

MILL CITY PLANNING COMMISSION
Meeting of January 18, 2022

Planning Commission members present: Chair Marge Henning, Sandy Lyness, Jim Grimes, Woody Koenig, David Leach, Caitlin Purdy and Debbie Schenck.

Staff in attendance: City Recorder Stacie Cook.

City Council Representatives: None.

Agency/Applicant Representatives: Roy Mitchell and Thorin Thacker.

Citizens: Karen Brooks (via phone), Alicia Chacon, Douglass Cheeks, Will Cole, Justin Craft and Bob Yates.

The meeting was called to order at 6:30 p.m. Chair Marge Henning led the pledge of allegiance.

APPROVAL OF MINUTES: *Sandy Lyness moved, seconded by Jim Grimes to approve the minutes of October 20, 2021. The motion carried, (7:0).*

PUBLIC COMMENT: None.

PUBLIC HEARING: File No. 2021-09 Minor Partition
Applicant: ConKraft Construction, Salem, OR
Location: 745 NE Alder Street

Chair Henning opened the public hearing at 6:32 p.m. with the procedures for the land use hearing. Chair Henning called for any potential conflicts of interest, bias or ex parte contact. None stated.

APPLICANT'S PROPOSAL: None.

STAFF REPORT: Mrs. Cook said that the applicant proposes to divide 745 NE Alder Street into two ¼ acre parcels to place single family homes on. The property is in the Commercial Highway zone which allows for residential use.

Utilities are available to the property including a 2" water line in NE Santiam Boulevard and a 6" water line in NE Alder Street, which does not extend to the property. The previous home was connected to water through the 2" main in NE Santiam Boulevard. Extension of the 6" main will be required to serve the new parcel.

A 4" sewer line runs in NE Alder Street. Gas and power are available to the site.

There are no storm sewers serving this property. Any utility work done within the rights-of-way will require permits from the appropriate agency.

Agency comments were received from the Mill City Rural Fire Protection District stating that they have no issues with the partition but would like to comment when any building plans are proposed.

ODOT submitted comments stating that the site is subject to the state laws administered by ODOT including the Highway 22 Access Management Plan, which shows one highway approach to TL 300 that is shared with TL 400. This is proposed to be maintained as a shared approach. An approach permit will be required in order to use the approach and to bring it into compliance with current standards.

Criteria 1 – All lots are consistent with zoning and subdivision code standards.

The proposed partition complies with the basic zoning and subdivision requirements including lot size and shape, permitted use, public works standards, and application submittal requirements.

Criteria 2 & 3 – Public Works Design Standards are or can be met and necessary utilities can be provided to the parcels.

All parcels can be served by public and private utilities and can comply with Criteria 2 and 3 upon compliance with the recommended conditions of approval.

The Planning Consultant recommends approval of the minor partition subject to the following conditions of approval:

1. Approval expires January 31, 2023.
2. Plat map must be submitted to the Marion County Surveyor and recorded no later than January 31, 2023 and must include:
 - Parcel 1 and Parcel 2 as shown on the approved plan (lot dimensions may vary as long as they are consistent with the approved plan).
 - Sewer maintenance easement must be executed for both parcels and/or recorded on the plat.
 - PUE shall be shown on the east 10' of Parcel 2 if the sewer for Parcel 1 will be located along the east property line to NE Alder Street.
3. Public Works Requirements will be met including:
 - ODOT access permit.
 - Marion County construction permit.
 - Storm drainage design/analysis.
 - Onsite storm drainage retention.
 - Stormwater O&M plan and agreement executed and recorded.
 - Extension of existing 6" water main to east end of property.
 - If construction of water main done by applicant, submit engineering plans and cost estimate for approval by City Engineer.
 - Sanitary sewer plan in compliance with PWDS.
 - New interceptor tanks and building sewer for each parcel prior to or concurrently with building permit for each lot.
 - Locate, pump and abandon existing interceptor tank or obtain approval for use by

City.

PROPONENT’S TESTIMONY: None.

OPPONENT’S TESTIMONY: None.

GENERAL TESTIMONY: None.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION: Sandy Lyness asked what private utilities are considered to be. Mrs. Cook clarified that these would be gas, power, phone, etc.

