

# **City of St. Helens**

## **Planning Commission Meeting**

### **August 11, 2015**

### **Minutes**

**Members Present:** Al Petersen, Chair  
Dan Cary, Vice Chair  
Sheila Semling, Commissioner  
Audrey Webster, Commissioner  
Kathryn Lawrence, Commissioner

**Members Absent:** Greg Cohen, Commissioner  
Russell Hubbard, Commissioner

**Staff Present:** Jacob Graichen, City Planner  
Jennifer Dimsho, Assistant Planner & Planning Secretary

**Councilors Present:** Ginny Carlson, City Council Liaison

**Others Present:** Oscar Nelson  
Brenda Fielding  
Mandy Sill  
Jennifer Plahn  
Lauren Terry  
Carl Coffman

The Planning Commission meeting was called to order by Chair Al Petersen at 7:00 p.m. Chair Petersen led the flag salute.

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### **Consent Agenda**

#### **Approval of Minutes**

Commissioner Webster moved to approve the minutes of the July 14, 2015 Planning Commission meeting. Vice Chair Cary seconded the motion. Motion carried with all in favor. Chair Petersen did not vote as per operating rules.

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### **Topics From The Floor**

There were no topics from the floor.

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## **Deliberations**

**Jennifer Plahn & Bing Theobald**  
**Conditional Use Permit / CUP.3.15**  
**365 S. Columbia River Hwy**

Chair Petersen was not in attendance during the public hearing last meeting, but he read the minutes and listened to the audio recording of testimony. He does not have any ex-parte contact. No one in the audience objected to his ability to make a fair decision.

Graichen said no additional testimony was submitted while the record was left open. The record closed on July 28, 2015 at 5 p.m. and deliberations may commence.

The Commission feels the four conditions as presented in the staff report are sufficient.

## **MOTION**

Commissioner Semling moved to approve the Conditional Use Permit with conditions as written in the staff report. Commissioner Lawrence seconded. All in favor; none opposed; motion carries.

Vice Chair Cary moved for Chair Petersen to sign the Findings and Conclusions once prepared. Commissioner Semling seconded. All in favor; none opposed; motion carries.

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## **Public Hearing**

**Jennifer Plahn & Bing Theobald**  
**Conditional Use Permit / CUP.4.15**  
**1809 Columbia Blvd.**

It is now 7:07 p.m. and Chair Petersen opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

Jacob Graichen entered the following items into the record:

- Staff report packet dated August 4, 2015 with attachments

Graichen discussed the recommended conditions of approval as presented in the staff report. He also noted that St. Helens business license law currently requires compliance with federal law. Marijuana is still an illegal substance per the federal controlled substance act. City Council is scheduled to discuss this issue at tomorrow night's meeting. If granted, the Conditional Use Permit is valid for a year and a half, with potential for a one year time extension. Graichen said this could potentially allow time for the business license issue to be worked out.

Vice Chair Cary asked if daycare facilities were included in the 1,000 foot buffer from schools. Graichen said if the daycare facility is licensed, yes.

## **IN FAVOR**

**Nelson, Oscar. Applicant Representative.** Mr. Nelson has been running Sweet Relief in Astoria for over a year. The St. Helens location will be professionally run, similar to the highway location near Skinny's. The garbage will be locked, similar to the other location. Refuse will not contain cannabis. They comply with the

numerous mandatory state regulations imposed on marijuana dispensaries and are in constant communication with their state inspectors.

Chair Petersen asked about the southeastern internal door that leads to the adjacent building suite. Nelson said the state will require the door to be walled off or they will have to install security cameras inside their suite and in the adjacent suite. If the door is not a necessary exit, it will more than likely be walled off.

Vice Chair Cary asked from a market perspective, if this community could support two similar locations. Nelson said yes, the demographics support it. He said they will be able to develop a different atmosphere and character at each location over time, ultimately serving different niche markets.

## **IN OPPOSITION**

No one spoke in opposition.

## **END OF ORAL TESTIMONY**

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

## **CLOSE PUBLIC HEARING & RECORD**

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

## **DELIBERATIONS**

Commissioner Webster asked about the second egress without stairs. Chair Petersen said the size of the suite is only 500 square feet with what looks like a suite of offices as the previous use. This means it likely only had an occupant load of five, which does not meet the threshold for requiring a second egress. They do have a second egress, but without the stairs, it is unsafe. Chair Petersen said he was unsure about the retail square footage threshold for requiring a second egress.

