

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
VAC.2.22

DATE: July 25, 2022
TO: City Council
FROM: Jacob A. Graichen, AICP, City Planner
Jennifer Dimsho, AICP, Associate Planner
PETITIONERS: Keith & Laura Locke, Diane Marie Dillard Revocable Living Trust, Susan Jones,
& Williamson Trust
PROPOSAL: Vacation of public right-of-way described as follows:

The west 25 feet of the N. River Street right-of-way and the east 30 feet of the N. 1st Street (Columbia St.) right-of-way abutting Lots 1, 2, and the portion of Lot 3 not included in the Marinascape Condominiums, Block 13; and

The north 25 feet of the Columbia Boulevard right-of-way abutting Lot 1, block 13, and the proposed vacated portions of the N. River Street and N. 1st Street (Columbia St.) rights-of-way adjacent to said Lot 1; and

The west 30 feet of the N. 1st Street (Columbia St.) right-of-way abutting Lots 22, 21 and the south half of Lot 20, Block 16; and

The west 25 feet of the S. River Street right-of-way abutting Lot 11, Block 12; and

The south 25 feet of the Columbia Boulevard right-of-way abutting Lot 11, Block 12, and the proposed vacated portion of the S. River Street right-of-way adjacent to said Lot 11;

All within the St. Helens Subdivision, City of St. Helens, Columbia County, Oregon.

The purpose of this vacation is to **provide additional area to allow for the development and/or redevelopment of the subject properties** per the petitioner's petition.

PUBLIC HEARING & NOTICE

Hearing date: August 3, 2022 before the City Council

Notice of this proposed street vacation was Published in the Chronicle on July 20, 2022 and July 27, 2022. Staff posted a copy of the notice at or near each end of the proposed street vacation areas on July 12, 2022.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 2.08.080 - Planning Commission Powers and Duties

Discussion: There are several listed duties and powers that include recommendations to the City Council with regards to property acquisition/disposition, public facility proposals, right-of-way plans, plats or deeds dedicating land to public use, and street design for example. Street vacation proposals can be construed as falling within one or more of these.

As such, at their **June 14, 2022** meeting, the **Planning Commission considered this request and**, based on a unanimous vote, **recommends denial** of the entire request to the City Council.

SHMC - 2.74.090 Parks & Recreation Commission Responsibilities, Powers and Duties.

Discussion: There are several listed responsibilities, powers, and duties that include recommendations to the City Council regarding trails, public bicycle and/or pedestrian ways and other public facilities.

Based on a request by the Parks & Recreation Commission to review the proposal because of its relation to the trail network of the City and the Parks & Trails Master Plan, **the Parks & Recreation Commission considered this request at their July 11, 2022 meeting**. Based on a unanimous vote, **they recommended denial** of the entire request to the City Council.

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

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

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

Oregon Revised Statutes, ORS 271.120 – Street Vacation Approval Criteria

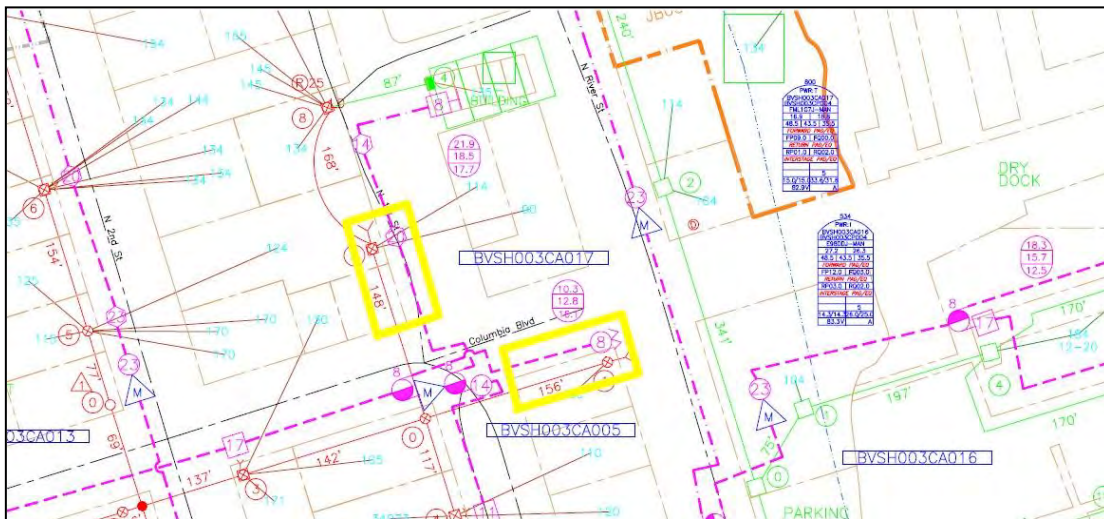
... the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If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

Findings:

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

CRPUD: “The street vacation proposed by Dillard, Locke, Williamson Trust and Jones (FILE: VAC.2.22) includes areas in the existing right of way in which Columbia River PUD (CRPUD) has existing electric facilities. These utility poles, lines, guys and anchors and other equipment are maintained on a regular basis, and upgraded, improved or repaired (as needed) by CRPUD. At any time, CRPUD crews need to be able to access these facilities, either in an outage or emergency situation, or during upgrade or routine maintenance events. This means that obstacles such as fences or walls cannot be erected that block CRPUD access to utility poles, lines or equipment. If the areas marked were vacated, CRPUD would require an easement for ingress, egress, and utilities through this area. A Public Utilities Easement (PUE) is also an option. The easement options are not ideal, as they present a layer of difficulty when changes or upgrades are needed in the future. For this vacation to be possible, the electric facilities feeding North 1st Street, and one home on South 1st Street, would need to be relocated, and the services to the homes altered. Columbia River PUD is a not for profit organization, and operates on a ‘Cost Causer Cost Payer’ policy, so the cost of moving these facilities and altering home services would fall to the developer. In addition, as this area develops, CRPUD will need access to a right-of-way when accommodating City improvements. Due to the complexity of removing facilities for an entire city block due to this vacation, as well as this vacation creating barriers to future downtown growth, Columbia River PUD objects to the proposed vacation (FILE: VAC.2.22) of N 1st Street, S 1st Street, and River Street.”

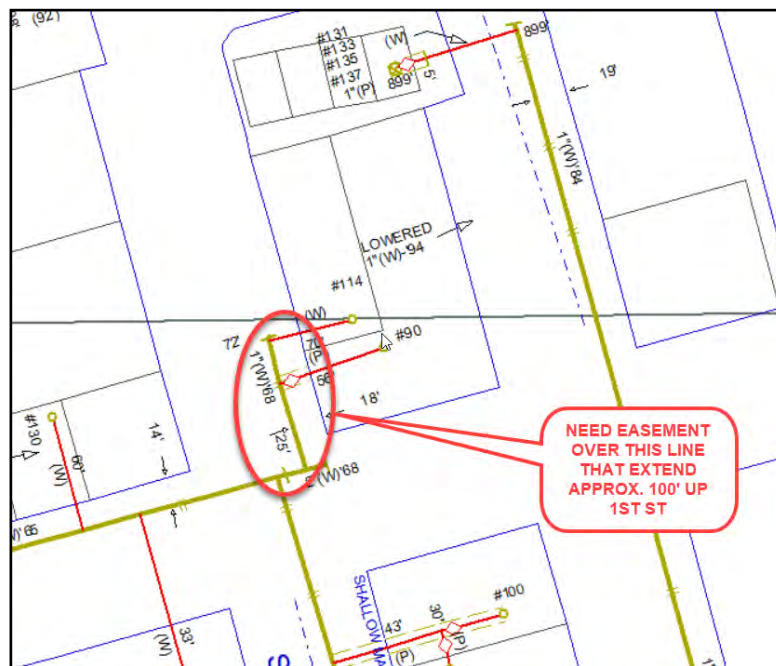
Comcast: “Comcast can’t agree to these vacations unless the developer provides a new PUE and pays for a relocation of Comcast’s existing facilities. I remember the earlier request that did not affect our plant. I am going to assume CRPUD is in the same position as Comcast since we are attached to their poles.”



Comcast Referral Map

Centurylink: “We have a 200 pair cable that rides the two poles in question [along the east side of N. 1st Street]. At first glance, without going out in person, moving the poles, cable and splicing will run the individual about \$8,000. Again, this is a rough estimate and could change once an official site walk is performed.” STAFF NOTE: This feedback was from an earlier vacation request that only included the rights-of-way that abut the Locke properties. This was since altered to the current, expanded request. Centurylink has not provided an updated referral comment for this new request.

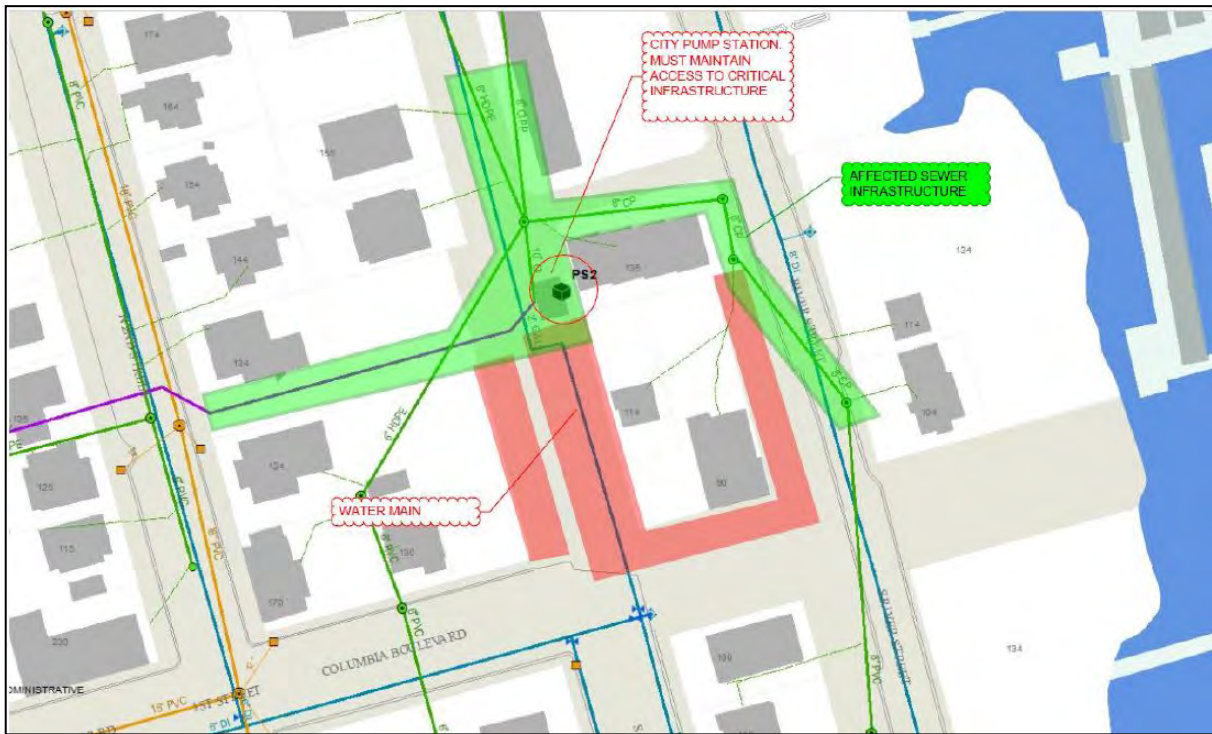
NW Natural: “Here is the area that we have facilities in the vacation area and will need an easement.”



NW Natural Referral Map

City Engineering: “The City owns and maintains a water line in the existing [N. 1st Street] right-of-way. The City owns and maintains a public sewer and other critical sewer infrastructure adjacent to the proposed [N. 1st Street] right-of-way vacation and must maintain the access to these facilities. The N. 1st Street right-of-way is the only alternative access to Pump Station No. 2 in the event the River Street access is blocked. Narrowing the right-of-way, particularly on N. 1st Street and on Columbia Blvd. will prevent future expansion and/or relocation of public utilities. Vacating the right-of-way on River Street will prevent future widening of the road and the addition of sidewalk for safe pedestrian use. Vacating the right-of-way on Columbia Blvd., N. 1st Street, and River Street is not consistent with the Corridor Master Plan.”

After the initial referral, it was added that a public storm drain (6” or 8” line) daylights into the right-of-way along the west side of N. 1st Street. Storm currently drains naturally down the hill into the right-of-way below, but if vacated, it could not drain in this manner. There is also no public storm in the area to connect this to.



City Engineering Referral Map

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

Pursuant to ORS 271.080(2), the consent of the owners of all abutting property and not less than two-thirds in area of the real property affected area (i.e., an area 200 feet parallel to and on both sides of the portion of street right-of-way to be vacated and 400 feet along its course beyond each terminus of the portion of street right-of-way to be vacated) is required. **The applicant submitted documentation showing 100% consent of all property owners abutting the portion of street right-of-way to be vacated and 72.3% of the affected area.** Staff confirmed with its legal counsel that staff's interpretation of "abutting" in the context of a right-of-way vacation is acceptable.

- **Has notice been duly given?**

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

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

There are multiple public interests for each street to consider. Staff reviewed transportation, utilities, trees, and public views for each of the streets considered for vacation. A table summarizing each public interest is included on page 14.

TRANSPORTATION

South & North River Street

Both N. and S. River Street are considered local streets. Local streets have a minimum right-of-way width of 50'. The existing actual right-of-way is 80', but the developed roadway is skewed towards the east side of the right-of-way, likely due to the steep slope within the west side of the right-of-way. The River Street roadway width varies between 24' and 34' wide north of Columbia Blvd., although it is mostly consistent south of Columbia Blvd at approximately 30' wide. The east side of the street is developed with a curb, gutter, and sidewalks. The west side of the street has only a curb. N. River Street dead ends at a cul-de-sac near Grey Cliffs Park about 550 feet north of the proposed vacations. Although there has been design work advancing for a limited access/fire access to allow for better circulation up to N. 2nd Street, traffic along River Street is fairly limited to truck/trailer travel to the boat launch, the RV park, Grey Cliffs Park, and the various dwellings off N. and S. River Street.



