

City of St. Helens
Planning Commission
August 11, 2015
Agenda

1. **7:00 p.m. Call to Order and Flag Salute**
2. **Consent Agenda**
 - a. Planning Commission Minutes dated July 14, 2015
3. **Topics from the Floor:** Limited to 5 minutes per topic (Not on Public Hearing Agenda)
4. **Public Hearing Agenda:** (times are earliest start time)
 - a. 7:00 p.m. **Deliberations** Conditional Use Permit at 365 S. Columbia River Hwy - Jennifer Plahn & Bing Theobald
 - b. 7:20 p.m. Conditional Use Permit at 1809 Columbia Blvd. - Jennifer Plahn & Bing Theobald
 - c. 7:40 p.m. Conditional Use Permit at 31 Cowlitz St. - RP Oregon, Inc.
 - d. 8:00 p.m. Text Amendments to the Houlton Business Zoning District and Citywide RV Regulations - City of St. Helens
5. **Acceptance Agenda: 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
7. **Planning Director Decisions:** (previously e-mailed to the Commission)
 - a. Site Design Review (Minor) at 454 Milton Way – T-Mobile
9. **Planning Department Activity Reports**
 - a. July 30, 2015
10. **For Your Information Items**
11. **Next Regular Meeting: September 8, 2015**

Adjournment

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City of St. Helens

Planning Commission Meeting

July 14, 2015

Minutes

Members Present:

Dan Cary, Vice Chair
Greg Cohen, Commissioner
Sheila Semling, Commissioner
Audrey Webster, Commissioner
Kathryn Lawrence, Commissioner
Russell Hubbard, Commissioner

Members Absent:

Al Petersen, Chair

Staff Present:

Jacob Graichen, City Planner
Crystal Farnsworth, Planning Secretary

Councilors Present:

Ginny Carlson, City Council Liaison

Others Present:

Carl Coffman
Oscar Nelson
Larry VanDolah
Joe Kessi
Cheryl VanDomelen
Kristy Bills
Jayne Brenneman
Jennifer Plahn

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

□

Consent Agenda

Approval of Minutes

Commissioner Webster said she voted on the minutes from the last meeting, but her name is not listed as voting.

Commissioner Cohen moved to approve the minutes of the June 9, 2015 Planning Commission meeting with changes as noted above. Commissioner Webster seconded the motion. All in favor; none opposed; motion carries. Commissioner Hubbard did not vote, as he did not arrive until after the consent agenda.

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Topics From The Floor

There were no topics from the floor.

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Public Hearing

Tater Rental, LLC

Variance / V.3.15

31 Cowlitz St.

It is now 7:01 p.m. and Vice Chair Cary 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 July 7, 2015 with attachments

Graichen reviewed the staff report with the Commission. The staff report findings are divided into three parts: the variance, the site design review, and the architectural review. The variance request is for an exception to the height restriction in order to add a fourth floor to the existing building. The height restriction in the Riverfront District is 45 feet; the applicant is requesting a building height of approximately 55 feet. The Commission will also have to take the Riverfront District Architectural Design Guidelines into consideration when making a decision.

Commissioner Webster asked about the proposed siding of the building and if it was typical of historic structures in the area. Graichen said from an age standpoint, the siding meets the Architectural Design Guideline standards.

Commissioner Cohen asked if any neighbors commented on the additional height. Graichen said no. Commissioner Lawrence asked if neighbors on Nob Hill were notified of the application and had any comment. Graichen said the radius to receive a mailed notice for a variance is 100 feet, so they were only notified indirectly through advertisement in The Chronicle.

IN FAVOR

Coffman, Carl. Applicant. Property Owner. Coffman said he has been very nervous about putting money into the Muckle Building because the return on investment is risky. If he is going to restore the building, get people to come downtown, and increase economic vitality of the area, providing access to the view on top of the building is crucial. He said filling commercial space in other projects has been difficult, but he feels the Muckle Building will be more successful at filling the retail space if he can create a must-see viewpoint on top. He does not have a siding preference and will comply with the preference of the Planning Commission.

Commissioner Hubbard asked what the overhead doors will be made out of. Coffman's goal was to pick something subtle and non-reflective. Coffman said they are installing a black roof, so it will not be blinding. He wants to use muted colors to blend in with the existing building. He plans on using dark colors for the door.

Commissioner Lawrence said board and batten can be a risky choice because it can look very good or very bad. She hopes that it will be a good quality board and batten. Coffman says he has high expectations for

the material and the look of the building. The exterior color of the building will match the brick exterior.
IN OPPOSITION

None 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

The Commission agreed that they liked the design of the building and that the materials appear to meet the Riverfront District's Architectural Design Guidelines.

MOTION

Commissioner Lawrence moved to approve the variance permit with the conditions as presented in the staff report. Commissioner Webster seconded.

Coffman noted that he would like three foot overhangs to be approved as part of the proposal instead of the two feet presented in the proposal.

The motion was withdrawn.

Commissioner Webster moved to approve the variance with the conditions as presented in the staff report, with the modification of an approved three foot overhang instead of a two foot overhang. Commissioner Semling seconded. All in favor; none opposed; motion carries.

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

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Commissioner Lawrence would like the ADA parking space standards to be reviewed by City Council and staff.

Commissioner Lawrence made a motion to recommend that at least one on-street ADA space be designated as part of the Muckle Building development. Commissioner Semling seconded.

Commissioner Webster thinks that an ADA parking space should not be a requirement of a specific development, but reviewed for the entire Riverfront District area.

All in favor; none opposed; motion carries.

□

Public Hearing

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

It is now 7:51 p.m. and Vice Chair Cary opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

Vice Chair Cary noted that he has known Jennifer Plahn for several years, but he does not feel that this will affect his ability to make a fair decision. He will also not be voting as he is chairing the meeting.

Jacob Graichen entered the following items into the record:

- Staff report packet dated July 7, 2015 with attachments

Graichen reviewed the staff report with the Commission. The application is to establish a medical marijuana establishment in an existing suite. There were comments from the City's Police Chief related to the business license rules. Graichen said that the business license is a separate matter for the City Council to decide. The Planning Commission is simply reviewing the Development Code aspect of the application.

Commissioner Cohen asked, since a new use is being created at this location, does the Commission take that into consideration when determining the number of required parking spaces? Graichen said yes. The **net** spaces for a new use is what would be required. If the Commission is concerned, they could require the applicant provide a detailed parking analysis, but Graichen thinks the current spaces at the site are adequate per the existing parking standards.

IN FAVOR

VanDolah, Larry. Applicant Representative. VanDolah entered a written packet into the record. VanDolah said that there is adequate parking on site for this new use and they plan on requiring employees to carpool to work in order to minimize parking impacts. They will have a dumpster on site for garbage that will have a bar used to lock and secure the dumpster. He has spoken with neighbors in the area, and they have not heard any complaints about parking. They expect one to two customers per hour. They would like to operate 11 a.m. to 7 p.m. if that is allowed.

Milson, Oscar. He is a co-owner of Sweet Relief in Astoria. They have been very successful this past year and have zero off-street parking. They have been busy and have had no issues with parking. The transactions are very quick. He would like the Commission to consider that in regards to this proposal.

Kessi, Joe. He said he is neither in favor or opposition of the proposal. He owns rental properties behind Skinny's. He is not sure about the parking. He would like to see a new business go into the area, but he may have concerns with the lack of parking spaces. He would like the record to be left open for written testimony so that he can look further into the parking issue.

Councilor Carlson asked if he notices any lighting issues in the area. Kessi said that lighting is an issue.

IN OPPOSITION

None spoke in opposition.

REBUTTAL

VanDolah, Larry. Applicant Representative. VanDolah said he would like to work with Kessi and is willing to meet to discuss the parking issue further with him if he would like.

END OF ORAL TESTIMONY

There was a request to continue the hearing or leave the record open. Kessi requested the record be left open for seven days. Written testimony will be closed after July 21, 2015 at 5 p.m. The applicant agreed to the record being left open, and will have the opportunity to respond or rebut anything submitted into the record. The applicant's deadline for response or rebuttal is July 28, 2015 at 5 p.m.

CLOSE PUBLIC HEARING & RECORD

The applicant did not waive the opportunity to submit final written argument, since the record is left open for a period of time. The deadline for any final written argument will be 5 p.m. on July 28, 2015. Deliberations on the matter will commence at the regularly scheduled meeting on August 11, 2015 on or after 7 p.m.

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Planning Director Decisions

- a. Accessory Structure Permit at 75 River Way - David & Susan Branch
- b. Temporary Use Permit at 2295 Gable Rd. – TNT Fireworks/St. Helens Band Patrons
- c. Sign Permit (Banner) at 2100 Block of Columbia Blvd. – Columbia County Fairgrounds

There were no comments.

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Planning Department Activity Reports

There were no comments.

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For Your Information Items

There were no comments.

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There being no further business before the Planning Commission, the meeting was adjourned at 8:30 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							
09/08/15							
10/13/15							
11/10/15							
12/08/15							



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
RE: Conditional Use Permit CUP.3.15 @ 365 S. Columbia River Hwy
DATE: July 28, 2015

As a quick refresher, CUP.3.15 is a proposal to convert a long time real estate office into a marijuana dispensary.

At the July 14, 2015 Planning Commission hearing for CUP.3.15, the applicant submitted a trash plan into the record. It is attached to this memo for your review.

Also, there was a request to leave the record open for seven days for written testimony after the hearing, with an additional seven days following that for the applicant to rebut/respond. That time period has passed and nothing additional was submitted for the record.

The record is now closed. The commission will begin deliberations on August 11, at the regularly scheduled meeting.

These 4 pages Submitted by Applicant at
JULY 14, 2015 PLAN-
COMM.
HEARING

FILE = CAP. 3.15

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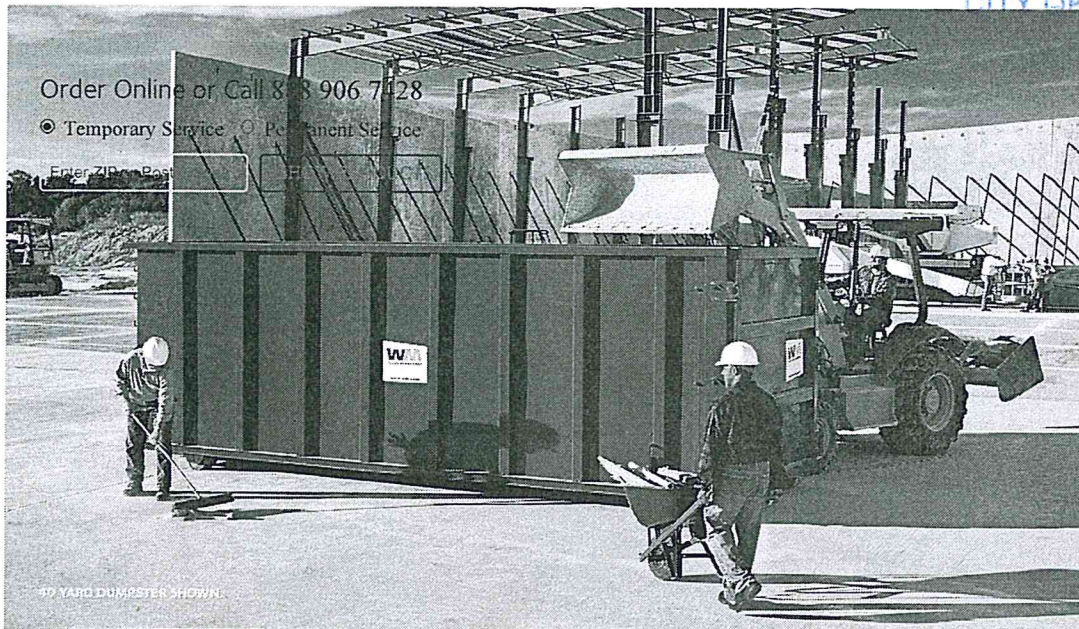
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[Think Green*](#)

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We've made it easy.

Waste Management's small business dumpster rental allows you to quickly find the right size dumpster for your project, schedule delivery and pay, all in just a few clicks.

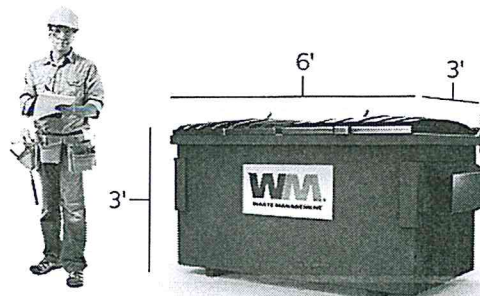
[Temporary Service](#) [Permanent Service](#)

[What's the difference?](#)

2 Yard Dumpster

The 2-Yard Dumpster is good for small restaurants, medical clinics, and companies with up to 25 employees.

