



CITY OF ST. HELENS PLANNING DEPARTMENT  
**M E M O R A N D U M**

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**TO:** City Council

**FROM:** Jacob A. Graichen, AICP, City Planner

**RE:** Council decision for the Appeal AP.2.23 of Conditional Use Permit CUP.4.23, Sensitive Lands Permits SL.4.23 (floodplain) and SL.5.23 (wetlands), and Sign Permit S.14.23 for the proposed new police station.

**DATE:** November 8, 2023

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At your October 18, 2023 regular session, you deliberated on the public hearing for the matter identified above that occurred earlier that day and determined that the applications can be approved with certain findings and conditions. This reversed the Planning Commission's denial of this matter.

Attached are the Findings of Fact and Conclusion of Law for this decision, which incorporates the Council's decision. This is included as an authorization for Mayor's signature item on the November 15, 2023 regular session.

Your authorization of the Mayor's signature will formalize this decision. Staff will send post decision notices (notice to appeal) once we have the final executed version. The appeal authority on this matter is the Oregon Land Use Board of Appeals (LUBA).

**CITY OF ST. HELENS PLANNING DEPARTMENT  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**Appeal AP.2.23 [Conditional Use Permit CUP.4.23  
Sensitive Lands Permits SL.4.23 (floodplain) and SL.5.23 (wetlands)  
Sign Permit S.14.23]**

**APPLICANT:** City of St. Helens

**OWNER:** same as applicant

**ZONING:** The site is predominately zoned Light Industrial, LI, with a small portion of General Residential, R5 along Old Portland Road

**LOCATION:** 4N1W-9AB-1500; east corner of the Old Portland Road/Kaster Road (S. 18<sup>th</sup> Street) intersection

**PROPOSAL:** New police station on undeveloped property

**PUBLIC HEARING & NOTICE**

The original **public hearing** before the Planning Commission took place on September 12, 2023. The public hearing before the City Council for appeal of the Planning Commission’s denial of the matter was October 18, 2023.

**Notice** of this proposal was sent to the Oregon Division of State Lands as required by ORS 227.350. Notice of proposed wetlands development, on August 11, 2023.

**Notice** of the appeal to the City Council was sent to surrounding property owners within 300 feet of the subject property on September 28, 2023, via first class mail. Notice was sent to agencies by e-mail on the same date.

**Notice** of the appeal to City Council was published on October 4, 2023 in The Chronicle newspaper.

**APPLICABLE CRITERIA, ANALYSIS & FINDINGS**

**Permitting History:** In an aerial photo from 1983 at City Hall there are multiple buildings on the site. Google Earth imagery shows no buildings in 1990 and none have been built on the site since.

The city purchased the subject property from Boise White Paper, LLC in 2015 (inst. no. 2015-8180).

There is a sign at the intersection on this property with some history itself. Sign Permit S.28.02 from 2002 was to replace an existing sign here. It was added onto via a permit in 2003 (S.18.03 or S.19.03). That sign was replaced by a 2019 sign per permit (S.3.19) while in city ownership.

Portions of the 7<sup>th</sup> Street and S. 16<sup>th</sup> Street rights-of-way were vacated via Ordinance No. 3283 in June 2022. This area is now part of the subject property. This was done because the originally

assumed parcel for this proposal was not large enough as was discovered during plan development. One of the requirements of this vacation included:

A 50' wide easement shall be granted that follows the power line, as may be relocated due to development plans, between Kaster Road and S. 15<sup>th</sup> Street as a condition of land use approval to develop property that abuts the vacated right of way.

This proposal is development as contemplated in Ordinance No. 3283 and the easement shall be a condition of approval of this matter. The power lines were assumed to be moved as part of the Police Station development at the time the Vacation was processed and CRPUD was ok with the delay of the easement so the exact location could be determined based on the final power line location. An easement is needed even if the power lines do not need to be moved.

\* \* \*

**Zoning Compliance:** The site is predominately zoned Light Industrial, LI, with a small, approximately 7,100 square foot area along Old Portland Road zoned General Residential, R5.

“Public safety facility” and “public facility, major” are listed as conditional uses in both zoning districts. “Public safety facility” is defined as:

“Public safety facilities” means providing protection pursuant to fire, life, and safety code sections together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

Preliminary plans (prior to this application) included the municipal court, the council chambers, and staff offices for non-emergency personnel, where the “public facility” category applied as well. However, this proposal is strictly a police station, thus “public safety facility” is the proper use category. This is important as certain requirements, such as off-street parking and public access needs differ between a police station and a public facility that includes non-emergency personnel functions.

Given the diminutive area of R5 zoning and its location, the key issues are the minimum front yard (setback) and 40% maximum building/structure coverage. No buildings or structures are proposed within the R5 zoned area, so no issues.

Standards specific to the LI zone include:

(4) Standards.

(a) The standards for the LI zone shall be determined by the proximity to residential zones and the anticipated off-site impacts.

(b) The maximum height within 100 feet of any residential zone shall be 35 feet.

**(a)** The site is in close proximity to a residential zone to the north. There was no specific testimony or evidence provided regarding the proximity to any residential zone or use.

**(b)** The proposed building is within 100 feet of residential zoning on the north side; thus the 35' maximum height applies. The building is approximately 17' in height.

\* \* \*

**Sensitive Lands:** There are sensitive lands as identified in the Development Code. This includes:

- Wetlands, including upland protection zones associate with “significant” wetlands per Chapter 17.40 SHMC
- Area of Special Flood Hazard—Chapter 17.46 SHMC

**Wetlands, including upland protection zones associate with “significant” wetlands per Chapter 17.40 SHMC**

The city’s local wetlands inventory identifies a wetland in close proximity to the site, wetland M-15 (or MI-15), which is a Type II wetland with a 50’ upland protection zone.

The city completed an environmental assessment to determine the exact boundaries as required. The state approved these wetland delineations via DSL WD # 2019-0324 (Revised) and WD # 2022-0251. The wetland is also subject to the state Removal-Fill Law, and there is a waterway as identified in WD # 2022-0251 also subject to the state Removal-Fill Law.

Impacts to the wetland M-15 (or MI-15) protection zone are proposed for site grading for nearby improvements, emergency accessway (secondary site access), and fence/secure parking area. Note that due to existing utilities, sanitary sewer line and related road/berm in particular, which have been in place since before 2003 when the current wetland rules took effect, there are some preexisting impacts to the protection zone already. These are described in the wetlands assessment from Wetlands Solutions Northwest, LLC dated June 23, 2023 and by staff at the City Council’s October 18, 2023 public hearing.

The consultant narrative explains the standards in greater detail and wetland protection zone restoration is proposed. Given some of the pretexting impacts as described above, the enhancement exceeds a 1:1 ratio.

As noted below under Conditional Use Permit criteria, a notice on the deed that some or all of the unused portion is intended for future police station expansion and that a land division action or transfer of ownership must consider how much area is needed for future expansion is required. This shall include any wetland zone preservation, and mitigation area for impacts as that affects the developable area.

