



## **CITY COUNCIL PUBLIC HEARING**

**Wednesday, August 15, 2018**

265 Strand Street, St. Helens, OR 97051

[www.ci.st-helens.or.us](http://www.ci.st-helens.or.us)

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### **Welcome!**

All persons planning to address the Council, please sign-in at the back of the room. When invited to provide comment regarding items not on tonight's agenda, please raise your hand to be recognized, walk to the podium in the front of the room to the right, and state your name only. You are not required to give your address when speaking to the City Council. If you wish to address a specific item on the agenda, you should make your request known to the Mayor as soon as possible before the item comes up. The Council has the authority to grant or deny your request. Agenda times and order of items are estimated and are subject to change without notice.

1. **Open Public Hearing - 5:30 p.m.**
2. **Topic**
  - 2.A. Appeal of a Denial of a Conditional Use Permit to Establish a Marijuana Retailer/Medical Marijuana Dispensary in an existing building located at 100 St. Helens Street (Lee/Lucas)  
[AP.1.18 Staff Report.pdf](#)
3. **Close Public Hearing**

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**CITY OF ST. HELENS PLANNING DEPARTMENT  
STAFF REPORT  
Appeal AP.1.18 (CUP.3.18)**

**DATE:** August 7, 2018  
**TO:** City Council  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT:** Robert A. Lucas and Robert Y. Lee (appellants)  
**OWNER:** Robert A. Lucas

**ZONING:** General Commercial, GC  
**LOCATION:** 100 St. Helens Street; 4N1W-3BA-3700  
**PROPOSAL:** Appeal of the Planning Commission's denial of Conditional Use Permit CUP.3.18 to establish a marijuana retailer/medical marijuana dispensary in an existing building.

**The 120-day rule (ORS 227.178) for final action for this land use decision is Oct. 12, 2018.**

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows: August 15, 2018 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on July 26, 2018 via first class mail. Notice was sent to agencies by mail or e-mail on July 25, 2018. Notice was published in the The Chronicle on August 1, 2018.

**APPLICABLE CRITERIA, ANALYSIS & FINDINGS**

See CUP.3.18 Findings of Fact and Conclusions of Law (F&C), attached. This report focuses on the Planning Commission's basis for denial.

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**SHMC 17.100.040(1)(b)**—See page 2 of CUP.3.18 F&C

**This criterion requires that the characteristics of the site be suitable for the proposed use.**

Based on testimony provided, the Commission focused on the location of the site as the unsuitable characteristic. Their finding was as follows:

The Planning Commission finds that the location of the site makes it unsuitable for the proposed use given events that occur in the Riverfront District that attract youth such as those associated with the Halloween Town celebration in October. The Planning Commission also finds that several nearby uses attract youth such as the Columbia Theatre (212 S. 1<sup>st</sup> Street)

and St. Helens CrossFit (200 S. 1<sup>st</sup> Street), which are within 300' of the subject property. As such, the Commission finds that this criterion is not met.

The council could agree with this, but should consider the intent of the City's and State's laws about these kind of establishments. Per ORS 457B.105(2)(d):

Except as provided in ORS 475B.109, may not be located within 1,000 feet of:

(A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a);

The City's laws for citing these kinds of uses includes a similar 1,000' separation rule for any public or private: child day care facility; preschool; elementary school; or junior, middle or high school.

The point is that the law is intended to include separation from uses that are specifically and guaranteed by their function to serve children.

Thus, the Council could agree with the Commission or find that because other aspects of separation law specific to the proposed use are met, as detailed further below, that the site is suitable from a location (site characteristic) standpoint.

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**SHMC 17.100.040(1)(f)**—See page 4 of CUP.3.18 F&C

**This criterion requires compliance with the applicable policies of the Comprehensive Plan.**

The Commission made similar findings for this criterion as the one above, as follows:

The Commission notes that this property has a Comprehensive Plan designation of General Commercial, GC. One of the policies of the GC designation per SHMC 19.12.070(2)(f) reads:

*Preserve areas for business use by limiting incompatible uses within them.*

The Commission finds that this proposal conflicts with this policy because the proposed use is incompatible with the area given the preponderance of a youth presence in the Riverfront District. For example, the October Halloween Town events attracts youth; the Little Spooks parade is an example of that.

Moreover, the Planning Commission also finds that several nearby uses attract youth such as the Columbia Theatre (212 S. 1<sup>st</sup> Street) and St. Helens CrossFit gym (200 S. 1<sup>st</sup> Street), which are within 300' of the subject property. The theatre in particular is unique to this area (i.e., being historic and the only theater in the St. Helens) and has a long time presence. As such, the Commission finds that this criterion is not met.

One question for the Council in this case is how you view retail. Is the proposed use retail like other businesses or a certain use whose impacts to surrounding businesses is detrimental to them?

Also, as with the first basis for denial, the Council could agree with the Commission or find that because other aspects of separation law specific to the proposed use are met, as detailed further below, that the proposed use is compatible with this business area.

With that in mind, note that the subject property itself is zoned General Commercial, GC. Immediately surrounding properties are zoned General Commercial (GC) and Riverfront District (RD—Plaza subdistrict). The proposed use is possible in both zoning districts as a conditionally permitted use.

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**SHMC 17.100.150(3)(p)(i)**—see pages 5-6 of CUP.3.18 F&C

The specific language of this criterion is as follows:

No marijuana retailer and/or medical marijuana dispensary shall be permitted to locate within 1,000 feet of any public or private: child care facility; preschool; elementary school; or junior, middle, or high school that lawfully exists at the time the Conditional Use Permit application is deemed complete.

The Commission found that the proposal violated this criterion upon the basis that there are legally established child care facilities within 1,000 feet of the subject property based on the following:

Using the prescribed method of measurement, the Commission noted the following child day care or schools per SHMC 17.100.150(3)(p)(i):

1. The Berry Bright Preschool at 560 Columbia Boulevard, a distance of approximately **1,300 feet**. This use has been established for decades.
2. The Resonate Church at 220 S. 1<sup>st</sup> Street (approved via Conditional Use Permit CUP.2.16 for religious assembly and currently operating) includes child care services per testimony provided. This property is approximately **250 feet** away from 100 St. Helens Street (building on the subject property).
3. A Conditional Use Permit (CUP.1.18) was approved by the Planning Commission earlier this year for a child care facility at 231 S. 1<sup>st</sup> Street (Masonic Building). Though the use hasn't commenced pending Building Code/Permitting requirements this Conditional Use Permit is valid since the appeal period ended without challenge on June 29, 2018. This property is approximately **300 feet** away from 100 St. Helens Street (building on the subject property).



The child care facilities of concern are related to the 220 S. 1<sup>st</sup> Street and 231 S. 1<sup>st</sup> Street, both which are well within 1,000' of the subject property.

We need to look at each of these, but first examine what a “child care facility” is according to the Development Code. Chapter 17.16 defines this as follows:

“Child care facility” means a commercial establishment enrolling children under the age of 13 years and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a child care center (also “day care,” “children’s center,” “day nursery”).

Another aspect to consider is that the criterion states that the “child care facility” must be legally established.

**220 S. 1<sup>st</sup> Street.** This location was approved for a religious assembly use in 2016 (file CUP.2.16). Testimony provided to the Planning Commission for CUP.3.18 notes day care services at this location. Since a “child care facility” is a business venture, a business license would be required. There is no business license on record for such use here. In addition, “child care facility/day nursery” is a conditionally permitted use in the Riverfront District (RD—Plaza subdistrict); the zoning of 220 S. 1<sup>st</sup> Street. CUP.2.16 didn’t indicate this use; it only listed religious assembly as the proposed use.

Thus, the Council could conclude that there is no legally established day care facility at 220 S. 1<sup>st</sup> Street because there is no business license or land use permit allowing such there. It seems to be an incidental service the church provides. Or, the Council could side with the Commission.

**231 S. 1<sup>st</sup> Street.** This property is also zoned Riverfront District (RD—Plaza subdistrict), where “child care facility/day nursery” is a conditionally permitted use. A Conditional Use Permit (file CUP.1.18) was approved for a child care facility with the decision becoming final (post-appeal period) at the end of June.

