



**Minutes
City of Warrenton Planning Commission
December 10, 2020**

Conditional Use Permit/Chuck Bergerson Caretaker Unit
The Scouler Company continuation from the 11.12.20 PC Meeting
Development Code Amendment on section 16.60 General Industrial (I-1)
Development Code Amendment / Appeals Amendment

Planning Commissioners Present: Chair Paul Mitchell, Commissioners Ken Yuill, Christine Bridgens were present in the commission room. Commissioners Mike Moha, Vice-Chair Chris Hayward, Tommy Smith and Lylla Gaebel were present remotely.

Staff Present: Community Development Director Scott Hess, Building Clerk Janice Weese, Interim Planning Director Mark Barnes; Warrenton's City Attorney Spencer Parsons was present remotely.

Flag Salute

Comments on Non-Agenda Items: No-one spoke

Approval of Minutes: Mr. Moha moved to approve the November 12, 2020 minutes with corrections. Ms. Bridgens seconded. All in favor

Public Hearing Open

Subject of Review: Chuck Bergerson's Conditional Use Permit to construct a caretaker unit at 225 Silverside Place in Hammond.

Disclosure by Commissioners: All commissioners answered not all questions or conflicts.

Staff Report: Mr. Hess stated that one caretaker unit is allowed as a conditional use in the General Industrial zoning district and is in conformance with the Comprehensive Plan. Also said that the unit will be compatible for the area and will have minimal impact. He is recommending approval of the application with one condition; prior to issuing a final occupancy the applicant

will submit a site plan for review under the type II procedure to assure the units location, utilities and other standards are met for the caretaker unit.

Applicant Testimony

Charles Bergerson
679 E Harbor Dr.
Warrenton, OR 9746

Mr. Bergerson stated that there will be 2 small homes put together with a piece that will be built on site for in between the two homes. This will all be done within the Uniform Building Code. The Planning and Building Departments have worked with him to get this project moving. The home will be about 800 to 900 sq ft and meets all the requirements of a stick home. The units are 24 ft long and 12 ft wide that will fit on a standard foundation. He and his wife will be living in the unit.

No one spoke in opposition

Public Hearing Closed

Mr. Yuill spoke up and said that the Bergerson's have owned the property that the unit is going on for many years and complimented the work that Mr. Bergerson and his family have done. Thinks this is a great way to show how the tiny homes would look and be like; he is in favor of this project. Ms. Bridgens agreed that this is straight forward.

Motion by Commissioners: Ms. Bridgens moved to approve based on the findings and conclusions of the October 10, 2020 staff report, the Conditional Use Permit, CUP 20-2, to build a single caretaker unit at 225 Silverside Place. Mr. Yuill seconded. All in favor.

Subject of Review: The continuation from the November 12, 2020 Planning Commission meeting of SDR-20-6 to develop a 14,000 sf fishmeal processing facility on property owned by the Port of Astoria.

Public Hearing Open

Disclosure by Commissioners: All commissioners answered no to all questions or conflicts.

Staff Report: Mr. Barnes spoke up and said what was new from the previous hearing is the agreement between the port, the city, and the applicant that addresses the utility deficiencies. The applicant has signed on to the agreement. The Port and City Commission has not acted on it yet but, the Public Works Director feels comfortable enough that he can recommend from that point of view that the agreement will take care of the issues. Mr. Barnes feels that the bird attraction issue can be addressed in approval conditions. Mr. Barnes stated that there are a lot of conditions on this but feels he can recommend approval on this application. The majority

of the conditions are within public works requirements. The rest are conditions that need to be met from the code. Mr. Barnes recommended that the commission approves the application with the 27 conditions.

No Questions for Staff

Applicant Testimony

Tom Wortmann, Managing Director for Scoular
Managing Director for Scoular Company
2027 Dodge St.
Omaha, NE 68102

Feels that they have addressed and satisfied the bird attraction issue. Everything else is satisfactory to them.