Note that ensuring restoration plantings and maintenance for at least 2 years to ensure survival will be necessary.

**Area of Special Flood Hazard—Chapter 17.46 SHMC**

The subject property and adjacent streets are identified as being within a Special Flood Hazard Area (SFHA) as identified by Flood Insurance Rate Maps (FIRM) No. 41009C0456D and

41009C0452D. The subject property is *partially* covered by flood zone AE (100-year flood) and zone X (500-year flood).

Pursuant to SHMC 17.46.040(1)(a):

Development Permit Required. A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in SHMC 17.46.030(2). The development permit shall be required for all structures, including manufactured dwellings, as set forth in the definitions (SHMC 17.46.020), and for all development including fill and other activities, also as set forth in the definitions (SHMC 17.46.020).

The building itself is not within the Area of Special Flood Hazard (100-year flood).

Some development (e.g., fill, landscaping, and flat work) is proposed in the Area of Special Flood Hazard (100-year floodplain). Thus, there are still necessary considerations for developing in the floodplain.

### **SHMC 17.46.050(1) – Provisions for flood hazard reduction (applicable general standards)**

**General Standards.** In all areas of special flood hazard, the following standards are required:

(a) Alteration of Watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood-carrying capacity is not diminished. Require compliance with SHMC 17.46.040(3)(d) and (e).

**Finding(s):** No watercourse is proposed to be impacted. The proposal is far from the floodway.

(b) Anchoring.

(i) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(ii) All manufactured dwellings shall be anchored per subsection (3)(c) of this section.

**Finding(s):** No structure is proposed to be located within the Area of Special Flood Hazard (100-year flood).

(c) Construction Materials and Methods.

(i) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**Finding(s):** This shall be a condition of approval. Plans shall demonstrate compliance. Improvements proposed within the Area of Special Flood Hazard (100-year flood) that this would apply to includes but is not limited to: site lighting, site furnishings, planters, and water connection infrastructure.

The consultant narrative notes that these provisions will be further demonstrated at time of permitting.

(d) Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems.

(i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(ii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

(iii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

**Finding(s):** An on-site sanitary sewer system is not involved or proposed. An on-site waste disposal system is only allowed in very limited circumstances in the city; this property or development does not fit within those circumstances.

Water infrastructure is proposed within the Area of Special Flood Hazard (100-year flood). This includes a Fire Department Connection (FDC) and hydrant. Relocation will be necessary to be out of flood prone areas. The secondary access to the site will enable access to Kaster and this relocated firefighting infrastructure.

(e) Electric, Mechanical, Plumbing, and Other Equipment. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above one foot above the base flood elevation (BFE) or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, if replaced as part of a substantial improvement, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall meet all the requirements of this section.

**Finding(s):** There is no building involved, but lighting improvements are proposed within the Area of Special Flood Hazard (100-year flood), so electric components will need to comply.

(f) Tanks.

(i) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

(ii) Above-ground tanks shall be installed (elevated) at or above one foot above the base flood elevation (BFE) or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

**Finding(s):** The only tank proposed is associated with a generator, which will be located outside of the Area of Special Flood Hazard (100-year flood).

(g) Subdivision Proposals and Other Proposed Developments.

(i) All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals, base flood elevation data.

(ii) All new subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions) shall:

(A) Be consistent with the need to minimize flood damage.

(B) Have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage;

(C) Have adequate drainage provided to reduce exposure to flood hazards.

**Finding(s):** This is not a subdivision but is an “other proposed development.” The area to be developed is less than 5 acres, so additional base flood elevation data is not warranted. There is limited utilities/development within the Area of Special Flood Hazard (100-year flood).

Though not required, the proposal incorporates elevating the building and surrounding area above grade. Per plans (sheet C1.20), the finished floor of the building is proposed to be 64 feet, with the immediate surrounding improved area above 63 feet. The height will be increased such that the finished floor is about 2 feet above the highest estimated BFE within the building footprint (i.e., about 62 feet, rounded up).

(h) Use of Other Base Flood Data.

(i) When base flood elevation data has not been provided in accordance with SHMC 17.46.030(2), the local floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source in order to administer this section. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of subsection (1)(g) of this section.

(ii) Base flood elevations shall be determined for development proposals that are five acres or more in size or are 50 lots or more, whichever is lesser, in any A Zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of clear and objective information such as historical data, high water marks, FEMA-provided base level engineering data, and photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

**Finding(s):** Base flood elevation data is known based on the FIRMs (AE zone). The developed area will be less than 5 acres.

(i) Structures Located in Multiple or Partial Flood Zones. In coordination with the State of Oregon Specialty Codes:

(i) When a structure is located in multiple flood zones on the community's flood insurance rate maps (FIRM) the provisions for the more restrictive flood zone shall apply.

(ii) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

**Finding(s):** There is only one Area of Special Flood Hazard (100-year flood) zone that applies.

(j) AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

**Finding(s):** There is no AH flood zone.

**SHMC 17.46.050(2) – Provisions for flood hazard reduction** (applicable specific standards)

**Finding(s):** The standards of this section focus on buildings within the Area of Special Flood Hazard (100-year flood). No buildings are proposed within the mapped 100-year flood area.

**SHMC 17.46.050(3) – Provisions for flood hazard reduction** (additional specific standards for special flood hazard areas with Base Flood Elevations)

**Finding(s):** The standards of this section address residential construction (structures), non-residential construction (structures), manufactured dwellings, recreational vehicles, and appurtenant (accessory) structures. None of these are proposed within the Area of Special Flood Hazard (100-year flood).

**SHMC 17.46.050(6) – Critical facility.**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA). Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities construction within the SFHA shall have the lowest floor elevated at least three feet above the base flood elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

SHMC 17.46.020 defines “critical facility as:

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

**Finding(s):** The proposed use is a critical facility as defined. 17.46.050(6) specifies that critical facilities be outside the limits of the special flood hazard area (100-year flood) to the extent possible and that they be permissible within this area only if no feasible alternative is available. There is extra stringent (compared to non-critical facility development) elevation, site access and toxic substance considerations.

“Facility” is not defined by Chapter 17.46 SHMC, but “building” and “structure” are. The City Council as the city’s legislative body interprets and clarifies that “critical facility” means a building and not land or other improvements that are not a building or structure. The Council recognizes that SHMC 17.46.050(6) starts with “Construction of new critical facilities...” and that the definitions of “new construction” and “start of construction” per SHMC 17.46.020 applies to structures and not adjoining property or streets adjacent to the subject property.

The Council also acknowledges that the closest analogue is in the Oregon Structural Specialty Code Section 1604.5, which classifies police station buildings (not property) as Risk Category IV essential facilities. This analogue is supported by SHMC 17.46.030(3) which acknowledges coordination and use in conjunction with the Oregon Specialty Codes.

The proposal has been designed to keep the police station building outside of the Special Flood Hazard Area (100-year flood). As the proposed police station building is outside of the Special Flood Hazard Area (100-year flood) the provisions of 17.46.050(6) do not apply, other than avoidance of the Special Flood Hazard Area for the building and its access. Regarding access, a secondary paved driveway/road suitable for emergency vehicles and located outside of the Special Flood Hazard Area is incorporated into the design. Having the building and a means of ingress and egress outside of the 100-year flood provides safe access and operation of the police station in the event of a flood.



