

## CITY OF THE DALLES PLANNING COMMISSION MINUTES

**Thursday, May 5, 2016**

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

*Conducted in a handicap accessible room*

6:00 PM

### **CALL TO ORDER:**

Chair Lavier called the meeting to order at 6:00 PM.

### **COMMISSION MEMBERS PRESENT:**

Bruce Lavier, Chris Zukin, Mark Poppoff, John Nelson, Sherry DuFault, Jeff Stiles, Dennis Whitehouse

### **COMMISSION MEMBERS ABSENT:**

None

### **STAFF MEMBERS PRESENT:**

Director Richard Gassman, Senior Planner Dawn Hert, City Attorney Gene Parker, Planning Secretary Baltazar Gamez

### **APPROVAL OF AGENDA:**

There was one correction that item IV should be for the approval of the February 4, 2016 minutes. It was moved by Whitehouse and seconded by Zukin to approve the agenda as amended. Stiles abstained. The motion carried.

### **APPROVAL OF MINUTES:**

DuFault had one correction. It was moved by Nelson and seconded by DuFault to approve the February 4, 2016 minutes as amended. The motion carried unanimously.

### **PUBLIC COMMENTS:**

There were no public comments.

### **QUASI-JUDICIAL HEARING:**

**Application Number: ADJ 16-023 McDowell Request;** This application is a request for an adjustment of the rear yard setback standard from 10 feet to 5 feet for the construction of an addition to an existing house. The property is located at 2001 E 12th Street and is further described as 1N 13E 2CD tax lot 4100. Property is zoned RH – Residential High Density.

Chair Lavier read the rules for a public hearing and asked the Commissioners if they had any ex-parte contact, bias or conflict of interest that would hinder them from making an impartial decision on the application. None were noted.

Lavier opened the public hearing at 6:09 PM

Senior Planner Hert presented the highlights of the staff report. She told that staff was recommending approval of the application.

**Testimony**

**Proponents:**

Dale Sue McDowell, 2001 E. 12<sup>th</sup>, The Dalles, OR told the Commission that they had spoken to neighbors and no issues were raised and their hope was to have more room for their grandchildren with the addition.

**Opponents:**

None

**Questions and Discussion:**

Zukin asked the applicants if they were in agreement with the proposed conditions of approval. Hert read the conditions and the applicant stated they were in agreement with those conditions.

**Deliberation:**

Zukin stated that it was a pretty straight forward application. Poppoff said his only concern was fire safety.

There was a brief discussion about the proximity of the addition to neighboring buildings.

It was moved by Zukin and seconded by DuFault to approve **ADJ 16-023; McDowell** based on the findings of fact in the staff report with proposed conditions of approval. The motion carried unanimously.

**RESOLUTION**

It was moved by Zukin and seconded by Stiles to approve P.C. Resolution #550-16, ADJ #16-023 for Rodney and Dale Sue McDowell. The motion carried unanimously.

**LEGISLATIVE HEARING**

**Application Number: ZOA 92-16; City of The Dalles;** This application is a request to amend the City's Land Use and Development Ordinance 98-1222 pertaining to the Processing, Production, Retailing, and Wholesaling of Recreational Marijuana. Review criteria for this zone are contained in City Ordinance 98-1222.

Director Gassman presented the highlights of the staff report. He told the Commission that the hearing was for recreational marijuana and that staff had made an attempt to treat recreational similar to restrictions regarding medical marijuana. He highlighted the comments received via email and he explained how staff tried to align the different uses regarding recreational marijuana to be consistent with current zoning codes.

Nelson asked if the thousand foot buffer between two retail locations was a state regulation. Gassman confirmed that it was indeed a state regulation.

Lavier asked if having all functions in one location would impact the management of any proposed regulations. Gassman said there was not enough experience to be able to answer that question.

There was a brief discussion clarifying the proposed amendments and possible amendments that were omitted.

Zukin asked if Wonderworks was considered a school. City Attorney Parker stated that it did not meet the current definition of school under Oregon statutes.

Jesse Brewer, 2705 Skyline Road, The Dalles, OR told the Commission he believed it was simple to be able to have all operations in one location.

There was a general discussion regarding ventilation and the enforcement of complaints related to the odor emitted.

Norm Brock, 609 E. 2<sup>nd</sup> Street, The Dalles, OR told the Commission that the state no longer required a separate address for co-location. He also told the Commission that retail size is important because of the number of product options and that retail outlets do not put out a significant odor because everything is stored inside.

Whitehouse asked Mr. Brock what he thought about having all functions in one location. Mr. Brock said he did not think Retail should be in the same locations as the other operations other than lab testing.

There was a general discussion that included topics of what a lab is and how the marijuana is tested, hours of operation, and lighting.

Luke Tanner, 1105 E. 29<sup>th</sup> Street, Hood River addressed the Commission and stated he currently had a medical grow operation in The Dalles. He mentioned what recommendation he hopes the Commission makes and described his operation.

There was a discussion regarding medical grows and how it relates to agricultural operation within city limits.

Mr. Tanner explained how testing at a lab works.

Stiles stated that the Commission had to look beyond his operation and the next person wanting to open some marijuana operation.

Ed Sohler, 13780 SW Golden Mantle, Terrebonne OR, told the Commission about his business partnership with Mr. Tanner and their plans for expansion in The Dalles. He also told the Commission that if they were concerned with lighting and odor the Commission could keep operations to indoor facilities only.

Mr. Tanner answered Stiles question regarding contact high.

Zukin explained why he believes that agriculture should not be allowed in the city. He stated that he believes that the growing and sale of marijuana is a business which gives a poor reflection to the City.

After a discussion regarding lighting and hours of operation, Gassman asked if the Commission wanted to define Labs or just list them as incidental use. He then went through the proposed language and asked the Commissioners on a general consensus to amend the proposed language and bring back at the next Commission meeting. After amending and clarifying the zoning restrictions, staff was asked to provide a map with a one thousand foot buffer from churches and daycare facilities for the Commission to consider at the next meeting.

There was a consensus to continue the meeting at the next Planning Commission meeting.

**STAFF COMMENTS**

Gassman told the Commission of his expected retirement date. He gave the Commission a brief update regarding the search for a new police chief.

**NEXT MEETING**

May 19, 2016

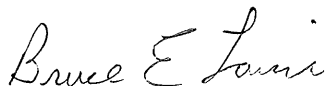
**COMMISSIONER COMMENTS/QUESTIONS**

Whitehouse told the Commission he was resigning as Commissioner effective June 1. Stiles asked about work being done at 6<sup>th</sup> and Snipes. Gassman stated the owner would be submitting an application in the near future. Stiles also asked about low income housing. Gassman gave an update about a grant to do a housing needs analysis to help determine the status of housing needs in the City. Nelson asked about the structure being built at 4<sup>th</sup> and 3<sup>rd</sup> place. Gassman said he would find out what the structure would be. Lavier asked about the old Armory property. Gassman said he was under the impression that the property had been transferred to the county. Zukin brought up the topic of the parking near Riverside Gymnastics and the blind spot issue it poses.

**ADJOURNMENT**

Chair Lavier adjourned the meeting at 8:35 PM.

Respectfully submitted by Planning Secretary Baltazar Gamez.



Bruce Lavier, Chairman