The Commission agrees if the applicant chooses to store the trash outside, there should be a condition that the refuse area be screened and large enough to accommodate all of the dumpsters for the building. Even though the proposal is only for one suite within the building, it is unlikely there would be an application for the entire building. To advance the goals of the Development Code, the Commission feels it is reasonable to require this applicant to enclose all dumpsters for the building.

The Commission decided to let the building official address whether or not stairs are needed out of the second egress.

## **MOTION**

Vice Chair Cary moved to approve the conditional permit with an additional condition 2(c) to require a trash enclosure that is large enough to accommodate all occupants of the building. Commissioner Semling seconded. All in favor; none opposed; motion carries.

Commissioner Semling moved for Chair Petersen to sign the Findings and Conclusions once prepared. Commissioner Webster seconded. All in favor; none opposed; motion carries.

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## **Public Hearing**

**RP Oregon, Inc.**

**Conditional Use Permit / CUP.5.15**

**31 Cowlitz St.**

It is now 7:43 p.m. and Chair Petersen opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

Jacob Graichen entered the following items into the record:

- Staff report packet dated August 4, 2015 with attachments

Graichen discussed the recommended conditions of approval as noted in the staff report.

### **IN FAVOR**

**Terry, Lauren. Applicant.** Terry discussed some of the security features at the proposed location. There will be alarms at the exit, entry, and back window. They will have 24/7 security monitors through at least eight cameras in the shop. They will be working with an experienced security system provider who has worked with many other medical marijuana dispensaries. Products will be stored in secure safes and commercial grade locks will be installed on every door. They will have ID verification on entry. The products will be leaving in opaque, child-safe containers. No processing or consumption of product will take place on or around the dispensary. They will get a sign permit for any future signs. Terry said they are aware of the close proximity to the park and will ensure a family-friendly business frontage. They will temper the glass to obscure the inside from the street. They have not determined their hours of operations yet, but they are flexible.

### **IN OPPOSITION**

**Fielding, Brenda.** Fielding owns the building across the street from the Muckle Building. She thinks there is no way this business will be family friendly; it is a drug dealer. This development would counteract what the City is trying to accomplish with the Waterfront Redevelopment Project. Fielding said Columbia View Park is too close to this dispensary. Teenagers flood the park every summer and they will be able to easily have their 18-year old brother buy for them. Owning property on the waterfront, Fielding already feels like there is a parking issue, especially being a dead-end street. This business may be appropriate somewhere else, but it doesn't belong in Olde Towne, right on the waterfront. Fielding said we may not be able to keep marijuana businesses out St. Helens, but asked the Commission, do we really want to use our prime real estate for this purpose?

### **REBUTTAL**

**Terry, Lauren, Applicant.** Terry is from Roseburg, a small town in Oregon. She was voted Future First Citizen of her community and Junior Miss 2009. Terry feels we are in a time when society is redefining and learning more about this plant. Many of the marijuana patients have conditions where they can replace upwards of ten expensive and harmful prescription drugs that give them negative side effects and make it difficult to comfortably live life. They are able to replace these prescriptions with a more affordable, 100% natural product. She worked as a bud-tender for a respected dispensary in Portland called Pure Green. Terry said she watched fellow employees participate in Run for the Cure, donate money to Mercy Corps, and contribute canned foods every winter. She can't say that every dispensary cares about the community, but Terry said she isn't a drug dealer. She said she doesn't know what that means. She has worked in a dispensary and worked as a medical provider, but to use such black and white terms like "drug dealer" is

harmful. Terry said our state voted for marijuana to be recreationally available to more than just medical patients, so eventually their clientele will expand to buyers who are over 21 (not 18, as was mentioned). Terry said it's important to remember we are living in a time where the majority of the population supports this.

## **END OF ORAL TESTIMONY**

There was a request to continue the hearing or leave the record open. Fielding requested that the record be kept open for an additional seven days. Any person who testified may submit additional written testimony, argument, or evidence by 5 p.m. on August 18, 2015. The applicant agreed to the record being held open. The applicant may respond to any testimony received by 5 p.m. on August 25, 2015.

The applicant waived the opportunity to submit final written argument after the close of the record. The record will close August 25, 2015 at 5 p.m. Deliberations on the matter will commence at the regularly scheduled meeting on September 8, 2015 at 7 p.m.