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**Building Height Limitations & Exceptions:** Chapter 17.68 includes height provisions in industrial zoning districts. 17' building height as proposed poses no conflict.

\* \* \*

**Landscaping/buffering/screening:** **Street trees will be required.** Street trees are proposed along Kaster Road, but not along Old Portland Road because it lacks curb and gutter per SHMC 17.72.020(8). Also, as noted below, street frontage improvements are not proposed along Old Portland Road.

There are overhead utility lines along portions of the abutting Kaster Road, thus, street trees need to be “small” per this chapter. This requires a 20’ spacing. Plans will need to be revised and there will likely be more trees due to the tighter 20’ spacing (plans show 30’ and 40’ spacing).

Tree location shall also comply with requirements per 17.72.035(2)(d)-(l). This will be reviewed with revised plans.

This chapter requires buffering, but it is not required in this case because nearby uses are separated by rights-of-way and do not technically abut the subject property.

The normal fence height allowed is 6 feet, but a taller fence may be allowed as a condition of approval to mitigate against potential adverse effects. An 8’ chain link (with sight obscuring slats) around the secure parking area is justifiable for law enforcement security reasons. Being 8’ in height, topping with barbed wire is possible per SHMC 8.12.120.

Same for the 8’ walls proposed for the trash enclosure.

**This chapter requires screening (unrelated to buffering above). This applies in this case as follows:**

Because the parking lot will be greater than three spaces, it is required to be screened. For screening in this case, the city usually requires landscaping along the perimeter that includes a balance of low lying and vertical shrubbery and trees. This is proposed for the general use parking area. An eight-foot-tall sight-obscuring fence is proposed for the secure parking area with landscaping proposed along much of that.

Service facilities and equipment (e.g., HVAC and other mechanical units) visible from a public street, customer or residential parking area, any public facility or residential area are required to be screened whether they are ground, wall or roof mounted. In addition, rooftop facilities and equipment are required to be screened from street and adjacent properties.

Details are preliminary at this point. Screening required in all cases.

Refuse container or collection area are required to be screened (e.g., trash enclosure). A trash enclosure is shown on the plans and includes an 8' CMU wall for screening which is part of the security wall.

**Interior parking lot landscaping.** When off-street parking lots have more than 20 spaces, landscape islands are required with trees.

This applies to the non-secure parking area, which is only 6 spaces. The secure parking area is considered to be excluded from this provision because it will be behind an 8' sight obscuring fence and not visible to the general public. This provision is illogical to apply to the secure parking area.

\* \* \*

**Visual Clearance:** Chapter 17.76 SHMC requires proper sight distances at intersections to reduce traffic hazard potential. The required area to maintain clear vision is greater for arterial streets.

This pertains to the access proposed off Kaster Road. As the Kaster Road right-of-way is larger than the minimum the curb line may be used (i.e., edge of vehicle travel). This is not properly depicted on the plans and a proposed mailbox may conflict.

\* \* \*

**Off-Street Parking/Loading:** Off street parking is required because this is new development with no parking exception.

**Dimension and type.** All proposes spaces not within the secure area are standard size and meet the normal dimensional requirements (min. size 9' x 18'). Larger spaces are proposed within the secure area.

**Location.** Parking spaces are required to be within 200' of the building served. All proposed spaces are within 100' of the proposed building.

**Accessible (disabled person) spaces.** Required to comply with State and Federal Standards. A total of 54 parking spaces are proposed. Per the 2022 Oregon Specialty Code, this requires at least 3 accessible spaces, one of which is required to be van accessible. A pair of spaces, with one as van accessible is proposed for the general use parking area. A single van accessible space is proposed within the secure parking area.

Also, accessible parking spaces are required to be located on the shortest route to an accessible pedestrian entrance. Though this is a building code issue, it is relevant to site design. Location of these spaces appears to achieve this.

**Bicycle parking.** 1 lockable space is required at a rate of 20% of vehicle spaces for civic use. Bicycle spaces are required to be within 50' of primary entrances, under cover when possible, and not located in parking aisles, landscape areas, or pedestrian ways.

Based on the 6 spaces of the general use area (visitor parking), 2 bicycle spaces are required. Plans show 2 spaces under cover with a bike rack that permits locking.

**Number of off-street parking spaces required.** The use (per SHMC 17.80.030) is a “public safety service” which requires at least the amount of parking based on the largest shift. This is assumed to be 12 employees and will likely increase during the life of the building. There is much “extra” secure parking to accommodate staff increases.

6 public spaces are proposed to accommodate visitors: two disabled person and four standard spaces. There was no evidence presented that this would be inadequate.

**Aisle width.** Two-way traffic requires a minimum of 24'. 24' is proposed.

**Markings.** All interior drives and access aisles are required to be marked and signed to indicate direction flow. Plans demonstrate this.

**Surface area.** All areas used for parking, storage or maneuvering of vehicles (including things towed by vehicles) shall be paved. No vehicular gravel area is proposed.

**Wheel stops.** Wheel stops are required along the boundaries of a parking lot, adjacent to interior landscape area, and along pedestrian ways. Curbing or walls front the parking spaces. Walkways between parking spaces and the building exceed 7' wide, which would be the minimum needed to maintain a 4' min. width walkway and accommodate the code-assumed 3' vehicle overhang between the front wheel and bumper.

**Drainage.** Drainage plans will be required to prevent ponding, prevent water flow across pedestrian ways and to address pollutants from vehicles (e.g., oil/water separation).

A preliminary storm water report has been provided to explain how the proposed system, including a storm water pond, will address water quantity and quality. Final storm water plans will be necessary.

**Lighting.** Required to be directed to avoid glare from surrounding residences and roads/streets. Lighting plan has been submitted that demonstrates this will probably be the case.

**Loading/unloading driveways.** Uses such as a school or other meeting place designed to accommodate > 25 people at one time are required to have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers.

Being strictly a police station, large meetings and such are not anticipated.

**Off-street loading spaces.** New or altered buildings or structures which receive and distribute material or merchandise by truck are required to maintain off-street loading and maneuvering area if they are at least 10,000 square feet in size.

This applies to commercial or industrial uses. As a civic use, this is not applicable.

\* \* \*

**Access/egress/circulation: Joint access and reciprocal access easements.** Joint access via easement is allowed by the code provided there is satisfactory legal evidence of such (e.g., easements) and the legal means of allowing the shared access is provided to the City. In this case, there are multiple lots of record (ORS Chapter 92) involved. The St. Helens Industrial Business Park Parcelization Framework and Funding Plan (Resolution No. 1910) includes use of the 7<sup>th</sup> Street right-of-way as a consolidated access point.

**Public street access.** All vehicular access and egress per Chapter 17.84 SHMC is required to directly connect to a public or private street approved by the city for public use. Moreover, vehicular access is required to be within 50’ of principle entrances.