A key issue for this is when the child care facility was or is legally established. The Development Code doesn’t define “legally established.” The Planning Commission considered their approval of the Conditional Use Permit (based on their vote at the June 12<sup>th</sup> public hearing) to be the point in time for legal establishment. Note that the child care facility is required to be legally established at the time the Conditional Use Permit application for the marijuana retail/dispensary use is deemed complete per City law. “Legally established” could also mean when the use opens for business with all permits and requirements in place. That said, a Building Permit is required to change to an E occupancy, a business license is required and any licensing for such a facility by the State or other level of government is required. This is what we know:

- **June 12, 2018:** CUP.1.18 (for child care at 231 S. 1<sup>st</sup> Street) is approved by the Commission at their public hearing.
- **June 19, 2018:** the CUP.3.18 (the subject of this appeal) application is received and deemed complete by City staff.

- **June 29, 2018:** the appeal period for CUP.1.18 (for child care at 231 S. 1<sup>st</sup> Street) ends and the decision becomes final.
- **TBD:** Building permits applied for a change of occupancy for the child care use at 231 S. 1<sup>st</sup> Street.
- **TBD:** Occupancy is granted for child care use at 231 S. 1<sup>st</sup> Street.
- **TBD:** Business license is applied for, for child care use at 231 S. 1<sup>st</sup> Street

If the Council sides with the Commission on this, it would need to determine that “legally established” means when the Commission votes to approve the land use permit to allow the use. Or, the Council could find that the day care use is not legally established at this location because CUP.3.18 was deemed complete before the appeal period ended for CUP.1.18 and no other requirement to occupy and use 231 S. 1<sup>st</sup> Street has been done as of July 31, 2018.

### CONCLUSION & RECOMMENDATION

**The Council has multiple options including but limited to the following:**

**Deny the request.** In order to do this, the Council needs to adopt at least one of the bases for denial from the Planning Commission. It doesn’t need to adopt all findings against the proposal as all apply when considering approval or otherwise.

**Approve the request with conditions.** In order to do this, the Council needs to find that all criteria are met. This includes the criteria the Planning Commission found in disfavor. In this case, the Council could adopt all other findings of the Commission and approve with the following conditions:

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. **A crime prevention plan** that includes, but is not limited to, exterior lighting. Any artificial lighting of the site and/or off-street parking facilities shall be designed such that there will be no glare into nearby public rights-of-way or residences. **Existing lighting may be taken into consideration for this.**
  - b. **A trash management plan.** Refuse container or refuse collection area must be secure from entry outside the facility. Any improved secure trash area for this proposal would also need to be screened as required by Chapters 17.72 & 17.92 SHMC since the subject property lacks any trash/refuse collection enclosures.
  - c. **A revised site plan** subject to City review and approval that addresses the location of trash enclosure per condition 2.b and improvements required per condition 3.
3. The following shall be required prior to Certificate of Occupancy, final inspection (if no Certificate of Occupancy is required) by the City Building Official, or commencement of the proposal:

- a. Wheel stops (at least 4" high, and back three feet from front of parking stalls) is required for all parking spaces.
  - b. One new disabled person space must be provided and meet all ADA requirements. See attached.
  - c. All improvements necessary to address the requirements herein, and in accordance with revised approved plans, shall be in place.
  - d. Proof that the facility is licensed by the appropriate State agencies shall be submitted to the City.
4. Any new 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).
  5. Any new sign requires a sign permit prior to installation, pursuant to Chapter 17.88 SHMC.
  6. The proposal shall comply with the applicable state and local laws.
  7. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17). In addition, this approval does not exempt the requirements of or act as a substitute for review of other City departments (e.g., Building and Engineering) or other agencies.

**Note:** the Planning Commission's first motion at their July 10, 2018 public hearing in this matter was to approved with conditions (those above) with the additional conditions that:

The business be open no later than 8pm Monday-Thursday, 9pm Friday and Saturday, and 7pm Sunday.

Though the motion failed, this is something the Council may consider.

**Attachment(s):** CUP.3.18 Findings of Fact and Conclusions of Law  
Application for appeal

DRAFT minutes excerpt from the July 10, 2018 Planning Commission meeting

Site Plan

Floor plans (existing and proposed)

Minimum Standard Single-Accessible Parking Space Figure

E-mail from Ron Schlumpberger dated June 27, 2018

Letter from Agnes Marie Petersen dated June 29, 2018

Letter from Robert P. VanNatta dated June 28, 2018

Letter from Elliot Michael received July 10, 2018

Packet submitted by Agnes M. Petersen into the record at the July 10, 2018 hearing (6 pages)

**CITY OF ST. HELENS PLANNING DEPARTMENT  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
Conditional Use Permit CUP.3.18**

**APPLICANT:** Robert Y. Lee  
**OWNER:** Robert A. Lucas

**ZONING:** General Commercial, GC  
**LOCATION:** 100 St. Helens Street; 4N1W-3BA-3700  
**PROPOSAL:** Establish a marijuana retailer/medical marijuana dispensary in an existing building.

**The 120-day rule (ORS 227.178) for final action for this land use decision is Oct. 12, 2018.**

**SITE INFORMATION / BACKGROUND**

The site is fully developed with a commercial suite. The site was originally developed with a 1988 Site Design Review. There are three driveway approaches, two with access from St. Helens Street and one with access from S. 1<sup>st</sup> Street. Both streets are fully developed with sidewalks. There is a landscape planter in the front and along the side of the building. Surrounding uses are a mix of commercial and residential.



*Front façade of the building from St. Helens Street*



*Side facade from S. 1<sup>st</sup> St.*

**PUBLIC HEARING & NOTICE**

Hearing dates are as follows: July 10, 2018 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on June 19, 2018 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on June 27, 2018.

## APPLICABLE CRITERIA, ANALYSIS & FINDINGS

### SHMC 17.100.040(1) - CUP Approval standards and conditions

(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.

**(a) This criterion requires that the site size and dimensions provide adequate area for the needs of the proposed use.**

**Finding(s):** There is no evidence to the contrary.

**(b) This criterion requires that the characteristics of the site be suitable for the proposed use.**

**Finding(s):** See analysis of SHMC 17.100.150(3)(p) below, specifically pertaining to marijuana retailers and/or medical marijuana dispensaries.

There is no trash enclosure, which is typically required for new development. Any improved secure trash area for this proposal would also need to be screened as required by Chapter 17.72 SHMC.

The Planning Commission finds that the location of the site makes it unsuitable for the proposed use given events that occur in the Riverfront District that attract youth such as those associated with the Halloween Town celebration in October. The Planning Commission also finds that several nearby uses attract youth such as the Columbia Theatre (212 S. 1<sup>st</sup> Street) and St. Helens CrossFit (200 S. 1<sup>st</sup> Street), which are within 300' of the subject property. As such, the Commission finds that this criterion is not met.

**(c) This criterion requires that public facilities have adequate capacity to serve the proposal.**

**Finding(s):** There is no evidence that public facilities are inadequate for this proposal.



**(d) This criterion requires that the requirements of the zoning district be met except as modified by the Conditional Use Permit (CUP) chapter.**

**Finding(s):** The property is zoned General Commercial. “Marijuana retailer and/or medical marijuana dispensary” is listed as a conditionally permitted use in this zoning district.

See analysis of SHMC 17.100.150(3)(p) below, specifically pertaining to marijuana retailers and/or medical marijuana dispensaries.

**(e) This criterion requires analysis of the sign chapter and site design review chapter.**

**Finding(s):** With regards to signs, any new sign or modified sign shall require a sign permit per Chapter 17.88 SHMC

**With regards to site development review standards,** as the site is developed and there are no substantial proposed improvements to the site to accommodate the proposed use (e.g., new development), many aspects don’t apply. The noteworthy aspects are as follows:

**With regards to off-street parking,** general retail sales require one space for every 400 square feet of gross floor area, but not less than four spaces. There is 1,311 square feet of gross floor area, which means a minimum of 4 spaces shall be required. Of the 4 spaces required, one is required to be an ADA space.

