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City of St. Helens COUNCIL AGENDA

Wednesday, February 3, 2016

City Council Chambers, 265 Strand Street, St. Helens

City Council Members

Mayor Randy Peterson
Council President Doug Morten
Councilor Keith Locke
Councilor Susan Conn
Councilor Ginny Carlson

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. **5:30PM – PUBLIC HEARING: Appeal of Denial of Conditional Use Permit**
2. **6:30PM – PUBLIC HEARING: Annexation of 35092 Pittsburg Road**
3. **7:00PM – CALL REGULAR SESSION TO ORDER**
4. **PLEDGE OF ALLEGIANCE**
5. **INVITATION TO CITIZENS FOR PUBLIC COMMENT – *Limited to five (5) minutes per speaker.***
6. **DELIBERATIONS: Appeal of Denial of Conditional Use Permit**
7. **DELIBERATIONS: Annexation of 35092 Pittsburg Road**
8. **ORDINANCES – First Reading**
 - A. **Ordinance No. 3203:** An Ordinance Amending the St. Helens Municipal Code Chapters 17.16, 17.24, 17.32, 17.88, 17.152, and 18.32
9. **APPROVE AND/OR AUTHORIZE FOR SIGNATURE**
 - A. Extension of Personal Services Agreement with ECONorthwest for Economic Analysis Services
 - B. Contract Payments
10. **APPOINTMENTS TO CITY BOARDS & COMMISSIONS**
11. **CONSENT AGENDA FOR ACCEPTANCE**
 - A. Library Board Minutes dated November 17, 2015
 - B. Arts & Cultural Commission Minutes dated October 27, 2015
 - C. Accounts Payable Bill List
12. **CONSENT AGENDA FOR APPROVAL**
 - A. Accounts Payable Bill List
13. **MAYOR PETERSON REPORTS**
14. **COUNCIL MEMBER REPORTS**
15. **DEPARTMENT REPORTS**
16. **ADJOURN**

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.

Be a part of the vision...get involved with your City...volunteer for a City of St. Helens Board or Commission!
For more information or for an application, stop by City Hall or call 503-366-8217.

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Appeal AP.1.16 of Conditional Use Permit CUP.6.15**

DATE: January 26, 2016
To: City Council
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: The appellant is Jennifer Plahn who was the original applicant of CUP.6.15
OWNER: Wayne Weigandt

ZONING: Houlton Business District (HBD) and General Commercial (GC)
LOCATION: 1771 Columbia Boulevard
PROPOSAL: Establish an indoor nursery (plants) and office/industry resource center in an existing building (on developed property). The intent is to produce marijuana.

The 120-day rule (ORS 227.178) for final action for this land use decision is February 16, 2016 (per a 14 day extension per a letter from A. Stamp, P.C. dated January 26, 2016).

SITE INFORMATION / BACKGROUND

Site information is described in the **attached** Staff Report and Finding and Conclusions of Law for CUP.6.15.

At their November 20, 2016 hearing, the Planning Commission denied Conditional Use Permit CUP.6.15. That decision has been appealed, thus this file: AP.1.16.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: February 3, 2016 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on January 15, 2016 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on January 20, 2016.

AGENCY REFERRALS & COMMENTS

No agency comments have been received specifically based on this appeal. However, the following agency referrals/comments were received for CUP.6.15 that are pertinent to the analysis of this proposal:

Columbia River Fire & Rescue: See **attached** letter dated November 10, 2015.

City Engineering/Public Works: A wastewater management plan is required. For example, to see how waste and storm water is managed (and to prevent mixing of the two).

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.100.040(1) - CUP Approval standards and conditions

(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.

Discussion:

The applicant applied for a Conditional Use Permit based on “nurseries and greenhouses” being listed as a conditionally permitted use in both the HBD and GC zoning districts. The subject property is multi-zoned: both HDB and GC.

The above standards (a) – (f) are those which typically apply to Conditional Use Permits. In this appeal, the Council will need to adopt findings for these.

The Council has a few avenues to do this:

1. If the Council feels the use should be allowed, the Council could adopt the findings originally recommended by staff to the Planning Commission. This recommendation was to approve the CUP with conditions.
2. If the Council feels the use should not be allowed, the Council could adopt the Planning Commission’s findings.
3. The Council could approve or deny the CUP based on different findings based on public hearing testimony, evidence in the record, or other factors as appropriate.

In making the decision, the Council should first determine whether or not the use should be allowed or not. If the Council feels it should be allowed, any conditions of approval need to be determined based on documents in the record (e.g., the original recommendation by staff) and/or other items in the record, public hearing testimony and such.

In considering conditions of approval, the Council should be aware of SHMC 17.100.040(3), which reads as follows:

(3) The planning commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to, the following:

- (a) Limiting the hours, days, place, and manner of operation;
- (b) Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
- (c) Requiring additional setback areas, lot area, or lot depth or width;
- (d) Limiting the building height, size or lot coverage, or location on the site;
- (e) Designating the size, number, location, and design of vehicle access points;
- (f) Requiring street right-of-way to be dedicated and the street to be improved;
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- (h) Limiting the number, size, location, height, and lighting of signs;
- (i) Limiting or setting standards for the location and intensity of outdoor lighting;
- (j) Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- (k) Requiring and designating the size, height, location, and materials for fences; and
- (l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

CONCLUSION & RECOMMENDATION

Since staff's original recommendation (approval with conditions) to the Planning Commission is more-or-less opposite of the Planning Commission's decision (denial), staff doesn't have any specific recommendation on this appeal. Except, to consider all the factors in making your decision.

However, if the Council determines the request can be approved, staff recommends the conditions of approval as written in the CUP.6.15 staff report.

Attachment(s): Notice of Appeal letter from Andrew H Stamp, P.C. dated Dec. 28, 2015
(w/o attachment)

CUP.6.15 Staff Report (w/o attachments)
CUP.6.15 Findings of Fact & Conclusions of Law

Site Plan
Zoning of subject property plan
Pictures attachment
CRFR letter dated November 10, 2016
Minimum standard Single-Accessible Parking Space
Letter from K. Petersen dated January 25, 2016

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Admitted in Oregon.

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December 28, 2015

VIA HAND DELIVERY & EMAIL

City Council for the City of St Helens
265 Strand
P.O. Box 278
St. Helens, OR 97051

*Re: CUP 6.15 (Proposed Nursery at 1771 Columbia Blvd., St Helens, OR
Appeal of Jennifer Plahn and Larry VanDolah*

Dear Honorable Members of the City Council:

This office represents the applicant, Jennifer Plahn, and interested party Larry VanDolah Jr. in the matter of an application for a conditional use permit ("CUP") for a lawful marijuana grow operation to be located at 1771 Columbia Boulevard, St Helens, Oregon, 97051. This letter constitutes the Notice of Appeal of the Planning Commission's "Findings of Fact and Conclusions of Law" dated December 11, 2015 (File No. CUP 6.15), which denied Ms. Plahn's application. *See* SHMC 17.24.340. A copy of the appealed decision is included at Exhibit 1.

The appellants seek *de novo* review by the City Council. SHMC 17.24.320(2).

The Planning Director sent the Notice of Decision on December 14, 2015, and therefore an appeal is timely if it is received by the City by December 28, 2015. SHMC 17.24.300. The applicant had already paid the required appeal fee.

Jennifer Plahn, has standing to appeal under SHMC 17.24.290(2) because she is the applicant. Larry VanDolah appeared before the Planning Commission and was entitled as of right to notice and hearing prior to the decision being appealed. Both the applicant and Mr. VanDolah are aggrieved and adversely affected by the Planning Commission's decision.

SHMC 17.24.340(1)(c) requires the appellant to set forth "[t]he specific grounds for the appeal" and further states that the "[g]rounds shall include specific reference to the Development Code sections or comprehensive plan provisions which form the basis for the appeal." In response to

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this requirement, the applicant and Mr. VanDolah have identified five assignments of error which are set forth below.

The approval criteria for a conditional use permit are set forth at SHMC 17.100.040, which provides as follows:

(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.***

As discussed in more detail below, the Planning Commission erred by finding that these above-listed approval criteria were not met. In large part, the Planning Commission made its decision based on a generalized political opposition to marijuana. Had the applicant proposed to grow tomatoes instead of marijuana, the Planning Commission's decision would have undoubtedly been different. While it is understandable that marijuana remains a controversial political issue, this plant is now legal to possess under Oregon State law. While the federal status of marijuana is still a gray area, Congress has adopted laws and federal authorities have issued policy guidance that tends to further recognize the legitimacy of Oregon medical marijuana:

- On August 28, 2013, a federal executive agency announced that it would no longer actively pursue marijuana offences taking place in the states that have legalized the small consumption and possession of marijuana. The Drug Enforcement Administration will only become involved if the offence involves violence or firearms, the proceeds go to gangs and cartels, or when marijuana is distributed to those states where it is illegal.
- On December 11, 2014, the Department of Justice told U.S. attorneys to allow Native American tribes on reservations to grow and sell marijuana, even in states where it is illegal. The policy will be implemented on a case-by-case basis and tribes must still follow federal guidelines.
- In 2014, congress quietly ended the federal government's ability to perform medical marijuana raids.

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Given that Oregon voters have signaled broad support for both medicinal and recreational use of marijuana, it seems prudent for the City Council to judge the application on its legal merits instead on interjecting unwarranted political considerations into the decision-making process.

First Assignment of Error.

The Planning Commission Mischaracterized the Proposed Use as a Type of Manufacturing as Opposed to a “Nursery” or “Greenhouse.”

The Planning Commission determined that the proposed indoor marijuana grow operation is a type of “manufacturing” use and does not constitute a “nursery” or “greenhouse.” This is an error as a matter of law, as the evidence will show, on *de novo* review, that the applicant is in fact proposing a “nursery” as defined in SHMC 17.16.010. The following terms are defined by the Zoning Code:

“Nurseries” means the propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and using of plants to control insects and diseases; and buying and selling the above plant stock at wholesale or retail.

“Manufacturing” means an establishment engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors. The term “manufacturing” covers all mechanical or chemical transformations, whether the new product is finished or semifinished as raw material in some other process. Manufacturing production usually is carried on for the wholesale market rather than for direct sales. (Processing on farms is not classified as manufacturing if the raw material is grown on the farm. The manufacturing is accessory to the major use of farming.)

Based on the definitions set forth above, the proposed marijuana grow operation is unquestionably a “nursery” use and not a “manufacturing” use. The proposed use involves the propagation of flowering plant for wholesale distribution. The proposed use does not involve the “mechanical” or “chemical” transformation of a “material” or “substance.”

The Planning Commission found that the fact that state law does not allow a marijuana grower to sell directly to the public is significant because it limits the grower to wholesale sales. The Planning Commission concluded, without any supporting evidence, that the “typical” nursery “has the potential for retail sales.” The Planning Commission does not explain why its conclusion is legally relevant, as the Zoning Code expressly allows a nursery to buy or sale plant stock at a

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wholesale or retail level. *See SHMC 17.16.010 (Definition of Nursery includes “buying and selling the above plant stock at wholesale or retail.”).*

The Planning Commission’s findings determine that the proposed use falls within one of four listed types of “manufacturing” uses listed in the LI and HI zoning districts. However, the Planning Commission does not provide any analysis or evidence to support its conclusions, nor does it specifically identify which of the four listed manufacturing uses can be used for a marijuana grow operation. The appellants will demonstrate that the Planning Commission’s analysis is flawed.

Second Assignment of Error.

The Planning Commission Misapplied Applicable Law and Made a Decision Unsupported by Substantial Evidence When it concluded that the Applicant Was Proposing a “Marijuana Retailer and/or Medical Marijuana Dispensary.

The Planning Commission misapplied applicable law and made a decision unsupported by substantial evidence when it wrongfully concluded that the proposed marijuana grow operation is a “marijuana facility” that implicates the requirements set forth in SHMC 17.100.150(3)(p). This code provision provides:

- (p) *Marijuana Retailer and/or Medical Marijuana Dispensary.***
- (i) *No marijuana retailer and/or medical marijuana dispensary shall be permitted to locate within 1,000 feet of any public or private: child care facility; preschool; elementary school; or junior, middle, or high school that lawfully exists at the time the conditional use permit application is deemed complete.***
- (A) *Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the proposed marijuana retailer and/or medical marijuana dispensary to the closest property line of the property upon which the other uses specified in subsection (3)(p)(i) of this section is listed.***
- (ii) *No marijuana retailer and/or medical marijuana dispensary shall be permitted to locate within 2,000 feet of any other marijuana retailer and/or medical marijuana dispensary that lawfully exists at the time the conditional use permit application is deemed complete.***
- (A) *Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the proposed marijuana retailer and/or medical marijuana dispensary to the closest point of the structure or portion of structure containing the existing marijuana retailer and/or medical marijuana dispensary.***

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- (B) If multiple conditional use permit applications are submitted for locations within the distance specified in subsection (3)(p)(ii) of this section but are not yet legally established, the valid conditional use permit submitted first shall take precedence for the purpose of this subsection.***
- (iii) No marijuana retailer and/or medical marijuana dispensary shall be allowed as a temporary use and shall be located in a permanent building.***
- (iv) Any marijuana retailer and/or medical marijuana dispensary shall have refuse containers or refuse collection areas that are secure from entry outside the facility.***
- (v) Any marijuana retailer and/or medical marijuana dispensary shall comply with all applicable state and local laws. (Ord. 3190 § 2 (Att. A), 2015; Ord. 2875 § 1.140.150, 2003)***

The Zoning Code defines the term “marijuana retailer” as follows:

“Marijuana retailer” means a facility that sells marijuana items to a consumer in this state as licensed by the Oregon Liquor Control Commission.

SHMC 17.16.010. The Zoning Code defines the term “medical marijuana dispensary” as follows:

“Medical marijuana dispensary” means a facility that is registered with the Oregon Health Authority and that sells, distributes, transmits, gives, dispenses or otherwise provides marijuana items to a person with a registry identification card.

The Planning Commission’s implicit conclusion that the applicant is either a “marijuana retailer” or a “medical marijuana dispensary” as defined in SHMC 17.16.010 is not supported by applicable law or substantial evidence. The evidence will show that the applicant is not proposing a use that constitutes either a “marijuana retailer” or a “medical marijuana dispensary” because it will not sell marijuana items to consumers or persons with a registry identification card.

Third Assignment of Error.

The Planning Commission Erred By Applying SHMC 19.12.070(1) and SHMC 19.12.070(2)(g) as Mandatory Approval Standards to the Subject CUP Application.

The Planning Commission erred by determining that SHMC 19.12.070(1) and SHMC 19.12.070(2)(g) are applicable approval standards that are violated by the proposed application. These two comprehensive plan provisions are written in aspirational terms and are not mandatory approval criteria applicable to a CUP for a nursery in the HBD and/or GC zones.

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Fourth Assignment of Error.

The Planning Commission Erred By Finding that There is Insufficient Evidence to Conclude that Public Facilities Have Adequate Capacity to Serve the Proposal.

The applicant provided adequate testimony to allow a reasonable decision-maker to conclude that the electrical system is sufficient to meet the electrical needs of the proposed nursery. Because the review is *de novo*, the applicant will supplement the record on this issue to ensure that there is no question as to the sufficiency of the electrical system.

Fifth Assignment of Error.

The Planning Commission Erred by Failing to Address SHMC 17.100.040(1)(a), (b) and (e).

The Planning Commission determined that it was unnecessary to address SHMC 17.100.040(1)(a), (b) and (e), because it found that other approval standards were not met. Although it is perhaps unnecessary to assign error to the failure to address these criteria, the applicant does so in the interest of caution. Given that the appeal is reviewed *de novo* by the City Council, the applicant will present additional evidence to allow a reasonable decision-maker to conclude that the applicable approval standards in SHMC 17.100.040(1) have been met.

We trust that the City Council will find this information useful. We believe that the information set forth herein, as supplemented with additional evidence that will be provided as part of a *de novo* appeal, will allow a reasonable person to conclude that the application should be APPROVED.

Sincerely,

ANDREW H. STAMP, P.C.

Andrew H. Stamp

Andrew H. Stamp

AHS:ahs
cc: client (Via email)

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Conditional Use Permit CUP.6.15**

DATE: November 3, 2015
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Jennifer Plahn
OWNER: Wayne Weigandt

ZONING: Houlton Business District (HBD) and General Commercial (GC)
LOCATION: 1771 Columbia Boulevard
PROPOSAL: Establish an indoor nursery (plants) and office/industry resource center in an existing building (on developed property).

The 120-day rule (ORS 227.178) for final action for this land use decision is February 2, 2015.

SITE INFORMATION / BACKGROUND

The site is developed with an existing building, improved parking area, landscaping (along the site's perimeter, along or within public rights-of-way) and a fenced enclosed area, which encompasses most of the site. The site is bordered on all four sides by public streets/rights-of-way including:

Street Name	Location in relation to subject property	Provides vehicle access for the subject property?	Sidewalk present?	TSP Classification
Columbia Boulevard	North	No	Yes	Minor Arterial
S. 18 th Street	West	Yes	Yes	Collector
S. 17 th Street	East	Yes	No	Local
Cowlitz Street	South	No	No	Local

This site was a long time location for Portland General Electric Co. which vacated the site at some point. In 2007 a Conditional Use Permit (file CUP.5.07) was approved by the Planning Commission to site a RV storage lot, fleet storage lot, RV sales and equipment facility, boat storage lot, equipment and supplies facility, and minor RV repairs. In 2008 a minor modification (SDRm.3.08) was approved by the Planning Administrator to allow the outdoor RV and Boat storage (carried over from CUP.5.07) but with the entire building used for general retail.

This is how the site had been used until the retail operation ceased. Sometime after the retail operation ceased, a Conditional Use Permit (CUP.1.15) was applied for and approved by the Planning Commission in May of 2015. That CUP was to establish an upholstery service business. That business has since moved, leaving the building vacant once again.

Surrounding use and zoning is generally commercial in the Houlton Business District, HBD except to the south across Cowlitz Street where residential uses and General Residential, R5 zoning can be found.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: November 10, 2016 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on October 22, 2015 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on October 28, 2015.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, the following agency referrals/comments have been received that are pertinent to the analysis of this proposal:

Columbia River Fire & Rescue: See attached letter dated October 30, 2015

City Engineering/Public Works: A wastewater management plan is required. For example, to see how waste and storm water is managed (and to prevent mixing of the two).

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.100.040(1) - CUP Approval standards and conditions

(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.

