

QUARTERLY REPORT TO COUNCIL



Meeting Date: July 16, 2025
Prepared by: Jacob A. Graichen, AICP, City Planner
Department: Planning
Division: Community Development
Reporting Period: April – June 2025 (+ July 1st)
CC: City Administrator John Walsh / Planning Commission

1. General Operations

- **April – May:** Budget efforts and meetings.
- **April – June:** CCMH post land use entitlement permit/plan review.
- **April:** Conducted research for Yacht's Landing boat slip parking question/public records request.
- **April:** Participated in the water reservoir siting study consultant selection.
- **April:** Armstrong remediation is being prepared for behind the scenes. You may get questions about construction around the old Armstrong site in the future. It could be the contaminated material removal work proposed; not actual land development.
- **May:** Final inspection for County Courthouse elevator. Still some pending items, but the finished product is an improvement. **June:** Its 100% done now.



- **May:** Final inspection for High School athletic fields.
- **June:** Issued public passageway permit for business in the Waterside (Muckle) Building. This is not normally report-worthy, except the new wider sidewalks makes outdoor

seating/dining (reason for the permit) a lot more feasible. I used to need to worry about constraints more. This will help activate the Riverfront District.

- **June:** Reviewed draft pavement cut moratorium for streets ordinance, a project headed by City Engineering.
- **June:** We will stop including beverages and snacks at Planning Commission and joint City Council / Planning Commission meetings until further notice given a recent opinion by the Oregon Government Ethics Commission.
- **June:** We received the **attached** notice from PSU's Population Research Center about the city's annual housing reporting.
- **July 1st:** As a Certified Local Government per Section 101(c) of the Nation Historic Preservation Act, which St. Helens has been since 2009, we are audited every 4 years by the State Historic Preservation Office. The fourth of these audits occurred on this day.

- **Notable administrative Planning Department permitting:**

- **June:** Dairy Queen's land use and building permits expired so they resubmitted. New Site Development Review issued this month for same location close to Burger King.

- **Pre-application / early assistance meetings:**

- **April:** Attended a pre-application meeting for property within the UGB (but outside city limits) for a 18-lot subdivision of an approx. 22 acre site. 1 acres (or larger) lots are proposed with on-site sewerage systems. We've been talking about this property for several years and the potential of extending a city sanitary sewer line for "city sized" lots was discussed. Based on the pre-app, they have decided to go with larger lots and not extend the sewer. This property is approximately SE of the Millard Road / Ross Road intersection.

Major issues are challenges of onsite system feasibility and whether or not that is the catalyst to extend the city's sanitary sewer. The property is about 1,800 feet from the nearest sanitary sewer line in Millard Road.

- **April:** Provided guidance to the school district about development potential of underutilized property by Lewis and Clark and McBride schools.
- **May:** Conducted pre-application meeting for potential partition separating the Village Inn Restaurant from the Hotel.
- **May:** Conducted pre-application meeting for potential small subdivision (approx. 7 lots) of a property near the intersection of Bachelor Flat Road and Ross Road.
- **May – June:** A triangular residential property along the north side of Pittsburg Road has been a subject of questions over the years. It's cheap but poses challenges to develop. It attracts potential buyers due to price, and lately the questions have been picking up in frequency, enough to be report worthy. Hours have been spent by staff talking to people about it.
- **June:** Received request to prepare notice area for a right-of-way vacation proposal for portions of N. 1st Street just north of Columbia Boulevard.

