



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

MINUTES

CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS

313 COURT SREET

THE DALLES, OREGON 97058

CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS

THURSDAY, FEBRUARY 16, 2017

5:30 P.M.

I. CALL TO ORDER

II. ROLL CALL:

In Attendance:

Commission Chair: Bruce Lavier

Commissioners: Mark Poppoff, Steve Ross, Jeff Stiles, Chris Zukin

Absent: Sherry DuFault, John Nelson

Staff: City Attorney Gene Parker, Planning Director Steve Harris, Senior Planner Dawn Hert

III. APPROVAL OF AGENDA

Commissioner Zukin moved to approve the agenda as written. Commissioner Stiles seconded the motion and the agenda was unanimously approved by the Commission.

IV. APPROVAL OF MINUTES

Commissioner Zukin moved to approve the minutes and Commissioner Stiles seconded the motion. The minutes were unanimously approved by the Planning Commission.

V. PUBLIC COMMENT – *Items not on the agenda*

Chair Lavier invited public comments for items not listed on the agenda. There were none.

VI. DISCUSSION / WORK SESSION

Item V.i. Zoning Ordinance Amendment: ZOA 93-17

Request: Proposed text amendments pertaining to recreational retail marijuana facilities separation requirements and to establish odor control and screening requirements for personal grow sites.

Director Harris provided a brief introduction stating that City Council directed Staff to revisit separation distances and draft alternative language. He stated that

Commissioner Nelson had prepared written comments to be distributed in his absence, Exhibit 1.

Director Harris further clarified that odor control and screening requirements would be discussed after the alternative separation requirements.

Director Harris gave a presentation on current and alternative language provided by Staff and included maps illustrating buffer zones with each option, Exhibit 2.

Director Harris reviewed existing separation requirements that would remain in effect if no changes were adopted. He also clarified the following proposed alternatives:

Alternative 1 – Reduces the 1,000 foot separation requirement to a 500 foot minimum separation requirement between recreational marijuana retailers. The use would still be allowed by right, subject to operating standards.

Alternative 2 – Allows for a reduction in the 1,000 foot separation requirement to a minimum of 500 foot separation with the issuance of a Conditional Use Permit (CUP). Recreational marijuana retailers would be allowed by right if they were located more than 1,000 feet apart. Whether allowed by right or through the issuance of a CUP the use would be subject to operating standards.

Alternative 3 – Allows for a reduction in the 1,000 foot separation requirement with no minimum separation requirement, with the issuance of a Conditional Use Permit (CUP). Recreational marijuana retailers would be allowed by right if they were located more than 1,000 feet apart. Whether allowed by right or through the issuance of a CUP the use would be subject to operating standards.

The “Physical Barrier” alternative approach was not pursued by Staff due to the difficulty in defining a physical barrier as well as the permanence of such a barrier.

Norm Brock, Columbia River Herbals, stated his difficulties regarding the permitting process. He said a monetary investment could be at risk if permits were not issued.

It was the consensus of the Commission to adopt Alternative 2 language as prepared by Staff. It was further the consensus that Staff would work on a solution to the problem experienced by previous applicants.

The Commission also requested Staff consider language that would establish a temporary moratorium on accepting new applications within 1000 feet once an application has been submitted for a recreational retail marijuana facility.

Director Harris presented alternatives for odor control and screening requirements for personal marijuana grow sites. The Commission expressed support for the draft language prepared by Staff.

VII. STAFF COMMENTS

Director Harris stated there were no public hearings scheduled for the March 2, 2017 Planning Commission meeting. It was the consensus of the Commission to cancel the March 2, 2017 meeting of the Planning Commission.

Director Harris informed the Commission that the Transportation System Plan was scheduled for review at the March 16, 2017 Planning Commission meeting. He reminded the Commission of the Columbia River Regional Forum scheduled for March 17, 2017 and stated funds were available for registration.

VIII. COMMISSIONER COMMENTS

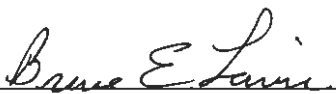
There were no comments.

IX. NEXT SCHEDULED MEETING: March 16, 2017

X. ADJOURNMENT

Chair Lavier adjourned the meeting at 6:48pm.