Not available in all areas



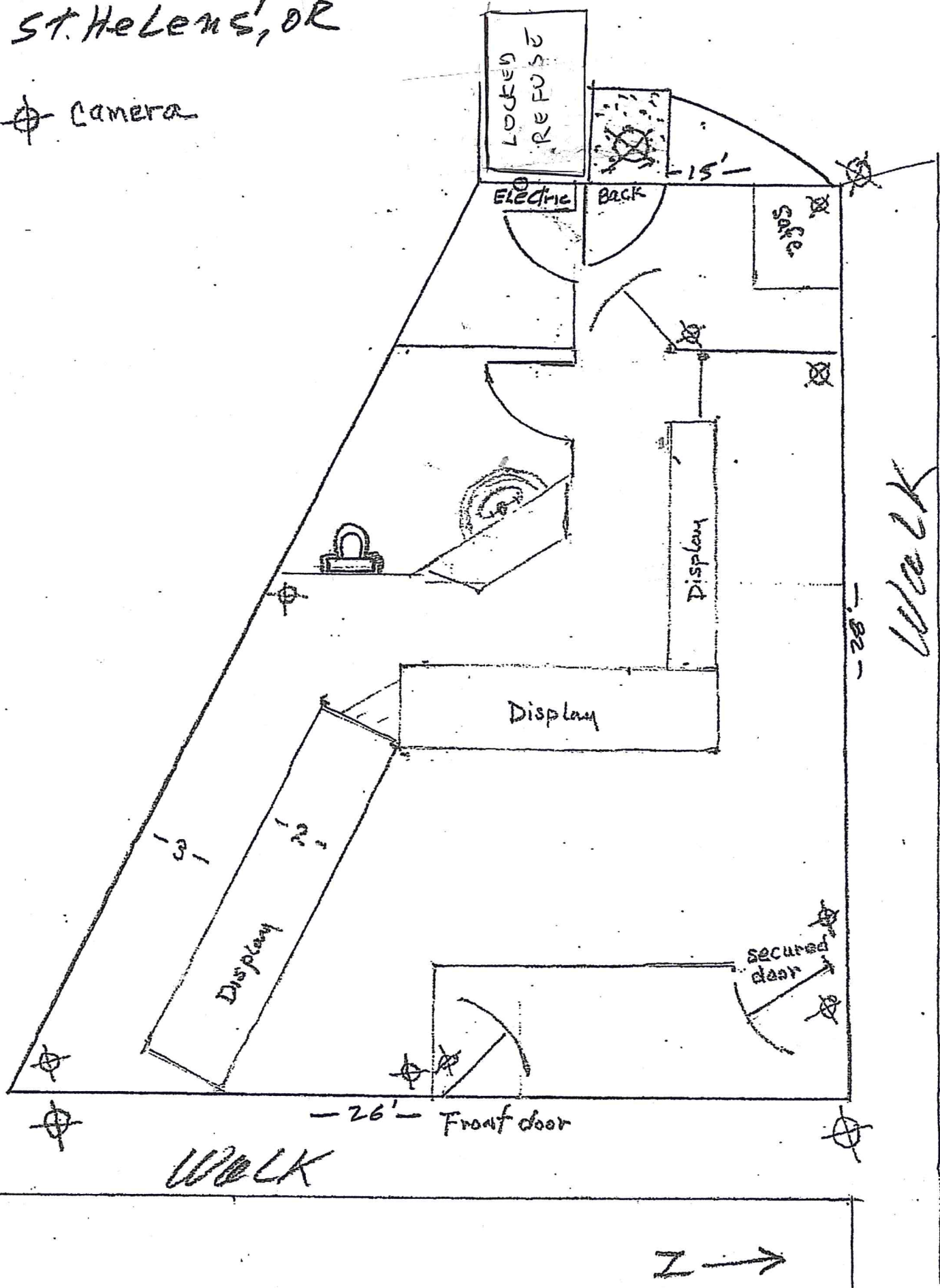
Example of bar used to lock and secure the dumpster:



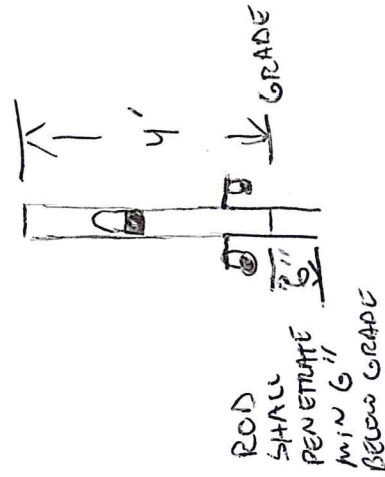
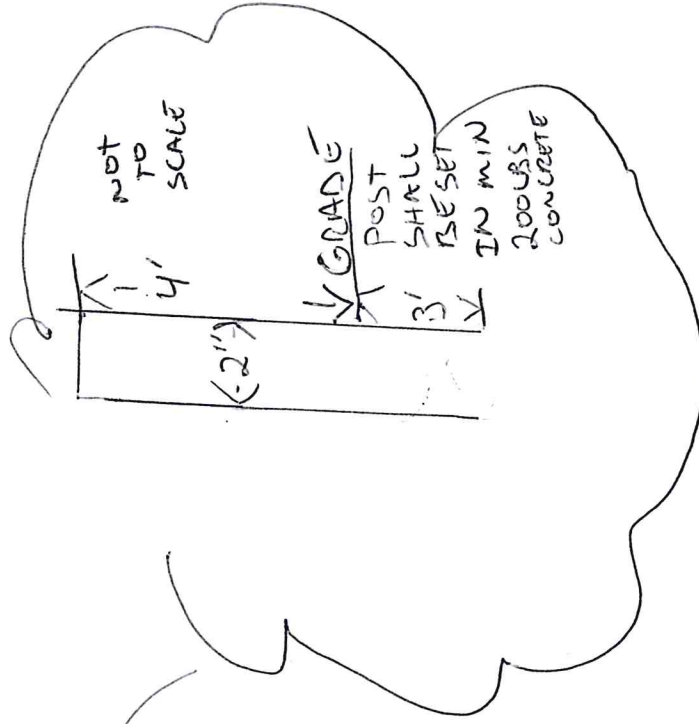
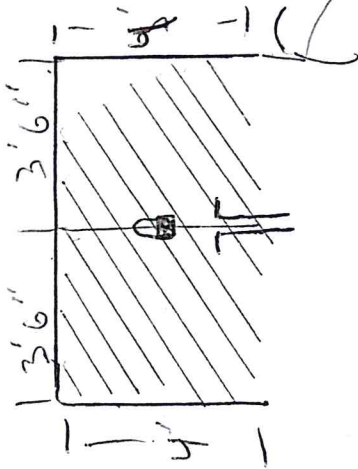
FLOOR PLAN (PROPOSED)

365 So. Hwy 30
ST. HELENS, OR

⊕ Camera



DUMPRSTER SHALL BE ENCLOSED WITH
 TYPICAL CHAIN LINK FENCE.
 WE SHALL PROVIDE WASTE MANAGEMENT A KEY TO LOCK.



**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Conditional Use Permit CUP.3.15**

DATE: July 7, 2015
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Jennifer Plahn & Bing Theobald
OWNER: Judith Ann Weigandt

ZONING: Highway Commercial, HC
LOCATION: 365 S. Columbia River Highway; 4N1W-5DA-12600
PROPOSAL: Establish a medical marijuana dispensary in an existing suite.

The 120-day rule (ORS 227.178) for final action for this land use decision is Oct. 16, 2015.

SITE INFORMATION / BACKGROUND

The site is fully developed with multiple businesses. One of suites is a real estate office; this is the proposed location of the medical marijuana dispensary.



Front and side view of subject suite.



Back and side view of subject suite.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: July 14, 2015 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on June 24, 2015 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 July 1, 2015.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, the following agency referrals/comments have been received that are pertinent to the analysis of this proposal:

City Police Chief: According to the St. Helens Municipal Code:

The city may deny or revoke a license upon finding that:

- (a) The applicant fails to meet the requirements of this chapter, or is doing business in violation of this chapter, zoning regulations, or applicable federal, state, county, or local law.

It suffices to say that if the City cannot issue a business license, I see no reason for the planning commission to entertain this proposal.

It is my opinion that a rush to authorize dispensaries in this community, in advance of new legislation is foolish. Let other communities be the test market for this. I ask that St. Helens lead the way on this issue rather than follow our neighbors down a road that may lead us to disaster.

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. This site operates as a multiple suite/business property.

(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. Other than that, there is no evidence to the contrary.

The Commission may consider off-street parking (see below).

(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 Highway 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:

The subject property is within an identified sensitive land: the 100-year floodplain per the Federal Emergency Management Agency (FEMA). This is also known as the Special Flood Hazard Area (SFHA) as identified by FIRM Map No. 41009C0456D and more specifically address in Chapter 17.46 SHMC.

No watercourse is proposed to be altered nor is the development within a floodway. A building subject to improvement is required to meet the applicable flood standards if it falls within the definition of a “substantial improvement” per Chapter 17.46 SHMC:

“Substantial improvement” means reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed...

As this will not involve new construction but only tenant improvement work, this proposal would not constitute a substantial improvement.

With regards to off-street parking the site has approximately 40 off-street parking spaces on the subject property. There are multiple businesses on the property now: gas station and related market with food and beverage, Columbia Hearing Center, a drive-through coffee business (separate building) and a real estate office. The proposed use will take over the real estate office.

All structures together do not appear to exceed 8,000 square feet in area. $8,000/40 = 200$, or in other words, there is about one space per 200 square feet of building. Generally, 1 space per 200 square feet equals or exceeds the amount required for each use. However, this doesn't include parking for employees (required by some off-street parking categories) or a shared parking agreement (Instrument 2008-8600 and 2008-8601 as recorded with the County Clerk) with and to the adjoining property (4N1W-4CB-2700).

The proposed use will likely have a greater off-street parking demand compared to an office use. Whether or not the available off-street parking will be able to absorb the proposed use is a key question. Generally, what is available can be assumed to be sufficient, but if there is a problem now, this proposal would likely increase that problem. **The Commission should see if there is any public testimony about current off-street parking problems, to help consider this issue.**

The site has some landscaping. This proposal doesn't warrant additional vegetation/pervious area.

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

Discussion: The proposal does not appear to be contrary to any Comprehensive Plan policy.

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 closest known day care or school as listed per SHMC 17.100.150(3)(p)(i), is at 174 Sunset Boulevard, a distance of approximately 1,100 feet.

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

Finding(s): There are no other known retailers or dispensaries within the St. Helens city boundary or St. Helens' urban growth area.

Using the prescribed method of measurement, there is a CUP application for the same use at 1809 Columbia Boulevard, a distance of approximately 2,400 square feet. Thus, no distance conflict between the two applications. There is also a CUP application for 31 Cowlitz, much further away.

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

Finding(s): The subject suite is part of a permanent building and a temporary use is not being sought.

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

Finding(s): not addressed

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

Finding(s): This shall be a condition of approval in additional to overall compliance with the Development Code.

In regards to the comments from the Police Chief (see Agency Comments section above), the City addresses business licenses in Chapter 5.04 SHMC. This chapter requires a business license for most businesses conducting business within city limits. Here is a quick summary of this chapter:

- All business licenses are issued by the city recorder after a finding by the city administrator that the applicant has met all requirements of Chapter 5.04.
- There are certain license requirements that apply, including that businesses abide by all federal, state and local laws, zoning regulations, and provisions of Chapter 5.04.
- The City may deny or revoke a license for several reasons, which includes but is not limited to failing to meet the requirements of Chapter 5.04; or doing business in violation of Chapter 5.04, zoning regulations, or applicable federal, state, county or local law.

According to current federal law, Marijuana is not a legal substance.

The CUP and Business License are separate issues. The Commission has no authority over business licenses. Conditional Use Permits can remain valid for a year-and-a-half, with a potential one year extension (with an approved application for such). It's possible that within the validity time period of the CUP (up to 2.5 years), the business license issue gets resolved separately. If it doesn't the CUP conditions are not met and the approved use cannot commence (if the CUP is approved). In short, the business license clause matters for a use authorized by the CUP to operate, but isn't necessarily basis for CUP denial.

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. There are dwellings adjacent to the site to the NW, but the ones along the south side of Little Street are within the HC zone and considered existing non-conforming.

Findings: <<as per the commission, if any>>

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Conditional Use Permit with the following conditions:

1. This **Conditional Use Permit** approval is valid for a limited time pursuant to SHMC 17.100.030.
2. 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. Proof that the facility is licensed by the appropriate State agencies shall be submitted to the City.
 - b. Any marijuana retailer and/or medical marijuana dispensary shall have refuse containers or refuse collection areas that are secure from entry outside the facility. Applicant shall submit plans for approval to the City for review and approval demonstrating how this will be addressed.
3. The proposal shall comply with the applicable state and local laws.
4. 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.

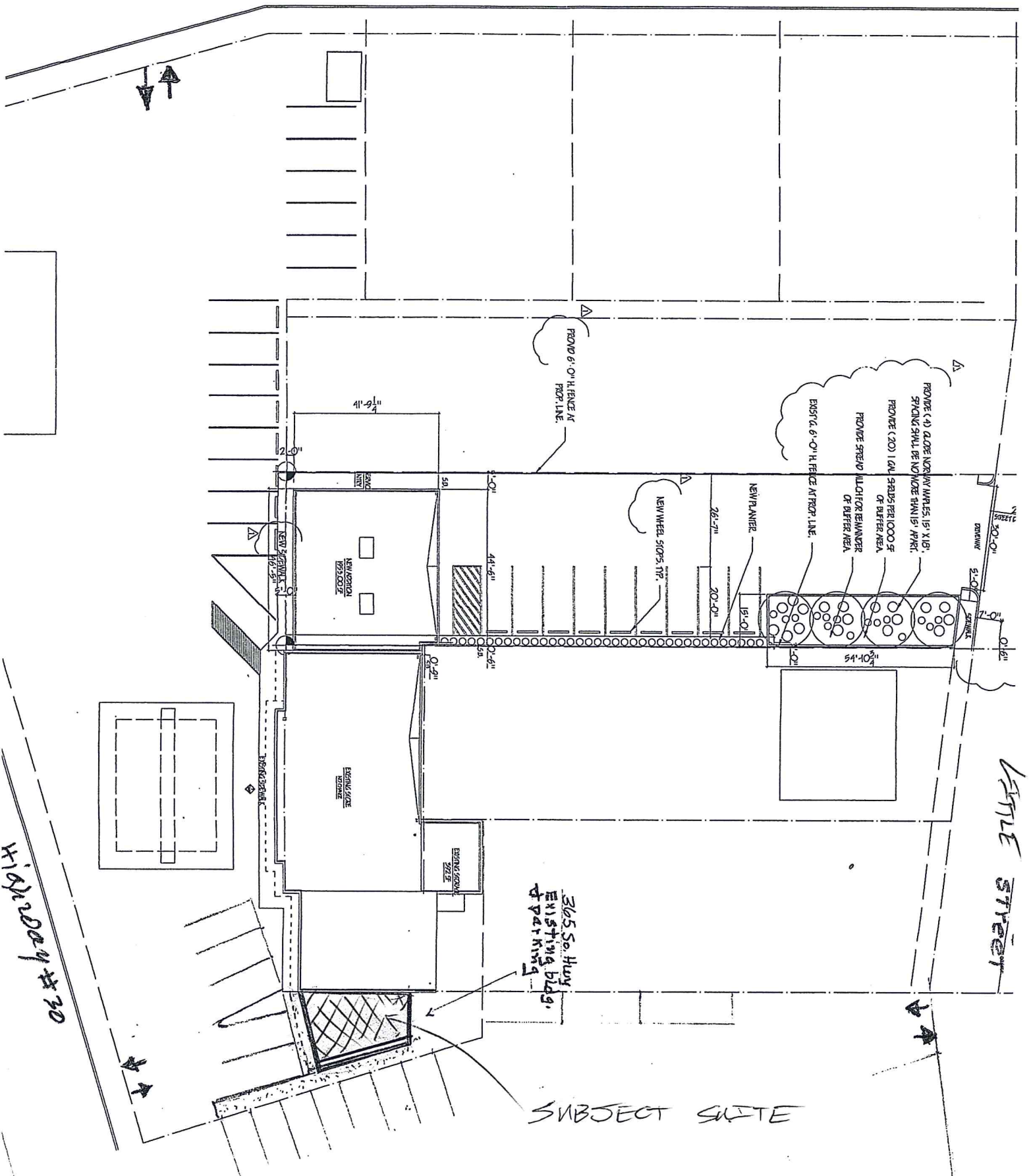
Attachment(s): Site Plan

Floor plans (existing and proposed)

