

CITY OF
JOHN DAY

Conditional Use Application

Applicant: Burnt River Farms__ Phone: 541-809-0780__ Email: _FlowerFarmer15@gmail.com__

Property Owner(s): _Mahogany Ridge Properties LLC_____

Property Address: __518 S Canyon Blvd. John Day, Oregon _____

Township, Section, Range, and Tax Lot: _____ 13S31E26CA Lot #100_____

Zone: __Commercial_____ Lot size: _____1.06 acres_____

Existing Use: _____Previously Heart of Grant County, misc. retail, currently being remodeled for a new use_____

Current Structure: _Two-story cinder block building, 750 sqft first and second floors. Marijuana retail establishment only to be located in the first floor._____

Complete this Section for New Structures Only

Proposed Structure: _____

Proposed Use: _____

Proposed Front Setback: _____ Proposed Rear Setback: _____

Proposed Side Setbacks: _____ and _____

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Review Criteria

All marijuana businesses permitted in John Day are subject to the requirements of Ordinance No. 20-195-06, Marijuana Time, Place and Manner Regulations, enclosed with this application.

5-2.3.100 Commercial Districts – Special Use Standards

This section supplements the standards contained in Sections 5-2.3.020 through 5-2.3.090. It provides standards for the following land uses to control the scale and compatibility of those uses:

...

B. Marijuana Businesses

1. Marijuana Business General Standards.

In addition to the approval criteria for site design review and/or conditional use permit approval, and any other applicable standards in this Development Code, the applicant shall satisfy the following standards. These shall continue to be maintained throughout the life of the permit.

- a. The marijuana business's state license or authority must be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission and the marijuana business must comply with all applicable laws and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.
- b. If there are any conflicting standards between state law and the standards of this Development Code, the most stringent standard shall apply.
- c. An applicant for a marijuana business must obtain a City business license no later than six months after land use approval.
- d. All marijuana businesses shall conduct operations inside secure, enclosed structures. Marijuana products may not be displayed in a manner that is externally visible to the public. All doorways, windows, and other openings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or

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b. "Within 1,000 feet" or "500 feet" means a straight-line measurement in a radius extending or 1,000 feet or less, or 500 feet or less (as applicable), in every direction from the closes point on the boundary line of the real property or premises (as applicable) of the applicable conflicting use identified in this section

c. "Premises" shall have the meaning assigned to such term in ORS 475B.015(30).

d. Marijuana retailers are considered "retail" for purposes of parking requirements.

e. When marijuana business is both a medical marijuana dispensary and a recreational marijuana retailer, the marijuana business must adhere to the more stringent standards between the two uses.

f. No marijuana shall be consumed on the premises.

Additional Conditions of Approval May Apply

Planning staff may require the following information if applicable:

- Existing site conditions
- Site plan
- Preliminary grading plan
- Landscape Plan
- Architectural drawings of all structures
- Drawings of all proposed signs
- A copy of all existing and proposed restrictions or covenants
- Other information deemed necessary under section 5-4.4.040

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the standards and criteria in A-C.

A. Use Criteria

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity or are to be improved to serve the proposal, consistent with City standards.

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semipublic area. No drive-through, curbside, or other external sales methods are permitted.

e. The applicant shall demonstrate how the proposed marijuana business complies with all state security system requirements applicable to the proposed marijuana business.

f. Odors shall not be detectable at the property line. The applicant must demonstrate that an air filtration system or other mitigation measures will effectively control odors, to the satisfaction of the Planning Commission.

g. The structure within which the marijuana business will operate must meet applicable fire and building code requirements.

h. Applicants for a specific type of marijuana business shall satisfy the additional standards applicable to that type of marijuana business set out in subsections (2) through (5) of this section.

i. Marijuana businesses must maintain adequate outdoor lighting over each exterior exit. All outdoor lighting must be fully shielded, downward casting, and must not spill over onto structures, other properties, or the night sky.

j. No events of any kind are permitted in any marijuana business.