- **June:** Pre-application meeting to reboot the Boulder Ridge Subdivision north of Deer Island Road. Prior land use approvals have little time left to construct the development.
- **June:** The City's Millard Road property effort continues. We received a request from the Council selected developer about an item recorded on the deed pertaining to wetlands when a hospital was proposed (and before being annexed to the city). **See attached.** June 25, 2025 correspondence. I'm concerned if this is being used as a basis for delay of development of the property.
- **Planning Commission had their normally scheduled monthly meeting on April 8, 2025.**
Outcome:
 - Public hearing for Zone Map Amendment at 1771 Columbia Boulevard; Commission recommends approval to the Council.
 - Staff clarified a matter for the Historic Resource Review of 260 S. 2nd Street. Basically, how some architectural elements of the finished exterior improvements met (or did not meet) the city's requirements. The Commission was flexible and ok with the final outcome.
 - Commission discussed its proactive items and agreed to remove The Plaza from the list for now and call "vacant storefronts," "vacant and underutilized storefronts" instead.
 - Commission agreed to add a Council Liaison Report to its default agenda.
- **Planning Commission had their normally scheduled monthly meeting on May 13, 2025.**
Outcome:
 - The Commission denied the appealed and then City Council remanded Variances for 35732 Hankey Road.
 - The Commission considered three annexation proposals. They recommended approval of two of them. The third was challenged by legal representation of the owner, which convinced the Commission to recommend denial.
 - The Commission conducted a Riverfront District architectural review of a new sign for Sherlocks II convenience store. They also revisited a sign at 50 Plaza that is proposed to be changed, but still consistent with an architectural review from 2019.
 - The Commission discussed the status of the project at 325 Strand Street at the request of staff and with the owner, architect and builder present. The key question is if the project should be considered a remodel as originally intended or new construction. Present Commissioners (four out of seven) were split 2-2.
 - The Commission discussed windows as part of their Architectural Standards proactive item.
- **Planning Commission cancelled their normally scheduled monthly meeting on June 10, 2025.**
- **Planning Commission had their normally scheduled quarterly joint meeting with the City Council on June 11, 2025.** Outcome:
 - The Council and Commission discussed the Parks Commission's Woodland Reserve concept for a portion of the St. Helens Industrial Business Park. There was general consensus over the conceptual boundary except around the vicinity of the proposed PGE substation parcel. Staff will provide a topographic map, so Parks Commissioners

can fine tune the proposed boundary in the area to preserve old quarry spots, camas and other natural / cultural resources, while still allowing some development in an area not encumbered by wetlands or floodplain.

- The group also discussed vacant and underutilized storefronts. Goals for this Planning Commission proactive item seem mysterious.

- **Development Code Enforcement.**

- **April:** Conex box in Brayden Street ROW by Grocery Outlet issue that included concern by SHPD has been resolved. I first dealt with it around the '24 holidays.
- **April – June:** Received a couple of calls about some logging activity along Sykes Road on property at the westerly boundary of St. Helens' UGB. We received formal written complaint in May. I visited the site in April and June. Concerns were fire hazard and rumor of development. Having visited the site a couple times, I was spoke to the complainant in June with my observations and knowledge of development and they seemed satisfied.
- **May:** Based on the observed status of the project at 325 Strand Street, the Building Official placed a stop work order on this project at Planning's request. Plans not necessarily followed resulted in the stop work order, but staff allowed the project to proceed after a discussion with the Planning Commission. This is an administrative decision and not the Commission's decision, but staff wanted their thoughts to help contemplate the matter. The stop work order was removed based on the intent of the plan and law being met (i.e., is it still a remodel v. new construction).
- **May – June:** Aware of this issue early May, about a month later in early June I sent a letter to property owner along Mt. View Drive of wetland related matters. Hoping it does not become a violation issue. See **attached** aerial map. Property owner contacted me and is cooperative.
- **June:** City (Code Enforcement and I) received a message about tree removal and a new structure close to Milton Creek (off Shore Drive). Have done some preliminary investigation.

- **Geographic Information Systems (GIS).**

- **April - June:** New mapping platform for widespread employee and public use is changing, to start in July. The increased cost resulted in adding \$2,000 to the appropriate fund once I got the numbers in.
- **May:** Quarterly GIS data updates.
- **June:** Data updates resulting from adopted zone change.
- **June:** Create focus area map for Parks Commission to refine the proposed Woodland Reserve boundary for the St. Helens Industrial Business Park (**reduced size attached**).

- **Related City Council actions / decisions (Planning Commission FYI):**

- **April:** The Council has discontinued the annual report from commission and committees, utilizing joint meetings instead. Since the Planning Commission already has joint meetings, the only change is not having to worry about the annual report anymore. Other committees/commission will start having joint meetings.
- **June:** The Council approved the ordinance for the zone change at 1771 Columbia Boulevard. This is the proposed location for the new police station

2. Staffing & Personnel

- **April:** Attended urban tree class at Clackamas Community College.
- **April:** Planning staff attended virtual public contracting class hosted by the LOC
- **April:** Annual performance evaluation for Associate Planner / Community Development Project Manager.
- **April:** Associate Planner / Community Development Project Manager expressed resigning in July. Resignation letter provided on May 28, 2025 noting July 18th as last official day. **Thus, starting in July the Planning Department will have one staff planner. Considering the typical ratio is one planner per 5k people (three planners for St. Helens), the department's capacity to do things other than day-to-day permitting / tasks will be severely restricted.** Since 2007 (with the exception of 2010-2013), the Planning Department has had two planners.
 - The certified population for St. Helens in **2008** was **12,325**
 - The certified population for St. Helens in **2024** was **14,492**
- **April – June:** Ongoing training for the new Community Development Administrative Assistant.