Pictures of subject suite (2)

Map of ingress, egress and parking easements (from file LLA.8.08)

Veronia Rd.



applicant
Jennifer plahn
~~Bing Theobald~~
344 N 2nd St
St Helena

Sheet Name

00113
Project Number

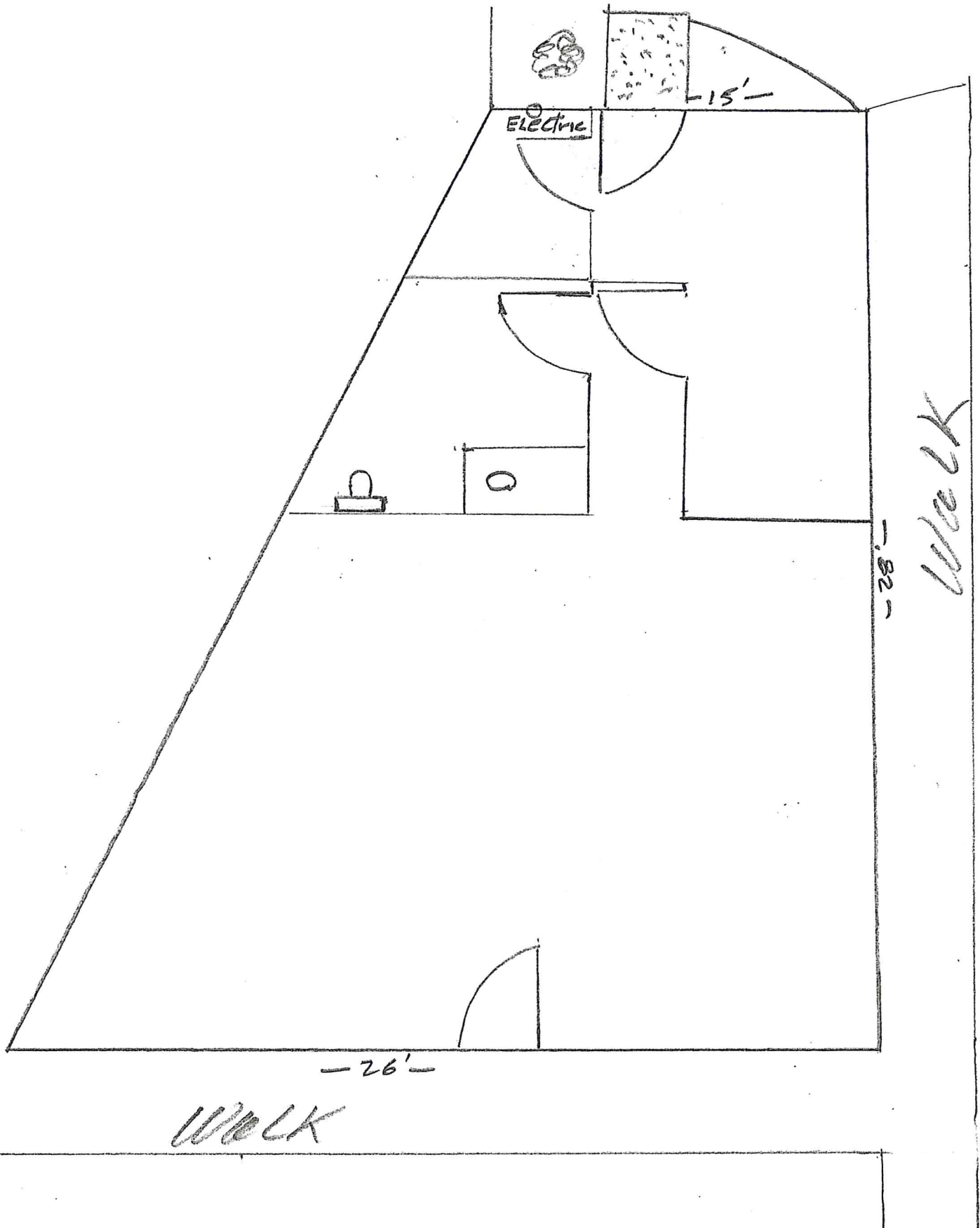
6/15/14

OLIVER
Judi / WAYNE WEIGANDT
365 SO. COLUMBIA RIVER HWY.
ST. HELENS, OR 97051

[illegible]

FLOOR PLAN (EXISTING)

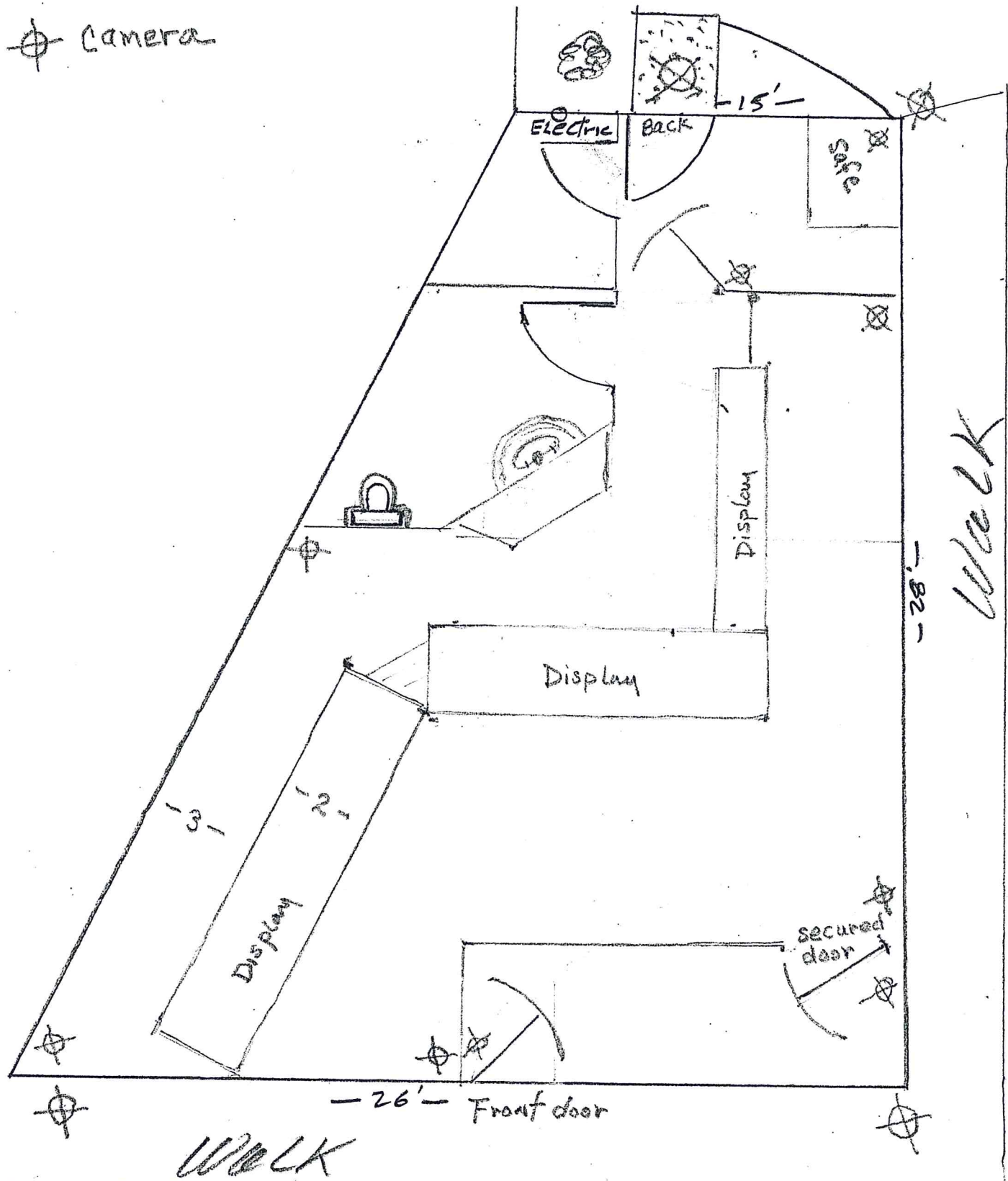
365 So. Hwy 30
ST. HELENS, OR



FLOOR PLAN (PROPOSED)

365 So. Hwy 30
St. Helens, OR

⊕ Camera





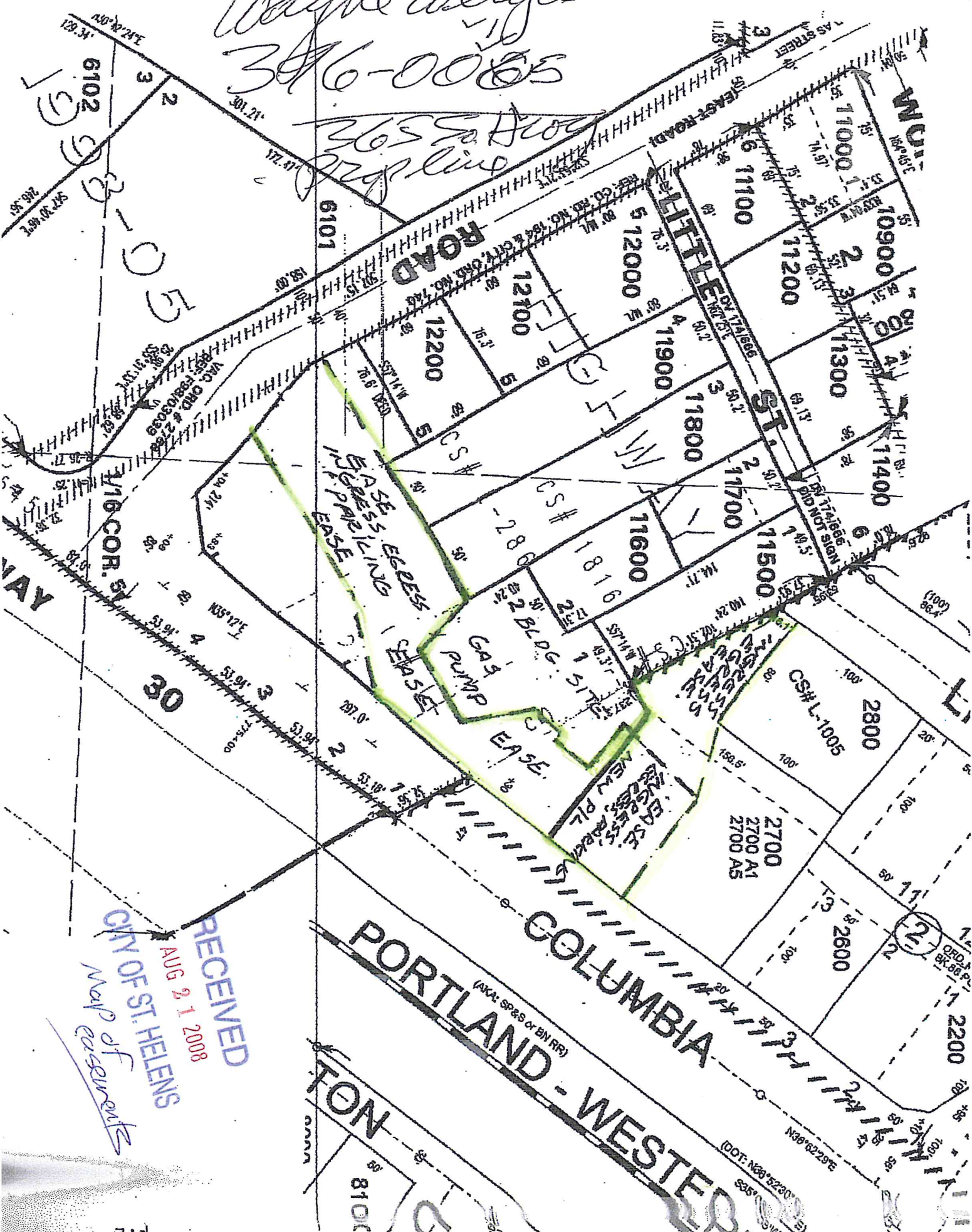


NOTICE
THIS AREA IS
UNDER 24
HOUR VIDEO
SURVEILLANCE

365

Ray Weigart
397-225

Wayne Weigand
346-0085
2655 Ave
Portland



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CITY OF ST. HELENS
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CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Conditional Use Permit CUP.4.15

DATE: August 4, 2015
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Jennifer Plahn & Bing Theobald
OWNER: Marion K. Christensen Trust

ZONING: Houlton Business District, HBD
LOCATION: 1809 Columbia Boulevard; 4N1W-4CA-100
PROPOSAL: Establish a medical marijuana dispensary in an existing suite.

The 120-day rule (ORS 227.178) for final action for this land use decision is Oct. 17, 2015.

SITE INFORMATION / BACKGROUND

The site is fully developed with a single attached building with multiple suites. One of suites is the proposed location of the medical marijuana dispensary.



Columbia Boulevard (front) view of the subject property. The subject suite is in the center just left of the Decoy Barn. The Decoy Barn is on a different property.



Back (N. 18th Street or Church Street) view of the subject property. The subject suite is the back door lacking stairs to the far left.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: August 11, 2015 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on July 21, 2015 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 July 29, 2015.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, the only referral/comment of significance is from Columbia River Fire and Rescue. See attached letter dated July 30, 2015.

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. This site operates as a multiple suite/business property.

(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.

Due to a lack of stairs, platform, landing and such from the back door of the suite (several feet above grade), the secure trash requirements may necessitate access improvements on the back side of the building. 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.

Other than that, there is no evidence to the contrary.

(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 Houlton Business District. “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, note that the HBD zone includes an off-street parking provision as follows:

No additional or new on-site parking is required for sites with existing development footprint coverage in excess of 50 percent of the site area (change of use or remodeling without a change to the existing footprint of existing development is also exempt).

The subject property is approximately 5,720 square feet in size. The multiple suite building on the property has a footprint of approximately 50’ x 60’ or 3,000 square feet. 3,000 is 52% of 5,720, thus, off-street parking requirements are generally exempt.

However, because this is a Conditional Use Permit, the Commission can require parking related conditions, if such is determined to be warranted. See **SHMC 17.100.040(3)** below.

The site is also void of landscaping. 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. This is potentially feasible since almost half of the site is just a gravel area behind the building.

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

Discussion: The proposal does not appear to be contrary to any Comprehensive Plan policy.

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 closest known day care or school as listed per SHMC 17.100.150(3)(p)(i), is the St. Helens Middle School at 354 N. 15th Street, a distance of approximately 1,520 feet.

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

Finding(s): There are no other known retailers or dispensaries within the St. Helens city boundary or St. Helens' urban growth area.