(a) This criterion requires that the site size and dimensions provide adequate area for the needs of the proposed use.

Finding(s): The existing building is approximately 5,000 square feet in total size. The building should be able to accommodate the indoor nursery use and office/professional

consultation use proposed. There is a public parking area at the intersection of Columbia Boulevard/S. 18th Street and the rest of property is fenced.

There is no evidence that the site's size and dimensions are inadequate.

(b) This criterion requires that the characteristics of the site be suitable for the proposed use.

Finding(s): Because the site has a large enclosed area already, being able to accommodate vehicles related to the nursery operation and such without disturbance to surrounding properties (e.g., unsightliness, right-of-way obstruction, improper use of on-street parking, etc.) is possible.

The building may need work done in accordance with the Building and/or Fire Codes to accommodate the proposal. Any requirements of the Building Official and/or Fire Marshall shall be met.

(c) This criterion requires that public facilities have adequate capacity to serve the proposal.

Finding(s): There is no evidence that public facilities are inadequate for this proposal. However, a nursery operation requires water, because plants need water to grow. This water can become wastewater. Wastewater and storm water are required to be separate (i.e., different pipes). City Engineering and Public Works needs to understand how waste water will be managed to ensure no conflicts. As such, a wastewater plan shall be required.

(d) This criterion requires that the requirements of the zoning district be met except as modified by the Conditional Use Permit (CUP) chapter.

Finding(s): The subject property has two zoning districts. Along Columbia Boulevard it is HBD; the remainder is GC. HBD makes up approximately 25% of the site and GC the remaining approximate 75%. The proposed use encompasses both.

The following are listed as conditional uses in the GC zone:

- Businesses with outdoor storage (those businesses permitted in subsection (2) of this section).
- Nurseries and greenhouses.

The following are listed as conditional uses in the HBD zone:

- Business with outdoor storage (those businesses permitted in permitted uses).
- Nurseries and greenhouses.

In both zoning districts, offices are a permitted use. This pertains to the office/nursery industry consultation aspect of the proposal.

As it applies to the proposal from a land use standpoint, the zoning districts are identical.

Note that storage by itself is not a permitted or conditional use in the GC or HBD zone. This could have implications for the site (i.e., boat/RV storage) if there is no other valid use the “storage” is associated with. “Storage site” is a use possible in the Light Industrial, LI zone, for example, which this property is not.

The Conditional Use Permit Chapter 17.100 SHMC, does not list any use-specific provisions for nurseries/greenhouses.

In the GC zone, the minimum required landscaping is 10%. The same applies to the HBD zone. This doesn’t appear to be met, but the Commission can consider this a grandfathered circumstance. No loss of existing landscaping is proposed.

The HBD zone allows a credit of on-street parking to meet the off-street parking requirements per Chapter 17.80. This is relevant for the off-street parking analysis below.

In regards to screening and such:

The GC zone notes that outdoor storage abutting or facing a lot in a residential zone shall comply with Chapter 17.72 SHMC.

The HBD notes that outdoor storage is required to be screened.

Having such as large fenced enclosed area, which is paved and originally designed for storage/parking, use of the area is expected as it relates to the proposed business. Since parking areas and outdoor storage are supposed to be screened (Chapter 17.72 SHMC), the fence shall be maintained such that it provides a visual screen as a condition of approval.

(e) This criterion requires analysis of the sign chapter and site design review chapter.

Finding(s): With regards to signs, any new sign or modified sign shall require a sign permit per Chapter 17.88 SHMC.

With regards to existing signs, there is a sign attached to and projecting from the building along Columbia Boulevard. There are no other signs on the building. There are no freestanding signs on the subject property.

With regards to site development review standards, as the site is developed and there are no substantial proposed improvements to the site to accommodate the proposed use (e.g., new development), many aspects don’t apply. The noteworthy aspects are as follows:

- Per Chapter 17.76 screening of refuse containers or refuse collection area is required. This use can potentially have need for large volume refuse collection. A trash area could be

located within the existing fenced “storage” area. If not, specific plans as to screening shall be provided to the city prior to installation. These shall be conditions of approval.

- In regards to off-street parking there are about 4 off-street spaces on the site and outside the fenced area. These spaces are accessed via S. 18th Street.

On-street parking for the portion of the subject property zone HBD is as follows:

- Along Columbia Blvd: 8 parallel spaces.
- Along S. 17th Street: approx. 5 perpendicular parking spaces

Thus, for the north half of the building (office use), there are about 17 qualified spaces, which should be adequate. Parking within the GC zoned area should be able to accommodate any needs for the nursery aspect such as employee parking and other related vehicles.

Note that the disabled person parking space in the off-street parking lot is inadequate as to current standards. Improving this is a valid condition of approval.

(f) This criterion requires compliance with the applicable policies of the Comprehensive Plan.

Discussion: The Comprehensive Plan designation of the subject property is General Commercial. A policy of this designation per SHMC 19.12.070(2)(f) reads:

Preserve areas for business use by limiting incompatible uses within them.

This helps explain why storage is not a use allowed in commercial zoned property, because storage by itself can take up substantial commercial space better suited to an active business use.

Finding(s): Storage as a principle use is not allowed in the HBD and GC zoning districts. The Commission finds that the proposal complies with the applicable Comprehensive Plan policies, provided storage by itself is not allowed by this CUP.

SHMC 17.100.040(2) - CUP Approval standards and conditions

(2) An enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 17.96 SHMC.

Discussion: This is addressed above.

SHMC 17.100.040(3) - CUP Approval standards and conditions

(3) The planning commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to, the following:

- (a) Limiting the hours, days, place, and manner of operation;
- (b) Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
- (c) Requiring additional setback areas, lot area, or lot depth or width;
- (d) Limiting the building height, size or lot coverage, or location on the site;
- (e) Designating the size, number, location, and design of vehicle access points;
- (f) Requiring street right-of-way to be dedicated and the street to be improved;
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- (h) Limiting the number, size, location, height, and lighting of signs;
- (i) Limiting or setting standards for the location and intensity of outdoor lighting;
- (j) Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- (k) Requiring and designating the size, height, location, and materials for fences; and
- (l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

Discussion: These are all things the Commission can consider. Suggested issues to consider include:

- The necessity of screening and the physical condition of existing fence/screening improvements.
- Given the proximity to residential uses, restrictions on hours of operation.
- Requiring vertical landscaping (e.g., street trees) along the south (Cowlitz Street) side of the subject property across the street from residential zoning and uses.
- Much land use policy has to do with eliminating or minimizing the impacts of one use to other non-compatible uses. In this case, there are a variety of commercial uses to the N, E and W. But there are residential uses to the S.

Certain impacts of this proposal could have a direct result on other uses. For example, air borne disturbances such as odor or particulates may cause discomfort to some or worse for those with allergies, for example. Thus, a condition that prohibits such is important. With such a condition, the improvements to the building for the proposed use can be designed to prevent such off-site impacts.

Also since this proposal is for an indoor nursery, the Commission doesn't have the opportunity to review outdoor nursery impacts and potential mitigation. As such, this approval is for indoor nursery operation only.

Note: of these examples, only the two (the 1st and 4th bulleted item) are included in the proposed conditions below.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Conditional Use Permit with the following conditions:

1. This Conditional Use Permit approval is valid for a limited time pursuant to SHMC 17.100.030.
2. The following shall be required prior to Certificate of Occupancy or final inspection (if no Certificate of Occupancy is required) by the City Building Official, or otherwise commencement of the proposal:
 - a. A wastewater management plan shall be submitted to the city for review and approval.
 - b. Disabled person parking space shall be updated to meet State of Oregon standards.
3. This Conditional Use Permit allows an indoor nursery only.
4. No air-borne off-site impact including but not limited to dust, particulates or odor shall be allowed outside of the property lines of the subject property.
5. This conditional use permit (CUP) does not allow storage as an independent land use on or within the subject property.
6. All outdoor storage related to this proposal shall be within a sight-obscuring (screened) area.
7. The sight-obscuring improvements on the site shall be kept in good repair/good condition. Any failure of the sight-obscuring improvements to effectively obscure the outdoor storage area shall be fixed/remedied promptly. Any change to the method of screening shall be approved by the City prior to installation/implementation.
8. Any refuse container or refuse collection area visible from a public street, parking lot, residential or commercial area, or any public facility (e.g. school or park) shall be screened or enclosed from view by a solid wood fence, masonry wall or evergreen hedge.

If the trash area will not be located within the existing fenced “storage” area, plans as to screening shall be provided to the city prior to installation.
9. Any new sign requires a sign permit prior to installation, pursuant to Chapter 17.88 SHMC.
10. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17). In addition, this approval does not exempt the requirements of or act as a substitute for review of other City departments (e.g., Building and Engineering) or other agencies (e.g., CRFR).

Attachment(s): Site Plan
Zoning of subject property plan
Pictures attachment
CRFR letter dated October 30, 2015
Minimum standard Single-Accessible Parking Space

City of St. Helens

265 Strand / PO Box 278
St. Helens, Oregon
97051

NOTICE OF DECISION

December 14, 2015

RE: Conditional Use Permit CUP.6.15

Dear applicant/interested party,

The **Planning Commission** for the City of St. Helens **denied** the application for a **Conditional Use Permit** to establish an indoor nursery (plants) and office/industry resource center in an existing building (on developed property).

All required notices pursuant to SHMC 17.24.130 have been met. The adopted findings of fact, decision, and statement of conditions, as applicable, are on file at City Hall and are available for review during normal business hours. Copies are available for a nominal charge.

This decision of the **Planning Commission** may be appealed to the St. Helens **City Council** by a party with standing to appeal pursuant to SHMC 17.24.290. The deadline for filing an appeal application with the required fee is **5pm the 14th day staring after the day of mailing this decision. If the 14th day falls on a legal holiday for the City or a weekend, the next business day for the City is the appeal deadline.** If you feel that the decision meets the requirements for an amended decision pursuant to SHMC 17.24.275 and you wish to apply for such, the deadline for a proper amended decision application with the required fee is the same as that of the appeal. If no appeal or amended decision is filed this decision becomes effective as of the deadline noted herein.

If you have any questions, please contact this office. Some information such as the St. Helens Municipal Code (SHMC) can also be obtained at the City's website: www.ci.st-helens.or.us.

Respectfully yours,



Jacob A. Graichen, AICP
City Planner

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Conditional Use Permit CUP.6.15**

APPLICANT: Jennifer Plahn

OWNER: Wayne Weigandt

ZONING: Houlton Business District (HBD) and General Commercial (GC)

LOCATION: 1771 Columbia Boulevard

PROPOSAL: Establish an indoor nursery (plants) and office/industry resource center in an existing building (on developed property).

The 120-day rule (ORS 227.178) for final action for this land use decision is February 2, 2015.

SITE INFORMATION / BACKGROUND

The site is developed with an existing building, improved parking area, landscaping (along the site's perimeter, along or within public rights-of-way) and a fenced enclosed area, which encompasses most of the site. The site is bordered on all four sides by public streets/rights-of-way including:

Street Name	Location in relation to subject property	Provides vehicle access for the subject property?	Sidewalk present?	TSP Classification
Columbia Boulevard	North	No	Yes	Minor Arterial
S. 18 th Street	West	Yes	Yes	Collector
S. 17 th Street	East	Yes	No	Local
Cowlitz Street	South	No	No	Local

This site was a long time location for Portland General Electric Co. which vacated the site at some point. In 2007 a Conditional Use Permit (file CUP.5.07) was approved by the Planning Commission to site a RV storage lot, fleet storage lot, RV sales and equipment facility, boat storage lot, equipment and supplies facility, and minor RV repairs. In 2008 a minor modification (SDRm.3.08) was approved by the Planning Administrator to allow the outdoor RV and Boat storage (carried over from CUP.5.07) but with the entire building used for general retail.

This is how the site had been used until the retail operation ceased. Sometime after the retail operation ceased, a Conditional Use Permit (CUP.1.15) was applied for and approved by the Planning Commission in May of 2015. That CUP was to establish an upholstery service business. That business has since moved, leaving the building vacant once again.

Surrounding use and zoning is generally commercial in the Houlton Business District, HBD except to the south across Cowlitz Street where residential uses and General Residential, R5 zoning can be found.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: November 10, 2016 before the Planning Commission.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on October 22, 2015 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on October 28, 2015.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.100.040(1) - CUP Approval standards and conditions

(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.

(a) This criterion requires that the site size and dimensions provide adequate area for the needs of the proposed use.

Finding(s): The Commission didn't address this criterion because findings were made for other criteria resulting in denial of this Conditional Use Permit.

(b) This criterion requires that the characteristics of the site be suitable for the proposed use.

Finding(s): The Commission didn't address this criterion because findings were made for other criteria resulting in denial of this Conditional Use Permit.

(c) This criterion requires that public facilities have adequate capacity to serve the proposal.

Finding(s): The Commission finds that there is inconclusive evidence in regards to power usage to be able to determine if this criterion is met.

(d) This criterion requires that the requirements of the zoning district be met except as modified by the Conditional Use Permit (CUP) chapter.

Finding(s): The subject property has two zoning districts. Along Columbia Boulevard it is HBD; the remainder is GC. HBD makes up approximately 25% of the site and GC the remaining approximate 75%. The proposed use encompasses both.

The following are listed as conditional uses in the GC zone:

- Businesses with outdoor storage (those businesses permitted in subsection (2) of this section).
- Nurseries and greenhouses.

The following are listed as conditional uses in the HBD zone:

- Business with outdoor storage (those businesses permitted in permitted uses).
- Nurseries and greenhouses.

In both zoning districts, offices are a permitted use. This pertains to the office/nursery industry consultation aspect of the proposal.

This proposal is principally for an indoor nursery and greenhouse operation, a conditional use of the underlying zoning of the subject property. Chapter 17.16 SHMC defines “nurseries” as follows:

“Nurseries” means the propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and using of plants to control insects and diseases; and buying and selling the above plant stock at wholesale or retail.

The Commission finds that based on testimony provided, that the proposal is for an indoor marijuana growing operation and due to the nature of that operation, the proposed use is manufacturing as opposed to a nursery as far as the St. Helens Development Code is concerned.

Chapter 17.16 SHMC defines “manufacturing” as follows:

“Manufacturing” means an establishment engaged in the *mechanical or chemical transformation of materials or substances into new products* including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors. The term “manufacturing” covers all mechanical or chemical transformations, whether the new product is finished or semifinished as raw material in some other process. Manufacturing production usually is carried on for the wholesale market rather than for direct sales. (Processing on farms is not classified as manufacturing if the raw material is grown on the farm. The manufacturing is accessory to the major use of farming.)

Note: text *in italics* was the Commission's emphasis with this definition in their basis for their decision.

The Commission also emphasized the wholesale aspect of the proposed use in determination of the proposed use and its St. Helens Development Code applicability (nursery v. manufacturing). Per the applicant's testimony, the product they grow will be for their own retail marijuana stores or those who want to purchase the product at wholesale. Per Oregon Administrative Rules OAR 845-025-1000 to 845-025-8590 there are a variety of marijuana related uses subject to OLCC licensing. The only license that allows direct sales to consumers is a "marijuana retailer." Based on testimony from the applicant, the OLCC license intended to be applied for is for a "marijuana producer." Producers cannot sell directly to the consumer and is generally restricted to wholesale type sales. Per the Commission, the wholesale market is more closely associated with manufacturing as opposed to a typical nursery, which has the potential of retail sales and isn't necessarily restricted to the wholesale market (i.e., retail sales are possible).

Per SHMC 17.32.040(3)(a) a use specifically listed in another zoning district cannot be allowed in a zoning district where it is not listed.

As an example, the Commission noted uses listed in the Light Industrial (LI) and Heavy Industrial (HI) zoning districts as follows:

Manufacturing, repairing, compounding, research, assembly, fabricating, or processing activities of previously prepared materials and without off-site impacts.

Manufacturing, repairing, compounding, research, assembly, fabricating, processing or packing of resource materials with some off-site impacts

All manufacturing, repairing, compounding, research, assembly, fabricating, or processing activities without off-site impacts.

Manufacture, repair, etc., with some off-site impact.

The Commission finds that the proposed use falls somewhere within the use categories listed. The Commission finds that the request is not for a use conditionally allowed in the HBD zone, but a use not allowed in the HBD zone.

The Commission also finds that this proposal could be considered a marijuana facility because it will be regulated and licensed by the Oregon Liquor Control Commission (OLCC). Under this logic, the use could be considered subject to the provisions of SHMC 17.100.150(3)(p), which includes certain distance requirements. For example, there is a required minimum a separation of 2,000 feet from the use listed under SHMC 17.100.150(3)(p). The Commission approved a separate Conditional Use Permit (CUP.4.15) at 1809 Columbia Boulevard which is within less than 200 feet from the subject building. The commission finds that that does not meet the standards of the Development Code for a marijuana facility.

The Commission finds that the use proposed is contrary to the requirements of the zoning district for these reasons.

(e) This criterion requires analysis of the sign chapter and site design review chapter.

Finding(s): The Commission didn't address this criterion because findings were made for other criteria resulting in denial of this Conditional Use Permit.

(f) This criterion requires compliance with the applicable policies of the Comprehensive Plan.

Finding(s): The Comprehensive Plan designation of the subject property is General Commercial, GC.

The Commission noted the goal of the GC designation per SHMC 19.12.070(1), which the Commission finds applies to this proposal. It reads:

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

The Commission noted a policy of the GC designation per SHMC 19.12.070(2)(g), which the Commission finds applies to this proposal. It reads:

Encourage a variety of retail shopping activities to concentrate in the core commercial areas to enhance their attractiveness for a broad range of shoppers; additionally, encourage in this area the development of public spaces such as broad sidewalks, small squares, etc., to facilitate easy, safe, pleasant pedestrian circulation.

The proposal is along one of the City's key off-highway commercial thoroughfares: Columbia Boulevard, which the City's Transportation Systems Plan classifies as a Minor Arterial Street. The subject property is a very visible site in the Houlton Business District whose use has important implications for the Houlton commercial area.

Based on testimony provided during the public hearing, this proposal is specifically for an indoor marijuana growing operation. Pursuant to OAR 845-025-1015 a marijuana growing operation for the retail market in the State of Oregon is known as a "marijuana producer" or "producer." Pursuant to OAR 845-025-1470(1) a producer must effectively prevent public access and obscure from public view all areas of marijuana production.

