

**CITY OF ST. HELENS PLANNING DEPARTMENT**  
**STAFF REPORT**  
**Annexation A.5.21**

**DATE:** February 9, 2022  
**TO:** City Council  
**FROM:** Jennifer Dimsho, AICP, Associate Planner  
Jacob Graichen, AICP, City Planner  
**APPLICANT:** Jeanne Morain  
**OWNERS:** Chieko Comstock  
**ZONING:** Columbia County’s Single-Family Residential (R-10)  
**LOCATION:** Southeast of the intersection of Pittsburg Road & Meadowview Drive  
4N1W-6D-604 and 4N1W-6AD-2600  
**PROPOSAL:** The property owner filed consent to annex because they would like to use the City’s development rules and connect to City utilities.

**SITE INFORMATION / BACKGROUND**

The subject property is made up of two undeveloped lots, one lot at 1-acre and one at 11 acres. Both lots abut Pittsburg Road to the north. Meadowview Drive abuts and follows the westerly property line for about 270 feet. Willie Lane, although not entirely developed as a street stub, has potential to connect to the property from the east side (See PP 2003-10). Edna Barr Lane (part of the Meadowbrook Subdivision Phase 4) is stubbed to the eastern property line too. About halfway through the property, there is a riparian area (R-MC-18) which has a 75’ upland protection zone. This stream divides the property approximately into two halves. The northern half slopes from Pittsburg Road to this stream gradually, and then very steeply once close. The southern half of the property is relatively flat. Just to the south of the stream, Westboro Way stubs to the west side of this property. Just south of Westboro Way, there are wetlands (MC-2) with a 50’ upland protection zone. These wetlands divide the southern half further into two halves, creating three distinct areas for development. The remaining southern third has potential to connect to Barr Avenue through via easement or by a mechanism that brings the public right-of-way to the property (i.e., right-of-way dedication or lot line adjustment).



*Photo of subject property taken at the intersection of Pittsburg Road and Meadowview Drive*



*Photo of subject property taken from Willie Lane (northern half of property)*



*Photo taken standing on subject property looking towards Edna Barr Lane (northern half of the property)*



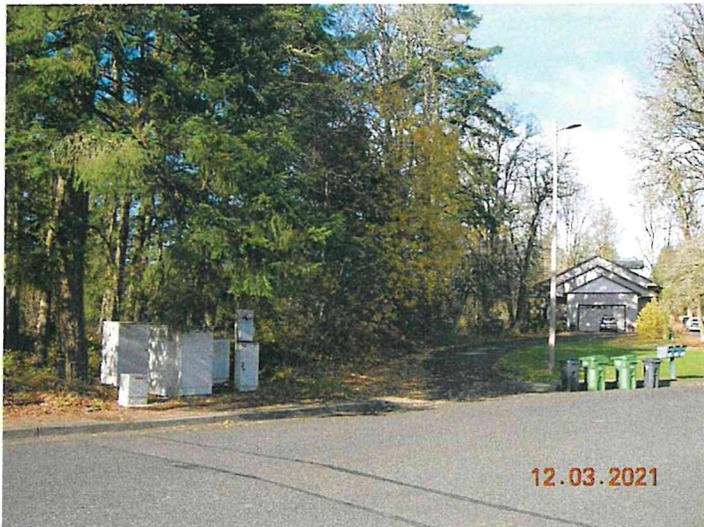
*Photo taken south of creek, looking south at the middle of the property, tree line represents the southern wetlands*



*Creek (R-MC-18) that runs through roughly the center of the property*



*Photo taken from Westboro Way looking onto the property (southern half of the property, but north of wetlands)*



*Photo taken from Barr Avenue looking towards the southern portion of the subject property. The subject property is not adjacent to Barr Avenue at this location. Arrangements will be necessary for access to the site from this area.*

## PUBLIC HEARING & NOTICE

**Public hearing** before the Planning Commission for *recommendation to the City Council*: January 11, 2022. Public hearing before the City Council: February 16, 2022.

**Notice** of this proposal was sent to the Oregon Department of Land Conservation and Development on December 7, 2021 through their PAPA Online Submittal website.

**Notice** of this proposal was sent to surrounding property owners within 300 feet of the subject property on December 17, 2021 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

**Notice** was published on December 29, 2021 in The Chronicle newspaper.

## AGENCY REFERRALS & COMMENTS

Columbia County Land Development Services: Supports the annexation. The properties are within the City's UGB and are surrounded by incorporated properties on all sides.

## APPLICABLE CRITERIA, ANALYSIS & FINDINGS

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

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

**Discussion:** (a)(i) The Comprehensive Plan designation for the subject property is Rural Suburban Unincorporated Residential (RSUR).

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

Annexing this property creates no conflicts with the specific Comprehensive Plan policies identified in Chapter 19.12 SHMC. In addition, there is no known conflict with the addendums to the Comprehensive Plan which includes Economic Opportunities Analysis (Ord. No. 3101), Waterfront Prioritization Plan (Ord. No. 3148), the Transportation Systems Plan (Ord. No. 3150), the Corridor Master Plan (Ord. No. 3181), the Parks & Trails Master Plan (Ord. No. 3191), the Riverfront Connector Plan (Ord. No. 3241), and the Housing Needs Analysis (Ord. No. 3244). **However, there are Comprehensive Plan policies and the Housing Needs Analysis does apply to the applicable designation and zoning district for annexation. These are discussed further below.**

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

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

**(a)(iii)** In addition, Section 3 of the City’s Charter states that “annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate.” However, during the 2016 Legislative Assembly, Senate Bill 1578 was passed. It states that a City shall annex the territory without submitting the proposal to the electors if certain criteria are met:

1. Property is within the UGB
2. Property will be subject to the City’s Comprehensive Plan
3. Property is contiguous to the City limits or is separated by only a public right of way or body of water
4. Property conforms to all other City requirements

This property is within the UGB, will be subject to the City’s Comprehensive Plan, and is contiguous to the City limits on three sides. As this proposal meets these criteria, this property will **not** be subject to a majority vote among the electorate.

Other provisions applicable to this proposal are discussed elsewhere herein.

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

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

### **SHMC 17.08.060 – Transportation planning rule compliance**

(1) Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060 (the Transportation Planning Rule (“TPR”)).

“Significant” means the proposal would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

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

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

Generally, when comparing potential land use impact on transportation facilities, the *reasonable worst case scenario* for the existing and proposed designation/zone are considered. The potential land uses are very similar for both the City and County for R7 and R10 zoning districts. In addition, the City’s zoning is comparable to the County with regards to the possible intensity of uses allowed and potential vehicular trips generated. Thus, this proposal will not affect an existing or planned transportation facility.

There are *special considerations* for zoning properties R5 or AR upon annexation. These are discussed under SHMC 17.28.030 (2) below. City R5 and AR zoning allows 5,000 and 4,000 square feet, respectively, for single-family dwellings, while County R-10 zoning requires 10,000 square feet. For purposes of the TPR, this is doubles the potential intensity of use of the property. If R5 or AR zoning is considered for all or a portion of the subject property as part of this annexation, a transportation impact analysis would be warranted. No such analysis has been provided to support AR or R5 zoning. However, the city will have the opportunity to require a traffic impact analysis with any future subdivision proposal too.

**Finding:** Transportation facilities will not be significantly affected by this proposal if the Commission chooses R10 or R7 zoning. There are potential transportation impacts if R5 and or AR are chosen as zoning districts. Staff and the Planning Commission recommended R7 for the entire property.

**SHMC 17.28.030(1) – Annexation criteria**

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

**Discussion:** **(a) Water** – City water is available adjacent to the property in multiple locations: within Pittsburg Road, stubbed at Westboro Way to the west, stubbed at Edna Barr Lane to the east, located along Meadowview Drive and along Barr Avenue.

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

**Sewer** – City sanitary sewer is available to the property in multiple locations: stubbed at Westboro Way to the west and stubbed at Edna Barr Lane and along Barr Avenue to the east. Within Pittsburg Road, the sanitary sewer is located approximately 615 feet away from the edge of the subject property.

With regards to capacity, the City's wastewater treatment plant currently has a daily limit (physically and as permitted by DEQ) to handle over 50,000 pounds of Biochemical Oxygen Demand (BOD) and a monthly average limit of 26,862 pounds. This is the "loading" or potency of the wastewater received by the plant. The average daily BOD is well below this at only 1,500 pounds. Thus, any potential uses that occur on the subject property can be accommodated by the City's sanitary sewer system as infrastructure is in place and there is substantial capacity available.

**Transportation** - As described above, transportation facilities will not be significantly affected by this proposal assuming R10 or R7 zoning. Given the size of the property, a traffic impact analysis is likely to be required at the time of application for land division (e.g., subdivision).