The site abuts the following streets:

Street/Road Name	Public or Private	Street Class (TSP)	Jurisdiction	Improved?
Old Portland Road	Public	Minor Arterial	City of St. Helens	partial; no curb or sidewalk
Kaster Road	Public	Collector	City of St. Helena	partial, no curb (except close to Old Portland Road) or sidewalk

The site utilizes these streets for access and brings vehicle access within the statutory distance of the primary entrance.

**Vehicular access spacing, amount, etc.** As an arterial classified street, direct access from Old Portland Road would not normally be allowed and is not proposed.

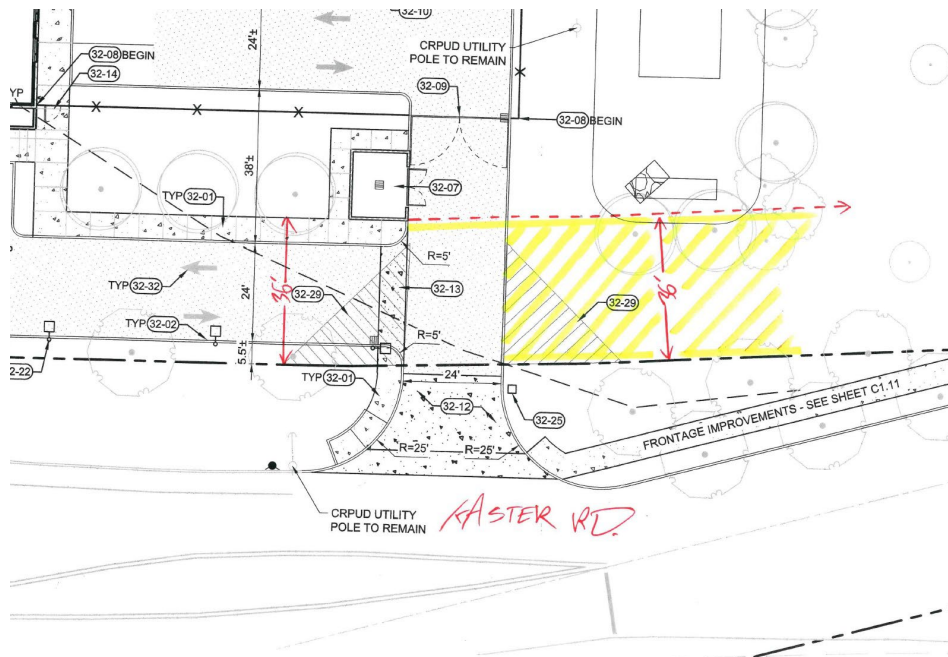
The main access drive is proposed using Kaster Road. This driveway is 300’+ away from Old Portland Road and there are no existing driveways on the same side of Kaster Road for the purpose of determining driveway spacing.

A second means of access to the property is proposed via S. 15<sup>th</sup> Street, which leads to Old Portland Road.

For public/institutional developments, the number of access points is supposed to be minimized to protect the function, safety and operations of streets. Moreover, the number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. How the expansion area will be designed is unknown, but ensuring the Kaster Road access point can be used for the southerly “expansion area” of the site

is important to honor these code provisions and efficient use of the expansion area, which was one of the factors for choosing this site for the police station (see below). This is also supported in the St. Helens Industrial Business Park Parcelization Framework and Funding Plan (Resolution No. 1910) as mentioned above.

The current plans honor this somewhat, but the storm water pond, including related grading work, encroaches. Based on the current plan, a swath of land 36' wide along Kaster Road shall be preserved from grading interruptions and other encroachments. This will require plan revisions.



**LEFT:** Area to be preserved for future internal access along the storm water pond and beyond. This will impact the storm water pond design.

**Pedestrian access (interior walkways).** Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multibuilding commercial, institutional, and industrial complexes. Walkways also shall provide access to existing and planned transit stops adjacent to the development site. Unless impractical, walkways should be constructed between a new development and neighboring developments.

A walkway is proposed on all sides of the building connecting all building man doors to a walkway leading to Kaster Road. A man gate is proposed for the secure parking area.

If enough space is reserved (36' from the Kaster Road property line) as described above, a walkway aligning with the proposed one could be included with a future drive along and past the storm water pond.

Where a site for proposed commercial, institutional, or multifamily development is located within at least one-quarter mile of an existing or planned transit stop, the proposed pedestrian

circulation system must include a safe and direct pedestrian walkway from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop.

There is no transit stop within a quarter mile, but there could be as the St. Helens Industrial Business Park develops. Walkway connections to the surrounding streets, are anticipated to provide pedestrian access to nearby transit stops.

Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum six-inch vertical separation (curbed) or a minimum three-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards.

Proposed vehicle crossings are only 24' wide; consultant narrative notes concrete or pavement markings will be used. Plans show concrete to contrast with asphalt, but pavement marking would be acceptable too. All walkways exceed 4' in width.

Required walkways shall be paved with hard-surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways shall be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.

No other paths are proposed now, but the Council included requirements for future path planning to be include on the final plans and a condition that they be installed at later date when funds are available.

**Access requirements based on type and intensity of use.** For uses with off-street parking lots up to 100 spaces, like this proposal, at least one access point with minimum 24' drive width is required. This is proposed via Kaster.

**Director's authority to restrict access.** Per SHMC 17.84.110(2) and (3):

(2) In order to eliminate the need to use public streets for movements between commercial or industrial properties, parking areas shall be designed to connect with parking areas on adjacent properties unless not feasible. The director shall require access easements between properties where necessary to provide for parking area connections.

(3) In order to facilitate pedestrian and bicycle traffic, access and parking area plans shall provide efficient sidewalk and/or pathway connections, as feasible, between neighboring developments or land uses.

Kaster Road, as it exists today (between Old Portland Road and the paper mill parking lot), is a Collector classified street. Once the St. Helens Industrial Business Park is built out, it will be a key route for many users and traffic function along this segment of Kaster Road will be critical.

A key aspect of honoring these standards has already been mentioned in this report, which is maintaining area for road and walkway extension by and past the storm water pond. This allows efficient use of a single access point for transportation function and allows for proper expansion—the ability to expand being a key issue in the site selection process (see below). These criteria are further basis for this condition of approval.

\* \* \*

**Signs:** New signs require permits per Chapter 17.88 SHMC. A sign permit has been incorporated into this decision.

Since the proposed sign is not in the small R5 zoned area along Old Portland Road, the applicable sign district is the commercial/industrial sign district. A monument sign is proposed and is possible for public facilities such as the proposed police station.

For public facilities, a monument or ground mounted sign is possible along each street frontage.

This is important considering two existing signs on the site. One near the intersection of Old Portland Road and Kaster Road, was approved in 2019 by Sign Permit S.3.19. This sign was approved as a pole sign, a type of freestanding sign like monument signs. One pole sign is allowed per SHMC 17.88.060(1)(b) and only one freestanding sign is allowed per street frontage per 17.88.095(5).