3. Additional standards for Recreational Marijuana Retailers.

a. The premises for a marijuana retailers must not be located:

- i. At the same address as another marijuana business except as permitted under state law, the time, place, and manner restrictions, and this Development Code; or
- ii. Within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors;
- iii. Within 500 feet of the premises of a medical marijuana dispensary; and/or
- iv. Within 500 feet of the premises of another marijuana retailer.
- v. Sales or any other transfers of marijuana to customers must occur inside the licensed premises and must be conducted only between the marijuana business and individuals 21 years of age and older.

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4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under Article 5-2; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.
- B. **Site Design Standards.** The Site Design Review approval criteria (Section 5-4.2.060) shall be met. The Planning Official may waive the application requirements for Site Design Review upon determining that the Conditional Use Permit application provides sufficient information to evaluate the proposal.
- C. **Conditions of Approval.** The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:
1. Limiting the hours, days, place and/or manner of operation;
 2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
 3. Requiring larger setback areas, lot area, and/or lot depth or width;
 4. Limiting the building or structure height, size, lot coverage, and/or location on the site;
 5. Designating the size, number, location and/or design of vehicle access points or parking and loading areas;
 6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
 7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
 8. Limiting the number, size, location, height and/or lighting of signs;
 9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
 10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
 11. Requiring and designating the size, height, location and/or materials for fences;
 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
 13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same. Dedication of land and construction shall conform to the provisions of Chapter 5-3.1, and Section 5-3.1.030 in particular;
 14. Establish a time table for periodic review and renewal, or expiration, of the conditional use to ensure compliance with conditions of approval; such review may be subject to approval by the Planning Official or Planning Commission through a Type II Administrative Review or Type III Quasi-Judicial process at the discretion of the decision making body.

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Signatures

Note: All owners must sign this application or submit a letter of consent authorizing another individual to submit application. Incomplete or missing information may delay the review process.

DocuSigned by:
Owner: Shawn McKay Date: 8/16/2021
4E3786D3EA73444...
Shawn McKay Burnt river farms llc

Owner: _____ Date: _____


For Office Use Only		
<p>RECEIVED</p> <p>AUG 23 2021</p> <p>CITY OF JOHN DAY</p>	<p>Received By: <u>LB</u></p> <p><u>M/O 12108793199320</u></p>	
Required Fee: \$ <u>500</u>	Date Received: <u>8/23/21</u>	120 Day Deadline: _____

To Whom It May Concern,

Mahogany Ridge Properties LLC, the owners of 518 S Canyon Blvd in John Day Oregon (Map 13S31E26CA Lot #100), authorize Burnt River Farms LLC, leasee of said property, to:

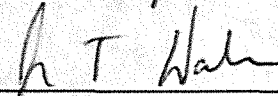
- Submit a Land Use Compatibility Statement (LUCS) and Conditional Use Permit Application (CUP) to the City of John Day
- Any other paperwork needed by the City of John Day to permit 518 S Canyon as a marijuana retailer
- Licensing paperwork to the Oregon Liquor and Cannabis Commission (OLCC) for a retail license
- Any other City, County, or State licensing and permitting paperwork, as required to obtain a retail marijuana for use at this address.

This document has no bearing on the lease agreement between Mahogany Ridge Properties and Burnt River Farms.



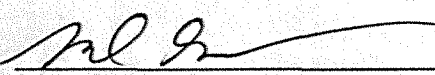
Member

Aug 16, 2021
Date




Member

8/16/21
Date



Member

8-16-21
Date



Member

8-16-21
Date

ACKNOWLEDGEMENT OF FEE SCHEDULE AND COSTS

By signing my name below, I acknowledge that I received a copy of the Fee Schedule effective as of November 22, 2005 and I have read it and agree to pay the fees in said Fee Schedule and costs as stated herein.

I also acknowledge that I understand that I am responsible for all costs incurred by the City related to my land use and development permit applications and approvals, and appeals under Title 5 of the JOHN DAY CITY CODE "Development Code" and Measure 37 claims under Ordinance 04-112-2.