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

**(b)** The land use of the subject property is entirely vacant. Zoning considerations are discussed under SHMC 17.28.030(2) below.

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

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

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

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

Per ORS 222.111(2) an annexation may be initiated by the owner of real property or the city council. This annexation request was initiated by the property owner. Further, ORS 222.125 requires that that all property owners of the subject property to be annexed and at least half of the electors residing on the property consent in writing to the annexation. These documents were submitted with the annexation application.

**ORS 197.175(1) suggests that all annexations are subject to the statewide planning goals.** The statewide planning goals that could technically apply or relate to this proposal are Goals 1, 2, 10, 11 and 12.

***Statewide Planning Goal 1: Citizen Involvement.***

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

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

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

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

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

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

**Statewide Planning Goal 10: Housing**

*Goal 10 requires buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

This Goal has a couple components: 1) inventorying of land for housing need, and 2) demographic broad spectrum housing availability in both quantity and variety of type.

**Inventorying**

St. Helens completed and adopted a Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) in 2019 (Ordinance No. 3244). The results of the housing needs analysis indicates that the current St. Helens Urban Growth Boundary is sufficient to accommodate future housing needs, with a small deficiency of high-density land for multi-family development.

Per the HNA, Commercial/Mixed Use land can make up for the high-density land deficiency. Even though there are no guarantees Commercial/Mixed Use lands will be used for residential purposes, the following residential developments on commercial/mixed use lands since the inventorying effort of the HNA creation process are noteworthy:

- St. Helens Place Apartments at 700 Matzen Street. Originally approved by Conditional Use Permit CUP.2.18 in 2018, this 204-unit multi-dwelling project was completed late 2020.

Zone: General Commercial. Total acres used: 7.72 out of 7.72 ac.

- Broadleaf Arbor: A Gathering Place being developed by the Northwest Oregon Housing Authority (NOHA) and Community Development Partners at 2250 Gable

Road. Originally approved by Conditional Use Permit CUP.3.19, this 239-unit multi-dwelling project is currently under construction. The site has wetlands that will be preserved so only a portion of the property will be developed.

Zone: General Commercial, GC. Total acres used: approx. 13.7 ac. out of 16.7 ac.

Based on these two projects alone, the high-density deficiency is resolved, or at least will be assuming the completion of Broadleaf Arbor: A Gathering Place.

<b>Land Need (net acres)</b>	
Low Density*	240
Medium Density**	40
High Density	24
Manufactured Home Parks	5
<b>Total</b>	<b>309</b>
<b>Buildable Land Inventory (net acres)</b>	
Low Density	532
Medium Density	93
High Density	16
Manufactured Home Parks	45
Commercial/Mixed Use***	19
<b>Total</b>	<b>705</b>
<b>UGB Land Surplus/Deficit (net acres)</b>	
Low Density*	293
Medium Density**	53
High Density	(8)
Manufactured Home Parks	40
Commercial/Mixed Use	19
<b>Total</b>	<b>397</b>
<b>Adequacy of UGB to meet housing need</b>	adequate

\* Includes detached units and mobile homes. \*\* Includes townhomes, plexes and group quarters.

**Left:** This table summarizes the City's HNA findings. Bubbled in red reflects the surplus of low density lands, medium density lands, and deficit of high density lands. These numbers reflect a projection of residential land needs accommodating a 20-year housing demand forecast (from 2019).

Low density lands include:  
R10 and R7 zoning

Medium density lands include:  
R5 and MHR

High density lands include:  
AR zoning

### Demographic broad spectrum housing availability in both quantity and variety of type.

As noted elsewhere herein, the City Council can consider R10 or R7 zoning, but also R5 and AR. Since the fundamentals of the Housing Needs Analysis (HNA) are met, the City Council is not compelled to consider R5 or AR over R10 or R7. However, choosing R5 and/or AR would increase the type of housing in this area, as shown on the table on the next page.

As shown by the table below, both R5 and AR allow both attached single-family dwellings and multifamily development (3 or more units), that the R10 and R7 zones do not allow.

**TABLE:** P = Permitted      N = Not allowed      C = Conditionally Permit

**Current Residential Uses by Zoning District – December 2021**

Zone Use	R10	R7	R5	AR	MHR	MU	RD, Marina	RD, Plaza	RD, Mill	HBD	GC	HC	LI	HI	PL
DetachedSFD	P	P	P	P	P	P	N	N	N	P	N	N	N	N	N
Attached SFD	N	N	P	P	N	P	N	N	P	P	N	N	N	N	N
Manf Home	P	P	P	P	P	P	N	N	N	P	N	N	N	N	N
M Home Park	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N
Duplex	P	P	P	P	P	P	N	N	N	P	N	N	N	N	N
Multifam (3+)	N	N	C	P	C	C	C	N	P	C	C	N	N	N	N
ADU / 2 <sup>nd</sup> Detached SFD	P	P	P	P	P	P	N	N	N	P	N	N	N	N	N
RV Park	N	N	N	N	C	C	C	N	N	N	C	C	C	C	C
Above DU	N	N	N	N	N	P	P	P	P	P	P	C	N	N	N
Cottage Clust	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

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

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

City sanitary sewer and water capacities are adequate to serve the subject property. This is explained above. The existing development is adequately served.

**Statewide Planning Goal 12: Transportation.**

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

Traffic impacts and the City's provisions that address the TPR are explained above. This proposal will not significantly affect an existing or planned transportation facility if zoned R7 or R10.

**(d)** The subject property has access off Pittsburg Road which lacks frontage improvements abutting the property. Pittsburg Road is a county-jurisdiction road and is classified as a minor arterial. The existing right-of-way for minor arterials is 60' which is not met. Some sections of Pittsburg Road abutting this property are at 40' and some are at 50'. **However, this property not**

**the subject of a current development land use review, which provides the legal nexus and proportionality to require such frontage improvements or right-of-way dedications.** As such, no improvements are warranted with this proposal. At the time of future land division and/or development, these items would be considered.

(e) The subject property is greater than 10 acres in size and will be zoned residential. Therefore, this criterion requires that a “need” of the annexation for the city. Need in the context of this criterion is not defined (and not explicitly related to the Housing Needs Analysis), except one example is given (i.e., less than 5 years’ supply) in the criterion.

Per a Oregon Housing and Community Services publication Building on New Ground: Meeting Oregon’s Housing Need (February 2021) <https://www.oregon.gov/ohcs/about-us/Documents/RHNA/02-21-2021-ECONW-OHCS.pdf>:

In the last few years, the region’s housing affordability crisis has deepened. The 2020 wildfire season destroyed entire communities, resulting in the loss of 4,000 homes. The COVID crisis has resulted in growing unemployment and economic uncertainty, which, without further policy intervention, will accelerate economic inequities and increase the number of households facing housing instability and homelessness. Population continues to increase in the region.

Over the next 20 years, Oregon will need about 584,000 total new homes. Nearly one quarter of these units are needed now to accommodate today’s population. These roughly 140,000 homes would overcome Oregon’s chronic underproduction of housing, house those who are currently experiencing homelessness, and add supply to the overall market to increase housing choice and reduce cost burdening for low-income households.

To begin making progress toward this need, over the next five years, the state would need to add between 145,000 and 195,000 units. In other words, Oregon’s housing developers would need to produce between 30,000 units and 40,000 units every year. Over the past 5 years, Oregon has seen an average of just 20,000 units per year. Our state would need to increase its total production of housing by at least 50 percent, and as much as double production to tackle underproduction in the near term.

This land remaining in the County and not utilizing the city’s standards for urban density does not support addressing this trend. There is an undisputed need for housing in the region.

Another need are proper street connections. Several streets stub to the subject property. At least two of these: Willie Lane and Edna-Barr Lane are “dead-end” streets greater than 150 feet with no fire turn around meeting any acceptable standards. A subdivision with urban density will help resolve this: the land division will warrant consideration of street extensions within the site and the urban density will make street extensions/development more feasible.

In addition to housing need and transportation need, the Planning Commission also considered that even though the gross acreage of the property is 12 acres, much is encumbered with sensitive lands. When the wetlands, riparian area, and upland protection zones are removed, the

net developable acreage is less than 10 acres, which the Commission argued would make this criterion not applicable to the property. **However, the criterion explicitly notes gross size, so staff does not recommend relying on this finding by the Commission alone.**

**Finding:** There is a need for both housing at urban densities and transportation improvements.

### **SHMC 17.28.030 (2) – Annexation criteria**

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

**Discussion:** The Comprehensive Plan designation is currently Rural Suburban Unincorporated Residential (RSUR). Upon annexation, the subject property's Comprehensive Plan designation shall be Suburban Residential (Incorporated) SR.