River Street roadway looking north



River Street roadway looking south

Typically, streets are more centered in the right-of-way, and therefore street vacations are also usually centered, splitting the vacation requests between both sides of the street. Since River Street is so skewed to the east side, it is unlikely that the properties along the east side of the street could apply for a similar vacation. In addition, just north of the proposed vacation (abutting the St. Helens Marina townhomes), 25 feet of N. River Street (west side) was vacated in 1996. More recently in 2020, 20 feet of S. River Street (west side) was vacated approximately 300' south of the proposal with the VAC.1.20 file.

Granting a 25' street vacation would leave 55' of right-of-way remaining, which is 5' more than the minimum standard for local streets. Granting 25' would also leave enough remaining right-of-way for a new 5' curb-tight sidewalk along the west side of the developed roadway.

There is a small gravel pedestrian trail which begins in the undeveloped Columbia Blvd. right-of-way and follows the N. River Street right-of-way which is proposed to be vacated. The connection is utilized often by the public because it connects the highly traveled Columbia Blvd. to River Street and its amenities, including Grey Cliffs Park, the St. Helens Marina, RV parks, and residential units. In 2015, improvements to the pedestrian connection between Columbia Blvd. and River Street were identified as a high priority trail project in the Parks & Trails Master Plan (Ord No. 3191).



Trail from N. River Street looking north



Trail from N. River Street looking south

Transportation Summary: Vacating 25' of the South River Street right-of-way does not conflict with any planned or future transportation improvements. Vacating 25' of the North River Street right-of-way would prevent public access along a used trail that connects Columbia Blvd. and 1st Street to River Street down below. It would also limit opportunities for future improvements to the trail as identified in the Parks & Trails Master Plan.

North 1st Street

1st Street is classified as a Collector Street up to the Columbia Blvd. intersection. Beyond the Columbia Blvd. intersection, it is considered a local street. Local streets have a minimum right-of-way width of 50'. The existing actual right-of-way is 80'. There is a section of the 80' x 80' existing right-of-way intersection that is proposed to be utilized for intersection improvements in the 2015 Corridor Master Plan (Ord. No. 3181) (see yellow area on the map exhibit attachment).



Gravel driveway which serves 114 N. 1st Street. Steep drop off is just beyond the vehicle.

Currently, there is an existing gravel driveway which serves only 114 N. 1st Street. The roadway does not continue north beyond Columbia Blvd. because of a steep cliff, where the elevation goes from approximately 40' to 24' over a span of less than 34 feet. This over 47% slope at its steepest.

The applicants are requesting to vacate a total of 60' of right-of-way (30' on each side of the street), leaving only 20' of public right-of-way. The applicant's stated purpose for the vacation is to develop or redevelop the subject properties. The zoning of the properties abutting the proposed vacations are Apartment Residential (AR) and Riverfront District, Marina (both allow higher density multi-family dwellings). In addition, access via Columbia Blvd. or River Street is limited due to topography and conflicts with the Corridor Master Plan recommendations. This leaves N. 1st Street providing the most logical point of access to the properties which may be redeveloped (and the sole point of access for 114 N. 1st Street). A 20' right-of-way does not meet any public street standard.

The local *skinny street* standard (minimum 40' right-of-way width) can be used when providing access to land uses whose combined average daily trip rate is 200 ADT or less. 200 ADT is approximately 20 single-family dwellings. Given the limited square footage of land which would access N. 1st Street from this location, the local *skinny street* standard could apply in this case.

In addition to considering the minimum right-of-way to retain to serve abutting land uses, the topography and usability of the right-of-way which is to be vacated must be considered. The west side of the right-of-way has a gentler slope than the east side. This is significant because if a roadway, pedestrian trail, or bicycle connection were to be constructed in the N. 1st Street right-of-way, the area with the gentler slope would be preferred to minimize the slope of the improvements. See Columbia Blvd's transportation section for more information about potential transportation improvements in this area.



Both photos above were taken from N. 1st Street right-of-way looking south with the city pump station on the left.

*The photo on the **left** was taken recently and shows a retaining wall and fence in the center of the photo. There is approximately 30' of public right-of-way on the right side of the retaining wall. This area was graded and paved around 2017 with the development of a triplex.*

*The photo on the **right** was taken in Nov. 2016 before the triplex was developed and shows the area with more usable topography which may enable nonmotorized access as identified in the Corridor Master Plan.*

Transportation Summary: No portion within the current 80' x 80' right-of-way intersection of Columbia Blvd. and N./S. 1st Street should be vacated to be consistent with the Corridor Master Plan. Any vacation of N. 1st Street beyond the intersection should retain at least 40' of right-of-way (skinny street standard) to provide adequate access to abutting current and future land uses. For the purposes of developing a roadway, pedestrian, or bicycle improvements, the right-of-way on the west side of N. 1st Street is preferred because of its more gradual, usable slope. Staff does not recommend vacating any of the west N. 1st Street right-of-way to allow the development of transportation facilities within the more usable portion of the right-of-way.

Columbia Boulevard

Columbia Blvd. is classified as a Minor Arterial up to the 1st Street intersection. Beyond the 1st Street intersection, it is considered a local street. Local streets have a minimum right-of-way width of 50'. The existing actual right-of-way is 80'.



Currently, there is a gravel area which serves two lots (*pictured above*). The area also serves as informal street parking for 90 Columbia Blvd. and 100 S. 1st Street. The applicants are requesting to vacate a total of 50' (25' on each side) which leaves 30' of public right-of-way remaining.

As described in the N. 1st Street section, there is a section of the 80' existing right-of-way that is proposed to be utilized for Columbia Blvd. and N./S. 1st Street intersection improvements in the Corridor Master Plan. No portion of the 80' x 80' existing right-of-way intersection should be vacated. More specifically, the Corridor Master Plan also proposed three transportation-related improvements along Columbia Blvd. and at the intersection S./N. 1st Street:

1. Stairway to River Street
2. Raised crossing between the two curbs extensions on the east side of S. 1st Street
3. Bicycle connection to River Street using N. 1st Street right-of-way



The full related excerpts from the Corridor Master Plan are attached to this report. These improvements are in addition to the designation as a “special opportunity area” with a proposed overlook, as described under Public Views below. The Corridor Master Plan also notes that if vehicular access to the two abutting private properties were no longer needed, the Columbia Blvd. right-of-way could be transformed into a pedestrian-only plaza, demonstrating the importance of this area as a public-use area.

The Corridor Master Plan’s designs are considered a 30% level design, which means the basic concept is outlined, but it is subject to change with further refinement (i.e., surveys, topography detail, etc.). Without further refinement, staff does not know how much right-of-way to retain to fully implement and construct all 3 transportation recommendations from the adopted plan. In no case should the examples in the Corridor Master Plan be considered final and it is inappropriate to use the illustrated examples alone as a basis for decision.

Transportation Summary: Staff recommends retaining the full 80’ wide right-of-way along Columbia Blvd. to allow for additional design work and implementation of the recommendations in the Corridor Master Plan.

TREES

Trees located in the right-of-way are subject to public protection. There is a large oak along the N. River Street right-of-way that appears to be either entirely or partially within the proposed

right-of-way to be vacated. If vacated, this large oak would no longer be subject to public protection.

UTILITIES

South and North River Street

There are no public utilities within the right-of-way to be vacated along S. River Street or within an assumed 15' on center PUE.

Along N. River Street, there is a public sanitary sewer line that runs close to the northern area to be vacated. City Engineering requested a 40' long easement to be retained over the northerly 25' wide street vacation to ensure adequate access to the public sewer line for maintenance along the steep slope.

Utilities Summary: If Council wants to entertain the 25' vacation along N. and S. River, the northernmost 40' should be retained as a public utility easement for the purposes of maintenance of the sanitary sewer along the steep slope.

North 1st Street

Along the **west** side of N. 1st Street, there is a CRPUD pole with power lines and communications (Comcast) lines spanning the entire length of the proposed 30' wide area to be vacated. The lines continue northward, beyond the area to be vacated. Comcast has requested that the poles be relocated and a new utility easement be provided by the owner, if the street vacation were granted. CRPUD said their preference is to require, at the owner's expense, relocation of the facilities (including utility poles, lines, guys and anchors and other equipment) since easements add a layer of difficulty, especially for expansion, maintenance, and access during an outage or an emergency situation. Read the full CRPUD referral on page 3. There is also a 6" or an 8" storm line which daylights near the southern area proposed to be vacated. Stormwater currently drains naturally down the hill into the right-of-way, but if vacated, this would need to be corrected. There is no nearby storm infrastructure to connect this to. Along the **east** side of N. 1st Street, there are two poles which are used by Centurylink and have aerial communications lines which span almost the entire length of the proposed 30' wide area to be vacated. There is also a NW Natural gas line which terminates approximately 100' north of Columbia Blvd. There is also a public water main which runs along the entire proposed area to be vacated and continues northward.

In addition to the linear utilities, Pump Station #2 is located north of the proposed area to be vacated. There is an existing asphalt area which provides access to and around the facility (*pictured right*).



Measuring from the building face southward, the paved area extends about 19 feet to a low retaining wall on the south side of the cliff. The majority of this paved area is included in the proposed area to be vacated. City Engineering also noted that N. 1st Street right-of-way provides the only alternative access to Pump Station #2 in the event that River Street access is blocked.

Utilities Summary: Given the number of utility conflicts, required utility easements, and the access to Pump Station #2, staff does not recommend vacating any portion of the **east** side of the proposed N. 1st Street vacation. If the Council wants to consider vacating a portion of the east side of the N. 1st Street right-of-way, the northerly 20' should be retained for purposes of accessing the pump station and the entire area to be vacated should be retained as a public utility easement for the purposes of maintaining the water line, Centurylink utilities, and NW natural facilities. This is not recommended by staff.

Staff also does not recommend vacating any portion of the **west** side of the N. 1st Street vacation given the utility conflicts with CRPUD and Comcast. If the Council wants to consider vacating this area, the entire area to be vacated would need to be retained as a public utility easement for the purposes of maintaining the utilities. Comcast and CRPUD also requested relocation of all utilities (including poles, lines, guys, anchors, and other equipment) at the property owner/developer's expense. This is not recommended by staff.

Columbia Boulevard

There are no utility conflicts within the northern Columbia Blvd. right-of-way proposed to be vacated.

Within the southern portion of the right-of-way proposed to be vacated, there is a Columbia River PUD pole with power lines and communications lines (Comcast) located close to the property line and within the requested area to be vacated. Comcast has said the relocation of the pole and facilities would be required and a new utility easement would be needed. CRPUD said their preference is to require, at the owner's expense, relocation of the facilities (including utility poles, lines, guys and anchors and other equipment) since easements add a layer of difficulty, especially for expansion, maintenance, and access during an outage or an emergency situation. Read the full CRPUD referral on page 3.

There is also a vehicular wayfinding sign (7' in length between posts) which includes 3' square footings at each post located in the southern portion of the Columbia Blvd. right-of-way proposed to be vacated. This is located just behind the sidewalk along 1st Street within the proposed vacation area.

Utilities Summary: There are no utility conflicts within the **northern** Columbia Blvd. right-of-way proposed to be vacated.

There is a utility pole with communications lines/ power lines and a vehicular wayfinding sign in the **southern** Columbia Blvd. right-of-way. Staff does not recommend vacation of the southern 30' of Columbia Blvd. due to aerial utility and wayfinding signage conflicts. If Council wanted to consider vacating this portion of the right-of-way, Comcast and CRPUD would require a PUE

and relocation of all utilities (including poles, lines, guys, anchors, and other equipment) at the property owner/developer's expense. The City would also require relocation of the wayfinding sign at the owner/developer's expense, although it is unclear where this would be re-installed. Staff does not recommend this.

PUBLIC VIEWS

An important public benefit in this case is public views. Because of the location and elevation, Columbia Blvd. and N. & S. River Street rights-of-way provide views of the Columbia River, Sand Island, and the St. Helens Marina down below.

Title 19 (the Comprehensive Plan) includes references to scenic areas and public views in Chapter 19.08.060.

19.08.060 Natural factors and local resources goals and policies.

[...]

(2) Goals.

(g) To preserve for the public benefit outstanding scenic areas.

[...]

(3) It is the policy of the City of St. Helens to:

(j) Balance development rights of property owners and protection of public views of the Columbia River, Scappoose Bay and Multnomah Channel.

[...]

In 2015, the Corridor Master Plan considered the Columbia Blvd. east of 1st Street a “special opportunity area” because of its scenic views of the Columbia River. An overlook with seating is described. The proposed overlook is proposed along with three transportation-related improvements that would increase pedestrian and bicycle connections as further described above.



The Corridor Master Plan's designs are considered a 30% level design, which means the basic concept is designed, but it is subject to change with further refinement (i.e., surveys, topography data, etc.). Note the caption states SUBJECT TO CHANGE. Without further refinement, staff does not know how much Columbia Blvd. right-of-way to retain in order to design and construct the overlook feature as recommended. In no case should the examples in the Corridor Master Plan be considered final and it is inappropriate to use the illustrated examples alone as a basis for decision. To ensure a 180-degree panoramic view, portions of N. and S. River Street are also important to retain control over vegetation, new structures, etc.

Public View Summary: Staff recommends retaining the full 80' wide right-of-way along Columbia Blvd. and portions of N. and S. River Street to preserve public access to the natural views consistent with the Comprehensive Plan and to allow for additional design work and implementation of the recommendations in the Corridor Master Plan.

PUBLIC INTEREST SUMMARY

Staff prepared a table which summarizes the various components of the public interest.

PUBLIC INTEREST SUMMARY				
STREET	TRANSPORTATION	UTILITIES	PUBLIC VIEWS	TREES
N. River Street (West 25')	Conflict Corridor Master Plan Parks & Trails Plan Existing gravel trail	PUE Needed City sanitary sewer (northernmost 40')	Partial conflict Scenic views	Large oak
S. River Street (West 25')	No conflict	No conflict	Partial conflict Scenic views	None
Columbia Blvd. (North 25')	Conflict Corridor Master Plan	No conflict	Conflict Scenic views Corridor Master Plan	None
Columbia Blvd. (South 25')	Conflict Corridor Master Plan	PUE and/or Relocation CRPUD Comcast City sign	Conflict Scenic views Corridor Master Plan	None
N. 1st Street (East 30')	Reduce request to 20' - "Skinny street" standard requires 40' RoW	PUE and/or Relocation Needed City water main NW Natural Centurylink	No conflict	None
N. 1st Street (West 30')	Conflict Corridor Master Plan	PUE and/or Relocation Needed CRPUD Comcast City storm	No conflict	None

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, the Planning Commission and Parks & Recreation Commission recommend that the City Council deny the street vacation requests in their entirety.

