



# CITY OF MYRTLE CREEK

P.O. BOX 940, 207 NW PLEASANT ST., MYRTLE CREEK OR 97457  
(541) 863-3171 FAX (541) 863-6851

## MYRTLE CREEK PLANNING COMMISSION REGULAR MEETING

April 23, 2024  
5:30 PM

City Hall Council Chambers  
207 NW Pleasant Street

### AGENDA

#### 1. CALL TO ORDER / ROLL CALL

Chairperson                      Angel Smith  
Commissioners                 Sharon Umphlett, Cecil Earp, Bill Umphlett, Cathy Wragg

#### 2. PLEDGE OF ALLEGIANCE

#### 3. APPROVAL OF MEETING MINUTES

3.1     Planning Commission Minutes March 26, 2024

#### 4. PUBLIC PARTICIPATION - MATTERS OF PUBLIC CONCERN

Any person may discuss matters of general public concern, which fall within the purview of the Planning Commission, except that matters which are subject to quasi-judicial proceedings may not be discussed under this item of the agenda.

#### 5. NEW BUSINESS

6.1 Conditional Use Permit 1491 N. Myrtle Rd.

#### 6. PLANNING ACTIVITIES REPORT

#### 7. GOOD OF THE ORDER

#### 8. ADJOURNMENT

♣ ♣ AMERICANS WITH DISABILITIES NOTICE ♣ ♣

As part of public policy, the City of Myrtle Creek will attempt to provide public accessibility to services, programs, and activities. If accommodation is needed to participate at this meeting, please contact the City of Myrtle Creek at 863-3171, at least 48 hours prior to the scheduled meeting time.



# CITY OF MYRTLE CREEK

## Regular Meeting of the Planning Commission

**DATE:** March 26, 2024

**PLACE:** Council Chambers, 207 NW Pleasant St, Myrtle Creek, Oregon

**PRESIDING OFFICER:** Chairman Angel Smith

**COMMISSIONERS PRESENT:** Sharon Umphlett, Tommy Earp, Bill Umphlett, Cathey Wragg

**COMMISSIONERS ABSENT:**

A quorum was present during this meeting.

**STAFF IN ATTENDANCE:** City Administrator Lonnie Rainville, City Recorder Joanna Bilbrey

**CALL TO ORDER:** Meeting was called to order at 5:30 p.m.

### PLEDGE OF ALLEGIANCE

### OATH OF OFFICE

Cathey Wragg took the Oath of Office and was sworn onto the Planning Commission.

### APPROVAL OF FEBRUARY 27, 2024, MINUTES:

Motion was made by Commissioner Sharon Umphlett to approve minutes from February 27, 2024.

Motion was seconded by Commissioner Bill Umphlett. Discussion: No discussion took place.

Vote: Motion passed unanimously.

### PUBLIC PARTICIPATION - MATTERS OF PUBLIC CONCERN:

No public participation.

### PUBLIC HEARING

Zone change request by Myrtle Creek First Assembly of God for 186 NE Division Street from C-2, Neighborhood Commercial to R3, High Density Residential.

### Public Hearing opened at 5:38 PM.

The applicant was present and had party status. The City Administrator presented the staff report for the zone change request.

Based on the findings of fact the City of Myrtle Creek Planning Department finds that the request for zone change from C-2 Neighborhood Commercial to R3 High Density Residential meets the right criteria as required by MCMC 18.180.030 Section 1.

**Public Hearing closed at 5:55 PM**

**Regular meeting of the Planning Commission resumed at 5:55 PM.**

Motion was made by Tommy Earp to move the City of Myrtle Creek’s request for a Zone change from C-2 Neighborhood Commercial to R-3 High Density Residential for the Parcel addressed 186 NE Division St and described as 29S, 05W, Section 27BB, Tax Lot 01400, and Property ID R16342 to City Council with the recommendation to approve. Motion was seconded by Sharon Umphlett. *Discussion:*

*No discussion took place.*

*Vote: Motion passed unanimously.*

**PLANNING DEPARTMENT REPORT**

The Klimback subdivision has been platted and the developer is looking at home plans. Tessia Hills Estates will resume work soon. Public Works is working with engineers to create a plan to rebuild Holly and overlay Leon.

**GOOD OF THE ORDER**

No items presented.

**ADJOURNMENT**

Chairman Smith adjourned the meeting at 6:14 pm.

\_\_\_\_\_  
Angel Smith, Chairman

ATTEST:

\_\_\_\_\_  
Joanna Bilbrey  
City Recorder



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Phone 541-863-3171, Fax 541-863-6851

[www.cityofmyrtle creek.com](http://www.cityofmyrtle creek.com)

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Lonnie Rainville, City Administrator

**RE:** Conditional Use Permit Applications filed by R. Todd Theiss (applicant). Application is to allow for the use of a building for the purposes of marijuana production, The conditional use permit applications are to the General Manufacturing (GM) zone uses and structural standards as contained within MCMC Chapter 18.60.040(9). Applicant intends to construct a new building and/or greenhouse on the parcel as allowed and licensed by OLCC. The subject property is described as Tax Lot 01202, Section 22, T29S, R5W; Property I.D. No. R59780 and is addressed as 1491 N. Myrtle Rd, Myrtle Creek OR. The subject property is designated as General Manufacturing by the Myrtle Creek Comprehensive Plan and zoned (GM) General Manufacturing. Planning Department File No. 2024MC-005 for the Producer CUP