The existing sign close to the intersection can be based on Old Portland Road frontage and the new one for the police station based on Kaster Road, resulting in two freestanding signs, one per street frontage. Note there is also a second existing freestanding sign, which appears to have been in place for years or decades along Kaster Road towards the midpoint between Old Portland Road and the Fir Street right-of-way. This is technically a separate property and can stay (i.e., not mandated to move or be removed as a condition of approval).

For the proposed new sign, maximum sign area allowed is 40 square feet per face. Per SHMC 17.88.080(1) the sign area could be considered the metal plate behind the “St. Helens Police” letters. The plate area is 10” x 15’4” or approximately 13 square feet.

Maximum monument sign height is six feet. Sign is incorporated with a raised planter, with a total height of 4 feet.

Freestanding signs, such as the proposed monument sign, in commercial/industrial sign districts shall not be within 50 feet from the property line of any residential property as measured from the street frontage. The closest residential property at 1691 Old Portland Road is much more than 50’ away.

The proposed sign will be illuminated by an external lighting source. Such lighting is required to be directed and shielded to limit direct illumination of any object other than sign.

\* \* \*

**Solid Waste/Recyclables:** Chapter 17.92 SHMC includes provisions for functional and adequate space for on-site storage and efficient collection of mixed solid waste and recyclables subject to pick up and removal by haulers.

Proposed trash enclosure area exceeds the minimum approximate 55 square feet area requirement and is in a good location to be accessible by waste haulers. Minimum 10' wide gate is required; such is proposed. It will be enclosed by 8' tall CMU walls, exceeding the minimum 6'. The location combined with drive aisles, should enable a trash hauler vehicle to maneuver within the site, preventing maneuvering in the street.

Note that because it includes a sanitary sewer drain, it must be designed to prevent storm water infiltration, including but not limited to a roof. A roof is proposed and is mandatory as long as there is a sanitary sewer drain.

\* \* \*

**Site Development Review:** See consultant narrative.

\* \* \*

**Conditional Use:** These are important considerations for the Commission. Pursuant to SHMC 17.100.040:

(1) The planning commission shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

- (a) The site size and dimensions provide adequate area for the needs of the proposed use;
- (b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
- (c) All required public facilities have adequate capacity to serve the proposal;
- (d) The applicable requirements of the zoning district are met except as modified by this chapter;
- (e) The supplementary requirements set forth in Chapter 17.88 SHMC, Signs; and Chapter 17.96 SHMC, Site Development Review, if applicable, are met; and
- (f) The use will comply with the applicable policies of the comprehensive plan.

**Findings: (a)** Due to surrounding wetlands, rock/topography, and the floodplain, fitting the proposal to the site took effort. Originally, the site was assumed to fit into the area between Old Portland Road and the now vacated 7<sup>th</sup> Street right-of-way.

Early plans included development east of the now proposed secure parking area, but using this area was scrapped due to rock features. As the site concept developed, the storm water pond needed to fit and the city vacated the 7<sup>th</sup> Street right-of-way. So now that it includes the original intended property, the vacated right-of-way, and the property lying south of the vacated right-of-way, there is more practical expansion area (expansion was a basis for site selection as noted below) since expanding east into rock may not be practical, and removal of the rock will be more challenging once the facility is built. Also, note that expanding northward towards Old Portland



Road approaches the 100-year flood area, which is best avoided for police stations (a type of critical facility per Chapter 17.46 SHMC as described previously herein).

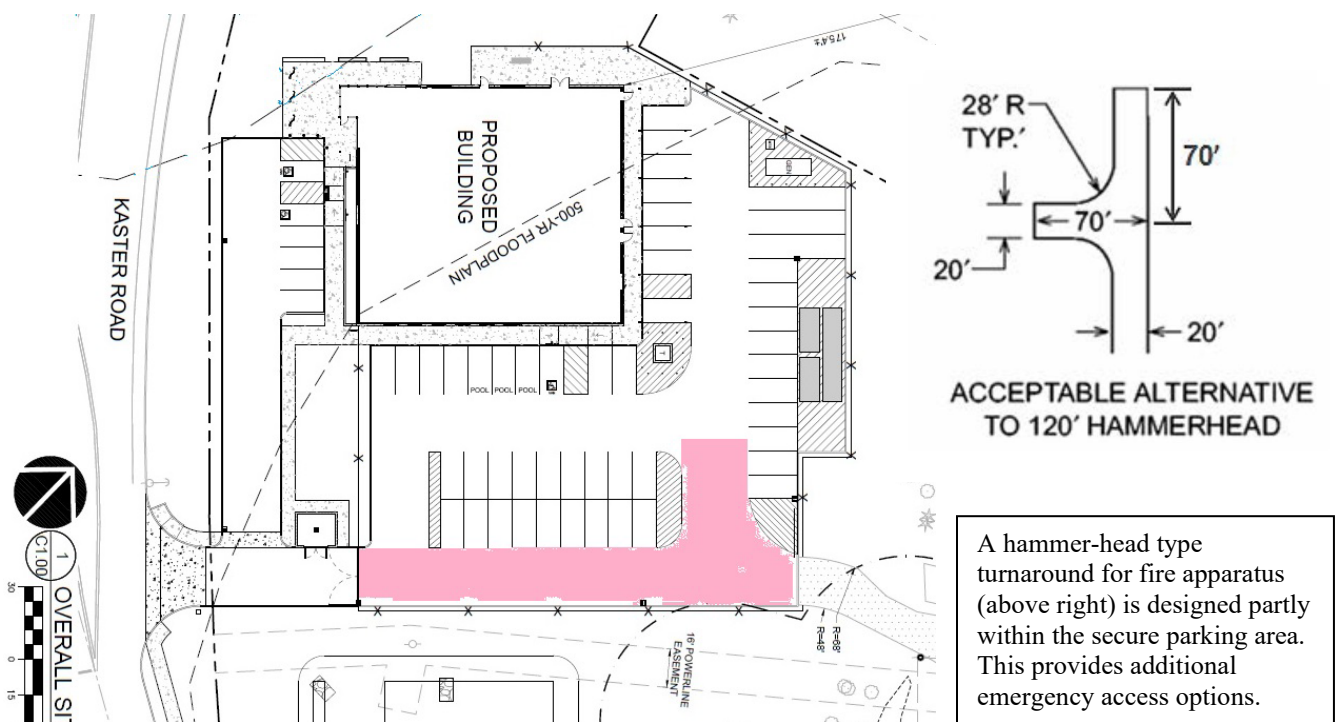
**(b) This criterion asks if the characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features. This is a key criterion to consider for this matter.**

At the City Council’s October 18, 2023 public hearing, staff explained the key pros and cons for consideration of this criterion, which included several exhibits in the staff presentation which is part of the record.

First the cons, which mostly pertains to flood issues in the immediate proximity of the site. As noted above, the proposed building and most of the site improvements are outside of the 100-year flood. However, per the adopted flood data per SHMC 17.46.030(2) both Old Portland Road and the northerly approximate 150’ of Kaster Road are subject to several feet of flooding depth. This includes the Kaster Road (S. 18<sup>th</sup> Street)/Old Portland Road intersection. Flood depth along Old Portland Road abutting the subject property could be approximately 5 feet, for example.