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## **Public Hearing**

### **City of St. Helens**

### **Text Amendments / ZA.2.15**

### **Houlton Business District and Citywide**

It is now 8:10 p.m. and Chair Petersen opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

Jacob Graichen entered the following items into the record:

- Staff report packet dated August 4, 2015 with attachments

Graichen discussed the history of the Houlton Business District (HBD). During the building craze that preceded the Great Recession, there was concern that the HBD zone would be taken over by residential development demand. With some minor exceptions, the solution was to ban residential use on the first floor. Graichen noted several cases of homeowners trying unsuccessfully trying to sell their home and losing their grandfathered residential use after six months of discontinued use. The fear is that over time, this will contribute to blight in the HBD.

Graichen said the initial draft of the staff report recommended relaxing the HBD rule that was creating non-conforming residential properties after discontinued use for six months. This change would allow for the residential use to continue as a conforming use or be reinstated as a conforming use, regardless of the length of time the use has been discontinued. Graichen's alternative recommendation would be to use the mixed use zone's approach to residential uses as a model for the HBD zone. This recommendation would permit outright detached single-family dwellings, attached single-family dwellings, duplexes and dwellings above the first floor. It would conditionally allow multi-dwellings, dwellings on the same level as non-residential use, and auxiliary dwelling units.

Graichen explained the purpose of the recreational vehicle text amendments. This change will allow for better code enforcement of units that are being living in more than 14 days in a calendar year by expanding the rule from only the front yard to anywhere on the property. Graichen also recommends adding the use of recreational vehicles for medical hardship, as allowed by Temporary Use Permit in St. Helens Municipal Code Chapter 17.116. Currently, St. Helens Municipal Code Section 17.116.060 (3)(a)(ii) only allows living in a

mobile or manufactured home for medical hardships through Temporary Use Permit.

## **IN FAVOR**

There was no testimony in favor.

## **IN OPPOSITION**

There was no testimony in opposition.

## **DELIBERATIONS**

Chair Petersen thinks that not allowing residential on the first floor in the HBD is contributing to blight. Graichen said the residence by Dari Delish has been for sale for years and they have had buyer interest, but not as a commercial property, only as a residence. Further, lenders do not want to lend on a non-conforming residence because it is too risky. These cases contribute to blight. Graichen also noted some of the residential homes in the HBD zone are older. They may not be officially designated, but if they had a residential use that was permitted outright, they would contribute indirectly to historic preservation, instead of decaying because of non-use.

Chair Petersen thinks forcing houses that turn their water off for six months to convert to commercial is crazy. There are already existing vacant storefronts, so he asked why would a residence want to spend thousands to convert? Commissioner Lawrence agrees. She feels that mixed use zoning will put life back into neighborhoods.

The Commission prefers the mixed use alternative. At the next meeting, Graichen will present the new language for the HBD mixed use proposal and the medical hardship exception to the 14-day limit for living in a recreation vehicle with a valid Temporary Use Permit.

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## **Planning Administrator Site Design Review**

- a. Site Design Review at Lots 6-9, 21-24, Block 31, Old Portland Road - Outdoor Storage
- b. Site Design Review at SE corner of McNulty Way & Industrial Way - Warehouse
- c. Site Design Review *Amended* at Lots 6-9, 21-24, Block 31, Old Portland Road - Outdoor Storage

Vice Chair Cary clarified where exactly the development was occurring on at McNulty Way & Industrial Way. He delineated a wetland on the southern end of the property.

Commissioner Webster moved to accept the acceptance agenda. Commissioner Semling seconded. All in favor; none opposed; motion carries.

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## **Planning Director Decisions**

- a. Site Design Review (Minor) at 454 Milton Way – T-Mobile

There were no comments.

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### **Planning Department Activity Reports**

There were no comments.

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### **For Your Information Items**

High definition aerial footage of the Waterfront Redevelopment Project area was shown to the Commission from the WeAreStHelens YouTube channel.

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There being no further business before the Planning Commission, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Jennifer Dimsho  
Planning Secretary

### 2015 Planning Commission Attendance Record

*P=Present A=Absent Can=Cancelled*

Date	Petersen	Hubbard	Lawrence	Cohen	Cary	Semling	Webster
01/13/15	P	P	P	P	P	P	P
02/10/15	P	P	P	P	P	P	P
03/10/15	P	P	A	P	P	P	P
04/14/15	CAN	CAN	CAN	CAN	CAN	CAN	CAN
05/12/15	P	P	P	P	P	P	P
06/09/15	P	P	P	P	P	P	P
07/14/15	A	P	P	P	P	P	P
08/11/15	P	A	P	A	P	P	P
09/08/15							
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12/08/15							