The City's zoning options upon annexation are R7, R10, or under *special circumstances*, R5 or AR. See SHMC 19.12.060(2)(c) below for the special circumstances.

### **Per SHMC 19.12.060 Rural Suburban Unincorporated Residential Goals and Policies:**

- (1) Goals. To provide sufficient area for urban development that will accommodate a variety of housing types.
- (2) Policies. It is the policy of the city of St. Helens to:
  - (a) Work with the county on partition and subdivision applications for these lands to ensure that they are divided in a manner that does not hinder future urbanization.
  - (b) Zone the rural suburban-unincorporated residential at R7 or R10 upon annexation to the city unless circumstances listed in subsection (2)(c) of this section exist.
  - (c) **Consider zoning lands with the rural suburban-unincorporated residential category for R5 or AR if the following conditions are found:**
    - (i) **The parcel is vacant and larger than two acres in size.**
    - (ii) **The carrying capacity of the public services, including but not limited to streets, sewer, and water, are sufficient for higher density development.**
    - (iii) **The county and city determine, due to the pattern of development in the city and within the urban growth area, that other lands are more appropriate for these designations.**

The parcel is larger than two acres in size and the public services are available. The City may consider if this area warrants higher density than R7 or R10 by looking at the pattern of development in the City and within the Urban Growth Boundary.

Things to consider in relation to the zoning of the property:

- **The city's housing needs are technically met for the next approximate 20 years. The highest density zoning is the only category that is close to a deficiency (i.e., no large surplus).**
- **However, as noted above, R5 or AR may have an impact on the transportation system (not known without a study). A TIA would be needed as part of this annexation for R5 or AR to be considered. No study is in the record.** Note that a TIA would still be required at the time of any future subdivision of 25 or more lots, which is possible for this larger property.

- R5 and AR not only allow higher densities, but also allow uses not already allowed in surrounding neighborhoods (attached single-family dwellings).
- All surrounding zoning is R10 or R7 which are similar to the types of residential uses allowed. The default zoning for this property would be R10 zoning at the northly half of the property with R7 zoning to the south, using the BPA easement as the dividing line, roughly. Another option that Council could consider while remaining consistent with the surrounding development in the types of housing allowed, would be R7 for the entire site (with no split).
- The Planning Commission recommended R7 for the entire property in part because the sensitive lands and their respective upland protection zones will dictate a certain amount of protected open space for the subdivision. The sensitive lands create three separate and distinct development areas which will inherently result in a subdivision that contains more open space and separation. This Commission felt this would be perceived as a less dense development overall.

**Finding:** Upon annexation, the subject property’s Comprehensive Plan designation shall be Suburban Residential (Incorporated) SR and be zoned based on the determinations of the City Council.

**SHMC 17.112.020 – Established & Developed Area Classification criteria**

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

**Discussion:** OAR 660-008-0005 classifies *buildable land* as:

Residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered “suitable and available” unless it:

- (a) Is severely constrained by natural hazards as determined under Statewide Planning Goal 7;
- (b) Is subject to natural resource protection measures determined under Statewide Planning Goals 5, 6, 15, 16, 17 or 18;
- (c) Has slopes of 25 percent or greater;
- (d) Is within the 100-year flood plain; or
- (e) Cannot be provided with public facilities.

OAR 660-008-0005 generally defines “Buildable Land” as vacant residential property not constrained by natural hazards or resources, and typically not publicly owned. There are areas on the property which are subject to natural resource protection measures (locally significant wetlands and riparian areas). However, there is still ample land classified as buildable for it to be deemed “developing.”

**Finding:** The subject property should be designated as a “developing area.”

#### CONCLUSION & RECOMMENDATION

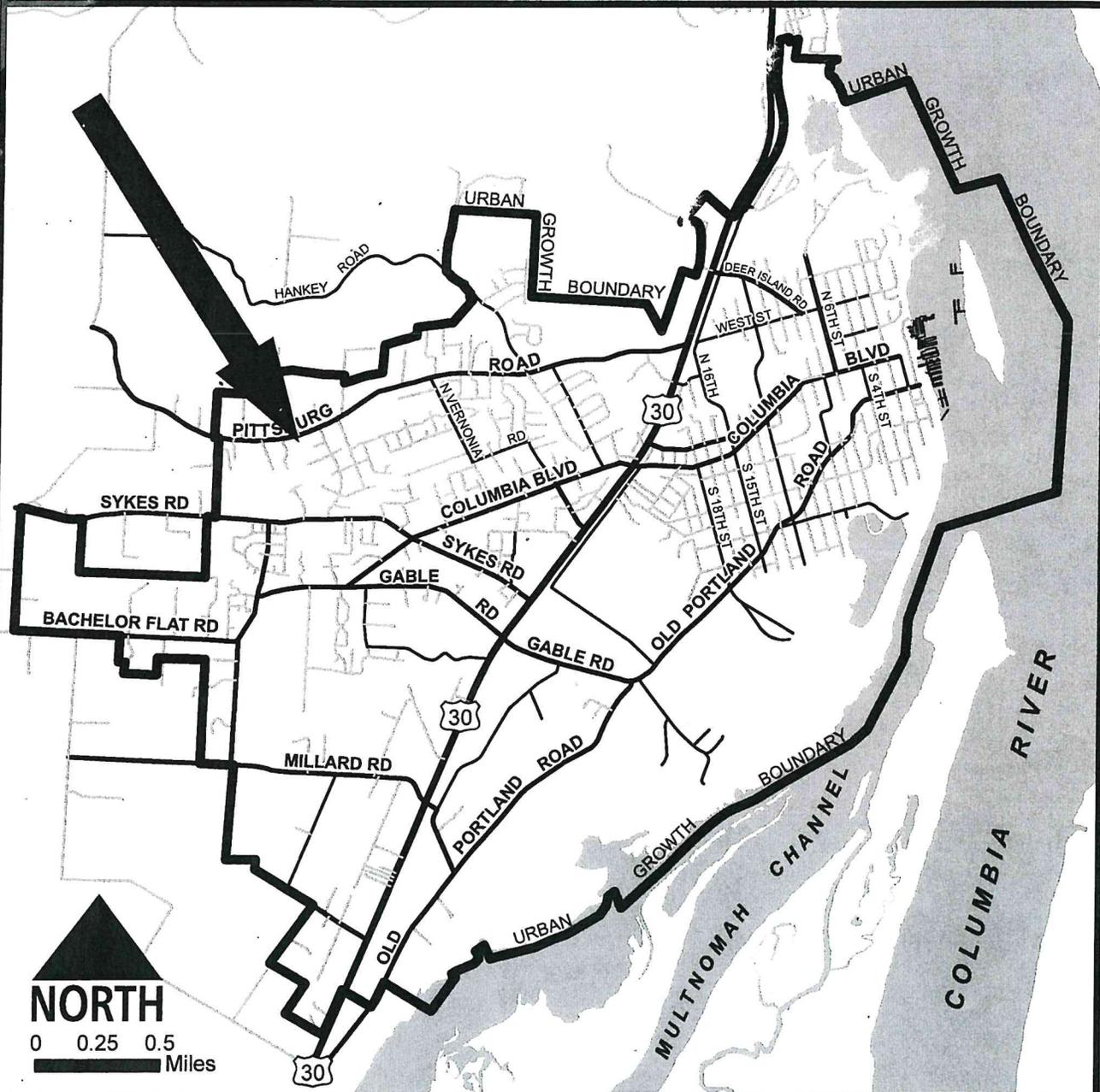
**Based upon the facts and findings herein, staff and the Planning Commission recommends approval of this annexation and that upon annexation, the subject property have a Comprehensive Plan designation of Suburban Residential (Incorporated) SR and be zoned as determined by the City Council, and be designated as “developing.”**

\*This annexation will **not** be subject to voter approval subsequent to this land use process.\*

**Attachments:** General Map  
Taxlot Map  
Aerial Map  
Wetland and Buffer Map (2021)  
Letter from Rhonda Kirtland entered into the record January 7, 2022  
Letter from Jeanne Morain entered into the record January 10, 2022  
Letter from Cyndi Furseth entered into the record January 10, 2022