Respectfully submitted by Planning Secretary Paula Webb.



Bruce Lavier, Chairman

Comments about proposed text amendments pertaining to recreational retail marijuana facilities separation requirements and to establish odor control and screening requirements for personal grow sites.

Fellow Commissioners,

I am unable to attend the meeting tonight, 2/16/17, but would like to leave with you my thoughts.

* On the staff proposed separations requirements I prefer staff recommendation **alternative 2**, which allows for a reduction in the 1,000 foot separation requirement to a minimum of 500 feet separation with the issuance of a **Conditional Use Permit (CUP)**. Recreational marijuana retailers would be allowed by **right** if they were located more than 1,000 feet apart.

My reasoning is this: alternative 2 respects the original intent of the present ordinance, but gives some flexibility in case there is an issue, like an obstacle, such as a physical barrier that interferes with the measurement and causes the law to make less sense when applied. It also requires the application to come before this Commission for a rigorous look at what is being proposed. I think a more rigorous look is important in matter such as this.

I think alternative 3 is too lenient and it does not respect the original intent of both this Commission and the City Council.

* On the staff recommendations for odor control and screening requirements in the RL, RM, and RH residential districts, I concur with the staff. Those recommendations look good to me.

John Nelson

541 993 2683 mobile phone

City of The Dalles Potential Marijuana Dispensary Locations Revised April 22, 2015

- Schools & Facilities 1000' Buffer
- Residential Areas 500' Buffer
- Potential Locations