This differs from staff recommendation which is City Council grant only a portion (excluding a view preservation triangle) of the west 25 feet of the S. River Street right-of-way abutting Lot 11 with the provision that:

Applicant is responsible for providing a legal description and exhibit from a private surveyor within one year from the date that Council approves the partial vacation request.

Attachments: *Consent Map*

VAC.2.22 Map & Staff Recommendation Revised July 11, 2022

Applicant Survey

Excerpts from the Corridor Master Plan (2015) (4 pages)

Excerpt from Parks & Trails Master Plan (2015) (1 page)

Engineering Staff Report dated May 15, 2022

Columbia River PUD Referral dated June 1, 2022

NW Natural Referral dated May 13, 2022

Comcast Referral dated May 24, 2022

Centurylink(Lumen) Referral dated August 12, 2021

Items Added Post-PC Staff Report

Les Watters letter dated June 14, 2022

Brandon Sundeen email dated June 14, 2022

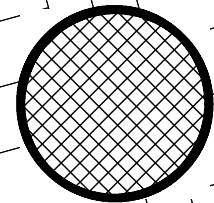
Staff Memo of view considerations dated June 14, 2022

Keith Locke submittal dated June 14, 2022

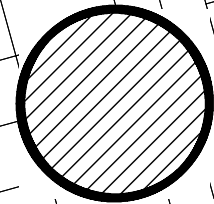
Steve Toschi testimony dated June 14 and June 20, 2022

FILE: VAC.2.22

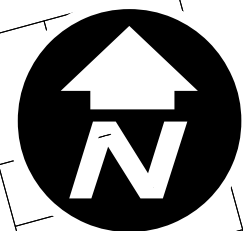
May 2022



Affected Property - Consent
72.3% of all Affected Properties



Affected Property - No Consent



NOT TO SCALE

COLUMBIA

S. 3RD STREET

BOULEVARD

S. 2ND STREET

S. 1ST STREET

S. RIVER STREET

N. 2ND STREET

N. 1ST STREET

N. RIVER STREET

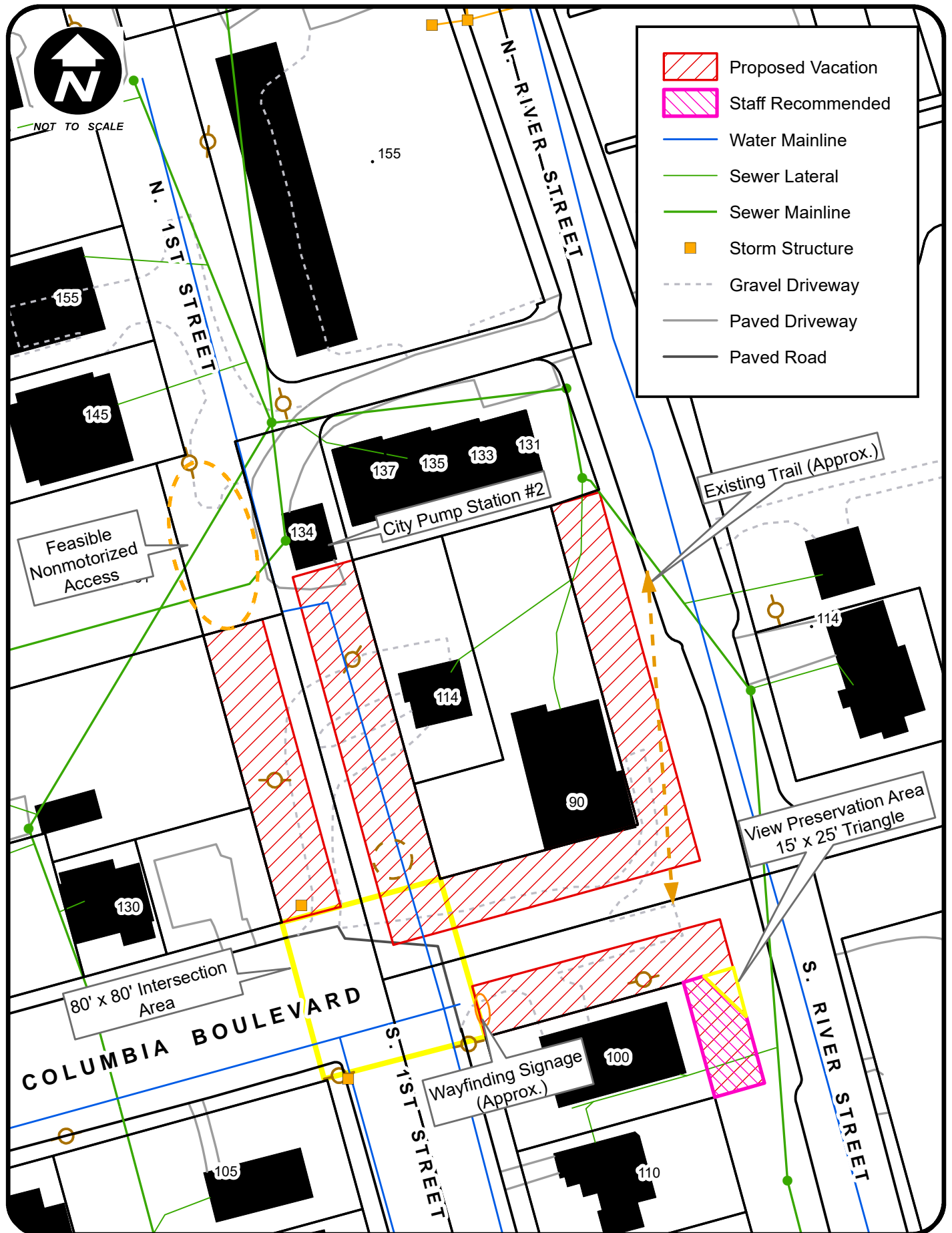
AFFECTED AREA

AFFECTED AREA

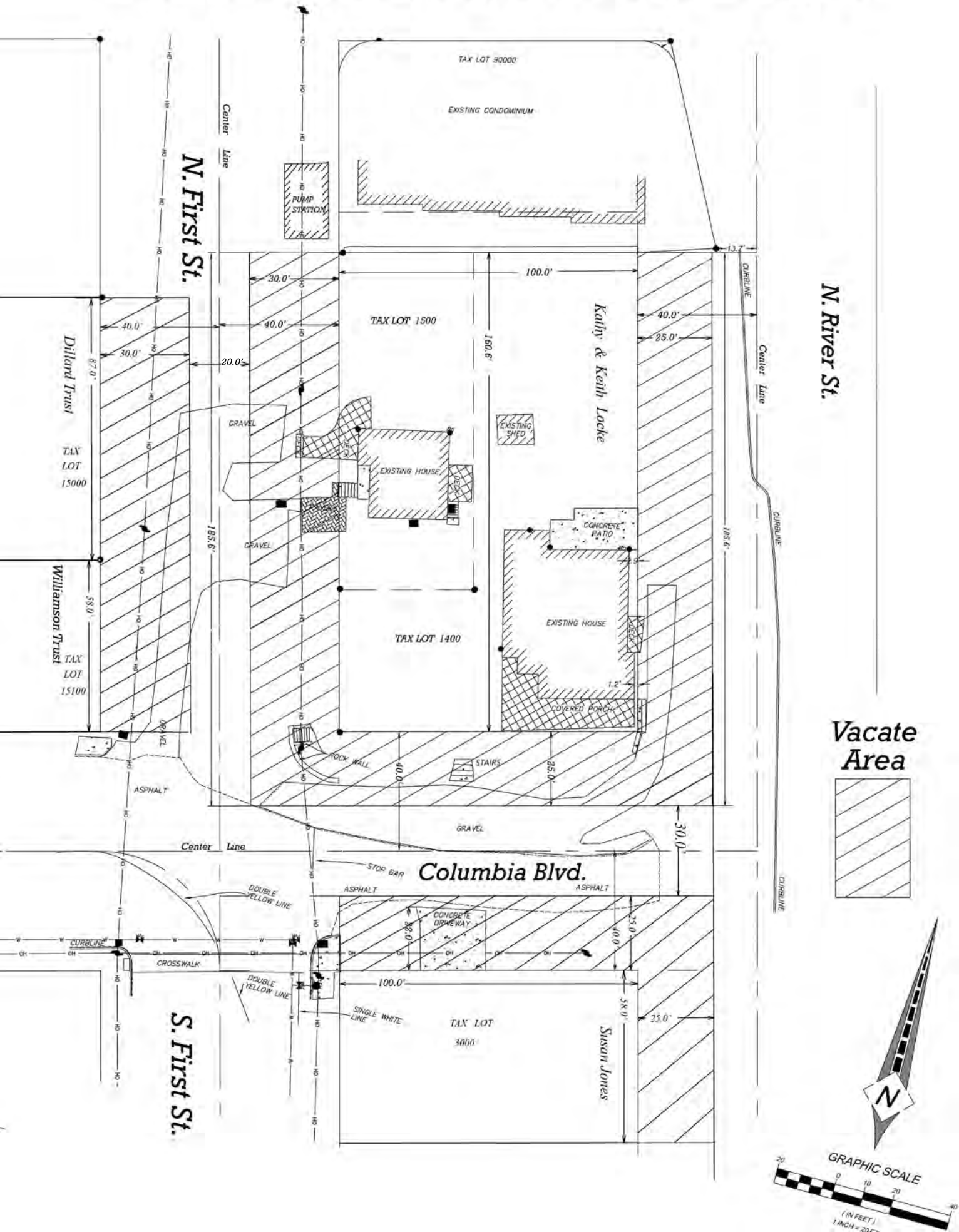
Proposed Vacation Area

COLUMBIA RIVER

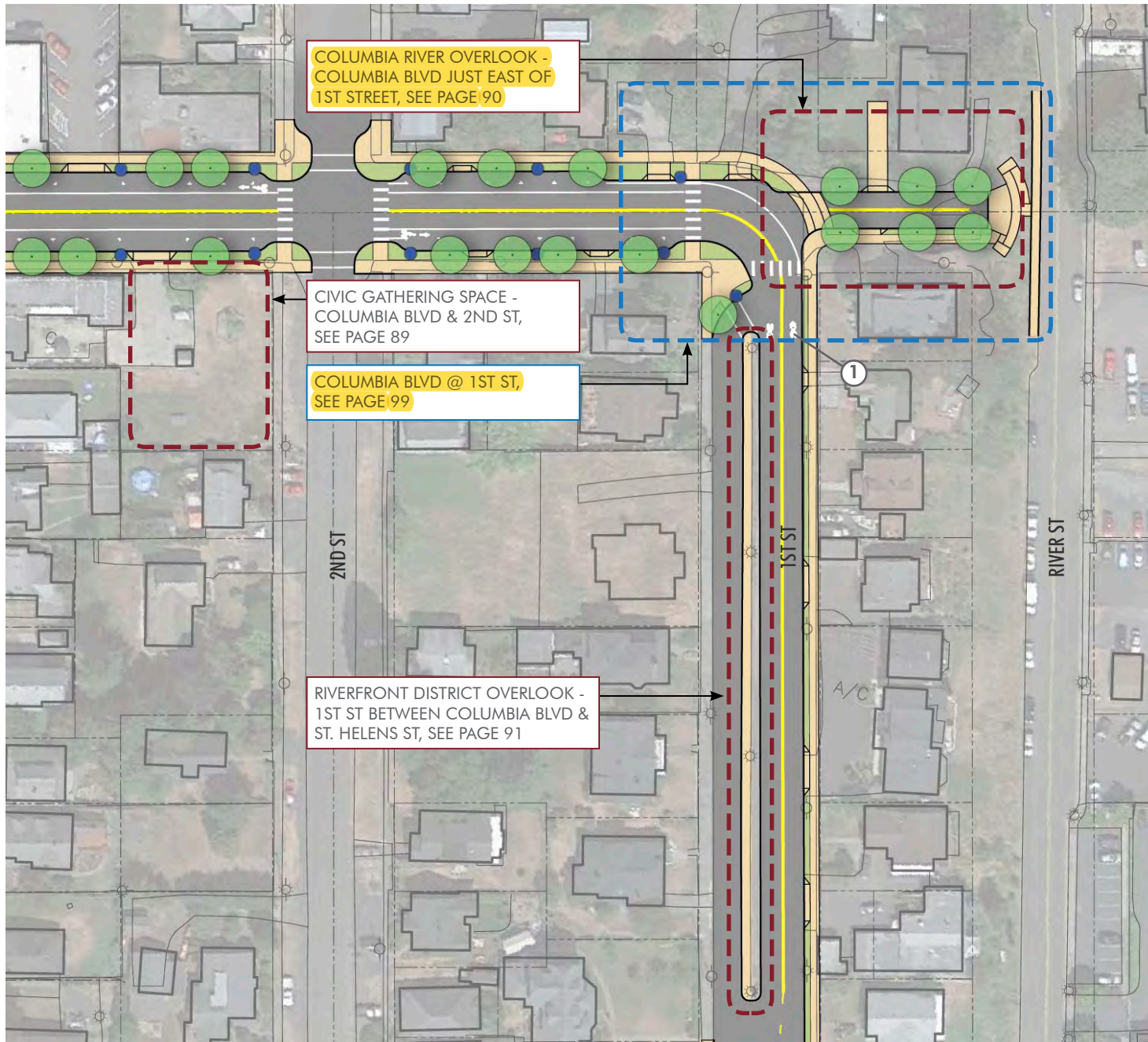
STREET VACATION (VAC.2.22) N. 1st St., N. & S. River St., and Columbia Blvd.