# SUBJECT PROPERTY

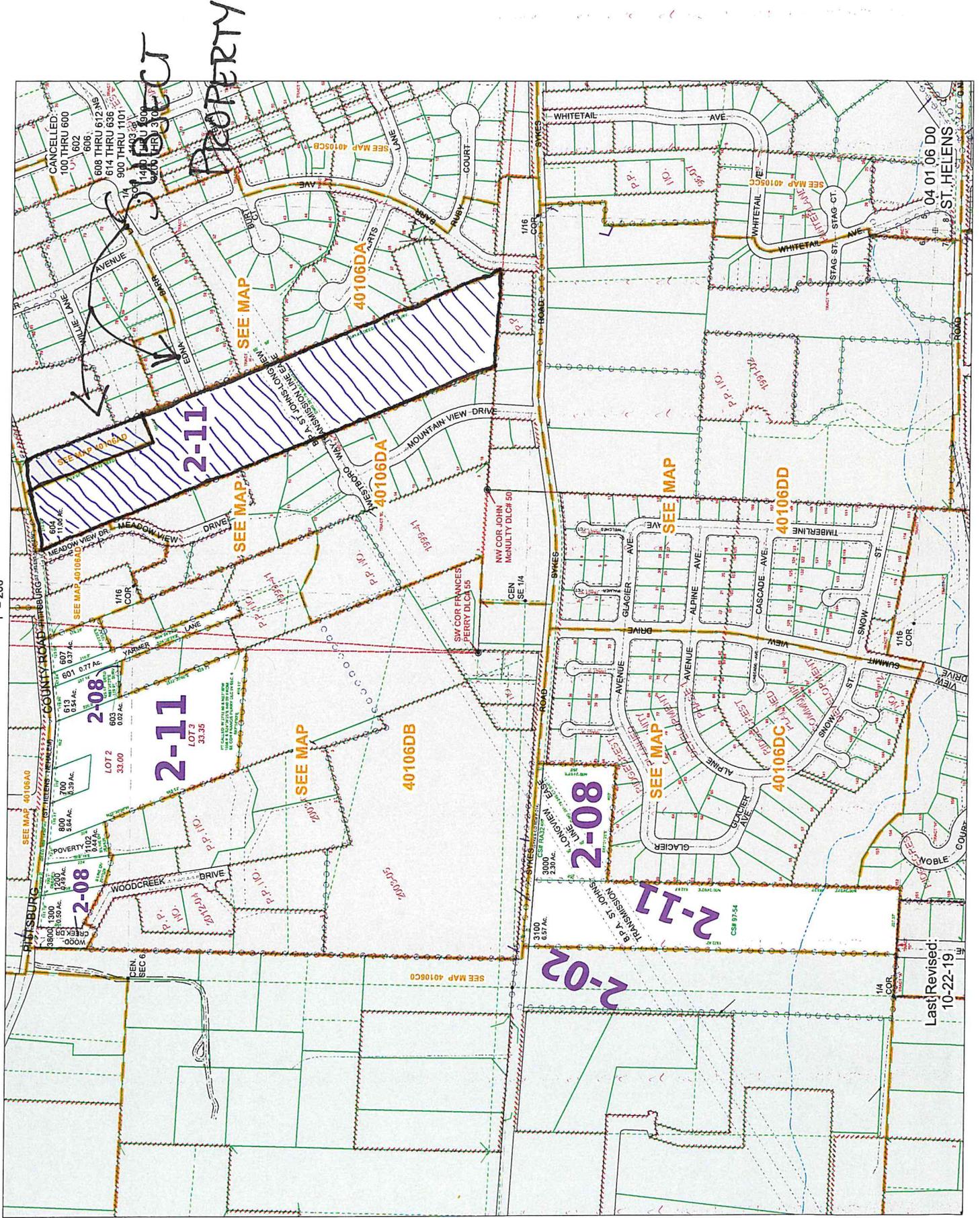
~ Approximate Location ~



City of St. Helens Urban Growth Boundary Area Vicinity

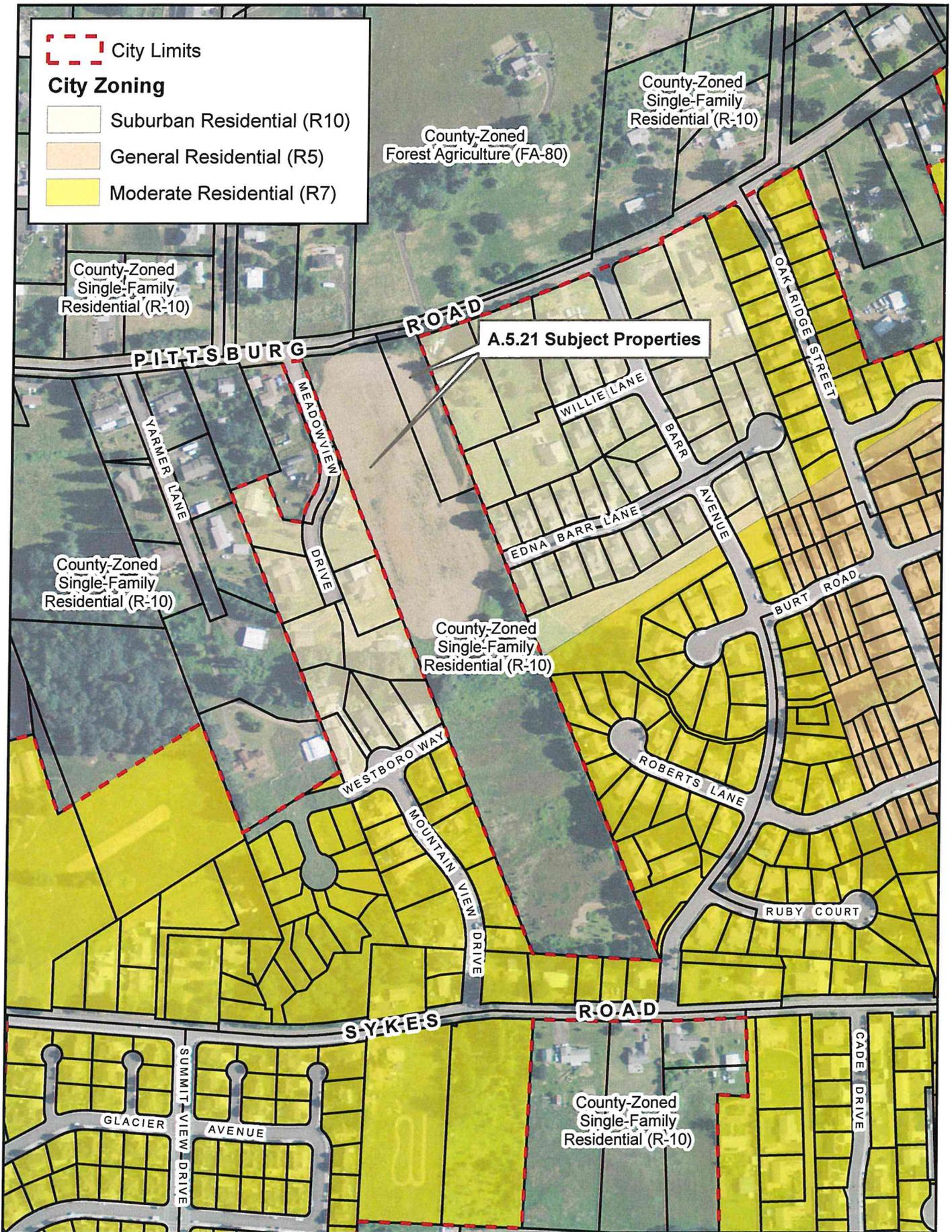
1" = 200'

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



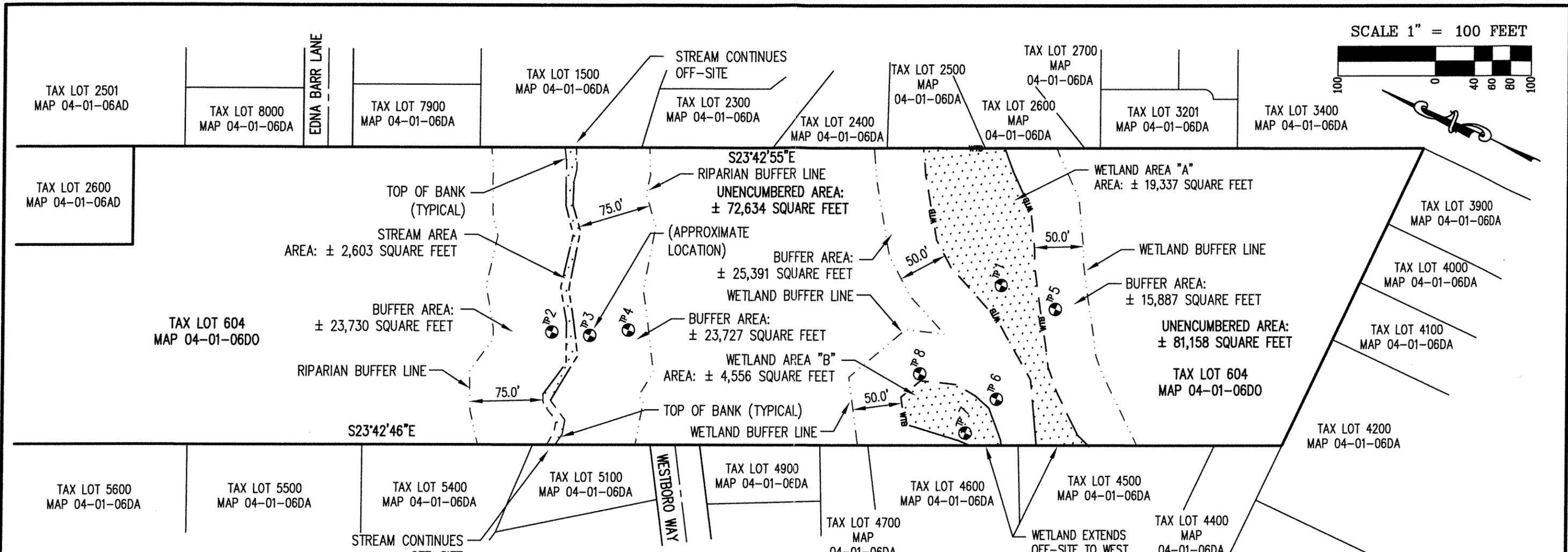
Last Revised:  
10-22-19

# A.5.21 Annexation Aerial Map



Aerial Image (2009). City of St. Helens.

