



CITY COUNCIL PUBLIC HEARING
Wednesday, December 05, 2018
265 Strand Street, St. Helens, OR 97051
www.ci.st-helens.or.us

Welcome!

All persons planning to address the Council, please sign-in at the back of the room. When invited to provide comment regarding items not on tonight's agenda, please raise your hand to be recognized, walk to the podium in the front of the room to the right, and state your name only. You are not required to give your address when speaking to the City Council. If you wish to address a specific item on the agenda, you should make your request known to the Mayor as soon as possible before the item comes up. The Council has the authority to grant or deny your request. Agenda times and order of items are estimated and are subject to change without notice.

1. **Open Public Hearing - 6:30 p.m.**
2. **Topic** - *This is a continuance of a public hearing that took place on September 19, 2018.*
 - 2.A. Street Vacation - Street Vacation - Portions of N. 8th, N. 9th, and Wyeth Streets (Scholl/Schlumpberger)
[Staff Report VAC.1.18 \(Council\) Con't Hearing.pdf](#)
3. **Close Public Hearing**

The St. Helens City Council Chambers are handicapped accessible. If you wish to participate or attend the meeting and need special accommodation, please contact City Hall at 503-397-6272 in advance of the meeting.

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For more information or for an application, stop by City Hall or call 503-366-8217.

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Right-of-way vacation VAC.1.18

DATE: November 26, 2018
TO: City Council
FROM: Jacob A. Graichen, AICP, City Planner
PETITIONER: Rick Scholl and Ron Shlumpberger
PROPOSAL: Vacation of public right-of-way described as follows:

The west 40' of the N. 8th Street (Spring St.) right-of-way abutting Lots 21 and 22, Block 77;

The north 40' of the Wyeth Street right-of-way abutting Lots 1 and 22, Block 77;

The east 40' of the N. 9th Street (Pacific St.) right-of-way abutting Lot 1, Block 77;

The south 40' of the Wyeth Street right-of-way and the east 40' of the N. 9th Street (Pacific St.) right-of-way abutting the portion of Lot 11, Block 76 not included in the Replat of Shadow Canyon; and

The east 40' of the N. 9th Street (Pacific St.) right-of-way abutting the portion of Lot 10, Block 76 not included in the Replat of Shadow Canyon;

All the above within the St. Helens Subdivision, City of St. Helens, Oregon.

The purpose of this vacation is “to adjust lot lines and better use of property” per the petitioner’s petition.

PUBLIC HEARING & NOTICE

Hearing date: September 19, 2018 before the City Council. The hearing was continued to December 5, 2018.

Notice of this proposed street vacation was published in the Chronicle on September 5 and September 12, 2018. Staff posted a copy of the notice at or near each end of the proposed street vacation areas on August 21, 2018.

For the continued hearing, notice was published in the Chronicle on November 21 and November 28, 2018. Notice was also sent to those who signed in at the September 19, 2018 public hearing for this matter and the regular session.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

The petitioners requested that this proposal be reviewed by the Planning Commission for recommendation to the Council

As such, at their August 13, 2018 and September 11, 2018 meeting, the Commission considered this request and, based on unanimous vote, recommends “option 3” as detailed below.

SHMC 17.32.030(5): Whenever any street is lawfully vacated, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, the lands formerly within the vacated street shall automatically be subject to the same zoning district designation that is applicable to lands to which the street attaches.

SHMC 17.136.220—Vacation of Streets: All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271 and applicable local regulations.

Discussion: The above two excerpts are the only places where vacations are specifically mentioned in the St. Helens Municipal Code. The Municipal Code does not set forth any additional approval criteria other than those per State law below.

Oregon Revised Statutes, ORS 271.120 – Street Vacation Approval Criteria

... the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

- **Have there been any objections or other comments submitted regarding this request?**

City engineering had the following comments:

There is an existing sanitary sewer main at least partially to the top of the crest at the south end of N. 9th Street, near the Wyeth Street intersection. The sanitary sewer main on N. 8th Street is located approximately 160 linear feet north of the applicant's property. One or both of these may be required to be extended to provide service to lots when they are developed. Typically public utility mains are required to be extended to a point that is halfway across the property frontage of the furthest lot to be served.

An existing waterline is also extended at least partially to the intersection at N. 9th and Wyeth Streets. It appears that the watermain is a small diameter, perhaps 2-inch, at the southerly end of the line, nearest the subject property. The main, or at least a portion of the main, may be required to be replaced with a 6-inch main, the minimum size for a fire hydrant, to provide required fire protection. It appears that the closest fire hydrant on N. 9th Street is approximately 585 feet away from the subject property, far exceeding the Fire District standard of 300-350 feet. The watermain on N. 8th Street appears to terminate approximately 70 linear feet from the nearest portion of the subject property and may also require to be extended. Records indicate that this is a 4-inch diameter steel main, and the same conditions of upsizing, extending, and potential fire hydrant

installation will apply. The nearest fire hydrant on N. 8th Street is slightly closer to the nearest portion of the subject property, at approximately 530 feet.