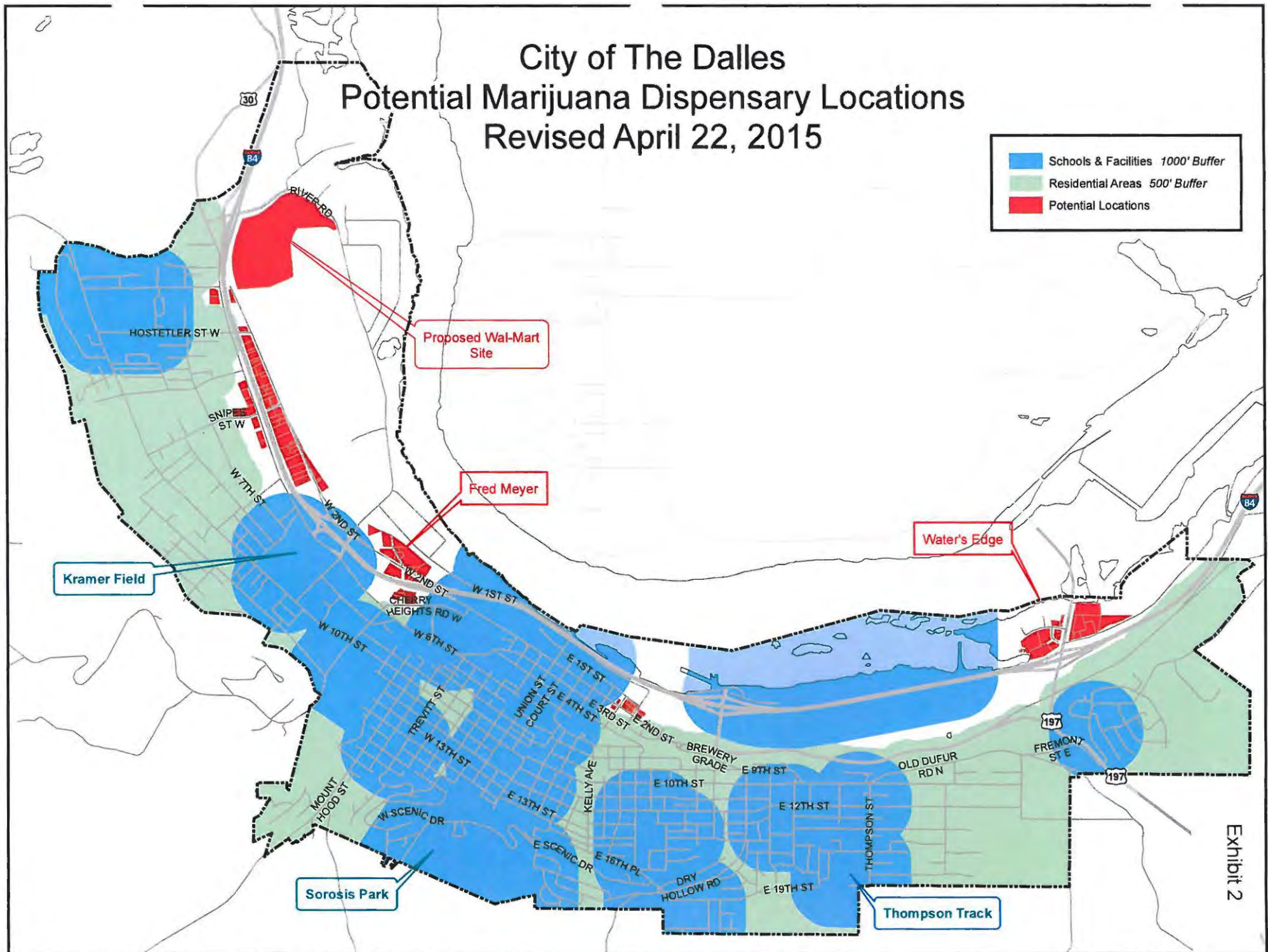
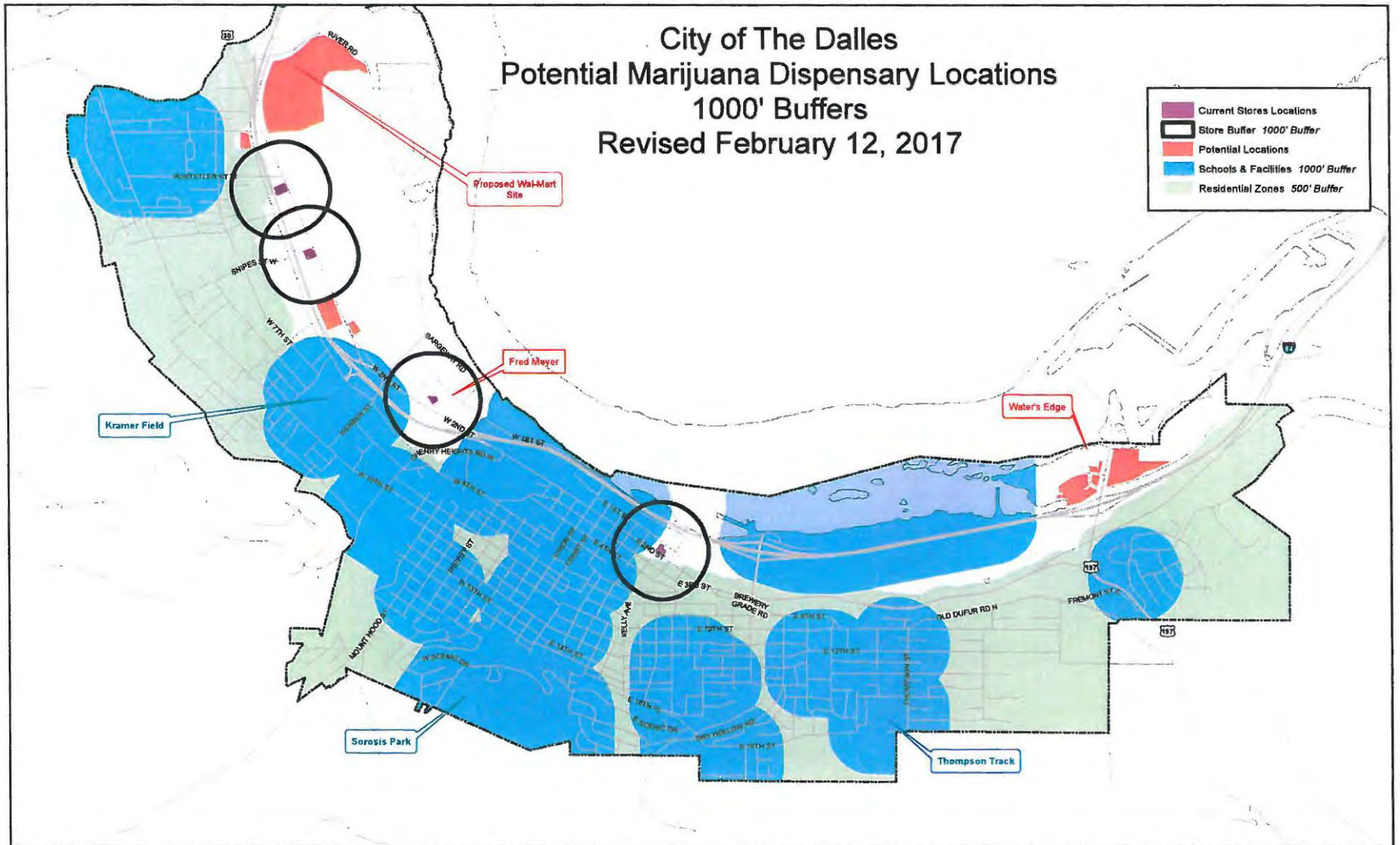