The site currently has 5 off-street parking spaces provided. However, there are no ADA spaces on site. A new ADA space is required to comply with State and Federal Standards. There may be space to the west of the building for a new parking space, provided that new striping (wheelchair access aisle) and a wheel stop be provided. *Note that the owner testified there are two spaces here; this would be verified with review of final plans.*

In addition, the other parking spaces are missing wheel stops. Wheel stops are required along the boundaries of a parking lot along pedestrian ways. Off-street parking spaces face and abut the St. Helens Street sidewalk. Wheel stops are necessary to ensure no sidewalk encroachment by vehicles.

**With regards to landscaping,** the site has a planter in front and side of the building that occupies approximately 140.5 square feet. If this proposal were new development, the General Commercial zone requires a minimum of 10 percent of the lot to be landscape, which would be about 435 square feet. Because this is a Conditional Use Permit, the Commission can require landscaping related conditions, if such is determined to be warranted. See **SHMC 17.100.040(3)** below. *The Commission finds that additional landscaping is not warranted for this proposal and notes that additional landscaping could promote criminal activity by creating hiding places in this case.*



*This is the side of the building that residences at the triplex see from their balconies.*



*The subject property and adjacent property to the north as seen from S. 1<sup>st</sup> Street.*

**With regards to screening**, the Development Code requires buffering and screening between commercial and residential development. There are adjacent residential uses to the west. However, since the site is fully developed and the proposal doesn't result in substantial changes to the site, the Commission finds that no additional screening is required except for trash enclosure/screening requirements.

**With regards to lighting and crime prevention**, there appears to be no lighting on the exterior of the building. A plan for addressing crime prevention, including but not limited to, exterior lighting shall be a condition of approval. Exterior lighting levels should be oriented towards areas vulnerable to crime and fixtures shall be provided in areas with heavy pedestrian or vehicular traffic, and in potentially dangerous areas such as the parking lot and the area behind the building, which is a potential hiding place for ambush. Note that existing lighting can be taken into consideration for this.

**(f) This criterion requires compliance with the applicable policies of the Comprehensive Plan.**

The Commission notes that this property has a Comprehensive Plan designation of General Commercial, GC. One of the policies of the GC designation per SHMC 19.12.070(2)(f) reads:

*Preserve areas for business use by limiting incompatible uses within them.*

The Commission finds that this proposal conflicts with this policy because the proposed use is incompatible with the area given the preponderance of a youth presence in the Riverfront District. For example, the October Halloween Town events attracts youth; the Little Spooks parade is an example of that.

Moreover, the Planning Commission also finds that several nearby uses attract youth such as the Columbia Theatre (212 S. 1<sup>st</sup> Street) and St. Helens CrossFit gym (200 S. 1<sup>st</sup> Street), which are within 300' of the subject property. The theatre in particular is unique to this area (i.e., being historic and the only theater in the St. Heles) and has a long time presence. As such, the Commission finds that this criterion is not met.

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**SHMC 17.100.150(3)(p) – Additional requirements for conditional use types**

(p) Marijuana retailer and/or medical marijuana dispensary.

(i) No marijuana retailer and/or medical marijuana dispensary shall be permitted to locate within 1,000 feet of any public or private: child care facility; preschool; elementary school; or junior, middle, or high school that lawfully exists at the time the Conditional Use Permit application is deemed complete.

(A) Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the proposed marijuana retailer and/or medical marijuana dispensary, to the closest property line of the property upon which the other uses specified in subsection (3)(p)(i) of this section is listed.

(ii) No marijuana retailer and/or medical marijuana dispensary shall be permitted to locate within 2,000 feet of any other marijuana retailer and/or medical marijuana dispensary that lawfully exists at the time the Conditional Use Permit application is deemed complete.

(A) Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the proposed marijuana retailer and/or medical marijuana dispensary, to the closest point of the structure or portion of structure containing the existing marijuana retailer and/or medical marijuana dispensary.

(B) If multiple Conditional Use Permit applications are submitted for locations within the distance specified in subsection (3)(p)(ii) of this section but are not yet legally established, the valid Conditional Use Permit submitted first shall take precedence for the purpose of this subsection.

(iii) No marijuana retailer and/or medical marijuana dispensary shall be allowed as a temporary use and shall be located in a permanent building.

(iv) Any marijuana retailer and/or medical marijuana dispensary shall have refuse containers or refuse collection areas that are secure from entry outside the facility.

(v) Any marijuana retailer and/or medical marijuana dispensary shall comply with all applicable state and local laws.

**(i) This criterion requires a separation of 1,000 feet from child day care and schools from pre to high.**

**Finding(s):** Using the prescribed method of measurement, the Commission noted the following child day care or schools per SHMC 17.100.150(3)(p)(i):

1. The Berry Bright Preschool at 560 Columbia Boulevard, a distance of approximately **1,300 feet**. This use has been established for decades.
2. The Resonate Church at 220 S. 1<sup>st</sup> Street (approved via Conditional Use Permit CUP.2.16 for religious assembly and currently operating) includes child care services per testimony provided. This property is approximately **250 feet** away from 100 St. Helens Street (building on the subject property).



3. A Conditional Use Permit (CUP.1.18) was approved by the Planning Commission earlier this year for a child care facility at 231 S. 1<sup>st</sup> Street (Masonic Building). Though the use hasn't commenced pending Building Code/Permitting requirements this Conditional Use Permit is valid since the appeal period ended without challenge on June 29, 2018. This property is approximately **300 feet** away from 100 St. Helens Street (building on the subject property).

The Commission finds that there are legally established child care facilities within 1,000 feet of the site for the proposed use and thus this criterion is not met.

**(ii) This criterion requires a separation of 2,000 feet from other marijuana retailers and/or medical marijuana dispensaries.**

**Finding(s):** Using the prescribed method of measurement, the closest marijuana retailer and/or medical marijuana dispensary is 1807/1809 Columbia Blvd., which is a distance of over 4,745 feet. There was an application at for the same use at 31 Cowlitz (CUP.5.15), but the use was never established and the CUP has since expired. *Note that 31 Cowlitz is within less than 1,000 feet from the subject property (and thus within the 2,000 foot requirement).* In any case, this criterion is met as the nearest legally established marijuana retailer is > 2,000 feet away.

**(iii) This criterion requires the use be located in a permanent building and not a temporary use.**

**Finding(s):** The proposal is to locate in a permanent building.

**(iv) This criterion requires refuse containers or refuse collection areas that are secure from entry outside the facility.**

**Finding(s):** This has not been addressed by the applicant on the site plan provided. There is no trash enclosure on site, which is typically required for new development. Any improved secure trash area for this proposal would also need to be screened as required by Chapter 17.72 SHMC.

**(v) This criterion requires compliance with applicable state and local laws.**

**Finding(s):** In addition to a city business license, SHMC Chapter 5.30 requires that all marijuana related businesses operating in the city shall possess a valid marijuana related business license.

Compliance with applicable state and local laws shall be a condition of approval in addition to overall compliance with the Development Code.

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**SHMC 17.100.040(3) - CUP Approval standards and conditions**

(3) The planning commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to, the following:

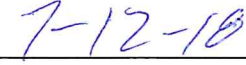
- (a) Limiting the hours, days, place, and manner of operation;
- (b) Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
- (c) Requiring additional setback areas, lot area, or lot depth or width;
- (d) Limiting the building height, size or lot coverage, or location on the site;
- (e) Designating the size, number, location, and design of vehicle access points;
- (f) Requiring street right-of-way to be dedicated and the street to be improved;
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- (h) Limiting the number, size, location, height, and lighting of signs;
- (i) Limiting or setting standards for the location and intensity of outdoor lighting;
- (j) Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- (k) Requiring and designating the size, height, location, and materials for fences; and
- (l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

**Discussion:** These are items the Commission may consider for this proposal. Since the Commission finds errors in some approval criteria as noted above, consideration of conditions is moot.