### Staff Exhibits

- A. Vicinity Map
- B. Applicant's Site Plan
- C. Zone Map
- D. Application
- E. Affidavit proof of mailing
- F. 150 ft buffer map

## **Introduction and Property Description**

On February 27, 2024, the City of Myrtle Creek (City) received an application for a Conditional Use Permit from applicant, R. Todd Theiss (Applicant). The Property is owned by Phil and Connie Johnson and Applicant has authority to represent the owner on this application. The subject property is described as Tax Lot 01202, Section 22, T29S, R5W; Property I.D. No. R59780 and is addressed as 1491 N. Myrtle Rd. Myrtle Creek OR. The subject property is designated as General Manufacturing by the Myrtle Creek Comprehensive Plan and zoned (GM) General Manufacturing. The subject property is accessed from N. Myrtle Rd. The property 47.57 acres and is currently developed with two existing buildings and an operating rock pit.

## **Applicable Code and Conditional Use Review and Finding of Facts**

The applicant intends to either use one of the existing structures or construct a new greenhouse building on the parcel for a marijuana production facility.

### **Chapter 18.170.030 of the MCMC, the applicable criteria for a conditional use approval**

- 1) The proposal will be consistent with the comprehensive plan and the objectives of this title and other applicable policies of the city.
  - **Title 18 of the Myrtle Creek Municipal Code implements the land use and development ordinances of the city. This title has been adopted to implement the policies and goals of the City's Comprehensive Plan. Therefore, because the proposed use of marijuana production use per MCMC 18.55.40 (14) is considered a conditionally permitted use within the General Commercial zone, it is understood that as long as conformance with the General Manufacturing standards of the zoning ordinance are met, the use will be consistent with the policies and objectives of the Comprehensive Plan.**
  
- 2) The location, size, design and operating characteristics under the proposal will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use, abutting properties, and the surrounding area when compared to the impact of development that is permitted outright.
  - **The size and location of the parcel within the City allows for a production facility to be established in one of the existing buildings or a new greenhouse on the parcel without impacting or altering the character of the surrounding area. The of the parcel and the location selected for the facility allows for ample parking for employees.**
  
- 3) The location and design of the site and structures for the use will be suited to the nature of the use and its setting.
  - **The site has existing buildings that can be used and with the parcel being 47 acres, it has ample space for the construction of a greenhouse. The**

space is on the outskirts of the city and is well suited to the proposed activities.

4) *The proposal will preserve environmental assets of particular interest to the community.*

- **The use of the existing building or construction of a new greenhouse will be located in an area that will not impact the environmental assets of the community. The site has been the location of a rock pit that has operated for several years. This new use will have no effect on the parcel or surrounding parcels. There will be a condition of approval that systems be installed that will ensure no odors are emitted from the production facility.**

5) *The property and proposed use in question are reasonably suited in regards to location, topography and other physical features, safe and efficient access, adequate area to provide for off-street parking and loading, and available improvements.*

- **The location of the proposed production facility is well suited and makes reasonable use of existing space within the parcel. The parcel has transportation access from N. Myrtle Rd. The parcel is 47 acres with ample space for a new facility. The topography of the location of the facility is flat and already has appropriate space for parking.**

#### **18.60.040 GM General Manufacturing Conditional Uses and Structures**

The list of uses and structures are permitted as a conditional use whereupon;

1. A conditional use permit may be granted when the criteria for approval are met;
2. A conditional permit may be denied if the findings of fact conclude the permit criteria cannot be met. All uses shall be conducted wholly within an enclosed building, unless expected (i.e., parking and service area are expected) and there shall be no noise, odor smoke, vibration or other deleterious influences detectable beyond the property line.

- **The intended uses is allowable as described in Item (9) in the list of uses is “Marijuana-related land uses as defined within MCMC 18.10.030 and as regulated within MCMC 18.75.130.**

#### **18.75.130 Marijuana Land Uses**

Location shall not be within 1,000 feet of the property of school or preschool, If a “greenhouse” style structure is used for the purpose of marijuana production,

the structure shall be screened from adjacent properties and public right-of-way in accordance with MCMC 18.110.040(3).

- **The parcel meets all the requirements for distance from certain other operations.**
  - **The Parcel is more than 1,000 feet of school or preschool**
  - **Proposed location is already substantially screened from adjacent properties and public Right of way but it will be a condition of construction of an greenhouse that it be fully screened from adjacent properties and public Right of way.**

### **Conclusion**

Based on the review, staff concludes that the applicant's request for conditional use permit will be consistent with the applicable provisions of the Myrtle Creek Municipal Code.

### **Conditions/advisory statement**

1. Production facility must have sufficient system installed to prevent odors beyond the property line.
2. If a "greenhouse" style structure is used for the purpose of marijuana production, the structure shall be screened from adjacent properties and public right-of-way in accordance with MCMC 18.110.040(3)..

