



PLANNING COMMISSION & CITY COUNCIL JOINT MEETING DRAFT MINUTES

Wednesday, March 08, 2023, at 4:00 PM

Members Present: Mayor Rick Scholl
Council President Jessica Chilton (Left at 5:35 p.m.)
Councilor Patrick Birkle
Councilor Brandon Sundeen (Zoom)
Councilor Mark Gundersen

Chair Steve Toschi
Commissioner Russ Hubbard
Commissioner Ginny Carlson (Arrived at 4:42 p.m.)
Commissioner Jennifer Pugsley

Members Absent: Vice Chair Dan Cary
Commissioner Russ Low
Commissioner Charles Castner

Staff Present: City Administrator John Walsh
City Planner Jacob Graichen
Deputy City Recorder Lisa Scholl
Community Development Admin Assistant Christina Sullivan

Others Present: Aaron Hisel
Scott Jacobson
Lynne Pettit
Angela Cruze
Tina Curry

This meeting was held in the Council Chambers.

At 4:01 p.m., Mayor Rick Scholl opened the Joint Planning Commission and City Council Meeting. The purpose, rules, and goals of this meeting were explained. The Mayor is the presiding officer, the group must have respect for others' time, and no decisions are to be made at these meetings.

PLANNING COMMISSION AS A RESOUC E FOR THE CITY COUNCIL

Mayor Scholl shared how the City Council had discussed the importance of the Planning Commission discussing matters like Architectural Standards. Blight inside the City was mentioned too, though, this item is a tentative proactive item of the Planning Commission that has not been discussed yet by the Commission as to whether they would take it on. Chair Steve Toschi presented a PowerPoint presentation he had prepared about why the Planning Commission was an asset to the City Council. He discussed how the Planning Commission resolved to become a proactive Commission and the requirements for how they would take on those different items. He shared that the Commission had already agreed to take on proactive items of the HB3115 and Architectural Standards and suggested different resources that they needed to be able to work on efficiently and still be able to provide quality feedback to the Council.

Commissioner Jennifer Pugsley shared that, in her opinion, Architectural Standards had the same urgency as the HB3115 proactive item, as they were beginning to see the vacant lots around town begin to infill with future blight. She shared that they would like to get ahead of the Architectural Standards before instead of trying to fix problems after.

Chair Toshi said he agreed that Architectural Standards should be a high priority to maintain the look and appearance of the City of St. Helens. He said there were a lot of visible properties from the river and the skyline that could infill with something that would affect the appearance.

Commissioner Russ Hubbard said the individuals on the Planning Commission held professions that helped make them very well rounded and helps them to provide very quality decisions and recommendations to the City Council.

Mayor Scholl shared how implementing these standards would invite more opportunities to help those buildings that show wear and tear to improve their appearance. He said it could give financial help for businesses or homes to improve their buildings with funds the City could provide (via programs funded by Urban Renewal).

Councilor Brandon Sundeen said he was glad to see Architectural Standards at the top of the Planning Commissions proactive list. He said the downtown Historic District was in desperate need of a facelift. The downtown area and Main Street were the areas that represent our look for the City of St. Helens and he would like to be sure they were preserved and cared for in an appropriate manner.

There was a small discussion about staffing and the budget that was available to meet financial needs.

Councilor Patrick Birkle said there was a definite need for more Planning staff as they are growing the City. With all the new projects coming up that are large and would require a lot of time from the department, he felt that moving into the budget season this would be an area to consider giving more money to.

Councilor Jessica Chilton agreed that the City Council and the Planning Commission were in a good place for moving projects forward. The Planning Commission is filled with individuals that give the Council some peace in knowing they are receiving quality feedback from them and that the Council is able to rely more on the Commission's feedback and support. She also asked Commissioner Hubbard if he felt the Proactive Commission was a step in the right direction for the Planning Commission. Commissioner Hubbard said yes, but did foresee that they would need more help from outside experts which requires some additional funding and resources.

HOUSE BILL 3115, et. al.

Aaron Hisel shared that he was there on a consultant basis to help both groups discuss the House Bill and to assist the City Council in moving forward and guide them in preparing finalized documents of ordinances to approve. He said the items that need to be considered were time, place, and manner. He did not think this would be a cookie cutter situation and that each City would have its own set of rules. He recommended being conservative and less restrictive in their write up. He said he thought it would be beneficial to let other cities try it first and see what happens. They could change it up in the future if needed. He said they should create policy around time, place, and manner in a reasonable manner. He said the more strict they become with these the bigger target they become for lawsuits.

There was a small discussion on what the House Bill 3115 exactly says.

Councilor Chilton asked if they could designate specific areas for sleeping and lying. Hisel said he did not think they could necessarily rely on that, because there could be excuses made as to why those individuals could not go to those specific places.

There was a small discussion on other reasons an individual could be removed from a camping location and how to handle vehicles and camping or sleeping inside an automobile.

