



Memorandum

To: Mayor and City Council

From: John Walsh, City Administrator

Subject: **Administration & Community Development Dept. Report**

Date: December 7, 2022

Planning Division Report attached.

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



To: City Council
From: Jacob A. Graichen, AICP, City Planner
cc: Planning Commission

Date: 11.29.2022

This report does not indicate all *current planning* activities over the past report period. These are tasks, processing and administration of the Development Code which are a weekly if not daily responsibility. The Planning Commission agenda, available on the City's website, is a good indicator of *current planning* activities. The number of building permits issued is another good indicator as many require Development Code review prior to Building Official review.

ASSOCIATE PLANNER/PROJECT MANAGER—*In addition to routine tasks, the Associate Planner/Community Development Project Manager has been working on: **See attached.***

PLANNING ADMINISTRATION—NOTEWORTHY ADMINISTRATIVE DECISIONS

Issued a decision for a second lot of the Columbia Commons commercial subdivision. Previously, a Burger King was approved. This time it is a for a vehicle quick lube business. The quick lube business development application does reference Dairy Queen as a potential occupant of an adjacent lot, but no formal application has been submitted. There are four lots total.

PLANNING ADMINISTRATION—PREAPPLICATIONS MEETINGS

Had a preliminary Q&A meeting for potential partition in the Urban Growth Boundary along Bachelor Flat Road and Morten Lane. If applied for, this will be an application with the county, but the city is still involved being in our UGB.

Conducted a pre-application meeting for a potential multi building shopping center on the commercial lots of the Greystone Estates Subdivision (across the street from where Burger King is proposed at the Howard and Kelly Streets intersection. The meeting was with OTAK folks mostly. They noted years of experience and having been through many pre-app meetings with other jurisdictions, they said this pre-app was the most thorough one they've had. Customer service matters!

Sand Island cabins and picnic shelter development process when we inspected the site this month and staff noted many trees missing and the buildings placed in a different arrangement from the approved plans. The original plans noted "no trees greater than 6" DBH shall be harmed or removed as part of this project." However, upon inspection and later revised plan, 35 trees were cut down. They will replace the trees removed, mostly cottonwoods, with more enduring species (Big Leaf Maples and Douglas Fir), so this should prove a better investment in the long run despite an apparent miscommunication between the island operator, designer, and workers, and the inefficiency of needing revised plans and reinspection.

PLANNING ADMINISTRATION—MISC.

The Planning Commission Interview Committee conducted interviews this month and selected 2 candidates out of 5 applicants (only 4 interviews). They could have selected a potential 3rd

person in the event Commission Toschi was elected to the Council, but decided to leave that until the election and, if needed, will re-advertise for that position with the folks who interviewed kept in the running if they choose. Ultimately, Commissioner Toschi was not elected to Council, so no 3rd opening to fill.

DEVELOPMENT CODE ENFORCEMENT

Earlier this CRFR started conducting activity on property and installed a sign without proper permitting for use or the sign. Consultants for CRFR have been communicating with staff about this property throughout the year and my hope was through that the issues would be resolved without the need for formal enforcement correspondence. However, after receiving correspondence from CRFR's legal counsel this month, a reply was in order. Please note staff informed the CRFR Fire Chief Joel Medina, Deputy Chief Eric Smythe and Board President Hans Feige of these issues in person earlier this year, so there shouldn't be any surprise. **See attached letter from CRFR and the reply from the city.**

Some councilors, commissioners and staff may remember the 2nd floor conference room before the remodel when it was in the corner of the building. Somehow, despite no declaration of surplus, the table (big and solid hardwood) and many solid hardwood chairs ended up in the main building that ACSP (business now defunct) occupied. **See attached.**

As noted in the September report, I met with the site manager for the ACSP / Orgrotech business at 1400 Kaster Road. They need to move a shed placed on a city easement by the end of the year. Since then, they have allegedly sold all of their state marijuana production licenses and said all of the small sheds, including the one required to be moved, will be removed from the site.

PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)

November 8, 2022 meeting (outcome): The Commission approved a yard (setback) Variance at 134 N. 2nd Street and approved a motion recommending two new commissioners as recommended by the Planning Commission interview subcommittee. Staff also presented the department's semiannual report. The Commission also made some formal recommendations related to potential actions pursuing how to address Oregon's HB 3115 (**see attached**).

December 13, 2022 meeting (upcoming): The Commission will hold a public hearing for improvements to the John Gumm Scholl building as part of Columbia County's plans to reuse for their purposes. This includes their role as the *Historic Landmarks Commission* as a proposal to alter this designated landmark. They will also review a right-of-way vacation of a portion of N. 9th Street to provide recommendation to the Council.

COUNCIL ACTIONS RELATED TO LAND USE

Council agreed to have one last joint meeting with the Planning Commission on Dec. 14 @ 4pm. They agreed with my suggestion that councilors who won the election and newly appointed commissioners attend as a “changing of the guard.”

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Quarterly data updates. This was more involved than the typical quarterly update given new utility data added to the system Public Works uses. Also updated my own map with more of the new data from this year. With these updates, I finally feel 100% done with the aerial photo/planimetric update project that was “mostly” finished earlier this year.

Created public ownership map to help navigate HB 3115 (homeless/camping) issue.

Received some information from the County Assessor about conflicting addresses that will take some time to review for comments. This is report worthy as an important but time consuming “surprise task.”

ST. HELENS INDUSTRIAL BUSINESS PARK PROPERTY

Continue to work with our consultants and PGE to figure out how PGE’s new substation will fit.

Finally started to put review time into the initial application for the new public safety facility, which I’m hoping will be ready for a public hearing before the Planning Commission early next year.

From: [Jennifer Dimsho](#)
To: [Jacob Graichen](#)
Subject: November Planning Department Report
Date: Monday, November 28, 2022 10:40:19 AM

Here are my additions to the November Planning Department Report. My report is light on project management, but I am no less busy. We are processing a Street Vacation application and received two Site Development Review applications (Chinese Restaurant & Riverside Community Outreach) in November.

GRANTS

1. **Safe Routes to School - Columbia Blvd. Sidewalk Project** – Culvert project (County) will be a separate project than the sidewalks project. Construction in Spring/Summer 2023. Amendment approved to push completion deadline from November 2022 to February 2024. Project cost estimates came in x3 what we budgeted for the project. Engineering will still bid the project with a design which was made as lean as possible. If bids come back too high, we may have to shelf the plans until additional funding can be sourced.
2. **Business Oregon – Infrastructure Finance Authority** – Loan Contract documents finalized for streets/utilities construction and Riverwalk project not covered by OPRD grants. Will submit first reimbursement once design work is complete for Riverwalk project.
3. **Riverwalk Project (OPRD Grants x2)** – Moving into 90% design, continued regular PM meetings and TAC meetings. For permitting, stage and structure will require architectural review before the PC (anticipated in the early 2023 with the Building permit). LWCF grant contract will be subject to the Buy America Build America (BABA) requirements which could have budget/timeline implications. Executed additional scope of work to determine if compliance or waiver is recommended. Recommendation is to comply with the BABA requirements, as the cost implications are around 6% increased for the project.
4. **Oregon Community Paths Program** – Received confirmation that our pre-application to the program was successful and our project is eligible. Project will fund an off-street trail refinement project (30% design) from St. Helens to Scappoose. Application is due January 31, 2023. Grant ask will likely be around 300k, and a 10% cash match is required. Will work to partner with Scappoose/Columbia County on sharing cash match if we are successful with the grant application.