#### CONCLUSION & DECISION

**Based upon the facts and findings herein, the Planning Commission denies this Conditional Use Permit.**

  
 \_\_\_\_\_  
 Russell Hubbard, Chairman, Planning Commission

  
 \_\_\_\_\_  
 Date



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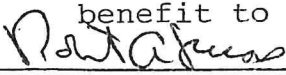
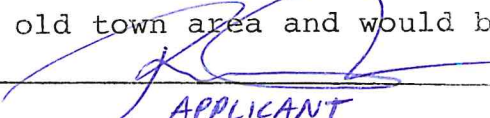
**City of St. Helens**  
**Application for Appeal of Land Use Decision**

PLEASE PRINT ♦ COMPLETE ALL BOXES ♦ USE ADDITIONAL PAPER IF NEEDED

|  |  |
|--|--|
| Appellant Name(s): Robert A. Lucas, Owner &<br>Robert Lee, Applicant   | File Number of Land Use Decision being Appealed:<br>CUP.3.18 |
| Appellant Mailing Address:<br>Robert A. Lucas<br>PO Box 519, Rainier, OR 97048      Robert Lee<br>and PO Box 11184<br>Portland, OR 97211 |  |
| Appellant Telephone No.: (503) 556-3741  | Appellant E-mail Address: lucasr519@yahoo.com                |

**APPEAL INFORMATION**

|   |   |
|---|---|
| Subject Property Assessor's Map & Tax Lot No.:<br><br>4niw-3BA-3700   | Subject Property Site Address: <i>Street name if not assigned</i><br>100 St. Helens Street, St. Helens, OR<br>97051 |
| Type of Land Use Decision being Appealed:    Planning Commission Denial dtd 7-13, 2018  |   |
| Statement as to how appellant qualifies to appeal (pursuant to Development Code):<br><br>Appellants are owner of property and applicant for proposed use.   |   |
| Grounds for Appeal: <i>Include specific reference(s) to Development Code and/or Comprehensive Plan provisions which form the basis for the appeal.</i><br><br>Planning Commission wrongfully held: (1) That proposed use was incompatible with comp plan by holding that business use was not compatible because of allegations of youth activity in old town. Yet this use as a retail outlet creates economic value in old town and is compatible with the other uses locally; and (2) That two child care services are located w/i the 1,000' buffer in the ordinance - yet this was a misinterpretation of the provision as it would prohibit the use if it is "within 1,000 feet of any public or private: child care facility; * * * that lawfully exists at the time the Conditional Use application is deemed complete." Yet the alleged child care facilities did not exist and still do not legally exist. No building permit or business license for a child care facility has been issued for either location. In addition, the state has detailed requirements and permit application standards which are quite rigorous for child care facilities and have not issued a license for either address.<br><br>Many, many buildings are vacant in old town. This use is an economic |   |

|   |  |
|---|--|
| <br>Appellant(s) Signature | benefit to the old town area and would bring more people/tourists to old town.<br><br>APPLICANT<br>7-16-18<br>Date Signed |
|---|--|

**FOR OFFICE USE ONLY**

|                                      |                        |
|--------------------------------------|------------------------|
| Application Type: Appeal of CUP.3.18 | Fee Amount Paid: \$528 |
| Date Received: 7/17/18               | Receipt No.: 1494342   |
| Date Accepted as Complete: 7/17/18   | File No.: AP.1.18      |

of the text amendments, but would like to suggest a larger maximum size. Zahl has an adult child who is handicap, in addition to elderly parents. ADUs are not always used as rentals. Many ADUs are for loved ones who may be handicap or elderly. 50 percent is too small, especially with lots that have older existing housing, which is traditionally smaller. ADA accessible housing has to have large bathrooms. Zahl is on the fence about parking requirements. She suggests allowing tandem parking because requiring additional parking decreases pervious surface. She noted many ADU dwellers may not need additional parking because they are handicap or do not have vehicles. She asked about architectural variances for situations where the ADU is not visible from the street or neighbors.

### **In Opposition**

No one spoke in opposition.

### **Further Questions of Staff**

Regarding signage on cars for home occupations, Commissioner Cohen suggested exempting vehicular signage. Commissioner Stenberg agreed. For maximum size of ADUs, Commissioner Cohen would like more time to review other examples. Graichen recommended including a size of 1,200 square feet. Chair Hubbard would like to use a flat number, instead of a percentage. Commissioner Webster said ADU creation will still be limited by the size and space available on the lots. The Commission prefers a maximum size of 1,200 square feet, given the testimony regarding ADA standards tonight.

### **End of Oral Testimony**

There were no requests to continue the hearing or leave the record open.

### **Close of Public Hearing & Record**

The applicant waived the opportunity to submit final written argument after the close of the record.

### **Deliberations**

The Commission is in favor of the proposed text amendments as written with the changes as discussed.

**Motion:** Upon Commissioner Cohen's motion and Commissioner Lawrence's second, the Planning Commission recommended approval to City Council of the text amendments to the Development Code with the changes as discussed. [Ayes: Commissioner Cohen, Commissioner Lawrence, Commissioner Semling, Commissioner Stenberg, Commissioner Webster; Nays: None]

*CNP. 3.18*

4.B      7:30 p.m. - Conditional Use Permit at 100 St. Helens Street - Establish marijuana retailer

Chair Hubbard opened the Public Hearing at 9:05 p.m. There were no ex-parte contacts, conflicts of interests, or bias in this matter. City Planner Graichen entered the staff report dated July 3, 2018 into the record.

Graichen described the proposal and recommended conditions of approval, as presented in the staff report. Graichen described the various testimony received, including a letter from Elliot Michael that was received after the staff report was sent out. He noted that there are two marijuana retailers operating in the City. There was an approved Conditional use Permit for a marijuana retailer in the Muckle Building, but it was never established. Now the timeframe for establishing the use has lapsed, which left an opportunity for this applicant apply.

Graichen noted that we have an approved Conditional Use Permit for a childcare facility at the Masonic Building, which is located within 1,000 feet buffer required between marijuana retailers and childcare facilities. However, the Building Official has not received any permits for that building, which means the use has not been legally established and vested. Graichen said the nearest childcare facility is about 1,300 feet away on Columbia Blvd. Commissioner Lawrence asked about the proximity to the Columbia Theater where children congregate. Graichen said in the rules, it calls out specific uses where children are known to congregate, but it does not call out theaters. Councilor Carlson asked about the youth programs that occur in the Resonate Church, which is also within 1,000 feet. Graichen said that the principal use of the Resonate Church is religious assembly, not childcare/youth services. Commissioner Stenberg asked about whether or not approval of this Conditional Use Permit this would affect the City's ability to receive federal grants. Associate Planner Dimsho said we have received grants from multiple federal agencies since the City has been approving marijuana retailers. There appears to be no effect. Graichen noted allowing marijuana retailers was approved by a majority of the citizens of Columbia County.

### **In Favor**

**Lee, Robert. Applicant.** Lee has been in the cannabis business for about six years, primarily building new marijuana storefronts in Portland. He is building several currently. He has created a high-end marijuana brand. Contrary to what people assume with a cannabis business going into a community, he has seen marijuana businesses improve blight and create positive impacts. The proposed St. Helens location has been vacant for about a year, located right at the entrance to the downtown. They stay away from traditional flashy signage. Lee said he would improve the storefront and add to the vitality of the downtown, not detract from it. A bar is allowed to be within 50 feet from a school, which allows consumption on site. They will be dispensing medicine to patrons, not consuming it. Per state regulations, the state does not allow advertising to children through branding. They want to contribute to the community in a positive way.