3. Projects & Initiatives

A. Ongoing Key Projects

- **Parks Commission's Woodland Reserve.** Staff technical support for the SHIBP Woodland Reserve concept. See quarterly meeting and GIS information above.
- **Riverwalk Project (OPRD Grants x2)** – Columbia View Park and the Riverwalk Phase I Project fully re-opened the week of June 12. Final punch list items occurring this week (week of June 30). Expecting final invoice and project completion paperwork from AES by July 17. Submittal of final project reports (including completion photos, invoices, construction videos, etc.) and reimbursement requests for both LWCF & LGGP grants. OPRD conducted final site visit and walk through on 6/26. Expecting full grant closeouts by July 17. Submitted this project for a Oregon Parks & Recreation Association (OPRA) annual award for their "Design & Construction" category for projects exceeding \$2 million in cost. Nominations are due 7/18 with videos due on 9/12 for their conference. [This is likely the last inclusion of this project in the Planning Department reports.](#)
- **Community Development Block Grant (CDBG): Sanitary Sewer Improvement Project** – \$2.5 million grant award to fund design/engineering/permitting for 3 sanitary sewer basins identified as deficient in the adopted Wastewater Master Plan. Reviewed 90% design package. Submitted Disbursement No 4 and 5 in early July. Approximately 66% expended of the grant. Attending meeting with grant administrator on July 10 hand off CDBG management to Sharon Darroux in Engineering. [This is likely the last inclusion of this project in the Planning Department reports.](#)
- **DLCD Technical Assistance Program** – 60k funding a new Economic Opportunities Analysis (EOA). Adoption Hearing held in April for CC. Submitted final deliverables to DLCD, prepared final reimbursement request, and closed out the project in June. [This is the last inclusion of this project in the Planning Department reports.](#)

- **ODOT Community Paths Program: St. Helens Scappoose Trail Refinement Project** – \$405k to study a trail route refinement project (30% design) from St. Helens to Scappoose. Consultants selected in early 2025, ODOT in contract negotiations since March. Planning to meet with ODOT to hand this project off to Alex Bird in Engineering. [Engineering with take this over but planning will continue to support the effort.](#)
- **2024 Travel Oregon Grant Program: Riverwalk Project** - \$100k grant for Riverwalk Project. Prepared and submitted final report, photos, invoices, etc. for remaining 50k. Received final disbursement and closed this grant out in June. [This is the last inclusion of this project in the Planning Department reports.](#)
- **ODOT TGM Program: Transportation Systems Plan** – TBD \$\$ for new Transportation Systems plan. City Engineering is lead, with Planning providing support. [April - May:](#) consultant selection using ODOT’s “mini RFP” process. Four consultant teams passed ODOT’s phase 1 process, and the city evaluated the final four firms in phase 2 of the selection process. Two firms selected out of that for additional questions and final scoring. [June:](#) Scoping negotiation with the selected consultant and review of Statement of Work, which will guide the process.
- **Business Oregon – Infrastructure Finance Authority** – Low-interest loan for Streets & Utilities Project and Riverwalk improvements. Submitted final Disbursement Request #5, putting us at 100% expended for the loan. Loan officer conducted final site visit and walk through on 6/26. Confirming closeout procedures and coordinating with finance to ensure all proper documentation is completed. [This is likely the last inclusion of this project in the Planning Department reports.](#)
- **New Water Reservoir** – City Engineering is lead, with Planning providing support. [April:](#) Participated in selection committee for consultant selection for site determination.
- **Utility Master Plan Development Code Amendments** – [April:](#) Continue to work on draft amendments in advance of vetting and the adoption process. No time in May and June to continue the effort. [Hoping to find time this summer \(unlikely\) or fall to continue effort.](#)
- **Project Arcadia / PGE Parcel** – [April – June:](#) Working with consultants on proposal for professional services for some design and survey work to carve off the mill for project Arcadia and to create a new PGE Parcel for a new sub-station.
- **Housing Capacity Analysis / Housing Production Strategy** – [April:](#) We learned that, as a city that needs to have its next Housing Capacity Analysis done by 2027, that the respective grant cycle is this June. Also that will need to go through the new Goal 10 OHNA process, which is still in the works, but will probably be more involved than our previous effort. Our EOA Consultant EcoNW (who also does HCA’s) advised us that with the changes, it will be better to let the larger cities pioneer the new process and we should look at getting a year delay. [May:](#) After submitting a request DLCD notified us that maybe it can be delayed a year. [July 1st:](#) DLCD confirmed the following new deadlines for St. Helens:
 - **Housing Capacity Analysis (HCA): due December 31, 2028**
 - **Housing Production Strategy (HPS): due December 31, 2029**