Exhibit 2

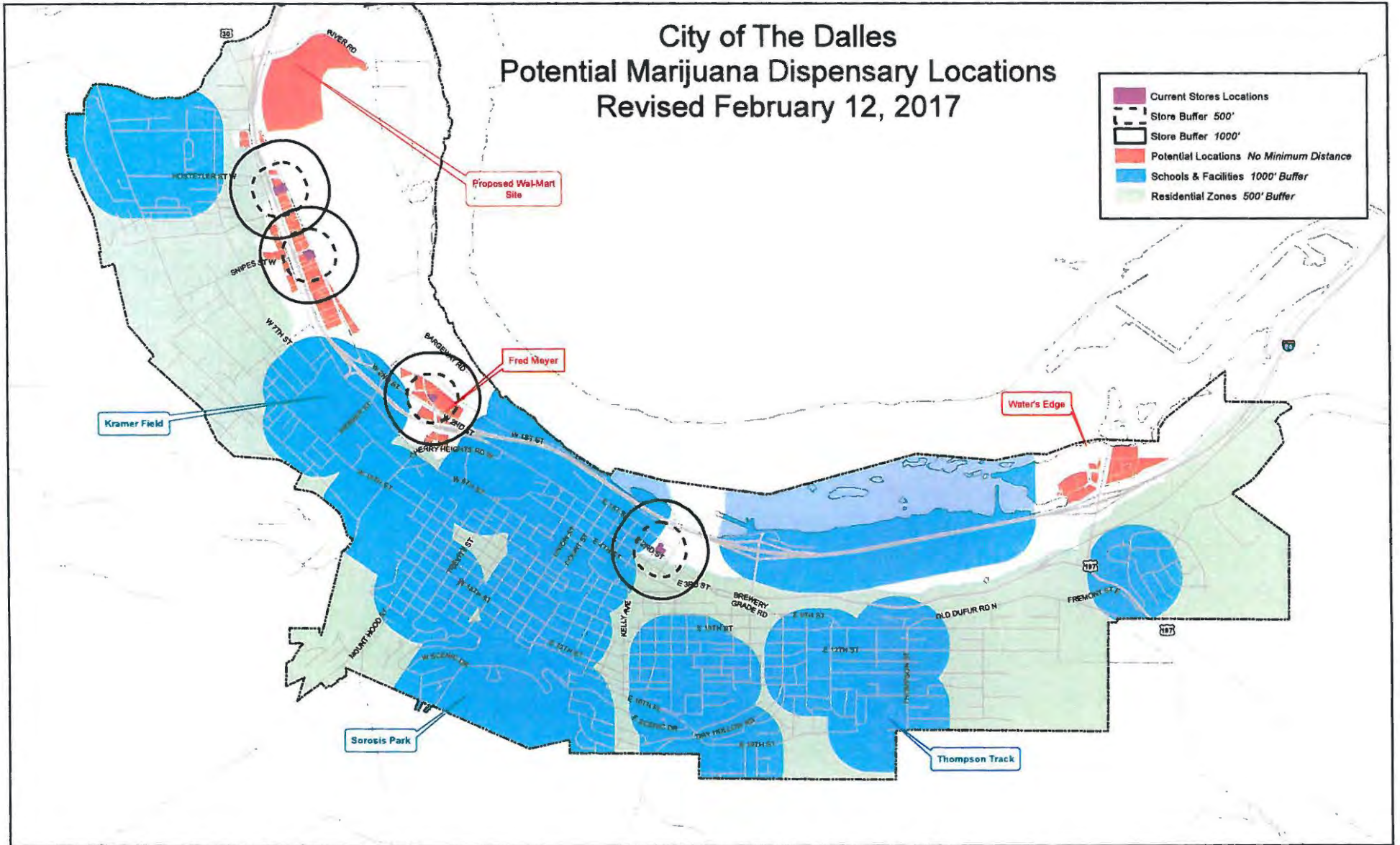
City of The Dalles Potential Marijuana Dispensary Locations 1000' Buffers Revised February 12, 2017



