for sale. Mayor Scholl explained that the Urban Renewal Agency allows for more flexibility of selling property within the Urban Renewal area.

City Administrator Walsh said they can go back for a legal review if there are concerns about the process. Council President Chilton agreed they need to do that. There were no ill-intentions for this proposal. It's a landlocked piece of property that is not worth much to anyone but Ken. However, she does understand that they need to do it the correct way and follow guidelines.

**Motion:** Motion made by Councilor Hubbard and seconded by Councilor Gundersen to not accept the offer from Ken Leahy in exchange for 600 yards of dirt. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

**2. Appeal of Planning Commission Decision on Conditional Use Permit (CUP.4.23), Sensitive Lands Permits (SL.4.23 - floodplain and SL.5.23 - wetlands), and Sign Permit (S.14.23) for New Police Station proposed to be located at the Southeast Corner of Old Portland Road and Kaster Road Intersection (City of St. Helens)**

Mayor Scholl pointed out that that the City Council staff report was very different from the Planning Commission staff report. The building is not in a floodplain. City Planner Graichen added that they would need to interpret "critical facility" to mean the building and not the land with reference to Oregon Structural Specialty Code 1604.5, if they decide to approve it.

Councilor Gundersen attended the Planning Commission meeting. He bases decisions on the experts and their testimony. Two hydrologists reported that they will be okay moving the building up two feet. It moves it even further out of the flood zone plus there will be a secondary access road. The officers want it there and they deserve this. It will serve the community well. It's a great location and should move forward. He has no concerns about a flood.

Councilor Hubbard appreciates the reports from the police and how they will use the building. With the Planning Commission, they were building it in a flood plain but if there's a flood you can't get to it. The secondary access was put in because it's above the flood plain. Isn't the police station going to be busy if there's a flood? It's going to be an active site. The permitting and sewer issues will be a big issue. They spent so much money on the engineering for the site. Being in the building business, he's always trying to get a good product for the least amount of money. He does see the positive that the building could be located somewhere else. He is looking at it from a crisis situation.

Council President Chilton heard multiple times that the facility is out of the floodplain. They need to look at the intersection. It's not going to happen every rainy season. The concerns are during catastrophic occurrences. If police and fire both think the secondary access road will work during an emergency, then she agrees.

Councilor Sundeen goes back to Graichen's question, does it make sense. At first, he would say no, but he's not the one using the sight, nor a designer or engineer. Based on what he heard from the experts, he feels comfortable with the proposal. He is concerned about the process. How did they get this far and spend so much money? It's close to the flood zone and suggests shifting the parking lot into the flood zone and not the building. He trusts the experts and those using the facility.

Mayor Scholl agreed with the engineers. There used to be a secondhand store on the corner, across from Johnny's. There were also three houses in the proposed location and two closer to the ballfield. One house even had a full basement and the owner said it never flooded. There was only about a foot of water between the stop light and bridge during the 1996 floods. People working at the mill would agree. Councilor Hubbard pointed out that he spoke with people at Columbia River PUD who worked there then and it was four and half feet. Mayor Scholl disagreed that Boise would have let that go on. He never saw it that high. He understands why the Planning Commission was hesitant. It's not in the 100-year flood plain.

Graichen said there are four things to consider if the motion is for approval:

1. Whether the Council wants to interpret "critical facility" to mean the building and not the land with reference to Oregon Structural Specialty Code Section 1604.5.
2. Condition 2.a.iv., pertaining to the fire department connection and fire hydrant location.
3. Delete condition 2.a.xiii, pertaining to the existing sign because it was out of compliance.
4. Condition 2.a.xiv, plans show a future pedestrian passageway.

**Motion:** Motion made by Council President Chilton and seconded by Councilor Gundersen to approve with the staff recommendations. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen; Nay: Councilor Hubbard

### **3. Comprehensive Plan and Zoning Map Amendment (CPZA.1.23) at 58646 McNulty Way (Columbia Community Mental Health)**

Council President Chilton and Councilor Gundersen left the room.

Mayor Scholl appreciated the references to criteria.

Councilor Sundeen appreciated that the information came from the City's reports, even though some of it may be outdated. Hopefully, they will receive the grant to update the data. He agreed that they have a surplus of industrial land and a shortage of commercial land. He appreciates that they presented their intentions for the property. There was a lot of discussion around the use of the property, but that's not what they are looking at tonight. Columbia Community Mental Health (CCMH) is not going anywhere. This will allow them to use what is already owned by them as they see fit. It does not seem to have a major impact on the traffic. He feels better about rezoning the portion along Gable Road since the other property is already developed. He also wants future plans for that property to be presented to the Planning Commission.

