

City of St. Helens

Planning Commission Meeting

February 9, 2016

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
Jennifer Dimsho, Assistant Planner & Planning Secretary

Councilors Present: Ginny Carlson, City Council Liaison

Others Present: Ed Burgmans
Larry VanDolah
Kona Lora
Oscar Nelson
Bing Theobald

[Secretary Note: There is no video recording available for this meeting]

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.

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Consent Agenda

Approval of Minutes

Commissioner Semling moved to approve the minutes of the January 12, 2016 Planning Commission meeting with a change on page 2 from "R7" to "R10" regarding Semling's question of staff. Commissioner Lawrence seconded the motion. Motion carried with all in favor. Commissioners Cohen and Vice Chair Cary recused themselves from voting due to their absences from that meeting.

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Topics From The Floor

There were no topics from the floor.

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Public Hearing

G.O. Enterprises, LLC

Major Modification to CUP.4.15 / CUP.1.16

1807 & 1809 Columbia Blvd.

It is now 7:02 p.m. and Vice Chair Cary opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

City Planner Jacob Graichen entered the following items into the record:

- Staff report packet dated February 2, 2016 with attachments

Graichen introduced the proposal and the recommended conditions of approval with the Commission, as discussed in the staff report. Commissioner Cohen asked if the applicant requested a Conditional Use Permit Modification or a separate Conditional Use Permit. Graichen explained that in land use, decisions run with the property. In this case, the applicant's request is to expand the building square footage using the previously approved Conditional Use Permit. He further explained that the property owner is the same, but the applicants for this proposal are not the same applicants from the originally granted Conditional Use Permit.

Commissioner Cohen asked if the expansion of the square footage would break any of the City's rules relating to marijuana facilities. Graichen discussed in general terms the City's rules regarding marijuana retailers or dispensaries, including the 1,000 feet buffer from daycares and schools, the 2,000 feet buffer from other dispensaries/retailers, the requirement for a permanent building, the secure refuse container, and compliance with state and local laws. Then Graichen discussed the Conditional Use Permit approval standards and potential conditions from the staff report. He noted that new evidence may be presented that could encourage the Commission to consider additional conditions.

Commissioner Cohen asked if there was any indication the expansion would lead to marijuana wholesaling, growing, or processing. Graichen said the site plan had no indication of any other use but retail.

Commissioner Lawrence asked the timeline the applicant would need to comply with. Graichen said the applicant would have 18 months from August 2015 (February 2017) to begin business, or if the Commission chooses to restart the clock with this new decision, the applicant would gain six additional months.

Graichen introduced written testimony distributed to the Commission that was provided by Jennifer Plahn and entered into the record earlier that day.

IN FAVOR

Nelson, Oscar. Applicant. Nelson said this proposal seems pretty cut and dry. With the same property owner, they are expanding the reception area to have a more comfortable lobby and a better business flow. They are a known business with known business practices and they are hoping to bring something professional to St. Helens. Vice Chair Cary asked if they will have the same name as the previous proposal. He said yes, the name of the business will be Sweet Relief. Nelson said some of the back-end owners and paperwork has changed, but the business plan and focus has remained the same.

Nelson walked through the floor plan proposed on the site plan as requested by Commissioner Cohen. Nelson said they have a long-term business strategy. This industry is expected to be profitable and Nelson feels the additional cost up front to make the floor plan more comfortable to customers will be beneficial. Commissioner Cohen asked if they would be open after hours. Nelson said no.

Vice Chair Cary asked if the original timeline to open in February 2017 was an issue for them. Nelson said at this point, it seems they are on track to open within that timeline. Unless there are unforeseen issues with the building or permitting, everything should be completed well within that timeframe.

Commissioner Semling asked about the refuse plan and the door to nowhere in the back. Nelson said if they are not required to have a fire exit, they could bar the door as unusable. Graichen read the recommended condition presented in the staff report regarding the trash enclosure and the rear door. Commissioner Cohen said he could not approve the decision without a secure and approved refuse plan. Graichen noted with the original decision, the trash plan was to be approved at the staff level, but for this new decision, it could be reviewed by the Commission if desired.

Commissioner Hubbard asked if they had any building permits yet. Nelson said yes, he thinks they have a demo permit for 1807 Columbia Blvd.

[Secretary Note: There is no audio recording beyond this point because of an equipment malfunction.]

IN OPPOSITION

VanDolah, Larry. VanDolah's biggest problem with this proposal is the lack of parking. Where will the employees park? Where will the customers park? He also feels the applicant has not adequately addressed the refuse. For his own permitting, he was required to submit a plan for refuse, so why has the applicant not submitted one? VanDolah said his daughter attends a dance studio nearby and he doesn't want her seeing cannabis related signage across the street.