This means about a year from now, staff will need to be preparing a grant application for this effort (grant cycle is approx. June through August). Though a later due date, the HPS can be done at the same time as the HCA.

- **Food cart/pod rules.** Currently, only allowed by Temporary Use, the goal is to create rules for permanent use and maybe improved temporary provisions. This issue goes back to 2015 when we made the decision to start allowing these kinds of uses via the city's Temporary Use provisions. So, this is about a decade old issue. [No progress has been made in this reporting period.](#)
- **Flood code amendments related to Endangered Species Act.** In 2009 FEMA was sued based on floodplain rules violating the Endangered Species Act. In 2016 the National Marine Fisheries Services (NMFS) issued a biological opinion that Oregon's flood plain policies jeopardizes several threatened species such as salmon. In July 2024, FEMA announced a new program of pre-implementation compliance measures (PICM) for short term measures to be effective Dec. 1, 2024, separate from the long term, estimated for completion in 2027. Basically, flood development is supposed to include impacts to fish habitat, not just the loss of human-made structures. Prior to the new president taking office in January 2025, FEMA was directing much effort reaching out to communities. However, under the new administration, it has been radio silence. Ultimately, this will likely require code updates. [No progress has been made in this reporting period.](#)
- **TDML erosion control code.** DEQ is requiring the city to update its erosion control standards. This is a City Engineering led project, supported by the Planning Department. [April:](#) Provided comments to AmeriCorps RARE participant for draft ordinance. [June:](#) Provided draft application form comments to City Engineering. [As Engineering intends on presenting this matter to the Council in August, this is likely the last inclusion of this project in the Planning Department reports.](#)

B. Upcoming Projects

- None.

4. Upcoming Events & Important Dates

- July is the last month Jenny Dimsho will be an employee of the city. If you want to say goodbye, make sure you do it in early July. **After the week of July 14-18, she's gone.**

Attachments

- 2025 Annual Housing Unit & Population Survey (AHUPS) notice (05292025)
- June 25, 2025 correspondence regarding city owned Millard Road property
- 59364 Mt. View Dr. 2022 Aerial Photo Map
- Focus area map for Parks Commission's Woodland Reserve proposal

College of Urban and Public Affairs

Population Research Center

Post Office Box 751

Portland, Oregon 97207-0751

780 Urban Center

506 SW Mill Street

popest@pdx.edu

www.pdx.edu/prc



Portland State
UNIVERSITY

May 29, 2025

IMPORTANT NOTICE

Attn. City Official
City of St. Helens
265 Strand St.
St. Helens, OR 97051

2025 Annual Housing Unit and Population Survey (AHUPS)

As mandated by Oregon law (ORS 190.510 to 190.620), Portland State University's Population Research Center (PRC) collects housing unit and population information for Oregon's annual population estimates. These estimates are essential to help the state distribute its revenue and support decision-makers and planners.

In the week of **July 7, 2025**, we will send a link (by email) to the online 2025 Annual Housing Unit and Population Survey (AHUPS). The link to the survey, username, and password will be included in the email. If your city is located in more than one county, you will be asked to fill out a separate form for each part of the city.

We will send the link to the survey to this email address: **[jdimsho@sthelensoreon.gov]** If this is no longer the correct contact email for your city, please let us know **as soon as possible** and no later than **06/13/2025** by emailing **popest@pdx.edu**

We appreciate receiving the completed form back by **August 8, 2025**.