Associate Planner Dimsho explained that not rezoning both portions would mean that CCMH could not expand their facility in the future. They would be limited to the Light Industrial (LI) uses. To Councilor Sundeen's point, it would retain a LI pocket there. The property was annexed into the City after it was already developed under the County's rules.

Mayor Scholl said it meets all the qualifications and is comfortable moving forward. He appreciates that they will remain there and don't plan to sell it. When CCMH first got here, people were scared. There's a need for mental health services in the area. Oregon is ranked 48 out of 50 states for mental health services.

Dimsho is hearing approval of all the conditions.

Councilor Hubbard talked about commercial land creeping closer to industrial.

Councilor Sundeen repeated what was said during public testimony, "if it was anyone else, would they approve this?" He does not think it's out of line for that area. He is okay with approving it as submitted.

Dimsho reviewed the staff recommendation, which is a trip cap of about 1,107 daily trips within the TSP planning horizon. Any development could not trigger more than that trip cap without a process.

Mayor Scholl talked about ODOT delaying upgrades to that intersection. Can they lower the trip cap to 700 or 800? Dimsho agreed they could amend that. Graichen compared the 700 to 70 single-family dwellings.

**Motion:** Motion made by Mayor Scholl and seconded by Councilor Sundeen to accept the applicant's plan with condition number one, the daily trips being reduced to 700. **Vote:** Yea: Mayor Scholl, Councilor Hubbard, Councilor Sundeen

#### **APPROVE AND/OR AUTHORIZE FOR SIGNATURE**

4. Agreement with Columbia Pacific Economic Development District for Community Development Block Grant Administration Services of Sewer Capacity Improvement Project
5. First Amendment to Emery & Sons Construction Group Progressive Design-Build Contract for the Design and Construction of Replacement of 2.0 MG Reservoir
6. Sixth Amendment to Otak, Inc. Agreement for S. 1st and Strand Streets, Road & Utility Extensions Project
7. ~~Real Estate Purchase and Sale Agreement with Leahy Investments LLC for the Sale of City-Owned Property off Kelley Street~~

**Motion:** Motion made by Council President Chilton and seconded by Councilor Sundeen to approve '4' through '6' above. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

#### **CONSENT AGENDA FOR ACCEPTANCE**

8. Library Board Minutes dated September 11, 2023
9. Parks and Trails Commission Minutes dated September 11, 2023

**Motion:** Motion made by Councilor Gundersen and seconded by Council President Chilton to approve '8' and '9' above. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen; Abstain: Councilor Hubbard

#### **CONSENT AGENDA FOR APPROVAL**

10. Council Regular Session and Executive Session Minutes dated October 4, 2023
11. Declare Surplus Property - Police K9 Officer Ryder (Retirement)
12. Declare Surplus Property - Real Property (descriptions in packet)
13. OLCC Licenses
14. Accounts Payable Bill Lists

**Motion:** Motion made by Councilor Sundeen and seconded by Councilor Gundersen to approve '10' through '14' above.

Discussion.

Councilor Hubbard questioned number '12.' After reviewing the packet, Mayor Scholl suggested number '12' be removed and appraisals of those properties be done.

**Motion to Amend:** Motion made by Councilor Hubbard and seconded by Council President Chilton to not include '12.' **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

**Vote of Amended Motion:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

**WORK SESSION ACTION ITEMS****Columbia Learning Center Board**

**Motion:** Motion made by Council President Chilton and seconded by Councilor Sundeen to appoint Councilor Gundersen to the Columbia Learning Center Board of Directors to replace Patrick Birkle as the City of St. Helens representative. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

**Fire Board**

**Motion:** Motion made by Council President Chilton and seconded by Councilor Sundeen to authorize Councilor Gundersen to apply to be on the Columbia River Fire and Rescue Board of Directors. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

**Project Sprint**

A presentation about Project Sprint's potential development of the Industrial Business Park was heard during the Work Session. There is a proposed earnest money agreement to lock the land while they do their due diligence researching the property. City Administrator Walsh added that this is nonbinding to purchase or lease real property. The City will work with them for 90 days and not negotiate with anyone else. They would deposit \$610,000 into an escrow account and 10% of that would not be refundable. Councilor Hubbard and Councilor Sundeen would like more time to review this. They would also like to view the subject site.

It was the consensus of the Council to hold a Special Session to review the proposal on Friday, October 20, 2023, at noon via Zoom.

