

COLUMBIA COUNTY PLANNING COMMISSION MEETING

November 5, 2018

Meeting Minutes

Planning Commission Members Present: Bill DeJager, Shaun Stewart, Linda Hooper, Jeff VanNatta, Alta Lynch and Claudia Frace

Staff Present: Glen Higgins, Hayden Richardson, Tiffany Johnson, and Kay Clay

Others: Jeremy Arguela, Jayson Millican, Jim Hogan, Ed Bergmans, Karisa Sisco, Taylor Dow and Parker Miller

The pre-hearing statement was read at 6:27 by Hayden Richardson, Jeff VanNatta, and Chairman, called the meeting to order at 6:30pm

Introduction of Tiffany Johnson, County attorney was made to the board. Glen Higgins said his goodbyes and noted appreciation to the Planning Commission as he is retiring on November 30, 2018.

DR 19-01 and MO 19-01
17901 Beaver Falls Rd

No ex-parte declared.

Hayden Richardson presented the staff report.

REQUEST: A Marijuana Operating Permit for a Processing, Growing and Wholesaling Facility, and a Site Design Review to change the occupancy of an existing approximate 17,000 square foot structure in an industrial area, for processing, growing and wholesaling cannabis.

Background and summary

On November 25, 2015, the Columbia County Board of Commissioners adopted Ordinance 2015-4 related to cannabis regulation in Columbia County, Oregon. The State of Oregon regulates cannabis by provisions in the Oregon Revised Statutes in Chapter 475B. County Ordinance No. 2015-4 amends the Columbia County Zoning Ordinance and sets time, place and manner regulations for the growing, processing, and retailing of cannabis operations in the county's unincorporated areas. In June 2018, Amendments to the Section 1803 went into effect via Ordinance 2018-2 which, in part, prohibits marijuana growing in residential zones and creates more criteria to help lessen the impact of marijuana operations on surrounding properties.

The applicant, Beaver Falls, LLC, who represents the property owner, Beaver Dike, LLC, submitted an application to authorize the use and change the occupancy of an existing, approximate 17,000 square foot structure to be used for the processing, growing, and wholesaling of recreational marijuana on Tax Lot 7405-DA-00100. This parcel is approximately 1.77 acres in size and has contained the existing structure since 1920 according to Tax Assessor records. This property is zoned M-1 Heavy Industrial and is a part of the City of Clatskanie Urban Growth Boundary.

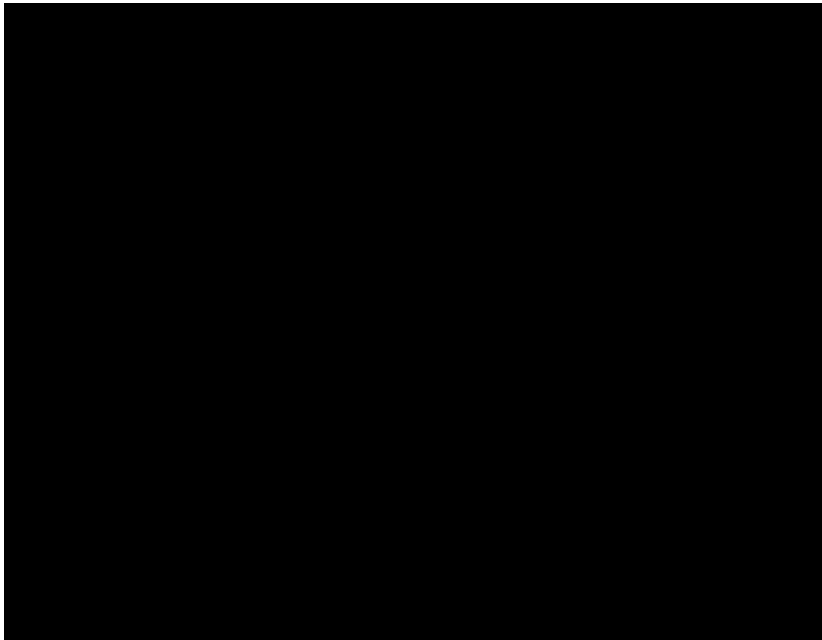
In an October 18, 2018 phone conversation with the Clatskanie Fire Marshall, Steve Sharek, he identified possible areas of concern for the Fire Department with the proposal for DR 19-01 and MO 19-01. These concerns include; the water pressure from the existing fire hydrant, sprinkler requirements of this existing commercial structure as required by the Building Code, and labeling areas that contain hazardous materials involved in the growing and processing of marijuana. The main hazardous material outlined in the application is 190 proof ethanol which will be stored in a "Chem Lock" area on the structure. These concerns will be discussed and listed as conditions of approval prior to the issuance of the Change of Occupancy for the existing structure.