SCALE 1" = 100 FEET



**NOTES**

1. THE FIELD WORK WAS COMPLETED OCTOBER 27, 2021.
2. THE NORTHEASTERLY AND SOUTHWESTERLY PROPERTY LINES WERE DETERMINED BY TIES TO RECOVERED SURVEY MONUMENTS AND ARE ACCURATELY DEPICTED. THE SOUTH LINE WAS CALCULATED FROM RECORD SURVEY INFORMATION.
3. WETLAND BOUNDARY, TOP OF STREAM BANK AND SAMPLE PLOT FLAGGING PLACED BY WETLAND SOLUTIONS NORTHWEST. THEIR LOCATIONS WERE DETERMINED BY SURVEY WITH ACCURACY OF +/- 1 FOOT.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
**PRELIMINARY**  
OREGON  
JUNE 30, 1997  
SCOTT F. FIELD  
2844  
RENEWS: 12/31/2021

**WETLAND AND  
BUFFER MAP**  
LOCATED IN THE EAST 1/2 OF SECTION 6,  
TOWNSHIP 4 NORTH, RANGE 1 WEST, W.M.,  
COLUMBIA COUNTY, OREGON  
DATE: NOVEMBER 8, 2021

**LEGEND**

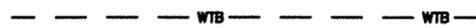
SAMPLE PLOT



WETLAND AREA



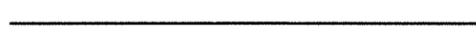
WETLAND BOUNDARY



ORDINARY HIGH WATER LINE



RIGHT-OF-WAY LINE



PROPERTY LINE



**PREPARED FOR**

JEANNIE MORAIN  
2799 E. LINDA COURT  
GILBERT, AZ 85234

JOB NAME:	MORAIN
JOB NUMBER:	2346
DRAWN BY:	BJA
CHECKED BY:	SFF
DRAWING NO:	2346 EXH WL2



BOUNDARY TOPOGRAPHIC CONSTRUCTION CADASTRAL

**NORTHWEST**

1815 NW 169th PLACE, SUITE 2090  
BEAVERTON, OR 97006

PHONE: 503-848-2127 FAX: 503-848-2179

www.nwsrvy.com

**SURVEYING, Inc.**

FILE

RECEIVED

JAN 7 2022

Jennifer Dimsho

CITY OF ST. HELENS

**From:** Rhonda Kirtland <rskirtland@hotmail.com>  
**Sent:** Friday, January 7, 2022 9:11 AM  
**To:** Jennifer Dimsho  
**Cc:** ckirtland  
**Subject:** [External] Annexation A.5.21 Planning Commission Meeting Jan 11, 2022

Good Morning,

I would like to formally submit comments for the upcoming Planning Commission Meeting that will discuss topic "Annexation A.5.21"

We are homeowners of tax lot 3201 Map 04-01-06DA. Our lot will be affected by this annexation and right-of-way dedication.

1) there has been interest from us, as well as our neighbors across the property subject to annexation, to purchase additional land adjacent to our property lines. There was never interest from the owner to sell. Our lot line is an odd formation and with the development of the subject property we will have neighbors within feet of our back door. We would be very motivated to discuss a possible lot adjustment to our existing lot to include additional space.

2) As a resident that currently uses the easement driveway off of Barr I would like to comment of the proposed right-of-way off of Barr Avenue to connect the southern end of the proposed annexed property. I see that there is an issue with access to the southern part of the proposed annexed property and that the easement driveway is the path of least resistance. I would like to point out that the proximity of this proposed access road is close to the main intersection of Barr and Sykes. I foresee issues with traffic on Barr and Sykes. This intersection is busy with existing residential traffic. With the addition of multiple car households needing to access Barr from the newly built sub-division there will be congestion that will spill out onto Sykes. Currently you can only have about three cars on Barr off of Sykes if one car is waiting to turn left onto the easement driveway. The area to turn left is also a bit of a blind corner with the corner property on Ruby Court partially blocking the view. From a personal point of view we are not pleased with the prospect of our quiet private road to our residence I know that city planning doesn't consider the impact

-Rhonda

Jennifer Dimsho

CITY OF ST. HELENS

**From:** Jeanne Morain <jmorain71@gmail.com>  
**Sent:** Saturday, January 8, 2022 12:37 PM  
**To:** Jacob Graichen; Jennifer Dimsho; Cyndi Furseth  
**Subject:** [External] Statement to Present At Annexation and Response to Ms. Kirtland  
**Attachments:** GrandmaSarah2Dad11Acre2.pdf; Warranty Deeds.pdf; WarDeedDad1957.pdf; GrandmaSarahDeed2Dad.pdf; GrandmaSarah2Dad11Acres.pdf; LandDivisionGrandmaSarah.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Afternoon,

After discussing with our Mom, She has asked me to prepare the following response for Tuesday's meeting to Ms. Kirtland's objection to annexation and the public rights dedication. After losing her husband of 41 years, She has asked that I speak on behalf of the family.

As a family we truly appreciate and take into consideration the impact to all of the homeowners in the adjacent properties and overall to St. Helen's as a whole. We also ask that although inconvenient, the residents look beyond their personal impact and focus on the greater good of St. Helen's as a community as our father - James Comstock and grandparents; Sarah and Halle Comstock; and great grandparents the Martins did for upwards of a century as the early town settlers.

Like many of the long-time residents, St. Helen's is just as special to our family and it's legacy. Grandma Sarah Martin is a descendent of the original town founders and grew up in the area. Great Grandpa Martin built the farmhouse off of Pittsburg Road for Grandpa Halle and Grandma Sarah in the beginning of the 1900's before our dad was born. Great Grandpa also built our father's shop for him to build models as a little boy and work on cars as a teenager. Grandpa Halle Comstock and our family farmed the land and another 21 acres that comprised the family farm for decades. Comstock Creek (what we call the unnamed tributary) that divides the property is where our father picked blackberries and built forts with Uncle Doug and Aunt Joanne as kids. In fact our father loved the land, his family and St. Helen's so much - he risked his life in the Korean War to send money home to pay the taxes and feed his family. As a result, his parents deeded him an acre of land in 1957. Please see the War Deeds attached.

We realize that the future brings many changes and unknowns. However, the desire to build out the family farm into a community of St. Helen's has been in the works since the mid 1980's. It should not come as a surprise for any of the residents in the surrounding area as they have benefited from Grandma Sarah's dream. If you look at the document - Grandma Sarah Land Division - our Grandmother divided the family land between her 3 children while she was still alive after Grandpa Halle passed away. At that time in the early 80's, the plan was to develop the land into 1/4 acre lots. Uncle Doug and Aunt Joanne sold off their land to be annexed into St. Helen's and developed it. The Annexation supported the Urban Growth Boundary requirements for St. Helen's set by Columbia County in April of 1991 with subsequent updates throughout the most recent in 2019. ([St. Helen's UrbanGrowth Boundary Ordinance, 1991](#))

The 12 acres in question are surrounded on all sides by the City of St. Helen's. 2/3 of the family farm has already been annexed into St. Helen's and is currently zoned for R7 primarily and some R10. (1985, Grandma Sarah Land Division attached). In 2019, St. Helen's was provided

emergency state funds to address the housing shortage. [St. Helen's Housing Analysis, 2019](#) reiterates the need for more lower cost single family housing within the Urban Growth Boundary designated by the State of Oregon. The 12 acres in question (Tax Lot 604 and Tax Lot 2600) fall within the designated Urban Growth Boundary area set by Columbia County and the State of Oregon for the City of St. Helen's. [Urban Growth Boundary Map](#).