As it applies to the Comprehensive Plan policy noted above: Due to the OAR restrictions on public view, the Commission finds that this use does not enhance attractiveness of the area because most if not all of the nursery operation will be required to be obstructed from view, essentially creating a "dead-space" in a commercial activity.

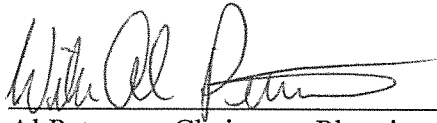
As it applies to the Comprehensive Plan policy noted above: Due to the OAR restrictions on sales, the proposed use does not encourage a variety of commercial retail shopping activities in this core commercial area.

As it applies to the Comprehensive Plan policy noted above: Given the issues as described, the use does not meet the goal of providing maximum service to the public.

The Commission finds that this proposal does not comply with this comprehensive plan goal or policy for these reasons.

CONCLUSION & DECISION

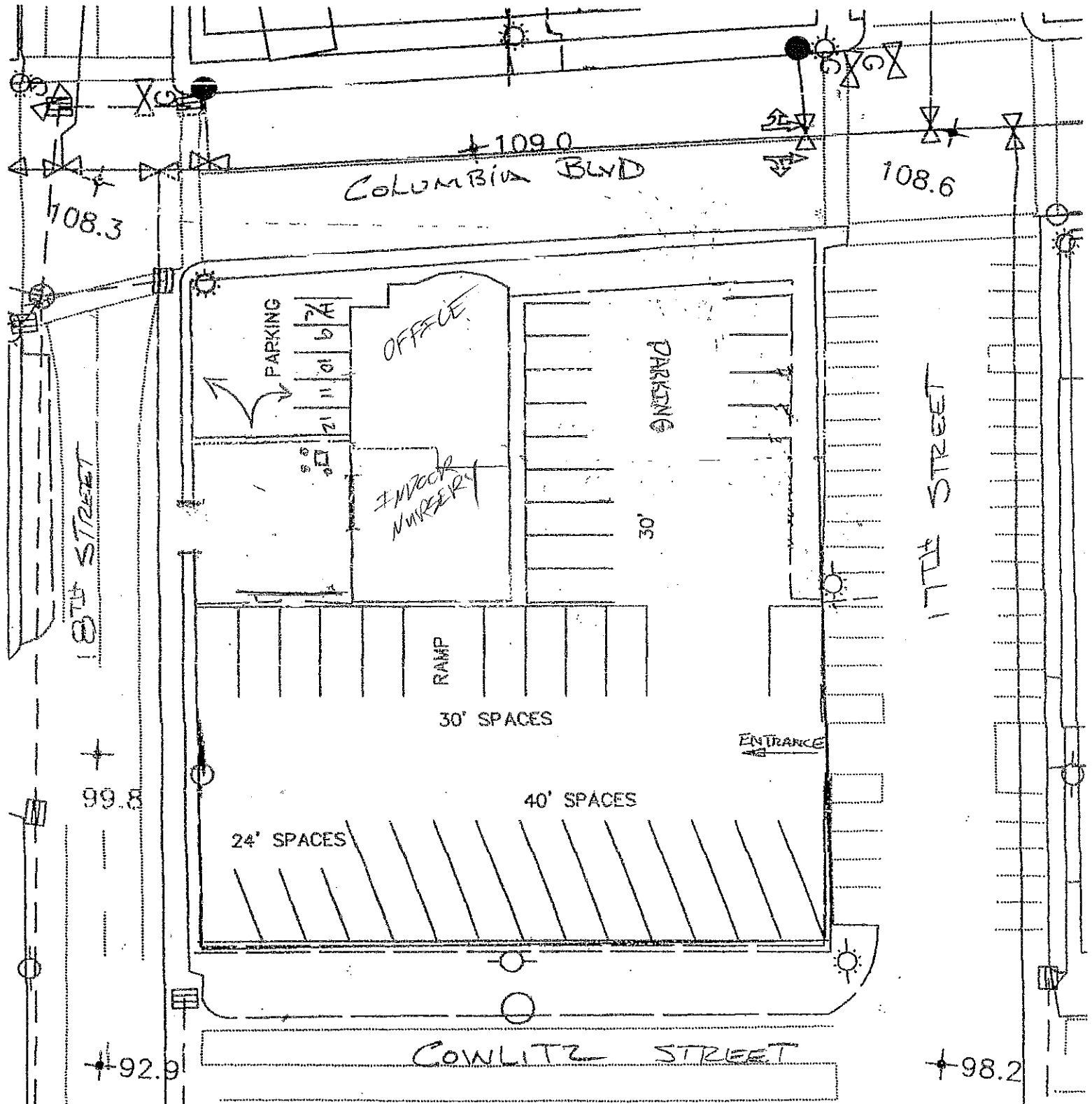
Based upon the facts and findings herein, the Planning Commission denies this Conditional Use Permit.



Al Petersen, Chairman, Planning Commission

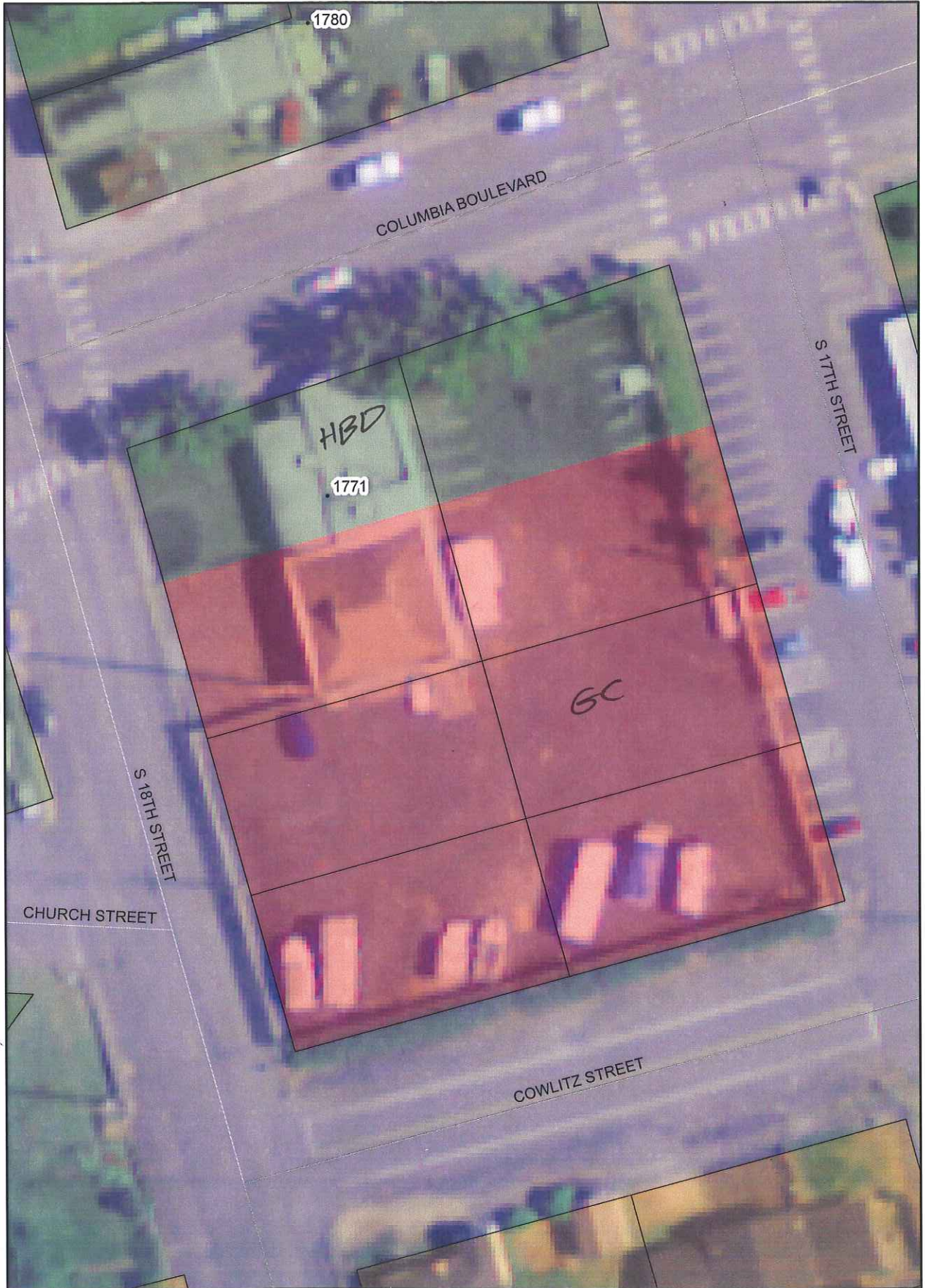
Dec 11, 2015

Date



ZONING OF 1771 COLUMBIA BOULEVARD

RED = GENERAL COMMERCIAL
GREEN = HOULTON BUSINESS DISTRICT
MARCH 2015





At Columbia Blvd./S. 18th Street. Off street parking area.



At Cowlitz Street/S. 18th Street. Note the absence of vertical landscaping along this street (compared to Columbia Boulevard).



Though the existing sight-obscuring fence is in mostly good condition overall for its age, some sight obscuring measures along Cowlitz Street have seen better days.



At Columbia Blvd./S. 17th Street. The fence and landscaping provides good screening here.



The gate along S. 17th Street lacks any sight obscuring measures; a consideration for the Commission.



Columbia River Fire & Rescue

Fire Chief's Office

270 Columbia Blvd * St Helens, Oregon * 97051

Phone (503)-397-2990x101 * www.crrfr.com * FAX (503)-397-3198

November 10, 2015

Jennifer Dimsho, Planning
City of St. Helens
265 Strand Street
St. Helens, OR 97051

FILE

RE: **Jennifer Plahn**
Conditional Use Permit / CUP.6.15
4N1W-4CA-21400, 20900, 21000, 21100, 21200, & 21300
1771 Columbia Blvd.

Dear Jennifer:

I have met with representatives handling the Plahn application to place an indoor nursery and business office in the old PGE building on Columbia Boulevard in St. Helens. They have done a good job of addressing the concerns for fire and life safety that I noted in my October 30, 2015 letter and I think the CUP can move forward.

As I said in the previous letter, smaller items like signage and fire extinguisher locations can be addressed prior to final occupancy.

Regards,

Jay M. Tappan

Jay M. Tappan
Chief/Acting Fire Marshal

cc: file

OREGON TRANSPORTATION COMMISSION
Standards for Accessible Parking Places
May 2012

**MINIMUM STANDARD
SINGLE-ACCESSIBLE PARKING SPACE**
(VAN-ACCESSIBLE DESIGNATION REQUIRED)

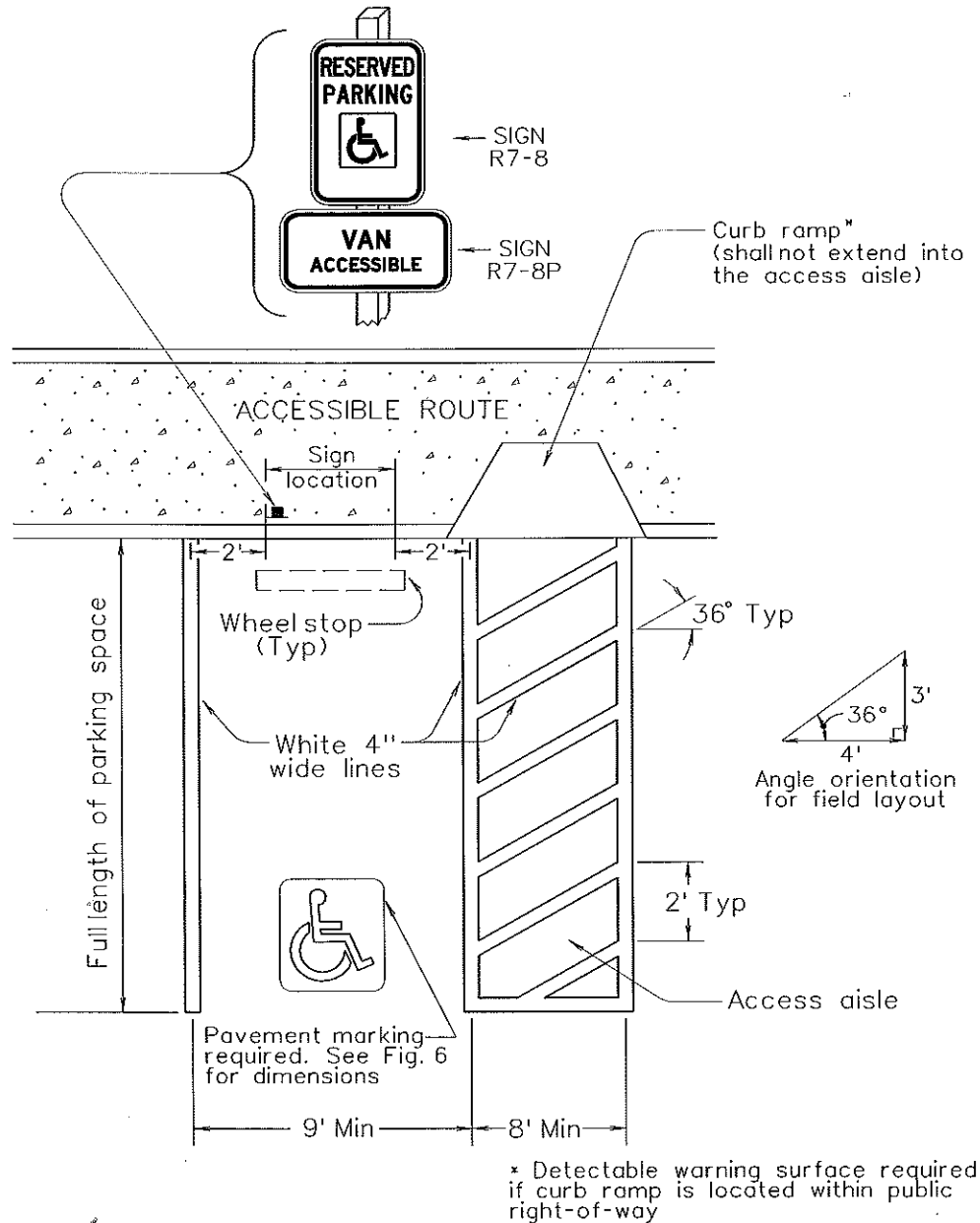


Figure 1

RECEIVED

JAN 25 2016

CITY OF ST. HELENS

Kannikar Petersen
101 St Helens Street
St Helens, Oregon 97051

St Helens City Council
230 Strand Street
St Helens, Oregon 97051

25 January 2016

Dear City Council

I own the property at 214 South 14th Street. I received notice of an appeal of a Planning Commission decision to deny a Conditional Use of an "indoor nursery (plants)". (CUP 6.15, and AP.1.16) I am writing to you in opposition to this proposal. I ask you to uphold the Planning Commission's decision and deny this appeal.

This is a proposal for a Marijuana Grow Facility. A marijuana grow facility is very different from just an "indoor nursery". Neither the previous notice that I received (for the Planning Commission Hearing) nor the current notice (for this appeal) alerts neighbors or adjacent property owners of that fact. Failure to notify the neighborhood that a facility manufacturing a controlled substance (at the state level) and an illegal substance (at the federal level) appears to be a failure in notifying the neighborhood of what is actually proposed.

According to the minutes of the Planning Commission hearing this facility will be licensed by the State of Oregon as a "Producer," a Marijuana Production Facility. According to Oregon laws regulating marijuana this facility is specifically not allowed to make retail sales, nor to allow anyone under the age of 21 to enter.

The notice that I received listed criteria for a decision. I refer you to those criteria, specifically 17.100.040 items (b) and (f).

(b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;

(f) The use will comply with the applicable policies of the comprehensive plan.

Per 17.100.040 (b) this is not the proper location for a Marijuana Production Facility. The property is in the middle of the two established zoning districts in St Helens, the traditional retail main street of our town, and a long established residential zone.

The general idea of a retail zone is to congregate businesses serving the general public in proximity to one another so that patrons, young and old, can walk from one establishment to another, shop, dine, and carry out their business. It is contradictory to grant a conditional use in a retail zone to a business that is legally prohibited from conducting retail business .

Locating a marijuana production facility directly adjacent to a residential zone is not good planning practice nor does it contribute to creating a safe and secure neighborhood where people want to live. Based on the mailed notice I doubt any of the adjacent residents realize that a marijuana production facility is proposed next to where they live.

This use does not comply with section 17.100.040 (f). 17.100.040 (f) references the St Helens Comprehensive Plan. The applicable policies of the Houlton Business District and the General Commercial Zones are addressed in Section 19.12.070 of the Comprehensive Plan. I point out sections 19.12.070 (f) and (g).

19.12.070 (f) Preserve areas for business use by limiting incompatible uses within them.

A Marijuana Production Facility is not compatible with this zone, this property should be preserved for businesses that are compatible with the zone as the Comprehensive Plan requires. The Planning Commission minutes indicate that the applicant said he will be growing, drying, and packaging marijuana products. The Planning Commission correctly pointed out that production, drying, and packaging of a product falls into the realm of manufacturing. Manufacturing and nurseries are allowed outright in the Light Industrial and Heavy Industrial Zones. There is no reason that this marijuana production facility should be placed in a retail zone when it is allowed outright in another zone.

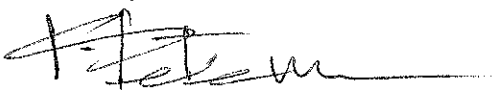
19.12.070 (g) Encourage a variety of retail shopping activities to concentrate in the core commercial areas to enhance their attractiveness for a broad range of shoppers; additionally, encourage in this area the development of public spaces such as broad sidewalks, small squares, etc., to facilitate easy, safe, pleasant pedestrian circulation.

It is the clear intent of the Comprehensive Plan to locate retail businesses in the General Commercial zones. A "broad range of shoppers" includes shoppers of all ages. Under Oregon law "shopping" is prohibited at a "production" facility and everyone one under the age of 21 is prohibited from entering. Allowing a marijuana "producer" to locate in the General Commercial zones is contradictory to St. Helens established goals and policies.

The City Council recently passed new rules governing marijuana but it only considered retail sales of marijuana. Producers, Laboratories, and Processors were not addressed. Since the laws of St Helens don't directly address these new uses, the applicant is trying to jump through an apparent loophole in the law. It is reminiscent of the recent mining "earth removal" application. The applicant's legal team attempted to squeeze through a perceived gap in St Helens' laws to place a rock quarry in a residential neighborhood.