Comments from the Columbia County Sanitarian dated 10/19/18 state that she is unable to approve the waste water plan as submitted. This is because the plan cites grey water reuse using a method that is not approved in Oregon. The plan needs to be revised. As a condition of approval, and will be discussed throughout this report, the County Sanitarian shall approved the applicant's waste water disposal plan to ensure that it is disposed of appropriately and complies with the minimum provisions in the OAR 340-071-0130(4).

A neighboring property owner, Jim Hogan, submitted comments dated 10/11/18, as he was concerned that the proposed development may encroach on his property. He also stated that it appears the property owners have connected their new septic system to the old sewer line running under his building without an easement. However, after discussions with the County Sanitarian, the project planner confirmed that the approved septic system and all subsequent lines are located entirely on the subject property and not on Mr. Hogan's property. As shown in the site visit photos, the property line is clearly marked by survey markers, and at least a portion of the existing sidewalk in between the existing structures appears to be located on Mr. Hogan's property. The possible approval of this proposed Marijuana Operation and Site Design Review does not authorize the applicant to develop or construct anything on Mr. Hogan's property. If the applicant does propose any development on Mr. Hogan's property, a recorded easement and agreement must be submitted and approved by both parties.

2018

Aerial of Subject Property



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Aerial of Subject Property



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Findings:

- 1. The applicant is currently unable to apply to the OLCC without

written land use approval from Columbia County. Columbia County can only give this written approval after the applicant has demonstrated that they are able to meet the applicable sections in the Columbia County Zoning Ordinance. After the county identifies all conditions of approval for DR 19-01 and MO 19-01 the county will be able to refer to these conditions in the applicant's Land Use Compatibility Statement, documentation that is required for the OLCC licensing of the proposed marijuana processing facility. The county will require written documentation from the OLCC confirming that (1) the applicant has fulfilled a majority of their licensing requirements for MO 1901 and (2) the only outstanding licensing requirement is their site inspection of the intended marijuana processing, growing and wholesaling facility. This written confirmation from OLCC will, in part, allow the county to issue the necessary building permits and change of occupancy permits for the lawful establishment of the marijuana processing, growing and wholesaling facility requested for MO 19-01 and DR 19-01. With this OLCC documentation, Staff finds the applicant will be able to comply with these provisions in Section 1803.1 for the proposed marijuana processing facility.

The provisions in Section 1803.1 require the applicant to submit documentation of the state granting a license or registration through one or both the dual state marijuana programs. A condition of approval should state that the applicant shall submit documentation confirming that the OLCC has licensed all processors on this site, staff finds the proposal requested for MO 19-01 can be satisfied with conditions for the provisions in Section 1803.1.

Another condition of approval should state that the applicant shall continue to submit written documentation to Land Development Services (LDS) confirming that the State of Oregon has annually renewed all necessary licensing for this Marijuana Processing Operation for the lifetime of this operation on the subject property. With these conditions of approval staff finds the proposal will comply with the minimum provisions in Section 1803.1.

2. In the submitted application for MO 19-01 and DR 19-01, the applicant states that this site will not contain a marijuana retail facility. Also, the growing areas will be located in areas of the building that will not be visible to the Beaver Falls right-of-way. Although, as a condition of approval, there shall be no artificial light originating from within the grow area that will be visible

from outside of the building. Also, staff finds that this property is not within 1,000 feet from a sensitive use, including elementary or secondary schools, public parks, or child care centers. With this condition of light pollution, staff finds that the standards in 1803.2(A) can be met.