**Lucas, Robert. Property Owner.** Lucas is a practicing attorney in Rainier. He has owned the building for about 25 years. It used to be small restaurant. He expanded it when he bought it. He also put in landscaping when he remodeled. The City complimented him when he completed the remodel. He also remodeled the derelict Muckle Building prior to the current owner. He would not rent his building to anyone who would do damage to his building. Lucas said he did not personally vote for marijuana legalization, but the people of Oregon did. He thinks this use will be an addition to Old Town. He noted you do not smoke it on the site, like you would drink at a bar. Lucas feels it is more detrimental to children to see drunken adults leaving bars, than it is to see people buying marijuana. He said the Commission has approved three sites, one of which is in Old Town. The proposed tenant is a reputable marijuana company, and this is a good location. He hopes the Commission will not listen to emotional arguments based on shaky facts. Approval of this use will not prohibit the childcare facility from getting occupancy. The City Council did not recommend including a theater in the 1,000 foot buffer. To bring this idea up

now in order to deny this request is wrong. Lucas has no problem with adding car stops. He also noted there used to be two spaces on the side of the building, not just one. He said there are two floodlights, one front door light, and a street light on the corner, so he does not see the need for additional lighting. He said there is no alley behind the building. He also said you cannot see the HVAC units from the street. He does not feel they should be required to do additional landscaping or screening. He said they have received no complaints. He said additional landscaping would be difficult to provide.

## **Opposition**

**Hickey, Bud.** Hickey was born in St. Helens. He has lived here for about 80 years. He has owned the building behind the applicant for about 50 years. He has never had any problems with people damaging his building. He is not familiar with marijuana. He does not know the difference between high-end and low-end marijuana. He is concerned about the security of his building. He does not want this use to create vandalism potential. He does not want mingling or gathering of people that may vandalize his building. He said there are sometimes problems a few blocks down the street, and he does not want this new use to attract problems. He has nothing against marijuana specifically, but if it becomes a problem, how can it be addressed?

**Petersen, Agnes.** Petersen said she pre-dates both Lucas and Hickey. She started practicing law in 1960. Petersen said she is not going to be emotional. She is going to look at codes. Petersen said the Commission has the ability to interpret the code. First, she wanted to explain who she represents. She represents Van Natta & Petersen, a law firm that owns the building kiddy-corner from the proposal. She rents the downstairs to a church. She said the pastor would be here if he had not been recently injured. She also represents the Petersen Children Trust, who own the building across from the proposal. This is the building where Wild Currant Catering and an architecture firm are located. Both Van Natta & Petersen and the Petersen Children Trust are vehemently opposed to this Conditional Use Permit. She asked the Commission to consider that the building is not a suitable location for this use. The intent of the 1,000 buffer is to protect children. She said the Columbia Theater is incredibly child-friendly. The theater owner has a partnership with the School District to get children to attend the theater. She also mentioned the children who exercise on the street. She said there are two childcare facilities within 1,000 feet from the proposed location. She suggested to the Commission that they interpret the term "lawfully exists" as approval of a Conditional Use Permit by the Commission. She asked what the City is doing to develop the downtown. The community never once said anything about marijuana shops. She entered an item into the record, which includes photos of the Little Spooks Parade, which starts in front of the building. She asked what the purpose of the 1,000 foot buffer is, if it is not to protect children.

**Petersen, Al.** Petersen's office is across the street. He is member of the Petersen Children Trust. Petersen is disappointed that the City decided to sell eight acres of industrial property to a marijuana producer. He is disappointed that, should this decision be appealed, it may go to the City Council, which has already shown their intent. He has been involved in multiple efforts to improve the conditions of the area. He does not see where or how marijuana retailers are a positive aspect that can contribute to redevelopment of downtown. He feels the Council sold out to the marijuana industry. He does not feel the jobs that were promised will materialize. He used to sit on the Planning Commission, and he does not envy the Commission now. He does not want to repeat the same things, but he agrees with the previous testimony, and he is in opposition of this proposal.

## Rebuttal

**Lee, Robert. Applicant.** Lee said if we are looking strictly at the criteria for approval, the application should be conditionally approved. He recognizes that he is an outsider coming into a community that has a history and a vested interest. Lee said, as business owner and someone who has seen the positive effects in other communities, he wants to be a part of that. He is not trying to be a nuisance to the community. He wants to respect neighbors. He provides medicine for adults that is consumed in the privacy of their own homes. Public consumption is not allowed. Customers are educated to medicate at home. The OLCC requires that they provide educational materials to all customers. Commissioner Lawrence asked if they will be serving medical and recreational clients. Lee said both. Commissioner Stenberg asked if any establishments have ever received violations. He said no. He said one of his locations was a block away from the North Precinct of the Portland Police Department, and they would stop in regularly to check on things. Councilor Carlson asked if there is any process to control odors. Lee said he will usually replace the existing sheet rock and install a vapor barrier and re-caulk sufficiently. There are also carbon filtration systems. Councilor Carlson noted that there are issues with people smoking out front of the building at other locations. She noted that there are residences adjacent to this building. Lee said when he trains employees, he ensures that they understand medication cannot be consumed on the premises, even in their car on site. Councilor Carlson asked if they spoke to business owners. Lee said no, but he is open to it. His background is urban planning and community development. He would follow up with residents and business owners if they express concerns. Chair Hubbard asked how they handle the cash from sales. Lee said they bank through a credit union in Woodburn, Oregon. They take cash out daily, so there would never be excess cash in the building. Lee said the transactions are like convenience store transactions. There is no congregation of people outside. Regarding saturation, Lee noted that he developing a brand in a way that the competition may not be. He noted that the OLCC allows marijuana retailers to be open until 10 p.m., but he would likely close at 8 p.m.

## End of Oral Testimony

There were no requests to continue the hearing or leave the record open.

## Close of Public Hearing & Record

The applicant waived the opportunity to submit final written argument after the close of the record.

## Deliberations

Commissioner Cohen requested that the Commission review the Comprehensive Plan economic goals and policies. Commissioner Cohen noted that the General Commercial policy in SHMC 19.12.070 2 (f), "preserve areas for business use by limiting incompatible uses within them," seems to apply in this case. Commissioner Webster remembered that Resonate Church said they would be offering childcare and after school programs when they applied for the Conditional Use Permit. Graichen said that was not noted in the application, but it may have been stated during oral testimony. Commissioner Webster said the proposed location is a gathering place for children, between the gym, church, and theater. Commissioner Semling said she did not feel she could approve something so close to the church where childcare is occurring. Graichen said the church's principal use is religious assembly. He asked if the



Commission wants to apply the church's auxiliary use of childcare to the required 1,000 foot buffer.

Commissioner Webster asked how long the approval of the Conditional Use Permit lasts for the childcare facility. Graichen said they have a year and a half, with a one-year time extension to legally establish the use. Commissioner Cohen said a lot of time and effort has been spent on economic development of the downtown area. He would like to look long-term at the commercial potential of the area.

Commissioner Lawrence suggested that required landscaping or hedges may actually increase the possibility for crime and hiding. Commissioner Stenberg suggested a condition about loitering. Graichen said enforcement of such a condition would likely be a reactionary, not proactive. Commissioner Cohen wanted to be sure that there is enough lighting, but he thinks that OLCC rules will cover that. He asked if the other approved Conditional Use Permits for marijuana retailers had regulated the hours of operation. Graichen said no, but each location is specific, so that does not mean this location could not have limitations to the hours of operation. Commissioner Cohen suggested closing times to ensure compatibility with the neighborhood.

**Motion:** Upon Commissioner Cohen's motion and Commissioner Stenberg's second, it was moved to approve the Conditional Use Permit as written with the additional condition that the business will close Monday through Thursday at 8 p.m., Friday and Saturday at 9 p.m., and Sunday at 7 p.m. [Ayes: Commissioner Cohen, Commissioner Stenberg; Nays: Commissioner Lawrence, Commissioner Semling, Commissioner Webster] Motion failed.

