



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: City Council & Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
RE: St. Helens Police Station—File: Appeal AP.2.23
LUBA and *where do we go from here?* question for April 3, 2024 special session
DATE: March 28, 2024

As you know, the Appeal of the Conditional Use Permit denial by the Planning Commission for the proposed police station at the intersection of Old Portland Road and Kaster Road (Kaster Road site) that was reversed (approved) by the City Council was appealed to the Oregon Land Use Board of Appeals (LUBA).

Gregory S. Hathaway of Hathaway Larson, LLP, representing Steve Toschi and Robyn Toschi produced a Notice of Intent to Appeal dated **December 11, 2024**. This set the possible case of *Steve and Robyn Toschi v City of St. Helens*.

A Notice of Withdraw was filed with LUBA. This notice allows, but does not mandate, the city to reconsider the decision, actually withdraw the application, or if nothing else, suspend the process to buy time. There was a 90-day period for this which ended around **March 27, 2024**. Based on the **January 10, 2024** Special Session (following a **December 20, 2023** executive session with legal counsel on this matter) where the Council expressed desire to move on from the Kaster Road site for the police station, by motion, the city essentially bought time during this 90-day period.

At the last Council regular session on **March 20, 2024** the Council authorized legal counsel to submit an additional 45-day delay to LUBA on this matter. This 45-day delay was at the suggestion of Mr. Hathaway per our legal counsel.

This April 3rd special session is a continuation of the discussion with the City Council and Planning Commission from the **March 13, 2024** CC/PC joint meeting, but in the context of this 45-day additional delay.

To help with overall context, I will have same presentation from the Council public hearing for the appeal of the Planning Commission's denial for a quick review, as a "cliff notes" refresher.

Also noteworthy for the discussion between the Council and Planning Commission are the comments from Robin Toschi during the public comment portion of the **March 20, 2024** work session. After listening to the video, this is what I heard in summary:

- Emphasis on Houlton area for new location of Police Station
- Willing to discuss compromise with the city with this additional 45-days; 45-days is for parties to meet and discuss
- Compromise must involve ensuring overcoming the concerns regarding public safety, which is the first priority
- Compromise must include public acknowledgement of mistakes made and expectations such mistakes will not repeat

Compromise terms have not been provided in written form and this is a summary, not verbatim, and no errors or omission intended. But as part of the saga, it's part of the discussion and thus included.