### **Recommendation**

Staff recommends that the Planning Commission approve Applicant's request for a Conditional Use Permit to allow for the existing structure or to allow for a greenhouse constructed to be utilized as a Marijuana production facility with conditions. Based on the findings contained within this staff report that demonstrate that the request is in substantial compliance with chapter 18.60.040, 18.75.130, & 18.170 MCMC and all other applicable portions of the Myrtle Creek Municipal Code and subject to the above reference conditions/advisory statements.

**On March 22, 2022, the Planning Commission conducted a public hearing and determined the criteria has been satisfied and voted to approve the Conditional Use Permit (File # 2024MC-005) to allow the operation of a Marijuana retailer on the subject parcel.**

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date



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## STAFF REPORT

**TO:** Planning Commission

**FROM:** Lonnie Rainville, City Administrator

**RE:** Conditional Use Permit Applications filed by R. Todd Theiss (applicant). Application is to allow for the use of a building for the purposes of marijuana processing. The conditional use permit applications are to the General Manufacturing (GM) zone uses and structural standards as contained within MCMC Chapter 18.60.040(9). Applicant intends to use an existing building on the parcel as allowed and licensed by OLCC. The subject property is described as Tax Lot 01202, Section 22, T29S, R5W; Property I.D. No. R59780 and is addressed as 1491 N. Myrtle Rd, Myrtle Creek OR. The subject property is designated as General Manufacturing by the Myrtle Creek Comprehensive Plan and zoned (GM) General Manufacturing. Planning Department File No. 2024MC-006 for the Processing CUP

### Staff Exhibits

- A. Vicinity Map
- B. Applicant's Site Plan
- C. Zone Map
- D. Application
- E. Affidavit proof of mailing
- F. 150 ft buffer map

## **Introduction and Property Description**

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## **Applicable Code and Conditional Use Review and Finding of Facts**

The applicant intends to either use one of the existing structures or construct a new greenhouse building on the parcel for a marijuana production facility.

### **Chapter 18.170.030 of the MCMC, the applicable criteria for a conditional use approval**

- 1) The proposal will be consistent with the comprehensive plan and the objectives of this title and other applicable policies of the city.
  - **Title 18 of the Myrtle Creek Municipal Code implements the land use and development ordinances of the city. This title has been adopted to implement the policies and goals of the City's Comprehensive Plan. Therefore, because the proposed use of the retail marijuana use per MCMC 18.55.40 (14) is considered a conditionally permitted use within the General Commercial zone, it is understood that as long as conformance with the General Manufacturing standards of the zoning ordinance are met, the use will be consistent with the policies and objectives of the Comprehensive Plan.**
- 2) The location, size, design and operating characteristics under the proposal will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use, abutting properties, and the surrounding area when compared to the impact of development that is permitted outright.
  - **The size and location of the parcel within the City allows for a production facility to be established in one of the existing buildings on the parcel without impacting or alter the character of the surrounding area. The of the parcel and the location selected for the facility allows for ample parking for employees.**
- 3) The location and design of the site and structures for the use will be suited to the nature of the use and its setting.

- The site has existing buildings that can be used and with the parcel. The space is on the outskirts of the city and is well suited to the proposed activities.
- 4) *The proposal will preserve environmental assets of particular interest to the community.*
- The use of the existing building is located in an area that will not impact the environmental assets of the community. The site has been the location of a rock pit that has operated for several years. This new use will have no effect on the parcel or surrounding parcels. There will be condition of approval that systems be installed that will ensure no odors are emitted from the production facility.
- 5) *The property and proposed use in question are reasonably suited in regards to location, topography and other physical features, safe and efficient access, adequate area to provide for off-street parking and loading, and available improvements.*
- The location of the proposed production facility is well suited and makes reasonable use of existing space within parcel. The parcel has transportation access from N. Myrtle Rd. The parcel is 47 acres with ample space for a new facility. The topography of the location of the facility is flat and already has appropriate space for parking.

#### **18.60.040 GM- General Manufacturing Conditional Uses and Structures**

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  - **The intended uses is allowable as described in Item (9) in the list of uses is “Marijuana-related land uses as defined within MCMC 18.10.030 and as regulated within MCMC 18.75.130.**

#### **18.75.130 Marijuana Land Uses**

Location shall not be within 1,000 feet of school or preschool. All aspects of the operation, with the exception of transporting products, are performed within an enclosed structure.

**The parcel meets all the requirements for distance from certain other operations.**

- **The Parcel is more than 1,000 feet of school or preschool**
- **All aspects of the operation, with the exception of transporting products, will be performed within an enclosed structure**

### **Conclusion**

Based on the review, staff concludes that the applicant's request for conditional use permit will be consistent with the applicable provisions of the Myrtle Creek Municipal Code.

### **Conditions/advisory statement**

1. Production facility must have sufficient system installed to prevent odors beyond the property line.

### **Recommendation**

Staff recommends that the Planning Commission approve Applicant's request for a Conditional Use Permit to allow for the existing structure or to allow for a greenhouse constructed to be utilized as a Marijuana production facility with conditions. Based on the findings contained within this staff report that demonstrate that the request is in substantial compliance with chapter 18.60.040, 18.75.130, & 18.170 MCMC and all other applicable portions of the Myrtle Creek Municipal Code and subject to the above reference conditions/advisory statements.