**Motion:** Upon Commissioner Webster's motion and Commissioner Semling's second, the Planning Commission denied the Conditional Use Permit based on proximity to childcare/daycare facilities and incompatibility with the surrounding land uses based on Comprehensive Plan policies. [Ayes: Commissioner Lawrence, Commissioner Semling, Commissioner Webster; Nays: Commissioner Cohen, Commissioner Stenberg]

**Motion:** Upon Commissioner Cohen's motion and Commissioner Webster's second, the Planning Commission unanimously approved the Chair to sign the Findings & Conclusions once prepared. [Ayes: Commissioner Cohen, Commissioner Lawrence, Commissioner Stenberg, Commissioner Webster; Commissioner Semling; Nays: None]

## 5) **Discussion Items**

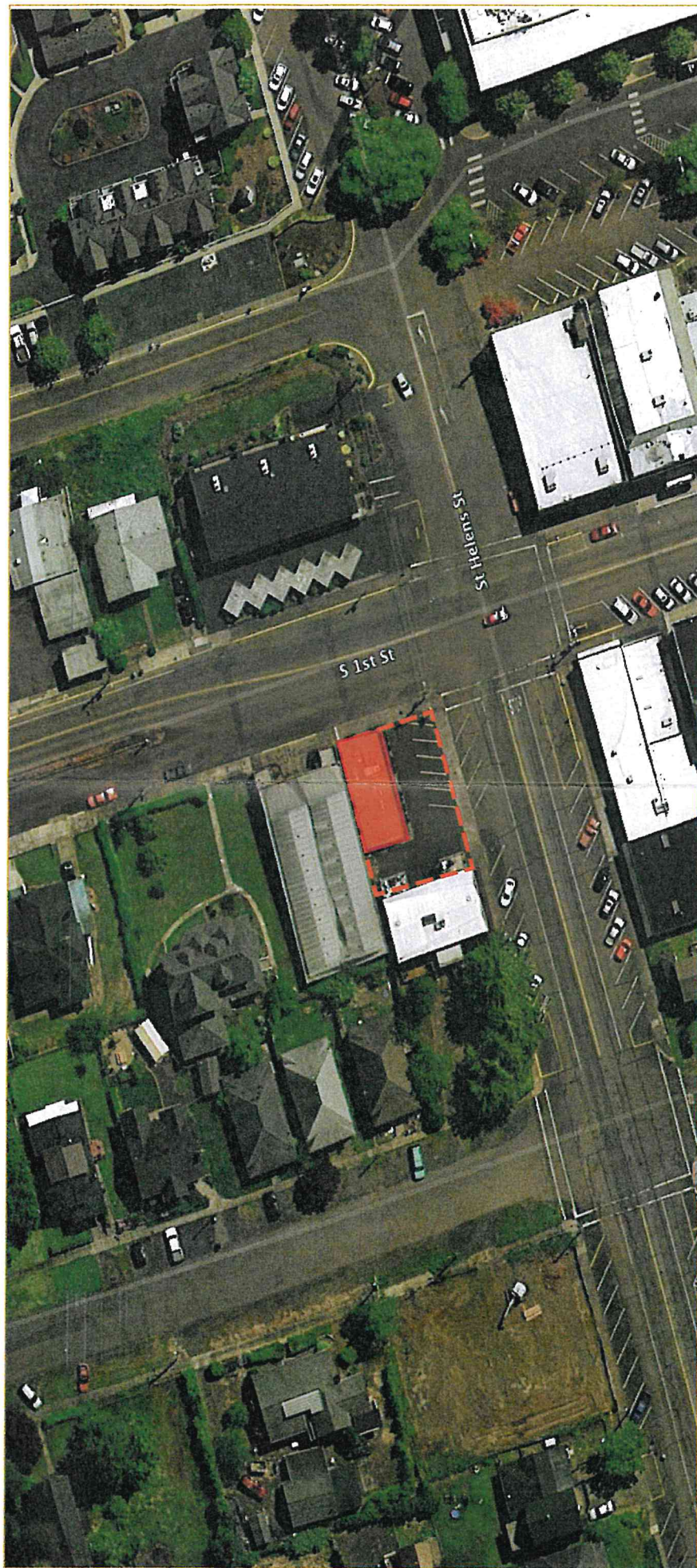
### 5.A Millard Road Property Zoning Discussion

Graichen said the discussion for Millard Road Property Zoning is not an essential item, so it will be moved to another meeting when there is less on the agenda. The Commission agreed.

## 6) **Acceptance Agenda: Planning Administrator Site Design Review**

- a. Site Design Review (Minor) at 550 Milton Way - Modifications to an existing telecommunications facility
- b. Site Design Review (Minor) at 544 N. 10th Street - ADA and related site improvements
- c. Site Design Review (Minor) at 150 Port Ave. - Modifications to an existing telecommunications facility





SCALE: 1" = 50'

0 25' 50' 100'

# 100 St Helens St. Marijuana Premise Boundary Sketch

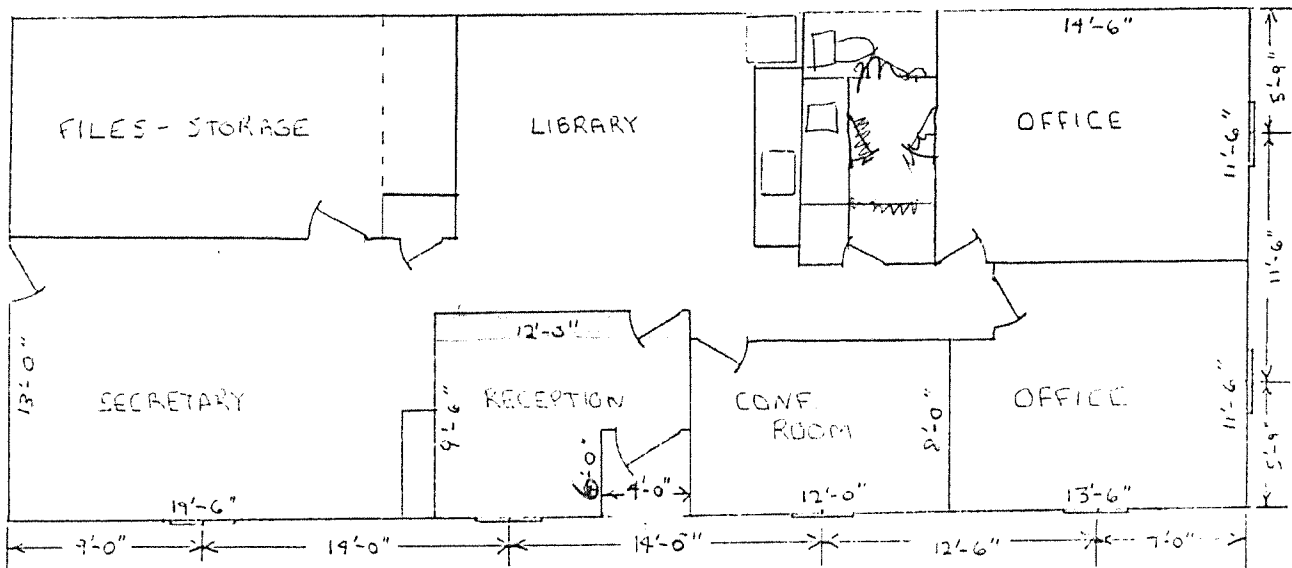
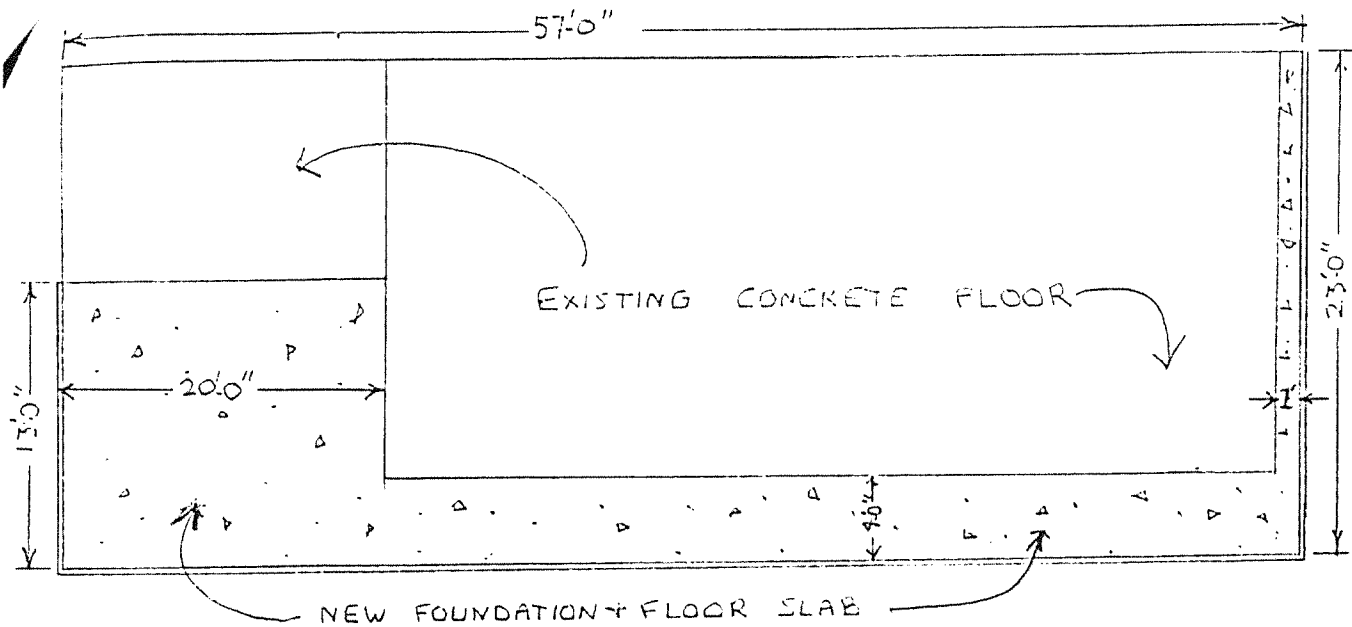