Revised February 12, 2017



City of The Dalles Potential Marijuana Dispensary Locations Revised February 12, 2017



**ZOA #93-17 - PROPOSED TEXT AMENDMENTS -
RECREATIONAL RETAIL MARIJUANA FACILITIES
SEPARATION REQUIREMENTS & ESTABLISHING
ODOR CONTROL & SCREENING REQUIREMENTS
FOR PERSONAL GROW SITES**

The Dalles Planning Commission
Meeting Date – February 16, 2017

ZOA #93-17

Existing Separation Requirements

- ▶ 1,000 ft separation requirement between recreational marijuana retailers (registered w/ Oregon Liquor Control Commission) in CBC (Central Business Commercial District), CG (General Commercial District) & CLI (Commercial/ Light Industrial District)
 - *"The retail facility must be located more than 1,000 ft from all of the following facilities, measured in a straight line from the closest edge of the property on which the other facility is located..."*
- ▶ 1,000 ft separation requirement for recreational marijuana retailers & elementary/secondary schools, public libraries, public parks & recreational facilities.
- ▶ 500 ft separation requirement for recreational marijuana retailers & RL, RH, or RM Residential Districts.

ZOA #93-17

Proposed Separation Requirements

- ▶ "No Change" from existing standards.
- ▶ 3 alternative text amendments re 1,000 ft separation requirement between recreational retailers.
- ▶ "Physical barrier" alternative approach not pursued due to the difficulty in defining a physical barrier, as well as the permanence of such a barrier.
- ▶ ***The existing 1,000 ft separation requirement for recreational marijuana retailers & elementary/secondary schools, public libraries, public parks & recreational facilities will remain, as will the 500 ft separation requirement for recreational marijuana retailers & the RL, RH, or RM Residential Districts.***

ZOA #93-17

Proposed Separation Requirements

- ▶ **Alternative No. 1** – reduces the 1,000 ft separation requirement to a **500 ft minimum** separation requirement between recreational marijuana retailers. The use would still be **allowed by right**, subject to operating standards (e.g., hours of operation, no drive-up facility, etc.).
- ▶ **Alternative No. 2** – allows for a reduction in the 1,000 ft separation requirement to a **minimum of 500 ft** separation with the issuance of a Condition Use Permit (CUP). Recreational marijuana retailers would be **allowed by right** if they were located more than **1,000 ft apart**. Whether allowed by right or through the issuance of a CUP the use would be subject to operating standards.
- ▶ **Alternative No. 3** – allows for a reduction in the 1,000 ft separation requirement with **no minimum** separation requirement, with the issuance of a Conditional Use Permit (CUP). Recreational marijuana retailers would be **allowed by right** if they were located more than **1,000 ft apart**. Whether allowed by right or through the issuance of a CUP the use would be subject to operating standards.

ZOA #93-17

Odor Control & Screening Requirements

- ▶ Proposed text amendments would address concerns re visibility of & odors emanating from homegrown recreational or personal medical marijuana grow sites in the RL, RM & RH Residential Districts.
- ▶ Current State & City regulations allow for the cultivation of homegrown recreational & personal medical marijuana. LUDO Sections 5.010.040, 5.020.040 & 5.040.040 would be amended to add the following to prohibited uses in those zoning districts:

Odor associated with marijuana allowed to *"emanate from the (subject) property...to any other property."*

Marijuana to be located in place where *"the grow site may be seen by normal unaided vision from a public space or neighboring property."*

- ▶ Appropriate screening materials defined in LUDO Section 6.010.050.
- ▶ Odor complaints addressed pursuant to nuisance abatement procedures established in General Ordinance Chapter 5 Nuisances.