A retail marijuana business has already been approved two doors away from this property, (less than two hundred feet away) and per St Helens laws regulating marijuana businesses another marijuana businesses closer than 2000 feet is not allowed. Further, the St Helens Comprehensive Plan specifically states that the General Commercial zones are intended for retail businesses. A marijuana "producer" per Oregon law is not a retail business. You should deny this appeal and uphold the Planning Commission's decision.

Sincerely,



Kannikar Petersen

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Annexation A.1.14

DATE: January 26, 2016
TO: City Council
FROM: Jacob A. Graichen, AICP, City Planner
Jennifer Dimsho, Assistant Planner

APPLICANT: James Julian
OWNER: James Julian & Sandra Horan

ZONING: Columbia County's Single-Family Residential, R-10
LOCATION: 4N1W-5BC-7600; 35092 Pittsburg Rd.
PROPOSAL: The property owner filed consent to annex to allow connection to the City's sanitary sewer system

The 120-day rule (ORS 227.178) for final action for this land use decision is n/a [Clark v. City of Albany, 142 Or App 207, 921 P2d 406 (1996)].

SITE INFORMATION / BACKGROUND

The subject property lies on the south side of Pittsburg Rd. between N. Vernonia Rd. and Oak Ridge St. The site is about 1.8 acres, developed with a detached single family dwelling and a detached garage built around 1935. It has street access to Pittsburg Rd. on the north and frontage along Helens Way to the south.

On Pittsburg Rd, the property lacks right-of-way frontage improvements such as sidewalk, curb and streetscape. On Helens Way, both the street and the street frontage are only partially developed, with about 25 to 30 feet of undeveloped Helens Way right-of-way and only a curb along part of the subject property. There is also a Bonneville Power Administration easement for a transmission line through the southern portion of the property.

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

January 12, 2016 before the Planning Commission
February 3, 2016 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on December 23, 2015 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on December 30, 2015. Notice was sent to the Oregon Department of Land Conservation and Development on December 8, 2015 via e-mail.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.08.040 (1) – Quasi-judicial amendment and standards criteria

- (a) A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:
 - (i) The applicable comprehensive plan policies and map designation; and that the change will not adversely affect the health, safety, and welfare of the community; and
 - (ii) The applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197, until acknowledgment of the comprehensive plan and ordinances; and
 - (iii) The standards applicable of any provision of this code or other applicable implementing ordinance.
- (b) Consideration may also be given to:
 - (i) Any applicable evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

Discussion: (a)(i) The Comprehensive Plan designation for the subject property is Rural Suburban Unincorporated Residential, RSUR. Applicable designation and zoning district for annexation are discussed later.

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

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

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

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

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

(a)(iii) Other provisions applicable to this proposal are discussed elsewhere herein. In addition, Section 3 of the City's Charter states that "annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate."

(b) There is no evidence of a change in neighborhood, or mistake or inconstancy in the Comprehensive Plan or Zoning Map.

Finding: The quasi-judicial amendment and standards criteria are met.

SHMC 17.08.060 – Transportation planning rule compliance

- (1) Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060 (the Transportation Planning Rule (“TPR”)). “Significant” means the proposal would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (i) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
 - (iii) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Amendments That Affect Transportation Facilities. Comprehensive plan amendments, zone changes or land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
 - (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060.
 - (c) Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
 - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (3) Traffic Impact Analysis. A traffic impact analysis shall be submitted with a plan amendment or zone change application, as applicable, pursuant to Chapter [17.156](#) SHMC.

Discussion: This section reflects State law regarding the Transportation Planning Rule (TPR): Transportation Planning Rule (TPR), OAR 660, Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility. *Current zoning of the property is Columbia County’s R-10 and the City zoning options given annexation is R7 or R10. Both zoning districts are residential and allow some non residential uses (e.g., churches/religious assembly).*

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

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

SHMC 17.28.030 (1) – Annexation criteria

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

Discussion: (a) Currently, the site is not connected to either City water or McNulty PUD water. The City's water system is within the Pittsburg Road right-of-way, adjacent to the subject property. City law states "all water users in the city whose closest property line is within 160 feet of a city water main shall be connected to the city water system." In this case, the property is well within 160 feet of a water main.

The City's current water capacity is 6 million gallons/day and the peak flow, usually in the summer, is 3 to 4 million gallons/day. Additionally, the City has the capacity of approximately 10 million gallons to meet future demands. Any additional uses that occur on the subject property can be accommodated by the City's municipal water system as infrastructure has substantial capacity available.

Connection to the City's sanitary sewer is the catalyst for this annexation. In early February 2014, the applicant paid all necessary connection fees to connect to the City's sewer system. By late February 2014, Columbia County certified that the property had decommissioned the existing septic tank.

With regards to capacity, the City's waste water treatment plant currently has the capacity (physically and as permitted by DEQ) to handle 50,000 pounds of Biochemical Oxygen Demand (BOD), which is the "loading" or potency of the wastewater received by the plant. The average daily BOD is well below this at only 1,500 pounds. Thus, any potential uses that occur on the subject property can be accommodated by the City's sanitary sewer system as infrastructure is in place or can be upgraded and there is substantial capacity available.

As described above, this proposal poses no significant affect on a transportation facility.

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

(b) The existing land use of the subject property is a detached single-family dwelling. This land use would be permitted in the city zoning district (R10 or R7) that takes effect once annexation is completed.

There is no known conflict with the Comprehensive Plan and implementing ordinances.

(c) With regards to Oregon Revised Statutes (ORS), city annexations of territory must be undertaken consistent with ORS 222.111 to 222.183.

Pursuant to ORS 222.111(1), a City may only annex territory that is not within another City, and the territory must either be contiguous to the annexing City or be separated from the City only by a body of water or public right-of-way. The subject property is not within another City's jurisdiction and City of St. Helens corporate limits lies on three sides of the subject property.

Although undertaking an annexation is authorized by state law, the manner in which a city proceeds with annexation is also dictated in the city charter. ORS 222.111(1) references a city's charter as well as other ORS. St. Helens' Charter requirements pertaining to annexations are noted above.

Per ORS 222.111(2) an annexation may be initiated by the owner of real property or the city council. This annexation request was initiated by the property owners.

Further, ORS 222.125 requires that that all property owners of the subject property to be annexed and at least half of the electors residing on the property consent in writing to the annexation. These documents were submitted with the annexation application.

ORS 197.175(1) suggests that all annexations are subject to the statewide planning goals. The statewide planning goals that could technically apply or relate to this proposal are Goals 1, 2, 11 and 12.

- ***Statewide Planning Goal 1: Citizen Involvement.***
Goal 1 requires the development of a citizen involvement program that is widespread, allows two-way communication, provides for citizen involvement through all planning phases, and is understandable, responsive, and funded.

Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in the statutes and in its acknowledged comprehensive plan and land use regulations.

The City's Development Code is consistent with State law with regards to notification requirements. Pursuant to SHMC 17.20.080 at least one public hearing before the Planning Commission and City Council is required. Legal notice in a newspaper of

general circulation is also required. The City has met these requirements and notified DLCD of the proposal.

- ***Statewide Planning Goal 2: Land Use Planning.***

This goal requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.

Generally, Goal 2 requires that actions related to land use be consistent with acknowledged Comprehensive Plans and coordination with affected governments and agencies and be based on an adequate factual base. The City has an adopted Comprehensive Plan, compliance of this proposal which is addressed herein. Moreover, explanation and proof of coordination with affected agencies and factual base are described herein, as well, including inventory, needs, etc.

- ***Statewide Planning Goal 11: Public Facilities and Services.***

Goal 11 requires cities and counties to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The goal requires that urban and rural development be "guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."

City water and sewer capacities are adequate to serve the subject property. This is explained above. Moreover, there is no evidence that adequate infrastructure cannot be made available to serve the annexed area if redeveloped. The existing development is adequately served.

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

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

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

(d) The subject property abuts two streets: Pittsburg Road and St. Helens Way. Pittsburg Road is improved (asphalt) but lacks frontage improvements such as sidewalk and curb along the subject property's frontage. City standards require such improvements.

The Helens Way right-of-way adjacent to the subject property is only partially improved. There is about 25 to 30 feet of unimproved right-of-way with a vehicle blockade between the two developed portions of Helens Way. The Helens Way street frontage is also only partially developed, with only a curb along part of the property. City standards require such improvements.

However, this property is not the subject of a current development land use review, which provides the legal nexus and proportionality to require such improvements. As such, the only option is for the property owner to be required to sign and record an irrevocable consent to local improvement district, though, the applicant could improve the frontages if desired.

The City's Transportation Systems Plan designates Pittsburg Road as a Minor Arterial and if improved, would be subject to Minor Arterial standards. The existing right-of-way width is about 30 feet from centerline and is sufficient for this classification of street, thus, if the property is improved or divided, right-of-way dedication would not be necessary for Pittsburg Road. Helens Way is designated as a Local Street and is subject to Local Street standards. The existing right-of-way width varies, with the narrowest width at only approximately 32 feet wide. Thus, if the property is improved or divided, right-of-way dedication would likely be required to meet the 50 foot minimum width standard for Local Streets.

(e) The subject property is designated residential but is only approximately 1.8 acres in size. Thus a needs analysis is not necessary.

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

SHMC 17.28.030 (2) – Annexation criteria

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

Discussion: The Comprehensive Plan designation is currently Rural Suburban Unincorporated Residential, RSUR. Upon annexation, the Comprehensive Plan designation would thus be (incorporated) Suburban Residential, SR. Given the subject property's size (<2 ac.), there are two zoning options:

- 1) Suburban Residential, R10
- 2) Moderate Residential, R7

Finding: The subject property shall be designated Suburban Residential, SR and zoned Suburban Residential, R10 or Moderate Residential, R7 upon annexation depending on the determinations of the Commission and Council.

The Planning Commission recommends R7. At the Commission's public hearing the applicant stated that they would prefer R7.

SHMC 17.112.020 – Established & Developed Area Classification criteria

- (1) Established Area.
 - (a) An “established area” is an area where the land is not classified as buildable land under OAR 660-08-0005;
 - (b) An established area may include some small tracts of vacant land (tracts less than an acre in size) provided the tracts are surrounded by land which is not classified as buildable land; and
 - (c) An area shown on a zone map or overlay map as an established area.
- (2) Developing Area. A “developing area” is an area which is included in the city’s buildable land inventory under the provisions of OAR except as provided by subsection (1)(b) of this section.

Discussion: OAR 660-008-0005 generally defines “Buildable Land” as vacant residential property not constrained by natural hazards or resources, and typically not publicly owned. There are no inventoried or known natural hazards on the subject property. It is also privately owned and underdeveloped (i.e., a greater density is possible). As such, the subject property can be classified as a “developing area.”

Finding: The subject property should be designated as “developing” in accordance with SHMC 17.112.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Suburban Residential, SR, and be zoned Suburban Residential (R10) or Moderate Residential (R7) and designated as “developing.”

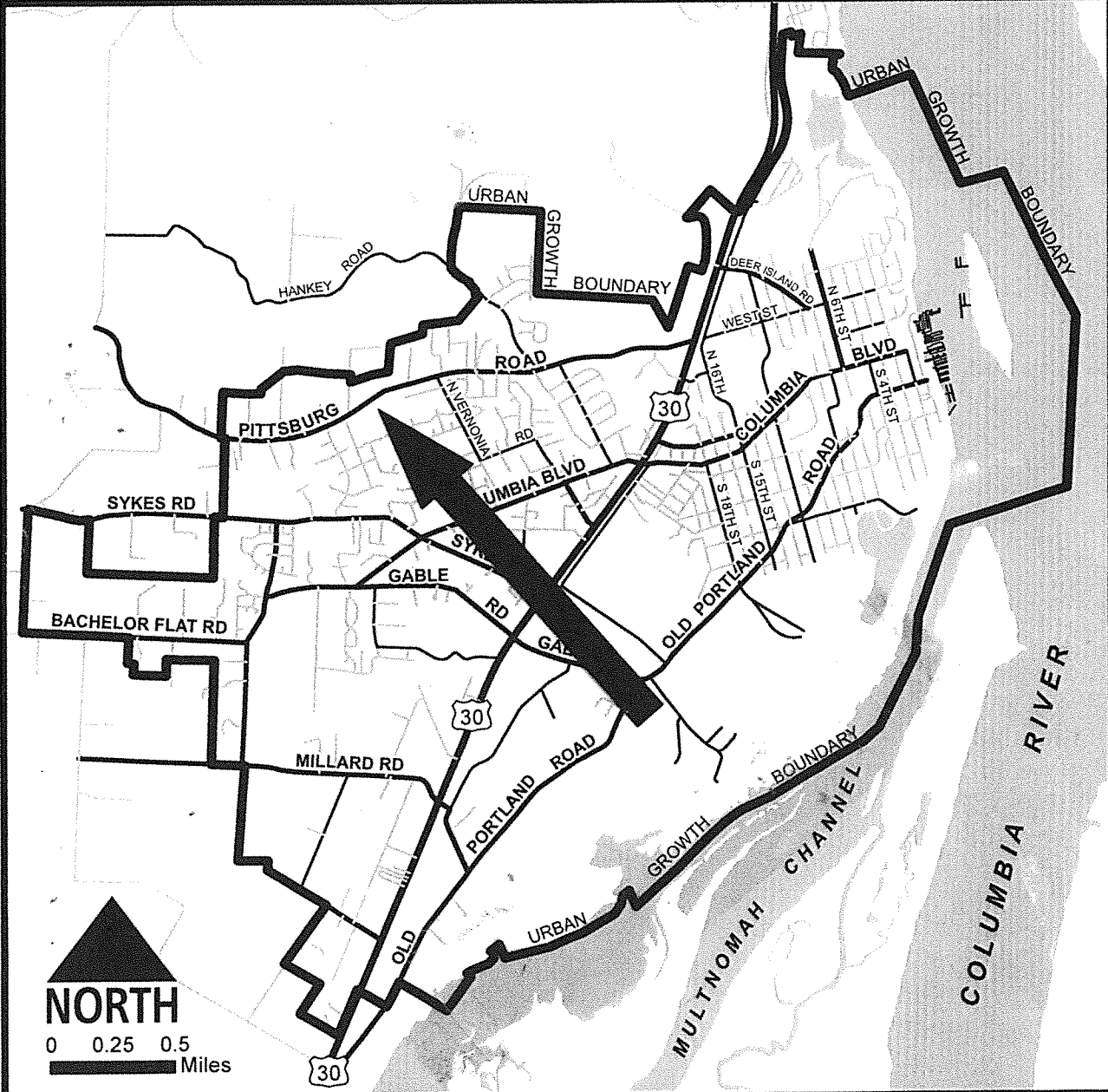
The Planning Commission recommends the R7 zoning district.

****This annexation will also be subject to voter approval subsequent to this land use process.****

Attachment(s): Area Map
Aerial Map
Legal Description Map
Legal Description
Comparison of R10 and R7 Zones Table