**REPORT FROM CITY ADMINISTRATOR JOHN WALSH**

- Postponed until next meeting.

**COUNCIL MEMBER REPORTS**

- Postponed until next meeting.
- Councilor Sundeen thanked K9 Officer Ryder for his service.

**MAYOR SCHOLL REPORTS**

- Postponed until next meeting.

**OTHER BUSINESS****ADJOURN – 10:51 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor



**City of St. Helens**  
*Consent Agenda for Approval*

**OLCC LICENSES**

The following businesses submitted a processing fee to the City for a Liquor License:

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**2023 RENEWALS**

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<u><b>Licensee</b></u>	<u><b>Tradename</b></u>	<u><b>Location</b></u>	<u><b>Purpose</b></u>
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**2023 NEW & CHANGE IN PRIVILEGE OR OWNERSHIP**

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*A copy of the OLCC application documents submitted for the businesses listed below were emailed to the Police Department for review. No adverse response was received.*

<u><b>Licensee</b></u> Los Pecos Tienda Mexicana	<u><b>Tradename</b></u> Los Pecos	<u><b>Location</b></u> 1965 Columbia Blvd	<u><b>Purpose</b></u> New License
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St. Helens, OR

# Expense Approval Register

Packet: APPKT00863 - AP 11.3.23

Item #5.

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
<b>Fund: 100 - GENERAL FUND</b>					
DAHLGREN'S DO IT BEST BUI...	10.24.23 10026	10/30/2023	BUILDING SUPPLIES ACCT 10...	100-715-52023	44.36
JENNIFER DIMSHO	10.30.23	10/30/2023	2023 OAPA CONFERENCE RE...	100-710-52018	1,173.21
BUCHALTER A PROFESSIONAL...	L6142-0002 - Settlement Pa...	10/31/2023	Settlement Payment Huffman...	100-704-52019	5,000.00
COMCAST	10.21.23	11/02/2023	COMCAST CABLE 877810899...	100-712-52003	1,918.93
CENTURY LINK	10.25.23 966B	11/02/2023	966B	100-712-52010	338.14
ST. HELENS POLICE ASSOCIAT...	10.25.23	11/02/2023	REIMBURSEMENT FOR PORA...	100-701-52019	258.00
JACOB GRAICHEN	10.30.23	11/02/2023	OAPA CONFERENCE REIMBU...	100-710-52018	182.09
LUCY HEIL ATTORNEY AT LAW	10.31.23	11/02/2023	LEGAL SERVICES	100-704-52019	2,500.00
RICOH USA INC	107701888	11/02/2023	POLICE EQUIPMENT LEASE 1...	100-705-52001	261.39
ERSKINE LAW PRACTICE LLC	11.01.23	11/02/2023	OCTOBER 1-OCTOBER 31 20...	100-704-52019	6,606.19
MAIAH GARRETT	11.1.23	11/02/2023	REIMBURSEMENT-CANDY AT ...	100-709-52001	64.60
A + ENGRAVING LLC	1462	11/02/2023	NAME PLATE-D ROSENGARD ...	100-710-52001	12.00
ALLSTREAM	19966543	11/02/2023	ALLSTREAM PHONE ACCT 75...	100-712-52010	144.01
CHAVES CONSULTING INC	212986	11/02/2023	MONTHLY USER FEE PER USE...	100-702-52019	185.10
PEAK ELECTRIC GROUP LLC	27559	11/02/2023	ELECTRICAL WORK LIBRARY	100-706-52023	765.45
COMMUNICATIONS NORTH...	79268	11/02/2023	BATTERY HIGH CAPACITY	100-705-52001	2,468.64
NET ASSETS	95-202310	11/02/2023	ESCROW TITLE SERVICES	100-707-52019	259.00
L.N CURTIS AND SONS	INV753527	11/02/2023	POLICE UNIFORMS	100-705-52002	51.00
L.N CURTIS AND SONS	INV758100	11/02/2023	POLICE UNIFORMS	100-705-52002	52.64
ENVISIONWARE INC	INV-US-68063	11/02/2023	ANNUAL SYSTEM MAINENA...	100-706-52006	688.11
<b>Fund 100 - GENERAL FUND Total:</b>					<b>22,972.86</b>
<b>Fund: 203 - COMMUNITY ENHANCEMENT</b>					
DAHLGREN'S DO IT BEST BUI...	10.24.23 10026	10/30/2023	BUILDING SUPPLIES ACCT 10...	203-708-52040	1,666.05
DON'S RENTAL	586795	10/30/2023	PROPANE & MIXER MUD	203-708-52040	160.48
CARDINAL SERVICES INC	1229420	11/02/2023	TEMPORARY EMPLOYMENT	203-709-52028	963.25
PEAK ELECTRIC GROUP LLC	27470	11/02/2023	VETERNS MEMORIAL	203-708-52040	952.22
<b>Fund 203 - COMMUNITY ENHANCEMENT Total:</b>					<b>3,742.00</b>
<b>Fund: 205 - STREETS</b>					
TFT CONSTRUCTION INC	2789474	11/02/2023	PROJECT R-679B COLUMBIA ...	205-000-53101	10,730.33
TFT CONSTRUCTION INC	2789475	11/02/2023	PROJECT R-679A COLUMBIA ...	205-000-53101	304,078.24
DAVID EVANS AND ASSOCIA...	546243	11/02/2023	COLUMBIA BLVD. SIDEWALK ...	205-000-53101	3,794.28
<b>Fund 205 - STREETS Total:</b>					<b>318,602.85</b>
<b>Fund: 601 - WATER</b>					
CITY OF COLUMBIA CITY	10.26.23	11/02/2023	001754-001	601-732-52003	87.48
CORE & MAIN	T474899	11/02/2023	MATERIALS	601-731-52001	516.00
<b>Fund 601 - WATER Total:</b>					<b>603.48</b>
<b>Fund: 603 - SEWER</b>					
ALLSTREAM	19966543	11/02/2023	ALLSTREAM PHONE ACCT 75...	603-736-52010	72.01
ALLSTREAM	19966543	11/02/2023	ALLSTREAM PHONE ACCT 75...	603-737-52010	72.01
ALS GROUP USA CORP	36-51-617011-0	11/02/2023	ANALYTICAL SERVICES	603-736-52064	511.50
ALS GROUP USA CORP	36-51-617011-0	11/02/2023	ANALYTICAL SERVICES	603-737-52064	1,038.50
<b>Fund 603 - SEWER Total:</b>					<b>1,694.02</b>
<b>Fund: 703 - PW OPERATIONS</b>					
JORDAN RAMIS PC ATTORNE...	212181	10/30/2023	PUBLIC WORKS ENGINEERING	703-733-52019	770.00
NICHOLAS FORD	10.31.23	11/02/2023	CWT CERTIFICATION REIMB...	703-733-52018	269.12
CWT LLC	36235	11/02/2023	CESCL OR FC TRAINING-N FO...	703-733-52018	400.00
<b>Fund 703 - PW OPERATIONS Total:</b>					<b>1,439.12</b>
<b>Grand Total:</b>					<b>349,054.33</b>