Because of the existing utilities (water and sanitary sewer) at the south end of N. 9th Street, a utility easement shall be required across any portion of the 9th Street right-of-way that is vacated.

Storm drainage will have to be looked at when the lot(s) is/are developed. Special care will have to be taken to ensure that runoff from new building and development does not impact the existing developed properties. Until development plans for the lots are submitted, it is not known what types of improvements may be required.

Planner's note: In addition, upon inspection (as part of the location effort), the Public Works crew observed that the Sanitary Sewer Main has noteworthy storm water inflow and infiltration.

The alley option as described below would reduce potential utility extension needs.

- **Has the consent of the owners of the requisite area been obtained?**

Pursuant to ORS 271.080(2), the consent of the owners of all abutting property and not less than two-thirds in area of the real property affected area (i.e. an area 200 feet parallel to and on both sides of the portion of street r.o.w. to be vacated and 400 feet along its course beyond each terminus of the portion of street r.o.w. to be vacated) is required. **The applicant submitted documentation showing 100% consent of all property owners abutting the portion of street right-of-way to be vacated and 67.25% of the affected area.**

- **Has notice been duly given?**

Notice requirements are set forth by ORS 271.110. This requires published notice to occur once each week for two consecutive weeks prior to the hearing and posted notice within five days after the first date of published notice. The posting and first day of publication notice is required to be at least 14 days before the hearing. The notice requirements have been met (see PUBLIC HEARING & NOTICE above).

- **Will the public interest be prejudiced by the proposed street vacation?**

The key issues here are preservation of right-of-way for future access and utilities, and preservation of right-of-way for existing utilities.

All rights-of-way in question are 80' in width. They are also atop a rock outcropping generally void of improvements.

Future access.

All streets involved are classified as local per the City's Transportations Systems Plan. The normal minimum width for local streets is 50 feet. However, the Development Code allows for a local "skinny" street with a 40' right-of-way width provided:

- (a) The street will provide access to land uses whose combined average daily trip rate (ADT) is 200 ADT or less; and
- (b) Where the roadway/pavement width will be 20 feet, on-street parking shall be prohibited.

200 Average Daily Trips (ADT) is roughly equivalent to 21 single-family homes or 30 apartments, as examples. Such density is unlikely given topography and doesn't appear possible based on zoning.

There is also the 20' wide alley standard, which is a potential option along Wyeth Street given topography constraints within the Wyeth Street right-of-way between the N. 9th and N. 8th Street rights-of-way. Note that the alley standard includes a radius requirement at corners.

Regardless, some right-of-way should be preserved between the N. 9th and N. 8th Street rights-of-way to avoid landlocking right-of-way.

Given limited street extension options beyond the N. 8th Street (ROW)/Wyeth Street (ROW) intersection, turn around provisions need to be considered. When an accessway is greater than 150' a turn around provisions meeting Fire Code standards is required. A hammerhead or cul-de-sac option can be considered.

Utilities.

Per City Engineering, an easement should be reserved along the portion of N. 9th which has existing utilities (this is north of the centerline of Wyeth Street), if this area is allowed to be vacated.

Per field measurements, the water line is within approximately 10' and the sanitary sewer line is within approximately 20' of the existing right-of-way line. Even reserving a 40' right of way width from centerline would remove 20' of right-of-way, thus reserving an easement (or not allowing right-of-way vacation in that location) is necessary.

Staff recommends not vacating area around the water and sanitary sewer lines. The existing road way a N. 9th Street is skewed to the east side (where the utility lines are at).

Options:

1. **Allow full vacation as requested.** Not recommended.
2. **Allow vacation in part as illustrated on the attached Vacation VAC.1.18 Recommendation Map—40' ROW.** This is the simple method and wouldn't require any additional work from the applicant.
3. **Allow vacation in part as illustrated on the attached Vacation VAC.1.18 Recommendation Map—20' alley with 20' wide hammerhead.** This would require the applicant to work with a private surveyor and city staff to ensure the alley and

hammerhead are located on usable ground (no topo constraints) and to develop the legal description and exhibit of the area based on usable ground and to meet the specifications (radius, widths, etc.) for the alley and hammerhead. The legal description and exhibit would be used for the adoption ordinance.

4. **Allow vacation is part as illustrated on the attached Vacation VAC.1.18 Recommendation Map—20' alley with 96' diameter cul-de-sac.** This would require the applicant to work with a private surveyor and city staff to ensure the alley and cul-de-sac are located on usable ground (no topo constraints) and to develop the legal description and exhibit of the area based on usable ground and to meet the specifications (radius, widths, etc.) for the alley and cul-de-sac. The legal description and exhibit would be used for the adoption ordinance.

For options 3 and 4:

Staff recommends that for the portion of the Wyeth Street right-of-way where only half of it is being requested for vacation, that the “alley” be on the centerline or the portion requested to be vacated, unless topography dictates otherwise; and

That the legal description and exhibit from a private surveyor be provided within one year from the date Council approves the vacation request.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends the City Council grant the street vacation petition *in part* per option 3 or 4. The Planning Commission recommends option 3.