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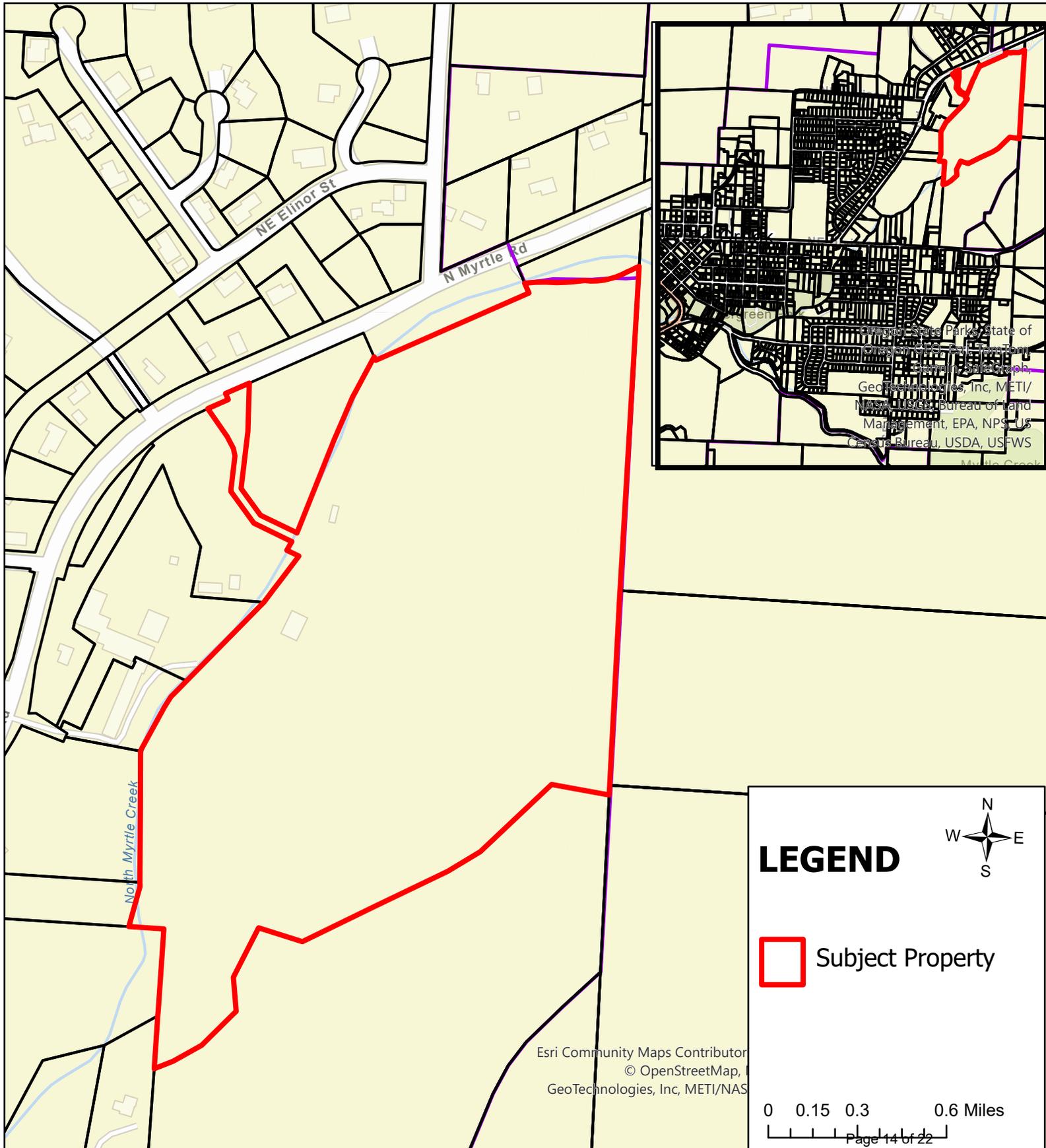
\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date



# VICINITY MAP

Issue: Conditional Use Permit  
Marijuana Producer  
Applicant: Roland Todd Theiss  
Tax Lot: R59780  
Address: 1419 N. Myrtle Rd  
File #: 2024MC-005





# City of Myrtle Creek

## Planning Department

207 NW Pleasant St, PO Box 940, Myrtle Creek OR 97457

Phone: (541)-863-3171 ext. 242

e-mail: [planner@myrtlecreek.org](mailto:planner@myrtlecreek.org)

**received**  
02/27/2024

### CONDITIONAL USE PERMIT APPLICATION

NAME OF APPLICANT: Roland Todd Theiss

PHONE NO.: 541-863-1321

EMAIL: todd@redbamcannabis.com

MOBILE NO.: 541-863-1321

MAILING ADDRESS: PO Box 850 Myrtle Creek, OR 97457

Only the property owner or his representative may file. Please indicate by checking the appropriate box:

I am the owner of record.

I am purchasing the property under a Land Sales Contract. (If unrecorded, attach verification of Purchase)

I am acting as an agent. (Please attach written authorization from the property owner.)

I am renting/leasing. (Please attach written authorization from the property owner.)