City costs include but are not limited to:

- 2.1 City Manager at \$47.51 per hour;
- 2.2 City Planner at \$115.00 per hour;
- 2.3 City Secretary/Cashier at \$26.27 per hour;
- 2.4 Public Works Director at \$30.06 per hour;
- 2.5 Police Chief at \$43.84 per hour;
- 2.6 Fire Chief at \$36.39 per hour;
- 2.7 City Engineer at \$100.00 per hour
- 2.8 City Attorney at \$150.00 per hour;
- 2.9 Facsimile transmittal at \$2.00 per fax and \$.50 per page;
- 2.10 Copy fee of \$.25 per page;
- 2.11 Mileage at current Internal Revenue Service rate; and
- 2.12 City surveyor fee.

Dated this _____ day of _____, 20__

Shawn MCKay

Print Applicant's Name

DocuSigned by:

Shawn McKay

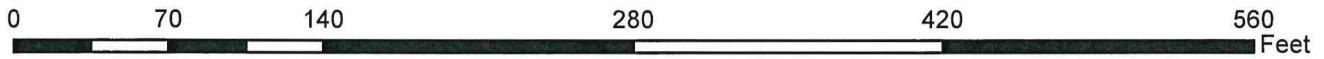
Applicant's Signature

JOHN DAY TITLE 5 & MEASURE 37 FEE SCHEDULE



The following fee categories and fees apply to land use and development permit applications and approvals, and appeals under Title 5 of the JOHN DAY CITY CODE "Development Code" and Measure 37 claims under Ordinance No. 04-112-2. These fees are deposits only. All persons required to file applications under Title 5 for land use and development permit applications and approvals, or file appeals under Title 5 or claims under Measure 37 under Ordinance 04-112-2 shall pay the actual cost to the City for processing said applications, appeals and claims. If the cost to the City is less than the required deposit the City will refund the difference and if the cost to the City is more than the deposit the City shall bill for the difference as authorized. Costs to the City shall include but are not limited to payment of City employee wages who are involved in processing an application or appeal at their current hourly rate, City attorney fees, City engineer fees, City surveyor fees, newspaper publication fees, postage, map creation and duplication fees, copying fees, long distance telephone call fees, facsimile fess and mileage as authorized.

FEE CATEGORY	FEE
1. Land Use District Map Change Includes but is not limited to:	
1.1 Petitions for Annexation (Type IV Review)	\$500
1.2 District Map (Zone) Changes	\$500
2. Comprehensive Plan Amendments	\$500
3. Conditional Use Permit	\$500
4. Land Use Review	\$100
5. Variance:	
5.1 Class A	\$100
5.2 Class B	\$250
5.3 Cass C	\$250
6. Code	
6.1 Interpretation	\$100
6.2 Amendment	\$500
7. Flood Plain Development or Flood Plain Permit	\$200
8. Appeals:	
8.1 To the Planning Commission	\$100
8.2 To the City Council	\$300
9. Nonconforming Use or Development Confirmation	\$250
10. Historic Building Permit, Demolition or Remodel/Alteration:	
10.1 If handled by Staff and no public hearing is held	\$250
10.2 If a Public Hearing is required	\$400
11. Property Line Adjustment and/or Lot Consolidations	\$100
12. Master Planned Development	\$1,500 plus \$25 per lot
13. Partition	\$300
14. Site Plan Review	\$300
15. Subdivision	\$1,200 plus \$25 per lot
16. Measure 37 Claim	\$ 50
17. Lot of Record Determination	\$ 50
18. Access Permit (public street)	\$ 50
19. Home Occupation exceeding the criteria in Section 5-2.2.200	\$100
20. Modification to Approval:	
20.1 Minor (Type II)	\$ 50
20.2 Major (Type III)	\$150
21. Sign Permit:	\$ 50
22. Temporary Use Permit:	
22.1 Type II	\$ 50
22.2 Type III	\$150