Attachments: Consent Map

Proposed Building Lots Plan

Photos (3 pages)

Letter from applicant (received August 13, 2018)

Letter from St. Helens Senior Center (received September 13, 2018)

Concept plan from applicant (received August 13, 2018)


Fire Department Dead End Roads Turnarounds

VAC.1.18 Recommendation Map—40' ROW

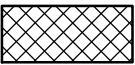
VAC.1.18 Recommendation Map—20' alley with 20' wide hammerhead

VAC.1.18 Recommendation Map—20' alley with 96' diameter cul-de-sac

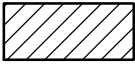
FILE: VAC.1.18
JULY 2018



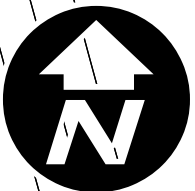
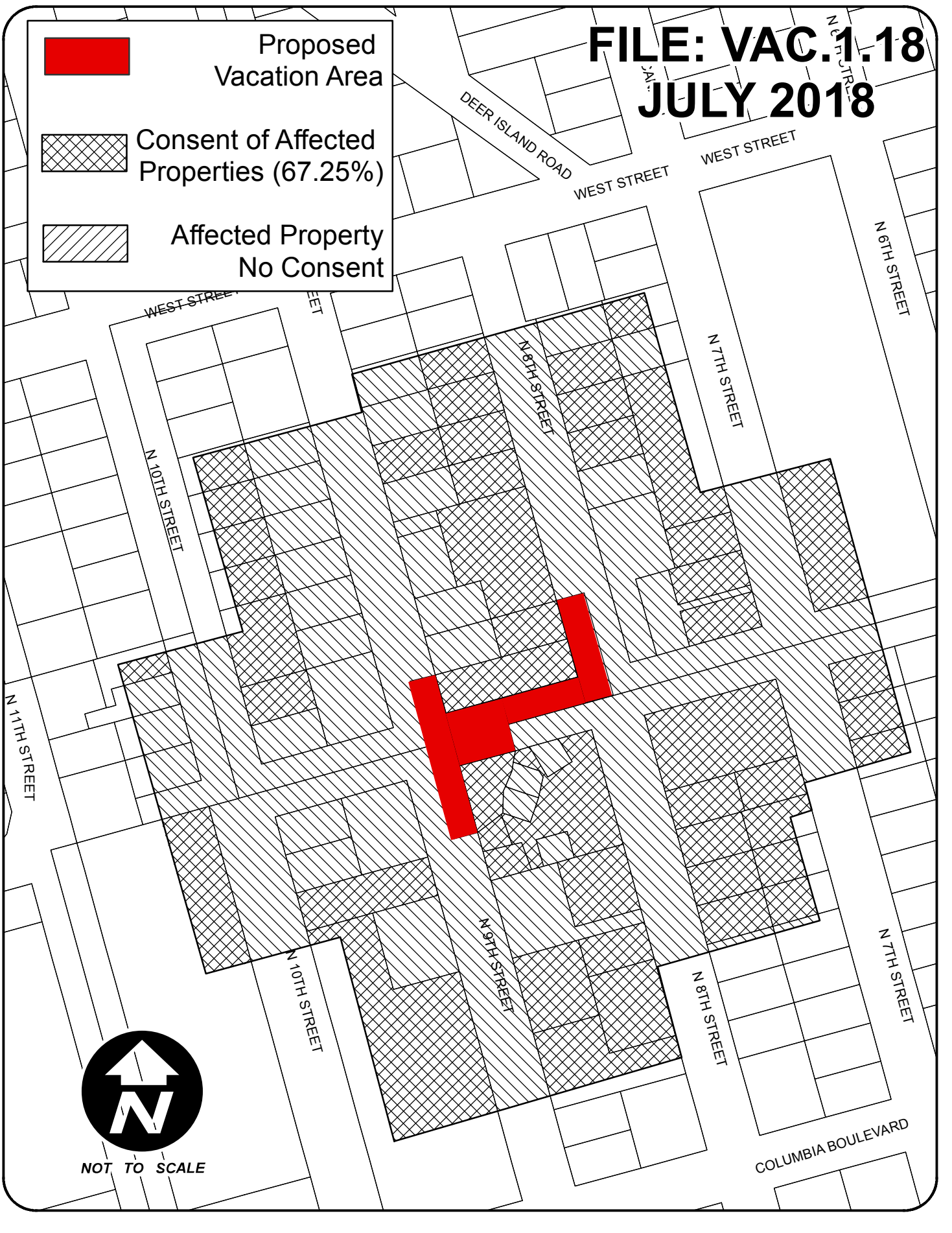
Proposed
Vacation Area



Consent of Affected
Properties (67.25%)