#### LOCATION AND DESCRIPTION OF PROPERTY:

Street address or location: 1491 N. Myrtle Rd Myrtle Creek, OR 97457

Legal Description:

Assessor Map and Tax Lot Number: 29-05W-22-01202

Tax Account Number: R59780

Name of Subdivision: \_\_\_\_\_

Block \_\_\_\_\_

Lot \_\_\_\_\_

#### DESCRIPTION OF PROPERTY:

Property is zoned: Commercial

Size of Parcel: 47.57 Acres

On assesor map. Surveyor states 45.52.

List the number and type of existing structure(s) on the property: \_\_\_\_\_

1 open air carport,

Describe the physical features of the property or any unusual characteristics (such as slope, hillside, creek or highway runs through it, etc.): See coments at top of page 2.

Is the property located in the 100-year flood plain? Portions of the property are but none of the buildings.

**PLEASE EXPLAIN BRIEFLY IN THE SPACE BELOW, WHAT YOU ARE REQUESTING AND COMPLETE THE INFORMATION ON THE REVERSE SIDE OF THIS FORM. ALSO, ATTACH A SITE PLAN, DRAWN TO SCALE, SHOWING THE ACTUAL DIMENSIONS OF THE LOT, EXISTING & PROPOSED STRUCTURES, PARKING AREA, DRIVEWAY LOCATION(S), LOCATION OF UTILITIES, ETC., AND INCLUDE ANY OTHER INFORMATION NECESSARY TO ADEQUATELY DESCRIBE THE INTENDED USE OF THE PROPERTY OR STRUCTURE.**

Parcel 3 s fronted by North Myrtle Creek to the north. South of the creek the parcel is flat to rolling swales with vegetative swales that capture almost all of the drainage and keeping it from running directly into the creek. The remainder of the parcel is steep with a portion of this area being a active rock pit and the balance being tree covered hillside. The parcel will continue to operate as a rock pit, however this CUP request is for cannabis production. Any cannabis production will be either inside a steel building and or Greenhouse.

I hereby certify that I am the applicant named herein and that I have familiarized myself with the rules and regulations with respect to preparing and filing this application and that the statements contained herein and the information on the attached plot plan are in all respects true and accurate to the best of my knowledge.

DocuSigned by:  
*Roland Todd Theiss*  
6E8E0B823A6E4G4...

SIGNED: \_\_\_\_\_ DATE: 2/22/2024

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

APPLICATION SERVICE CHARGE: See current application fee in *City of Myrtle Handbook of Fees & Charges* (non-refundable)

### CONDITIONAL USE APPROVAL CRITERIA

Conditional uses are those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location, therefore, after holding a public hearing on the matter, the Planning Commission will weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against the local impact which it may cause.

**In all land use proceedings, the "burden of proof" is upon the applicant. In other words, this request must be supported by proof that it conforms to the applicable elements of the Comprehensive Plan and Zoning Ordinance. Completion of the following statements will assist you in presenting your request to the Planning Commission at the Public Hearing.**

1. EXPLAIN WHY THE PROPOSAL IS CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN GOALS AND POLICIES AND EXPLAIN WHY THE PROPOSAL IS CONSISTENT WITH THE ZONING ORDINANCE.

The property has the correct zoning to operate a cannabis business, which is one property of only a few in the city that would allow this conditional use. With a conditional use permit the parcel will qualify and meet Planning goals.

\_\_\_\_\_  
\_\_\_\_\_

2. EXPLAIN HOW THE LOCATION, SIZE, DESIGN AND OPERATING CHARACTERISTICS UNDER THE PROPOSAL WILL NOT ALTER THE CHARACTER OF THE SURROUNDING AREA IN A MANNER THAT SUBSTANTIALLY LIMITS, IMPAIRS, OR PRECLUDES THE USE, ABUTTING PROPERTIES, AND THE SURROUNDING AREA WHEN COMPARED TO THE IMPACT OF DEVELOPMENT THAT IS PERMITTED OUTRIGHT:

This may be the best location for this use in the city as the parcel is isolated with no close housing. With the creek and riparian acting both as additional privacy providing a mature buffer blocking views, the Creek also serves as an excellent natural fence helping keep the property secure. The active rock pit on the parcel with heavy equipment operation and no ongoing complaints that applicant is aware of tells it all in my opinion. If a rock pit and recycling business can operate there then this business will be well suited as it is a very low key business and much quieter than the previously mentioned.

Applicant is running the same type of business on a adjacent parcel to this request. The existing operations has had no complaints that applicant is aware of.

3. EXPLAIN WHY THE LOCATION AND DESIGN OF THE SITE AND STRUCTURES FOR THE USE WILL BE SUITED TO THE NATURE OF THE USE AND ITS SETTING:

Again with the topography and the lay of the land being much lower than surrounding properties the location provides for working areas that are very difficult to see from any public roads. Again the creek and the bridge are perfect buffer and security componets and make the parcel attractive for this type of operation. Any buildings or Greenhouses constructed will be built following all state, county and city regulations.

4. EXPLAIN HOW THE PROPOSAL WILL PRESERVE ENVIRONMENTAL ASSETS OF PARTICULAR INTEREST TO THE COMMUNITY:

This is a very low key operation. Noise is not a factor. Any Lighting will used will be timed to be on during the the daylight periods. Any lighting used only needs to be on 12 hours a day. So there would be very little over lap with dark periods of the day. we have discussed a lighting schedule of 6am to 6pm or 7 to 7. Like our other operations all smells will be controlled via sealed buildings, and any airthat does intake or exhaust is filtered through carbon air scrubbers and UV air filtration.