Chair Henning asked what the blue box above tax lot 300 is in Map 1. Mrs. Cook said that this is a water meter.

Caitlin Purdy asked for clarification on the location of the ODOT driveway approach. Mrs. Cook stated that it can be seen on page ten of the staff report in Map 3. The shared approach is just above the number 74 on the map.

APPLICANT’S REBUTTAL: None.

STAFF SUMMARY: Mrs. Cook gave a brief recap of the conditions of approval recommended by the Planning Consultant as shown above.

CLOSE OF HEARING: Chair Henning closed the public hearing at 7:03 p.m. and called for deliberation.

DELIBERATION: *Debbie Schenck moved, seconded by Marge Henning to approve the minor partition application of ConKraft Construction, Inc and to adopt the findings of fact, conclusions and recommended conditions of approval for File No. 2021-09. The motion carried, (7:0).*

Mrs. Cook said that a notice of decision will be issued within five business days. The decision will be forwarded to the City Council at their meeting next week where they can ratify the decision or call for a hearing. There is a 15-day appeal period from the date of the notice of decision for any person aggrieved by the decision to appeal the decision to the City Council.

PUBLIC HEARING: File No. 2021-10 Conditional Use Permit
Marijuana Dispensary and Retail Sales Facility
Applicant: Thorin Thacker/Roy Mitchell
Location: 415 NE Santiam Boulevard

Chair Henning opened the public hearing at 7:03 p.m. with the procedures for the land use hearing. Chair Henning called for any potential conflicts of interest, bias or ex parte contact. None stated.

APPLICANT’S PROPOSAL: None.

STAFF REPORT: Mrs. Cook stated that the applicant proposes to open a recreational and medical marijuana retail store at 415 NE Santiam Boulevard. A THC free CBD retail store currently operates in the location. The applicants did operate a marijuana retail outlet in Gates until its loss due to the Beachie Creek fire.

The property is zoned CH, which permits commercial retail operations. Utilities are available and the existing structure is connected to City services and private utilities.

Agency comments were received from the Mill City Rural Fire Protection District stating that they have no concerns with access or water supply. The proposed business needs an occupancy classification by the building official and further plan review may need to be completed concerning the access and water supply after the classification is assigned.

Staff contacted Linn Count Planning and Building Department, who responded by stating that the use will fall under a Class B occupancy. If prior occupancy was a B, no change of use is required but improvement permits would be required if remodeling the space. If occupancy is changing to Class B then a change of use permit is required.

ODOT responded, stating that they have no comments on the proposed conditional use. If the applicant desires to make any changes to their highway frontage, or if the City requires it, a permit from ODOT will be required.

The proposed use complies with standards and criteria in Chapter 17.24 – Highway Commercial District, including permitted use of a retail establishment and OR 22 Access Management Plan requirements.

No new signs are proposed for the property. Should a new sign be proposed, the applicant will obtain building permits as required by City code.

A clear vision area must be provided at all street intersections and at the driveway entrances to the parking lots.

The existing use requires five paved parking spaces, including at least one ADA space. The site currently meets this requirement in the east parking lot. If the west parking area is to be used, a new driveway approach is required from the street pavement edge into the site. Onsite storm drainage shall be provided. Mr. Thacker stated that they intend to complete the driveway approach within the year.

Outdoor lighting is shown over each entry door. No additional exterior lighting is proposed. All parking lot and outdoor lighting shall be ‘dark sky’ with hoods to direct light downward.

Chapter 17.52, Section 030.F lists time, place and manner standards for marijuana facilities. The applicant’s submittal meets the required standards including:

- Written narrative.
- Operating hours; seven days per week, 9:00 a.m. to 7:00 p.m.
- Narrative addresses zoning, odor, location, lighting and signage.

- OLCC license has been requested for transfer to 415 NE Santiam Boulevard.

Mr. Thacker said that odor should never be an issue because everything that is sold is produced off site and is prepackaged.