Because there is no outlet from Kaster Road southbound to access the city’s greater street network, the subject property relies on Old Portland Road for access to most of the city. Such a flooding event could impact access to and from the site, but a secondary access to S. 15<sup>th</sup> Street is included in the design. This access avoids flood areas within the subject property itself and leads to a place on Old Portland Road that is not impacted by flood waters.

In addition, a hammer-head turnaround meeting Fire Code has been included in the design of the parking lot to help mitigate potential road blockage and provide additional emergency access options.



Other lesser cons include the site having less convenient overflow parking and less pedestrian access compared to the existing Police Station site at 150 S. 13<sup>th</sup> Street, which is amongst the improved street grid as opposed to the edge of it where the subject property is located. The current police station is surrounded by streets with on-street parking. The subject property abuts two streets (Old Portland Road and Kaster Road), which are both higher classified streets with greater traffic and designs that normally do not allow on-street parking. The subject property also abuts S. 15<sup>th</sup> Street and will incorporate a secondary access from it.

There is ample room for expansion on the subject property, which could include parking improvements. Also, the City Council requires that proposed project include a plan for a future pedestrian connection to either Kaster Road or Old Portland Road. The pedestrian connection would be constructed when funds become available.

There are some cons, but mitigation has been incorporated which includes: elevating the building and related site improvements even though it is not necessary per Chapter 17.46 SHMC, providing a secondary access to reach an area of Old Portland Road not impacted by floodwaters, having expansion area (which could be used for simple additions like parking) and provisions for future pedestrian connections.

The pros of the site provide the key reasons it was selected and why the Council approves of this proposal. Several police officers testified at the October 18, 2023 public hearing in support of these. This includes:

1. This city already owns the property. Originally, a total of ten sites were considered. This included some city owned and privately owned sites. Using a city owned site is a significant cost savings because it avoids adding land acquisition expenses to the project.
2. Good accessibility. The subject property is at the corner of an intersection of two major streets: Old Portland Road and Kaster Road. Old Portland Road is classified as a minor arterial street and Kaster Road as a collector street per the city's Transportation Systems Plan. Higher class streets like arterials and collectors are intended to provide connections between areas within the city.

A related challenge is the railroad that parallel's and abuts US30. The US30/RR line cuts a north/south swath through the middle of town, dividing it. The city has no over or under-passes; all railroad crossings are at grade. Rail activity commonly blocks intersections in St. Helens. The subject property is more-or-less equidistant to all six RR crossings within the St. Helens Urban Growth Boundary. A map included in staff's presentation at the October 18, 2023 public hearing demonstrates this. This location is ideal to serve both sides of the US30/RR line of St. Helens.

3. Ability to expand. Police staff emphasized the ability to expand as a consideration to help eliminate or minimize future deficiencies, such as those experienced for years at the current police station. As noted and depicted as part of staff's presentation at the October

18, 2023 City Council public hearing, the subject property has more expansion area than any other site previously considered.

To ensure future expansion potential, a notice on the deed that some or all of the unused portion is intended for future police station expansion and that a land division action or transfer of ownership must consider how much area is needed for future expansion, shall be a condition of approval.

The pros demonstrate careful consideration by the city for this site and the Council finds the site is appropriate for a police station and that potential problems have been mitigated by design or conditions of approval.

The pros and cons analysis as described under this criterion explains some key factors for consideration. However, this is a comprehensive consideration that is not limited to these items. As such and considering all factors of the proposal, the City Council finds that the site design demonstrates that the site is suitable for a police station. The size and shape accommodate the proposed use, the topography contains relatively minor slopes conducive to development, wetlands are avoided, wetland protection zones are only minimally impacted, and flood hazards are addressed by locating the building outside the Special Flood Hazard Area (100-year flood), elevating the building, providing drainage paths for water to flow around the building, and providing secondary access to the building in the event of flooding. The subject site is proximate to Columbia River Highway (US30) and the Riverfront District (downtown/waterfront), thereby allowing efficient response of public safety personnel.

**(c)** There is no evidence of public facility shortfalls, except for sanitary sewer, which is explained more below.

**(d)** There is no issue with zoning standards as noted elsewhere herein.

**(e)** Site Development and sign standards both apply and can be met or met with conditions.

**(f)** The Development Code implements the Comprehensive Plan policies. It is not necessary to evaluate specific Comprehensive Plan policies for the purpose of rendering a decision on this matter. However, this Conditional Use Permit follows a determination that the existing police station is inadequate and a related site selection process for a new location. The following Comprehensive Plan policy is noteworthy from a need and ensuring policing quality in the future standpoint:

19.08.030(3)(u). Take necessary actions to help ensure the area maintains its current fire and police quality; specifically take into consideration the effects of fire and police protection in the siting and design of all new development.

The existing police station at 150 S. 13<sup>th</sup> Street is dated and insufficient for current and future staff. The current St. Helens Police Station was built in 1971 to serve an approximate population of 6,200, less than half today's current population of around 14,355. The station has seen almost no change to the original 2,200 square feet of office space and garage. Notable limitations includes that the current facility is not ADA accessible, its emergency and seismic standards are

antiquated, digital data storage is poorly accommodated, not all of the police vehicle fleet can be stored securely, lack of private interview space, lack of space for officer training, insufficient lockers for staffing levels, lack of changing rooms for both male and female officers, and no armory. Police staff have noted the inability to get certain funding/grants based on the current station's inadequacy.

To help offset these deficiencies, a modular building donated by the school district was added around 2018 (file SDRm.9.18) to the site to increase floor area, generally for senior administrative staff work. But this building lacks running water or lavatory facilities. To use these facilities, someone would need to exist the modular building to the outside to enter the original 1971 building.

A new facility is needed to ensure a quality law enforcement program for St. Helens. This land use entitlement is an important step towards this.

\* \* \*

**Tree Removal/Preservation:** Chapter 17.132 SHMC addresses the preservation of trees with a diameter at breast height (DBH) >12 inches. Protection is preferred over removal per this Chapter and Site Development Review Chapter 17.96 SHMC.

Tree plan is required because there are many trees (>10) on the subject property. Per the existing conditions plans, there are approximately 430 trees total on the subject property. Of these approximately 282 have a DBH  $\geq$  12 inches. Of these larger DBH trees, only 33 are proposed for removal. This could change slightly with final plans but as more than 50% of trees with a DBH > 12 inches will be saved, replacement is necessary only at 1:1 ratio.

Plans submitted with this application show 47 new landscaping trees and 47 wetland buffer enhancement mitigation for almost 100 new trees. This number may change with final plans, but 1:1 replacement of larger DBH trees should be easily met.

Protection of trees will be required (as well as wetlands and related protection zones). This is explained in the Sensitive Lands Assessment conducted by Wetland Solutions Northwest, LLC and will need to be included on final plans to ensure contractors and others follow the protection plan during site development.