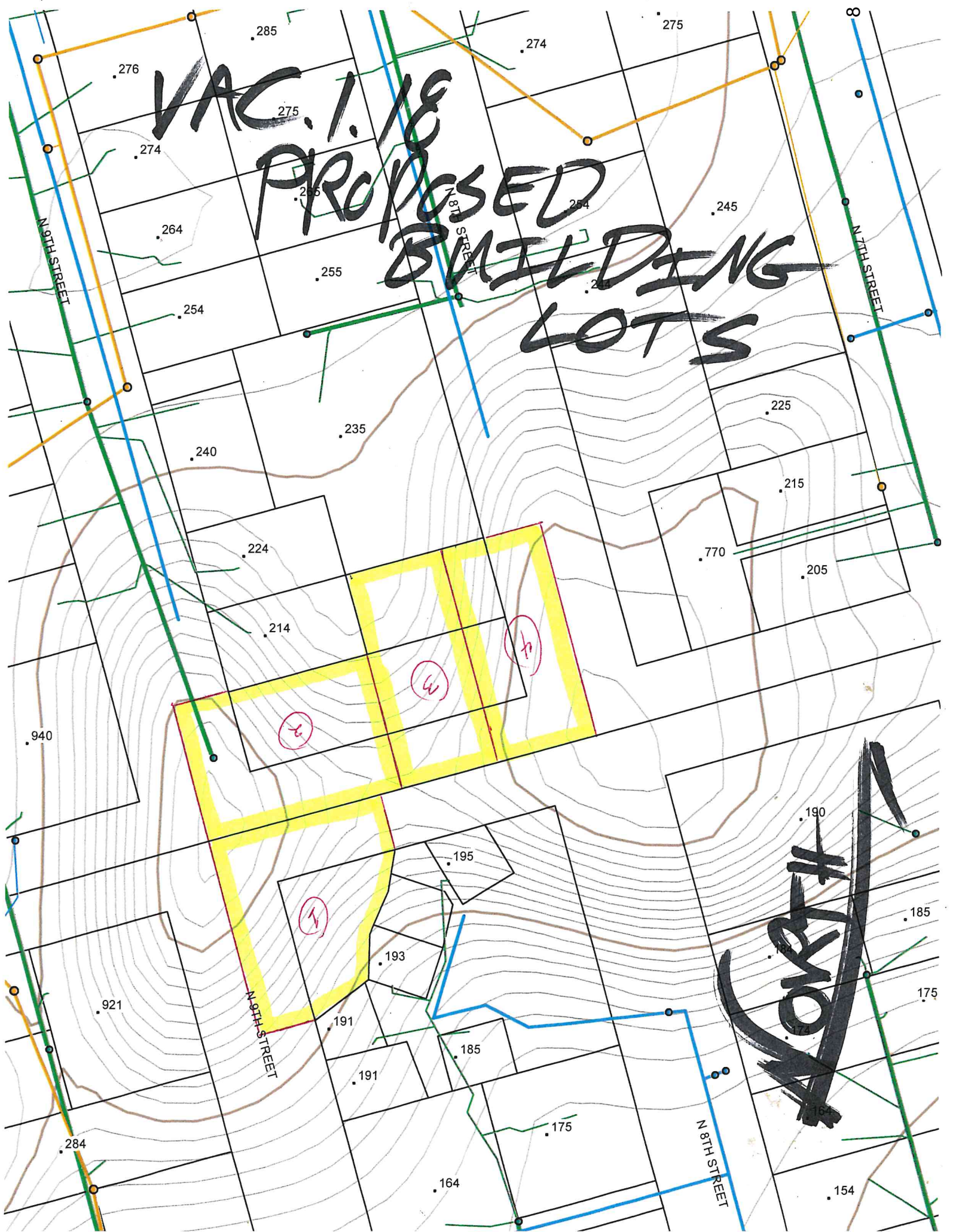


Affected Property
No Consent



NOT TO SCALE

VAC. 1.18 PROPOSED BUILDING LOTS



North



N. 9th Street facing South towards the area to be vacated and the only current improved access to the rock outcrop that makes up the vacation area.

The Wyeth Street ROW lies at the top of the drive. It is visible just above the home on the left.

07.20.2018



N. 9th Street at the same point as the photo above, but facing North towards West Street. N. 9th Street turns to gravel before the last cluster of existing houses.