Locke, Dillard, Williamson, Jones - Street Vacate Request



D. RECOMMENDED CORRIDOR DESIGN OPTIONS: HOULTON & RIVERFRONT DISTRICT CORRIDOR SEGMENTS



LEGEND: HOULTON & RIVERFRONT DISTRICT

-  NEW SIDEWALK
-  PLANTING STRIP/FURNISHING ZONE
-  SCULPTURAL ELEMENT
-  PARKLET - SUBJECT TO CHANGE
-  NEW CROSSWALK STRIPING
-  NEW LIGHT POLE
-  NEW TREE
-  SPECIAL OPPORTUNITY AREA
-  CONCEPTUAL INTERSECTION ENHANCEMENT

KEY NOTES

- ① SHARROWS ON NORTH- AND SOUTHBOUND LANES OF 1ST STREET - SHARED BIKE AND VEHICULAR TRAFFIC.



D. RECOMMENDED CORRIDOR DESIGN OPTIONS: GREATER DOWNTOWN (HOULTON & RIVERFRONT DISTRICT) CORRIDOR SEGMENTS

6. COLUMBIA RIVER OVERLOOK –
COLUMBIA BOULEVARD JUST EAST
OF 1ST STREET

An existing parking area in City right-of-way at the end of Columbia Boulevard offers great views of the Columbia River. Nestled between two residences, an overlook with seating could provide some respite off the beaten path and a new way for the community to experience a natural wonder in their backyard. More discussion of this area is provided on page 99.



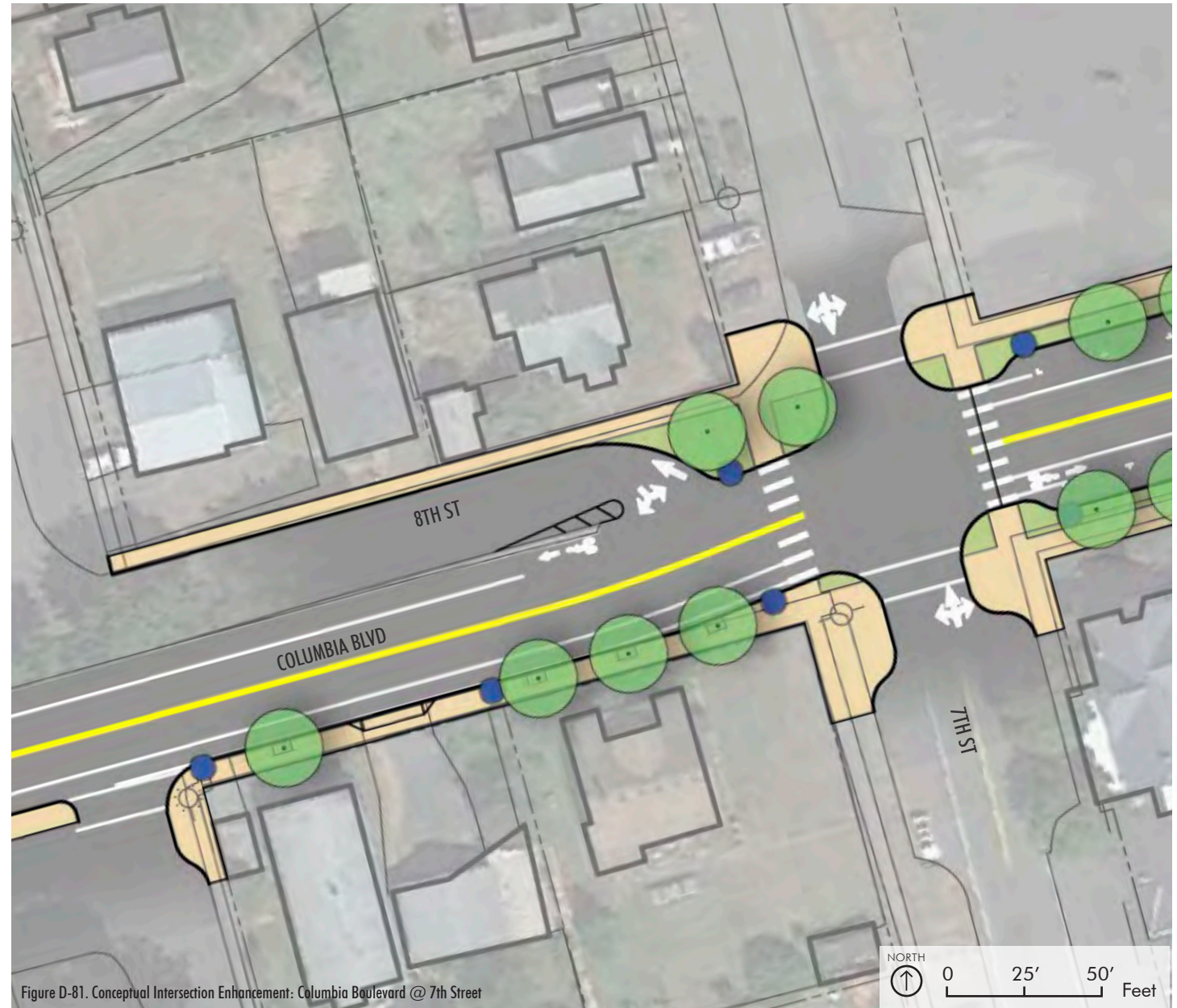
Figure D-73. Photo of the existing right-of-way spur just east of the Columbia Boulevard / 1st Street intersection



Figure D-74. Concept view of an overlook feature integrated with pedestrian walkways, on-street parking , planting areas and a vehicular turn around. Existing access to adjacent residences are preserved. SUBJECT TO CHANGE

D. RECOMMENDED CORRIDOR DESIGN OPTIONS: GREATER DOWNTOWN (HOULTON & RIVERFRONT DISTRICT) CORRIDOR SEGMENTS

6. **COLUMBIA BOULEVARD / 7TH STREET** (Figure D-81) - This concept illustrates potential enhancements to the 7th Street/Columbia Boulevard intersection. This concept has been designed to better transition between the existing cross-section located west of the intersection to the potential cross-section located east while also maintaining access to 8th Street. This concept includes bulbouts on all four quadrants of the intersection (improving sight lines and shortening crossing distances for pedestrians as well as to providing channelization through the intersection).
7. **COLUMBIA BOULEVARD / 1ST STREET** (Figure D-82 and Figure D-83) - This concept illustrates potential enhancements to the 1st Street/Columbia Boulevard intersection as well as the special opportunity area located immediately east of the intersection. This concept has been designed to better transition between the potential cross section along Columbia Boulevard to the existing cross-section along 1st Street while maintaining access to 1st Street (overlook). This concept includes a bulbout in the southwest quadrant of the intersection (improving sight lines and shortening crossing distances for pedestrians as well as providing channelization through the intersection). Final design of the intersection/adjacent roadways should accommodate boat trailers





and other large vehicles traveling to/from the boat launch located along River Street. The design for the overlook and surrounding area includes three short-term recommendations: (1) provide a stairway from the end of the Columbia Boulevard right-of-way to River Street below; (2) build a raised crossing area between the two curb extensions on the east side of 1st Street; and (3) provide a bicycle connection to River Street using existing right of way north and east of the intersection. In the long term if the two properties on either side of the right-of-way extension redevelop and no longer need direct vehicle access from that portion of Columbia Boulevard, the area between them could potentially be closed to vehicle traffic and transformed into a pedestrian plaza adjacent to the overlook.

Recommendations for the Section of 1st Street between Columbia Boulevard and St. Helens Street include not allowing for on-street parking within the constrained lower tier, prohibiting parking on the existing sidewalk on the east side within the constrained lower tier, maintaining the current width of that sidewalk, and providing "sharrows" (shared lane markings) in the street for bicycles where the right-of-way is too constrained to provide bike lanes. The striping on the east side of the street would be removed.

Another option which may be considered by the City would be to provide on-street parking on the east side of this section (lower tier) of 1st Street. In order to do so, the sidewalk would need to be narrowed, which

WEST COLUMBIA BLVD. EXTENSION: Enhance the safety and appearance of pedestrian connection from Columbia Blvd. to River St. (#18)

The Corridor Master Plan (Jan 2015 adoption) has identified the dead end of Columbia Blvd. as a special opportunity area. It recommends this location for a Columbia River Overlook area, which would add to the sense of place and character of the corridor on the way to the Riverfront District (See concept pictures below). A makeshift pedestrian trail to River St. currently exists at this location, but it is heavily sloped and not recommended for safe use (See upper right). This location is also within the Columbia Blvd. right-of-way.

If this right-of-way area is developed as a Columbia River Overlook as suggested in the Corridor Master Plan, it would be an ideal time to also enhance the safety and appearance of the pedestrian connection to River St. In the concept rendering below, there is a proposed set of stairs, as well as landscaping enhancements and pedestrian safety improvements on Columbia Blvd. A striped crosswalk on River Street would also need to be provided for the user to safely reach the sidewalk on the other side.



Existing local access trail looking up at adjacent houses and to Columbia Blvd. Existing local access trail looking down to River St. below. Grey Cliffs Park can be seen in the background.



Left: Concept illustrates potential enhancements to the 1st Street/Columbia Blvd. intersection and the overlook area east of the intersection. A bike access trail utilizing existing right-of-way can be seen in the lower right corner.

Right: Concept view of an overlook feature integrated with pedestrian walkways, on-street parking, planting areas and a vehicular turn around. Existing access to adjacent residences are preserved.



Source: Draft Corridor Master Plan (2014)



ENGINEERING STAFF REPORT

PROJECT: FILE:VAC.2.22

REPORT DATE	NAME	PREPARED BY
Date 5/15/2022	Project Columbia Blvd R-O-W Vacation	Name Sharon Darroux

CONCLUSIONS/RECOMMENDATIONS

The Engineering Division's recommendation is to not vacate the public right-of-way based on the following,

- The City owns and maintains a water main in the existing right-of-way.
- The City owns and maintains public sewer and other critical sewer infrastructure adjacent to the proposed r-o-w vacation and must maintain the access to these facilities. The N 1st St right-of-way is the only alternative access to Pump Station No. 2 in the event the River Street access is blocked.



- Narrowing the right-of-way, particularly on N 1st Street and on Columbia Blvd will prevent future expansion and/or relocation of public utilities.
- Vacating the right-of-way on River St will prevent future widening of the road and the addition of sidewalk for safer pedestrian use.
- Vacating the right-of-way on Columbia Blvd, N 1st St, and River Street is not consistent with the Corridor Master Plan.

From: [Brooke Sisco](#)
To: [Christina Sullivan](#)
Cc: [Branden Staehely](#); [Karl Webster](#); [Jennifer Dimsho](#); [Jacob Graichen](#)
Subject: RE: [External] City Referral - Dillard, Locke, Williamson Trust, Jones (Street Vacation)
Date: Wednesday, June 1, 2022 7:27:17 AM

Good morning Christina,

The street vacation proposed by Dillard, Locke, Williamson Trust and Jones (FILE: VAC.2.22) includes areas in the existing right of way in which Columbia River PUD(CRPUD) has existing electric facilities. These utility poles, lines, guys and anchors and other equipment are maintained on a regular basis, and upgraded, improved or repaired (as needed) by CRPUD. At any time, CRPUD crews need to be able to access these facilities, either in an outage or emergency situation, or during upgrade or routine maintenance events. This means that obstacles such as fences or walls cannot be erected that block CRPUD access to utility poles, lines or equipment. If the areas marked were vacated, CRPUD would require an easement for ingress, egress, and utilities through this area. A Public Utilities Easement (PUE) is also an option. The easement options are not ideal, as they present a layer of difficulty when changes or upgrades are needed in the future. For this vacation to be possible, the electric facilities feeding North 1st Street, and one home on South 1st Street, would need to be relocated, and the services to the homes altered. Columbia River PUD is a not for profit organization, and operates on a 'Cost Causer Cost Payer' policy, so the cost of moving these facilities and altering home services would fall to the developer. In addition, as this area develops, CRPUD will need access to a right-of-way when accommodating City improvements. Due to the complexity of removing facilities for an entire city block due to this vacation, as well as this vacation creating barriers to future downtown growth, Columbia River PUD objects to the proposed vacation (FILE: VAC.2.22) of N 1st Street, S 1st Street, and River Street.

Best regards,

<p>Brooke Sisco Field Engineer I OJUA Board of Directors OJUA Executive Committee Direct: 503-366-3261 Cell: 971-225-8328 bsisco@crpud.org</p>	<p>Columbia River PUD PO Box 1193, St. Helens, OR 97051 64001 Col River Hwy., Deer Island, OR 97054 Main: 503-397-1844 FAX: 503-397-5215 www.crpud.net</p>
---	--

From: Christina Sullivan <csullivan@sthelensoregon.gov>

Sent: Tuesday, May 3, 2022 2:12 PM

To: Aaron Kunders <akunders@sthelensoregon.gov>; brenda.hartzog@nwnatural.com; Brooke Sisco <bsisco@crpud.org>; Dave Elder <delder@sthelensoregon.gov>; Karl Webster <kwebster@crpud.org>; Leroy_Soumokil@cable.comcast.com; Mark Guz - Centurylink <Mark.Guz@lumen.com>; Michael Arend <mearend@crpud.org>; Portland Serviceability <WDSSEngOpsServiceability@comcast.com>; Sharon Darroux <sdarroux@sthelensoregon.gov>; Stewart Hartley <shartley@sthelensoregon.gov>; Tad Pedersen - Fire Marshall

NW NATURAL

Jennifer Dimsho

From: Girard, Richard <Richard.Girard@nwnatural.com>
Sent: Friday, May 13, 2022 2:45 PM
To: Hartzog, Brenda
Cc: Jennifer Dimsho
Subject: RE: [External] Proposed vacation Distance of area where easement needs to be maintained

Here is the area that we have facilities in the vacation area and will need an easement



Rich Girard, P.E.
NW Natural | West Metro Engineer
503-610-7744 | r2g@nwnatural.com
Mobile 360-921-0314

From: Hartzog, Brenda <Brenda.Hartzog@nwnatural.com>
Sent: Thursday, May 12, 2022 8:27 AM
To: Girard, Richard <Richard.Girard@nwnatural.com>
Cc: 'jdimsho@sthelensoregon.gov' <jdimsho@sthelensoregon.gov>
Subject: FW: [External] Proposed vacation Distance of area where easement needs to be maintained

Hi Rich,

From: [Parris, Kenneth](#)
To: [Jennifer Dimsho](#)
Subject: [External] RE: City Referral - Dillard, Locke, Williamson Trust, Jones (Street Vacation)
Date: Tuesday, May 24, 2022 3:41:10 PM
Attachments: [Comcast Plant.pdf](#)

Hey Jennifer,

Comcast's can't agree to these vacations unless the developer provides a new PUE and pays for a relocation of Comcast's existing facilities. I remember the earlier request that did not affect our plant. I am going to assume that CR PUD is in the same position as Comcast is since we are attached to their poles.