Using the prescribed method of measurement, there is a CUP application for the same use at 365 S. Columbia River Highway, a distance of approximately 2,400 square feet. Thus, no distance

conflict between the two applications. There is also a CUP application for 31 Cowlitz, much further away.

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

Finding(s): The subject suite is part of a permanent building and a temporary use is not being sought.

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

Finding(s): not addressed.

In this case, due to a lack of stairs, platform, landing and such from the back door of the suite (several feet above grade), the secure trash requirements may necessitate access improvements on the back side of the building. 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.



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

Finding(s): This shall be a condition of approval in addition to overall compliance with the Development Code.

The City's business license law warrants discussion for informational purposes. The City addresses business licenses in Chapter 5.04 SHMC. This chapter requires a business license for most businesses conducting business within city limits. Here is a quick summary of this chapter:

- All business licenses are issued by the city recorder after a finding by the city administrator that the applicant has met all requirements of Chapter 5.04.
- There are certain license requirements that apply, including that businesses abide by all federal, state and local laws, zoning regulations, and provisions of Chapter 5.04.
- The City may deny or revoke a license for several reasons, which includes but is not limited to failing to meet the requirements of Chapter 5.04; or doing business in violation of Chapter 5.04, zoning regulations, or applicable federal, state, county or local law.

According to current federal law, Marijuana is not a legal substance.

The CUP and Business License are separate issues. The Commission has no authority over business licenses. Conditional Use Permits can remain valid for a year-and-a-half, with a potential one year extension (with an approved application for such). It's possible that within the validity time period of the CUP (up to 2.5 years), the business license issue gets resolved separately. If it doesn't the CUP conditions are not met and the approved use cannot commence (if the CUP is approved). In short, the business license clause matters for a use authorized by the CUP to operate, but isn't necessarily basis for CUP denial.

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.

Findings: <<as per the commission, if any>>

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Conditional Use Permit with the following conditions:

1. This **Conditional Use Permit** approval is valid for a limited time pursuant to SHMC 17.100.030.

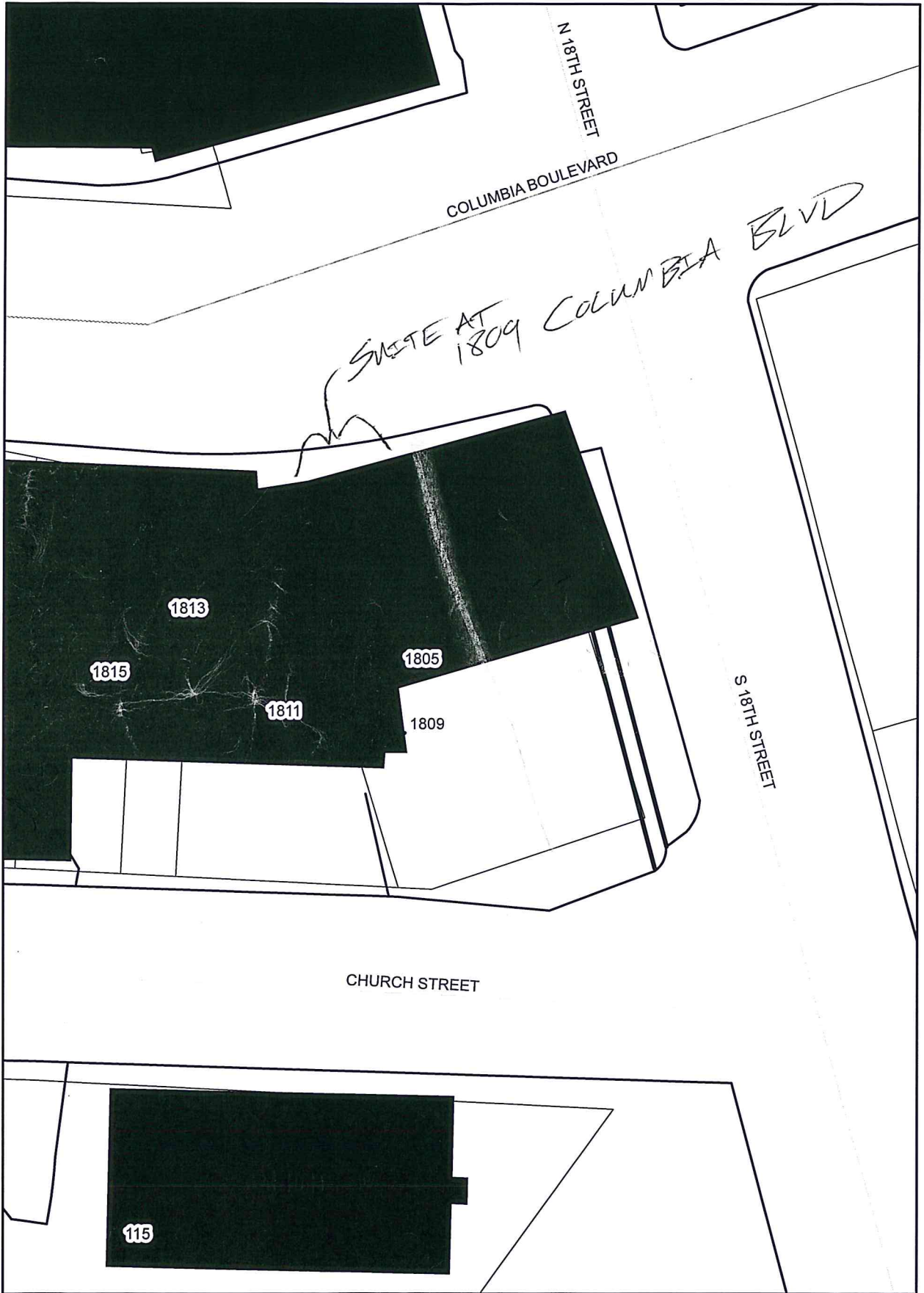
2. The following shall be required prior to Certificate of Occupancy, final inspection (if no Certificate of Occupancy is required) by the City Building Official, or commencement of the proposal:
 - a. Proof that the facility is licensed by the appropriate State agencies shall be submitted to the City.
 - b. Any marijuana retailer and/or medical marijuana dispensary shall have refuse containers or refuse collection areas that are secure from entry outside the facility. Applicant shall submit plans for approval to the City for review and approval demonstrating how this will be addressed.

In this case, due to a lack of stairs, platform, landing and such from the back door of the suite (several feet above grade), the secure trash requirements may necessitate access improvements on the back side of the building. Any improved secure trash area for this proposal would also need to be screened as required by Chapter 17.72 SHMC since the subject property lacks any trash/refuse collection enclosures.

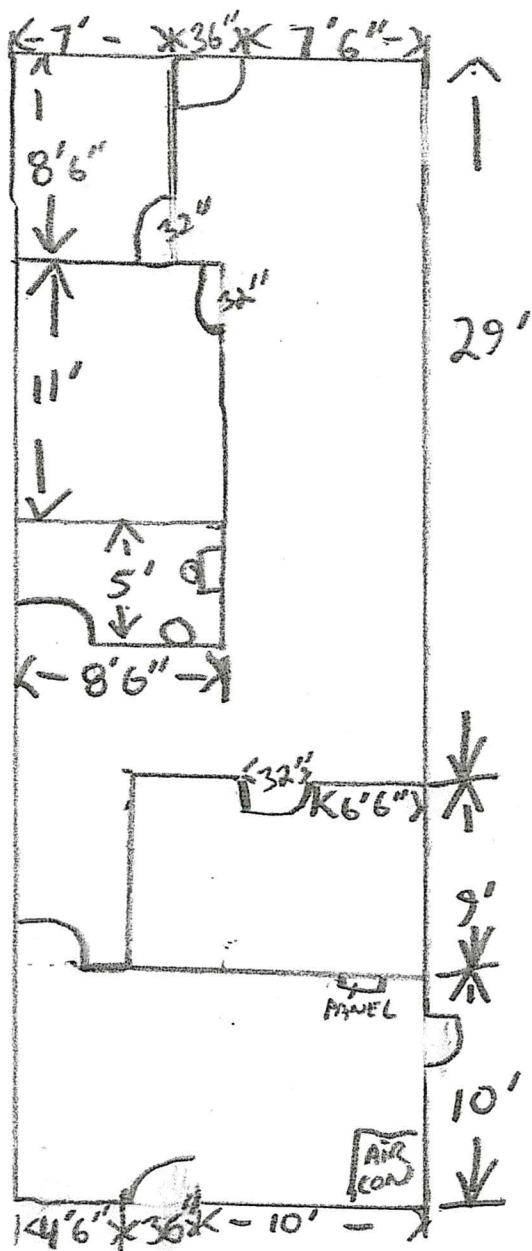
3. The proposal shall comply with the applicable state and local laws.
4. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17). In addition, this approval does not exempt the requirements of or act as a substitute for review of other City departments (e.g., Building and Engineering) or other agencies.

Attachment(s): Site Plan

Floor plans (existing and proposed)
Pictures of subject suite (1)
Letter from CRFR dated July 30, 2015



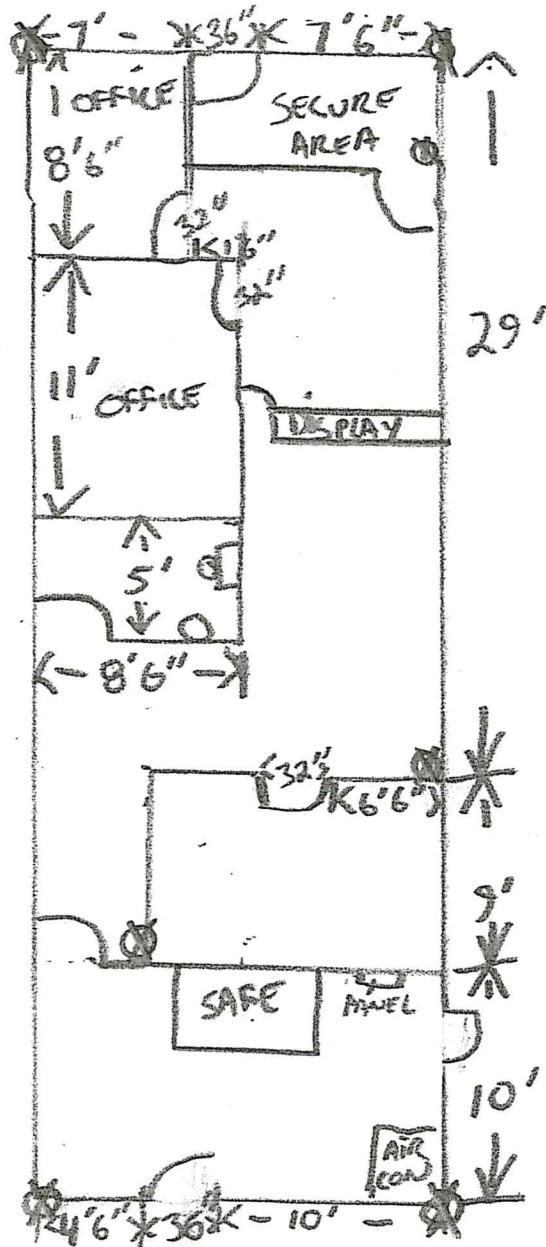
EXISTING



$$\frac{1}{8}'' = 1'$$

COLUMBIA CLUB

PROPOSED



PARKING
N 10th ST

PARKING

☼ = SECURITY CAMERA

$\frac{1}{8}'' = 1'$





Columbia River Fire & Rescue

Fire Chief's Office

270 Columbia Blvd * St Helens, Oregon * 97051

Phone (503)-397-2990x101 * www.crfr.com * FAX (503)-397-3198

July 30, 2015

Jennifer Dimsho, Planning
City of St. Helens
265 Strand Street
St. Helens, OR 97051

RE: **Jennifer Plahn & Bing Theobald**
Conditional Use Permit / CUP.4.15
4N1W-4CA-100
1809 Columbia Blvd.

Dear Jennifer:

I have done a preliminary review of the above application to place a marijuana dispensary business at the above-noted location. While I have strong reservations concerning the City's wisdom in allowing this type of occupancy on a main thoroughfare in St. Helens, I am statutorily constrained to only comment on Fire Code issues. The two biggest areas of Fire Code concern are water supplies for firefighting purposes and adequate access to the building for fire apparatus. The existing hydrant system and the street/parking lot access appear to meet the above-mentioned requirements of the Code. Access for firefighters around the sides of the building also appears to be adequate.

Additionally, I have not been able to evaluate the building in question for other code compliance issues. I will need more information from the applicant and /or a walk-through inspection with the Building Official on the specific use(s) planned for this building. Other items include:

- Exits from the building.
- Storage of materials, especially flammable/combustible materials.
- Has ventilation been addressed?
- Built-in fire detection - smoke alarms (if applicable).

Smaller items like signage and fire extinguisher locations can be addressed prior to final occupancy.

Regards,

Jay M. Tappan

Jay M. Tappan
Chief/Acting Fire Marshal

cc: file

CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Conditional Use Permit CUP.5.15

DATE: August 4, 2015
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: RP Oregon, Inc.
OWNER: Tater Rental, LLC

ZONING: Riverfront District, RD
LOCATION: 31 Cowlitz Street (the Muckle Building); 4N1W-3BD-100
PROPOSAL: Establish a medical marijuana dispensary in an existing suite.

The 120-day rule (ORS 227.178) for final action for this land use decision is Oct. 22, 2015.

SITE INFORMATION / BACKGROUND

The site is fully developed with the historic Muckle Building. The building has been vacant for years but is being renovated for multiple uses, with non-residential on the first floor and residential units above, generally. One of the suites on the first floor is the proposed location of this proposal.

The location of this proposal is in a suite on the ground floor of the Muckle Building. This suite is located on the western side of the building along Cowlitz Street.



PUBLIC HEARING & NOTICE

Hearing dates are as follows: August 11, 2015 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on July 21, 2015 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 July 29, 2015.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, the only referral/comment of significance is from Columbia River Fire and Rescue. See attached letter dated July 30, 2015.

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. This site has been vacant for years, but has been under renovation recently. The bottom floor is intended to operate as a multiple suite/business property.

(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. Other than that, there is no evidence to the contrary.

(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 Riverfront District. "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.

Note that in the RD zone, signs are subject to that district's architectural design guidelines.

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, note that the RD zone includes an off-street parking provision as follows:

No additional or new on-site parking is required for sites with existing development footprint coverage in excess of 50 percent of the site area (change of use or remodeling without a change to the existing footprint of existing development is also exempt).

The Muckle Building's footprint takes up most of the area of the subject property (unquestionably >50%), thus, off-street parking requirements are generally exempt. In this case, there is no practical area for off-street parking on the subject property.

The site is also void of landscaping and there is little area available for such since the building's footprint takes up most of the site.