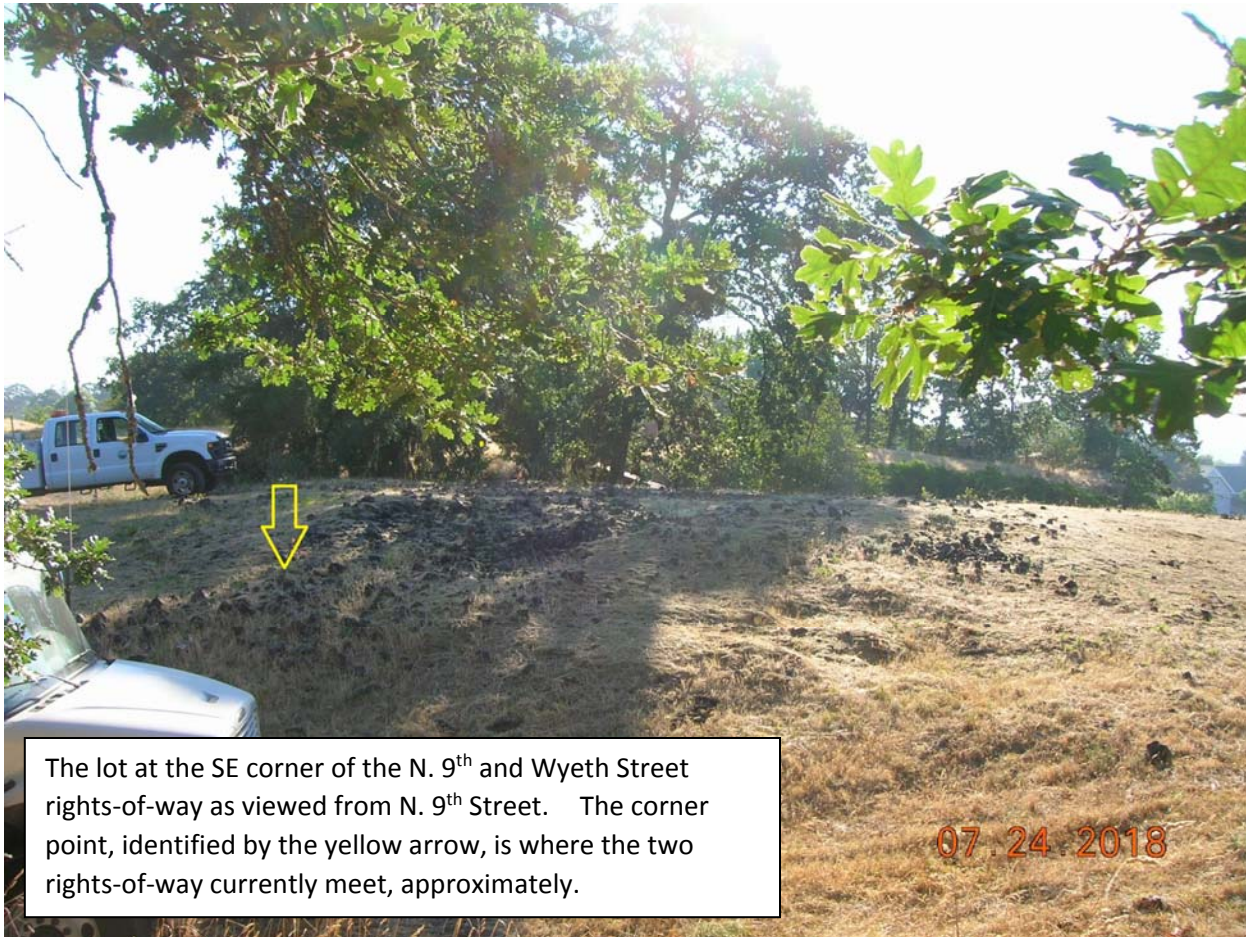
07.20.2018



The lot at the NE corner of the N. 9th and Wyeth Street rights-of-way. Its norther property line is identified by the retaining wall towards the left side of the photo. The black arrow identifies the corner where the edge of the current N. 9th and Wyeth Street rights-of-way meet.



Water meter box covering a blow off (the terminus of the Water Main) is approximately the Wyeth Street ROW centerline. This ROW represents much of the flat area of this rock feature.



Application for Vacating Portion of City St.

Due to the topography, soil conditions, and number of lots available for development, we are asking the city to vacate a portion of these streets.

As the portion of the streets we are requesting to vacate dead end to steep rock bluffs. (See pictures attached) Also this is an old rock pit where the lots are located on steep rock bluffs with minimal widths available for approaches and driveways. Due to the number of lots available for development and the cost associated with providing utilities and improvements you are very limited on a building foot print and where it is located on the lot or rock bluff.

Rick Scholl

Ron Schlumpberger

RECEIVED
AUG 13 2018
CITY OF ST. HELENS

St. Helens Senior Center, Inc.

A 501c3 organization – IRS ID# 93-0722366
 DUNS # 16-734-2609
 375 SOUTH FIFTEENTH STREET
 P.O. BOX 692 (Mailing Address)
 ST. HELENS, OR 97051-0692
 (503) 397-3377 - FAX (503) 397-4795
 e-mail: c.young@shseniorcenter.org



September 11, 2018

HONORABLE MAYOR
 AND COUNCILMEMBERS
 ATTN KATHY PAYNE
 CITY OF ST HELENS
 ST HELENS OR 97051

RECEIVED

SEP 13 2018

CITY OF ST. HELENS

OPPOSITION TO VACATION OF PARTS/ALL 8TH, 9TH, AND WYETH STREETS

We are adamantly opposed to any request to vacate any part of 8th, 9th, or Wyeth Streets that provide access to land we own which is just across 8th Street from the subject property.

While we understand Mr. Scholl and Mr. Schlumpberger's reasons for vacating the streets for their own gain for potential development and income, we believe they should consider the needs of future uses of our property and not even think of closing off a potential access to it. We imagine they will suggest that we could use half of 8th Street as an access, but the possibilities of building an access on 8th Street doesn't appear to be as desirable as using 9th and Wyeth Streets. We would accept any feedback from the City Engineer however.