PROJECTS & MISC

5. **Riverfront Streets/Utilities Design/Engineering** – Construction contract granted to Moore Excavation. Groundbreaking ceremony held on Nov 2 and kickoff business/resident meetings held in late October. Assisting project team with outreach efforts including website updates/press releases/promotion materials. Attending weekly check-ins to stay in tune with project schedule.
6. **1st/Strand Undergrounding Utilities** – Attending mandatory pre-proposal meeting for undergrounding of utilities along Strand/1st Street. RFP closed on 11/1. Only 1 proposal received, and they were not selected to do the work. Selection Committee recommended a new solicitation process for an electrical engineer to complete design work so that we can go out for a bid process instead of the RFP process.
7. **St. Helens Industrial Business Park (SHIBP) Public Infrastructure Design** – Work Order 1

approved - 30% design for Phase I infrastructure & permitting/grading work for Phase II with Mackenzie. Pre-application meeting held on 10/13 to discuss applications needed for PGE parcellation and new sub-station. Mackenzie revised footprint to accommodate feedback from Cascades regarding use of the existing mill buildings. PGE said no further reduction in size is possible for the sub-station.

8. **Utility Billing/Bennett Building cornice** – Met with Pacific stainless to select cornice color and discuss method of attachment with Public Works and fabricator.

Jenny Dimsho, AICP

Associate Planner / Community Development Project Manager

City of St. Helens

(503) 366-8207

jdimsho@sthelensoregon.gov



CLARK I. BALFOUR

cbalfour@cablehuston.com

November 4, 2022

SENT VIA USPS AND EMAIL

John Walsh
City Manager
265 Strand Street
St. Helens, OR 97051

Jacob Graichen
Planning Director
265 Strand Street
St. Helens, OR 97051

Re: Columbia River Fire and Rescue
Parcel ID: 28762
4N1300400

Mr. Walsh and Mr. Graichen,

We represent Columbia River Fire and Rescue (CRFR), owner of the above referenced parcel. CRFR has questions for the City of St. Helens (City):

1. The property is referenced in both the Central Waterfront Plan (CWP) and the St. Helens Industrial Business Park Plan. The parcel is identified as Map ID 427 in Table 2-1 of the Phase 1 Site Characterization Report prepared by Maul Foster in May 2020 for the CWP. CRFR is listed as the owner, which is true. But it is also referenced in the St. Helens Industrial Business Park Plan as Parcel 9A as a separate lot of record and as a “future expansion area not under City ownership.” See the St Helens Industrial Business Park- Parcelization Framework prepared by 3J Connelly in May 2020. There is another reference in the Phase 1 map referring to Parcel 9A that makes a very similar statement. We ask the City to confirm which plan includes the CRFR parcel so that CRFR can exercise its rights of participation as a landowner.
2. Earlier this summer, CRFR applied to the County for a temporary electrical permit to perform some work on the parcel. County staff denied the permit based on instructions from Jacob Graichen, City Planning Director. CRFR’s architect, Robert Evenson, contacted Jacob Graichen via email and received a response that, among other things, included reference to an existing sign the City claims is unlawful and unpermitted. We understand that the sign is exempt under Development Code Section 17.88. Please let us know the reason for the claim of violation.

3. In the same email, Jacob Graichen stated that denial was also based on “ownership issues and legitimacy of the parcel” (also stated in a voice mail by Jacob Graichen to Jesse Hlyva, CRFR’s contractor, on August 24, 2022). Fire Chief Joel Medina has also indicated that in other conversations previous to August 24, John Walsh stated that the City did not believe CRFR was the rightful owner. CRFR has the following questions:
- a. Does the City dispute that title to this parcel is vested in CRFR?
 - b. If the City does dispute CRFR’s title, what is the basis?
 - c. Does the City claim it is the owner of the parcel?
 - d. What is the meaning of Jacob’s phrase questioning the legitimacy of the parcel?
 - e. If CRFR submits a development application, would the City deny based on ownership questions?

CRFR is intent on preserving its ownership rights regarding its continuing use of the property for public safety training purposes and participating in the ongoing public processes as the City seeks to implement its vision. So that CRFR is not prejudiced in the exercise of these rights, please provide your answers by November 18, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Clark I. Balfour". The signature is fluid and cursive, with the first name "Clark" and last name "Balfour" clearly distinguishable.