5. EXPLAIN HOW THE PROPERTY AND PROPOSED USE IN QUESTION ARE REASONABLY SUITED IN REGARDS TO LOCATION, TOPOGRAPHY AND OTHER PHYSICAL FEATURES, SAFE AND EFFICIENT ACCESS, ADEQUATE AREA TO PROVIDE FOR OFF-STREET PARKING AND LOADING, AND AVAILABLE IMPROVEMENTS.

This parcel is several hundred feet away from any public roads and sits lower than much of the surrounding acreage. The creek provides a excellent visual buffer strip and natural security fence. The only access point is across a bridge that is capable of handling heavy equipment loads and numerous rock trucks a day. This bridge is also very helpful for any security concerns. Gating the bridge and closing the gate in the evening is helpful. This site has been used for heavy industry for over a century. There is acres of manuvering room and room for parking. Because of the past use ~~this parcel the ingress and egress is very well built and wide enough for two peices of heavy equipment to pass each other.~~ The access is paved for the the first several hundred feet as it leaves the public road.

In judging whether or not a Conditional Use Permit shall be approved, altered or denied (or whether conditions shall be imposed on the approval), the City Administrator or Planning Commission will establish findings based on Article VII of Zoning Ordinance 508. The action of the City Administrator or Planning Commission may be appealed by an affected or aggrieved party by filing written notice of appeal within the appeal period after the written notice of the decision has been mailed.

Planning File No. \_\_\_\_\_

(rev 08-11)

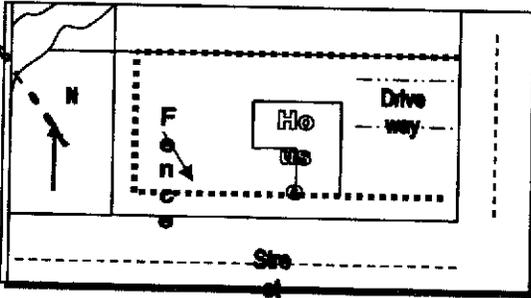
# Conditional Use Permit Application Site Plan

Applicant Name Roland Todd Theiss  
Applicant Address PO Box 850

Planning File \_\_\_\_\_  
City Myrtle Creek Zip 97457

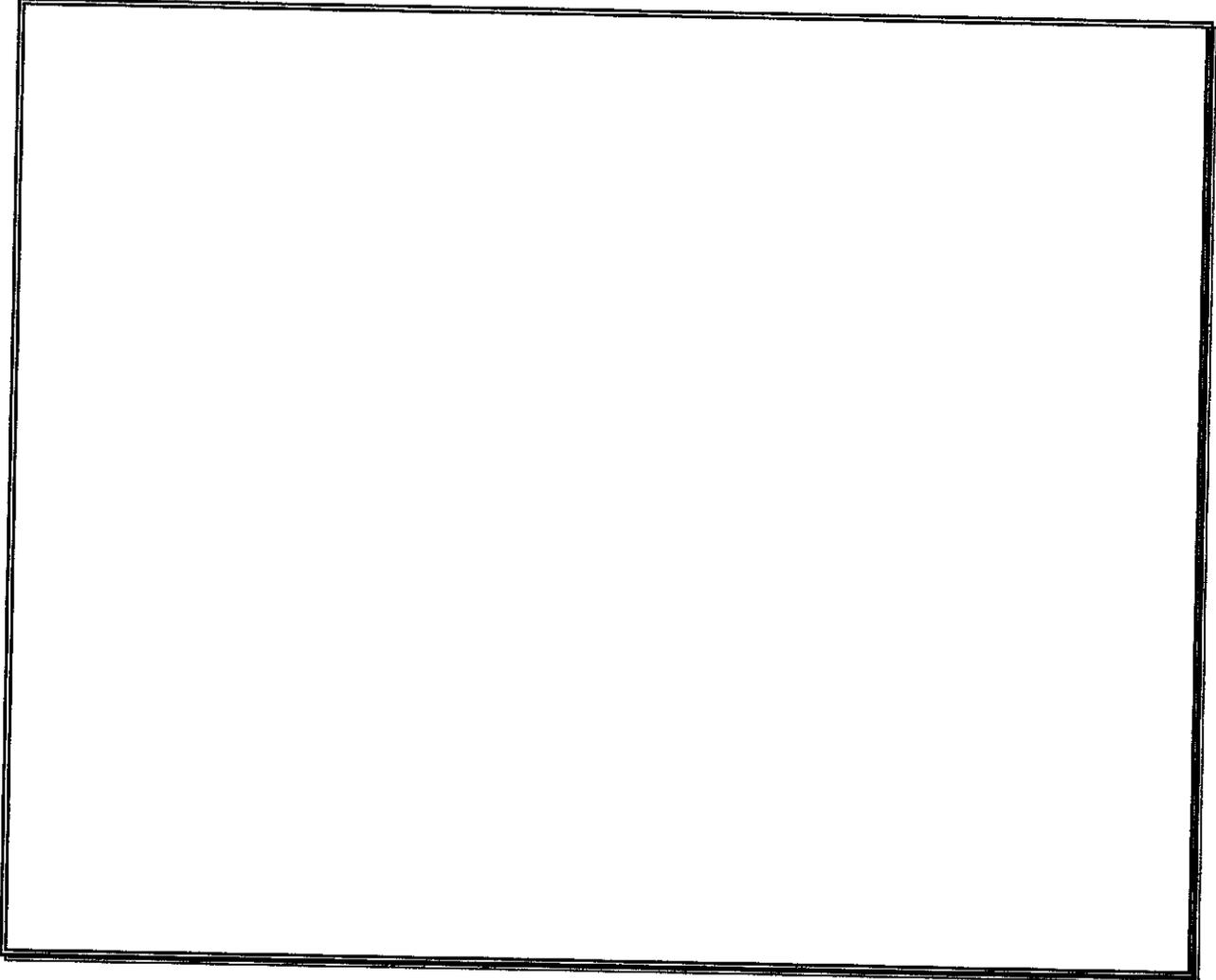
Owner Name Phillip Johnson & Connie Johnson  
Address 1682 NW Hopper Ct. Roseburg, Oregon, 97471  
Site Address 1491 N. Myrtle Rd Myrtle Creek, OR 97457