SUBJECT PROPERTY

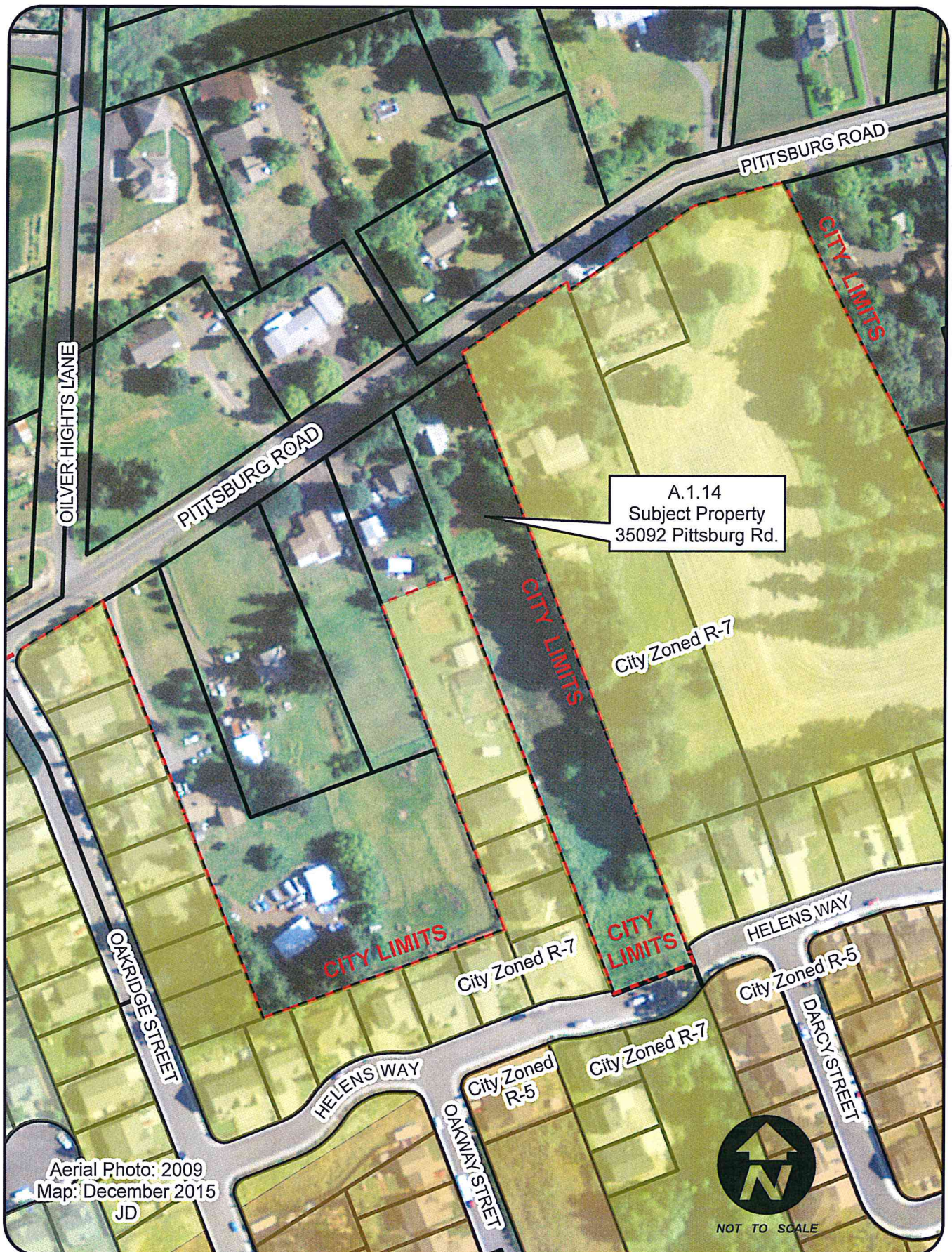
~ Approximate Location ~

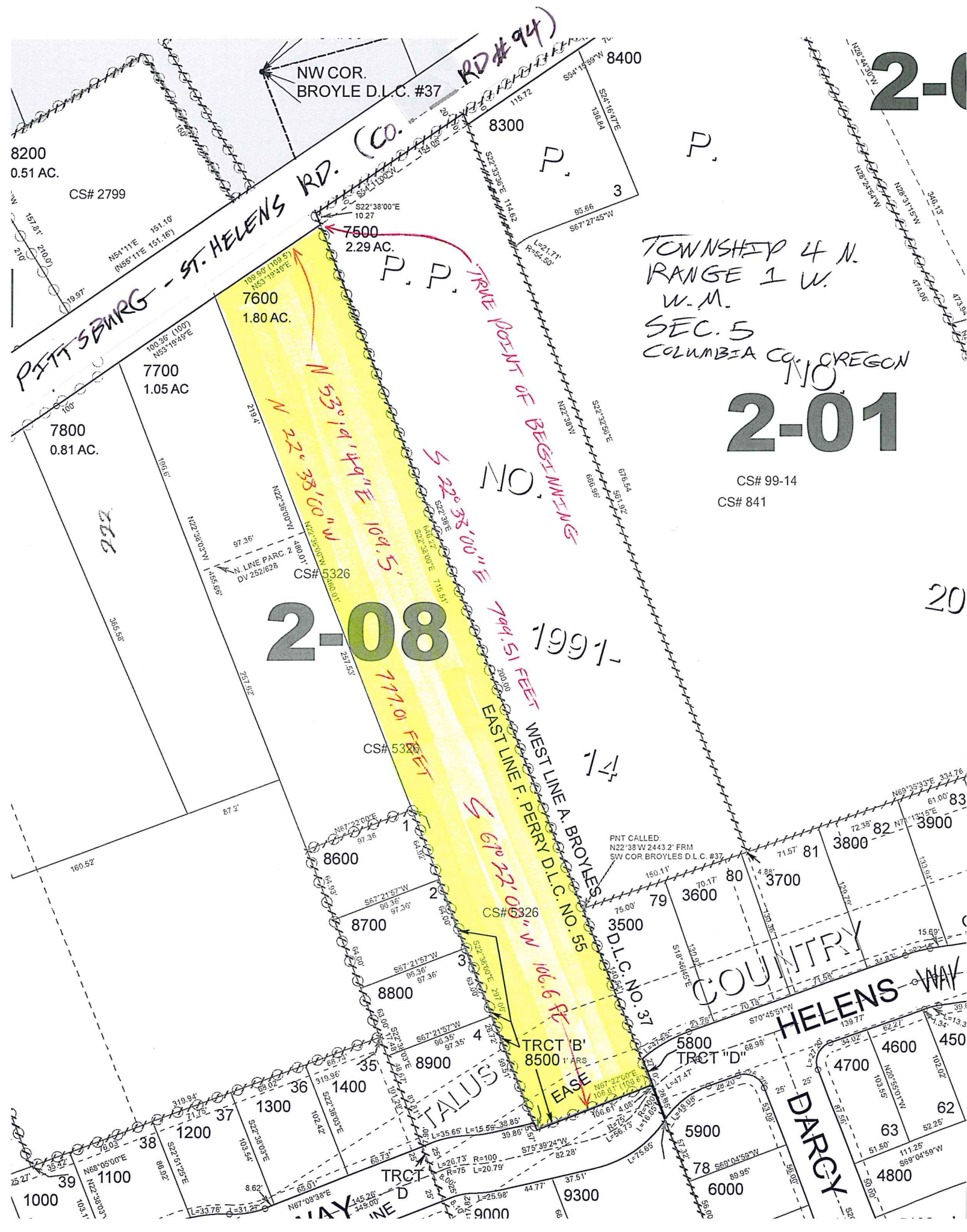


City of St. Helens Urban Growth Boundary Area Vicinity

jag/Dec. 2013

Annexation A.1.14 Aerial Map





Legal Description

Beginning at the Northwest corner of Partition Plat No. 1991-14, Columbia County, Oregon;

Thence South $22^{\circ}38'00''$ E 10.27 feet to the **True Point of Beginning**;

Thence South $22^{\circ}38'00''$ E 799.51 feet;

Thence South $67^{\circ}22'00''$ W 106.6 feet;

Thence North $22^{\circ}38'00''$ W 777.01 feet to the south side of the Pittsburg—St. Helens Road (County Road No. 94) right-of-way;

Thence North $53^{\circ}19'49''$ E along said Southerly right-of-way line 109.5 feet to the **True Point of Beginning**.

Zoning District:	<u>R10</u>	<u>R7</u>
Density:	low	med
Minimum Lot Size (square ft):	10,000	7,000
Lot Dimensions:	large	med
Max Lot Coverage:	35%	35%
Max Building Height:	35'	35'

PERMITTED USES:

Home Child Care	Y	Y
Home Occupations	Y	Y
Public Facility, Minor	Y	Y
Public Park	Y	Y
Residential Facility	Y	N
Residential Home	Y	Y
Single Family Dwelling, Detached	Y	Y

CONDITIONAL USES:

Auxiliary Dwelling Units	Y	Y
Bed & Breakfast, Homestay, Boarding House	Y	N
Children's Day Care/Day Nursery	Y	Y
Cultural Exhibits & Library Services	Y	N
Community Recreation Including Structures	N	Y
Duplex	N	Y
Neighborhood Store/Plaza	N	Y
Elderly/Convalescent Home (Care Facility)	Y	Y
Private Park	Y	Y
Public Facility, Major	Y	Y
Public Safety Facility	Y	Y
Religious Assembly	Y	Y

This table is not a substitute for the Development Code and is for general comparison only. January 2014

City of St. Helens
ORDINANCE NO. 3203

**AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE CHAPTERS
17.16, 17.24, 17.32, 17.88, 17.152, AND 18.32**

WHEREAS, pursuant to St. Helens Municipal Code 17.20.020(1)(c) the Planning Director initiated a legislative change to adopt text amendments to the Community Development Code (St. Helens Municipal Code Title 17) and the Engineering Standards Manual (St. Helens Municipal Code Title 18); and

WHEREAS, pursuant to the St. Helens Municipal Code and Oregon Revised Statutes, the City has provided notice to: the Oregon Department of Land Conservation and Development on December 2, 2015 and the local newspaper of record on December 30, 2015; and

WHEREAS, the St. Helens Planning Commission did hold a duly noticed public hearing on January 12, 2016, and following deliberation, made a recommendation of approval to the City Council; and

WHEREAS, the St. Helens City Council conducted a public hearing on January 20, 2016 and having the responsibility to approve, approve with modifications, or deny an application for a legislative change, has deliberated and found that based on the information in the record and the applicable criteria in the SHMC that the code amendments be approved.

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

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

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

Section 3. In support of the code amendments described herein, the Council hereby adopts the Findings of Fact and Conclusions of Law, attached hereto as **Attachment "B"** and made part of this reference.

Section 4. Severability. If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be servable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 5. Provisions of this Ordinance shall be incorporated in the St. Helens Municipal Code and the word "ordinance" may be changed to "code," "article," "section," or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that Whereas clauses and boilerplate provisions need not be codified.

Section 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: February 3, 2016

Read the second time: February 17, 2016

APPROVED AND ADOPTED this 17th day of February, 2016 by the following vote:

Ayes:

Nays:

Randy Peterson, Mayor

ATTEST:

Kathy Payne, City Recorder

underline words are added
~~words stricken~~ are deleted

CHAPTER 17.16 GENERAL AND LAND USE DEFINITIONS

17.16.010 General and land use definitions.

Words used in this Development Code have their normal dictionary meaning unless they are listed below. Words listed below have the specific meaning stated, unless the context clearly indicates another meaning.

The definition of words with specific meaning in the Development Code are as follows:

[...]

~~“Excavation” means removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.~~

Excavation. The removal, placement, or replacement of earth or manmade materials as necessary to facilitate development of buildings and/or infrastructure, not including natural mineral resources development.

[...]

~~“Mining and/or quarrying” means the~~ The extraction of minerals including: solids, such as sand, gravel, rock, coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as part of a mining activity. See ~~“surface mining.”~~

[...]

~~Surface Mining. As per ORS [517.755](#)(14)(a):~~

~~Surface Mining includes all or any part of the process of mining minerals by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method by which more than 5,000 cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of 12 consecutive calendar months, including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits (except those constructed for use as access roads).~~

[...]

CHAPTER 17.24 PROCEDURES FOR DECISION-MAKING – QUASI-JUDICIAL

[...]

17.24.120 Notice of decision by the director.

(1) Notice of the director's decision on an application pursuant to SHMC 17.24.090 shall be given by the director in the following manner:

(a) Within 10 working days of signing the proposed decision, notice shall be sent by mail to:

(i) The applicant and all owners or contract purchasers of record of the property which is the subject of the application for the following types of director decisions:

- (A) Minor modifications to site design reviews ~~or conditional use permits~~;
- (B) Nonconforming status;
- (C) Sign permits;

(ii) All surrounding property owners of record of property within the applicable notice area of the property for the following types of director decisions:

(A) ~~Lot line adjustments, h~~Home occupations – Type I, unlisted uses: abutting properties;

(B) Lot line adjustments, Mmajor site design reviews, minor modifications to conditional use permits, home occupations – Type II, sensitive lands, temporary uses, accessory structures: 100 feet;

(C) Land partitions: 200 feet;

(D) Expedited land divisions: 300 feet.

(iii) For home occupations – Type II, see SHMC 17.120.060.

~~(iii)~~ (iv) Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city which includes provision for such notice. For subject sites located adjacent to a state roadway or where proposals may have an impact on a state facility, notice of the decision shall be sent to ODOT; and

~~(iv)~~ (v) Any person who requests, in writing, and pays the required fee established by the council.

[...]

CHAPTER 17.32 ZONES AND USES

[...]

17.32.140 Heavy Industrial – HI.

[...]

(2) Uses Permitted Outright. In the HI zone the following buildings and uses are permitted after compliance with the provisions of this section and others of this code:

[...]

~~(i) Natural mineral resources development including necessary building, apparatus and appurtenances for rock, sand, gravel and mineral dredging, processing and stockpiling and all types of mineral recovery or mining, excluding smelters and ore reduction.~~

~~(j)~~ (i) Nursery/greenhouse operation and sales.

~~(k)~~ (j) Public facility, minor.

~~(l)~~ (k) Transmitting and/or receiving towers with or without broadcasting facilities.

~~(m)~~ (l) Trucking yards/terminals, including warehousing.

~~(n)~~ (m) Utility distribution plants and service yards.

~~(o)~~ (n) Wholesaling, warehousing and storing of automobiles, trucks, buses, consumer goods, contractors' equipment, building materials, food products, liquid fuel, household goods, ice, lumber (except log storage or ponding), and such.

[...]

(3) Conditional Uses. In the HI zone, in addition to the buildings and uses permitted outright, a conditional use permit can be granted for the following buildings and uses:

[...]

(e) Natural mineral resources development including necessary building, apparatus and appurtenances for rock, sand, gravel and mineral extraction and dredging, processing and stockpiling and all types of mineral recovery or mining, excluding smelters and ore reduction.

~~(f)~~ (f) On-site retailing of product manufactured, processed, etc., on site.

~~(g)~~ (g) Permitted uses which require special permits from the Oregon Department of Environmental Quality.

~~(h)~~ (h) Public parks.

~~(i)~~ (i) Public facilities, major.

~~(j)~~ (j) Public safety and support facilities.

~~(k)~~ (k) Recycling collection center.

~~(l)~~ (l) Solid waste disposal site or transfer station.

~~(m)~~ (m) Special hazardous uses such as:

(i) Two thousand gallons or more of flammable (Class I or II) materials.

- (ii) Fifty gallons or more of unstable liquids, fireworks, blasting agents or explosives.
 - (iii) Magazines, Class II (Class I magazines are not permitted).
 - (iv) Five hundred pounds or more or 200 gallons or more of hazardous chemicals, including corrosive liquids, flammable solids, highly toxic materials, oxidizing materials, poisonous gases and any amount of radioactive materials.
 - (v) Unstable (reactive) chemicals, including organic peroxides and nitromethane.
 - (vi) Fifty pounds or more of ammonium nitrate.
 - (vii) Two thousand or more gallons of liquefied petroleum gases.
- ~~(m)~~ (n) Storage facilities such as personal lockers/garages and for recreational-type vehicles.
- ~~(n)~~ (o) Temporary asphalt batching (six months maximum).
- ~~(o)~~ (p) Travel trailer parks.
- ~~(p)~~ (q) Wrecking and junkyards.

CHAPTER 17.88

SIGNS

[...]

17.88.060 Commercial/industrial sign district.

[...]

(2) Maximum Sign Height.

[...]

(c) Pole signs permitted in the commercial/industrial sign district shall not exceed 24 feet in height ~~on the west side of Columbia River Highway (Highway 30) and, except such signs located along Milton Way between Port Avenue and Milton Creek shall not exceed 45 feet in height on the east side of Columbia River Highway (Highway 30) between Gable Road and Milton Creek Bridge on Milton Way.~~

[...]

CHAPTER 17.152 STREET AND UTILITY IMPROVEMENT STANDARDS

[...]

17.152.175 Bikeways and off-street trails

(1) Developments adjoining or containing proposed bikeways and off-street trails identified on the adopted pedestrian/bikeway plan within adopted City plans, including but not limited to the Transportation Systems Plan (2011) and the Parks and Trails Master Plan (2015), shall include provisions for the future extension of such bikeways and off-street trails through the dedication of easements or rights-of-way (subject to constitutional limitations).

(2) Development permits issued for planned unit developments, conditional use permits, subdivisions, and other developments which will principally benefit from such bikeways and/or off-street trails shall be conditioned to include the cost or construction of bikeway and/or off-street trail improvements (subject to constitutional limitations).

(3) Minimum width for bikeways within the roadway is six feet per bicycle travel lane. Minimum width for two-way bikeways separated from the road is eight feet.

(4) Minimum off-street trail width is determined by the trail function and classification from Chapter 6 of the Parks and Trails Master Plan attached to Ordinance No. 3191 as Attachment A.

[...]

CHAPTER 18.32 BICYCLE/PEDESTRIAN FACILITIES

18.32.010 General requirements

[...]

(2) Bicycle facilities shall be constructed along routes identified ~~on~~ in the adopted ~~pedestrian/bikeway plan~~ Comprehensive Plan and all addendums thereof.

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Development Code Amendments ZA.3.15**

APPLICANT: City of St. Helens
LOCATION: City-wide
PROPOSAL: Amendments to the development code regarding clarifying uses in the HI zone, general housekeeping amendments, and amendments to help facilitate off-street trail development in accordance with the recently adopted Parks & Trails Master Plan.

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

BACKGROUND

These code amendments can be broken down into three parts.

One aspect clarifies definitions and use in the HI zone as it applies to excavation, mining and natural mineral resources development. It also addresses dated Oregon Revised Statue reference.

Another aspect will help facilitate the development of the trail proposals identified in Chapter 6 of the Parks and Trails Master Plan (“the Plan”). The Plan was adopted in January 2015 and updated the 1999 Parks Master Plan. It was the first Master Plan in St. Helens to examine the existing trail inventory and propose trail route recommendations.

The other aspect are general “housekeeping” amendments.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: January 12, 2016 before the Planning Commission and January 20, 2016 before the City Council.

At their Jan. 12, 2016 meeting, the Planning Commission unanimously (w/ two absent members) recommended approval of the proposed amendments (attached).

Notice was published in the The Chronicle on December 30, 2015. Notice was sent to the Oregon Department of Land Conservation and Development (DLCD) on December 2, 2015. Notice was sent to agencies by mail or e-mail on December 23, 2015

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.20.120(1) – Standards for Legislative Decision

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, including compliance with the Transportation Planning Rule, as described in SHMC 17.08.060;
- (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.

(a) Discussion:

The statewide planning goals that technically apply or are related to this proposal are Goal 1, Goal 2, Goal 5, Goal 8, and Goal 11.

Finding: Statewide Planning Goal 1: Citizen Involvement.

This goal 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. The City has met these requirements and notified DLCD of the proposal.

The public engagement process for the Parks and Trails Master Plan was very comprehensive. There were over 15 input gathering sessions that began in October 2013 with the Parks Commission, the Bicycle and Pedestrian Commission, and the Planning Commission, all of which were open to the public. Current park and trail levels of satisfaction were collected through a month-long, online survey, the results of which are memorialized in the Needs Assessment in Chapter 5. A well-attended Parks and Trails Public Forum was held on April 16, 2014 where residents were given a presentation of draft park and trail proposals and had the option to record their feedback publicly or complete a hardcopy comment worksheet. Additional park and trail feedback was gathered from various service groups, clubs, and one-on-one interviews throughout the planning process. More details about the public engagement process is listed in the Needs Assessment of Chapter 5 of the Parks and Trails Master Plan.

Given the substantial amount of public vetting for the Plan, scheduled public hearings, and notice provided, Goal 1 is satisfied.

Finding: 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 and State (i.e., DLCD) coordinated with regard to the adoption of this proposal.

County-wide data and priorities from the Statewide Comprehensive Outdoor Recreation Plan (SCORP) 2013-2017 created by the Oregon Parks and Recreation Department (OPRD) were addressed in Chapter 5 of the Plan. City of St. Helens Comprehensive Plan consistency is addressed further below. There are no other known federal or regional documents that apply to this proposal.

Given the inclusion of local, state, regional and federal documents, laws, participation and opportunity for feedback as applicable, Goal 2 is satisfied.

Finding: Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces.

It is the purpose of this goal to protect natural resources and conserve scenic and historic areas and open spaces.

Natural resource areas play an important role in the balance of an active and passive parks and recreation system. Many city parks contain natural areas that afford a passive recreational experience. There are also natural areas, such as Dalton Lake Recreation Area that play a critical role in the overall park system. The Parks and Trails Master Plan addresses these areas and identifies future projects that will enhance the overall natural resource system, supporting the intent of Goal 5. Therefore, Goal 5 is satisfied.