3. As stated in the application, all of the marijuana operations will take place within an enclosed building. The current existing building does not have any sort of air filtration system installed. As a condition of approval, prior to the change of occupancy for the existing structure, the applicant shall install an air filtration system that was designed and approved by an Oregon registered mechanical engineer in order to minimize odors perceptible outside of the building.
4. In the submitted application materials, the applicant clearly shows that this marijuana processing, growing and wholesaling operation will be conducted entirely within the approximate 17,000 square foot, enclosed structure within the M-1 Heavy Industrial Zone. This proposal does not include any sort of marijuana processing within the Residential Zone. Staff finds the provision in Section 1803.3 (A) and (B) will be met.
5. Staff finds that the requested proposal of MO 19-01 and DR 19-01, a marijuana processing, growing and wholesaling facility can be a permitted use, granted the applicant meets prescriptive standards which will be discussed throughout the remainder of the staff report. Staff finds that this criteria is met with conditions listed throughout this report.
6. The processing, growing and wholesaling of marijuana within an enclosed building is an authorized use in the M-1 Zone. The subject property is adjacent to other M-1 zoned properties in all directions and adjacent to the Beaver Falls Road right-of-way which it uses for access purposes. The subject property does not abut any residential zones, however there are homes located in relatively close vicinity to the subject property that are considered to be a non-conforming use of the heavy industrial zone. The property does not require additional setbacks for insufficient right-of way because the subject property is located directly adjacent to Beaver Falls Road, which is a 60 foot right-of-way. For these reasons, staff finds the new facility proposed for DR 19-01 in conjunction with MO 19-01 complies with the criteria in 935.1.

- 7. The architectural plans submitted with DR 19-01 shows the existing structure that will be used as a marijuana processing, growing, and wholesaling operation is approximately 24' at its highest point. The subject property slopes downward from the Beaver Falls right-of-way and at no point is the existing structure over 24 feet from the existing grade. This is well below the maximum 45 feet listed in Section 934.2. Staff finds that this criteria will be met at the time of the change of occupancy.**

- 8. As discussed in the Summary, the proposed change of occupancy will require at least 8 parking spaces - one for every employee on the largest shift. The applicant states that there will be less than 8 employees working at any given time. The applicant is proposing 20 parking spaces in total with one ADA compliant parking space located near the designated loading area. This parking location will be improved to the minimum requirements of Section 1400 of the Zoning Ordinance.**

- 9. In the submitted materials for DR 19-01 and MO 19-01, the applicant states that they will utilize water from a rain catchment system from the existing building which will be held in two 75,000 gallon water tanks and supplement additional water from the City of Clatskanie. In the initial comments from the City of Clatskanie, dated August 31, 2018, it states, in part, that the applicants shall be required to install a Reduced Pressure Backflow Assembly at the appropriate location in the mechanical system. This will be a required condition prior to the issuance of the change of occupancy. The applicant has also recently installed a new septic system (192-18-000156-PRMT) on the property which will be used for the restroom facilities in the existing structure. As stated in the summary the applicant's waste water plan could not be approved by the County Sanitarian due to grey water reuse techniques not approved in Oregon. As a condition of approval, the applicant shall submit a revise waste water plan to be approved by the County Sanitarian.**

On October 8, 2018, the Columbia County Transportation Planner submitted comments stating that the Road Department has no objection to this approval as submitted. There is a finalized access permit on file for the subject property. Staff finds that this proposal will be able to comply with this provision with the conditions previously listed.