Best regards,
Huda Alkitkat, Ph.D.
Population Estimates Program Manager
Email: popest@pdx.edu

P.S. This survey is separate from the Oregon Population Forecast Program survey you may have received from PSU earlier this year. We appreciate your time and attention.

College of Urban and Public Affairs

Population Research Center

Post Office Box 751

Portland, Oregon 97207-0751

780 Urban Center

506 SW Mill Street

503-725-3922 tel

503-725-5199 fax

askprc@pdx.edu

www.pdx.edu/prc



Portland State
UNIVERSITY

May 29, 2025

IMPORTANT NOTICE

Attn. City Official
City of St. Helens
265 Strand St.
St. Helens, OR 97051

2025 Annual Housing Production Survey

Dear City Officials,

Typically, during January, the Department of Land Conservation and Development (DLCD) reminds jurisdictions that annual reporting on housing production is due to the agency. **This letter is to inform you of important updates regarding the survey collection system and schedule.**

Under recent statutory direction (ORS 456.601, ORS 197A.110, and HB 4063 (2024)) DLCD along with OHCS are developing a comprehensive reporting program to better capture regulated affordable, accessible, and total housing production. There are a few changes attendant to these new requirements and the updated approach:

1. Starting this year, **the survey will be collected annually sometime during the first two weeks of July rather than in January.** Additionally, the survey itself will look somewhat different, will include new reporting fields required under ORS 197A.110 and will be more user-friendly overall. Because this is a transitional year, the survey will be a bit different than the following reporting periods. Specifically, we need to account for the six-month gap in the reporting due to the schedule adjustment; jurisdictions will report on the past 18 (rather than 12) months of production. This year's survey will collect data for the past 18 months in three periods (January 2024- June 2024, July 2024- December 2024, and January 2025- June 2025). Starting in subsequent years, data will be collected based on the fiscal year period: July 1 of the previous year through June 30 of the current year. Instructions for this year's reporting will be provided when the survey is distributed in July 2025.
2. In response to requests from local governments to streamline the administrative workload associated with required reporting, DLCD has partnered with Oregon Housing and Community Services (OHCS) and the Population Research Center (PRC) at Portland State University (PSU) to reduce the overall reporting burden. **The PRC will now steward the data collection for the Annual Housing Production Survey while it also collects the data for the Annual Housing Unit and Population Survey (AHUPS).**

We will send the link to the Annual Housing Production Survey during the week of **July 7, 2025, along with the link to the Annual Housing Unit and Population Survey, to this email address:** [jdimsho@sthelensoreon.gov].

If your jurisdiction prefers to designate different individuals to complete each survey, or if this is no longer the correct email address, **please notify us** as soon as possible—no later than **June 13, 2025**—by contacting **popest@pdx.edu**. We appreciate receiving the completed form back by **August 29, 2025**.

Best regards,

Huda Alkitkat, Ph.D.

Population Estimates Program Manager - Population Research Center (PRC), Portland State University (PSU)



265 Strand Street
St. Helens, Oregon
97051

June 25, 2025

Joe Kessi
Fidelis First | J Handsome Homes
CEO | Real Estate Developer

Via Email: joek@fidelisfirst.com

RE: Instrument No. 2009-6383 Declaration of Restrictions for Wetlands (hereinafter "Declaration") as recorded on a portion of the "Millard Road Property" and e-communication received June 23, 2025

Dear Joe Kessi,

This correspondence is in response to your e-communication received June 23, 2025. It addresses the first three paragraphs of that communication.

In the **first paragraph** you ascertain that the Declaration applies to properties identified as Columbia County Assessor Account Numbers 29254 and 29246. This is incorrect. The legal description of the Declaration identifies the southerly approximate 695' feet of the property, which is a portion (not the entirety of) Account 29254 only.

The **second paragraph** notes the 2009 Columbia County decision, noting the Declaration was required for compliance with wetland regulations and that significant changes have since occurred and a new study associated with updated requirements makes the Declaration obsolete.