The west 30 feet of the N. 1st Street (Columbia St.) right-of-way abutting Lots 22, 21 and the south half of Lot 20, Block

16;

The south 25 feet of the Columbia Boulevard right-of-way abutting Lot 11, Block 12, and the proposed vacated portion of the S. River Street right-of-way adjacent to said Lot 11

Thanks,

Ken Parris
Comcast Cable
Construction Dept
Kenneth_Parris@Comcast.com
Cell 971-801-5699

From: Jennifer Dimsho <jdimsho@sthelensoregon.gov>
Sent: Wednesday, May 18, 2022 12:05 PM
To: Parris, Kenneth <Kenneth_Parris@cable.comcast.com>
Subject: [EXTERNAL] FW: City Referral - Dillard, Locke, Williamson Trust, Jones (Street Vacation)

Hi Ken,

It looks like you were not included on our original referral email for this (below). I've made sure our assistant added you and removed Leroy as the contact for vacations.

You may remember me reaching out last August and we determined you had facilities on the west side of N. 1st Street (along with the PUD). Since then they've added **more** streets to be vacated (see attached) for their formal request. Could you let me know your comments by June 3, as indicated below?

Let me know if any questions.

Jenny Dimsho, AICP
Associate Planner / Community Development Project Manager
City of St. Helens

(503) 366-8207

jdimsho@sthelensoregon.gov

From: Christina Sullivan <csullivan@sthelensoregon.gov>

Sent: Tuesday, May 3, 2022 2:12 PM

To: Aaron Kunders <akunders@sthelensoregon.gov>; brenda.hartzog@nwnatural.com; bsisco@crpud.org; Dave Elder <delder@sthelensoregon.gov>; Karl Webster - CRPUD <kwebster@crpud.org>; Leroy_Soumokil@cable.comcast.com; Mark Guz - Centurylink <Mark.Guz@lumen.com>; Michael Arend - CRPUD <marend@crpud.org>; Portland Serviceability <WDSSEngOpsServiceability@comcast.com>; Sharon Darroux <sdarroux@sthelensoregon.gov>; Stewart Hartley <shartley@sthelensoregon.gov>; Tad Pedersen - Fire Marshall <pedersenr@crfr.com>

Subject: City Referral - Dillard, Locke, Williamson Trust, Jones (Street Vacation)

**Diane Dillard, Keith & Kathy Locke, Williamson Trust, Susan Jones
Street Vacation / VAC.2.22**

**4N1W-3BB-15000, 5N1W-34CD-1400, 4N1W-3BB-15100, & 4N1W-3BA-3000
124 N 2nd Street, 90 Columbia Blvd, 114 N. 1st Street, 100 S 1st Street**

The attached materials have been referred to you for your information and comment. Your recommendations and suggestions will be used to guide the staff and Planning Commission when reviewing the proposed request. If you wish to have your comments on the attached material considered, please respond by June 3, 2022.

Your prompt reply will help to facilitate the processing of this application and will ensure prompt consideration of your recommendations.

Thank you,

Christina Sullivan

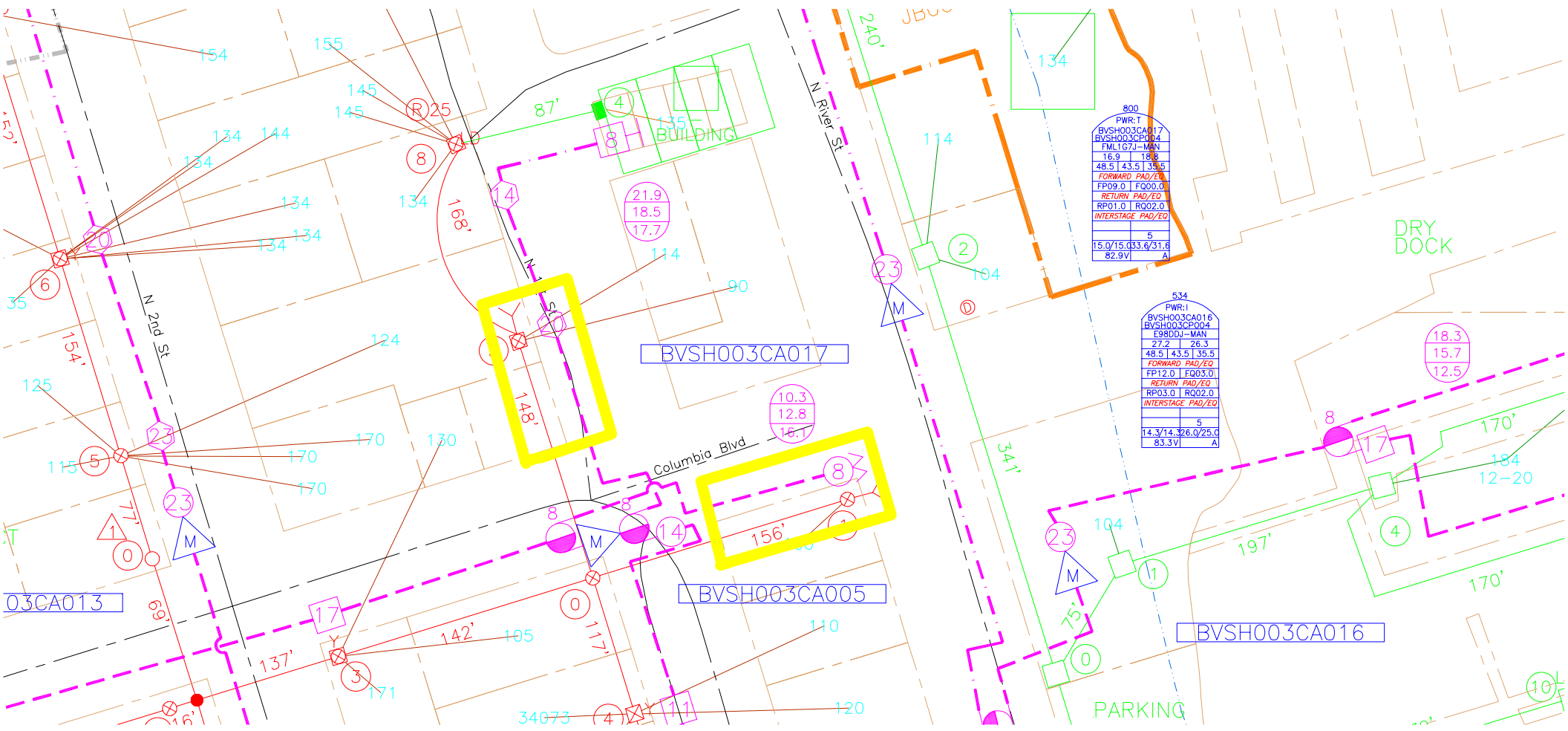
Community Development Administrative Assistant

City of St. Helens

Direct: (503) 366-8209

Main: (503) 397-6272

www.sthelensoregon.gov



800

PWR: T	
BVSH003CA017	
BVSH003CP004	
FML1G7J-MAN	
16.9	18.6
48.5	43.5
35.5	
FORWARD PAD/EQ	
FP09.0	EQ00.0
RETURN PAD/EQ	
RP01.0	RQ02.0
INTERSTAGE PAD/EQ	
5	
15.0/15.033.6/31.6	
82.9V	A

534

PWR: I	
BVSH003CA016	
BVSH003CP004	
E980DJ-MAN	
27.2	26.3
48.5	43.5
35.5	
FORWARD PAD/EQ	
FP12.0	EQ03.0
RETURN PAD/EQ	
RP03.0	RQ02.0
INTERSTAGE PAD/EQ	
5	
14.3/14.326.0/25.0	
83.3V	A

BVSH003CA016

From: [Galas, Marco A](#)
To: [Jennifer Dimsho](#)
Cc: [Guz, Mark](#); [Coleman, Travis](#)
Subject: RE: [External] City Referral - Potential Street Vacation at 90 Columbia Blvd. & 114 N. 1st Street
Date: Thursday, August 12, 2021 1:17:04 PM
Attachments: [image001.png](#)

Good afternoon , I am the Lumen Engineer responsible for the St Helens area. I have taken a look at this as we have a 200 pair cable that rides the two poles in question . At first glance without going out in person , moving the poles, cable and splicing will run the individual about \$8,000 .

Again this is a rough estimate and could change once an official site walk is performed.

Thanks,

Marco Galas

Network Implementation Engineer II

Oregon | Southwest Washington

564-888-2024

marco.galas@lumen.com



From: Jennifer Dimsho <jdimsho@sthelensoregon.gov>
Sent: 12 August, 2021 10:31
To: Guz, Mark <Mark.Guz@CenturyLink.com>; Guz, Mark <Mark.Guz@CenturyLink.com>
Subject: RE: City Referral - Potential Street Vacation at 90 Columbia Blvd. & 114 N. 1st Street

Mark,

I've been able to confirm that these two poles do not have CRPUD utilities or Comcast utilities, which only leaves Century Link as the utility provider for these poles.

Can you please review the attached email and map and provide feedback at your earliest convenience? If you are not the right person at Century Link, please let me know ASAP.

Thanks,

Jenny Dimsho, AICP

Associate Planner / Community Development Project Manager

City of St. Helens

(503) 366-8207

Please note new email address: jdimsho@sthelensoregon.gov

Provided @ 6-14-22 RE MEETINGS

June 14, 2022

Regarding Staff Report VAC.2.22

I own the properties at 130 and 170 Columbia Blvd. which are one lot west of the subject vacation area. At some point, 130 Columbia Blvd which was the parsonage for the adjacent Congregational Church building, was separated from the full lot that abuts N. 1st Street.

I have owned the properties for about 30 years. Apparently I am in the 27.5% of the affected property owners who did not consent to the petition since I did not see the formal document to approve or disapprove.

I participated in a review of the proposed Master Corridor Plan and strongly supported the concept of a designated overlook at that time, and continue to do so for the same reason: unrestricted public access should be retained and protected.

Consequently,

- I support the staff analysis, conclusion and recommendation, but would add these additional considerations:
 - Traffic concerns -
 - Within the past two weeks there was an accident that pushed over the street sign post and a mailbox on the NW corner of First Street and Columbia Blvd.
 - Over the years there have been a number of accidents at that corner and without careful consideration of how traffic will be managed at the intersection, especially if new construction adds to the density and reduces maneuverable space, then no vacation of public streets should be granted.
 - Informed consent-
 - Should those who agreed to the vacation petition be provided with the complete analysis in the staff report so that they are aware of the potential consequences of their approval?

Thank you for your time,

Les Watters
2035 SE Main Street
Portland, Oregon 97214

Jacob Graichen

From: Kathy Payne
Sent: Tuesday, June 14, 2022 11:24 AM
To: Brandon Sundeen
Cc: Jacob Graichen
Subject: RE: [External]

Hi Brandon,

I'm cc'ing City Planner Jacob Graichen for a response.

Thank you,
Kathy

From: Brandon Sundeen <brandonsundeen@gmail.com>
Sent: Tuesday, June 14, 2022 11:21 AM
To: Kathy Payne <kpayne@sthelensoregon.gov>
Subject: [External]

Hi Kathy,

I am not sure what the protocol is, but is it possible to have something read during tonight's meeting of the planning commission if I am unable to attend? It is regarding the street vacation listed as Point C under the discussion items. If so, I will include it below. I appreciate your help.

Brandon Sundeen

First I would like to thank the members of the Planning Commission for their time and service. I am unable to attend in person this evening but would like to voice my opposition to the vacation of the public right-of-way near the corner of Columbia Blvd. and N. 1st Street. I appreciate the information provided in the Staff Report prepared by the City Planning Department. Several of my reasons are mentioned in the report. As a member of the St. Helens Parks and Recreation Commission, I am concerned that this vacation will affect the pedestrian connection between Columbia Blvd. and River Street, a connection that was identified in the 2015 Parks and Trails Master Plan as a "high priority trail project." Beyond accessibility, the proposed development will likely affect one of the most beautiful viewpoints in the city, with clear views to the river, marina, and Sand Island.

I am also concerned that this street vacation will give the green-light to the demolition of one of the most historic homes in St. Helens, the two-story Queen Anne style residence that was built by Dr. Edwin Ross in 1895 and was once known as "Tanglewood on the Columbia." This property, once one of the most beautiful and well-manicured in the city, is also part of the St. Helens Historic District and in my opinion should be preserved at all costs to maintain the charm and feel of the downtown area.

I see no benefit to the citizens of St. Helens to vacate this public right-of-way. Thank you for your time and consideration.