Clark I. Balfour

CIB/vc

cc: Jenny Dimsho (via email)
CRFR Board
Chief Medina



265 Strand Street
St. Helens, Oregon
97051

November 22, 2022

Clark I Balfour
Cable Huston
1455 SW Broadway, Suite 1500
Portland, OR 97201-3412

RE: Property identified as Columbia County Assessor Account No. 28762 and map and tax lot number 4N1W-3-400. Ownership and use concerns.

Dear Mr. Balfour:

The City of St. Helens (the "City") acknowledges receipt of your letter of November 4, 2022 on behalf of your client, Columbia River Fire and Rescue ("CRFR"). Your letter posed several questions based on CRFR's alleged ownership of the parcel noted above ("Parcel"), and request information as to certain actions taken by the City. We will respond to each of your questions below.

The City will respond to your last question first, as the response to that set of questions is relevant to the City's responses to your other questions. The City believes there is a significant question whether CRFR actually is the owner of the Parcel. According to a review of the relevant land records, CRFR took ownership of the property in May of 1989 with a BARGAIN AND SALE DEED WITH RIGHT OF REVERTER recorded as instrument no. 89-2674. Language in that document clearly states that if the property is not used for fire related protection purposes for a period of three (3) years, and there are no written development plans to use or continue to use the property for a fire training site or other fire prevention or control purposes, then the property shall revert to the Grantor or its successor. The City is not aware of any use of the Parcel by CRFR for fire related protection purposes nor of any written plan that was prepared regarding the same between May 2, 1989 and May 2, 1992. In the absence of such use or preparation of plans, the City believes that title to the Parcel automatically reverted to the prior property owner. In light of the concerns noted above, the City does not believe it appropriate to move forward with any type of application for use of the property until the title issue is clear.

The City also has concerns whether the Parcel is a legal lot or parcel per ORS Chapter 92. The City cannot find evidence it was legally created. In 1989 the City had rules about land partitions and there is no record of an approved partition or even an application for such. Creation by deed alone in 1989 was not a lawful way of creating a parcel.

As it pertains to this property's reference in the St. Helens Industrial Business Park – Parcelization Framework Plan adopted by Resolution No. 1910, Parcel 9a is referenced as being *within* a separate lot of record, as opposed to being as lot of record itself. Please note there is no adopted central waterfront plan.

Complicating matters further is use of the property, which, in light of the questions regarding ownership of the Parcel and, as discussed below, the absence of any permits, potentially includes unlawful use of it as training grounds and unlawful installation of a sign. This potentially unlawful activity has been documented by observations by staff of the sign installed earlier this year and a CRFR Facebook post on July 11, 2022, which was highlighted in a July 13, 2022 article in The Chronicle newspaper. Please understand that continued and unabated unlawful acts may result in enforcement action.

Even if CRFR is the owner of the Parcel, which is not at all certain, the CRFR's use is in violation of applicable law. The property is zoned Heavy Industrial ("HI"). Under current zoning regulations CRFR training grounds would fall under "public safety and support facilities." This is a conditionally permitted use in the HI zone and requires a Conditional Use Permit to be obtained regardless of whether buildings or structures are proposed. The use is not exempt from permitting and thus the use without proper permitting and compliance with the conditions thereof is a violation. There is no land use permit establishing a use of the property in the City's records from before 1989 to today.

Temporary uses are also regulated by Chapter 17.116 SHMC, and this includes temporary buildings. The Columbia County Land Development Services was instructed to deny a temporary electrical permit for this site this summer because there is no legitimate permanent or temporary use for the site. The electrical permit was for an office modular building according to the applicant (Electro-Wire Inc.), which if placed without proper permitting from the City per the SHMC would be a violation. In fact, there is no clear category for a temporary building per Chapter 17.116 SHMC to be placed on the site, so the building and related site improvements (required and proposed) would need to be approved on a permanent basis (i.e., Conditional Use Permit and subsequent building/development permits).