**Fund Summary**

<b>Fund</b>	<b>Expense Amount</b>
100 - GENERAL FUND	22,972.86
203 - COMMUNITY ENHANCEMENT	3,742.00
205 - STREETS	318,602.85
601 - WATER	603.48
603 - SEWER	1,694.02
703 - PW OPERATIONS	1,439.12
<b>Grand Total:</b>	<b>349,054.33</b>

**Account Summary**

Account Number	Account Name	Expense Amount
100-701-52019	Professional Services	258.00
100-702-52019	Professional Services	185.10
100-704-52019	Professional Services	14,106.19
100-705-52001	Operating Supplies	2,730.03
100-705-52002	Personnel Uniforms Equ...	103.64
100-706-52006	Computer Maintenance	688.11
100-706-52023	Facility Maintenance	765.45
100-707-52019	Professional Services	259.00
100-709-52001	Operating Supplies	64.60
100-710-52001	Operating Supplies	12.00
100-710-52018	Professional Developme...	1,355.30
100-712-52003	Utilities	1,918.93
100-712-52010	Telephone	482.15
100-715-52023	Facility Maintenance	44.36
203-708-52040	Veteran's Memorial	2,778.75
203-709-52028	Projects & Programs	963.25
205-000-53101	Columbia Blvd Sidewalks	318,602.85
601-731-52001	Operating Supplies	516.00
601-732-52003	Utilities	87.48
603-736-52010	Telephone	72.01
603-736-52064	Lab Testing	511.50
603-737-52010	Telephone	72.01
603-737-52064	Lab Testing	1,038.50
703-733-52018	Professional Developme...	669.12
703-733-52019	Professional Services	770.00
Grand Total:		349,054.33

**Project Account Summary**

<b>Project Account Key</b>	<b>Expense Amount</b>
**None**	349,054.33
<b>Grand Total:</b>	<b>349,054.33</b>