Our parents, James and Chieko Comstock had always dreamed of fulfilling Grandma Sarah's wishes and building out a community that would pay tribute to the family legacy while providing for the greater good of St. Helen's. One that would give back to the land and the people living on it. Unfortunately, our father was not able to fulfill his promise prior to his passing. It was not without trying over the years dating back to the mid 80's to present working with City Planners, County and others. Whenever, our Dad had the time and/or money - he hired out surveyors, planners, and spoke to the City in hopes of developing our family's land and upholding his mother's wishes. I am here today, to uphold that commitment to our family and the City of St. Helen's.

After reviewing Urban Growth Boundary Requirements, Hiring consultants for Wetland Delineation, Best Use of the Land - as the land owners, we are requesting that the City of St. Helen's uphold the Urban Growth Boundary edict from Columbia County by Annexing the Land at R7. We believe R7 will provide the ability for lower cost housing given the increase in supply chain (construction costs) while flowing with the surrounding areas that are already zoned R7 and some R10. We ask this to help us uphold our family legacy while providing for future generations of St. Helens.

Response to Rhonda Kirtland's letter:

We (Comstock Family) are the owners of tax lot 604 and tax lot 2600 - approximately 12 acres between Pittsburg and Barr. The land has been in our family for upwards of 100 years dating back to our Great Grandparents - the Martins.

In response to point number 1 below from Ms. Kirtland:

**>> 1) there has been interest from us, as well as our neighbors across the property subject to annexation, to purchase additional land adjacent to our property lines. There was never interest from the owner to sell.**

As our late father James Comstock would tell many of the ones that did not align with the community or promise to our Grandmother Sarah - "We appreciate and respect all the sincere offers, but if they would not allow for the development of a community or the land for the benefit of St. Helen's versus just an individual the offer could not be entertained".

I have a file with the offers over the last 10 years and have been actively discussing this with our late father since 2006 when I was asked to be POA for the family trust. I have no known records or recollection of Ms. Kirtland making a viable offer showing Good Faith on the land. Rest assured, our parents had considered many offers over the years but our father's hope was to develop it himself to build out a community to tribute the family legacy to the City..

**Our lot line is an odd formation and with the development of the subject property we will have neighbors within feet of our back door. We would be very motivated to discuss a possible lot adjustment to our existing lot to include additional space.**

We ask that Ms. Kirtland as well as the unknown neighbor on the other side please consider that it is not in the best interest of the Urban Growth Boundary Requirements passed initially in 1991 and updated in

2019, our family mission/legacy promised to our Grandparents and Parents, to give away the last of the family farm that has been in our family for 5+ generations to suit an individual. Had either Ms. Kirtland or the unknown neighbor made a fair offer for the value of the 5 acres to develop it in the best interest of St. Helen's per state and county mandates - we would have entertained it as we have other offers to date.

The land we are requesting be annexed is to support State and County Mandates for Urban Growth Boundary for the betterment of St Helen's as a whole to uphold our family legacy and our father's and grandmother's dying wishes. The land is not in individual lots but 11 acre and 1 acre parcels. The costs of dividing it out, surveying etc is expensive and lengthy. As a family we have already spent over 2 years and \$25,000 out of pocket to ensure we are doing what is in the best interest of St. Helen's, Columbia County and the State of Oregon.

We ask that the Kirtland's and other unknown neighbors she mentions take into consideration the needs of the greater community. The fact that the odd shaped property line and where the home was constructed was known to Ms. Kirtland or at least to whomever she purchased the property from as was the state mandated Urban Growth Boundaries in place that included our family farm since 1991 leaves no excuse for the sudden discovery that they will have neighbors.

Furthermore, where the developments will be located in proximity to Ms. Kirtland's or the other unknown neighbors' homes are not known because the land development plans, setbacks and zoning are still to be decided by the land planning committee after annexation and zoning is determined. To request "free land" to address poor planning and decisions within one's control that does not support the greater good of the community is inappropriate at best and violates Good Faith laws of state and federal level.

In response to Point Number 2

**2) As a resident that currently uses the easement driveway off of Barr I would like to comment of the proposed right-of-way off of Barr Avenue to connect the southern end of the proposed annexed property. I see that there is an issue with access to the southern part of the proposed annexed property and that the easement driveway is the path of least resistance. I would like to point out that the proximity of this proposed access road is close to the main intersection of Barr and Sykes. I foresee issues with traffic on Barr and Sykes. This intersection is busy with existing residential traffic. With the addition of multiple car households needing to access Barr from the newly built sub-division there will be congestion that will spill out onto Sykes. Currently you can only have about three cars on Barr off of Sykes if one car is waiting to turn left onto the easement driveway. The area to turn left is also a bit of a blind corner with the corner property on Ruby Court partially blocking the view. From a personal point of view we are not pleased with the prospect of *our private access road* to our residence to a public road. I know that city planning doesn't consider the impact of this but I must mention.**

Although, we appreciate the feedback and understand the inconvenience for you as a homeowner - we ask that you and the members of the community take into account the best interest of not one

individual but St. Helen's overall and all the houses that are adjacent to our property as well as our rights as property owners to access our property under county, state and federal US Constitution laws.

The "**Easement Driveway**" is not your private access road but was created in 2005 and recorded in 2006 to rectify the potential fire hazard to the adjacent properties because of an error by Utility Contractors. The utilities placement combined with Wetland laws prevented access to the lower half of our property. In other words, with or without any development - it is in St. Helen's best interest to have public access to maintain the land to allow fire trucks and emergency vehicles to eliminate a potential fire hazard to homes adjacent to our property AND to be in compliance with our rights as US Citizens to our land. This is why Meadowbrook and our family worked on the "Easement Driveway" as an amicable resolution to reduce the cost and impact of the homes built that use those utilities versus having the utilities moved. We all worked for the greater good of the community. This is also why Meadowbrook HOA since 2006 has maintained that "Easement Driveway and surrounding area belonging to Meadowbrook not the Kirtlands.

Although it may not be in the best interest of one individual, the Public Rights Dedication of the Easement Driveway to create access to the property is in the best interest of St. Helen's, the best use of the land, and the community overall. Not having some form of access to our property is not an option as it would create a fire hazard for the homes that are adjacent to the property including the Kirtlands and it would deny our family our rights under the the [5th and 14th amendment](#) of the US Constitution to freely own, use and sell our land that has been in our family for more than a century.

The family, at our own expense, has taken considerable care in hiring experts to provide their opinion on the best use of the land taking into consideration the surrounding area, Urban Growth Boundary requirements, and the Wetlands. We have consulted with surrounding neighbors, president of Meadowbrook HOA, Mayor, and Land Planning in our approach for disposition of the property for years as our father started in 1987 upon his mother's request and requested I continue prior to his passing.

City Planning has spent years working with our family, Meadowbrook and surrounding community considering what is best for the surrounding homeowners - contrary to what was stated. Similar to the original "Easement Driveway in 2005/2006" Our family, City Planners and the Meadowbrook HOA President have come up with a recommendation that is best for St. Helen's and the homeowner's of Meadowbrook (and adjacent properties) by providing access to the lower portion of the property through Public Dedication.

Why? That traffic would be minimal due to the limited number of houses that can be placed there with the proposed R7 zoning only allowing for a limited number of potential lots versus a higher density. The traffic impact would be minimal and it would create an outlet off of Barr road. Reducing some of the trees and vegetation could also reduce the visibility barriers mentioned. It would rectify an error of putting public utilities on our property that block access to public roads, preventing us or any subsequent owners from not only developing but also using or maintaining the property and denying us or future owners our constitutional rights under Federal, State and Local Laws. It would also reduce the costs of maintenance for Meadowbrook HOA and therefore Homeowners for the "Easement Driveway" by making it a public road.

Furthermore, not having it would deny our family our constitutional rights under federal and state guidelines to use or sell our property. Our fathers passing is not an opportunity to strip our mother from seeing Our Parents (and Grandparents) lifelong dream and our family's legacy to fruition or deny our family our rights as US Citizens under federal, state, and local laws. Nor does it constitute a land grab from adjacent neighbors wishing for more "space or private access roads" paid for at the expense of Homeowners of Meadowbrook or our family.