Finding: Statewide Planning Goal 8: Recreational Needs

It is the purpose of this goal to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of the necessary recreational facilities including destination resorts.

The Parks and Trail Master Plan's purpose is to establish the long-term framework for enhancing the livability of the community for residents, employees, and visitors for the next 10-15 years. The provision of parks, trails, and recreation facilities and amenities is a crucial aspect of the Plan. Given that the development and implementation of the Plan plays a keystone role in satisfying the recreational needs of citizens of the state, and visitors to the community, Goal 8 is satisfied.

Finding: Statewide Planning Goal 11: Public Facilities and Services

It is the purpose of this goal to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Ensuring proposals for parks and recreation amenities are located at equal intervals and are easily accessible for all residents throughout the community has been an important consideration throughout the planning process. Namely, an identified need for parkland on the west side of US Highway 30 has been addressed through park project recommendations. Further, incorporating a Trails Master Plan into the Parks Master Plan has ensured the trail network proposals are efficiently arranged, taking into consideration the location of existing parks and future park projects. For these reasons, Goal 11 is satisfied.

The proposed amendments to the St. Helens Comprehensive Plan are either consistent with the intent of the Statewide Goals, or the Goals are not applicable because the plan does not affect issues addressed by the Goal.

(b) Discussion: This criterion requires analysis of any applicable federal or state statutes or guidelines. There are no applicable federal statutes.

In regards to the Parks and Trails Master Plan, the applicable state guideline is the 2013-2017 Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP). The SCORP is Oregon's five-year plan for outdoor recreation. It also provides guidance for Oregon Parks and Recreation Department (OPRD) grant programs. The OPRD supports the implementation of key statewide and local planning recommendations through partnerships and OPRD-administered grant programs.

In regards to other aspects of the proposed code amendments the definition of "surface mining," which references and outdated ORS citation is being eliminated as unnecessary.

Finding: County-wide data and priorities from the 2013-2017 SCORP were addressed in Chapter 5 of the Parks and Trails Master Plan. Specifically, Columbia County's top ranked recreation needs for the future as assessed by the SCORP's public involvement process are public access sites to waterways, soft surface walking trails and paths, and children's playgrounds made of natural materials. All these priorities are incorporated in the Plan's list of high priority park and trail projects.

(c) Discussion: This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices, and maps. Organized by section, applicable Comprehensive Plan policies include:

Finding: SHMC 19.08.040 Transit Policies

- (3)(g) *Plan and develop street routes to help alleviate Hwy 30's traffic load*
- (3)(j) *Develop a plan for walking trails*
- (3)(k) *Maintain, implement and update the bikeway plan*

The Parks and Trails Master Plan (an adopted addendum to the Comprehensive Plan) includes 18 mostly off-street trail route proposals totaling 10.17 miles, 3 bicycle and 3 pedestrian fitness routes that utilize existing pedestrian infrastructure, and a trail classification system with design trail feature examples. Full implementation of the on-street and off-street trail proposals may help to reduce US Highway 30's traffic load, by reducing the number of local trips that require a car. The Plan satisfies these criteria.

Finding: SHMC 19.08.060 Natural Factors and Local Resources Policies

- (3)(a) *Participate in resource management planning through participation in collective federal, State, and regional agency planning programs.*
- (3)(b) *Consider airshed and water resources capacities in reviewing all plans, ordinance and permits for land development actions.*
- (3)(e) *Encourage the preservation of those forest lands between Columbia City and St. Helens.*
- (3)(f) *Encourage the preservation, restoration, and functionality of the open space corridors or rezone to open space zone the following lands:*
 - (i) *The canyon-area adjoining Godfrey Park.*
 - (ii) *The unimproved gullies and creekbed systems.*
 - (iii) *The lands along significant riparian corridors and connecting wetlands.*
- (3)(g) *Direct development away from the Willamette River Greenway to the maximum extent possible; provided, however, lands committed to the urban uses within the Greenway shall be allowed to continue, and to intensify provided the activity is water-related or water-dependent. The City shall prohibit new non-water related or non-water dependent uses*

from within 150 feet of the Willamette River Greenway.

Parks, open space designations, and hiking trails offer a way to preserve and restore the functionality of natural areas, while also offering substantial public benefit. Open space and natural areas provide opportunities for passive recreation and a place to gain a deeper appreciation for nature. The construction of low-impact hiking trails can guarantee that an open space corridor, like the unimproved gullies and valleys on the east side of Hwy 30 remain natural and will not be lost to future development. Likewise, developing Dalton Lake Recreation Area as a nature park as the plan suggests, will “encourage the preservation of the forested lands between Columbia City and St. Helens” and will encourage further restoration because of its nature park designation. The Plan satisfies these criteria.

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Council approves the proposed text amendments to the Development Code related to clarifying uses in the HI zone, general housekeeping amendments, and amendments to help facilitate off-street trail development in accordance with the recently adopted Parks & Trails Master Plan.

Randy Peterson, Mayor

Date

EXTENSION OF PERSONAL SERVICES AGREEMENT

This Extension is made on February 3, 2016, between City of St. Helens, an Oregon municipal corporation (“St. Helens”), and **ECONorthwest** (“Contractor”).

RECITALS

A. WHEREAS, on or about July 9, 2015, St. Helens and Contractor entered into an agreement (“Agreement”) in which Contractor agreed to provide Economic Analysis Services (“Services”); and

B. WHEREAS, Paragraph 4 of the Agreement provides that the agreement terminates on January 31, 2016, and that the City reserves the right to extend the contract for a period of six (6) months in three (3) month increments; and

C. WHEREAS, St. Helens and Contractor mutually desire to extend the term of the agreement for an additional year.

AGREEMENT

NOW, THEREFORE, the parties mutually agree as follows:

1. The termination date of the agreement signed on or about July 9, 2015, shall be amended to reflect a **termination date of April 30, 2016**, unless earlier terminated according to the terms of the Agreement.

2. All other terms and conditions of the Agreement, as previously amended, shall remain in full force and effect other than as specifically amended herein.

ST. HELENS:

CONTRACTOR:

CITY OF ST. HELENS, an Oregon
municipal corporation

ECONorthwest

By:_____

By:_____

Name:_____

Name:_____

Its:_____

Its:_____

CONTRACT PAYMENTS

City Council Meeting
February 3, 2016

Firwood Design Group, LLC

Project: S-636 Pump Station #7 Upgrade (Inv#11079)	\$	2,703.75
--	----	-----------------

Murray, Smith & Associates, Inc.

Project: SD-146 Godfrey Park Storm (Inv#09-1078-71)	\$	1,408.00
---	----	-----------------

KP



Firwood Design Group, LLC
SURVEYING • ENGINEERING • PLANNING

INVOICE

Invoice # 11079

To: City of St. Helens
Attn: City Administrator
PO Box 278
St. Helens, OR 97051

RECEIVED

January 14, 2016

JAN 22 2016

CITY OF ST. HELENS

Project: E15-009

Engineering Services

For engineering services related to requested improvements on wastewater pump station, Lift Station No. 7. Services are for the period between December 1, 2015 and December 31, 2015. This is a progress billing.

Engineering Services:

Senior Project Engineer, 19.75 hrs. @ \$105.00/hr.	=	\$ 2,073.75
Administrative Assistant, 2 hrs. @ \$55.00/hr.	=	\$ 110.00

Reimbursable - R&W Engineering Invoice #237894	\$ 520.00
--	-----------

Total Amount Due

\$ 2,703.75

Payment is appreciated upon receipt of this invoice.

For your convenience, we accept payment by Visa/MasterCard/American Express.

APPROVED FOR PAYMENT

INIT	DATE
<u> </u>	<u> </u>
ACCOUNTS PAYABLE	
FINANCE	1/27/16
SUPERVISOR	1-27-16

010-303-653306
S-636 Pump Station
#7 Upgrade



E15-009

Firwood Design Group
Erik Hoovestol
39065 Pioneer Blvd, Suite 104
Sandy, OR 97055

Invoice number 237894
Date 12/25/2015

Project 1179007 Lift Station #7 Upgrade

Project # 1179.007.001 Lift Station #7 Upgrade - Replace pumps and electrical controls for sewer lift station

002 Bidding and Construction

Labor

Sr. Engineer - II

Hours	Rate	Billed Amount
4.00	130.00	520.00

Invoice total 520.00

Approved by:

Gregg H. Scholz, P.E.

KP

RECEIVED

JAN 22 2016

CITY OF ST. HELENS

MSA

Murray, Smith & Associates, Inc.
Engineers/Planners

121 S.W. Salmon, Suite 900 • Portland, Oregon 97204-2919 • PHONE 503.225.9010 • FAX 503.225.9022

Ms. Sue Nelson
City Engineering Supervisor
City of St. Helens
PO Box 278
St. Helens, OR 97051

January 19, 2016

Invoice No: 09-1078 - 71

Project 09-1078 Sanitary Sewer Rehabilitation Program

For professional engineering services performed through December 31, 2015

Task 310 PM - Godfrey Park

Labor

	Hours	Rate	Amount
Professional Engineer V	.50	138.00	69.00
Total	.50		69.00
Labor Subtotal			69.00
Task Total			\$69.00

Task 370 Engineering Support Services during Construction - Godfrey Park

Labor

	Hours	Rate	Amount
Principal Engineer III	.50	194.00	97.00
Professional Engineer V	9.00	138.00	1,242.00
Total	9.50		1,339.00
Labor Subtotal			1,339.00
Task Total			\$1,339.00

Invoice Total **\$1,408.00**

APPROVED FOR PAYMENT

INIT	DATE
<u>gpc</u>	<u>1/27/16</u>
<u>sn</u>	<u>1/27/16</u>

ACCOUNTS PAYABLE
FINANCE
SUPERVISOR

010-304-653409
SD-146 Godfrey Park Storm

APPOINTMENTS TO ST. HELENS CITY BOARDS AND COMMISSIONS

City Council Meeting ~ February 3, 2016

Pending applications received:

<u>Name</u>	<u>Interest</u>	<u>Date Application Received</u>	<u>Referred by Email To Committee(s)</u>
• Elizabeth Wallace	Library Board	1/19/16	1/19/16

Arts & Cultural Commission (3-year terms)

- Kannikar Petersen's term expired 9/30/2015. She would like to be reappointed.

Status: At their January 26 regular meeting, the Commission unanimously recommended reappointment of Kannikar Petersen.

Next Meeting: February 23, 2016

Recommendation: Reappoint Kannikar Petersen.

Bicycle & Pedestrian Commission (3-year terms)

- Dave Ehrenkranz resigned. His term expires 12/31/2015.
- Matt Freeman resigned. His term expires 12/31/2015.
- Ray Scholl resigned. His term expires 12/31/2015.
- Dave Woullet resigned. His term expired 12/31/2014.
- Angela Barlow resigned. Her term expires 12/31/2016.
- Simon Date resigned. His term expires 12/31/2016.
- Martin Kennedy resigned. His term expires 12/31/2016.

Status: Currently, the Commission has 5 members and 5 vacancies.

Next Meeting: February 25, 2016

Recommendation: None at this time.

Library Board (4-year terms)

- Casey Jolissaint is stepping down. Her term expires 6/30/2017.

Status: A press release was sent out on November 25 to recruit applicants. We have not received any applications as of packet time.

Next Meeting: January 19, 2016

Recommendation: None at this time.

City of St. Helens RESOLUTION NO. 1648

A RESOLUTION ESTABLISHING GUIDELINES FOR THE APPOINTMENT OF ST. HELENS BOARD, COMMITTEE AND COMMISSION MEMBERS, SUPERSEDING RESOLUTION NO. 1521

WHEREAS, the City Council wished to establish the same guidelines for recruitment, interviews and appointments for all City boards, committees and commissions, and adopted Resolution No. 1521 on August 12, 2009; and

WHEREAS, Resolution No. 1521 established general recruitment, selection and appointment guidelines for appointments to the City of St. Helens boards, committees and commissions; and

WHEREAS, the Council wishes to update the guidelines adopted in Resolution No. 1521 to better meet the needs of the City.

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

1. The City Recorder shall send a press release to the local newspaper of record announcing all board, committee and commission vacancies as they become available. A "vacancy" is defined as an unoccupied position, resulting from a voluntary resignation or involuntary termination. A member whose term expired does not create a vacancy, unless that member is resigning at the end of his/her term or the majority of the board, committee or commission wishes to terminate said member.
2. Any individual or group is encouraged to submit names for consideration to the City.
3. All new applicants shall submit a written application to the City Recorder's Office.
4. Members wishing to continue their appointment for another term will inform the City Recorder but need not submit a new application. If a member has served two consecutive full terms, a press release shall be sent to the local newspaper of record, each subsequent term expiration thereafter, to solicit new applications for that position. The incumbent may be reappointed at the discretion of the interview panel and City board, committee or commission. If an individual has been off a City board, committee or commission for a year or more, they must complete a new application.
5. The recruitment period to the board, committee or commission shall be for a finite period. At the end of the advertising period, the Council liaison shall determine if the pool of candidates is sufficient to continue with the selection process or may continue the recruitment period for a set or unlimited period until it is determined there is a sufficient pool of candidates.
6. The Council liaison to the board, committee or commission shall be responsible to assemble an interview committee. The interview committee shall be responsible to make recommendations via the Council liaison to the Mayor and City Council.
7. Appointments must comply with any ordinances, bylaws, Charter provisions, or state or federal laws concerning the board, committee or commission. In the event of any inconsistency between these policies and a chapter relating to a specific board, committee or commission, the specific chapter shall control.
8. In order to become more familiar with each applicant's qualifications, the interview committee may interview all or a shortlist of applicants for a position. The number of applicants to be interviewed is at the interview committee's discretion. The interview committee also has the discretion to reject

all applications in favor of re-advertising if no applicants are found to be suitable for the board, committee or commission.

9. Reappointments to a City board, committee or commission shall be considered in accordance with the guidelines listed in this section, together with the type of service the individual has already given to the board, committee or commission and his/her stated willingness to continue.
10. Consideration should be given to residents outside the City when the board, committee or commission or function serves residents outside City boundaries.
11. Board, committee or commission members shall not participate in any proceeding or action in which there may be a direct or substantial financial interest to the member, the member's relative or a business with which the member or a relative is associated, including any business in which the member is serving on their board or has served within the previous two years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential conflict of interest shall be disclosed at the meeting where the action is being taken.
12. Board, committee or commission vacancies are filled by appointment of the Mayor with the consent of Council. Board, committee or commission members shall serve without compensation except the Planning Commission that may receive a monthly stipend at the discretion of the City Council.
13. Individuals appointed to one City board, committee or commission shall not serve on any other City board, committee or commission during the term of their appointment; provided, that the Council may waive this limitation if it is in the public interest to do so.

PASSED AND ADOPTED by the City Council on this 18th day of December, 2013, by the following vote:

Ayes: Locke, Carlson, Conn, Morten, Peterson

Nays: None

/s/ Randy Peterson
Randy Peterson, Mayor

ATTEST:

/s/ Kathy Payne
Kathy Payne, City Recorder

City of St. Helens
Library Board
Minutes from Tuesday, November 17, 2015
Columbia Center Auditorium

Members Present

Barbara Lines, Past-Chair
Marsha Caton, Chair
Nancy Herron, Vice-Chair
Mary Ellen Funderburg
An Der Chang

Members Absent

Vanessa Jones
Casey Jolissaint

Guests

Councilors in Attendance

N/A

Staff Present

Margaret Jeffries, Library Director



CALL MEETING TO ORDER: The meeting was called to order at 7:20 p.m. by Chair Marsha Caton.

INVITATION TO CITIZENS FOR PUBLIC COMMENT: No public comment.

PREVIOUS MEETING MINUTES: Minutes approved with changes to meeting date.

AGENDA REVISIONS: Agenda was changed to include two additional items: Changing April's meeting date and time and forming a sub-committee to interview a new board member.

CHANGING THE APRIL MEETING'S DAY AND TIME: Director Margaret Jeffries moves that the April meeting date be changed from April 19, 2016 to April 12, 2016 to coincide with National Library Week. Jeffries would like to honor the Library's volunteers at a reception potentially to be held offsite. The meeting time will be changed to 6:15 and will be held at the Library. The reception will start at 7:30. The Board approved the change in time and date for the April 19, 2016 meeting.

REVIEW OF BYLAWS: The Board reviewed the changes made to the Library Board By-laws by the City Attorney. Director Jeffries will ask the Attorney for clarification regarding additions to Article 8: Board Goals and Responsibilities. The Board reviewed SHMC 2.28.090 regarding the acceptance of donations and fundraising dollars.

STRATEGIC PLANNING DISCUSSION: Director Jeffries spoke with Penny Hummel of Library Strategies about the St. Helens Public Library 5-year Plan.

SUB-COMMITTEE TO INTERVIEW NEW BOARD MEMBER: Past-Chair Barbara Lines and Member Mary Ellen Funderburg will interview applicants for the Library Board. Member Nancy Herron volunteered to serve as a back-up if needed. Director Jeffries would like to see applicants that can bring a variety of perspectives to the Board.

LIBRARY DIRECTOR'S REPORT: N/A

COUNCILOR'S REPORT: N/A

FRIENDS' REPORT: The Friends discussed the ongoing book sale in the lobby of the Library. The Friends volunteered to help Youth Librarian Nathan Jones at the Kiwanis Children's Fair.

NEXT MEETING:

The next regular meeting is scheduled for Tuesday, December 15, at 7:15 p.m. in the Auditorium.

Members need to bring all relevant materials to each meeting.

ADJOURNMENT:

The meeting was adjourned at 8:27 p.m. by Chair Caton.

CR

Respectfully submitted by:

Library Director, Margaret Jeffries

2014-2015 Library Board Attendance Record

P=Present E=Excused Absence U=Unexcused Absence

Date	Bensen	Caton	Chang	Jolissaint	Lines	Mann	Woiccak
01/15/15	P	P	E	E	P	P	E
02/19/15	P	P	E	E	P	E	P
03/19/15	P	P	E	P	P	P	P
04/16/15	P	P	E	P	P	P	P
05/21/15	P	E	E	P	P	P	P
06/16/15	E	P	P	E	P	P	P
Date	Caton	Chang	Funderburg	Herron	Jolissaint	Jones	Lines
07/14/15	E	P	P	P	P	P	P
08/18/15	P	P	P	P	E	P	P
09/15/15	P	E	P	E	P	P	P
10/20/15	P	E	P	P	U	E	P
<u>11/09/15</u>	<u>P</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>E</u>	<u>E</u>	<u>P</u>
11/17/15	P	P	P	P	U	E	P
12/15/15							
01/19/16							
02/16/16							
03/15/16							
04/19/16							
05/17/16							
06/21/16							
07/19/16							

City of St. Helens

Arts & Cultural Commission

Minutes from Tuesday October 27, 2015

City Council Chambers

Members Present

Kannikar Petersen
Dillard Dillard, Vice Chair
Rosemary Imhof
Kevin Chavez, Chair
Susan Patterson

Members Absent

None

Guests

None

Councilors in Attendance

Susan Conn

Staff Present

Crystal Farnsworth, Communications Officer
Margaret Jeffries, Library Director



CALL MEETING TO ORDER

Chair Chavez called the meeting to order at 6:30 p.m.