It should also be noted that Rick Scholl, currently Mayor of St. Helens, came to us offering to purchase our land for a mere \$1,000 and eventually raised that amount to \$1,500 ... the amount of value on the tax rolls. The value to us is far more than that when considering future potential uses of the property and we said thank you, but no. He tried to convince us that he didn't really need our property; that it was of no value to us at all (not usable). Our land is as usable as the property he is thinking about developing as far as we are concerned (once we figure out an access to it).

Luckily, one of our Board member's husbands caught the notice in the local newspaper. When our manager picked up the paperwork at City Hall she discovered that Mr. Scholl and/or Mr. Schlumpberger was not required (as others connected with the City had told us) to notify us when he actually applied and, to our astonishment and shock, no one from the City let us know this application was in play. Of course, Mr. Scholl apparently received the percentage of okays to be able to move forward with the request, but we believe he deliberately left us out knowing we were not in favor of it to begin with and tried to circumvent our knowledge and opportunity to respond by not going the extra mile whether he was "legally" required to do so or not.

Top Notch Thrift Store (supporting St. Helens Senior Center), 503-397-5386 – Open 10:00-5:00 M-Sa
Senior Nutrition and Pleasure Program (SNAPP) including Meals-on-Wheels – 503-397-3343
Columbia County Rider ("CC" Rider) – 503-366-0159 or Toll Free 1-888-462-6526
Senior Advocacy – Community Action Team 503-396-6832

The St. Helens Senior Center does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, sexual orientation, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government.

We would also think that the City Council and staff members who remember our involvement with the abutting land and our goal to find a use for it to help us raise money for our Senior Center and the Meal Program would have made an extra value attempt to make sure we knew what was going on. The City has not been able to offer us and other nonprofits grants the past few years and we would have thought that they would at least want to protect our potential for future financial security; e.g., selling the land for what it is truly worth in our eyes to a developer; building senior housing; and/or recruiting a cell phone company to lease the property for a much needed cell tower in the area.

We agree with the parts of the Staff Report that at least limits the area requested to be vacated, but we believe it needs to go further by denying all of the requested vacation except for the part of 9th Street to the south of Wyeth Street (if no one else objects).

VAC1.18 Recommendation Map, dated August 30, 2018, would be our second choice, allowing a 20 foot access along one piece of property and the 40 foot area of 9th Street south of Wyeth Street. This, however, would be contingent upon the fact that it can be proven to us that the remaining "yellow" area running along Wyeth Street is logically and financially cost-effective to develop an access to our property. The topography appears to be steeper and more rugged than the part of the street being recommended for vacation.

It should also be noted that Mr. Scholl did tell us that he didn't like the idea of developing access and making improvements that would end up benefitting the Senior Center unless we paid for part of the improvements. As a nonprofit barely able to exist, this is not possible for us at this time but not completely out of the question should a sizeable grant come our way to help us in such an endeavor or if we find a developer willing to provide an access.

Has the consent of the owners of the requisite area been obtained? We question the statement that the applicants submitted documentation of 100 percent consent of all property owners "abutting" the portion of the street right-of-way to be vacated. The applicants may have received 67.25 percent of affected area, but it definitely did not appear to meet the first half of the requirement. After all, our property is the most closely "abutting" property to 8th and Wyeth and it was deliberately left out of the equation.

Finally, we believe the public interest could be hurt by the vacation of the streets. For instance, if we were in the future able to provide housing of any kind, hopefully senior housing, this would not only help supplement the Meals-on-Wheels program through rent received, but additional housing would add to the City's tax rolls. A cell tower would definitely add to the livability of the area in that we understand cell reception is very poor in that part of the city.

Cheryl A. Young

CHERYL A. YOUNG, Manager

Attachments

Cc: City of St. Helens Planning Commission

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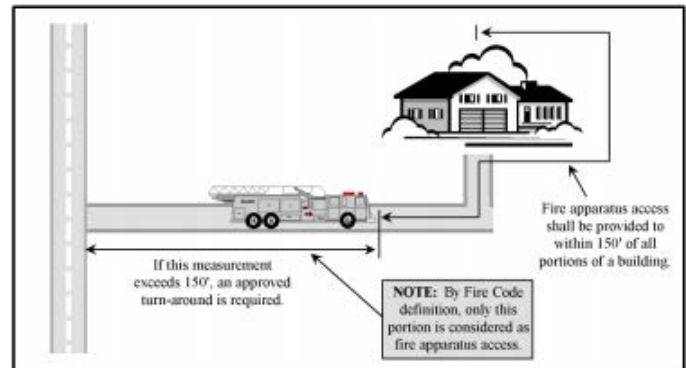
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FIRE DEPARTMENT ACCESS

FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:

Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)