Sincerely,
Brandon Sundeen



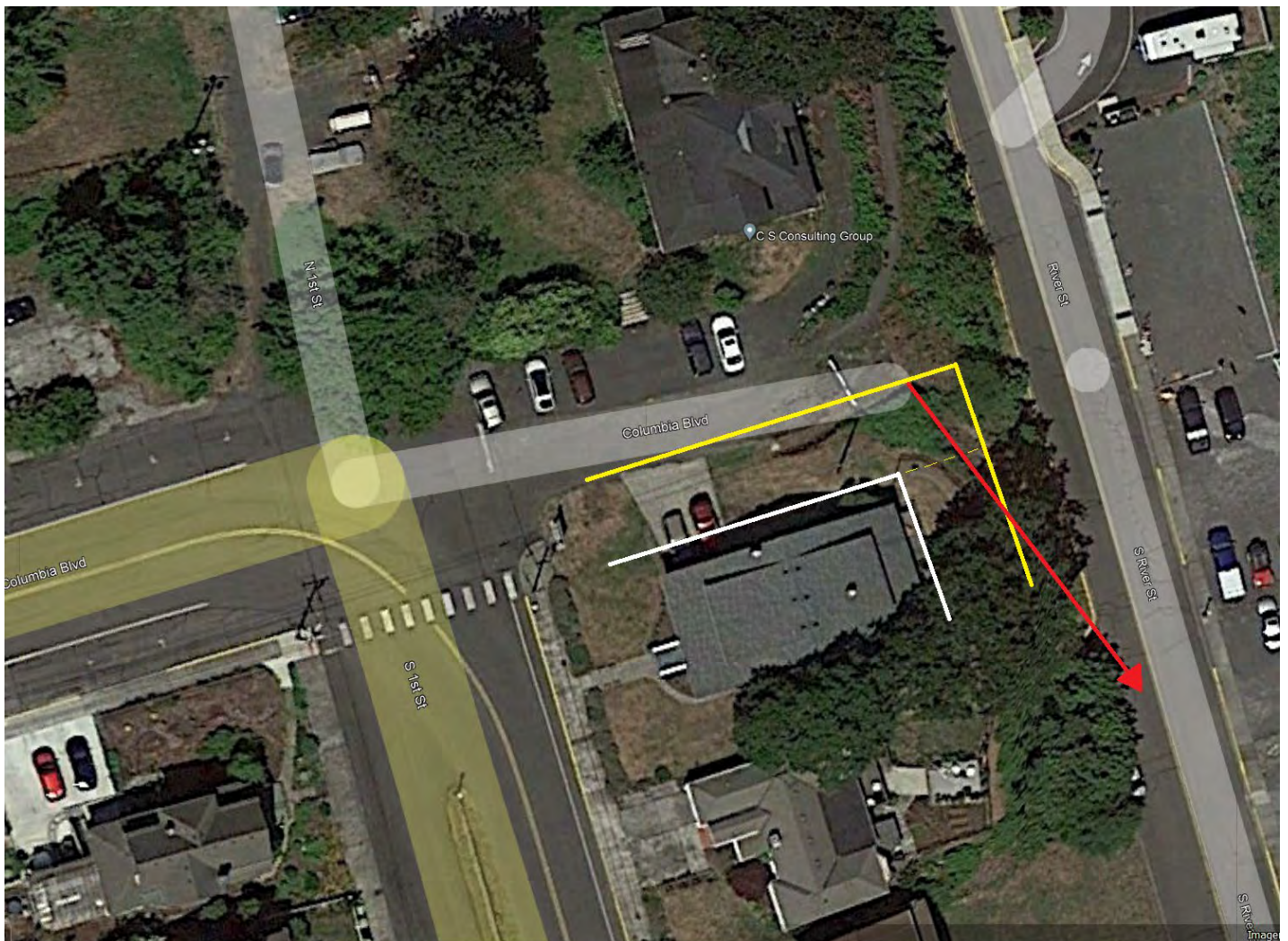
CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
RE: Vacation VAC.2.22 – additional view considerations
DATE: June 14, 2022

These are additional public view preservation considerations. To ensure a panoramic view at this rare, elevated area along the waterfront still under public access and control, additional right-of-way should be preserved compared to the recommendation of the staff report.

On the image below, the white line represents the approximate existing property line, and the yellow line is the proposed along the Susan Jones (100 S. 1st Street) property. The red line approximates the angle of view to still see the County Courthouse parking lot flagpole.

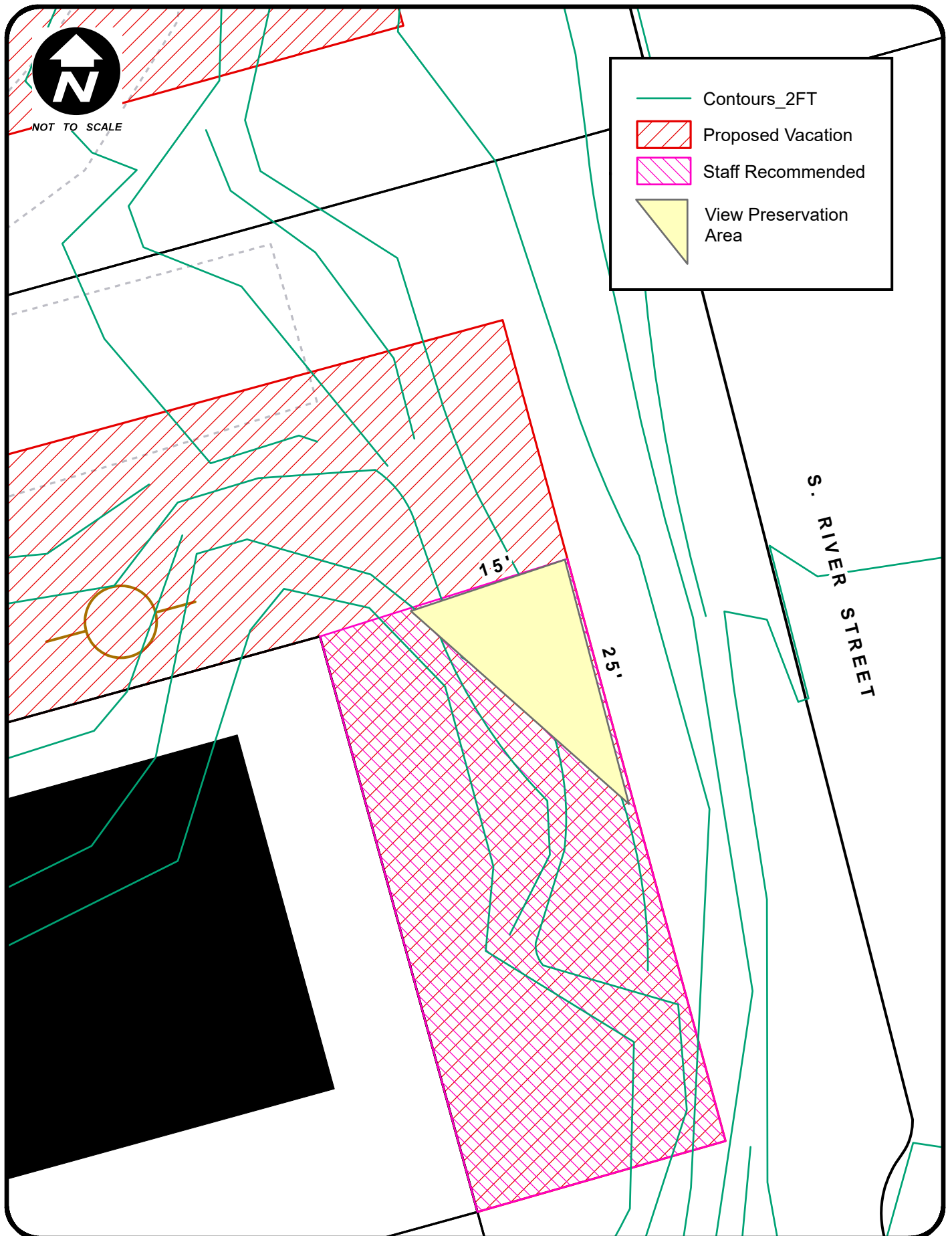


The photo below demonstrates using the courthouse parking lot flagpole at the “outer frame” to help preserve public view.



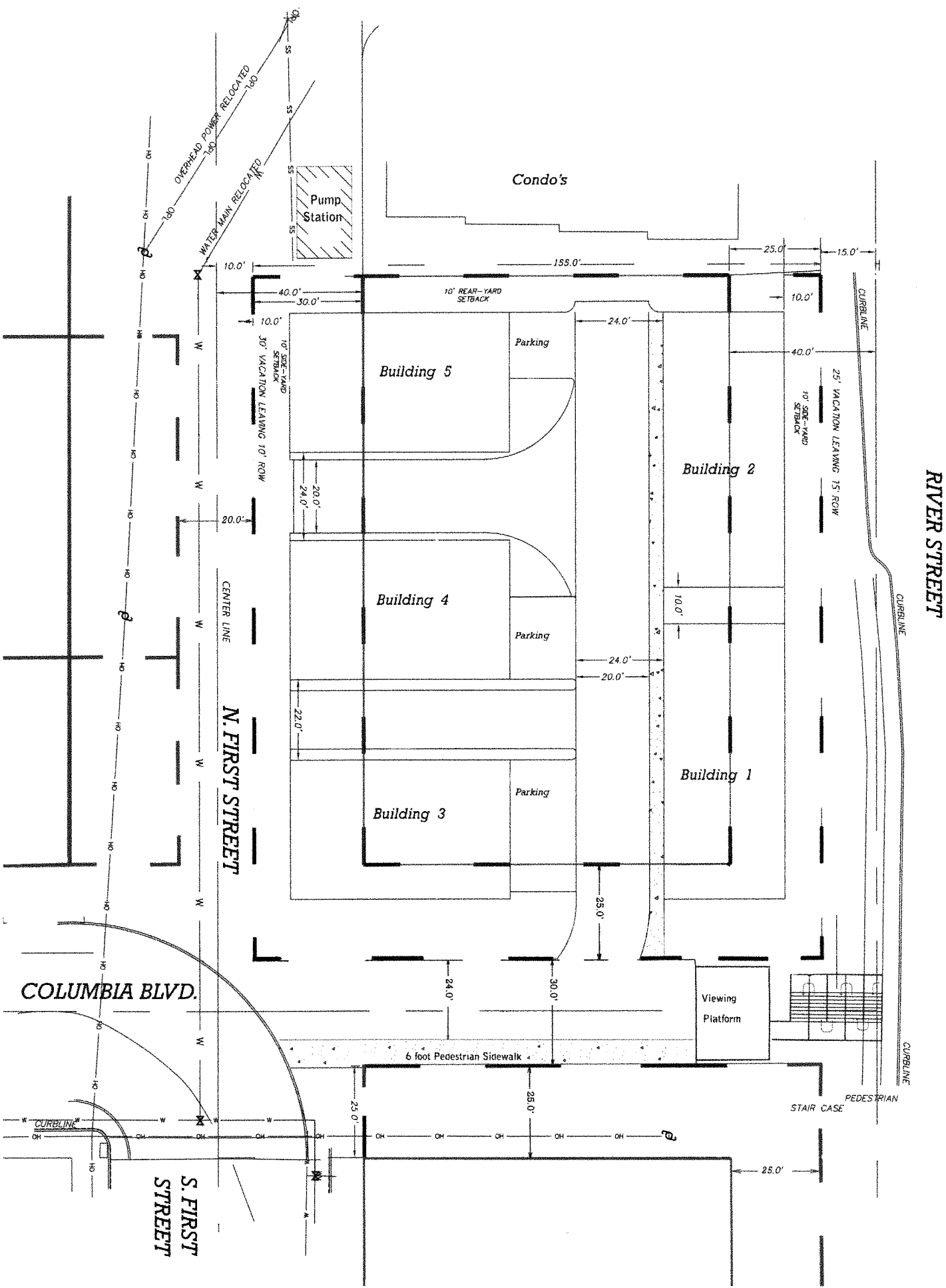
STREET VACATION (VAC.2.22)

View Preservation Considerations - Jones Property



DATE REVISED: 06/14/22

Revised 6-14-22 per Meeting
By ATTORNEY



Opposition of Steven Toschi and Robyn Toschi to Petition to Vacate Public Right-of-Way

Date: June 14, 2022

Petitioners: Keith and Laura Locke, Diane Marie Dillard Revocable Living Trust, Susan Jones, Williamson Trust

REQUESTED RULINGS and THEIR BASIS

The Planning Commission is hereby requested to make the following rulings and findings of fact:

I. **THE PETITION MUST BE DENIED BECAUSE ALL ABUTTING PROPERTY OWNERS HAVE NOT CONSENTED**

1. **The subject Petition must be denied in its entirety because it does not satisfy the mandatory requirement of 271.080(2) that all abutting property owners consent to the Petition. ORS 272.080(2) provides: “There shall be appended to such petition as part thereof and as a basis for granting the same, the consent of the owners of all abutting property...” Therefore, under ORS 271.120 the Planning Commission must find that the owners of properties in the requisite area have not been obtained and must deny the Petition in its entirety.**

- a. The Legal Description in the Petition, the Legal Notice, and the Petition circulated to neighbors, describes the requested vacated parcel as being in front of Dillard Trust as “the south half of Lot 20, Block 16” (see Exhibit 1a, Legal Description). Steve Toschi and Robyn Toschi, are the owners of the north half of Lot 20, Block 16. Lot 20, Block 16 is divided into two 29 foot halves (see Exhibit 1, Planning Department file map). The North half of Lot 20, Block 16 touches the South Half of Lot 20, Block 16 at the corner, and therefore abuts (see Exhibit 1);
- b. Staff report shows that owners of abutting properties to the proposed Petition object to the Petition. These non-consenting owners of abutting properties include the Property owning the common areas of the Blue Condominiums, Steve Toschi and Robyn Toschi who own the north half of Lot 20, Block 16; and the City of St. Helens, which owns a pump station and the streets abutting the proposed area of vacation (Exhibit 2, Abutting properties not approving);
- c. Photos of the requested vacated area clearly show that Toschi Property and the requested vacancy abut. (Exhibits 2a – Exhibit 6). The photos also show the massive negative impact the requested vacancy will have on the abutting Toschi property. (35 foot apartment building verses open light and air, and public path.)

Legal Standard - Findings

- d. There is no ORS definition of “abut.” “Abut” means “to touch at a point.” (Webster Dictionary, Blacks Law Dictionary.) According to the Petition and the Legal Notice: “The proposed use of the vacated public way is: To provide additional area for the development and/or redevelopment of the subject properties.” As such, St. Helens Municipal Code Section 17.16.010 Development Code, General and Land Use Definitions, applies. **St. Helens Municipal Code Section 17.16.010** provides as follows: **“General and land use definitions....Words listed below have the specific meaning stated, unless the context clearly indicates another meaning. ‘Abut/abutting’ means adjacent/adjoining or contiguous; to physically touch or border upon; or to share a common property line.”** (See Abut, Blacks abut, contiguous, adjacent, attached, and SHMC 17.16.010.)
- e. The North Corner of Lot 20 touches the South Corner of Lot 20, Block 16, and therefore abut. Furthermore, the Planning Commission finds that the common area of the 4 Blue Condos and the City’s pump house all touch and therefore abut the requested vacancies.

Conclusion- Section I

Having failed to obtain the consent of ALL abutting owners, the Petition must fail, and there can be no findings of whether the vacancies are detrimental to the public interest. Nor can there be any modifications to the Petition under ORS 271.120.