City Planner Jacob Graichen said he tried to narrow the House Bill down to some sub-topics to help confirm if there is consensus or if there was concern with different parts of how the Code could be written. He said he hoped to have some feedback from both groups as the Planning Commission being the advisory committee and the City Council being the legislative body.

Chair Toschi shared a PowerPoint presentation that the Planning Commission sub-committee (made up of Commissioner Low, Commissioner Castner and Chair Toschi) met over and discussed some options that could be considered as part of creating these new laws and code framework.

There was a discussion on whether they should provide information on where people can camp or if they should just leave it up to those individuals to figure out where they can camp and only provide them with where they cannot camp.

Mayor Scholl said he wanted to remind everyone that they will never be 100% sue proof and that they need to do their best to write up ordinances that will protect all citizens involved.

There was a small discussion on some "what if" scenarios and how to handle removing individuals from encampments.

Hisel said the most important thing to consider in the analysis of the laws is to be objectively reasonable as to time, place and manner. This would make it easier to assess the laws that are already in place and how they will fit in with and into these new ordinances for sleeping and lying to be considered enforceable. He said it would be helpful to make the changes public and available and the framework of designating the places where it is not allowed all the time as to everyone, and also to where it is allowed is a permissible way to go with not a lot of risk.

There was a small discussion about the framework and the possible risks that could arise by writing the ordinance one way or another.

Commissioner Toschi said that if the laws were designed to be humane under the statutes, then you win. He said he did not see the harm in trying to establish the statutory scheme because the laws were going to remain the same, but what they give up by not having this preface is a chance to win at the pleading stage. Hisel did not agree with this statement. He said regardless of what is done, it must be objectively reasonable. Hisel did say there was not an acute issue for the City which gives them more options in creating these ordinances.

There was a small discussion on the current way that police handle the camping and lying rules and keeping the new ordinances in line with them but broad and open.

Councilor Chilton did say at this time she was leaning more towards being conservative in how the ordinances would be written. She felt it would be good to see what happens in other jurisdictions and how they handle it. It could be a valuable learning experience for all involved.

Graichen said he broke the house bill down into a few different categories to approach it. He said the definition of camping was the first category and it did need to be updated and changed. He said excluding vehicles from the definition allows for them to maintain handling those through vehicle laws.

There was a small discussion about the definition of camping, but the two groups did not have additional substantive comments.

Graichen also discussed that they needed to define how they wanted to write up the new ordinances on where individuals can camp, where they cannot camp, or where they can and cannot camp. He said when you identify where camping is allowed, then it becomes a situation where you have a site that needs to be managed. He notes issues related to managed sites such as including restrooms, showers, trash and utilities. They would also have to decide on the location of where to place it. Graichen did mention the House Bill did not require the City to provide services to those who were sleeping, lying or camping.

Councilor Gundersen expressed concern in naming a specific place for people to camp and asked what the liability would be to the City if something happened to that individual while at that location.

There was a discussion on whether or not to have a managed site. Generally, the Council members said they do not want to have a site that has to be managed. They did not feel they had enough resources or staff to manage the site appropriately.

There was a discussion on what areas to prioritize as non-camping sites. There was no agreement on what areas to prioritize.

Commissioner Ginny Carlson talked about prioritizing areas on a location map and narrowing down what areas an approved camping area could be close to or how far away from specific areas they would need to be. Graichen said if the Commission or City Council could provide some feedback on areas that are more of a concern to them, it would help them create a location map and narrow down the choices.

There was a discussion on how to identify local and non-local homelessness. There was a discussion about registering and being able to track individuals who might need the extra resources.

Councilor Gundersen mentioned there should be some communication and outreach to the local community partner groups. He said collaborating with groups that are already involved in resolving the homeless crisis would be great resources for how to create rules or laws around sleeping and lying.

Hisel shared they should keep an eye on the legislature currently as well. He mentioned there was a House Bill moving through currently that would affect everything with House Bill 3115. One of those bills would not allow them to sue without a plaintiff having anything enforced on them. He also said there would be a change to the notice requirement. It would change the notice requirement that was changed in 2021 from 24 hours to 72 hours back to 24 hours.

Commissioner Toschi said he did not agree that more restrictive measures presented more risk to the City. He said if there is clarification in the laws for everyone and more restrictiveness to all, that it does not actually hurt to add those in. Hisel disagreed and said it sets you up for more risk. Hisel mentioned there is no need to do anything more than what the law requires. He said a single stray comment can result in litigation or lawsuit.

Graichen confirmed with the City Council that they did not want to move forward with managed sites so they needed to discuss prioritizing what areas to specify no camping would be allowed. There was a discussion about not having managed sites, which led to a discussion on areas that they wanted to prioritize for no camping allowed. Dialogue about areas for no camping was brief due to meeting fatigue, having exceeded three hours, and there was no further discussion of the remaining matters identified in the meeting packet materials.

*There being no further business the meeting was adjourned at 7:16 p.m.
Respectfully submitted,*

*Christina Sullivan
Community Development Administrative Assistant*

/s/
Rick Scholl, Mayor

/s/
Steve Toschi, Chair