Mr. Yuill spoke up and asked who will oversee the quality of the facility to make sure what they proposed stays in place once this project starts and over the years it is there. Mr. Yuill also expressed concern if someone else takes over the business, would the operation of the facility go along with the sale of the building. Mr. Barnes spoke up and stated that whoever takes over the building would have to follow the same conditions and guidelines unless they were putting in a completely different type of use; then they would be going back to the Planning Commission to get a new certificate of occupancy for that type of business and use.

Robert Stevens, Vice President Port of Astoria Port Commission
92284 Whiskey Road
Warrenton, OR 97146

Mr. Stevens wanted to urge the Planning Commission to approve the project. Feels that this could be a gateway to future development.

Matt McGrath, Deputy Director
422 Gateway
Astoria, OR 97103

Mr. McGrath spoke up and had a comment regarding the grid wire condition. He stated that it was suggested to be a condition of the project, but it was intended to be an additional mitigation if there proved to be problems with birds. The grid wire is not being used anywhere on the hangers at the airport. Feels that the condition needs to be evaluated. The Scoular facility will be hundreds of yards away from the ramp and hangers.

Ms. Bridgens spoke up expressing concerns about how much water and sewer capacity The Scoular Company will use. Discussion continued on the rate of how many EDU's would be used for the first year and would be reevaluated after that depending upon the output.

No one spoke in opposition

Public Hearing Closed

Discussion Among Commissioners

Mr. Mitchell feels good that the project is going in the right direction since the agreement was signed by the city and the applicant.

Mr. Smith feels that The Scoular Company should not have to put up the bird wire since no one else at the port were required to do so.

Mr. Yuill spoke up and said that the bird wire is a deterrent because they are bringing in fish. There is no one else out at the port that is bringing in fish by products. Mr. Yuill also said that the company made a presentation on the bird wire and it made sense to him.

Mr. Hayward suggested that if it helps to move the project forward, then the bird wire might be a good idea to install.

Motion by Commissioners: Ms. Gaebel motioned to approve The Scoular Company SDR-20-06 subject to the 27 conditions of approval listed in the staff report. Ms. Bridgens seconded. All in favor.

Public Hearing Open

Subject of Review: Development Code Amendment 16.60, General Industrial District, (I-1), regarding the location and land use approval process for recreational marijuana production, processing, and wholesale activities.

Disclosure by Commissioners: All commissioners answered no to all questions or conflicts.

Staff Report: Mr. Hess spoke up and said this is an application from Mike Morgan representing Jason Palmberg and Jeff Canessa doing business as Kingfish, LLC. The purposed amendment would change those activities from permitted uses to conditional uses and also to remove the requirement to have the marijuana facilities be located only east of HWY 101. This proposal would allow a marijuana facility to be a Conditional Use in any General Industrial District. The applicant provided testimony on how this code amendment is in conformance with the state statutes, and the 19 statewide planning goals and also consistent with the City of Warrenton Comprehensive Plan. Mr. Hess also pointed out that applicant had asked to remove the provision to only a single building occupant.

Applicant Testimony

Mike Morgan
P.O. Box 132
Cannon Beach, OR 97110

Mr. Morgan stated that marijuana facilities are permitted in the general industrial zones with certain conditions just as long as they meet the 1,000 feet away from schools, churches etc. The proposal is to allow the marijuana facilities in all industrial zones but to make them a conditional use so you have more control over the facilities. Mr. Morgan reiterated that they are also asking for an additional amendment to remove the provision that prohibits another use in the same building.

Jason Palmberg
1790 SE 3rd St.
Astoria, OR 97103

Mr. Palmberg felt that where they want to put the facility is a good location because it will be next to the sewer lagoon, the mill and other industrial uses in that area and would not cause any distractions.

Jeff Canessa
90435 Gander Rd.
Astoria, OR 97103

Mr. Canessa spoke up to agree with everything Mr. Morgan and Mr. Palmberg said.

Testimony in Opposition

Robert Stevens
92284 Whiskey Road
Warrenton, OR 97146

Mr. Stevens stated that marijuana is not legal Federally. He was a federal officer that made a career enforcing the laws. He is not fond of having marijuana legal in Oregon and feels it is a gateway drug. Drug related crimes have increased since marijuana became legal. Juvenile arrests have risen as well.