Burgmans, Ed. Burgmans is in business with VanDolah. He testified against a marijuana retailer in Rainier, Oregon, despite being in the cannabis business. He asked the Commission if the Houlton Business District is the right place for this. For his own business, he chose a dispensary location one mile out of town in Rainier, Oregon. He said no matter where we locate these businesses, customers will find them. Sweet Relief has a large pot leaf on the front window at other locations. He asked the Commission to keep this from happening. He also entered into the record the original lease for this location, which is in VanDolah's name. He noted that the lease is under contention.

REBUTTAL

Nelson, Oscar. Applicant. Nelson noted that the original lease that was presented has expired. Regarding parking, Nelson reminded the Commission that they are combining suites. This would lessen the need for parking compared to two separate business locations. He also said the landlord is excited to combine the suites into one.

FURTHER QUESTIONS OF STAFF

Commissioner Cohen asked if they could reconsider parking with the expansion. He noted that parking requirements are based on square footage, so if they are expanding, does that mean they are increasing their minimum required spaces? First, Graichen said on-street parking normally does not count towards off-street parking requirements, but it does in the Houlton Business District (HBD) zone. Then he explained that in the HBD zone, no additional or new on-site parking is required for sites with existing development footprint coverage of 50 percent of the site area. This proposal is at 52 percent coverage of the site area and is therefore exempt from parking requirements.

Commissioner Webster asked if the parking needs to be paved, noting the gravel area in the back of the

building. Graichen said according to our new standards, yes, but a new business simply moving into a suite (not changing the building footprint), may not warrant paving older gravel lots. However, the Commission could also weigh the community impact of the new use in their decision to include that as a condition.

END OF ORAL TESTIMONY

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

CLOSE PUBLIC HEARING & RECORD

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

DELIBERATIONS

Commissioner Cohen said he has questions about the refuse and the fire exit. He would like to see a refuse plan before approving a decision. He would also like the Commission to weigh parking considerations.

Commissioner Lawrence said this structure is existing and tenants will fill these suites either way. She feels the parking needs are no different by combining the suites. Commissioner Cohen said that you have to look at the new use. He feels it warrants additional parking requirements. Commissioner Semling pointed out that there are also tenants living above the use who will use parking spaces too.

Commissioner Cohen does not want to see the rear exit become a commonly used entrance or rear exit. He feels it should only be used for fire exit or for refuse removal.

Vice Chair Cary asked about the condition relating to the trash enclosure. Graichen said the condition could be left alone, which would leave staff and the applicant responsible for determining an appropriate refuse plan, or the Commission could re-open the public hearing to gather more information from the applicant.

Commissioner Hubbard has concerns about the building permit and whether or not the Building Department will approve the structural changes.

Vice Chair Cary does not feel the applicant should be required to provide additional parking because this proposal is no different than the previous approval. Commissioner Lawrence agrees.

Overall, the Commission felt more information was needed to address the refuse concerns, the rear exit, the floor plan, and parking.

MOTION

Commissioner Webster moved to re-open the public hearing and continue this matter on March 8, 2016 at 7 p.m. to allow the applicant to address concerns related to floor plan, parking, rear door access, and refuse. Commissioner Cohen seconded. All in favor; none opposed; motion carries.

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Chair/Vice Chair Discussion

Graichen said Chair Petersen does not want to be chair again this year, but would be okay with vice chair. Vice Chair Cary said he would be willing to be chair this year.

Commissioner Webster made a motion to move Chair Petersen to vice chair and Vice Chair Cary to chair. Commissioner Lawrence seconded. All in favor; none opposed; motion carries.

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Planning Director Decisions

- a. Sign Permits (4) – Meyer Sign Co. of Oregon – 58761 S. Columbia River Hwy
- b. Sign Permit (Banner) – 2100 Block of Columbia Blvd. – Dianna Holmes
- c. Home Occupation (Type I) – 124 Park St. – Home office for commercial cleaning
- d. Home Occupation (Type I) – 504 S. 14th St. – Home office for mobile pet sitting
- e. Sign Permit (Banner) – 2100 Block of Columbia Blvd. – St. Helens Sports Booster Club

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 Commission’s Conditional Use Permit denial on Columbia Blvd. was reversed by the City Council last week via an appeal.

Graichen asked the Commission if they would be interested in being the decision-making body for a proposal regarding the St. Helens Marina parking area. The Commission agreed that this area is important enough to be a Commission decision, not just an administrative decision.

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There being no further business before the Planning Commission, the meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Jennifer Dimsho
Planning Secretary

2016 Planning Commission Attendance Record

P=Present A=Absent Can=Cancelled

Date	Petersen	Hubbard	Lawrence	Cohen	Cary	Semling	Webster
01/12/16	P	P	P	A	A	P	P
02/09/16	A	P	P	P	P	P	P
03/08/16							
04/12/16							
05/10/16							
06/14/16							
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