Note that extra tree plantings will also help with tree mitigation related to Partition PT.2.23 intended to create a new parcel for a new PGE electrical substation to serve the St. Helens Industrial Business Park.

\* \* \*

**Street/Right-of-Way Standards:** Old Portland Road is classified as a minor arterial per the 2011 Transportation Systems Plan (TSP). It is also part of the 2019 Riverfront Connector Plan (RCP), which is a refinement of the TSP. The RCP calls for 60' of right-of-way, which is

already in place. However, it also calls for a roundabout at the Old Portland Road / Kaster Road (S. 18<sup>th</sup> Street) intersection.

This roundabout will require right-of-way dedication and improvements that have not been developed beyond planning level in the 2019 RCP. When and exactly how (i.e., final construction plans) are not known at this time. Generally, substantial improvements and significant landscaping for the police station are outside of the assumed roundabout area.

Because the roundabout is to-be-determined, the transition areas of frontage improvements (sidewalk, etc.) area also unknown at this time. As such, staff does not recommend street frontage improvements along most of the site close to Old Portland Road. The roundabout will be a city-initiated project and who be able to install the improvements later.

However, the area of the subject property along Kaster Road south of the proposed driveway is outside the anticipated area of design impact for the roundabout. The driveway provides an opportunity for a transition to the normal collector street standard that applies to Kaster Road. This is a significant project that would normally require frontage improvements, and this is an appropriate area for improvements for this project.

The Kaster Road right-of-way meets or exceeds the minimum 60' width required, so no dedication anticipated.

\* \* \*

### **Utility Standards:**

**Water:** Water is available along both Old Portland Road and Kaster Road.

**Sanitary Sewer:** Sewer is available along a mainline within the site (within the vacated 7<sup>th</sup> Street right-of-way).

The city adopted a new **Wastewater Master Plan (WWMP)** in November 2021 that identifies undersized trunk lines already operating at or above capacity that this development would depend on. The WWMP can be found here:

<https://www.sthelensoregon.gov/engineering/page/public-infrastructure-master-plans>

Sewer pipes are considered “at capacity” when peak flows exceed 85% of the full depth of the pipe in accordance with industry standards. This depth is based on the maximum depth of flow ratio (d/D), where “d” is the depth of flow and “D” is the pipe diameter. The WWMP includes an exhibit—Figure 18—that shows that there is a potential overflow within Kaster Road by the subject property and that there is a segment of mainline between Kaster Road and the wastewater treatment pond that is over capacity now.

Pipeline surcharging occurs as flows exceed the capacity of a full pipe, causing wastewater to back up into manholes and services. In addition to potentially backing up into homes and health risks associated with sanitary sewer overflows, Oregon DEQ prohibits all sanitary sewer

overflows and can fine cities for allowing such and has done so to other jurisdictions. Examples of DEQ fines can be found here:

<https://www.oregon.gov/deq/Pages/enforcement-actions.aspx>

Given this issue, SHMC 17.152.090(4) must be considered:

Permits Denied. Development permits may be restricted by the commission or council (i.e., the applicable approval authority) where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

There is a current deficiency (undersized pipes for existing demand) of a widespread scale within the city per the WWMP including infrastructure this development would need to utilize that could result in surcharging, fines (e.g., for violation of Oregon DEQ standards) and public health risks.

The Council finds this development can still be approved under these circumstances given this criterion based on the following findings or conditions of approval:

- The deficient conveyance infrastructure this development depends on for sanitary sewer appears to be a priority 3 in the WWMP. Priority rankings include three categories. There is no priority 2 conveyance improvements. The difference between priority 1 and 3, is priority 1 includes areas that have been reported to have overflows or significant surcharging during wet weather events, whereas priority 3 areas are where there have been infrequent or no observations of historical overflows or surcharging.
- City Public Works and Engineering staff have already begun to address the necessary sanitary sewer infrastructure upgrades having already received a State Revolving Fund Program loan (for below market rate loans) from Oregon DEQ to fund both priority 1 projects (in basins 4 and 5) and priority 3 projects in basin 6. Basin 6 is applicable to this proposal. City Public Works and Engineering indicate an anticipated 4-year timeframe (from October 2022) for completion of these upgrades.
- A condition of approval to require a fee per equivalent dwelling unit will be included. This is not a System Development Charge pursuant to ORS 223.299(4)(b); it is a temporary charge by order for development and land divisions proposed under these circumstances until the infrastructure is in order per the WWMP. The nexus is clear as it relates to the sewer conveyance deficiency and an amount has been determined based on calculations to determine fair proportionality—see attached **St. Helens Wastewater Collection System New Sewer Connection Surcharge memo**.

**For this project, the fee per equivalent dwelling unit is \$1,800**, and this estimated amount is determined to be a fair share quantity for this proposal. It is based on October 2022 dollars, and inflation must be considered.

- Though denial of this proposal itself does not warrant a moratorium or public facilities strategy as there is no prior stoppage or restriction of permits, authorizations, or approvals\*, the city recognizes that the sanitary sewer conveyance problems identified in the WWMP are widespread and denial could set a precedence of action that if continued for projects under similar circumstances, could be construed as a pattern or practice that at some point could warrant a moratorium or public facilities strategy.

\*Per ORS 197.524 a local government is required to adopt a public facilities strategy under ORS 197.768 or a moratorium on construction or land development under ORS 197.505 to 197.540 when it engages in a pattern or practice of delaying or stopping the issuance of permits, authorizations or approvals necessary for land divisions or construction due to the shortage of public facilities (like sanitary sewer).

**Storm Sewer:** There is an existing storm line through the site that will be incorporated for use. Stormwater is proposed to be managed via an on site via a stormwater pond in addition to conveyance infrastructure. Per the Geotech report infiltration is not feasible for the site.

A preliminary drainage report has been provided. Final drainage plans will be required.

**Other:** There is existing overhead utility along Old Portland Road and Kaster Road. O/h utility may remain as long as no new poles are needed.

\* \* \*

**Trails/bikeways:** Bicycle amenities are anticipated in the 2019 Riverfront Connector Plan; when the roundabout contemplated at the Kaster Road (S. 18<sup>th</sup> Street)/Old Portland Road intersection and surrounding improvements are done. As noted above, the roundabout is not a requirement of this proposal.

There is nothing specific for Kaster Road beyond the design impact area of the 2019 Riverfront Connector Plan roundabout, except for bike lanes as part of collector streets as identified in the 2010 Transportation Systems Plan. As noted above, improvements to some of Kaster Road is a requirement of this proposal.

There is potential to advance trail #7 in the 2015 Parks and Trails Master Plan, which is intended to eventually provide a connection between McCormick Park and Nob Hill Nature Park, within or adjacent to the subject property. However, the Council finds the proposal will not principally benefit from a bikeway and/or trail (path) and no requirement to include the cost of construction of such is merited, other than as related to road improvements. Sidewalks related to the future street improvements such as the Kaster Road (S. 18<sup>th</sup> Street)/Old Portland Road intersection roundabout may provide some connectivity too.