When considering this comment from the Kirtland's, please take into account neither the Kirtland's home nor the mystery neighbor in question were built without the knowledge that our tax lots and Meadowbrook HOA were not included in what they were purchasing. They had access as did their builders to the public documents for Urban Growth Boundaries dating back to 1991 with Columbia County for St. Helen's or the "Easement Driveway" agreement from Meadowbrook and our family since 2005/2006. Our parents address for the tax records has been noted with the Columbia County Tax Assessor since 1987 when our Grandmother deeded the land to our father. Yet we have no records of inquiries to purchase the property from the Kirtlands since 2006 but do from others. Some were seriously considered over the last 10 years that can be proven contradicting some of the statements made in these points. In lieu, upon our father's passing we only see this new request for "space" and "private access road" sent as a comment to the City against annexation of our property and to force Meadowbrook Homeowner's to continue to pay to maintain a private access road that only they can use.

What either point is asking is not in the best interest of St. Helen's, Columbia County, Meadowbrook Homeowner's or our family.

I welcome all inquiries, feedback and requests from the neighbors as we truly want to build a legacy for our family. In return, we ask that the neighbors consider that - our Mom (Chieko Comstock) just lost her husband of 41 years and we lost our father not 6 months ago. We are all grieving; especially her. Ensuring that we uphold our family legacy in St. Helen's as one of the early town settlers while making sure she is cared for is our top priority and promise to our Dad. Although we welcome any and all feedback we will not consider requests that are not in the best interest of the greater good for St. Helen's or our mother. We hope you understand and that any of you in the same position would hopefully do the same.

If you have any questions, concerns or further considerations please feel free to send them to me at [jmorain71@gmail.com](mailto:jmorain71@gmail.com).

Regards,  
Jeanne Morain

--  
Jeanne Morain  
Author/Strategist  
iSpeak Cloud, LLC  
[www.ispeakcloud.com](http://www.ispeakcloud.com)  
650-996-8086



**Jeanne Morain**  
[about.me/jeannemorain](https://about.me/jeannemorain)

**FILE**

COLUMBIA COUNTY, OREGON 2006-005169  
DEED-D  
Cnt=1 Stn=8 HUSERB 04/20/2006 09:00:34 AM  
\$10.00 \$11.00 \$10.00 Total:\$31.00



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

**WARRANTY DEED**

James M. Comstock , Grantor, conveys to James Martin Comstock and Chieko Comstock, Trustees, or to the successor trustee of the James and Chieko Comstock Trust, dated February 3, 2006, Grantee, the real property situated in Columbia County, Oregon described as follows:

Beginning at a point on the South line of the Francis Perry Donation Land Claim in Section 6, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon 26.49 chains West of the Southeast corner of said claim, said point being the Southeast corner of the Hallie D. and Sarah Comstock tract, as described in Deed Book 65, page 451; thence West along the South line of said Donation Land Claim a distance of 335.0 feet; thence North 23°30' West and parallel to the East line of said Comstock tract, a distance of 1734.72 feet to the Southerly right-of-way line of the Pittsburg-St. Helens road; thence North 79° East along said right-of-way line, a distance of 212.25 feet to the Northwest corner of the James Comstock tract, as described in Deed Book 133, page 440; thence South 23°30' East along the West line of said James Comstock tract, a distance of 440.93 feet to the Southwest corner thereof; thence North 66°30' East along the South line of said James Comstock tract, a distance of 100.0 feet to the Southeast corner thereof and the East line of said Hallie Comstock tract; thence South 23°30' East along said East line, a distance of 1381.43 feet to the true point of beginning.

Grantor covenants that Grantor is seized of an indefeasible estate in the real property described above in fee simple, that Grantor has good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantor, provided that the foregoing covenants are limited to the extent of coverage available to Grantor under any applicable standard or extended policies of title insurance, it being the intention of the Grantor to preserve any existing title insurance coverage.

The true consideration for this conveyance is \$10.00 and other good and valuable consideration.

-----  
Until a change is requested,  
all tax statements shall be sent to the following address:  
James M. and Chieko Comstock, Trustees  
980 Joshua Place  
Fremont, California 94539

After recording, return to:  
James M. and Chieko Comstock  
980 Joshua Place  
Fremont, California 94539

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.



**FILE**

COLUMBIA COUNTY, OREGON 2006-005170  
DEED-D  
Cnt=1 SIn=8 HUSERB 04/20/2006 08:01:34 AM  
\$10.00 \$11.00 \$10.00 Total:\$31.00



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

**WARRANTY DEED**

James Martin Comstock, Grantor, conveys to James Martin Comstock and Chieko Comstock, Trustees, or to the successor trustee of the James and Chieko Comstock Trust, dated February 3, 2006, Grantee, the real property situated in Columbia County, Oregon described as follows:

Beginning at a point on the South line of the Francis Perry Donation Land Claim in Section 6, Township 4 North of Range 1 West of the Willamette Meridian, which point is the Southwest corner of that property as described in Book 65, page 451, Columbia County deed records; said point being 41.10 chains West of the Southeast corner of said Francis Perry Donation Land Claim; thence North 10°40' East 1607.19 feet to a point of intersection of the South right-of-way line of Pittsburg-St. Helens Road with the Easterly line of that property as described in said Book 65, page 451, said point of intersection being the true point of beginning for the following described property: thence along the said Easterly line of said property as described in said book 65, page 451 South 23°07' East a distance of 430.27 feet; thence South 66°53' West a distance of 100.0 feet; thence North 23°07' West a distance of 440.93 feet to the said Southerly right of way line of said Pittsburg-St. Helens Road; thence North 72°58 ½ feet East a distance of 100.57 feet to the true point of beginning.

Grantor covenants that Grantor is seized of an indefeasible estate in the real property described above in fee simple, that Grantor has good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantor, provided that the foregoing covenants are limited to the extent of coverage available to Grantor under any applicable standard or extended policies of title insurance, it being the intention of the Grantor to preserve any existing title insurance coverage.

The true consideration for this conveyance is \$10.00 and other good and valuable consideration.

-----  
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all tax statements shall be sent to the following address:  
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FILE

NOTARY PUBLIC  
HALLIE DAY COMSTOCK  
KNOW ALL MEN BY THESE PRESENTS, That I, Hallie Day Comstock, grantor, do hereby grant, bargain, sell and convey unto the said grantees, James Martin Comstock, unmarried and Sarah N. Comstock, his wife, the following real property, with the tenements, improvements and appurtenances, situated in the County of Columbia and State of Oregon, bounded and described as follows, to-wit:

Beginning at a point on the south line of the Francis Perry Donation Land Claim in Section 6, Township 1 North of Range 1 West of the Willamette Meridian, which point is the Southwest corner of the property as described in Book 65, page 451, Columbia County deed records; said point being 11.10 chains West of the Southeast corner of said Francis Perry Donation Land Claim; thence North 10°10' East 1607.19 feet to a point of intersection of the south right-of-way line of Pittsburg-St. Helens Road with the easterly line of that property as described in said deed; thence South 89°19' East a distance of 100.0 feet; thence along the said easterly line of said property as described in said deed 658.53 feet; thence South 23°07' East a distance of 130.27 feet; thence South 65°53' West a distance of 100.0 feet; thence North 23°07' West a distance of 440.89 feet to the said southerly right of way line of said Pittsburg-St. Helens Road; thence North 72°58' East a distance of 100.57 feet to the true point of beginning.

To Have and to Hold the above described and granted premises unto the said grantees, their heirs and assigns forever.  
And I, the grantor, do covenant that we are lawfully seized in fee simple of the above granted premises free from all encumbrances, save AS ABOVE SET FORTH, taxes

and that we, my heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever, SAVE AS ABOVE SET FORTH.  
Witness Our hand and seal, this 24th day of July, 1957.

STATE OF OREGON  
County of Columbia  
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Hallie Day Comstock and Sarah N. Comstock, who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.  
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

WARRANTY DEED

Deed No. 3410  
TO  
2000  
HALLIE DAY COMSTOCK  
SARAH N. COMSTOCK  
Box 301  
St. Helens, Oregon.

Notary Public for Oregon  
My Commission expires Nov. 1, 1960  
Mavis Shaker Papp  
COUNTY CLERK

STATE OF OREGON,  
County of Columbia  
I certify that the within instrument was received for record on the 28th day of August, 1957, in Book 1305 on page 110. Record of Deeds of said County. Witness my hand and seal of County aforesaid.

By [Signature]  
County Clerk-Recorder,  
Deputy.