Tax Account R59780  
29S 05W 22 01202  
Twn Rng Sec Tax Lot



### Information Required

1. Property Lines
2. Permanent Landmarks (Roads, Streams, Rivers)
3. Distance to Buildings from Landmarks and Property Lines.
4. Location and Identification of Other Structures
5. Location of Legal Access and Parking Areas
6. Direction and Location of Drainage
7. Location of Public Utilities (water, sewer, etc.)





# City of Myrtle Creek

**received**  
02/27/2024

## Planning Department

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Phone: (541)-863-3171 ext. 242

e-mail: [planner@myrtlecreek.org](mailto:planner@myrtlecreek.org)

### CONDITIONAL USE PERMIT APPLICATION

NAME OF APPLICANT: Roland Todd Theiss

PHONE NO.: 541-863-1321

EMAIL: todd@redbamcannabis.com

MOBILE NO.: 541-863-1321

MAILING ADDRESS: PO Box 850 Myrtle Creek, OR 97457

Only the property owner or his representative may file. Please indicate by checking the appropriate box:

I am the owner of record.

I am purchasing the property under a Land Sales Contract. (If unrecorded, attach verification of Purchase)

I am acting as an agent. (Please attach written authorization from the property owner.)

I am renting/leasing. (Please attach written authorization from the property owner.)

#### LOCATION AND DESCRIPTION OF PROPERTY:

Street address or location: 1491 N. Myrtle Rd Myrtle Creek, OR 97457

Legal Description:

Assessor Map and Tax Lot Number: 29-05W-22-01202

Tax Account Number: R59780

Name of Subdivision: \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

#### DESCRIPTION OF PROPERTY:

Property is zoned: Commercial Size of Parcel: 47.57 Acres On Plat Map Surveyor states

List the number and type of existing structure(s) on the property: 1 3600 sq ft shop on concrete slab

Describe the physical features of the property or any unusual characteristics (such as slope, hillside, creek or highway runs through it, etc.): See Coments at top of page 2.

Is the property located in the 100-year flood plain? Portions of the property are. All buildings above the 100 year fp.

**PLEASE EXPLAIN BRIEFLY IN THE SPACE BELOW, WHAT YOU ARE REQUESTING AND COMPLETE THE INFORMATION ON THE REVERSE SIDE OF THIS FORM. ALSO, ATTACH A SITE PLAN, DRAWN TO SCALE, SHOWING THE ACTUAL DIMENSIONS OF THE LOT, EXISTING & PROPOSED STRUCTURES, PARKING AREA, DRIVEWAY LOCATION(S), LOCATION OF UTILITIES, ETC., AND INCLUDE ANY OTHER INFORMATION NECESSARY TO ADEQUATELY DESCRIBE THE INTENDED USE OF THE PROPERTY OR STRUCTURE.**

Parcel 1 is fronted by North Myrtle Creek to the north. south of the creek the parcel is level with some rolling vegetative swales that collect any drainage and keeping it from running directly in to the creek. The remainder of this parcel is steep tree covered hillside.

The applicant proposes to use the existing 3600 sq. ft. shop for a processing Lab similar to Lab at 520 Main St. MC. The type of of processing is unknown at this time. The processing will follow all OLCC, ODA, OHA regulations ncluding all product testion in order to sell items such as cannabis distillite, vape cartridges, edibles, and etc.

I hereby certify that I am the applicant named herein and that I have familiarized myself with the rules and regulations with respect to preparing and filing this application and that the statements contained herein and the information on the attached plot plan are in all respects true and accurate to the best of my knowledge.

SIGNED: DocuSigned by: Roland Todd Theiss DATE: 2/22/2024  
SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

APPLICATION SERVICE CHARGE: See current application fee in *City of Myrtle Handbook of Fees & Charges* (non-refundable)

### CONDITIONAL USE APPROVAL CRITERIA

Conditional uses are those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location, therefore, after holding a public hearing on the matter, the Planning Commission will weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against the local impact which it may cause.