Note that street trees and a trash enclosure are already required before occupancy of the building per previous land use approvals (see files SDRm.3.15, SDRm.6.14, and SDR.2.11).

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

Discussion: The proposal does not appear to be contrary to any Comprehensive Plan policy.

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 closest known day care or school as listed per SHMC 17.100.150(3)(p)(i), is at 560 Columbia Boulevard, a distance of approximately 2,070 feet.

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

Finding(s): There are no other known retailers or dispensaries within the St. Helens city boundary or St. Helens' urban growth area.

Using the prescribed method of measurement, there is a CUP application for the same use at 1809 Columbia Boulevard, a distance exceeding 4,000 feet. Thus, no distance conflict between the two applications. There is also a CUP application for 365 S. Columbia River Highway, which is even further away.

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

Finding(s): The subject suite is part of a permanent building and a temporary use is not being sought.

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

Finding(s): not addressed.

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

Finding(s): This shall be a condition of approval in addition to overall compliance with the Development Code.

The City's business license law warrants discussion for informational purposes. The City addresses business licenses in Chapter 5.04 SHMC. This chapter requires a business license for most businesses conducting business within city limits. Here is a quick summary of this chapter:

- All business licenses are issued by the city recorder after a finding by the city administrator that the applicant has met all requirements of Chapter 5.04.
- There are certain license requirements that apply, including that businesses abide by all federal, state and local laws, zoning regulations, and provisions of Chapter 5.04.

- The City may deny or revoke a license for several reasons, which includes but is not limited to failing to meet the requirements of Chapter 5.04; or doing business in violation of Chapter 5.04, zoning regulations, or applicable federal, state, county or local law.

According to current federal law, Marijuana is not a legal substance.

The CUP and Business License are separate issues. The Commission has no authority over business licenses. Conditional Use Permits can remain valid for a year-and-a-half, with a potential one year extension (with an approved application for such). It's possible that within the validity time period of the CUP (up to 2.5 years), the business license issue gets resolved separately. If it doesn't the CUP conditions are not met and the approved use cannot commence (if the CUP is approved). In short, the business license clause matters for a use authorized by the CUP to operate, but isn't necessarily basis for CUP denial.

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.

Findings: <<as per the commission, if any>>

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Conditional Use Permit with the following conditions:

1. This **Conditional Use Permit** approval is valid for a limited time pursuant to SHMC 17.100.030.

2. 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. Proof that the facility is licensed by the appropriate State agencies shall be submitted to the City.
 - b. Any marijuana retailer and/or medical marijuana dispensary shall have refuse containers or refuse collection areas that are secure from entry outside the facility. Applicant shall submit plans for approval to the City for review and approval demonstrating how this will be addressed.
3. The proposal shall comply with the applicable state and local laws.
4. 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.

Attachment(s): Site Plan
Floor plan
Building elevations
Letter from CRFR dated July 30, 2015



Columbia River Fire & Rescue

Fire Chief's Office

270 Columbia Blvd * St Helens, Oregon * 97051

Phone (503)-397-2990x101 * www.crfr.com * FAX (503)-397-3198

July 30, 2015

Jennifer Dimsho, Planning
City of St. Helens
265 Strand Street
St. Helens, OR 97051

RE: **RP Oregon, Inc.**
Conditional Use Permit / CUP.5.15
4N1W-3BD-100
31 Cowlitz St.

Dear Jennifer:

I have done a preliminary review of the above application to place a marijuana dispensary business in the old Muckle Building in downtown St. Helens. While I have strong reservations on placing this type of occupancy in the business section of historic downtown St. Helens, I am statutorily constrained to only comment on Fire Code issues. The two biggest areas of Fire Code concern are water supplies for firefighting purposes and adequate access to the building for fire apparatus. The existing hydrant system and the street access appear to meet the above-mentioned requirements of the Code. Access for firefighters around the sides of the building also appears to be adequate.

Additionally, the building has been under reconstruction for quite some time and I have not been able to evaluate the building in question for other code compliance issues. I will need more information from the applicant and /or a walk-through inspection with the Building Official on the specific use(s) planned for this building. Other items include:

- Exits from the building.
- Storage of materials, especially flammable/combustible materials.
- Has ventilation been addressed?
- Built-in fire detection - - sprinkler system and smoke alarms (if applicable).

Smaller items like signage and fire extinguisher locations can be addressed prior to final occupancy.

Regards,

Jay M. Tappan

Jay M. Tappan
Chief/Acting Fire Marshal

cc: file

GENERAL ARCHITECTURAL NOTES:

- THESE NOTES ARE GENERAL IN NATURE AND ARE INTENDED TO SET MINIMUM STANDARDS FOR CONSTRUCTION. THE DRAWINGS SHALL GOVERN OVER THE GENERAL NOTES TO THE EXTENT SHOWN. FOR SPECIFIC REQUIREMENTS FOR STRUCTURAL ELEMENTS, SEE THE STRUCTURAL NOTES PROVIDED BY THE ENGINEER OF RECORD.
- THE CONTRACTOR ACKNOWLEDGES THAT HE HAS SATISFIED HIMSELF AS TO BE THE NATURE AND LOCATION OF THE WORK. ANY FAILURE BY THE CONTRACTOR TO ACQUAINT HIMSELF WITH ALL THE AVAILABLE INFORMATION WILL NOT RELIEVE HIM OF SUCCESSFULLY PERFORMING THE WORK.
- THE CONTRACTOR WILL PAY FOR AND OBTAIN ALL OTHER NECESSARY PLAN CHECKS AND PERMITS AS REQUIRED. ALL OTHER FEES, CERTIFICATES OF INSPECTION AND OF OCCUPANCY AS REQUIRED BY THE AUTHORITY HAVING JURISDICTION, ARE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL WORK SHALL BE PERFORMED IN STRICT COMPLIANCE WITH THE FOLLOWING CODES (LATEST EDITION).
- OREGON SPECIALTY CODE.
- UNIFORM BUILDING, MECHANICAL, PLUMBING AND ELECTRICAL CODES.
- ACI, ASCE AND NDS.
- ALL INTERNATIONAL BUILDING CODE STANDARDS SPECIFIED.
- COMPLY WITH ALL APPLICABLE LOCAL SAFETY CODES AND SPECIFICALLY THE OCCUPATIONAL SAFETY AND HEALTH ACT FOR THE CONSTRUCTION INDUSTRY.
- PERFORM ALL WORK IN A FIRE SAFE MANNER AND SUPPLY AND MAINTAIN ADEQUATE FIRST AID AND FIRE FIGHTING EQUIPMENT CAPABLE OF EXTINGUISHING INCIDENT FIRES.
- MATERIALS SHALL BE SO STORED AS TO INSURE THE PRESERVATION OF THEIR QUALITY AND FITNESS FOR THE WORK. WHEN CONSIDERED NECESSARY, THEY SHALL BE PLACED ON A CLEAN HARD SURFACE, NOT ON THE GROUND, AND/OR THEY SHALL BE PLACED UNDER COVER.
- THE CONTRACTOR TO ARRANGE AND PAY FOR ALL CONSTRUCTION UTILITIES. CONTRACTOR SHALL ARRANGE WITH THE APPROPRIATE POWER COMPANY THE INSTALLATION OF TEMPORARY POWER SERVICE AND PROVIDE TEMPORARY SANITARY FACILITIES. CONTRACTOR SHALL ARRANGE FINAL READING OF TEMPORARY METERS AND PROVIDE THE OWNER WITH COPIES OF UTILITY COMPANY RECEIPTS UPON REQUEST AND REMOVE ALL TEMPORARY SERVICES UPON COMPLETION OF THE PROJECT.
- THE CONTRACTOR SHALL MAINTAIN THE SITE TO PREVENT THE ACCUMULATION OF DEBRIS. THE CONTRACTOR SHALL MAINTAIN GOOD HOUSEKEEPING PRACTICES THROUGHOUT THE PROJECT DURATION. ALL FLOORS AND PAVEMENTS TO BE VACUUM CLEANED OR SWEEP WITH A HARD BRUSH BROOM. CLEAN BUILDING SURFACES AND APPLIANCES FREE FROM LABELS, STAINS, AND SOIL OF ALL KINDS WHEREVER LOCATED. HARDWARE POLISH WITHOUT PAINT AND OR DIRT MARKS AND IN PERFECT OPERATION AND ADJUSTMENT. FIXTURES, GLASS AND PLASTIC CLEANED AND POLISHED WITH ALL LABELS REMOVED, FOR FINAL ACCEPTANCE BY THE OWNER. OR FOR CONDITIONS MUTUALLY AGREED UPON BEFOREHAND. DO ALL CLEANING OF THIS SITE AND BUILDING AREAS INCLUDED IN THE WORK NECESSARY TO PLACE IN CONDITION FOR FINAL ACCEPTANCE OF THE WORK BY THE OWNER.
- THE DRAWINGS REPRESENT THE FINISHED STRUCTURE. UNLESS OTHERWISE NOTED, THEY DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL PROVIDE ALL METHODS AND EQUIPMENT NECESSARY TO PROTECT THE STRUCTURE, WORKMAN AND OTHER PERSONS, AND PROPERTY DURING CONSTRUCTION AND SHALL ENGAGE, AT HIS OWN EXPENSE, QUALIFIED PERSONS TO DETERMINE ALL NECESSARY PRECAUTIONARY MEASURES AND TO INSPECT SAME AT THE JOB SITE.
- MAINTAIN AT THE SITE COPIES OF BID DOCUMENTS, CONTRACT FORMS, PROJECT MANUAL, CONTRACT DRAWINGS, FIELD ORDERS, ADDENDA, CHANGE ORDERS, FIELD TEST RECORDS AND FIELD OBSERVATION REPORTS.

PLUMBING: (DESIGN BY OTHERS)

- PLUMBING SHALL BE IN ACCORDANCE WITH STATE AND LOCAL CODES THROUGHOUT.
- WATER HEATERS SHALL BE EQUIPPED WITH CODE APPROVED TEMPERATURE AND PRESSURE RELIEF VALVES AND SEISMIC RESTRAINT STRAPS. PROVIDE FLOOR DRAINS AND CONTAINMENT PANS FOR ELEVATED WATER HEATERS.
- COORDINATE WITH ELECTRICAL CONTRACTOR FOR ELECTRICAL REQUIREMENTS.

FIRE PROTECTION: (DESIGN BY OTHERS)

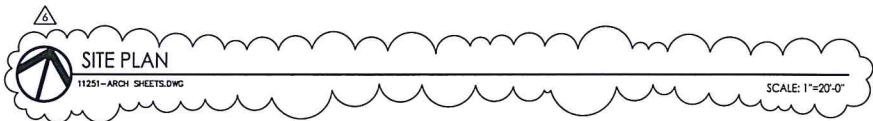
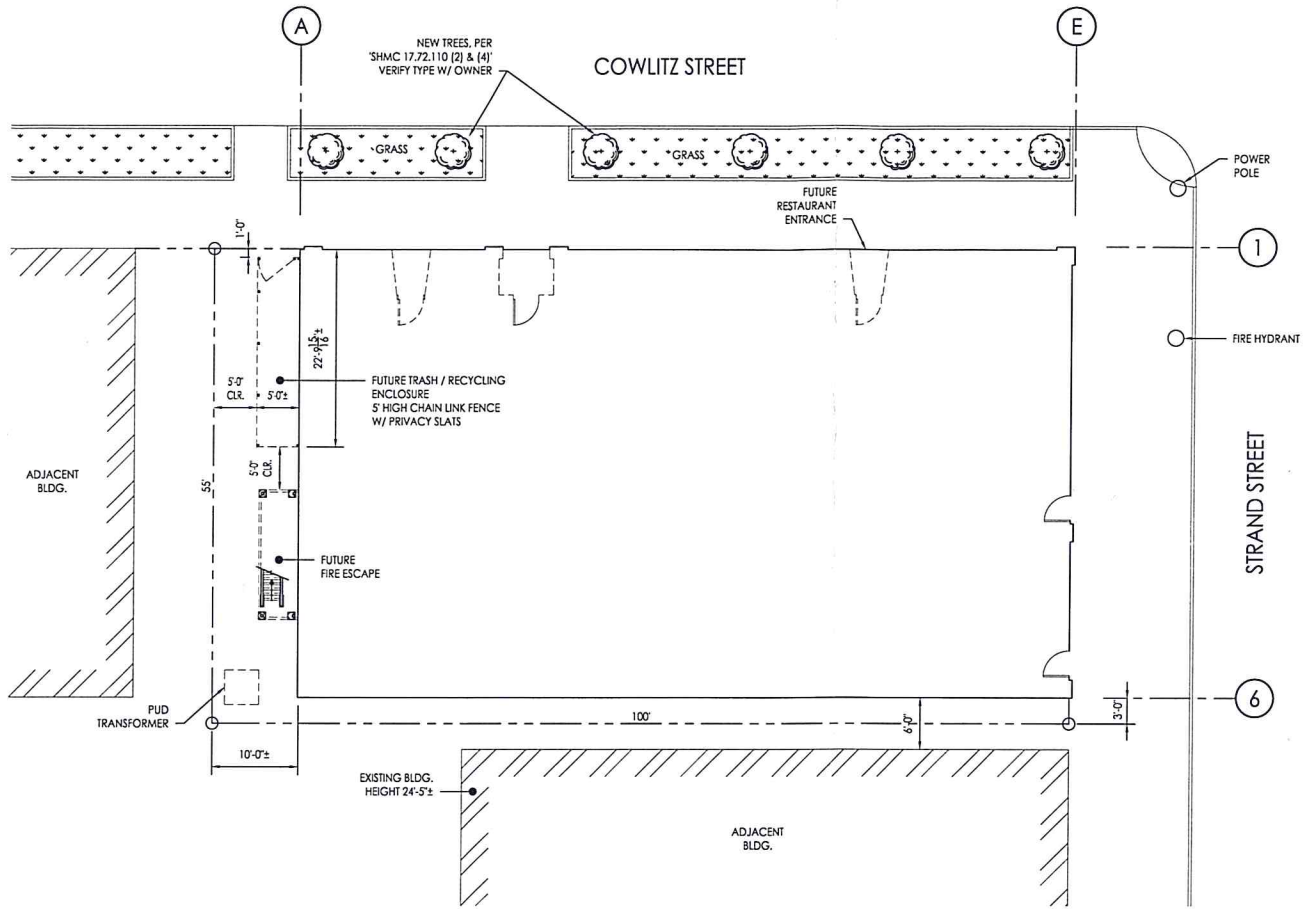
- FIRE PROTECTION PIPING AND COMPONENTS TO COMPLY WITH NATIONAL, STATE AND LOCAL CODES THROUGHOUT.