11002

FILE

WARRANTY DEED—STATUTORY FORM  
INDIVIDUAL GRANTOR

BOOK 250 PAGE 495



SARAH COMSTOCK

conveys and warrants to JAMES M. COMSTOCK Grantor,

except as specifically set forth herein situated in COLUMBIA County, Oregon, to-wit:

Beginning at a point on the South line of the Francis Perry Donation Land Claim, in Section 6, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon 26.49 chains West of the Southeast corner of said claim, said point being the Southeast corner of the Hallie D. and Sarah Comstock tract, as described in Deed Book 65 at page 451; thence West along the South line of said Donation Land Claim a distance of 335.0 feet; thence North 23° 30' West and parallel to the East line of said Comstock tract, a distance of 1734.72 feet to the Southerly right-of-way line of the Pittsburg - St. Helens road; thence North 79° East along said right-of-way line, a distance of 212.25 feet to the Northwest corner of the James Comstock tract, as described in Deed Book 133, at page 440; thence South 23° 30' East along the West line of said James Comstock tract, a distance of 440.93 feet to the Southwest corner thereof; thence North 66° 30' East along the South line of said James Comstock tract, a distance of 100.0 feet to the Southeast corner thereof and the East line of said Hallie Comstock tract; thence South 23° 30' East along said East line, a distance of 1381.43 feet to the point of beginning.

FILE

The said property is free from encumbrances except (IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

BOOK 250 PAGE 496

The true consideration for this conveyance is \$ NIL (Here comply with the requirements of ORS 93.030)

Dated this 23rd day of January, 19 84

Sarah Comstock  
Sarah Comstock

STATE OF OREGON, County of Columbia ) ss. January 23, 19 84  
Personally appeared the above named Sarah Comstock



and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: *May J. ...*  
Notary Public for Oregon—My commission expires 6-10-87

**WARRANTY DEED**

Sarah Comstock GRANTOR

James M. Comstock GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:

James M. Comstock  
980 Joshua Place  
Fremont, California 94538

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements shall be sent to the following address:  
same as above

329  
SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, }  
County of Columbia } ss.  
I certify that the within instrument was received for record on the 23 day of January, 1984, at 10:28 o'clock A.M., and recorded in book/reel/volume No. 250 on page 495 or as document/file/instrument/microfilm No. 304 Record of Deeds of said county.  
Witness my hand and seal of County atlixed.  
*Neta C. Kerry*  
NAME TITLE  
By *J. Brown* Deputy

FILE

Grantee, the following described  
COLUMBIA

the South line of th  
Township 4 North,  
Oregon 26.49 chai  
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the Pittsburg - S  
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James Comstock tr  
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the foregoing instrument to  
J. Martin  
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329  
SPACE RESERVED  
FOR  
RECORDER'S USE

DOCKET No. 3410

# WARRANTY DEED

TO

AFTER RECORDING RETURN TO  
James Martin Comstock  
Route 1 Box 384  
St. Helens, Oregon.

(DON'T USE THIS  
SPACE, RESERVED  
FOR RECORDING  
LABEL IN COUN-  
TIES WHERE  
USED.)

STATE OF OREGON,

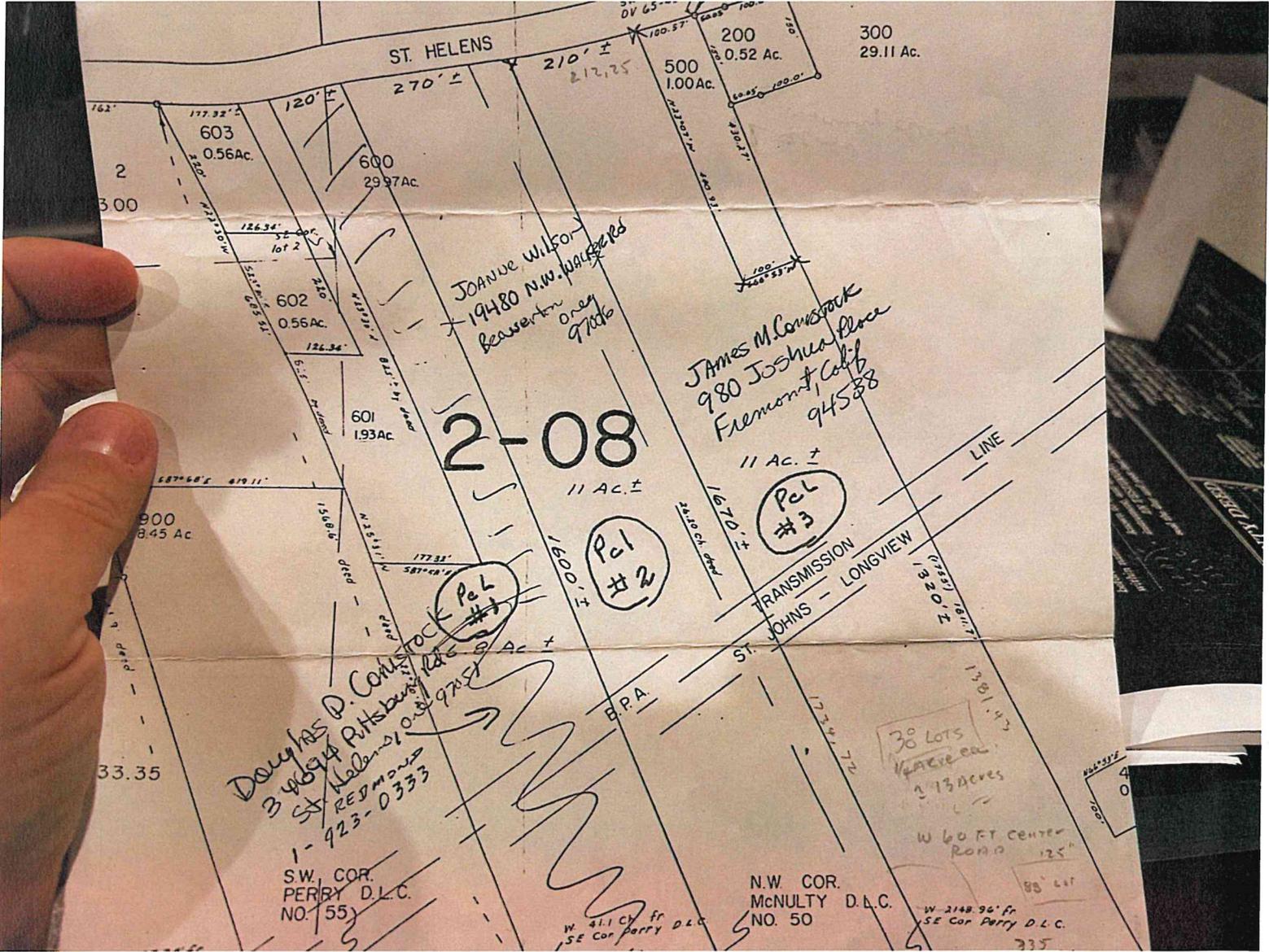
County of Columbia

I certify that the within instru-  
ment was received for record on the  
12th day of August, 1957,  
at 1:15 o'clock P.M., and recorded  
in book 133 on page 110

Record of Deeds of said County.  
Witness my hand and seal of  
County affixed.

By *[Signature]*  
County Clerk—Recorder.  
Deputy.

FILE



RECEIVED

JAN 10 2022

FILE

CITY OF ST. HELENS

Jennifer Dimsho

**From:** Cyndi Furseth <cfurseth@gmail.com>  
**Sent:** Sunday, January 9, 2022 4:48 PM  
**To:** Jennifer Dimsho  
**Cc:** Jeanne Morain; Jacob Graichen  
**Subject:** Re: [External] Access to Comstock Property via Meadowbrook

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hii All!

I've been reading Ms. Kirtland's response, and the original document from the city. I have a couple of questions, and believe you can address them for me.

First, isn't there a timeline for comments no greater than 14 days from the notice? Did she meet this requirement? It appears not to me.

Next, I'd like for everyone to be aware that the Kirtland's are not, and never have been included in the Meadowbrook HOA. Further, unlike her statement that this is a private access road to their residence, that has never been the case, nor has anyone abutting the open space or the easement believed that or done anything to maintain, clean up or even reached out to the HOA, so I'm not quite sure what information she is alluding to. They purchased that property in 2012 as a result of a foreclosure, and other than cutting down a tree on our property in the open space (without permission), one can only wonder what her basis is for believing she has any "rights" to any of it. Logic tells me, she could easily have reached out at any time to the HOA since many of her closest neighbors are very familiar with Meadowbrook, and contact information.

I intend to be on the call Tuesday, and available for any questions that may arise, but defer to you on what, if anything should be done at this point. Since none of the other Meadowbrook residents have responded, and the area has been virtually landlocked due to other building in the area, I would think that for the good of the community we should all work together.

Let me know if I can be of any assistance. I'd love to see this move forward with the best outcome being achievable for all concerned.

Thanks for your help! (*Again!*)  
Cyndi

On Fri, Jan 7, 2022 at 2:02 PM Jennifer Dimsho <[jdimsho@sthelensoregon.gov](mailto:jdimsho@sthelensoregon.gov)> wrote:

On the note of access and right-of-way dedication,

We received this email testimony today (attached). This will become part of the record for the Annexation file.

Thanks,