**In all land use proceedings, the "burden of proof" is upon the applicant. In other words, this request must be supported by proof that it conforms to the applicable elements of the Comprehensive Plan and Zoning Ordinance. Completion of the following statements will assist you in presenting your request to the Planning Commission at the Public Hearing.**

- 1. EXPLAIN WHY THE PROPOSAL IS CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN GOALS AND POLICIES AND EXPLAIN WHY THE PROPOSAL IS CONSISTENT WITH THE ZONING ORDINANCE.

The proposed use is acceptable as a CUP in the GM zone within the City. Gm is the only zone allowing for such use within the city.

With CUP approval the proposal is consistent with the zoning ordinance.

- 2. EXPLAIN HOW THE LOCATION, SIZE, DESIGN AND OPERATING CHARACTERISTICS UNDER THE PROPOSAL WILL NOT ALTER THE CHARACTER OF THE SURROUNDING AREA IN A MANNER THAT SUBSTANTIALLY LIMITS, IMPAIRS, OR PRECLUDES THE USE, ABUTTING PROPERTIES, AND THE SURROUNDING AREA WHEN COMPARED TO THE IMPACT OF DEVELOPMENT THAT IS PERMITTED OUTRIGHT:

This operation will be almost identicle to the processing Lab That Redbarn operates at 520 Main St Myrtle Creek. Redbarn has had know complaints at this site and are much closer to housing and the public eye then this site. This use will not interfere with any neighboring uses. This location is easy to secure. Has public water and sewer and plenty of power.

3. EXPLAIN WHY THE LOCATION AND DESIGN OF THE SITE AND STRUCTURES FOR THE USE WILL BE SUITED TO THE NATURE OF THE USE AND ITS SETTING:

Property has correct zoning. Because of the topography and location of the property the operations will be inside a existing building that meets all of applicants requirements. The location has parking and ~~manuvering room. This location because of the creek and only one ingress / egress point is very easy to secure.~~

4. EXPLAIN HOW THE PROPOSAL WILL PRESERVE ENVIRONMENTAL ASSETS OF PARTICULAR INTEREST TO THE COMMUNITY:

~~Similar to the cannabis operations on a adjacent property and the cannabis operations at 520 Main MC. the operation is very low key, with less noise than the current shop use produces. This use would be considered very light industrial compared to the parcels current use of a more heavy industrial type use. All smells will be in a controlled enviroment with and air being treated by carbon filters.~~

5. EXPLAIN HOW THE PROPERTY AND PROPOSED USE IN QUESTION ARE REASONABLY SUITED IN REGARDS TO LOCATION, TOPOGRAPHY AND OTHER PHYSICAL FEATURES, SAFE AND EFFICIENT ACCESS, ADEQUATE AREA TO PROVIDE FOR OFF-STREET PARKING AND LOADING, AND AVAILABLE IMPROVEMENTS.

~~Again this property is well suited. It is not visible to the general public or neighbors. The parcel sits in a valley with creek riparian area on one side and a steep hillside on the other side owned by the applicant as These two features make the parcel very difficult to see. This parcel has been used as a heavy equipment location with a rock pit, truck scales and other heavy industrial use. These provide for beyond adequate manuvering and parking areas. The area is safe and easily securable with the only access being one bridge with a gate on it to access the property.~~

In judging whether or not a Conditional Use Permit shall be approved, altered or denied (or whether conditions shall be imposed on the approval), the City Administrator or Planning Commission will establish findings based on Article VII of Zoning Ordinance 508. The action of the City Administrator or Planning Commission may be appealed by an affected or aggrieved party by filing written notice of appeal within the appeal period after the written notice of the decision has been mailed.

Planning File No. \_\_\_\_\_

(rev 08-11)

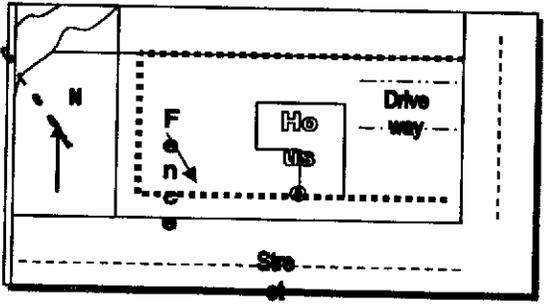
# Conditional Use Permit Application Site Plan

Applicant Name Roland Todd Theiss  
Applicant Address PO Box 850

Planning File \_\_\_\_\_  
City Myrtle Creek Zip 97457

Owner Name Phillip Johnson & Connie Johnson  
Address 1682 NW Hopper Ct. Roseburg, Oregon, 97471  
Site Address 1491 N. Myrtle Rd Myrtle Creek, OR 97457

Tax Account R59780  
29S 05W 22 01202  
Twn Rng Sec Tax Lot



### Information Required

1. Property Lines
2. Permanent Landmarks (Roads, Streams, Rivers)
3. Distance to Buildings from Landmarks and Property Lines.
4. Location and Identification of Other Structures
5. Location of Legal Access and Parking Areas
6. Direction and Location of Drainage
7. Location of Public Utilities (water, sewer, etc.)

See proposed partition maps submitted at the same time.