Testimony in Rebuttal

Mike Morgan
P.O. Box 132
Cannon Beach, OR 97110

Mr. Morgan stated that the voters in Oregon spoke about decriminalizing minor drug offenses in the last election. He feels that it speaks to the need to provide better treatment for serious drug abusers. Facilities that produces marijuana provides numerous jobs at a wage of around \$15 to \$20 an hour.

Public Hearing Closed

Discussion Among Commissioners

Ms. Bridgens stated that even though marijuana is legal in Oregon, she does not want any ordinance in the code disregarded. She thinks that it should remain as it is now. Also mentioned the odor is offensive. The health impact on the youth will remain the same or be worse if it's more available to them. Thinks the facility is a bad idea.

Mr. Moya spoke up and said that back in 2015 the Planning Commission and City Commission spent a lot of time to write the ordinance that is in our code. East of HWY 101 was one of their major points. Does not see why this code should be amended.

Mr. Yuill stated that when this came up after the election, there was an advertised work session with the Planning and City Commission. Having a marijuana facility in a joint building with different businesses next to them is not a good idea because the smell will penetrate through the shared walls. This is the reason why it should be a separate building. Thinks that what is in place right now is good but would like to recommend that the City Commission make the east side of the highway a Conditional Use also. He is not against this application one way or another.

Ms. Gabel said that she is not against having the facilities on the west side. Commented that they should stick with the stand alone building and not be a shared wall.

Mr. Hayward stated that they put a lot of time writing the agreement that was passed years ago and feels it is a good one.

Mr. Smith thinks they should take personal feelings out of the decisions that they make and move forward to what is best for the community. Is not for or against this application.

Mr. Mitchell wants to keep the plan for having the facilities on the east side of Hwy 101. Discussion continued on how other businesses would be impacted if they were next door to a marijuana facility. Also mentioned that home values might depreciate if close to facilities of this nature.

Ms. Gaebel mentioned that there is a lot of tax revenue that comes in with the marijuana.

Motion by Commissioners: Ms. Bridgens motioned to recommend denial to the City Commission the amendment to section 16.60 General Industrial, (I-1) District, concerning the location and land use approval process for recreational marijuana production, processing, and sales activities. Mr. Yuill seconded. All in favor.

Subject of Review: To amend section 16.208.050.H of the Development Code to clarify that City staff could appeal quasi-judicial Planning Commission decisions to the City Commission.

Public Hearing Open

Disclosure by Commissioners: All commissioners answered no to all questions or conflicts.

Staff Report: Mr. Barnes spoke up and said that this amendment comes from the City Manager to change the appeal procedure. It would change the list of people who could appeal the Type III decisions by adding City Manager and Planning Director to the list of people who might appeal the decision. Mr. Barnes also commented that this is would be very rare to come up if at all.

No-one spoke in opposition

Public Hearing Closed

Discussion Among Commissioners: Discussion continued between the Planning Commissions on their disapproval of this request. It was brought up as to why have a Planning Commission if they are going to be overruled or worried about if the City Commission or Planning Director would appeal their decisions.

Ms. Gaebel motioned that the Planning Commission recommend to the City Commission not adopt the purposed amendment. Ms. Bridgens seconded. All in favor.

Discussion continued on Conditional Uses that allow you to provide additional conditions that might not be written into the zoning code. It was noted that the concept of Conditional Uses are permitted uses with conditions.

Staff Announcements

Mr. Barnes spoke up and said that this was probably his last meeting with the Planning Commission and wanted them to know it was a pleasure working with them and thanked them for all their hard work.

Mr. Hess chimed in and thanked Mr. Barnes for his kindness and wealth of knowledge in this area for land use codes and plans on continuing to call him.

Mr. Hess also thanked Tommy Smith for his service on the Planning Commission since this was his final meeting. Mr. Smith will move on working with The Economic Development Plan for the All in Warrenton Economic Development Study.

Mr. Hess also mentioned that Kevin Swanson will be Mr. Smith's replacement and will be here next month.

Meeting Adjourned

Attest and submitted by



~~Janice Weese, Building Clerk~~
Rebecca Sprongeler, Secretary



Paul Mitchell, Planning Commission Chair