VISITORS

There were no visitors.

AGENDA UPDATE

Commissioner Petersen proposed moving the sculpture discussion to the end of the meeting.

Chair Chavez said that Jensen would not be there, but he did speak with him over the phone.

There was no banner or bike rack updates to discuss.

Petersen said the bear still needs to be repaired, but they need to find someone who can work with a chainsaw to do the repairs. The damage is in the back piece. Vice Chair Dillard said that she will check with a few people that she knows who work with wood to see if anyone is interested in making the repairs. Petersen said they would need to submit a proposal.

FISCAL REPORT

The Commission reviewed the fiscal report.

STATUE PROPOSAL: PRESENTATION

Commissioner Petersen said that they still have to pay money to Suzanne Lee that is due to her. She was entitled to \$32k and did not receive the full amount. Petersen followed up with Jon Ellis.

CARVED PUMPKIN CONTEST

Commissioner Petersen said the winner was from Battle Ground, Washington. Second place went to Relay for Life. Third place went to local resident Shelly Mahar. Petersen said that next time, it would be good to promote the competition with hardcopies in addition to online promotion. Commissioner Patterson suggested that for next year, the brochure that was created be put on one page, instead of two pages like it was this year.

KICKSTARTER PROMOTIONAL VIDEO

Commissioner Petersen passed out a project timeline for the Gateway Sculpture Project Phase II and a funding spreadsheet. In addition to crowd funding, the Commission will also apply for several grants in 2016 to be awarded in 2017.

Petersen estimates that the cost of the project will be \$56,700. Regarding the matching fund amount line item (\$17,100), Petersen would like the City to match the Commission's fundraising amount dollar for dollar.

One idea that Petersen heard from the first Gateway Sculpture was to have an interpretive sign installed on the opposite side of the highway to explain what the sculpture and images mean. Petersen thinks this is a good idea to implement for the second Gateway Sculpture. Petersen suggests budgeting an additional \$3,000 per interpretive sign to be installed. This cost would be in addition to the proposed sculpture budget.

The Commission watched the video Tieton Stamp Mosaic online (<https://www.kickstarter.com/projects/653372946/tieton-stamp-mosaic-a-monument-to-small-town-post>). Petersen showed the Commission how a kickstarter campaign works and what kind of information is available on the website. Petersen talked with the sculpture artist about doing an etching of the sculpture as a thank you contribution gift. A community-made broach is another idea. Dillard said that Pacific Stainless made a commemorative pin that he handed out a few years ago with his laser cutter machine.

Petersen said that the Commission will need to network with different groups and have them network with their people. Producing a good video is the hook. People will decide whether they want to learn more about the project or not based on the video.

Petersen also suggested having a launch party, possibly at Columbia County Brewing where donations can also be collected.

Petersen will arrange a meeting with Jenny Dimsho with the City for 11 a.m. on Friday, October 30 to discuss the kickstarter page information.

ACC VACANCY: INTERVIEW APPLICANTS

Commissioner Petersen volunteered to be on the interview subcommittee. Imhof said she would also be there. Chavez said that he will be a backup person in case Petersen or Imhof can't make it.

Library Director Jeffries suggested using the Armstrong Room at the Library. Petersen also volunteered her office.

MAINTENANCE AND REPAIR

Commissioner Dillard will follow up with wood workers for necessary repairs. Patterson suggested a protective coating so that it will not rot. Commissioner Petersen agreed. The current coating is not good and Oregon weather degrades the sculpture.

COMMUNITY NEWS

Commissioner Petersen said that SHEDCO is trying to do a Let It Glow program again for Christmas. They are asking retail businesses to decorate their businesses and storefronts. This year, they are trying to make the project bigger. They are asking everyone – businesses, residents, government buildings, etc. – to decorate their buildings if they are located along the main street.

Jeffires said the next Thursday (November 5), the Library is hosting another Conversation Project about death and dying in partnership with Cambia Health and Oregon Humanities.

ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

NEXT MEETING

The next is scheduled for Tuesday, November 24, 2015 at 6:30 p.m.

✂

Submitted by:

Jennifer Johnson
Utility Billing Specialist

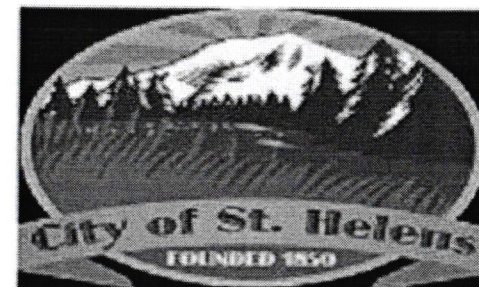
Present=P Absent=A

Date	Vac	Petersen	Dillard	Vac	Imhof	Chavez	Patterson
October 27, 2015	-	P	P	-	P	P	-

Accounts Payable

To Be Paid Proof List

User: jenniferj
 Printed: 01/21/2016 - 2:49PM
 Batch: 00007.01.2016 - 01/22 FY 15-16



Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description					Reference			
ACCELA, INC. #774375 4375 SOLUTIONS CENTER CHICAGO, IL 60677-4003 000496									
INV32419	12/31/2015	122.00	0.00	01/22/2016				False	0
012-106-554000 Contractual/consulting serv					DECEMBER 2015 IVR TRANSACTIONS				
INV32419 Total:		122.00							
ACCELA, INC. #774375 T		122.00							
AIRGAS USA, LLC P O BOX 7423 PASADENA, CA 91109-7423 AIRGAS									
9932749877	12/31/2015	47.43	0.00	01/22/2016				False	0
017-017-501000 Operating Materials & Sup.					CO2				
9932749877 Total:		47.43							
AIRGAS USA, LLC Total:		47.43							
AMPERSAND PRODUCTIONS, LLC 3405 SW 12TH AVENUE PORTLAND, OR 97239 AMPERSAN									
33	1/18/2016	500.00	0.00	01/22/2016				False	0
009-201-652000 Gateway project - phase I					FUNDRAISING VIDEO ACC RETAINER 50% IF TOTAL				

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description			Reference					
33 Total:		500.00							
AMPERSAND PRODUCT		500.00							
BALDWIN, NICHOLAS 33931 ROLLING HILLS DR. SCAPPOOSE, OR 97056 BALDWIN									
002605	1/13/2016	300.00	0.00	01/22/2016				False	0
001-000-237000 Restitution				RESTITUTION JOSHUA TENA					
002605 Total:		300.00							
BALDWIN, NICHOLAS T		300.00							
BANKCARD CENTER PO BOX 4021 ALAMEDA, CA 94501-0421 002197									
JAN 2016 4863	12/2/2015	265.16	0.00	01/22/2016				False	0
001-002-490000 Police Training/Supplies				COURTESY INN JOSE CASTILLEJA					
JAN 2016 4863	12/11/2015	1,113.75	0.00	01/22/2016				False	0
009-212-473200 Donute day event				KRISPY KREME DOUGHNUTS DONUT DAY					
JAN 2016 4863	12/7/2015	107.48	0.00	01/22/2016				False	0
001-002-457000 Office Supplies				OFFICE DEPOT					
JAN 2016 4863	12/11/2015	117.00	0.00	01/22/2016				False	0
009-212-473200 Donute day event				PRO PHOTO SUPPLY - DONUT DAY					
JAN 2016 4863	12/11/2015	170.00	0.00	01/22/2016				False	0
009-212-473200 Donute day event				HELENS PACIFIC COSTUMERS - DONUT DAY					
JAN 2016 4863	12/21/2015	299.00	0.00	01/22/2016				False	0
001-002-490000 Police Training/Supplies				LOUKA LLC PAYPAL WARRIOR WOMEN TRAINING					
JAN 2016 4863	12/23/2015	59.47	0.00	01/22/2016				False	0
001-002-473000 Miscellaneous Expense				KEURIG					
JAN 2016 4863	12/18/2015	225.00	0.00	01/22/2016				False	0
001-002-490000 Police Training/Supplies				OREGON DUII TRAINING B. THOMPSON					

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description				Reference				
JAN 2016 4863 Total:		2,356.86	✓						
JAN 2016 7727	12/23/2015	499.50	0.00	01/22/2016				False	0
017-017-501000 Operating Materials & Sup.				COLUMBIA RIVER HONDA 1/2 - GENERATOR					
JAN 2016 7727	12/23/2015	499.50	0.00	01/22/2016				False	0
018-018-501000 Operating Materials & Supplies				COLUMBIA RIVER HONDA 1/2 - GENERATOR					
JAN 2016 7727	12/17/2015	42.63	✓	0.00	01/22/2016			False	0
012-107-457000 Office supplies				SHIFFLER FEET REPLACEMENTS COUNCIL CH. CHA					
JAN 2016 7727	12/17/2015	122.27	0.00	01/22/2016				False	0
013-403-457000 Office supplies				STAPLES - OFFICE SUPPLIES					
JAN 2016 7727	12/17/2015	505.00	0.00	01/22/2016				False	0
015-015-501000 Operating Materials & Supp				PRO STEERING SYSTEMS - PARTS FOR DUMP TRUCI					
JAN 2016 7727 Total:		1,668.90	✓						
JAN 2016 8267	12/2/2015	110.29	0.00	01/22/2016				False	0
012-102-526000 Advertisements				INDEED - HITS ON JOB POSTINGS CHARGE					
JAN 2016 8267	12/7/2015	125.00	0.00	01/22/2016				False	0
001-105-490000 Professional development				STATE OF OREGON ISPECTOR TRAINING B. JOHNST					
JAN 2016 8267	12/15/2015	175.00	0.00	01/22/2016				False	0
012-102-526000 Advertisements				OREGON LIVE 30 DAY JOB POSTING					
JAN 2016 8267	12/26/2015	14.99	0.00	01/22/2016				False	0
012-107-457000 Office supplies				FRAUD CHARGE AMAZON VIDEO ON DEMAND					
JAN 2016 8267 Total:		425.28							
BANKCARD CENTER To		4,451.04							
BEMIS PRINTING 267 S 1ST STREET ST. HELENS, OR 97051 002701									
6601	12/22/2015	11.90	0.00	01/22/2016				False	0
001-103-457000 Office supplies				IDEA 200 REPLACEMENT PAD BLUE					
6601 Total:		11.90							
6609	1/7/2016	106.50	0.00	01/22/2016				False	0
012-107-457000 Office supplies				#10 SELF SEAL WHT WOVE INSIDE TINT ENVELOPE					

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description			Reference					
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6609 Total:		106.50							
6612	1/5/2016	87.50	0.00	01/22/2016				False	0
001-002-501000 Operating Materials & Supp				8.5 X11 + LAYOUT					
<hr/>									
6612 Total:		87.50							
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BEMIS PRINTING Total:		205.90							
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CENTERLOGIC, INC. 7414 NE HAZEL DELL AVE SUITE B VANCOUVER, WA 98665 011595									
JAN 2016	1/21/2016	233.34	0.00	01/22/2016				False	0
012-101-500000 Information services				IT SUPPORT					
JAN 2016	1/21/2016	155.56	0.00	01/22/2016				False	0
001-100-500000 Information services				IT SUPPORT					
JAN 2016	1/21/2016	311.42	0.00	01/22/2016				False	0
001-103-500000 Information services				IT SUPPORT					
JAN 2016	1/21/2016	155.56	0.00	01/22/2016				False	0
001-104-500000 Information services				IT SUPPORT					
JAN 2016	1/21/2016	170.00	0.00	01/22/2016				False	0
001-002-500000 Computer System Maint.				IT SUPPORT					
JAN 2016	1/21/2016	227.50	0.00	01/22/2016				False	0
001-004-500000 Computer Maintenance				IT SUPPORT					
JAN 2016	1/21/2016	295.75	0.00	01/22/2016				False	0
001-105-500000 Information services				IT SUPPORT					
JAN 2016	1/21/2016	342.48	0.00	01/22/2016				False	0
012-102-500000 Information services				IT SUPPORT					
JAN 2016	1/21/2016	824.84	0.00	01/22/2016				False	0
012-106-500000 Information services				IT SUPPORT					
JAN 2016	1/21/2016	638.55	0.00	01/22/2016				False	0
013-402-500000 Information services				IT SUPPORT					
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JAN 2016 Total:		3,355.00							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description				Reference				
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CENTERLOGIC, INC. To		3,355.00							
CINTAS CORPORATION-463									
PO BOX 650838									
DALLAS, TX 75265-0838									
006830									
463599883	1/11/2016	38.84	0.00	01/22/2016				False	0
013-403-470000 Building				MATS					
463599883 Total:		38.84							
CINTAS CORPORATION		38.84							
CITY OF ST. HELENS									
, ST.HELEN									
0002596	1/13/2016	50.00	0.00	01/22/2016				False	0
001-000-237000 Restitution				RESTITUTION KURTIS HANSON					
0002596 Total:		50.00							
CITY OF ST. HELENS To		50.00							
COLUMBIA CO. SHERIFF'S DEPT.									
COLUMBIA COUNTY COURTHOUS									
901 PORT AVE.									
ST. HELENS,, OR 97051									
007600									
002603	1/13/2016	150.00	0.00	01/22/2016				False	0
001-000-237000 Restitution				RESTITUTION RANDALL MOWATT					
002603 Total:		150.00							
COLUMBIA CO. SHERIF		150.00							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description	Reference				
COLUMBIA RIVER P.U.D. P. O. BOX 1193 ST. HELENS, OR, 97051 008325									
0002598	1/13/2016	75.00	0.00	01/22/2016				False	0
001-000-237000 Restitution				RESTITUTION DISBURSEMENT LORI BRADFORD					
0002598 Total:		75.00							
1568943	1/14/2016	152.59	0.00	01/22/2016				False	0
011-011-453000 Street Lighting				STREET LIGHT 44 DECORATIONS FOR 51 DAYS @0.0					
1568943 Total:		152.59							
JAN 2016	1/13/2016	477.77	0.00	01/22/2016				False	0
001-002-459000 Utilities				ACCT 7493					
JAN 2016	1/13/2016	725.29	0.00	01/22/2016				False	0
001-004-459000 Utilities				ACCT 7493					
JAN 2016	1/13/2016	686.40	0.00	01/22/2016				False	0
001-005-459000 Utilities				ACCT 7493					
JAN 2016	1/13/2016	575.43	0.00	01/22/2016				False	0
001-005-509000 Marine board expense				ACCT 7493					
JAN 2016	1/13/2016	5,322.67	0.00	01/22/2016				False	0
011-011-453000 Street Lighting				ACCT 7493					
JAN 2016	1/13/2016	1,367.79	0.00	01/22/2016				False	0
012-107-459000 Utilitites				ACCT 7493					
JAN 2016	1/13/2016	922.56	0.00	01/22/2016				False	0
013-403-459000 Utilities				ACCT 7493					
JAN 2016	1/13/2016	2,958.22	0.00	01/22/2016				False	0
017-017-459000 Utilities				ACCT 7493					
JAN 2016	1/13/2016	4,575.06	0.00	01/22/2016				False	0
017-417-459000 Utilities				ACCT 7493					
JAN 2016	1/13/2016	619.34	0.00	01/22/2016				False	0
018-019-534000 Electrical Energy				ACCT 7493					
JAN 2016	1/13/2016	1,858.03	0.00	01/22/2016				False	0
018-020-534000 Electrical Energy				ACCT 7493					
JAN 2016	1/13/2016	191.55	0.00	01/22/2016				False	0
018-021-459000 Utilites				ACCT 7493					
JAN 2016	1/13/2016	1,488.71	0.00	01/22/2016				False	0
018-022-459000 Utilities				ACCT 7493					

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description	Reference				
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	JAN 2016 Total:	21,768.82							
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	COLUMBIA RIVER P.U.D	21,996.41							
COLUMBIA RIVER SAW & REPAIR SHARPENING SERVICE									
33688 NE WILLIAMS									
SCAPPOOSE, OR 97056									
008380									
376931	1/6/2016	30.00	0.00	01/22/2016				False	0
001-005-501000 Operating Materials & Supp				4 SHARPENING CHIPPER KNIVES					
		<hr/>							
	376931 Total:	30.00							
		<hr/>							
	COLUMBIA RIVER SAW	30.00							
COMCAST									
PO BOX 34744									
SEATTLE, WA 98124-1744									
COMCAST									
JAN 2016	1/7/2016	94.85	0.00	01/22/2016				False	0
001-005-458000 Telephone Expense				ACCT 9144					
JAN 2016	1/12/2016	104.87	0.00	01/22/2016				False	0
017-417-459000 Utilities				3238 1/22-2/21 DOCKS KIOSK					
		<hr/>							
	JAN 2016 Total:	199.72							
		<hr/>							
	COMCAST Total:	199.72							
CORNELIUS, PATRICIA ANN									
61335 BARGER ROAD									
ST HELENS, OR 97051									
P.CORNEL									
0002597	1/13/2016	114.50	0.00	01/22/2016				False	0
001-000-237000 Restitution				REST R. SEASTONE					