I agree that the Declaration is a direct result of the Columbia County Planning Department Case File No. DR 09-01. Condition #2 of this decision required a deed restriction with some key required language including that the grantee shall comply with all federal, state, and local laws concerning wetlands. Review of the language included in the Declaration appears to ensure the property owner is aware of wetlands on the property and that they "shall comply with all *applicable federal, state, and local laws and regulations* concerning wetlands on *portions of the property*." This reflects said Condition #2 and emphasizes wetlands are on only a portion of the property.

Today, we know there are wetlands on portions of the property and any proposed impacts would need to be reviewed by the applicable agency such as the Oregon Department of State Lands, US Army Corps of Engineers and, because the property has since been annexed, the City of St. Helens. Thus, the statement on the Declaration "shall comply with all *applicable federal, state, and local laws and regulations* concerning wetlands on *portions of the property*" remains true. There are no significant changes as it pertains to general wetland regulation (i.e., the various levels of government may need to review impacts just like in 2009) and any new wetland study is irrelevant because the Declaration is general in nature

and not specific to any study. The Declaration does not prohibit development of the subject property, especially since only portions of it contain wetlands.

Obsolescence of the Declaration based on a new study associated with updated requirements does not make sense.

The **third paragraph** requests a letter from this department removing the Declaration in favor of current rules. The City of St. Helens wetland regulations per Chapter 17.40 SHMC are supported by the Declaration because it acknowledges local laws, however, it does not appear to create any new restriction beyond applicable law. The Declaration appears to simply acknowledge that there are applicable laws for wetland impacts which it still true today. Current rules are not impacted by the Declaration.

I hope this correspondence clarifies. Also please note that the Declaration (available in the Columbia County Clerk records) and Final Order for DR 09-01 (available from Columbia County Land Development Services) are public records from non-city sources available when Resolution No. 2014 was passed and adopted on June 19, 2024 regarding the sale of the property to OHM Equity Partners, LLC, about a year ago.

If you have any questions, please contact this office.

Respectfully yours,



Jacob A. Graichen, AICP, City Planner

Attachments:

- E-communication from Joe Kessi to City of St. Helens received June 23, 2025
- Instrument No. 2009-6383 Declaration of Restrictions for Wetlands
- Columbia County DR 09-01 Final Order

cc: John Walsh, City Administrator

From: [Joe Kessi](#)
To: [Jacob Graichen](#); [John Walsh](#); [Jeff Yarbor](#)
Subject: [External] Request to Remove Wetland Restrictions - Property at Millard Road Tax Acct 29254 and 29246
Date: Monday, June 23, 2025 9:16:16 AM

Dear Planning Department,

I am writing to request the removal of wetland-related restrictions imposed by the Declaration of Restrictions for Wetlands (Document No. DEC 2009-006383), recorded on June 30, 2009, by the Columbia County Health District, for the property located on Millard Road (tax account numbers 29254 and 29246) e.g., a portion of the John McNulty Donation Land Claim No. 50, Section 8, Township 4 North, Range 1 West, Columbia County, Oregon]. This property, described in Exhibit A of the document, is now under St. Helens' jurisdiction, and I believe current conditions justify a reassessment.

The 2009 Declaration stemmed from Case File No. DR 09-01, requiring compliance with wetland regulations. Since then, significant changes have occurred and a new study will be required with newer updated requirements making this document obsolete. These efforts align with and exceed the standards in Chapter 17.40 of the St. Helens Municipal Code, supporting the city's goals of wetland preservation and compatible land use.

Given this update, I request a letter from the City of St Helens planning department removing the wetland restriction (Document No. DEC 2009-006383) in favor of the current rules and regulations in the St Helens Municipal Code.

Thank you for your consideration. I can be reached at 503-310-7921. I look forward to your response.

Best regards,
Joe

JOE KESSI
Fidelis First | J Handsome Homes
CEO | Real Estate Developer

Direct: 503.310.7921
joek@fidelisfirst.com



After recording, return to:
Pam Powell
Columbia County Health District
PO Box 995
St Helens, OR 97051

**DECLARATION OF RESTRICTIONS
FOR
WETLANDS**

THIS DECLARATION OF RESTRICTIONS FOR WETLANDS ("Declaration") is made this 30th day of June, 2009, by the Columbia County Health District, an Oregon Health District ("Declarant").

