

City of St. Helens
Planning Commission Meeting
November 10, 2015
Minutes

Members Present: Al Petersen, Chair
Dan Cary, Vice Chair
Greg Cohen, Commissioner
Sheila Semling, Commissioner
Audrey Webster, Commissioner
Kathryn Lawrence, Commissioner
Russell Hubbard, Commissioner

Members Absent: None

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

Councilors Present: Ginny Carlson, City Council Liaison

Others Present: Jennifer Plahn
Darrold Sandberg
Shane Welliver
Larry VanDolah
Trevor Moss
Sean & Teresa Dillon

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

Consent Agenda

Approval of Minutes

Commissioner Semling moved to approve the minutes of the October 13, 2015 Planning Commission meeting. Commissioner Webster seconded the motion. Motion carried with all in favor. And Chair Petersen did not vote as per operating rules.

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Topics From The Floor

Teresa Dillon spoke to the Commission regarding the Waterfront Redevelopment Project. She is hoping to be a part of the process. Chair Petersen referred her to the Waterfront Redevelopment Project website and discussed the recently awarded EPA Area-Wide Planning Grant. Dillon was told where to find out information regarding upcoming meetings. Either Assistant Planner Dimsho, City Planner Graichen, and/or City Administrator Walsh are great people to contact for more in depth information.

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Public Hearing

Jennifer Plahn

Conditional Use Permit / CUP.6.15

1771 Columbia Blvd.

It is now 7:05 p.m. and Chair Petersen opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

Graichen entered the following items into the record:

- Staff report packet dated November 3, 2015 with attachments

Graichen discussed the history of the site, approval criteria and potential conditions as noted in the staff report. Two additional documents were given to the Commission: 1) An updated referral letter from Columbia River Fire & Rescue, and 2) An informational handout regarding carbon air filtration.

Commissioner Lawrence clarified that personal property (such as RVs) outside of those related to the proposal cannot be stored on the property. Graichen said that is correct.

Commissioner Cohen asked if the staff report and approval conditions were for "common" nurseries. Graichen said the St. Helens Municipal Code does not discriminate against different types of nurseries.

Vice Chair Cary noted that the pictures of the site look like the same as the previous Conditional Use Permit for the upholstery business. He asked if the fence has been repaired since then. Graichen said there were some portions of the fence in disrepair that have been fixed, but there are still some missing sight-obscuring slats and ones in disrepair. Vice Chair Cary asked if there are any needed upgrades to the public parking area. Graichen said the applicant will need to provide a new handicap parking space and signage.

IN FAVOR

VanDolah, Larry. Applicant. VanDolah discussed the carbon air filtration system which will keep all odors from escaping the facility. He said the existing fence has cedar slats and they have been getting estimates for replacing it with plastic. He discussed the ten percent landscaping requirement, but noted that it is tough to do because the property is mostly concrete and asphalt. VanDolah said they are good stewards of the community and that this proposal will create local jobs.

Chair Petersen asked if this is a marijuana growing facility. VanDolah said yes, they will be growing and producing marijuana. Chair Petersen asked about their licensing with the Oregon Liquor Control Commission (OLCC). VanDolah said they will be licensed as a producer. In the front portion of the property, they plan to have an office and lab. Chair Petersen asked if they will be drying the flowers and packaging them inside. VanDolah said yes, the product will be packaged in child-safety bags. Chair Petersen asked what will occur inside the "industry resource center." VanDolah said there are a lot of producers and growers in the local area, but there aren't a lot of resources and information available. They will offer resources to professionals in the industry. Commissioner Lawrence asked if they will be offering those resources for free. VanDolah said they will not be charging. Chair Petersen asked if they will be registered through the OLCC as a processor, which allows them to make edibles, extracts, etc. VanDolah said no, not at this time.

Commissioner Cohen asked if they will be an outlet for public consumers. VanDolah said no, the product they grow will be for their own retail marijuana stores or for other shops who want to purchase wholesale.

Commissioner Webster asked how many plants they will have. VanDolah said they will grow as many as the

OLCC will let them. Commissioner Webster asked VanDolah if he spoke to Columbia River PUD. He said no, but they have licensed contractors doing the electrical work. VanDolah has worked with the Columbia River PUD on other facilities and is confident the demand for electricity will not cause a problem.

Commissioner Cohen asked about security for the building. VanDolah said OLCC requires them to have 45 days of 24/7 surveillance feed backed up on and off-site and a double-locked door system. They are inspected and approved by OLCC to ensure they meet all security rules before they can open.

Commissioner Cohen asked if he has dealt with local law enforcement. VanDolah said Chief Terry Moss will have access to surveillance feed from the last 45 days which is stored on the OLCC site at any time. There is not a single area within the building that will not be covered by cameras.

Commissioner Hubbard asked if OLCC required a bond. VanDolah said no, but per the building owner, they hold a five million dollar insurance policy.

Welliver, Shane. Partner of the Applicant. Welliver is speaking in support of the proposal. He said if we are going to have marijuana dispensaries, we should also have the local facilities that grow and produce the product. Otherwise, they will just import the product from elsewhere. It would be better to keep it local. Taxes from the facility will benefit the City. Welliver said they want to keep the property looking nice from the curb and not be an eyesore to the community.

Commissioner Webster asked if he would be renting space to grow. Welliver said he will be overseeing the growing operation as part-owner of the facility.

IN OPPOSITION

Sandberg, Darrold. Property Owner. Sandberg is concerned about property values going down. He owns the building across the street on 17th Street. Sandberg said it is a moral thing, but he thinks the federal government should have ruled against allowing states to legalize marijuana. He has a relative who is a drug enforcement agent who believes marijuana is the worst drug of them all because that is what people start with. Sandberg also thinks there are too many school children walking up and down that street around 3 p.m. every day.