HEATING, VENTILATION, AIR CONDITIONING: (DESIGN BY OTHERS)

- ALL WORK SHALL CONFORM TO ALL APPLICABLE CODES, LAWS AND ORDINANCES.
- COMPLY WITH THE PROVISIONS OF U.B.C., TABLE 12-A AND OTHER AS INDICATED, FOR REQUIRED VENTILATION DESIGN CRITERIA.
- COORDINATE WITH ELECTRICAL CONTRACTOR FOR ELECTRICAL POWER AND CONTROL REQUIREMENTS.
- MOUNT THERMOSTATS AND OTHER CONTROL DEVICES BETWEEN 15 AND 48 INCHES ABOVE FLOOR LINE.
- PROVIDE OREGON NON-RESIDENTIAL ENERGY CALCULATIONS ON APPLICABLE FORM SHEETS.
- FREEZE PROTECTED AREAS ARE LIMITED TO 15 BTU/H.S.F. WITH A 45 DEGREES MAXIMUM THERMOSTAT SETTING.

ELECTRICAL: (DESIGN BY OTHERS)

- ELECTRICAL PLANS ARE DIAGRAMMATIC WITH INTENT TO SHOW ONLY POINT OF USE EQUIPMENT AND CONTROL. REQUIREMENTS ALL OTHER SYSTEM DESIGN BY OTHERS.
- WORK INCLUDED IN THESE SPECIFICATIONS AND ACCOMPANYING ELECTRICAL PLANS CONSISTS OF A COMPLETE INSTALLATION OF ALL INDICATED OR REQUIRED ELECTRICAL SYSTEMS.
- COORDINATE INSTALLATION OF TELEPHONE SERVICE WITH TELEPHONE COMPANY AND WITH OWNER.
- COMPLETE INSTALLATION IN STRICT ACCORDANCE WITH THE LATEST RULES AND CODES OF THE STATE AND LOCAL AUTHORITIES HAVING JURISDICTION AND TO THE REGULATIONS OF THE ELECTRIC AND TELEPHONE UTILITIES.
- TEST EACH SYSTEM FOR REQUIRED OPERATION. ALL SYSTEMS SHALL BE FREE OF GROUNDS OR FAULTS.
- ALL ELECTRICAL MATERIAL ITEMS TO BE U.L. APPROVED AND CONFORMING TO THE CODE.
- DESIGN AND PROVIDE SERVICE AND DISTRIBUTION SYSTEM TO EQUIPMENT INDICATED ON ELECTRICAL SCHEMATIC PLAN AND TO MECHANICAL CONTRACTOR'S HEATING, VENTILATING AND AIR CONDITIONING SYSTEM.
- MOUNT SWITCHES AT 48" ABOVE FLOOR TO DEVICE CENTERLINE, OUTLETS AT 15" TO CENTERLINE, UNLESS OTHERWISE INDICATED AT 48" TO CENTERLINE.
- LIGHT FIXTURES IN DIRECT CONTACT WITH INSULATION SHALL BE INSULATION COVERAGE (IC) RATED.
- PROVIDE (1) LIGHTING CONTROL FOR EACH 2000 SQUARE FEET MAXIMUM, OF SPACE ENCLOSED BY WALLS OR CEILING HEIGHT PARTITIONS, UNLESS EXCEPTIONS ARE NOTED.
- PROVIDE AUTOMATIC SHUT-OFF CONTROLS, OVERRIDING LOCAL SWITCHING, IN INTERIOR OFFICE AREAS LARGER THAN 2000 S.F.
- PROVIDE PHOTO-TIMER CONTROLS ON ALL EXTERIOR LIGHTING CIRCUITS, UNLESS OTHERWISE INDICATED.
- IF AREA(S) OF RESCUE ASSISTANCE ARE INDICATED, PROVIDE ILLUMINATED "AREA OF RESCUE ASSISTANCE" SIGN AND HOUSING DEVICES INC. ADA-100" VISIBLE AND AUDIO WARNING INTERCOMUNICATIONS SYSTEM) OR OTHER AS APPROVED BY STATE OF OREGON, ADA ADMINISTRATOR.
- PROVIDE OREGON NON-RESIDENTIAL ENERGY CALCULATIONS ON APPLICABLE FORM SHEETS.



GENERAL ADA NOTES:

- THE INTERNATIONAL SYMBOL OF ACCESSIBILITY SIGN SHALL BE DISPLAYED AT ALL ACCESSIBLE RESTROOM FACILITIES AND AT ACCESSIBLE BUILDING ENTRANCES UNLESS ALL ENTRANCES ARE ACCESSIBLE. IN ACCESSIBLE ENTRANCES SHALL HAVE DIRECTIONAL SIGNS INDICATING THE ROUTE TO THE NEAREST ACCESSIBLE ENTRANCE.
- RECEPIACLES ON WALLS SHALL BE MOUNTED NO LESS THAN 15" ABOVE THE FLOOR. EXCEPTION: HEIGHT LIMITATIONS DO NOT APPLY WHERE THE USE OF SPECIAL EQUIPMENT DICTATES OTHERWISE OR WHERE ELECTRICAL RECEPIACLES ARE NOT NORMALLY INTENDED FOR USE BY BUILDING OCCUPANTS.
- WHERE EMERGENCY WARNING SYSTEMS ARE PROVIDED, THEY SHALL INCLUDE BOTH AUDIBLE AND VISUAL ALARMS. THE VISUAL ALARMS SHALL BE LOCATED THROUGHOUT, INCLUDING RESTROOMS, AND PLACED 80" ABOVE THE FLOOR OR 6" BELOW CEILING, WHICHEVER IS LOWER.
- DOORS TO ALL ACCESSIBLE SPACES SHALL HAVE ACCESSIBLE HARDWARE (i.e. LEVER-OPERATED, PUSH-TYPE, U-SHAPED) MOUNTED NO HIGHER THAN 48" ABOVE THE FLOOR.
- FLOOR SURFACES SHALL BE STABLE, FIRM, AND SLIP-RESISTANT. CHANGES IN LEVEL BETWEEN 0.25" AND 0.5" SHALL BE BEVELED WITH A SLOPE NO GREATER THAN 1:2". CHANGES IN LEVEL GREATER THAN 0.5" REQUIRE RAMPS. CARPET PILE THICKNESS SHALL BE 0.5" MAX. GRATINGS IN FLOOR SHALL HAVE SPACES NO GREATER THAN 0.5" WIDE IN ONE DIRECTION. DOORWAY THRESHOLDS SHALL NOT EXCEED 0.5" IN HEIGHT.
- GRAB BARS REQUIRED FOR ACCESSIBILITY SHALL BE 1.25"-1.50" IN DIAMETER WITH 1.5" CLEAR SPACE BETWEEN THE BAR AND THE WALL.
- ACCESSIBLE WATER CLOSETS SHALL BE 17"-19" FROM FLOOR TO THE TOP OF THE SEAT. GRAB BARS SHALL BE 36" LONG MINIMUM WHEN LOCATED BEHIND WATER CLOSET AND 42" MINIMUM WHEN LOCATED ALONG SIDE OF WATER CLOSET, AND SHALL BE MOUNTED 33"-36" ABOVE THE FLOOR.
- ACCESSIBLE URINALS SHALL BE STALL-TYPE OR WALL HUNG WITH ELONGATED RIMS AT A MAXIMUM OF 17" ABOVE THE FLOOR.
- ACCESSIBLE LAVATORIES SHALL BE MOUNTED WITH THE RIM NO HIGHER THAN 34" ABOVE THE FLOOR AND A CLEARANCE OF AT LEAST 29" ABOVE THE FLOOR TO THE BOTTOM OF THE APRON.
- ACCESSIBLE SINKS SHALL BE MOUNTED WITH THE RIM NO HIGHER THAN 34" ABOVE THE FLOOR AND A CLEARANCE OF AT LEAST 27" HIGH, 30" WIDE, AND 19" DEEP UNDERNEATH SINK. THE SINK DEPTH SHALL BE 6.5" MAXIMUM.
- HOT WATER AND DRAIN PIPES UNDER ACCESSIBLE LAVATORIES AND SINKS SHALL BE INSULATED OR OTHERWISE CONFIGURED TO PROTECT AGAINST CONTACT. THERE SHALL BE NO SHARP OR ABRASIVE SURFACES UNDER ACCESSIBLE LAVATORIES AND SINKS.
- ACCESSIBLE LAVATORIES AND SINKS SHALL HAVE ACCESSIBLE FAUCETS (i.e. LEVER-OPERATED, PUSH-TYPE, ELECTRONICALLY CONTROLLED).
- WHERE MIRRORS ARE PROVIDED IN RESTROOM, AT LEAST ONE SHALL BE PROVIDED WITH THE BOTTOM EDGE OF THE REFLECTIVE SURFACE NO HIGHER THAN 40" ABOVE THE FLOOR.
- PROVIDE SOLID WOOD BLOCKING OR 12TH X 20 GA STL. STRAPPING WITHIN STUD SPACE AT ALL TOILET ROOM ACCESSORIES.
- WALLS WITHIN 24" OF URINALS AND WATER CLOSETS SHALL HAVE A SMOOTH, NOT ABSORBENT MATERIAL TO A HEIGHT OF 48" ABOVE THE FLOOR.

FINISH CARPENTRY:

GENERAL PROVISIONS

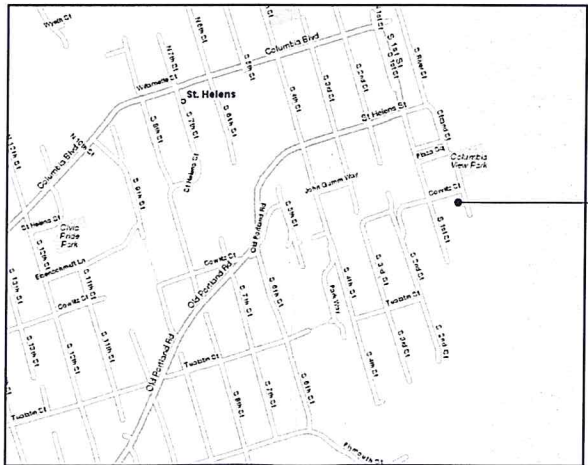
- SCOPE: FURNISH AND INSTALL EXPOSED WOOD TRIM, MILLWORK, CASEWORK, WOOD CABINETS, PLASTIC LAMINATES, AND WOOD SHELVING.
- NOTES:
 - MOISTURE CONTENT: FINISH WOODWORK MATERIALS SHALL BE KILN DRIED TO THE FOLLOWING MOISTURE CONTENT UNLESS OTHERWISE RECOMMENDED IN THE APPLICABLE "QUALITY STANDARDS" FOR REGIONAL CLIMATE CONDITIONS:
 - INTERIOR WOODWORK - 6% TO 11%
 - EXTERIOR WOODWORK - 9% TO 12%
 - FIELD MEASUREMENTS: ALL DIMENSIONS AFFECTING PREFABRICATED MILLWORK AND CASEWORK ITEMS SHALL BE FIELD VERIFIED PRIOR TO FABRICATION.
 - CONDITIONS: PROVIDE PROPER TEMPERATURE AND HUMIDITY REQUIREMENTS FOR WOODWORK INSTALLATION AREAS. INSTALL WOODWORK AFTER THE REQUIRED TEMPERATURE AND RELATIVE HUMIDITY HAVE BEEN STABILIZED IN INSTALLATION AREAS. MAINTAIN TEMPERATURE AND HUMIDITY CONDITIONS UNTIL ACCEPTANCE OF THE WORK BY THE OWNER.
- QUALITY CONTROL: WOODWORK SHALL COMPLY WITH ARCHITECTURAL WOOD WORK INSTITUTE (AWI) "QUALITY STANDARDS" EXCEPT WHERE OTHERWISE NOTED.
- SUBMISSIONS: SUBMIT FOUR (4) COPIES OF SHOP DRAWINGS OF ALL CABINETWORK AND MILLWORK ITEMS TO OWNER.

MATERIALS

- WOOD TRIM: FABRICATE WOOD TRIM TO DIMENSIONS, PROFILE AND DETAILS SHOWN. ROUTE OR GROOVE REVERSE SIDE OF TRIM MEMBERS WIDER THAN 4" TO BE APPLIED TO FLAT SURFACES EXCEPT FOR MEMBERS WITH ENDS EXPOSED IN THE FINISHED WORK. SECURE WITH FINISH NAILS STAGGERED AND COUNTER SINK, WITH PUTTY TO MATCH WOOD COLOR. MITER OUTSIDE CORNER AND CONTINUOUS JOINTS.
- WOOD PANELING: INSTALLATION PER MANUFACTURER'S INSTRUCTIONS.
- CABINETS, COUNTERTOPS, AND OTHER MILLWORK: COMPLY WITH AWI QUALITY STANDARDS FOR CUSTOM WORK.
- PLYWOOD: VERIFY WITH OWNER'S REPRESENTATIVE
 - WOOD TRIM: VERIFY WITH OWNER'S REPRESENTATIVE
 - PLASTIC LAMINATE: PROVIDE PLASTIC LAMINATE OF THE MANUFACTURER, COLOR, TEXTURE AND PATTERN AS CHOSEN BY OWNER'S REPRESENTATIVE.
- HARDWARE: ADJUSTABLE SHELF HARDWARE SHALL BE WALL MOUNTED SHELF STANDARDS WITH HEAVY DUTY BRACKETS AS SHOWN. VERIFY FINISH WITH OWNER'S REPRESENTATIVE.

DEFERED SUBMITTAL LIST:

- ELEVATOR
- FIRE SPRINKLER / FIRE ALARM
- MECHANICAL



SITE ADDRESS:
31 COWLITZ ST.

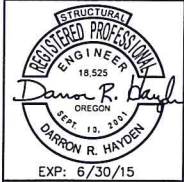
LEGAL DESCRIPTION:
TAX LOT: 9718
MAP NO. 401038D

LANDSCAPING:
NO LANDSCAPING REQUIRED

PARKING:
NO OFF STREET PARKING

SHEET INDEX:

NO.	DESCRIPTION
A1.0	GENERAL NOTES, SITE PLAN
A1.1	CODE SUMMARY / EGRESS PLANS
A1.2	EXISTING FLOOR PLANS
A2.0	PROPOSED GROUND FLOOR
A2.1	PROPOSED 2nd. FLOOR PLAN
A2.2	PROPOSED 3rd. FLOOR PLAN
A2.3	ROOF PLAN
A3.0	BUILDING ELEVATIONS
A4.0	DETAILS



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OWNER:

TATER RENTAL, LLC
OREGON CITY, OREGON

PROJECT:

MUCKLE BUILDING
31 COWLITZ STREET
SAINT HELENS, OREGON

SHEET CONTENT
SITE PLAN / VICINITY MAP
GENERAL NOTES

JOB No.

