



CITY COUNCIL PUBLIC HEARING

Wednesday, August 21, 2019

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. **6:30 P.M. - Open Public Hearing**
2. **Topic - STREET VACATION**
 - 2.A. Street Vacation - South 15' of Umatilla ROW Abutting Lot 3, Block 102, St. Helens Subdivision – 504 S. 13th Street (Callister)
[02. VAC.1.19 Staff Report - CC.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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**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
VAC.1.19**

DATE: August 13, 2019
To: City Council
FROM: Jacob A. Graichen, AICP, City Planner
 Jennifer Dimsho, Associate Planner
PETITIONER: Ted Callister
PROPOSAL: Vacation of public right-of-way described as follows:

South 15 feet of the Umatilla right-of-way abutting Lot 3, Block 102, of the St. Helens Subdivision, St. Helens, Columbia County, Oregon.

Per the petitioner's petition, the purpose of this vacation is to move the unlawful shed into the backyard.

A complaint about an unlawful shed (approximately 160 square feet) was received by the City in July 2018. It appeared the shed was 160 square feet and placed partially in the right-of-way. A letter was sent on July 20, 2018 stating the need for a permit, which would require that the structure comply with setback requirements. The applicant wished to pursue a street vacation to make it easier to meet the side yard requirements for corner lots.

PUBLIC HEARING & NOTICE

Hearing date: August 21, 2019 before the City Council

Notice of this proposed street vacation was published in the Chronicle on August 7, 2019 and August 14, 2019. Utilities were notified of the proposal on July 16, 2019. Staff posted a copy of the notice at or near each end of the proposed street vacation areas on July 16, 2019.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

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.

Discussion:

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

Public Works requested that the applicant coordinate with the City on relocation of the water meter outside of the new property line and reconnecting the water service. This expense will be the responsibility of the applicant. In addition, should the applicant build a fence along the new property line, a gate at a minimum width of 12 feet (two 6 foot gates) should be provided along the Umatilla Street side for maintenance access to the public utilities.

City Engineering requested to maintain a public utility easement over the easterly 50 feet of the right-of-way to be vacated (e.g. 15' x 50') to ensure access to maintain the public storm line and related storm infrastructure, the water service line and meter, and the public sanitary sewer line.

Comcast noted they have no issues with the proposed vacation, as long as it does not affect their current aerial facilities along S. 13th Street. These aerial facilities are not within the proposed street vacation, and will not be affected.

- **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 ROW to be vacated and 400 feet along its course beyond each terminus of the portion of street ROW 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 77.5% 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?**