10. In the submitted materials for DR 19-01, the applicant does address the landscaping requirements. The application states that there will be a 1500 square foot rain garden located on the south west side of the existing building. This rain garden will also act as a natural drainage area for the parking lot area. There is also identified landscaping in between the parking areas and the Beaver Falls right-of-way. In regards to objectionable views, the entirety of this marijuana facility will be conducted within the proposed, enclosed structure and is prohibited from being conducted outdoors. The entire existing structure, parking and loading area will be enclosed in a fence to screen any potentially objectionable views in terms of garbage and trash collection stations. Staff finds that the proposal presented in DR 19-01 will be adequate for addressing the landscaping requirements in Section 935.5 with conditions listed throughout this report.

11. Currently, there are two access locations for the existing facilities on the subject property. These accesses are located approximately 150' away from each other. Although, the submitted site plans show that there will only be one access used for this proposed marijuana operation. The County Road Department submitted comments and stated they have no objections to the approval as submitted, as a finalized access permit has been issued.

Prior to the issuance of building permits, Clatskanie Fire District shall review and approve the design of the access and parking area, as well as ensure all portions of the existing 17,000 sq. ft. structure are accessible to first responders. Prior to the Final Occupancy of the structure proposed for DR 19-01, the access shall be constructed to Fire Apparatus Standards and approved by Clatskanie Fire District. Staff finds that this criteria will be met with conditions listed.

12. The parking area shown on the site plan for DR 19-01 designates two parking bays that consists of 6 and 11 parking spaces that are located on the south east side of the existing structure. There is also one ADA compliant parking space on the other side of the designated "rain garden" as shown on the submitted site plan. The entirety of this parking area is approximately 8,200 square feet,

with more than 2,100 square feet of landscaping which complies with Section 1415.8. With a condition that future development shall be sited as presented in the application and site plans, Staff finds that the applicant will be able to comply with the minimum provisions in Section 1410.

In the submitted site plan for DR 19-01, the applicant shows that the parking area is separated from the exterior walls of the structure, but does not indicate whether or not this setback meets the 5' necessary to meet the standards in 1415.3, or if it will be landscaped or not. As a condition of approval, prior to the approval of the Final Site Plan, the applicant shall show that the parking area is setback back at least 5' from the exterior walls of the structure with landscaping in between. The subject parcel is adjacent to properties zoned Heavy Industrial (M-1) in the County. Since this 1.77acre site does not abut any residential zones, the requirements in Section 1415.4 and 1415.5 do not apply. Staff finds that this criteria is met. With this condition, staff finds that the applicant will be able to comply with Section 1415.

13. The applicant proposes to install a total of 17 parking spaces for the proposed facilities which meets the minimum requirements for this proposal. In the submitted application, the applicant states that the largest shift, at any given time, will be less than 8 employees. For these reasons, and with conditions listed in previous Findings, staff finds providing at least 8 onsite parking spaces complies with the minimum provisions in Section 1516.5 of the Zoning Ordinance.

14. Due to their size, the proposed structure for this future marijuana operation (growing, processing, and wholesaling) is approximately 17,000 sq. ft. which meets the criterion in Section 1551.(B).1 for a Type 2 Site Design Review to be reviewed and approved by the Planning Commission. The applicant and LDS Staff held a pre-application meeting on 8/30/18 where the submittal requirements and the standards of the M-1 Zone were determined and explained to the applicant. On September 14, 2018 the applicant submitted the necessary information and supporting documentation for the proposed Type 2 Site Design Permit as well as a Marijuana Operation Permits that are in conjunction with the Design Review.

The submitted documents for DR 19-01 and MO 19-01 contained existing and proposed Site Plans, Parking Plan, Landscaping Plan,

Drainage Plan, Elevation Plan, and Flood Plans. The written narrative submitted with DR 19-01 also contains a brief history of the property, project narratives, and a general project timeline. These site plans satisfy the requirements in Sections 1561(A - B) and are included as attachments for this Report. The applicants are not planning on having any sort of advertising for the proposed marijuana operations conducted on the subject property, nor is this site going to be accessed by pedestrians or identified in the County Transit Plan for transit facilities. Staff finds the applicant satisfied the provisions in Sections 1551, 1552, 1553, 1555, 1556, 1561.