11251

DRAWN

CHECKED

DLM

DATE

06.25.13

REVISIONS

NO.	DESCRIPTION	DATE
1.	GROUND FLOOR TL	01.29.2014
2.	PEN. HOUSE / FIRE ESC.	08.11.2014
3.	REISSUE FOR PERMITTING	10.24.2014
4.	STRUCT. ONLY	08.11.2014
5.	STRUCT. ONLY	12.02.2014
6.	PLAN CHECK / FIRE ESCAPE	02.20.2015
7.	PLAN CHECK	03.13.2015

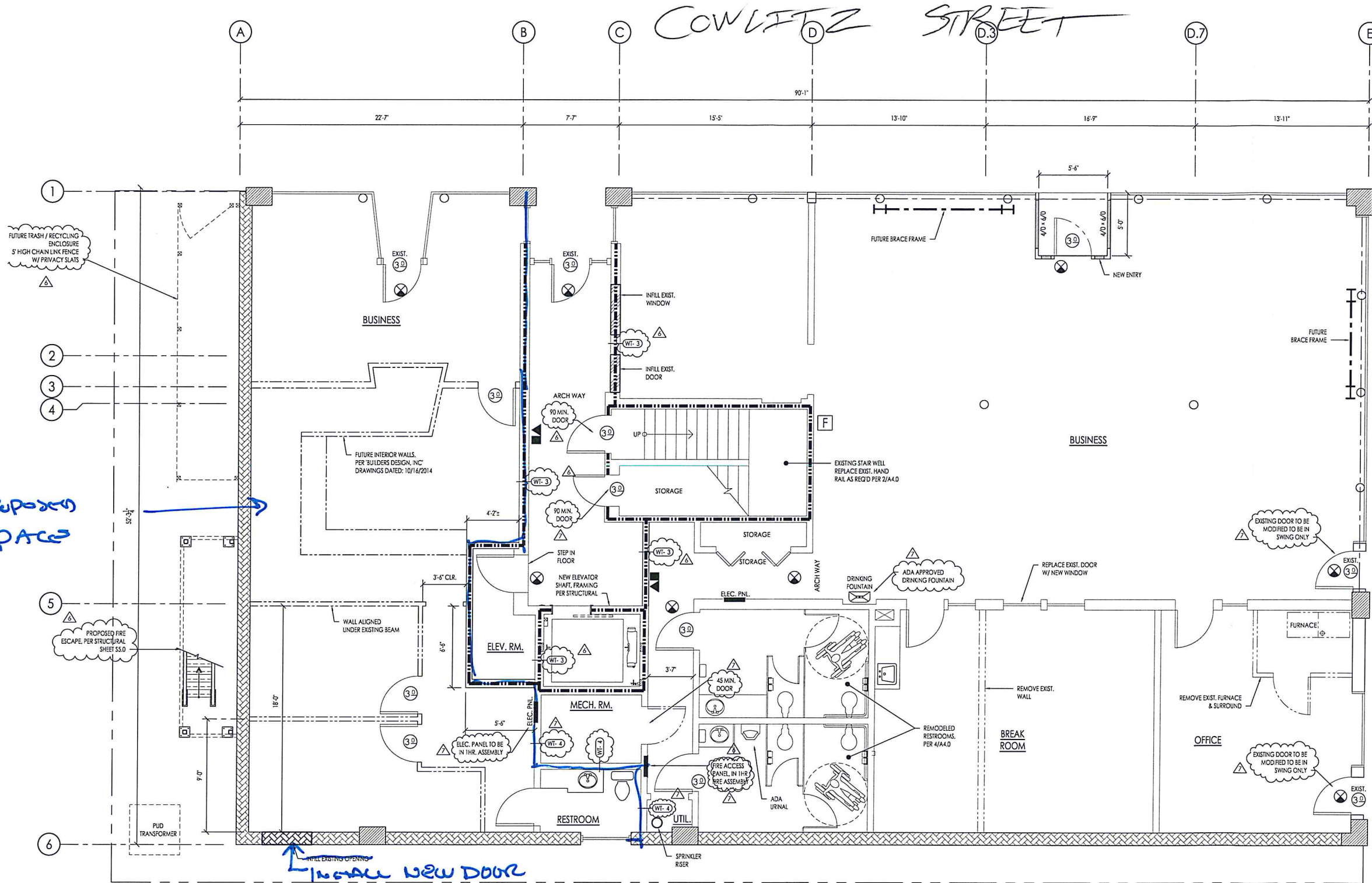
SHEET

A1.0 OF 9

3/11/2015 2:50 PM

Proposed
Space

STRAND



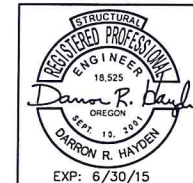
RESTROOM NOTES:

- WALLS:
WALLS WITHIN 2'-0" OF URINALS AND WATER CLOSETS SHALL HAVE SMOOTH, HARD, NONABSORBENT SURFACE THAT EXTENDS 4'-0" MIN. ABOVE FLOOR, EXCEPT FOR STRUCTURAL ELEMENTS THE MATERIALS USED IN SUCH WALLS SHALL BE OF A TYPE THAT IS NOT ADVERSELY AFFECTED BY MOISTURE.
** STYLE & COLOR, PER OWNER **
- COUNTER TOPS:
SHALL HAVE SMOOTH, HARD, NONABSORBENT SURFACE THAT EXTENDS 6" MIN. ON TO WALLS
** STYLE & COLOR, PER OWNER **
- COUNTER TOPS:
SHALL HAVE SMOOTH, HARD, NONABSORBENT SURFACE THAT EXTENDS 6" MIN. ON TO WALLS
** STYLE & COLOR, PER OWNER **

1 GROUND FLOOR PLAN
A2.0 MUCKLE - GROUND FLOOR.DWG

STORAGE

SCALE: 1/8"=1'-0"



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OREGON CITY, OREGON

PROJECT:
MUCKLE BUILDING
31 COWLITZ STREET
SAINT HELENS, OREGON

SHEET CONTENT
PROPOSED
GROUND FLOOR PLAN

JOB No.
11251

DRAWN CHECKED

DLM

DATE
06.25.13

REVISIONS
1. GROUND FLOOR T.I. 01.29.2014
2. FENT. HOUSE / FIRE ESC. 08.11.2014
3. RESUB FOR PERMITTING 10.24.2014
4. STRUCT. ONLY 08.11.2014
5. STRUCT. ONLY 12.02.2014
6. PLAN CHECK / FIRE ESCAPE 02.20.2015
7. PLAN CHECK 03.13.2015

SHEET
A2.0 OF 9



1 NORTH ELEVATION - EXISTING
A3.0 MUCKLE - ELEVATIONS.DWG

SCALE: 1/8"=1'-0"



2 EAST ELEVATION - EXISTING
A3.0 11251 - ARCH SHEETS.DWG

SCALE: 1/8"=1'-0"



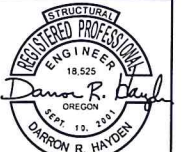
3 NORTH ELEVATION - PROPOSED
A3.0 MUCKLE - ELEVATIONS.DWG

SCALE: 1/8"=1'-0"



4 EAST ELEVATION - PROPOSED
A3.0 MUCKLE - ELEVATIONS.DWG

SCALE: 1/8"=1'-0"



EXP: 6/30/15

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31 COWLITZ STREET
SAINT HELENS, OREGON

SHEET CONTENT
PROPOSED
ELEVATIONS

JOB No.
11251

DRAWN
DLM

CHECKED

DATE
06.25.13

REVISIONS

1. GROUND FLOOR T.I.	01.29.2014
2. PENT. HOUSE / FIRE ESC.	08.11.2014
3. REBID FOR PERMITTING	10.24.2014
4. STRUCT. ONLY	08.11.2014
5. STRUCT. ONLY	12.02.2014
6. PLAN CHECK / FIRE ESCAPE	02.20.2015
7. PLAN CHECK	03.13.2015

SHEET
A3.0 OF 9

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Development Code Amendments ZA.2.15**

DATE: August 4, 2015
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: City of St. Helens
LOCATION: All areas within the Houlton Business District, HBD
PROPOSAL: Amendment to zoning law and residential use

The 120-day rule (ORS 227.178) for final action for this land use decision is not applicable.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: August 11, 2015 before the Planning Commission and September 16, 2015 before the City Council.

Notice of this proposal was sent to those who own property zoned Houlton Business District, HBD on July 21, 2015 via first class mail. Notice was sent to agencies by mail or e-mail on July 20, 2015 and July 24, 2015. Notice was published in the The Chronicle on July 29, 2015. Notice was sent to the Oregon Department of Land Conservation and Development on July 1, 2015, with a revision sent on July 24, 2015.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no agency referrals/comments have been received that are pertinent to the analysis of this proposal.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.20.120(1) – Standards for Legislative Decision

The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:

- (a) The statewide planning goals and guidelines adopted under ORS Chapter 197;
- (b) Any federal or state statutes or guidelines found applicable;
- (c) The applicable comprehensive plan policies, procedures, appendices and maps; and
- (d) The applicable provisions of the implementing ordinances.

(a) Discussion: This criterion requires analysis of the applicable statewide planning goals. The applicable goals in this case are Goal 1 and Goal 2.

Finding(s):

Statewide Planning Goal 1: Citizen Involvement.

Goal 1 requires the development of a citizen involvement program that is widespread, allows two-way communication, provides for citizen involvement through all planning phases, and is understandable, responsive, and funded.

Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in the statutes and in its acknowledged comprehensive plan and land use regulations.

The City's Development Code is consistent with State law with regards to notification requirements. Pursuant to SHMC 17.20.080 at least one public hearing before the Planning Commission and City Council is required. Legal notice in a newspaper of general circulation is required too. The City has met these requirements and notified DLCD of the proposal. In addition, the City has sent notice to property owners potentially impacted by the proposed changes in land uses allowed on property as required by ORS 227.186.

Given the public vetting for the plan, scheduled public hearings, and notice provided, Goal 1 is satisfied.

Statewide Planning Goal 2: Land Use Planning.

This goal requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.

The City and State (i.e., DLCD) coordinated with regard to the adoption of this proposal. The City notified DLCD as required by state law prior to the public hearings to consider the proposal.

There are no known federal or regional documents that apply to this proposal.

Comprehensive Plan consistency is addressed further below.

Given the inclusion of local, state, regional and federal documents, laws, participation and opportunity for feedback as applicable, Goal 2 is satisfied

(b) Discussion: This criterion requires analysis of any applicable federal or state statutes or guidelines in regards to the HBD zone amendments.

With regards to the recreational vehicle amendments, ORS 197.475-197.493 provides state policy for mobile homes, manufactured dwelling and recreational vehicle parks. ORS 197.475 summarizes the intent:

ORS 197.475 Policy.

The Legislative Assembly declares that it is the policy of this state to provide for mobile home or manufactured dwelling parks within all urban growth boundaries to allow persons and families a choice of residential settings.

The ORS further clarifies the inclusion of RV's for living purposes under certain circumstances:

ORS 197.493 Placement and occupancy of recreational vehicle.

(1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

- (a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
- (b) Occupied as a residential dwelling; and
- (c) Lawfully connected to water and electrical supply systems and a sewage disposal system.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

The City already has rules about RV's, but clearer language is necessary for enforcement purposes when issues arise. The changes still allow RV usage per ORS 197.493, which allows RVs to locate in manufactured/mobile home parks and RV parks. Looking at the City's Development Code, **manufactured/mobile home parks are possible as a *permitted use* in the following zoning district:**

- Mobile Home Residential, MHR

RV parks are possible as a *conditional use* in the following zoning districts:

- Mobile Home Residential, MHR
- Mixed Use, MU
- Highway Commercial, HC
- General Commercial, GC
- Marine Commercial, MC
- Light Industrial, LI
- Heavy Industrial, HI
- Public Lands, PL

Based on the City's zoning, there is good potential to have designated locations where RV's can be used for living purposes.

Finding: There are no known applicable federal or state statutes or guidelines applicable to the amendments specific to the HBD zone. The proposed amendment applicable to RVs doesn't conflict with State law.

(c) Discussion: This criterion requires analysis of applicable comprehensive plan policies, procedures, appendices and maps.

Finding: The Comprehensive Plan designation for areas zoned HBD is General Commercial, GC. The designation is not a residential category. The general commercial policies are worth noting as they emphasize commercial land uses. Per SHMC 19.12.070(2):

- (a) Encourage new commercial development in and adjacent to existing, well-established business areas taking into account the following considerations:
 - (i) Making shopping more convenient for patrons,
 - (ii) Cutting down on street traffic,
 - (iii) Maximizing land through the joint use of vehicular access and parking at commercial centers, and
 - (iv) Encouraging locations that enjoy good automobile access and still minimize traffic hazards.
- (b) Designate sufficient space for business so that predictable commercial growth can be accommodated and so that an adequate choice of sites exists.
- (c) Ensure that all commercial enterprises maintain sufficient off-street parking to accommodate their patrons, workers and loading requirements.
- (d) Emphasize and support existing town centers as business places.
- (e) Improve the general appearance, safety and convenience of commercial areas by encouraging greater attention to the design of buildings, parking, vehicle and pedestrian circulation, and landscaping through a site design review procedure.
- (f) Preserve areas for business use by limiting incompatible uses within them.
- (g) Encourage a variety of retail shopping activities to concentrate in the core commercial areas to enhance their attractiveness for a broad range of shoppers; additionally, encourage in this area the development of public spaces such as broad sidewalks, small squares, etc., to facilitate easy, safe, pleasant pedestrian circulation.
- (h) Encourage in-filling of vacant lands within commercial areas.

In addition, per SHMC 19.24.010, the City has an adopted economic opportunities analysis (EOA). The purpose of the EOA was to comply with Oregon Statewide Planning Goal 9 (Economic Development), which in part, requires cities to maintain adequate supplies of industrial and other employment lands to sustain economic activities. Though the EOA focuses more on industrial lands and was adopted in 2009 (during the Great Recession), it does note a shortage of commercial lands to some degree. However, this document is dated.

When the City created the Houlton Business District zoning district (file ZA.3.08), it prohibited residential use on the ground floor of all buildings as a way of protecting the Houlton commercial area from being overtaken by non-commercial development. Now via the current proposal, by allowing existing ground level residential use to continue where existed when the HBD zone originally took effect, but not allowing such where it isn't, the laws still prevent residential proliferation at the expense of potential commercial development.

In addition, by allowing the existing ground floor residential uses to remain as conforming uses, they are less likely to fall into neglect, it helps promote pride of ownership, and helps to preserve what may be official future historic resources, but are currently "unofficial resources." This

means, that even though the buildings are not listed as “official,” their presence still has some historic and cultural value to the City. Tomorrow’s historic buildings are the ones being preserved today for future generations.

