



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: City Council
FROM: Jacob A. Graichen, AICP, City Planner
RE: Property proposed to be donated to city at US30/Pittsburg Road intersection and ROW vacation and other considerations
DATE: July 24, 2023

Donation agreement status update.

Both parties have signed the donation agreement and it has been accepted by the Title Co. The transaction documents are with the escrow person and ready to be signed once we are ready.

Noteworthy title exception that affects possible uses of property:

Both parcels 1 and 2 to be donated have a restrictive covenant runs through December 31, 2050 during which time the properties may not be used for office, medical, dental, or clinical purposes, with some exceptions.

So, if used in conjunction with an adjacent property such as 695 N. Columbia River Highway, this could be a use burden.

This restrictive covenant was part of a broader real-estate transaction c. 2003 related to the Columbia Commons complex (500 N. Columbia River Highway), intended to curtail competition with the Columbia Commons complex.

ROW vacation of N. 18th Street between Pittsburg Road and US30?

If initiated by Council:

- Hearing cannot proceed if majority of the affected area objects in writing.

This is unlikely but is possible.

- ROW cannot be vacated without consent of abutting owners if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages.

This can be avoided if no portion of the vacated area abuts non-city owned property, but this would reduce the area to be vacated.

- We need to be careful about using an “easier” process for the city to vacate for private gain. This could be a risky precedent. **Note that based on how things were platted, all vacated area would go to properties to the east of the right-of-way and not spit down the middle.**

Will public interest be prejudiced? This is a key question for any ROW vacation.

- The ROW appears void of existing utilities except overhead power along the south (US30 side). However, this ROW would be a route for water from Pittsburg Road and potentially sanitary sewer from the south/southwest.
- ROWs are favored over easements for utilities. ROWs are a stronger right-of-access, have specific and consistent rules, and less prone to obstacles like fences that would typically need to be reconstructed as part of utility repair/maintenance.
- Sanitary sewer is separated by some other properties, so it is not immediately available. However, as part of the Columbia Commons Subdivision, the sanitary sewer was extended and designed (installed at a certain depth) for potential extension. **The sanitary sewer issue is perhaps the most significant issue for a vacation consideration at this time.** Without sanitary sewer access determined, an argument can be made that vacation of ROW is premature.
- Based on the sanitary sewer issues city-wide and capacity issues, it is not necessarily a good time to promote sanitary sewer connection or redirect efforts and funding already in place to abate the existing problems.
- Frontage road considerations. US30 is a major arterial street and Pittsburg Road is a minor arterial. Per SHMC 17.84.040(7)(b):

(7) Development Fronting onto an Arterial Street.

(b) Nonresidential projects proposed on arterials shall include a frontage or service road and shall take access from the frontage or service road rather than the arterial. Frontage or service road design shall conform to applicable jurisdictional design standards. This access requirement may be met through the use of interconnecting parking lots that abut the arterial provided the necessary easements and agreements are obtained.

This requirement has been met in several ways, but one key factor is no property should have access from US30 (if allowed by ODOT) with no other option. In other words, US30 should not be a sole access.

Pittsburg Road / US30 Properties

For City Council Discussion
July 2023