A. Declarant owns the real property within Columbia County, Oregon, described in Exhibit A.

B. Whereas Declarant acknowledges that there are wetland areas on portions of the property.

C. Whereas under the conditions of approval for the site design review application to Columbia County Planning Department, Case File No. DR 09-01, Declarant is required to record a deed restriction related to the wetlands found on the property;

D. Now therefore Declarant hereby declares that the Declarant shall comply with all applicable federal, state, and local laws and regulations concerning wetlands on portions of the property described in Exhibit A.

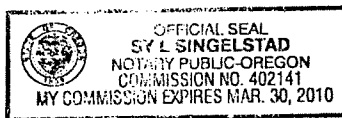
IN WITNESS WHEREOF, the undersigned Declarant has executed this Declaration this 30th day of June, 2009.

COLUMBIA COUNTY HEALTH DISTRICT,
An Oregon Health District

By: J. M. Tappan
Name: JAY M. TAPPAN
Its: Chair

State of Oregon)
County of Columbia) ss.

This instrument was acknowledged before me on June 30, 2009,
by Jay M. Tappan as Chair of
the Columbia County Health District.



Syl Singelstad
Notary Public for Oregon
My Commission Expires: 03/30/2010

COLUMBIA COUNTY, OREGON 2009-006383
DEED-DCL
Cnt=1 Pgs=2 HUSERB 07/02/2009 11:42:47 AM
\$10.00 \$11.00 \$5.00 \$10.00 Total: \$36.00



00107329200900063830020029

I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Elizabeth E. Huser - County Clerk

EXHIBIT "A"

A portion of the John McNulty Donation Land Claim No. 50, located in the Northwest one-quarter and in the Southwest one-quarter of Section 8, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 23 of FIRLOK PARK, being a 1 inch iron pipe on the southerly right-of-way line of Maple Street (25.00 feet from centerline);

Thence along said Southerly right-of-way line North 88° 06' 31" East 149.48 feet to a point from which a 1-1/2 inch iron pipe bears South 09° 22' 10" East 1.21 feet;

Thence along the Westerly line of Book 148, Page 96, South 09° 22' 10" East 110.07 feet to a 1/2 inch iron pipe;

Thence along the Southwesterly line of said Book 148, Page 96, South 46° 07' 00" East 25.20 feet to a point in the center of McNulty Creek;

Thence along the center of said creek along the following courses:

North 11° 15' 12" West 7.92 feet;

North 65° 31' 40" East 27.61 feet;

North 81° 05' 05" East 67.62 feet;

South 80° 37' 07" East 53.35 feet to the Northeast corner of Deed Book 148, Page 94 from which a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." bears South 01° 33' 00" East 20.00 feet;

Thence along the East line of said Deed South 01° 33' 00" East 1325.99 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." being the True Point of Beginning;

Thence continuing along said East line South 01° 33' 00" East 693.90 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "DEWEY SURVEYING INC." on the Northerly right-of-way line of Millard County Road (20.00 feet from centerline);

Thence along said Northerly right-of-way line North 88° 15' 37" West 525.01 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "DEWEY SURVEYING INC.";

Thence along the West line of Deed Book 144, Page 313 North 01° 33' 54" West 694.09 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR.";

Thence leaving the East line of said Book 144, Page 313 South 88° 14' 26" East 525.20 feet to the TRUE POINT OF BEGINNING.

BEFORE THE
COLUMBIA COUNTY PLANNING COMMISSION
ST. HELENS, OREGON

In the matter of an application of the)
Columbia Health District for a Site)
Design Review for a Hospital in the)
Community Service Institutional (CSI))
zone.

FINAL ORDER DR 09-01

This matter came before the Columbia County Planning Commission on the application of the Columbia Health District for a Site Design Review to build a new hospital, approximately 24,000 square foot, on 8.35 acres located on Millard Road, Warren. The site is further described per the County Assessor's records as a portion of tax map number: 4108-CB-00400.

Notification of this land use application was sent to affected agencies, the St. Helens-Columbia City CPAC and surrounding property owners. A Public Hearing was held on October 16, 2008 and continued to December 1, 2008; where the Planning Commission heard testimony from the applicant and interested parties and considered written materials including the Staff Report.