However, because the Planning Commission is making recommendations to Council, the Planning Commission may nevertheless make findings in an effort to guide the council and to provide additional rule of law.

II. THE PETITION MUST BE DENIED BECAUSE THE REQUESTED VACATION WILL PREJUDICE THE PUBLIC INTEREST

Valuable Public Property – Priceless Public Views and Public Access Should not be Given Away - The Proposed Vacation is Prejudicial to the Public Interests

2. The Planning Commission is Requested to Make a Finding that the Subject Requested Vacancies are Detrimental to the Public Interest

- a. The legal standard: ORS 271.120 states, **“271.120 Hearing; determination.** At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and **shall determine whether the consent of the owners of the requisite area has been obtained**, whether notice has been duly given **and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof**. If such matters are determined in favor of the petition the governing body shall

by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

The subject request is to give away to several private landowners some of the City's most valuable public property. The views of the Columbia River from the end of Columbia Blvd. and from the end of N. First Street are unique and spectacular. The City already has plans to turn the end of Columbia Blvd. into a place for people to experience the view of the Marina, the River, and Sand Island from an elevated area. One can see from the viewpoints at the end of Columbia Blvd a 180 degree view of at least 5 miles of the River and 10 miles into Washington. From the end of N. First Street a person can see the Marina, down River several miles and into Washington. (See Exhibits, 7-12.)

The land at the end of Columbia Blvd. also creates a "view corridor." While one drives toward the River down Columbia Blvd. Sand Island is visible as are parts of the Columbia.

Currently the end of Columbia Blvd. is being used as a viewpoint and a public trail.

While these spectacular view properties are currently underutilized, as a Planning Commission, it is against the public interest to deprive this generation and all future generations from access to these public lands. Even 50 years from now we can expect St. Helens to be a more crowded place. As we build more apartments, with another 200 being built right now, the availability of access to the water, and for the public to experience on a daily basis the natural beauty of St. Helens, verses large buildings, is immeasurable.

The Planning Commission should know that the area at the end of N. First Street was already supposed to be a bike and pedestrian trail. On May 21, 2018, Robyn and I bought 131, 135, 139 N. First Street from Wayne Weigant it was disclosed to us by the Planning Department that the end of N. First street, which abutted our property, was designed to be a public trail to the water. This was fine with us and we went ahead with the purchase. I later was told that the City Council had decided to eliminate the public access down N. First Street to the water. The improvements for the ramp were going to be paid for or already were paid for by Wayne Weigant.

Questions for Mr. Locke: When did you acquire 90 Columbia Blvd.? When did you acquire 114 N. First Street? Did you participate in a vote as a councilmember to eliminate or effect a public trail at the end of N. First Street? When was that? Did you disclose any personal financial interest? Did you participate in a vote as a councilmember to effect a public trail at the end of Columbia Blvd? Did you disclose any personal financial interest?

The purpose of the aforesaid questions to Mr. Locke are due to his statements to the affected landowners as part of the Permit process, **"....The reason we are submitting this application is to decrease a portion of the unused right-of-way in order to clean up this area and allow for future development of our properties."** The reason the area is relatively "unused" by the public are due solely to actions taken by the City St. Helens itself. Imagine if St. Helens had invested and improved these view properties, per its Master Plan, instead of letting them

languish? The Locke property has been an eye sore for many years, with abandoned cars, garbage, parked vehicles, and a trailer full of trash. Mr. Locke has allowed his property, a classic historical home (see 23, 24, 25), to fall into extreme disrepair. (see 13- 21). **It is prejudicial to the public for a property owner to trash their property for years and then get gifted priceless view property from the public to clean up his own mess.**

Last, it should be emphasized that the “super skinny streets” are prejudicial to the public.

I completely agree and support each and every prejudicial effect on the public as outlined in the Staff report.

Eliminating public trails is prejudicial to the public. The public has stated its top priorities are the preservation of views and access to the River.

III. MODIFICATIONS TO PETITION SHOULD NOT BE ALLOWED

Due to the fact that the first prerequisite of all abutting property owners consenting has not occurred, no modifications to this Petition can be allowed. The Petition must be denied in its entirety. However, in order to preserve these arguments, the following modifications are reluctantly offered. None of the property should be vacated save and except:

The property between Sue Jones’s house and the river be vacated as recommended by Staff.

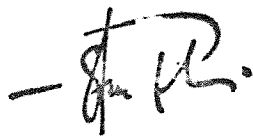
In the unlikely event some additional modifications are unlawfully considered:

Regarding the property in front of the Toschi property: N. First Street will be closed to vehicular traffic at the prolongation of the North Property Line of the Toschi property, Lot 19 of Block 16, such that only emergency vehicles and the tenants, owners, invitees, and guests of 131, 135, and 139 shall have vehicular access. The vacancy of the property be denied from the south property line prolongation of Lot 20, lot 16 for both areas of the requested vacancy. Dillard Trust and Keith Locke shall pay the full price of erecting the public trail at the end of N. First Street. The remainder of the application concerning the parcel at the end of Columbia Blvd. should be denied.

Locke shall grant an easement in perpetuity to the City of St. Helens of a 10 wide public walkway along the current gravel trail.

Conclusion

For these reasons, and for the reasons stated in the Staff report, the Planning Commission is requested to make the findings and recommendations in paragraphs I and II above, denying the Petition in its entirety. The Petition fails as a matter of law.



Dated: June 14, 2022 _____ Steven Toschi, Co-owner
131, 135, 139 N. River Street

Opposition of Steven Toschi and Robyn Toschi to Petition to Vacate Public Right-of-Way

Date: July 20, 2022

Petitioners: Keith and Laura Locke, Diane Marie Dillard Revocable Living Trust, Susan Jones, Williamson Trust

REQUESTED RULINGS and THEIR BASIS

The City Council is hereby requested to make the following rulings and findings of fact:

- I. **THE PETITION MUST BE DENIED BECAUSE ALL ABUTTING PROPERTY OWNERS HAVE NOT CONSENTED**
 1. **The subject Petition must be denied in its entirety because it does not satisfy the mandatory requirement of 271.080(2) that all abutting property owners consent to the Petition. ORS 272.080(2) provides: “There shall be appended to such petition as part thereof and as a basis for granting the same, the consent of the owners of all abutting property...” Therefore, under ORS 271.120 the Planning Commission must find that the owners of properties in the requisite area have not been obtained and must deny the Petition in its entirety.**
 - a. The Legal Description in the Petition, the Legal Notice, and the Petition circulated to neighbors, describes the requested vacated parcel as being in front of Dillard Trust as “the south half of Lot 20, Block 16” (see Exhibit 1a, Legal Description). Steve Toschi and Robyn Toschi, are the owners of the north half of Lot 20, Block 16. Lot 20, Block 16 is divided into two 29 foot halves (see Exhibit 1, Planning Department file map). The North half of Lot 20, Block 16 touches the South Half of Lot 20, Block 16 at the corner, and therefore abuts (see Exhibit 1);
 - b. Staff report shows that owners of abutting properties to the proposed Petition object to the Petition. These non-consenting owners of abutting properties include the Property owning the common areas of the Blue Condominiums, Steve Toschi and Robyn Toschi who own the north half of Lot 20, Block 16; and the City of St. Helens, which owns a pump station and the streets abutting the proposed area of vacation (Exhibit 2, Abutting properties not approving);
 - c. Photos of the requested vacated area clearly show that Toschi Property and the requested vacancy abut. (Exhibits 2a – Exhibit 6). The photos also show the massive negative impact the requested vacancy will have on the abutting Toschi property. (35 foot apartment building verses open light and air, and public path.)

Legal Standard - Findings

- d. There is no ORS definition of “abut.” “Abut” means “to touch at a point.” (Webster Dictionary, Blacks Law Dictionary.) According to the Petition and the Legal Notice: “The proposed use of the vacated public way is: To provide additional area for the development and/or redevelopment of the subject properties.” As such, St. Helens Municipal Code Section 17.16.010 Development Code, General and Land Use Definitions, applies. **St. Helens Municipal Code Section 17.16.010** provides as follows: **“General and land use definitions....**Words listed below have the specific meaning stated, unless the context clearly indicates another meaning. **‘Abut/abutting’ means adjacent/adjoining or contiguous; to physically touch or border upon; or to share a common property line.”** (See Abut, Blacks abut, contiguous, adjacent, attached, and SHMC 17.16.010.)
- e. The North Corner of Lot 20 touches the South Corner of Lot 20, Block 16, and therefore abut. Furthermore, the Planning Commission finds that the common area of the 4 Blue Condos and the City’s pump house all touch and therefore abut the requested vacancies.
- f. There are other properties which touch and therefore abut. Namely, these properties are the common area of the Blue Condos and another lot which touches the Jones property on S. River Street, shown on the map in the Planning Department report.

Conclusion- Section I

Having failed to obtain the consent of ALL abutting owners, the Petition must fail, and there can be no findings of whether the vacancies are detrimental to the public interest. Nor can there be any modifications to the Petition under ORS 271.120.

The City Council is Requested to make the following findings:

1. Per the Legal Notice, the subject Petition for street vacancies is for the purpose of development;
2. The City Council finds that SHMC 17.16.010 applies because the requested street vacancies are for development. As such, a property merely has to “touch” to “abut;”
3. The City Council finds that the common sense understanding of the word abut when it comes to property is to touch;
4. The City Council finds that the Toschi property, 131, 135, 139 N. First Street, lot 11900, per the legal notice, touches a property requested to be vacated as part of the petition;

5. The City Council finds that the Toschi property “abuts” a property requested to be vacated, and therefore the Petition fails under ORS 272.080(2);
6. The City Council further finds that at least two other properties touch the requested to be vacated. Those would be the common area for the four blue condominiums and the lot nest to Sue Jones’ lot on South River street. The City Council also rules that since the Petition is for development, SHMC 17.16.010 applies to these properties as well, since they touch, and therefore the touching by these to properties, and each of them, is a cause for denial of the Petition entirely under ORS 272.080(2).

II. THE PETITION MUST BE DENIED BECAUSE THE REQUESTED VACATION WILL PREJUDICE THE PUBLIC INTEREST

Valuable Public Property – Priceless Public Views and Public Access Should not be Given Away - The Proposed Vacation is Prejudicial to the Public Interests

2. **The Council is Requested to Make a Finding that the Subject Requested Vacancies are Detrimental to the Public Interest**

- a. The legal standard: ORS 271.120 states, “**271.120 Hearing; determination.** At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and **shall determine whether the consent of the owners of the requisite area has been obtained**, whether notice has been duly given **and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.** If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

The subject request is to give away to several private landowners some of the City’s most valuable public property. The views of the Columbia River from the end of Columbia Blvd. and from the end of N. First Street are unique and spectacular. The City already has plans to turn the end of Columbia Blvd. into a place for people to experience the view of the Marina, the River, and Sand Island from an elevated area. One can see from the viewpoints at the end of Columbia Blvd a 180 degree view of at least 5 miles of the River and 10 miles into Washington. From the end of N. First Street a person can see the Marina, down River several miles and into Washington. (See Exhibits, 7-12.)

The land at the end of Columbia Blvd. also creates a “view corridor.” While one drives toward the River down Columbia Blvd. Sand Island is visible as are parts of the Columbia.

Currently the end of Columbia Blvd. is being used as a viewpoint and a public trail.

While these spectacular view properties are currently underutilized, as a Planning Commission, it is against the public interest to deprive this generation and all future generations from access to these public lands. Even 50 years from now we can expect St. Helens to be a

more crowded place. As we build more apartments, with another 200 being built right now, the availability of access to the water, and for the public to experience on a daily basis the natural beauty of St. Helens, verses large buildings, is immeasurable.

The City Council should know that the area at the end of N. First Street was already supposed to be a bike and pedestrian trail. On May 21, 2018, Robyn and I bought 131, 135, 139 N. First Street from Wayne Weigant it was disclosed to us by the Planning Department that the end of N. First street, which abutted our property, was designed to be a public trail to the water. This was fine with us and we went ahead with the purchase. I later was told that the City Council had decided to eliminate the public access down N. First Street to the water. The improvements for the ramp were going to be paid for or already were paid for by Wayne Weigant.

Questions for Mr. Locke: When did you acquire 90 Columbia Blvd.? When did you acquire 114 N. First Street? Did you participate in a vote as a councilmember to eliminate or effect a public trail at the end of N. First Street? When was that? Did you disclose any personal financial interest? Did you participate in a vote as a councilmember to effect a public trail at the end of Columbia Blvd? Did you disclose any personal financial interest?

The purpose of the aforesaid questions to Mr. Locke are due to his statements to the affected landowners as part of the Permit process, **“....The reason we are submitting this application is to decrease a portion of the unused right-of-way in order to clean up this area and allow for future development of our properties.”** The reason the area is relatively “unused” by the public are due solely to actions taken by the City St. Helens itself. Imagine if St. Helens had invested and improved these view properties, per its Master Plan, instead of letting them languish? The Locke property has been an eye sore for many years, with abandoned cars, garbage, parked vehicles, and a trailer full of trash. Mr. Locke has allowed his property, a classic historical home (see 23, 24, 25), to fall into extreme disrepair. (see 13- 21). **It is prejudicial to the public for a property owner to trash their property for years and then get gifted priceless view property from the public to clean up his own mess.**

Mr. Locke stated on the record during the Planning Commission meeting on June 14, 2022 that the reason why the bike trail did not get built was because “I killed it. The trail was too steep.” Indeed, Mr. Locke is shown in the minutes of that meeting to bring the motion to stop the bike trail. The public record shows that the bike trail was agreed to be paid for by Wayne Weigant. I am bringing this up to preserve legal notice of lack of disclosure of potential and actual conflict of interest of Mr. Locke to development of the planned bike trail and view overlook an public trail. Furthermore, he continue to be active in the government of the City as a councilor until December 31, 2019. The public overlook and the bike trail, both of which are properties subject to the Petition, were not developed by the City. Mr. Locke as a basis for his request for the affected properties to join in the vacation proceedings stated that a basis for requesting the petition was to “decrease a portion of the unused right of way.” The right of way is unused because the council did not move forward with its plans to create trails for the public benefit, one of which was paid for, during his time in office and while he had a plan for development of adjacent property.