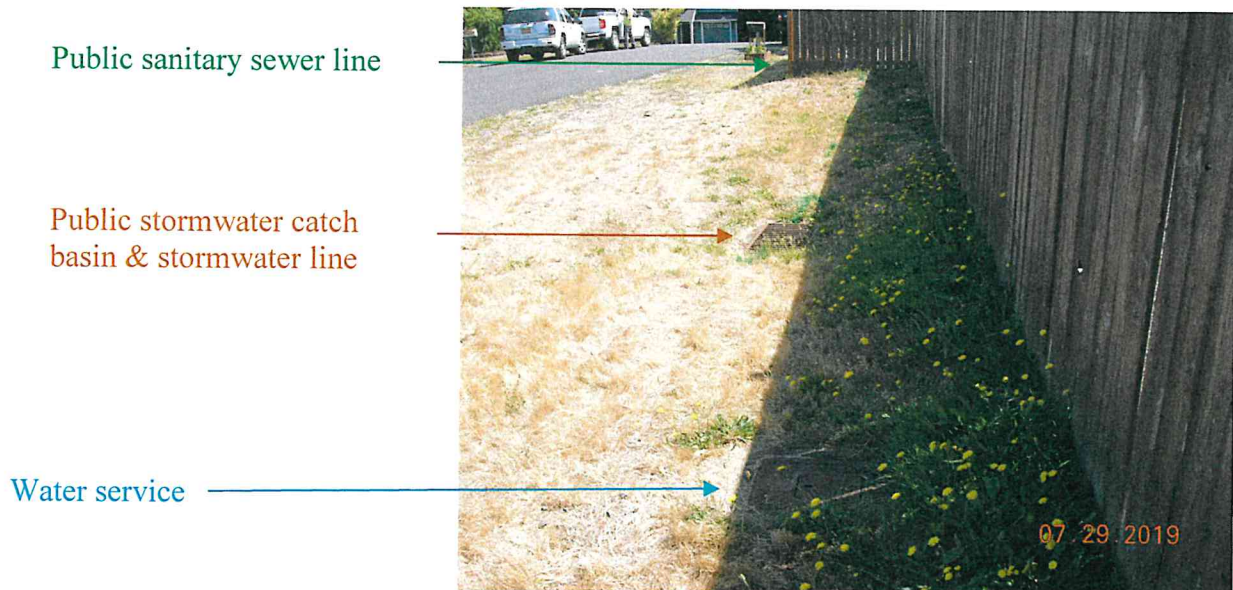
Streets

The portion of Umatilla Street to be vacated is classified as a local street according to the City's Transportation System Plan (TSP). According to SHMC 17.152.030, local streets have a minimum right-of-way width of 50 feet. The existing right-of-way is 80 feet in width, wherefore vacating 15 feet of the "extra" 30 feet would still retain the minimum right-of-way width standards. In addition, the Umatilla Street right-of-way is undeveloped on both sides of the proposed street vacation. Just one block east (less than 200 feet away), the right-of-way was vacated down to a 40 feet wide in 2002 (Ord. No. 2873). Because of steep topography and wetlands, a future road would be very difficult to construct in the undeveloped Umatilla Street right-of-way just east of the proposed right-of-way to be vacated. To the west, the right-of-way is undeveloped less than 100 feet away from the proposed street vacation. Because both sides of the street are dead-ends, this section of Umatilla Street does not see high traffic counts.

Utilities

There is a stormwater catch basin and storm line (pictured) that heads east along Umatilla Street within the proposed vacation. A water meter (pictured) and service line is also located within the proposed vacation. There is also a public sanitary sewer line located along the eastern property line. Therefore, City Engineering is requesting a public utility easement over the easterly 50 feet of the right-of-way to be vacated (e.g. 15' x 50') to ensure access to the various public utility infrastructure located within the right-of-way to be vacated.

Public Works requested that the applicant coordinate with the City on relocation of the water meter outside of the new property line and reconnecting the water service. This expense will be the responsibility of the applicant. In addition, should the applicant wish to build a fence along the new property line, a gate at a minimum width of 12 feet should also be provided along the Umatilla Street side for maintenance access to the public utilities



Trees

There are no trees in the current right-of-way to be vacated.

Other

At 160 square feet, the shed pictured below is large enough to require an accessory structure permit. A permit has not been yet acquired because of setback requirements. The applicant shall acquire an accessory structure permit for the legal placement of the shed.

Photo taken from S. 13th looking east up the Umatilla Street right-of-way to be vacated. Shed pictured is the unpermitted 160 sq. ft. shed.



Finding: The public interest will not be compromised by this street vacation because of the unlikelihood that the Umatilla Street right-of-way will ever be fully developed on both sides of the proposed vacation due to the difficult topography and wetlands. Given a public utility easement, a gate for access, and relocation of the water meter, as noted below, the public interest will not be prejudiced.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends the City Council grant the street vacation petition with the provisions that:

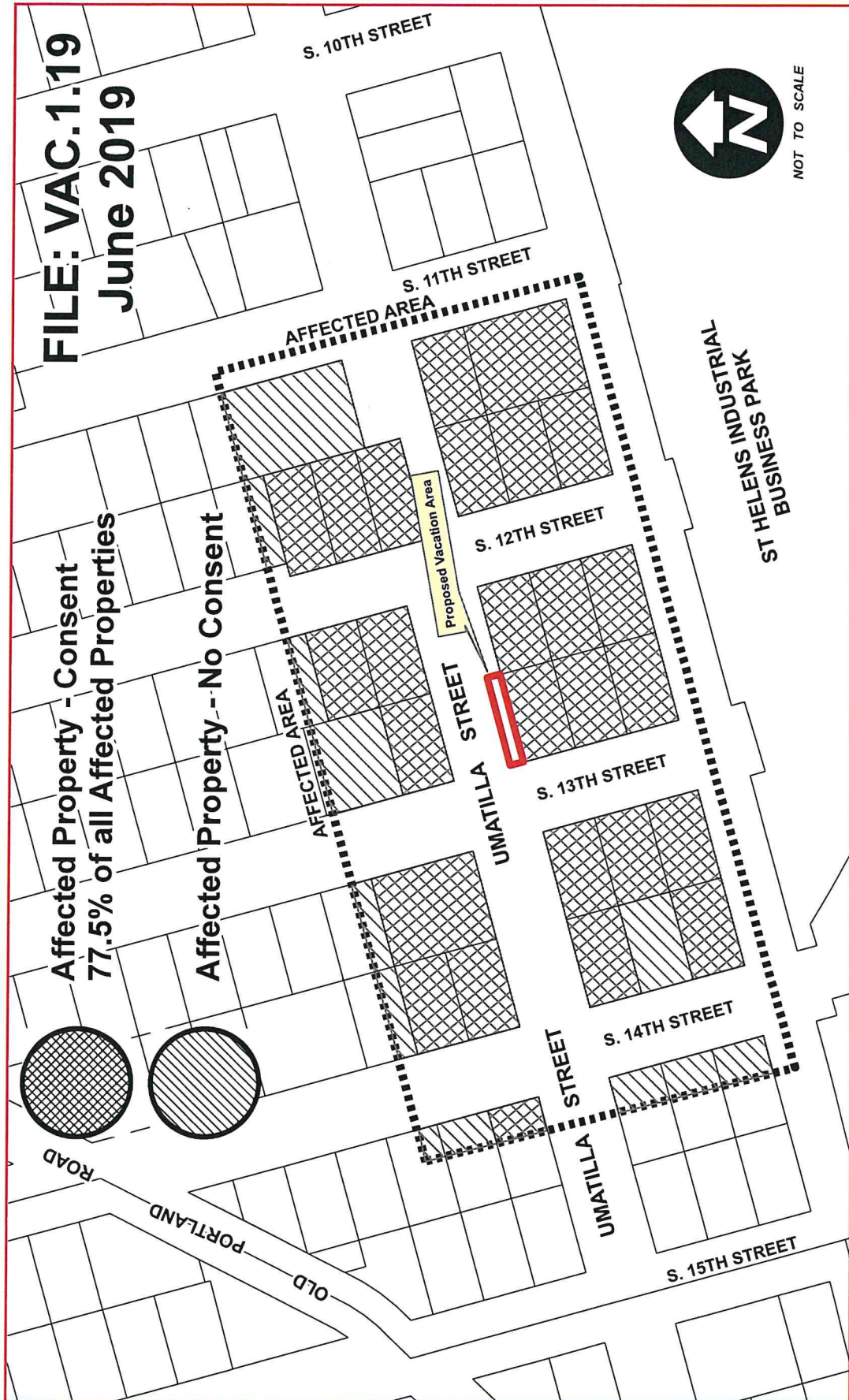
1. A public utility easement be retained over the easterly 50 feet of the right-of-way to be vacated (e.g. 15' x 50').
2. The applicant shall coordinate with the City on relocation of the water meter outside of the new property line and reconnecting the water service at the applicant's expense prior to the ordinance for this vacation. This shall be completed one year from the date of the Council's hearing and decision.
3. If the applicant wishes to build a new fence along the new property line, a gate at a minimum width of 12 feet should be provided along the Umatilla Street right-of-way for maintenance access to the public utilities.

Attachments: *Consent Map, Utility Map*

FILE: VAC.1.19
June 2019

Affected Property - Consent
77.5% of all Affected Properties

Affected Property - No Consent



NOT TO SCALE

**ST HELENS INDUSTRIAL
BUSINESS PARK**