Nevertheless, the City Council requires that the proposed project include a plan for a future pedestrian connection to either Kaster Road or Old Portland Road. The pedestrian connection would be constructed when funds become available.

\* \* \*

**Traffic Impact Analysis:** An August 29, 2022, letter from the consultant addresses Traffic Impact Analysis (TIA) thresholds and demonstrates a TIA is not warranted.

\* \* \*

**Other Considerations:** There is a turnaround built in the design of the secondary access, but it is behind the secure fence. If the fence is closed the secondary access is a >500' long narrow road with no outlet or turn-around. Plans show a means of restricting vehicular access including do not enter signage. This may solve this issue, but any blockage will need to be acceptable to the Fire Marshall to ensure emergency access.

Normal minimum width for minimum for fire apparatus access is 20'. A section of the secondary access is only 15' wide. This will need Fire Marshall ok as part of final plan approval. Preliminary conversations with the Fire Marshall suggest this will be acceptable, but this process is not a substitute for review of final plans subsequent to this Conditional Use Permit et. al., process.

\* \* \* \* \*

## CONCLUSION & DECISION

**Based on the facts and findings herein, the City Council approves this Conditional Use Permit CUP.4.23, Sensitive Lands Permits SL.4.23 (floodplain) and SL.5.23 (wetlands), and Sign Permit S.14.23, with the following conditions of approval:**

1. This **Conditional Use Permit** approval is valid for a limited time (to establish the use) pursuant to SHMC 17.100.030. This Conditional Use Permit approval is valid for 1.5 years. A 1-year extension is possible but requires an application and fee. If the approval is not vested within the initial 1.5 year period or an extension (if approved), this is no longer valid and a new application would be required if the proposal is still desired. See SHMC 17.100.030.
2. The following shall be required prior to any development or building permit issuance:
  - a. Final plans as submitted with any development or building permit(s) shall comply with the plans submitted with this Conditional Use Permit, et. al. with the following additions and/or corrections:
    - i. Proposed power line easement, as required by Ordinance No. 3283, shall be depicted on plans and any modifications to the plan to ensure no conflicts with said easement, per CRPUD, shall be included on the plans. See conditions 2.d and 3.b.
    - ii. Existing tree and wetland/protection buffer protection methods during construction shall be incorporated.
    - iii. For development within the Area of Special Flood Hazard (100-year flood), plans shall specify how improvements will be constructed with materials and utility



equipment resistant to flood damage and methods and practices that minimize flood damage. Statements that state such, alone, would be insufficient in this regard.

- iv. The FDC along Old Portland Road shall be moved to Kaster Road, near the new driveway location, which is outside of a flood prone area and accessible by the secondary access.
  - v. Fire apparatus turnaround as incorporated into the secure parking area and secondary access to the site shall be depicted on the plans. “No parking fire access” or comparable markings shall be included within the secure fenced area *as depicted in this report*.
  - vi. Fire Marshall shall approve the secondary access between S. 15<sup>th</sup> Street and Kaster Road including but not limited to fences, bollards and required locks necessary for access. Plans shall be modified as necessary. Fire Marshal requirements shall be incorporated into plans so final requirements (condition 3 of these conditions of approval) are clear.
  - vii. Street trees along Kaster Road shall be “small” per Chapter 17.72 SHMC. This requires a 20’ spacing. Tree location shall also comply with requirements per 17.72.035(2)(d)-(l).
  - viii. As per condition 5.
  - ix. Vision clearance per Chapter 17.76 shall be properly depicted. Mailbox proposed may be a conflict, though details for that have been provided. In any case, plans shall omit conflicts with this.
  - x. Plans shall not have obstructions or constraints against allowing use of the Kaster Road access south (southeast) of the site. To continue the internal access design in this direction no improvements or grading, including the storm water pond and related grading work, shall occur within 36’ of the Kaster Road property line. *See depiction of this in this report*.
  - xi. If trash enclosure will include a sanitary sewer drain, it must be designed to prevent the infiltration of stormwater, including but not limited to a roof.
  - xii. Tree and wetland (and related upland protection zone, as applicable) protection during construction.
  - xiii. The proposed project shall include a plan for future pedestrian connection to either Kaster Road or Old Portland Road. See condition 9.
- b. Engineering construction plans shall be submitted for review and approval addressing all public improvements including but not limited to:

Street frontage improvements along Kaster Road between the proposed Kaster Road access point (driveway) and Fir Street.

- c. A final drainage plan certified by a registered professional engineer shall be reviewed and approved by City Engineering to address water quality to protect surrounding wetlands and/or riparian areas/streams), water quantity (e.g., to prevent ponding and for storm water retention if needed) and conveyance of storm water. Drainage plan shall comply with City, State and Federal standards.
- d. If power lines within the subject property will not be relocated, a 50' wide easement shall be granted for them as required by Ordinance No. 3283. If said power lines will be relocated, see condition 3.
- e. An additional "fair share" fee shall be paid per equivalent dwelling unit (EDU) based on the portions of the city wastewater collection system between the subject property and the wastewater treatment plant, that this development depends on, that are at or above capacity as identified in the 2021 Wastewater Master Plan. Estimated per EDU cost is \$1,800 based on October 2022 dollars. Inflation adjustment to value at time of building permit issuance shall be included.
- f. A Notice shall be recorded on the deed(s) of the subject property indicating that, in addition to other laws, no portion of the subject property shall be transferred to a different ownership unless the city finds that the remaining buildable area is sufficient for future expansion of the police station. This also includes maintaining shared access between the parcels on either side of the now vacated 7<sup>th</sup> Street right-of-way as required by the conditions herein. The Planning Commission, if one exists at the time, shall provide a recommendation as to this matter before any final decision is made.

Notice shall also note the presence of wetlands and associated uplands protection zones subject to protection per city law and that some protection zone was enhanced as per this Conditional Use Permit, et.al. effort.

- g. Ensuring restoration plantings and maintenance for at least 2 years to ensure survival is required. How this will be done shall be identified. See condition 3.c.
3. The following shall be required **prior to** Certificate of Occupancy by the City Building Official:
- a. All improvements necessary to address the requirements herein shall be in place.
  - b. A 50' wide easement shall be granted for relocated power lines within the subject property, if any. Note condition 2.d.
  - c. If minimum 2-year planting maintenance will be ensured by a private third party (e.g., landscape contractor) for wetland/buffer enhancement, contract shall be in place.
  - d. As per condition 5.

4. 8' high fencing and walls shall be allowed. Topping with barbed wire is possible per SHMC 8.12.120.
5. Service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened, **regardless if such screening is absent on any plan reviewed by the City. This includes but is not limited to ground mounted, roof mounted or building mounted units.** See SHMC 17.72.110(2).
6. This Conditional Use Permit, et. al., is for allowance of a public safety facility only. It does not address and is not a substitute for approval of non-police function at the site such a public facility.
7. No plan submitted to the City for approval shall contradict another.
8. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17).
9. The pedestrian connection per condition 2.a.xiii shall be constructed when funds become available.

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Rick Scholl, Mayor

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Date