Last, it should be emphasized that the “super skinny streets” are prejudicial to the public.

I completely agree and support each and every prejudicial effect on the public as outlined in the Staff report.

Eliminating public trails is prejudicial to the public. The public has stated its top priorities are the preservation of views and access to the River.

III. MODIFICATIONS TO PETITION SHOULD NOT BE ALLOWED

Due to the fact that the first prerequisite of all abutting property owners consenting has not occurred, no modifications to this Petition can be allowed. The Petition must be denied in its entirety.

Conclusion

For these reasons, and for the reasons stated in the Staff report, the City Council is requested to make the findings and recommendations in paragraphs I and II above, denying the Petition in its entirety. The Petition fails as a matter of law.



Dated: June 20, 2022 _____ Steven Toschi, Co-owner
131, 135, 139 N. River Street

PETITION FOR VACATION OF STREETS, AVENUES OR ALLEYS

We, the undersigned petitioners, respectfully request of the City Council an order and ordinance vacating the property described as follows:

The west 25 feet of the N. River Street right-of-way and the east 30 feet of the N. 1st Street (Columbia St.) right-of-way abutting Lots 1, 2, and the portion of Lot 3 not included in the Marinascape Condominiums, Block 13; and

The north 25 feet of the Columbia Boulevard right-of-way abutting Lot 1, block 13, and the proposed vacated portions of the N. River Street and N. 1st Street (Columbia St.) rights-of-way adjacent to said Lot 1; and

The west 30 feet of the N. 1st Street (Columbia St.) right-of-way abutting Lots 22, 21 and the south half of Lot 20, Block 16; and

The west 25 feet of the S. River Street right-of-way abutting Lot 11, Block 12; and

The south 25 feet of the Columbia Boulevard right-of-way abutting Lot 11, Block 12, and the proposed vacated portion of the S. River Street right-of-way adjacent to said Lot 11;

All within the St. Helens Subdivision, City of St. Helens, Columbia County, Oregon.

The proposed use of this vacated public way is:

To provide additional area to allow for the development and/or redevelopment of the subject properties.

Please print the name(s), address(es) and tax account number(s) of the real property owners of record abutting the property proposed for vacation: *Signed consent forms must be attached.*

Name	Street Address	Tax Account No.
<u>Diane Dillard</u>	<u>124 N. 1st Street, St. Helens</u>	<u>438857 4N1W 3BB 15000</u>
<u>Keith and Kathy Locke</u>	<u>90 Columbia Blvd. St Helens</u>	<u>13973 5N1W 34CD 1400</u>
<u>Williamson Trust</u>	<u>P.O. Box 656 St Helens</u>	<u>13972 4N1W 3BB 15100</u>
<u>Susan Jones</u>	<u>100 S.1st Street, St Helens</u>	<u>9397 4N1W 3BA 3000</u>

We have deposited a fee of \$ 791 for this petition request. 4/26/22 R #: 105240

We understand and agree that if the actual cost of processing this vacation request exceeds the amount of the deposit, an additional fee sufficient to cover the deficiency shall be paid by us to the Finance Director before the vacation is complete.

We request that the City Council establish a date, time and place for hearing all persons interested in or objecting to approval of this vacation request.

Dated: 3-19-22 Respectfully submitted,

Print Keith Locke
Kathy Locke

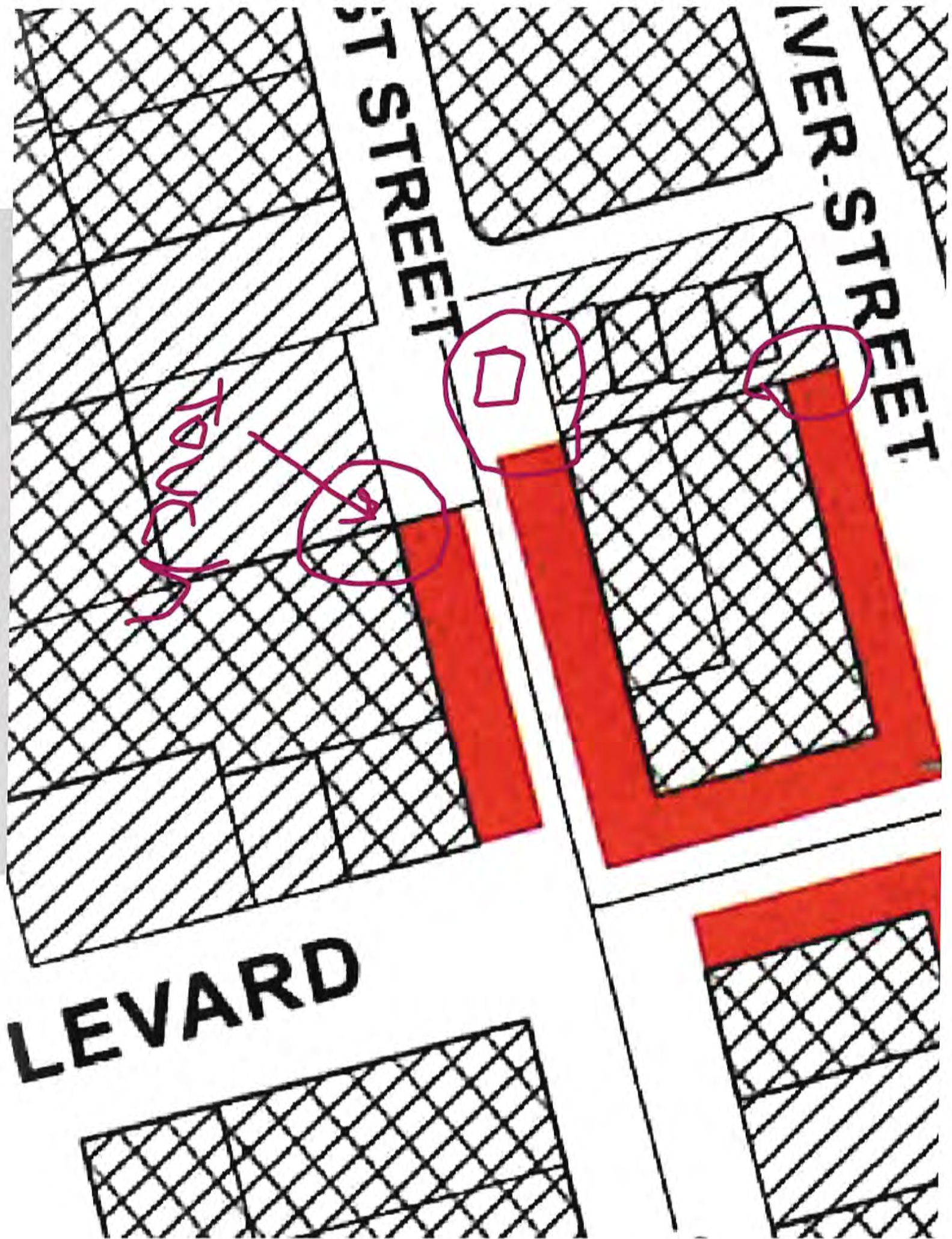
Petitioner Sign Keith Locke
Kathy Locke
Petitioner

INVER STREET

ST STREET

LEVARD

TOUCH











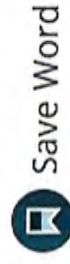




ABUT. To reach, to touch. In old law, the ends were said to abut, the sides to adjoin. Cro. Jac. 184. And see Lawrence v. Killam, 11 Kan. 499, 511; Springfield v. Green, 120 Ill. 269, 11 N.E. 261. To take a new direction; as where a bounding line changes its course. Spelman, Gloss. *Abutture*. To touch at the end; be contiguous; join at a border or boundary; terminate; to end; to border on; to reach or touch with an end.



abut verb



\ ə-ˈbet \

abutted; abutting

Definition of *abut*

transitive verb

1 : to border on : to touch along an edge
// Their property *abuts* our land.

2 : to cause to touch or lean for support
// *abut* a timber against a post

intransitive verb

1 : to touch along a border or with a projecting part
// a parcel of land that *abuts* on the road

2 **a** : to terminate at a point of contact
b : to lean for support

adjacent

[Dictionary](#)[Thesaurus](#)

adjacent adjective



Save Word

ad·ja·cent | \ ə-ˈjā-sent |



Definition of *adjacent*

- 1 a** : not distant : NEARBY
// the city and *adjacent* suburbs
- b** : having a common endpoint or border
// *adjacent* lots
// *adjacent* sides of a triangle
- c** : immediately preceding or following



SINCE 1828

[Dictionary](#)

[Thesaurus](#)

Word of the Day : September 8, 2015



contiguous

adjective | kun-TIG-yuh-wus

What It Means

1 : being in actual contact : touching along a boundary or at a point

2 : adjacent 2 - used of angles

He
rec

February, 2022

Dear Neighbor,

I am writing to ask for your assistance. My neighbors and I are preparing an application to the City of St. Helens requesting the City Council vacate a portion of the road right-of-way in front of our properties. My property is located at 90 Columbia Blvd and 114 North 1st Street. Susan Jones who lives at 100 South 1st Street and Diane Dillard who lives at 124 North 2nd Street and the Williamson Trust who owns the lot at the corner of North 1st and Columbia Blvd are also joining me in this application.

As shown on the attached sketch, we are requesting the Council vacate a portion of the public right-of-way in front of our properties. The reason we are submitting this application is to decrease a portion of the unused right-of-way in order to clean up this area and to allow for future development of our properties.

One of the requirements of a road vacation application is property owners within the area affected by the vacation need to consent to sending this on to the Planning Commission and City Council. This is the reason we need your help. I'm asking that you please sign and date the consent form included with this letter and return it to me.

A self-addressed stamped envelope is included for you to return the signed form to me. We really appreciate your help with this. If you have any questions or would like me to pick up the completed form, please do not hesitate contacting me by phone at 503-369-0575 Cell# phone or message or email at keithlocke@comcast.net.

Thank you very much for you assistance and I look forward to hearing from you soon.

Sincerely,

Keith Locke
503-369-0575
keithlocke@comcast.net

Council
APPROVED
AUTHORIZED
MAYOR'S
SIGNATURE
3-16-2022
Reg. Session

RECEIVED
MAR 01 2022
CITY RECORDER







Hassall & Edison



Oregon
UZR-878
5 JUN 19

The BJBE
A Grim Fairy Tale...











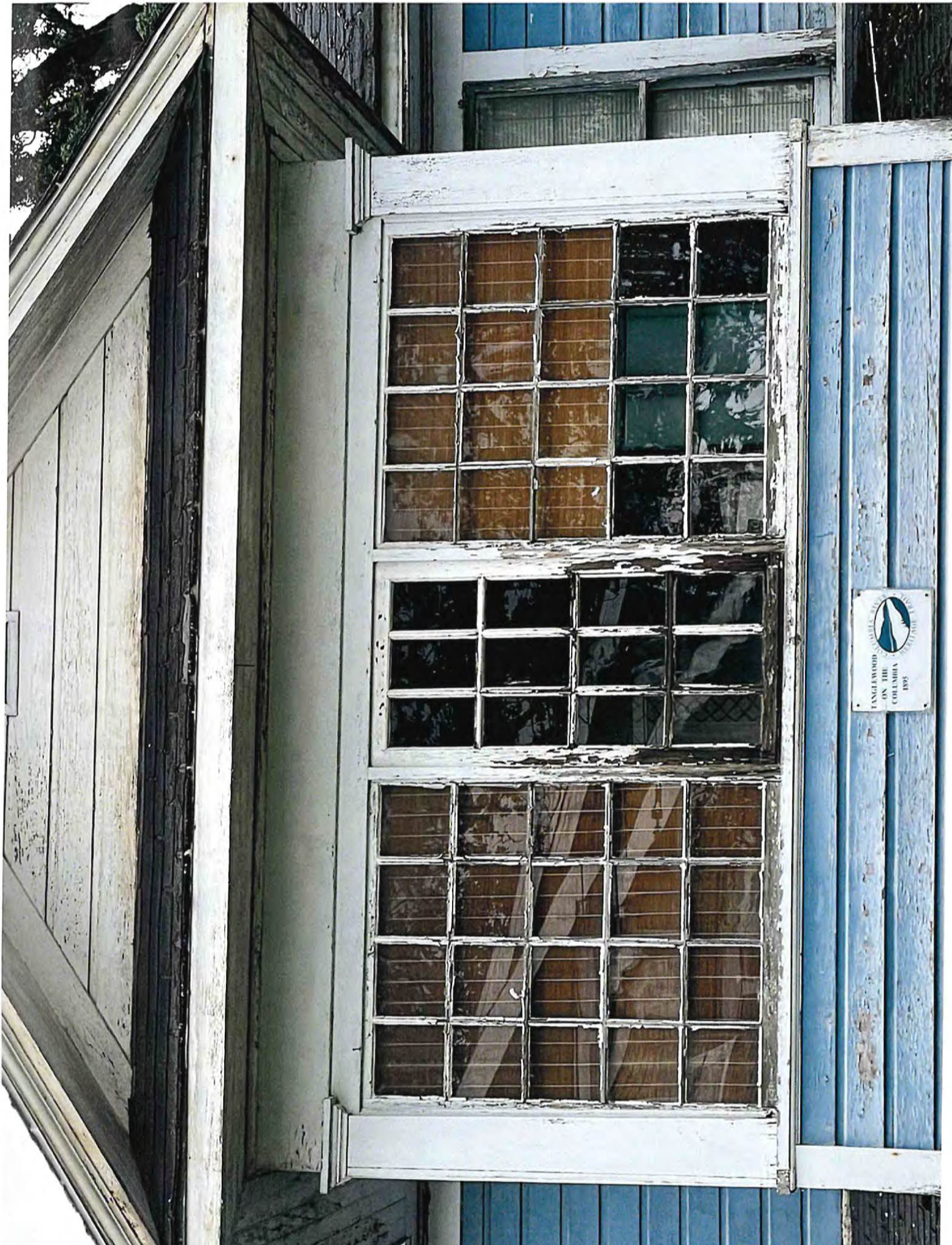
RE 652819

Hudson's

Garbage Service

603-397-1534

Call before you pick up!



TANGELAWARD
ON THE
COLUMBIA
1895