The Planning Consultant finds that the application and narrative demonstrate compliance with the conditional use permit standards for marijuana dispensaries and retail marijuana outlets, that the applicant can comply with the time, place and manner requirements, and recommends approval with the following conditions of approval:

1. Compliance with prior and use approval, File 2020-04.
2. Maximum operating hours: seven days per week, 9:00 a.m. to 7:00 p.m.
3. Owners will continuously hold a current city business license.
4. New signs shall comply with ODOT and City sign requirements and any required permits shall be obtained.
5. OLCC license authorizing operation of a medical marijuana dispensary and recreational marijuana retail sales outlet at 415 NE Santiam Boulevard in Mill City shall be provided to City prior to opening.
6. If City receives complaints the City Recorder shall notify owners of said complaints and visit the site to determine if objectionable odor complaints violate the “reasonable person” standards and constitute a nuisance. If yes, owners will be notified that modifications are required to eliminate odor impacts.
7. Compliance with building code.
8. Within 60-days of PC meeting, City Planning Consultant will inspect site to determine compliance with CUP requirements. Any violations shall be provided in writing and a reasonable time period to bring into compliance shall be given.
9. If owners fail to comply with terms of this permit, the City Recorder may set a public hearing before the Planning Commission to determine if permit should be revoked or modified. This may include one or more of the following:
 - Approval of CUP obtained by fraud or misrepresentation.
 - Use for which approval granted has ceased to exist.
 - Use does not meet conditions specifically established at time of approval.
 - Use is in violation of any provision of this title or any other applicable statute, ordinance or regulation.

PROPONENT’S TESTIMONY: None.

OPPONENT’S TESTIMONY: None.

GENERAL TESTIMONY: None.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION: Ms. Purdy asked how many staff will be at work at any one time. Mr. Thacker said that there are two at any given time.

Ms. Purdy asked how many customer vehicles are at the business on average. Mr. Thacker said that there are generally three at most.

Ms. Schenck asked about security at the entryway to check the age of customers. Mr. Thacker said that there is not a requirement to check at the entry, only at the point of sale. The company policy is to check every customer, every time.

Chair Henning asked if landscaping is planned. Mr. Thacker said that there is not a lot of area to do landscaping. The briars behind the building will be cleaned up. However, the grassy area in front of the building is owned by ODOT.

Woody Koenig asked if OLCC will transfer the license for the business upon receipt of the CUP. Mr. Thacker said that they will.

APPLICANT'S REBUTTAL: None.

STAFF SUMMARY:

CLOSE OF HEARING: Chair Henning closed the public hearing at 7:35 p.m. and called for deliberation.

DELIBERATION: *Sandy Lyness moved, seconded by Woody Koenig to approve the conditional use permit for a medical marijuana dispensary and recreational marijuana retail facility at 415 NE Santiam Boulevard, to adopt the findings of fact, conclusions and recommended conditions of approval for File No. 2021-10. The motion carried, (7:0).*

Mrs. Cook said that a notice of decision will be issued within five business days. The decision will be forwarded to the City Council at their meeting next week where they can ratify the decision or call for a hearing. There is a 15-day appeal period from the date of the notice of decision for any person aggrieved by the decision to appeal the decision to the City Council.

OLD BUSINESS: Mill City Falls Park – Overlook and Public Plaza Concept Design Review: Mrs. Cook said that she does not have the final design yet. There were some minor design changes that needed to be done and lighting elements to work through before completion.

Staff is still working to find additional funding for the Mill City Falls Park project. Travel Oregon put a call out for shovel ready projects and this project was submitted as a possibility.

NEW BUSINESS: 2021 Planning Commission Annual Report: Mrs. Cook said that the annual report is generally presented to the Council in February. Staff hopes to have a draft to the Planning Commission at the next meeting.

2022-2023 Planning Commission Work Program: Mrs. Cook said that the work program is generally presented to the Council in February. Staff hopes to have a draft to the Planning Commission at the next meeting.

Mill City Development Code Revisions: Mrs. Cook said that Planning Consultant Dave Kinney has been working on this and has it close to ready to present for an initial review by the Planning Commission.

INFORMATIONAL ITEMS:

City Recorder Report: Mrs. Cook gave a report on the following items:

- *Railroad Footbridge Update*
- *Willamette Partnership – Storm Water*
- *Travel Oregon – Shovel Ready Projects*

BUSINESS FROM THE PLANNING COMMISSION: None.

OTHER BUSINESS: None.

The meeting was adjourned at 7:57 p.m.

Prepared by:

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 15th day of February 2022