This proposal does not appear to conflict with the General Commercial Comprehensive Plan policies or other aspects of the Comprehensive Plan.

(d) Discussion: This criterion requires analysis of the applicable provisions of the implementing ordinances.

Finding: The proposal modifies the Development Code but findings as to other applicable implementing ordinances are not necessary.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of the proposed text amendment to the Development Code.

Attachment(s): Proposed text amendments

Existing Uses Map (from file ZA.3.08)—When the HBD zone was originally created

SHMC 17.116.060 “memo” – Should we amend some temporary use provisions too, to include RVs?

underline words are added
~~words stricken~~ are deleted

CHAPTER 17.32 ZONED AND USES

[...]

17.32.175 Houlton business district – HBD.

[...]

(5) Special Conditions Permitted and Conditional Uses.

(a) Any residential use is prohibited at or below the first floor of any building in the HBD zone, except for the following:

(i) Historic residential structures (listed in the city’s comprehensive plan and/or registered and recognized by the state or federal government); or

(ii) Any residential use at or below the first floor of a building legally established at the time of adoption of this zoning district may continue as a conforming use, provided the type of residential use does not change (e.g., additional dwelling units shall not be allowed). ~~Conformance is lost if the first floor (or below) residential use is “discontinued or abandoned” (as defined by Chapter 17.104 SHMC) for any reason for a period of six months, or immediately following a lawful change of use or intentional destruction of the building.~~ Once conformance is lost, any residential use at or below the first floor of any building on that property shall be prohibited. Notwithstanding Chapter 17.104 SHMC, if the use of a building has lawfully been residential with no change of use or intentional destruction, the residential use may continue as a conforming use or reinstated as a conforming use, regardless of the length of time of the use has been discontinued or abandoned.

[...]

CHAPTER 17.80 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

[...]

- 17.80.060 On-site vehicle stacking areas required for drive-in use.
- 17.80.065 Storage ~~in front yard~~ related to residential uses and use of recreational vehicles related to residential uses.
- 17.80.066 Use of recreational vehicles related to non-residential uses.
- 17.80.070 Loading/unloading driveways required on site.

[...]

17.80.065 Storage in front yard related to residential uses and use of recreational vehicles related to residential uses.

Boats, trailers, campers, camper bodies, travel trailers, recreation vehicles, or commercial vehicles in excess of three-fourths-ton capacity may be stored ~~in a required front yard~~ on a property in a residential zone or other property with a lawful residential use subject to the following:

(1) No such unit shall be parked in a visual clearance area of a corner lot or in the visual clearance area of a driveway which would obstruct vision from an adjacent driveway or street;

(2) No such unit, regardless of whether or not it is within a building, shall be used for any living purposes except that one camper, house trailer or recreational vehicle may be used for sleeping purposes only by friends, relatives, or visitors on land entirely owned by or leased to the host person for a period not to exceed 14 days in one calendar year; provided, that such unit shall not be connected to any utility, other than temporary electricity hookups; and provided, that the host person shall receive no compensation for such occupancy or use; ~~and~~

(a) This provision does not apply to lawful land uses that specially allow occupancy of a recreational vehicle, such as travel trailer parks per the Development Code or per ORS 197.

(3) Any such unit parked in ~~the front~~ a yard visible from a public right-of-way shall have current state license plates or registration and must be kept in mobile condition; and

(4) The property shall have a lawful principle use.

17.80.066 Use of recreational vehicles related to non-residential uses.

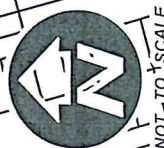
Except where specifically allowed by the Development Code (e.g., travel trailer parks) and per ORS 197, use of recreational vehicles for any living purposes is prohibited on property with non-residential zoning or without a lawful residential use. Parking or storage is possible given compliance with the St. Helens Municipal Code.

COMMERCIAL SFD CHURCH APPTS GOV'T/PUBLIC/INSTITUTIONAL VACANT

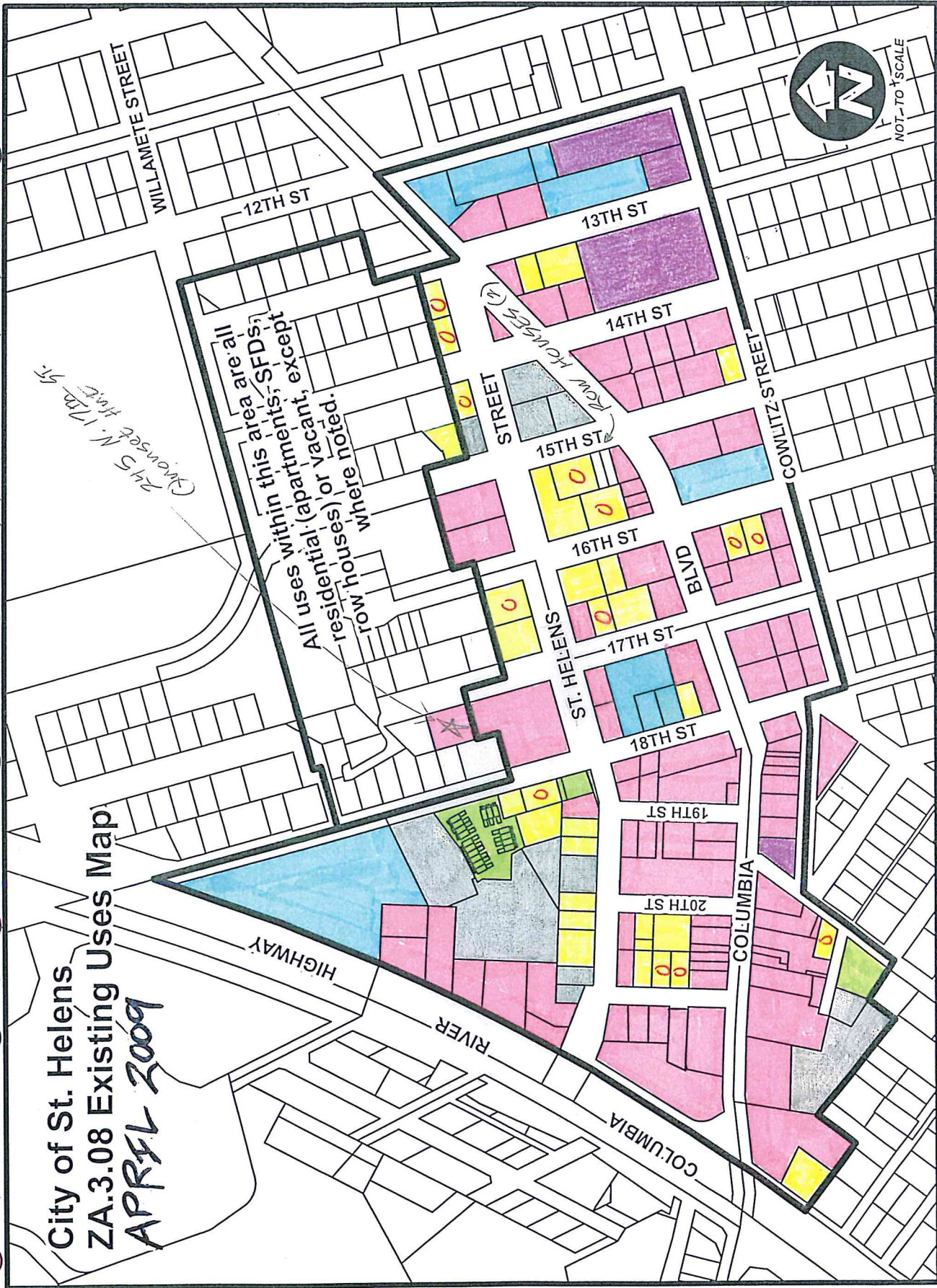
City of St. Helens
 ZA.3.08 Existing Uses Map
 APRIL 2009

245 N. 17th St.
 (Kronset Hm)

All uses within this area are all
 residential (apartments, SFDs,
 row houses) or vacant, except
 where noted.



O = APPEAR TO BE OWNER OCCUPIED BASED ON ASSESSOR RECORDS (for detached SFDs only)



Should RV's be added as a temporary use in the section below, given the ZA.2.15 proposal?

July 28, 2015

17.116.060 Temporary use – Unforeseen/emergency situations.

(1) Definitions. This type of temporary use is a use which is needed because of an unforeseen event such as fire, windstorm or flood, unexpected health or economic hardship, or due to an eviction resulting from condemnation or other proceedings.

(2) Types of Use Permitted.

(a) A mobile home or other temporary structure for a residential purpose in a residential zone;

(b) A mobile home or other temporary structure for a business purpose in a commercial or industrial zone; and

(c) Use of an existing dwelling or mobile or manufactured home during the construction period of a new residence on the same lot.

(3) Approval Criteria.

(a) Approval or approval with conditions shall be based on findings that one or more of the following criteria are satisfied:

(i) The need for use is the direct result of a casualty loss such as fire, windstorm, flood or other severe damage by the elements to a preexisting structure or facility previously occupied by the applicant on the premises for which the permit is sought;

(ii) The use of a mobile or manufactured home on a lot with an existing dwelling unit is necessary to provide adequate and immediate health care for a relative who needs close attention who would otherwise be required to receive needed attention from a hospital or care facility;

(iii) The applicant has been evicted within 60 days of the date of the application from a preexisting occupancy of the premises for which the permit is sought as a result of condemnation proceedings by a public authority, or eviction by abatement of nuisance proceedings, or by determination of a public body or court having jurisdiction that the continued occupancy of the facilities previously occupied constitutes a nuisance or is unsafe for continued use; or

(iv) There has been a loss of leasehold occupancy rights by the applicant due to unforeseeable circumstances or other hardship beyond the foresight and control of the applicant;

(b) In addition to the criteria listed in subsection (3)(a) of this section, all of the following must be satisfied:

(i) There exists adequate and safe ingress and egress when combined with the other uses of the property, as required by Chapter 17.84 SHMC, Access, Egress, and Circulation; and Chapter 17.76 SHMC, Visual Clearance Areas;

(ii) There exists adequate parking for the customers of the temporary use as required by Chapter 17.80 SHMC, Off-Street Parking and Loading Requirements;

(iii) The use will not result in congestion on adequate streets;

(iv) The use will pose no hazard to pedestrians in the area of the use;

(v) The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect adjoining use in a manner which other use allowed outright in the zone would not affect adjoining use; and

(vi) The use can be adequately served by sewer or septic system and water, if applicable.

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



To: City Council
From: Jacob A. Graichen, AICP, City Planner

Date: 7.30.2015

This report does not indicate all *current planning* activities over the past report period. These are tasks, processing and administration of the Development Code which are a weekly if not daily responsibility. The Planning Commission agenda, available on the City's website, is a good indicator of *current planning* activities. The number of building permits issued is another good indicator as many require Development Code review prior to Building Official review.

PLANNING ADMINISTRATION

The deadline to appeal the S. St. Helens LLC v. City of St. Helens case to the Oregon Supreme Court was July 15th. As of the date of this report, I'm not aware of any further appeal.

Visited Spring Meadows assisted living facility to evaluate a couple trees to be removed within or in close proximity to wetlands. Under certain circumstances no permit is required to remove trees associated with wetlands.

Worked on some address issues with the Post Office and property owners for 500 N. Columbia River Hwy (Columbia Commons) and 36200 Pittsburg Road. To update their official records, USPS needs official documentation from the City.

DEVELOPMENT CODE ENFORCEMENT

The Building Official and I spoke with a property owner on S. 9th Street about a shed (accessory structure) just starting to be built. It appeared to be higher than could be allowed without permits. The owners seemed cooperative.

Worked with Code Enforcement officer Williams regarding a conex box in a residential neighborhood.

PLANNING COMMISSION (& *acting* HISTORIC LANDMARKS COMMISSION)

July 14, 2015 meeting (outcome): Two public hearings were held. The Variance/Site Design Review at 31 Cowlitz was approved. The record for the Conditional Use Permit at 365 Columbia River Highway was left open for written testimony for 7 days. The applicant may respond to that for an additional 7 days. Deliberations will be continued to August.

The Commission also made a recommendation that the City install at least one on-street disabled person parking space by the Muckle Building. I spoke with Public Works Co-Director Neal Sheppard about this. There is an existing such space by the building now, but coincidentally, the City has received such concerns from other about this area, and the intent is to add a second disabled space by the Muckle Building.

August 11, 2015 meeting (upcoming): Deliberations from the July meeting public hearing noted above will take place. There will also be three new public hearings: 1) a Conditional Use Permit (CUP) for 1809 Columbia Blvd., 2) a CUP for 31 Cowlitz St., and 3) city initiated Development Code amendments.

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Data updated this month. Also coordinated with our GIS consultant, Metro Planning, and staff to get our GIS up and running to our satisfaction after some hardware failures on Metro's end.

MAIN STREET PROGRAM

We conducted five Resource Assistance of Rural Environments (RARE) AmeriCorps participant interviews this month for the next Main Street Program related position. There were some very strong candidates, all of which are outside of Oregon. RARE does the final selection, partially based on our order of preference. We should know who the person will be by the end of July. RARE AmeriCorps members begin service in mid-September.

ASSISTANT PLANNER—*In addition to routine tasks, the Assistant Planner has been working on:*
See attached.

Jacob Graichen

From: Jennifer Dimsho
Sent: Wednesday, July 22, 2015 11:33 AM
To: Jacob Graichen
Subject: July Planning Department Report

Here are my additions for the July Planning Department Report.

1. Updated Waterfront Redevelopment Project Page with Open House Summary Materials
2. Met with MFA to scope and prepare for final Waterfront Advisory Committee Meeting (July 27)
3. Met with EcoNW to kick off the Port of St. Helens Intergovernmental Partnership Program (IPP) waterfront economic transportation study
4. Reviewed proofs and submitted 3rd round of Mainstreet Walk & Shop Maps for printing
5. Prepared for Street Vacation Council PH (utilities referral, research & staff report preparation)
6. Gathered remaining application materials from applicants for CLG Historic Preservation Grant Program
7. Researched and began the HEAL Cities Grant Application (Deadline: August 14)
8. Gathered information for the 2015 PSU Housing Unit & Population Questionnaire for Cities (Deadline: August 17)
9. Sat in on five RARE AmeriCorps interviews for the 2015/16 Mainstreet Coordinator position
10. Compiled additional quotes within our budget for McCormick Park Bridge Project. Received DSL concurrence with our wetlands/OHWM study.

There were also several large notice mailings this month because of two CUPs and a zoning district text amendment, totaling 3 public hearings (plus continued deliberations for an additional CUP) scheduled for the August PC meeting.

Jennifer Dimsho
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