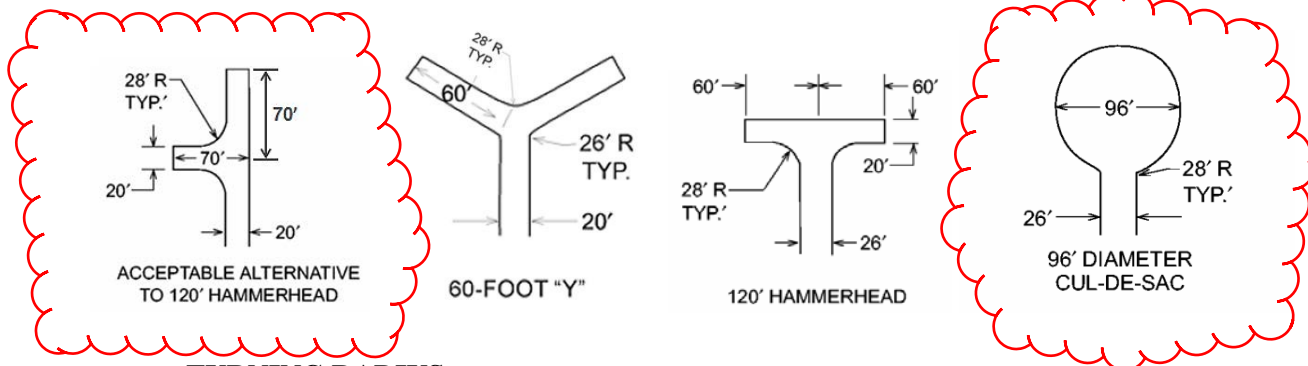
ACCESS ROAD EXCEPTIONS:

The requirements for fire apparatus access may be modified as approved by the fire code official where any of the following apply: (OFC 503.1.1 Exception)

- 1) Buildings are equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5)).
- 2) Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades, or other similar conditions, and an approved alternative means of fire protection is provided.

DEAD END ROADS AND TURNAROUNDS:

Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams of approved turnarounds are shown below: (OFC 503.2.5 & Figure D103.1 in the OFC)



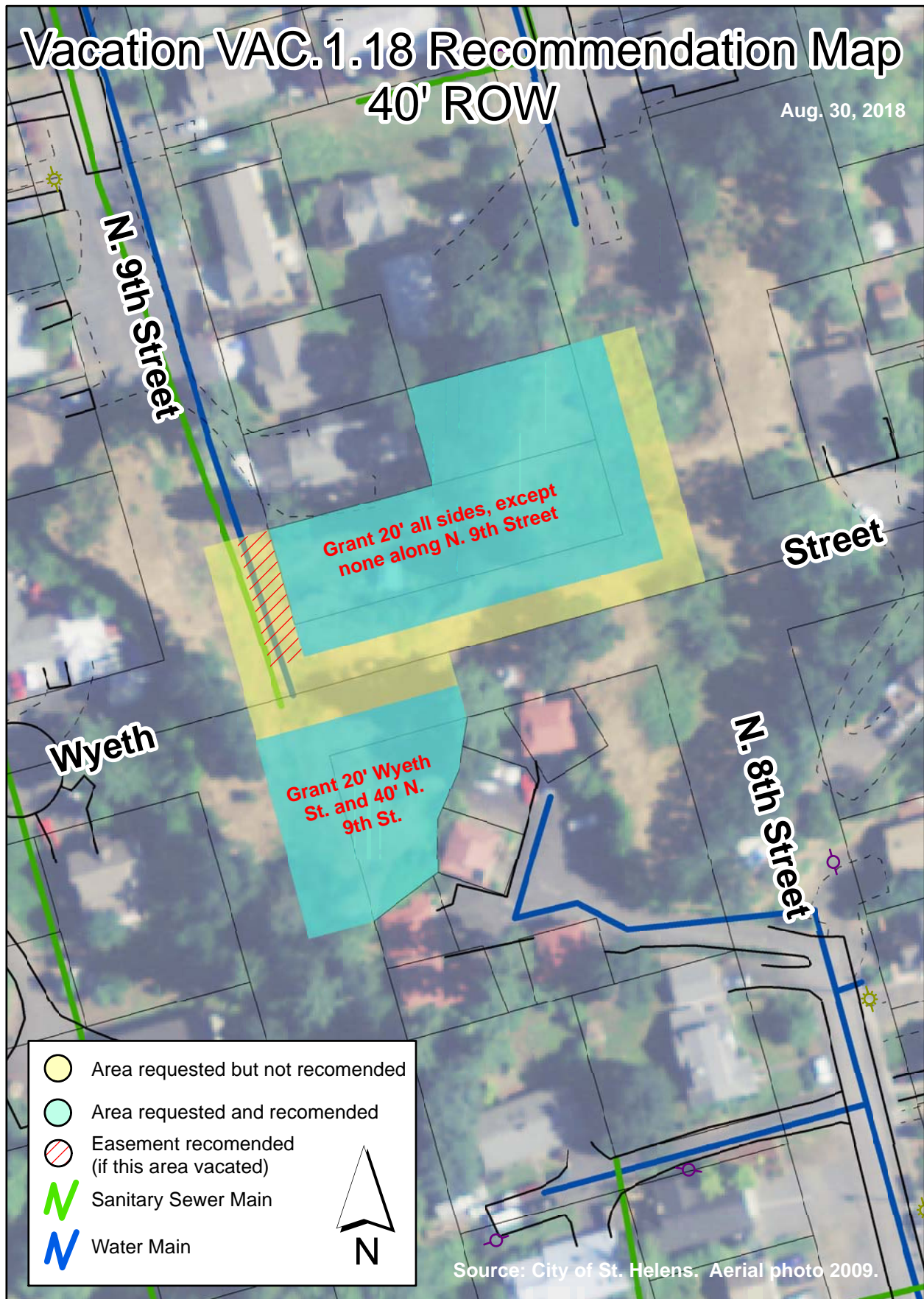
TURNING RADIUS:

The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. The greatest turning radius that needs to be accommodated for our fire apparatus is 240". That is axel to axel. Angle of approach and departure is to be no greater than less than 9 percent. (OFC 503.2.4 & D103.3)

Vacation VAC.1.18 Recommendation Map

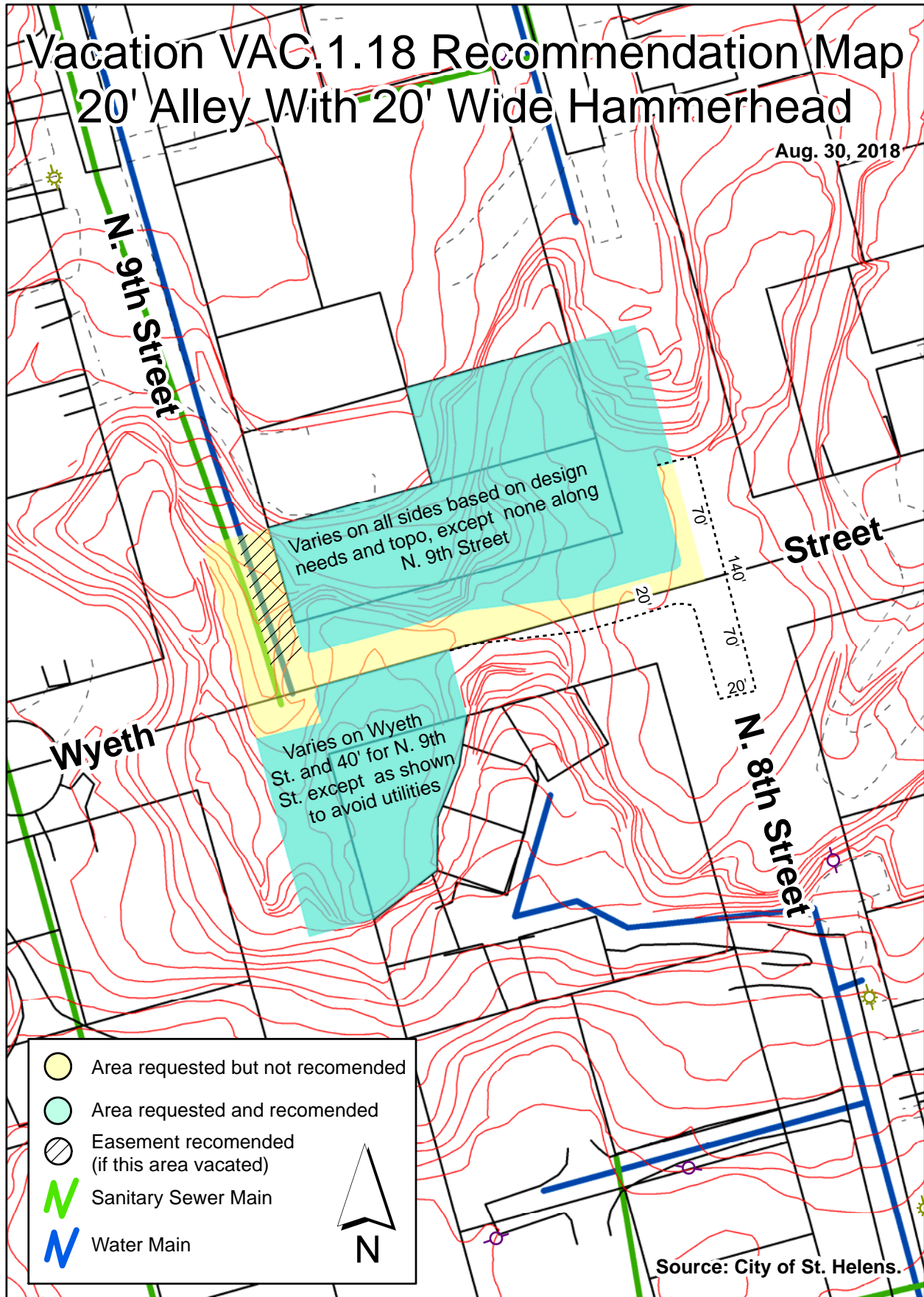
40' ROW

Aug. 30, 2018



Vacation VAC.1.18 Recommendation Map 20' Alley With 20' Wide Hammerhead

Aug. 30, 2018



Vacation VAC.1.18 Recommendation Map 20' Alley-With 96' Dia. Cul-De-Sac

Aug. 30, 2018