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description				Reference				
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0002597 Total:		114.50							
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CORNELIUS, PATRICIA A		114.50							
 DOLLAR TREE STORES, INC. 500 VOLVO PARKWAY CHESAPEAKE, VA 23320 DOLLAR									
0002604	1/13/2016	25.00	0.00	01/22/2016				False	0
001-000-237000 Restitution				RESTITUTION ROBYN PENOR					
<hr/>									
0002604 Total:		25.00							
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DOLLAR TREE STORES		25.00							
 FARONICS 5506 SUNOL BLVD. SUITE 202 PLEASANTON, CA 94566 FARONICS									
JAN 2016	12/29/2015	550.00	0.00	01/22/2016				False	0
001-004-500000 Computer Maintenance				ENY NA MAINTENANCE RENEWAL 3 YEAR 10+					
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JAN 2016 Total:		550.00							
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FARONICS Total:		550.00							
 GREENLEAF TREE RELIEF LLC PO BOX 1416 ST HELENS, OR 97051 014167									
1843	1/5/2016	1,400.00	0.00	01/22/2016				False	0
011-011-554000 Contractual/Consult Serv.				REMOVE OAK TREE					
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1843 Total:		1,400.00							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description	Reference				
1849	1/14/2016	1,000.00	0.00	01/22/2016				False	0
001-005-554000 Contractual Services				REMOVED DOWN FIR TREES ONE OVER CREEK					
1849 Total:		1,000.00							
GREENLEAF TREE RELI		2,400.00							
LANDRETH, KENNY L. 661 OLD PORTLAND ROAD ST. HELENS, OR 97051 LANDRE.K									
0002595	1/13/2016	100.00	0.00	01/22/2016				False	0
001-000-237000 Restitution				REST A. GRAY					
0002595 Total:		100.00							
LANDRETH, KENNY L. T		100.00							
MAUL FOSTER ALONGI, INC. 400 E. MILL PLAIN BLVD SUITE 400 VANCOUVER, WA 98660 019555									
24875	1/8/2016	1,530.87	0.00	01/22/2016				False	0
009-209-554100 Environmental review				0830.01.02 VENEER ON CALL SERVICES					
24875 Total:		1,530.87							
24876	1/8/2016	1,720.00	0.00	01/22/2016				False	0
009-209-554100 Environmental review				0830.02.03 BWP ON CALL SERVICES					
24876 Total:		1,720.00							
24877	1/8/2016	4,752.50	0.00	01/22/2016				False	0
009-209-554100 Environmental review				0830.03.02 SEDIMENT REPOSITORY MARKET ANALY					
24877 Total:		4,752.50							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description				Reference				
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MAUL FOSTER ALONGI		8,003.37							
MERRITT, TARA									
P.O. BOX 1639									
ST. HELENS, OR 97051									
007601									
0002602	1/13/2016	48.00	0.00	01/22/2016				False	0
001-000-237000 Restitution					RESTITUTION BRANDON JOHNSTUN				
0002602 Total:		48.00							
MERRITT, TARA Total:		48.00							
METROPRESORT									
3506 NW 35TH AVENUE									
PORTLAND, OR 97210-1640									
020292									
479620	1/14/2016	54.79	0.00	01/22/2016				False	0
012-106-554000 Contractual/consulting serv					BILL PRINTING SERVICES				
479620 Total:		54.79							
METROPRESORT Total:		54.79							
NORTHSTAR CHEMICAL, INC.									
P.O. BOX 6860									
PORTLAND,, OR 97228-6860									
021556									
80805	12/15/2015	3,975.20	0.00	01/22/2016				False	0
017-417-527000 Chlorine					SODIUM HYDROXIDE 25%				
80805 Total:		3,975.20							
81152	1/14/2016	516.95	0.00	01/22/2016				False	0
017-417-527000 Chlorine					SODIUM HYPOCHLORITE 12-5%				

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description			Reference					
81152 Total:		516.95							
NORTHSTAR CHEMICAL		4,492.15							
O'BRIEN, KENDALL MICHELLE 12500 SE RIVER RD. APT 22 MILWAUKEE, OR 97222 K.OBRIEN									
0002591	1/13/2016	57.50	0.00	01/22/2016	RESTITUTION J. JOHNSON			False	0
001-000-237000 Restitution									
0002591 Total:		57.50							
O'BRIEN, KENDALL MIC		57.50							
ODOT HIGHWAY BUDGET-CAO COORDINATOR MS#22 355 CAPITOL STREET NE SALEM, OR 97301 ODOT.H.B									
0002599	1/13/2016	50.00	0.00	01/22/2016	RESTITUTION SCOTT CONGER			False	0
001-000-237000 Restitution									
0002599 Total:		50.00							
ODOT HIGHWAY BUDGE		50.00							
OLIVER, JONATHAN LEE 33049 STONE ROAD WARREN, OR 97053 OLIVER.J									
0002592	1/13/2016	75.00	0.00	01/22/2016	RESTITUTION S. CRANE			False	0
001-000-237000 Restitution									
0002592 Total:		75.00							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description			Reference					
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OLIVER, JONATHAN LE		75.00							
OPUS:INTERACTIVE, INC. 1225 W BURNSIDE STREET SUITE 310 PORTLAND, OR 97209 021979									
274935	1/15/2016	39.00	0.00	01/22/2016				False	0
012-102-473000 Miscellaneous				5951					
274935 Total:		39.00							
275145	1/15/2016	5.00	0.00	01/22/2016				False	0
001-002-500000 Computer System Maint.				5022					
275145 Total:		5.00							
275167	1/15/2016	60.00	0.00	01/22/2016				False	0
012-102-473000 Miscellaneous				4776 YEARLY DNS HOSTING .CI					
275167 Total:		60.00							
275244	1/15/2016	5.00	0.00	01/22/2016				False	0
001-002-500000 Computer System Maint.				4775 EMAIL					
275244 Total:		5.00							
OPUS:INTERACTIVE, IN		109.00							
OREGON DEPT. OF STATE LANDS 775 SUMMER STREET NE SUITE 100 SALEM, OR 97301 023199									
JAN 2016	1/21/2016	750.00	0.00	01/22/2016				False	0
009-209-575130 Potential development ops				10474-ML LEASES BOISE VENEER AND WHITE PAPE					
JAN 2016 Total:		750.00							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description				Reference				
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OREGON DEPT. OF STAT		750.00							
OREGON TRAVEL EXPERIENCE									
1500 LIBERTY STREET SE STE 150									
SALEM, OR 97302-4386									
or.trave									
JAN 2016	1/19/2016	200.00	0.00	01/22/2016				False	0
008-008-451000 Media Expense					RIVERFRONT DISTRICT TOD SIGN				
JAN 2016 Total:		200.00							
OREGON TRAVEL EXPE		200.00							
ORKIN									
P.O. BOX 7161									
PASADENA, CA 91109-7161									
ORKIN									
106727912	1/20/2016	86.00	0.00	01/22/2016				False	0
001-002-470000 Building Expense					PEST CONTROL				
106727912 Total:		86.00							
ORKIN Total:		86.00							
PETERSON CAT									
PO BOX 2218									
SAN LEANDRO, CA 94577-0343									
019599									
SW290029561	12/30/2015	1,014.20	0.00	01/22/2016				False	0
017-417-501000 Operating materials and suppli					MAINT. CLEAND AND ADD GREASE				
SW290029561 Total:		1,014.20							
PETERSON CAT Total:		1,014.20							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description				Reference				
PHILLIPS, CYNTHIA 11220 SW APALACHEE STREET TUALATIN, OR 97062 025515									
013116	1/19/2016	1,592.00	0.00	01/22/2016				False	0
001-103-554000 Contractual/consulting serv				MUNICIPAL COURT JUDGE 1-16/16-1/31/16					
013116 Total:		1,592.00							
PHILLIPS, CYNTHIA Tot		1,592.00							
POORMAN, CHRIS 59361 PONDEROSA DRIVE ST. HELENS, OR 97051 POORMAN									
0002607	1/13/2016	25.00	0.00	01/22/2016				False	0
001-000-237000 Restitution				RESTITUTION ANDREW WEIR					
0002607 Total:		25.00							
POORMAN, CHRIS Total		25.00							
PORTLAND GENERAL ELECTRIC WESTERN REGION PO BOX 4438 PORTLAND, OR, 97208-4438 025702									
JAN 2016	1/19/2016	45.15	0.00	01/22/2016				False	0
011-011-453000 Street Lighting				9724 STREET LIGHT					
JAN 2016 Total:		45.15							
PORTLAND GENERAL E		45.15							
QUILL CORP. PO BOX 37600 PHILADELPHIA, PA 19101-0600									

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description			Reference					
026700									
9663937	11/16/2015	8.99	0.00	01/22/2016				False	0
001-004-457000 Office Supplies					BRIGHT COLOR COPY PAPER				
9663937 Total:		8.99							
9673582	11/17/2015	79.02	0.00	01/22/2016				False	0
001-004-457000 Office Supplies					7 PORT USB 3.0				
9673582 Total:		79.02							
QUILL CORP. Total:		88.01							
RHIZA A+D 2127 N. ALBINA AVENUE #203 PORTLAND, OR 97227									
002788									
01	1/14/2016	2,000.00	0.00	01/22/2016				False	0
009-201-652000 Gateway project - phase I					GATEWAY SCULPTURE PHASE 2 ILLUSTRATION TO				
01 Total:		2,000.00							
RHIZA A+D Total:		2,000.00							
RITE AID CORPORATION ATTN: KATHY HARIG 30 HUNTER LANE CAMP HILL, PA 17011									
RITE AID									
0002606	1/13/2016	11.94	0.00	01/22/2016				False	0
001-000-237000 Restitution					RESTITUTION BABE M BOE				
0002606 Total:		11.94							
RITE AID CORPORATIO		11.94							

ROGERS MACHINERY COMPANY, INC

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description				Reference				
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PO BOX 230429									
PORTLAND, OR 97281-0429									
027589									
1019346	1/7/2016	819.17	0.00	01/22/2016				False	0
017-417-501000 Operating materials and suppli				MATERIALS					
1019346 Total:		819.17							
ROGERS MACHINERY C		819.17							
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SELDEN, LAURIE									
9765 SW IMPERIAL DRIVE									
PORTLAND, OR 97225									
030715									
JAN 2016	1/19/2016	2,948.00	0.00	01/22/2016				False	0
001-103-554000 Contractual/consulting serv				CRIMINAL PROSECUTORIAL SERVICES 1/15-1/31					
JAN 2016 Total:		2,948.00							
SELDEN, LAURIE Total:		2,948.00							
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SHOATS, BRIAN									
2544 GABLE RD. #32									
ST. HELENS, OR 97051									
005559									
0002601	1/13/2016	135.79	0.00	01/22/2016				False	0
001-000-237000 Restitution				RESTITUTION DISBURSEMENT ANGELA YOUNGER					
0002601 Total:		135.79							
SHOATS, BRIAN Total:		135.79							
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SHRED-IT USA, LLC									
23166 NETWORK PLACE									
CHICAGO, IL 60673-1252									
SHRED-IT									
8120529536	12/31/2015	134.39	0.00	01/22/2016				False	0

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description			Reference					
001-002-473000 Miscellaneous Expense					POLICE SHRED ACCT 13664225				
8120529536 Total:		134.39							
SHRED-IT USA, LLC Tot		134.39							
STAPLES BUSINESS ADVANTAGE DEPT LA PO BOX 83689 CHICAGO, IL 60696 031983									
3288906425	1/2/2016	275.08	0.00	01/22/2016				False	0
012-107-457000 Office supplies					OFFICE SUPPLIES				
3288906425	1/2/2016	4.98	0.00	01/22/2016				False	0
001-005-501000 Operating Materials & Supp					OFFICE SUPPLIES				
3288906425 Total:		280.06							
3289501705	1/9/2016	87.61	0.00	01/22/2016				False	0
012-107-457000 Office supplies					OFFICE SUPPLIES				
3289501705 Total:		87.61							
STAPLES BUSINESS AD		367.67							
SUPRY, AMANDA 145 S. 20TH STREET ST. HELENS, OR 97051 SUPRY.A									
0002594	1/13/2016	50.00	0.00	01/22/2016				False	0
001-000-237000 Restitution					RESTITUTION G. SCHILLER				
0002594 Total:		50.00							
SUPRY, AMANDA Total:		50.00							

SYMBOLARTS

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description				Reference				
6083 SOUTH 1550 EAST									
OGDEN, UT 84405									
032863									
248560A-IN	12/21/2015	232.50	0.00	01/22/2016				False	0
009-212-473300 Other Reimbr Evemts				MUGS					
248560A-IN Total:		232.50							
SYMBOLARTS Total:		232.50							
TERRITORIAL SUPPLIES INC.									
103 MOSER AVENUE									
P O BOX 474									
COUNCIL,, ID 83612									
033015									
12808	1/12/2016	67.50	0.00	01/22/2016				False	0
001-002-501000 Operating Materials & Supp				NK TEST A OPIUM ALKALOIDS					
12808 Total:		67.50							
12813	1/14/2016	12.52	0.00	01/22/2016				False	0
001-002-501000 Operating Materials & Supp				3 TEST A'S					
12813 Total:		12.52							
TERRITORIAL SUPPLIE		80.02							
TUNNELL, APRIL									
58781 CHILDS RD.									
ST. HELENS, OR 97051									
TUNN.A									
0002600	1/13/2016	25.00	0.00	01/22/2016				False	0
001-000-237000 Restitution				RESTITUTION BRANDON FORBESS-HENDRICKS					
0002600 Total:		25.00							
TUNNELL, APRIL Total:		25.00							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description				Reference				
<hr/>									
VERNON, VICKI R. ATTORNEY AT LAW 10211 SW BARBUR BLVD.STE.207A PORTLAND, OR 97219 034920									
JAN 2016	1/5/2016	448.00	0.00	01/22/2016				False	0
001-103-554000 Contractual/consulting serv				KRISTOFER JAMES LEGAL SERVICES 2015-CR-00028					
JAN 2016 Total:		448.00							
VERNON, VICKI R. Total		448.00							
 WEST/MEYER FENCE 4511 NE 135TH AVE PORTLAND, OR 97230 036320									
20018443	1/14/2016	692.00	0.00	01/22/2016				False	0
001-004-470000 Building Expense				RAIL ON LOADING DOCK INSTALL					
20018443 Total:		692.00							
WEST/MEYER FENCE T		692.00							
 WILCOX & FLEGEL P O BOX 69 LONGVIEW, WA, 98632 037003									
0000097-IN	1/4/2016	1,188.72	0.00	01/22/2016				False	0
001-002-531000 Gasoline Expense				POLICE GAS 551.100					
0000097-IN Total:		1,188.72							
M00108-IN	1/5/2016	647.53	0.00	01/22/2016				False	0
001-005-531000 Gasoline Expense				PARKS GAS 300.200					
M00108-IN Total:		647.53							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number					Description	Reference			

WILCOX & FLEGEL Tota

1,836.25

Report Total:

61,106.74



Accounts Payable

To Be Paid Proof List

User: jenniferj
 Printed: 01/21/2016 - 2:42PM
 Batch: 00012.01.2016 - 01/22 FY 15-16 (2)



Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description				Reference				

OREGON DEPT. OF STATE LANDS
 775 SUMMER STREET NE
 SUITE 100
 SALEM, OR 97301
 023199

JAN 2016	1/21/2016	750.00	0.00	01/22/2016				False	0
009-209-575130 Potential development ops				17146-ML LEASES BOISE VENEER AND WHITE PAPE					

JAN 2016 Total: 750.00

OREGON DEPT. OF STAT 750.00

Report Total: 750.00

Accounts Payable

To Be Paid Proof List

User: jenniferj
 Printed: 01/22/2016 - 2:50PM
 Batch: 00014.01.2016 - 01/22 FY 15-16 (3)




Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description				Reference				
OREGON DEPT. OF STATE LANDS 775 SUMMER STREET NE SUITE 100 SALEM, OR 97301 023199									
JAN 2016	1/22/2016	750.00	0.00	01/22/2016				False	0
009-209-575130 Potential development ops				17146-ML LEASES BOISE VENEER AND WHITE PAPE					
JAN 2016 Total:		750.00							
JAN 22 2016	1/22/2016	750.00	0.00	01/22/2016				False	0
009-209-575130 Potential development ops				10474-ML LEASES BOISE VENEER AND WHITE PAPE					
JAN 22 2016 Total:		750.00							
OREGON DEPT. OF STAT		1,500.00							
PEASE, CAMERON 12170 SW WALDEN LANE BEAVERTON, OR 97008 PEASE.C									
JAN 2016	1/22/2016	5,163.00	0.00	01/22/2016				False	0
001-000-204000 Bail Deposit				BOND TRANSFER CAMERON PEASE					
JAN 2016 Total:		5,163.00							
PEASE, CAMERON Total		5,163.00							

Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description					Reference			

Report Total:

6,663.00



Accounts Payable

To Be Paid Proof List

User: jenniferj
 Printed: 01/27/2016 - 11:01AM
 Batch: 00016.01.2016 - 01/27 FY 15-16



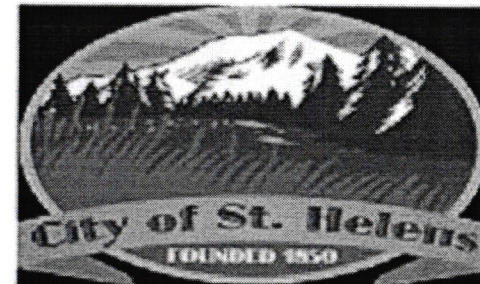
Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number				Description		Reference			
ST. HELENS ELKS LODGE 350 BELTON ROAD ST. HELENS, OR, 97051- 028925									
JAN 2016	1/27/2016	1,430.80	0.00	01/27/2016					
012-102-524000 Special projects				2016 ANNUAL EMPLOYEE RECOGNITION BANQUET				False	0
JAN 2016 Total:		1,430.80							
ST. HELENS ELKS LODG		1,430.80							
Report Total:		1,430.80							

ag 1-27-16

Accounts Payable

To Be Paid Proof List

User: jenniferj
 Printed: 01/21/2016 - 2:48PM
 Batch: 00011.01.2016 - 01/22 FY 15-16 OVER 10K



Invoice Number	Invoice Date	Amount	Quantity	Payment Date	Task Label	Type	PO #	Close PO	Line #
Account Number	Description				Reference				
JAMES W. FOWLER CO. 12775 WESTVIEW DRIVE DALLAS, OREGON, 97338 012675									
JAN 2016	1/20/2016	84,557.37	0.00	01/22/2016	SD-146 GODFREY PARK STORM			False	0
010-304-653409 Godfrey Outfall									
JAN 2016 Total:		84,557.37							
JAMES W. FOWLER CO.		84,557.37							
MAUL FOSTER ALONGI, INC. 400 E. MILL PLAIN BLVD SUITE 400 VANCOUVER, WA 98660 019555									
24878	1/8/2016	13,655.71	0.00	01/22/2016	PROJECT 0830.04.02 AREA WIDE PLANNING WATERF			False	0
009-209-554100 Environmental review									
24878 Total:		13,655.71							
MAUL FOSTER ALONGI		13,655.71							
Report Total:		98,213.08							