## LEGEND

- Area proposed to be licensed
- Property Boundary

Note: There are no residences on the property.

## FOUNDATION - SLAB PLAN



FIRST FLOOR PLAN  
(1311 SF)

ST HELENE OFFICE BLDG  
100 ST HELENE AVE.  
SCALE: 1/8" = 1'-0" S.D.M.  
ROBERT A. LUCAS

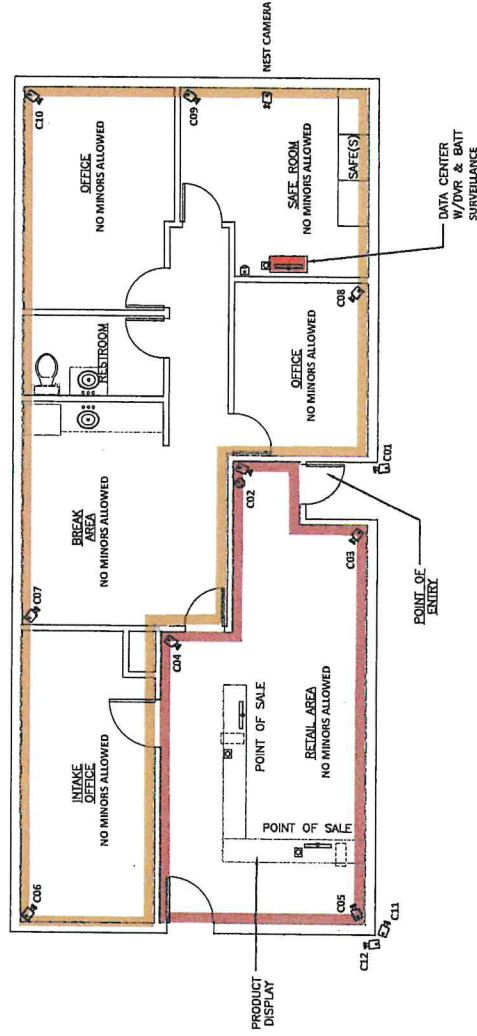
**EXISTING**

PROPOSED

FLOOR PLAN

SCALE: NTS

DRAWING CREATED FOR RTL INDUSTRIES • 100 ST HELENS ST, ST HELENS, OR 97051



| LEGEND |                       |
|--------|-----------------------|
| C01    | CAMERA NUMBER         |
|        | HD CAMERA             |
|        | MOTION DETECTOR       |
|        | COMPUTER STATION      |
|        | GLASS-BREAK SENSOR    |
|        | PANIC BUTTON          |
|        | LIMITED ACCESS        |
|        | RETAIL AREA-NO MINORS |

SCALE: 1" = 100'

0 25' 50' 100' 200'



**OREGON TRANSPORTATION COMMISSION**  
**Standards for Accessible Parking Places**  
**May 2012**

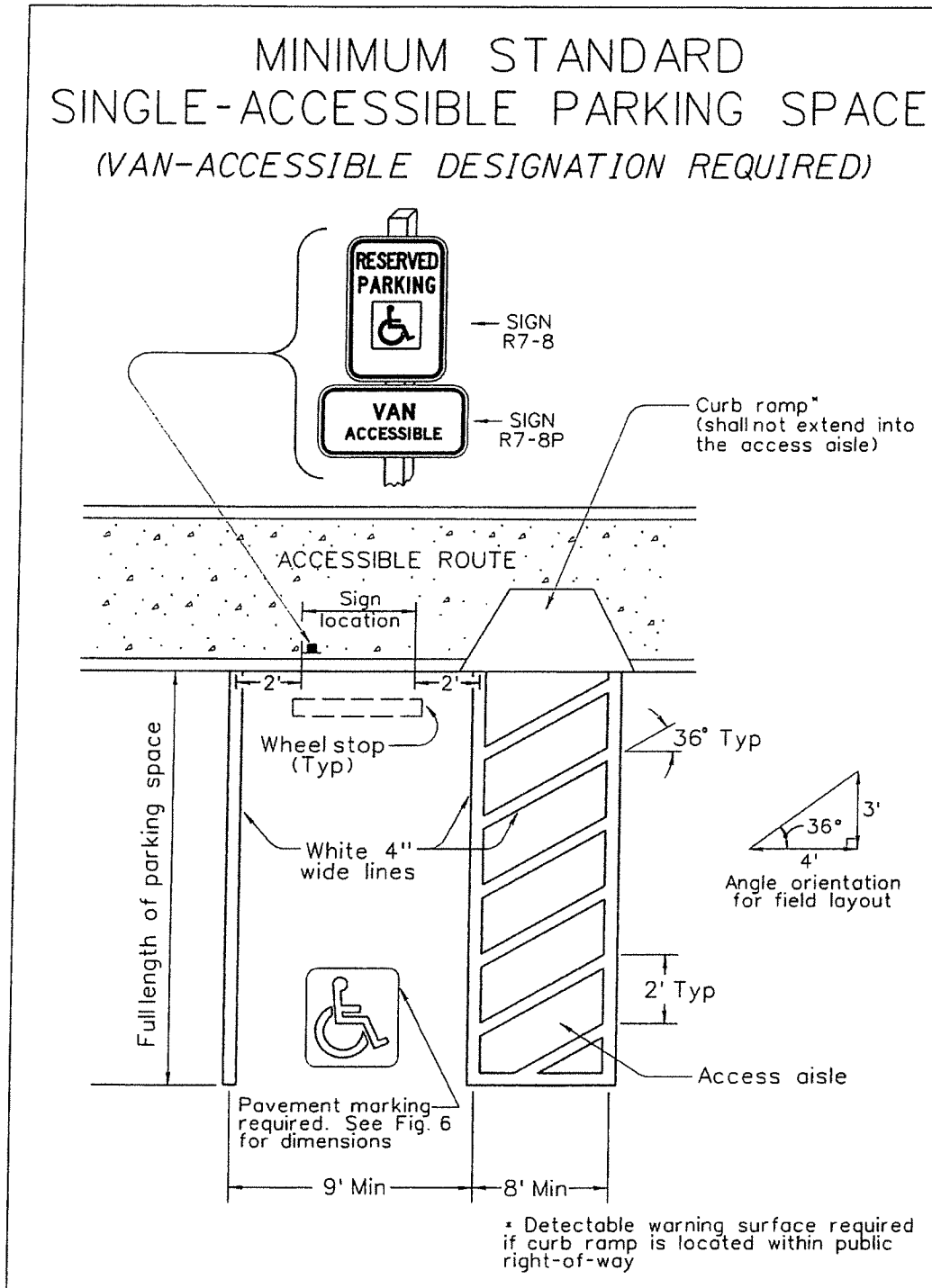


Figure 1



**Jennifer Dimsho**

---

**From:** Schlumpberger, Ron <ron.schlumpberger@nfp.com>  
**Sent:** Wednesday, June 27, 2018 10:09 AM  
**To:** Jacob Graichen  
**Cc:** Jennifer Dimsho  
**Subject:** FW: Conditional Use Permit CUP.3.18 Location 100 St. Helens St.