15. In regards to 1563(A), (B) & (C) the subject property is not within a floodplain and does not contain any identified wetlands as per the FEMA FIRM Panel 41009C0127D. The Clatskanie Beak Maps do not indicate that this area is designated as sensitive animal habitat or big game habitat. In regards to Section 1563(E) and (F), the applicant has submitted an architectural plan with DR 19-01 that shows that there will be lighting on the outside of the building. As a condition of approval, this lighting shall be shielded so as to not shine directly onto adjacent properties and roads. Staff finds that the existing structure's footprint will not be expanded in this requested DR 19-01. In regards to 1563(G), DR 19-01 does not appear to warrant any additional off-site transportation facilities or pedestrian facilities. The comments from the County Roadmaster state that there is an approved and finalized Road Access Permit on file for the subject property. There are no crosswalks or walkways required for this request due to the parking area consisting of less than 20 spaces. For these reasons, staff finds that the criterion in Section 1563 is met subject to conditions already covered throughout this report.

16. A Final Site Plan shall be submitted addressing the requirements of this ordinance and incorporating the approval conditions of DR 19-01. The Final Site Plan, once approved, is forwarded to the County Building Official and other departments. Its contents dictate their review and standards. As such the final site plan shall be approved only if it conforms to the preliminary site plan reviewed and approved by the Planning Commission before any building permit applications are submitted and reviewed by Land Development Services. In addition, the County Building Official will review the 17,000 sq. ft. facility for compliance with the applicable requirements of the County Codes as well as any State and Federal Codes, Ordinances, and Standards related Building

Safety and Fire Protection in effect at the time of application prior to building permit issuance. Staff finds that the criterion is met subject to conditions.

- 17. This proposal is for an industrial project and will not result in more than 2,000 square feet of disturbed land. Since the 17,000 square foot structure is already existing and the identified parking area will remain gravel, there will be minimal disturbance of land. Although, the applicant wishes to collect rainwater off of the existing structure's roof and store it in two proposed 75,000 gallon tanks. The application states that runoff calculations from the existing structure will be supplied at the time of the change of occupancy. For these reasons, staff finds that an engineered stormwater plan is not required for this project.**

In addition to the comments and conditions set forth in the staff report we received a letter in the mail dated 11-1-2018 from Larry and Donna Garlock in regards to the concerns. Their concerns are: What hours of operation will there be, how many employees, what about parking, will there be costumers coming to the business, what size of vehicles and how many vendors will be coming to the site and how many trips could be generated.

Staff recommends approval with conditions.

Open public hearing

In favor:

Jayson Millican – owner. Linda Hooper is curious as to how many jobs this will create. Jayson responded that there would be 2 shifts, with an expectation of a total of 16 employees and they will use local contractors, .

Jeremy Aregula, the easement on the property will not be changing and the trucks will be coming in through the front gate. Jeff VanNatta wanted to know if there would be really big trucks using the road. Jeremy said there would not be any really big ones, just those delivering building materials.

There will not be a fence on the neighbor's property because the OLCC does not require it because the total operation is within the building. The gray water will be reclaimed for the grow operation only, it will be kept in a loop system in the building. All the soils will be organic and that system will help regulate that.

Jeremy mentioned that they would recycle the waste, they will run a legitimized operation, be environmentally safe /and put money into the local economy.

Opposition:

Jim Hogan, Owns the building on the left, a fence will not work because there is only 10 feet in between the buildings. There is a service easement with the utility and this does pertain to finding 10. Is there a requirement for a fence, Jeff VanNatta explained since all operation are inside no fence is necessary. Additional concerns were submitted prior to this testimony and are address in the summary portion. Claudia Frace wanted to clarify that no fence was required and staff stated that a fence was not needed.

Close the public hearing.

Bill DeJager made a motion to approve DR 19-01 & MO 19-01, Linda Hooper seconded, all in favor motion carried.

Linda Hooper made a motion to approve the minutes for July 16, 2018 and August 20, 2018, Alta Lynch seconded all approved.

Meeting adjourned 7:20 pm