REBUTTAL

VanDolah, Larry. Applicant. Regarding property values, VanDolah noted there are many vacancies along Columbia Blvd. There would be more vacant buildings, but he is renting out a few of them. The business core along Columbia Blvd. is dying because of relocation to Highway 30. He feels this facility will attract and bring people to the area. His employees and visitors to the resource center will shop and support surrounding local business. The people doing work at the facility now eat at Dari Delish every day and shop at Red Apple. He sees this proposal as an increase to property values.

FURTHER QUESTIONS OF STAFF

Vice Chair Cary asked about the signage requirements. Chair Petersen said the OLCC rules address retail, but do not address producers and growers. Commissioner Cohen asked if they could prohibit advertising related to the product. Graichen said they could make a condition that the signage not reflect marijuana-related symbols and terminology. However, the applicant could also challenge this on constitutionality.

Chair Petersen said the St. Helens Municipal Code (SHMC) defines retail marijuana facilities, but does not have a definition for a marijuana nursey. However, OLCC is regulating and licensing this site as a marijuana facility. Chair Petersen asked if the Commission could use marijuana retailer (as defined by SHMC) as the most similar use, instead of using nursey. Graichen said yes, if the Commission feels that a marijuana grow operation does not fall into a nursery use, they could make a finding that the use fits better into one of the existing marijuana establishment use categories or, like was used in the earth removal case, utilize the "determination of similar use" criteria to determine the appropriateness of the use in that zoning district.

Chair Petersen clarified that nurseries are allowed outright in Light and Heavy Industrial zones.

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

Chair Petersen is concerned because nurseries are allowed outright in Heavy Industrial and Light Industrial zones. It is only conditional in commercial zones. He said one of the criteria for approval of the Conditional Use Permit says, "Use will comply with applicable policies of the Comprehensive Plan." One of the Comprehensive Plan policies for General Commercial zones includes a policy that says, "Goals: To establish commercial areas that provide a maximum service to the public and are properly integrated to the physical pattern of the City" and "Encourage a variety of retail shopping activities to concentrate in the core commercial areas and enhance their attractiveness to a broad range of shoppers." He does not feel this promotes a broad range of shoppers.

Chair Petersen also noted that the definition of manufacturing is the "mechanical or chemical transformation of materials or substances into new products." Manufacturing production is usually for the wholesale market rather than direct sales. Chair Petersen feels this proposal is similar to a production facility for wholesale. Chair Petersen said manufacturing is allowed in Heavy and Light Industrial zones. Chair Petersen said the applicant is going to be drying and packaging the product. He feels these uses more strongly belong in Heavy and Light Industrial zones.

Chair Petersen said we have already approved three marijuana facilities throughout St. Helens. An argument could be made that this is not a marijuana facility, but a nursery. But he disagrees because it is an OLCC-regulated marijuana facility.

Commissioner Lawrence respects and agrees with what Chair Petersen has said, but pointed out that this part of St. Helens has been long neglected. The proposal site specifically has been an unproductive commercial location for a long time. She feels this is an opportunity for the building to be kept up and become a productive use again. Commissioner Cohen agrees that he would like to see the property become productive, but that still does not address the issue of the Comprehensive Plan policy which encourages retailers that are open to customers in commercial zones. He feels the proposed use is more fitting for an industrial zone.

Vice Chair Cary has a concern about the power. In Salem, marijuana growing operations had overloaded their system and caused blackouts. He would like to see a condition that ensures power needs are verified

and approved with the Columbia River PUD.

Chair Petersen said he does not want Main Street St. Helens to have another storefront with blacked out windows. Near the proposed location, there is a tavern, a marijuana retailer, and a growing operation, all of which are required to have dark windows. These uses do not contribute to an overall feeling of a lively, thriving commercial district, which is the intent of the Comprehensive Plan policy that states commercial zones should encourage a variety of retail shopping activities to concentrate in the core commercial areas. Chair Petersen feels we should not approve a use that is blacked out and blocked off to the public in the St. Helens historic, core commercial area. He said if the applicant had decided to locate in an industrial zone, it would be permitted outright and is a more fitting use for the zone.

MOTION

Commissioner Cohen made a motion to deny the Conditional Use Permit based on the criteria that it does not comply with the Comprehensive Plan policy for commercial zones. Commissioner Webster seconded.

Commissioner Webster, Commissioner Hubbard, Commissioner Semling, and Commissioner Cohen in favor; Vice Chair Cary and Commissioner Lawrence opposed; motion carries.

Graichen will bring back the Findings and Conclusions for signature to the next regular meeting on December 8, 2015.

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Acceptance Agenda: Planning Administrator Site Design Review

- a. Site Design Review at 125 S. 13th – Elk's Veterans Bunker

Commissioner Webster moved to approve the acceptance agenda. Vice Chair Cary seconded. All in favor; none opposed; motion carries.

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Planning Director Decisions

- a. Sign Permit (Banner) at 2100 block of Columbia Blvd. – Columbia River Fire & Rescue dba Toy & Joy – Toy & Joy Auction
- b. Sign Permit at 299 S. Vernonia Rd. (O'Reilly Auto Parts) – Tube Art Group

There were no comments.

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Planning Department Activity Reports

There were no comments.

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For Your Information Items

Graichen said the City Council officially reappointed Commissioner Lawrence to the Commission at their last meeting.

Graichen said text amendments for earth removal, trail development, and housekeeping fixes are being prepared for the January Commission meeting.

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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	P	A	P	A	P	P	P
09/08/15	P	P	A	P	A	A	P
10/13/15	P	P	P	P	P	P	P
11/10/15	P	P	P	P	P	P	P
12/08/15							