As it pertains to the "Training Grounds" sign, contrary to the assertion in your letter, a sign permit is required to install a new sign pursuant to SHMC 17.88.020(2) and the existing sign is not exempt from permitting per this Chapter. There is no permit for this sign, nor is the City aware of any application for a sign permit having been filed.

As noted above, the City believes that the existing sign is unlawful and that such a sign cannot be placed on the Parcel without a permit. Pursuant to its authority under SHMC 17.88.155, please accept this letter as official notice that the City deems the sign to be in violation of the provisions of SHMC 17.88, and the City hereby requests that CRFR immediately remove the sign. A failure on the part of CRFR to do could result in the City removing the sign pursuant to its authority under SHMC 17.88.155.

Should you have any questions in this regard, please do not hesitate to contact this office.

Respectfully yours,



Jacob A. Graichen, AICP, City Planner

cc: CRFR; 270 Columbia Blvd; St. Helens, OR 97016

From: [Jacob Graichen](#)
To: [Rick Scholl](#); [Doug Morten](#); [Patrick Birkle](#); [Jessica Chilton](#); [Stephen Topaz](#)
Cc: [John Walsh](#); [Kathy Payne](#); [Brian Greenway](#)
Subject: ACSP and city furniture not declared surplus
Date: Tuesday, November 15, 2022 11:11:00 AM
Attachments: [LoopNet Screenshot 11152022.jpg](#)
[1400-Kaster-Rd-Saint-Helens-OR-1400-Kastor-Rd-8-24-LargeHighDefinition.jpg](#)

Dear City Council,

When city hall was remodeled somewhat recently the conference room on the second floor was moved to a smaller room. The sad part of that for many staff folks was loss of a large wooden table, which we hoped to reuse someday.

What troubles me is this table and many of the wooden chairs are unquestionably visible in one of the scrolling photos on the LoopNet site: <https://www.loopnet.com/Listing/1400-Kaster-Rd-Saint-Helens-OR/26715202/>

I attached a screenshot and the photo itself as downloaded.

Because these furnishings were not declared surplus, this seems like theft.

Jacob A. Graichen, AICP, City Planner

City of St. Helens

jgraichen@sthelensoregon.gov

(503) 397-6272

1400 Kaster Rd

21,119 SF | Vacant | Industrial Building | Saint Helens, OR | \$6,500,000 (\$308/SF)

Industrial Properties / Oregon / Saint Helens / 1400 Kaster Rd, Saint Helens, OR 97051



INVESTMENT HIGHLIGHTS

- HI Zoning
- Rail Road Spur holds 10-12 rails cars +large flat lay down area
- 8.62 Acres
- 5 Buildings
- Water Access
- Vacant

EXECUTIVE SUMMARY

Heavy Industrial property with 5 buildings. Sitting on 8.62 acres with rail road and water access. Excellent opportunity for any heavy industrial , lumber lay down yard, finished wood ect.... Renewables/

blending location. This property is ready for you and your business. "Owner carry/flexible terms

PROPERTY FACTS



Jeff Yarbor



503-546-9955

9755 SW Barnes Rd
Suite 560
Portland, OR 97225



RCP



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: John Walsh, City Administrator
Brian Greenway, Chief of Police
Suzanne Bishop, Library Director
Jacob Graichen, City Planner
Patrick Birkle, City Councilor

FROM: Christina Sullivan, Community Development Administrative Assistant

RE: Planning Commission motion(s) from their November 8, 2022 meeting

DATE: November 22, 2022

At their November 8, 2022 meeting, the Planning Commission approved the following motions:

A resolution to have the City Administrator keep the Planning Commission subcommittee advised of all potential solutions being actively considered by the city.

A resolution to have the subcommittee meet with the police, the library and they form a stakeholder group and regroup and discuss in January.

These relate to HB 3115 and homelessness. If you have any questions, please talk to the City Planner.