After due consideration, the Columbia County Planning Commission hereby adopts the findings in the Staff Report dated October 6, 2008, and Supplemental Findings for December 1, 2008 hearing, and orders this application **DR 09-01** be, **APPROVED**, subject to the following conditions:

CONDITIONS OF APPROVAL

1. This Site Design Review shall remain valid for two (2) years from the date of the final decision. This permit shall become void, unless the proposal has commenced in conformance with all conditions and restrictions established herein within the two-year validity period. Extensions of time may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to develop.
2. The applicant shall sign and record a Deed Restriction for the designated wetlands located on the subject property. The deed restriction shall state at least in part that "the grantee shall comply with all federal, state, and local laws and regulations concerning wetlands on the property described herein." The applicant shall provide LDS with a copy of this recorded document to be kept with the Planning File.
3. The applicant shall dedicate an additional 10 foot right-of-way to the Millard Road frontage existing 40 foot right-of-way for public road use.

4. Prior to the commencement of any activity related to (1) street improvements along the property's frontage of Millard Road bordering the wetland area or (2) enhancement to either of the site's 2 wetland areas, the applicant shall obtain authorization/approval from Oregon DSL, ODFW and/or Army Corps of Engineers, if applicable. All future development shall comply with the conditions of these approvals, and the County is not liable for any delays in the processing of a state or federal permit.
5. The applicant shall extend and connect the subject property to the City of St. Helens' sanitary sewer. The applicant shall be financially responsible for extending sanitary sewer from Highway 30/Millard Road intersection to the subject property. Before the County can issue development permits for structures needing sanitary sewer, the applicant shall sign and record an annexation agreement and provide supporting documents related to the availability of sanitary sewer to the property with the City of St. Helens.
6. The applicant shall connect the subject property to a community water source. Before the County can issue development permits for structures needing community water, the applicant shall submit a "Will Serve" letter from the community water source confirming water is available for its intended use on this site.
7. The applicant shall obtain a location Road Access Permit from the County Road Department prior to commencing any site preparation activities on the 8.35 acre site.
8. The applicant's scaled engineered/surveyed plans shall indicate the location of the designated wetlands in relation to the site's proposed development to ensure there are no encroachment of those prohibited activities identified in Section 1185.G of the Zoning Ordinance.
9. The applicant shall obtain building permit(s) for any signs needed for the proposed hospital. All signs shall be sited in accordance with the applicable aggregate sign area per parcel as well as dimensional requirements for individual signs identified in Section 1300 of the County Zoning Ordinance.
10. Landscaping as presented in the applicant's site plan, shall be kept free of refuse and maintained so that it does not: 1) preclude the maintenance or repair of a public utility, 2) restrict pedestrian and vehicular access, and 3) will not constitute any traffic hazards because of reduced visibility. Landscaping shall be maintained in a presentable manner consistent with all applicable standards of the County Code and as required by the conditions herein for the life of the proposal.
11. **Prior to the Building Permit issuance, the following conditions shall be met:**
 - A. A revised site plan shall be submitted for review and approval in compliance with the Columbia County Zoning Ordinance. The revised site plan shall include the following information and incorporate all aspects into the original Site Design Review.
 - I. A revised access, parking and circulation plan that complies with the

- applicable provisions of Sections 1400 related to the total number and dimensional requirements of standard parking and loading spaces and dimensional requirements for aisles. Each parking area shall be limited to 20 parking spaces and have at least 1 ADA accessible parking space. All ADA accessible parking spaces shall meet the Oregon Department of Transportation Disabled Parking Standards with regards to markings, dimensions, and signs
- ii. Any additional requirements from the Columbia River Fire & Rescue District, City of St. Helens, and McNulty Water Association shall be included.
 - iii. The location and size of all proposed signs.
 - iv. Ensure all external lighting will not shine directly on adjacent properties and roads while providing sufficient illumination for the safe ingress/egress from and to Millard Road.
- B. A Final Stormwater and Erosion Control Plan for the proposal shall be approved by the Planning Director. The approved Final Stormwater or Erosion Control Plan(s) shall be attached with an application for Building Permit and become part of that permit.
 - C. Changes to approved plan(s) and/or elevations shall be reviewed and approved by the County prior to implementation. All work shall accurately reflect County approved plans.
 - D. All areas used for parking or maneuvering of any vehicles shall be improved with asphalt or concrete surfaces (or an alternate surface approved by the County).

COLUMBIA COUNTY PLANNING COMMISSION


DAVE MIDDLE, CHAIRMAN

12-05-08
DATE

Wetland area on 59346 Mountain View Dr.