Burnt River Farms John Day Location Site Map



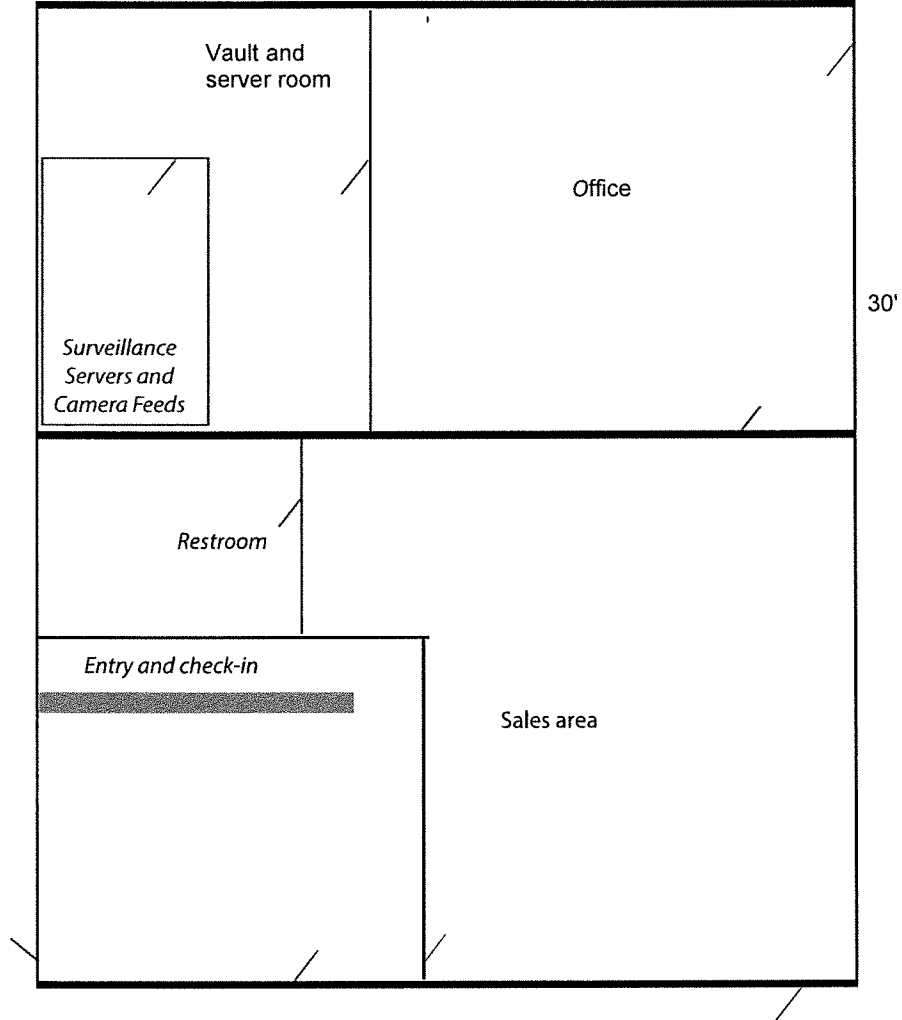
Legend

-  Retail Parking
-  tax_lots_with_ownerships_3-21-2017



Burnt River Farms, John Day Retail Facility
8/15/2021

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Life of a License Application

Submitted

Applicant submits marijuana license application in online licensing system and paid application fee.

Received

OLCC License Investigator receives application and begins review.

Local Government

Land Use Compatibility Statement and local opt-out reviewed for prohibited use.

Prohibited Use

House Bill 3400 prohibits the OLCC from issuing a recreational marijuana license if the proposed use is prohibited by the local governing body.

Completeness Review

License Investigator and Applicant collect all additional necessary information.

Application Review

License Investigator reviews application to determine if submitted information meets requirements.

Non-Compliant

Possible Denial

The OLCC must review for compliance with administrative rules and Oregon law. In some cases, a potential denial may be overcome if the applicant can correct the issue or otherwise show good cause to overcome the denial basis.

Premises Inspection

OLCC Inspector visits site to determine compliance with physical requirements: Security, operations, etc.

Non-Compliant

Possible Denial

A failed inspection means that a premises does not meet security, operational, or other requirements. An opportunity is provided to correct any compliance issues, but failure to do so or a second failed inspection may result in application denial.

Approved

Applicant has met all requirements of application and premises inspection.

License Fee Due

Applicant pays the licensing fee in the online system.

All Fees Paid

License Issued

The license is issued and can be printed by the applicant. It must be displayed prominently at the location.