Jenny,

Just a couple of concerns I wanted to bring up to the planning commission.

- 1) Being that this is so close to residential area I question the protection or exposure for a young family or any of my tenants.
- 2) With the theatre located so close a lot a families park out front and walk to the theatre from St. Helens St.
- 3) My last concern would be the hours of operation as far as disturbing any of the local residential tenants.

Thank you!

**Ron Schlumpberger**

Owner of 150 St. Helens St (4 Plex)

Owner of 61 Plaza

---

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Agnes Marie Petersen  
Robert P. VanNatta

VanNatta & Petersen  
Attorneys At Law  
P.O. Box 748 • 222 S. First Street  
St. Helens, Oregon 97051

Phone: (503) 397-4091  
FAX: (503) 397-6582

June 29, 2018

Planning Commission  
City of St Helens  
Planning Department  
P O Box 278  
St Helens, Oregon 97051

RECEIVED  
JUL - 2 2018  
CITY OF ST. HELENS

Re: Marijuana Facility Proposal Conditional Use Permit CUP. 3.18

Dear Members of the Planning Commission:

This is to strongly object to granting of the conditional use to allow a pot shop at the corner of St Helens Street and South First Street, St Helens, Oregon.

For many years last past I have had an interest in a building which is I believe less than 1000 feet from the front entrance of the proposed site for the pot shop. The downstairs of our building is presently rented to a church which provides child care services for children. I believe that the intent of your code which prohibits such conditional use applies to this circumstance regarding the placing of pot shops too close to where children are.

- Your code provides that No marijuana retailer and/or medical marijuana dispensary shall be permitted to locate within 1,000 feet of any public or private: child care facility; preschool; elementary school; or junior, middle, or high school that lawfully exists at the time the Conditional Use Permit application is deemed complete.
- Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the proposed marijuana retailer and/or medical marijuana dispensary, to the closest property line of the property upon which the child day care or school is located

In addition for at least the last 82 years there has been a movie theatre known as the Columbia Theater which has as most of its customers children of all ages and who are school age. The front of the theater where children come and go is within 1000 feet of the proposed facility.

Even closer to the proposed site is a place which provides exercise and climbing facilities for persons of all ages but I have noted that many persons who use that facility look like teenagers who most probably are of school age.

In addition the proposed site is the first building along the street that anyone sees in entering the old down town area of St Helens. The city has in the past gone to some effort to enhance the

down town area and try to get interest in using down town. There was a costly and substantial study about this and I do not remember anyone suggesting that one of the businesses to promote should be a pot dispensary. What kind of image does this project when the city has as many as 15,000 persons attending an event like Halloween Town, which has mostly young and school age children participating?


How many pot shops does St Helens need, and does it need one at the beginning of the street known as Down Town St Helens?

There has been a rumor afloat in St Helens that the City is already too involved with the promotion of Pot. Is this one more nail in the city's plan to become the pot capital along the Columbia River?

Recommendations of what I think the Commission should do:

1. Deny the application based upon your codes, including the ones cited above,
2. Make it clear that down town St Helens is neither the place for, nor the business is welcome at this location,
3. Under **17.100.040** (b) Find that The characteristics of the site are not suitable for the proposed use considering size, shape, location, topography, and natural features;
4. And find under **17.100.040** (f) The use will NOT comply with the applicable policies of the comprehensive plan

Sincerely,



Agnes Marie Petersen

Agnes Marie Petersen  
Robert P. VanNatta

VanNatta & Petersen  
Attorney At Law  
P.O. Box 748 222 S. First Street  
St. Helens, Oregon 97051

Phone: (503) 397-4091  
FAX: (503) 397-6582

RECEIVED

June 28, 2018

JUL - 2 2018

CITY OF ST. HELENS

City of St. Helens  
P.O. Box 278  
St. Helens, Oregon 97051

Re: Marijuana Facility proposal      File No. Conditional Use Permit CUP .3.18

Dear Sirs,

I take notice of the public hearing on July 10, 2018, where you are asked to house a Dope store in downtown St. Helens.

It seems to me that this facility is unneeded. I think it is pretty well established, the green front liquor store in St. Helens has proven sufficient liquor to enable the worst in as many alcoholics as the city needs.

St. Helens already has two Pot Shops and I am unaware of any evidence that the existing retail outlets are unable to meet the needs of all the wannabe drug addicts in town. This proposed facility is within sight and sound of one of the cities few but much needed rehabilitation facilities, which incidentally provides some daycare to assist in its Recovery Program work.

While I understand (sort of) the enthusiasm of the city council for Drug related activity in town, I think there can be enough of it without this addition to the mix. I urge the council to deny this application.

Sincerely,

Robert P. VanNatta



Dear St. Helens planning commission:

I am submitting this letter in opposition to the conditional use permit, CUP .3 .18 by applicant Robert Lee to establish a marijuana retailer in an existing building at location 100 St Helens Street, Map No. 4N1W – 3B A – 3700. I am writing this letter in opposition as I do not feel the proposed use is appropriate for the location. At a recent planning commission meeting a Conditional E Permit was approved for 231 S. 1st St. for educational use as a childcare center. I believe that the current application for marijuana retail space is well within 1000 feet Of 231 S. 1st St. Therefore should not be allowed or permitted for the proposed use.

Further more, with recent changes in the legalization of the sale of marijuana, I myself have been approached to rent space to such operations. It is very profitable as a landlord to rent to such tenants. I have decided to forgo the economic benefits as a landlord in the belief that it is not in the best interest of the community to have marijuana sales in an area that attracts and supports engagement of our youth.

I also feel that the planning commission is vested to represent the best interests of the community. First Street is a central location for many events and activities for youth of our community. It is also close to the CrossFit gym which provides programs for development of youth athletics and training. The movie theater caters to a younger population with matinee programs and many productions which attract a younger age audience. It just doesn't make sense to have a marijuana retail operation in such close proximity to activities which attract young members of our community.

For the health of our community and in support of healthy alternatives for our youth. I implore the Planning Commission to reject the conditional use Permit, CUP.3.18.

Respectfully submitted,

Elliot Michael  
503-341-3056

RECEIVED

JUL 10 2018

CITY OF ST. HELENS

Unfortunately I am out of town visiting with my daughters family. If there are any questions you may have, please do not hesitate to call me before or during the meeting.

City Planning Commission, St Helens, Oregon

Conditional Use Permit CUP.3.18

Hearing July 10, 2018 7:30 p.m. 100 St Helens Street, St Helens, Oregon 97051.

Images which testify against a Pot Shop at the Corner of St Helens Street and South First Street, St Helens, Oregon.

1. Little Spooks Parade which starts at the address of the proposal. Red Arrow On left of photo people are standing in front of the June 12, 2018 approved Child Care Facility. Across the Street is the Church which encourages rehabilitation and has Child Care available for attendees.
2. Little Spooks which were in the parade, Down Town St Helens, Oregon.
3. Little Spooks Parade further down the Street than Photo #1.
4. Photo of girl with pot and young people with Pot. What St Helens can be.
5. Draft Minutes of Planning Commission meeting of June 12, 2018 which granted a conditional use for a Child Care Facility within less than 1000 feet of the proposed facility in this request.
6. Economic Development Down Town St Helens, what it has been, and what can be gone forever, if this proposal is allowed.

Shall we be "Halloween Town" for children, or shall we be "Pot Town on the River"?





7/2/2018

560318a719c4b.image.e.jpg (1029x684)











Youngsters participate in The Chronicle's Little Spooks Parade



Should we have more pot shops, right where the children are !

Look what we can have for all ages in St Helens , Oregon !





