

## **CITY PLANNING COMMISSION MEETING BRIEF**

**Tuesday, August 4<sup>th</sup>, 2015 at 6:30 p.m.**

Full audio is available on the City Web site [www.Cityofprineville.com](http://www.Cityofprineville.com)

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### **Commission Members Present:**

Marty Bailey, Bob Orlando, Robert Spaulding, Deb Harper, Kim Kambak

### **Commission Members Not Present:** Ron Cholin

**Staff Present:** Phil Stenbeck (Director), Josh Smith (Senior Planner)

**Provided Testimony:** Andrew Anderson, Jan Laughlin, Charles Laughlin, LeeAnne Laughlin

### **Public Hearing (6:30)**

#### **CALL TO ORDER:**

Planning Commission Chair Marty Bailey called the Commission to order.

#### **Public Hearing:**

**A.** Continuation of AM-2015-102 Amending the City's Medical Marijuana Overlay Zone

Staff – The Planning Director opened with a brief history of how the code was developed and what is required to expand the overlay zone. The Senior Planner presented the proposed amendment explaining that the property was found to meet all the criteria necessary to expand the overlay onto this property. Staff also answered some questions and corrected some inaccurate statements made during public testimony. Staff did not require another marijuana business to locate in the industrial park and the code did not change to allow this amendment to move forward.

Applicant - The applicant spoke mostly about how the dispensary would operate and gave some background information on medical marijuana. The applicant answered questions of the Commission and gave rebuttal of comments made in opposition. These questions and comments are summarized below.

Public Testimony –Andrew Anderson who operates another dispensary in the City provided testimony in opposition stating that “he was told to locate up in the industrial park”. His understanding was that the City wanted all dispensaries located on the grade in the industrial parks where the existing overlay is designated. In rebuttal the applicant responded that competition is good for business and that they are just using a different opportunity provided by the City. While the City is encouraging marijuana facilities to locate in the industrial park which is evident in how the land use code is written. Staff explained that the code has not changed and that the opportunity to expand the overlay is available to all parties.

Planning Commission - The Planning Commission asked several questions throughout the course of the staff presentation and public testimony. The Commission asked if the applicant had any dispensaries in Washington, if a card holder can use any dispensary and why they did not want to locate in the industrial park. The applicant answered that they did not have dispensaries in Washington, a card holder can use any dispensary and they did not locate in the industrial park because property owners either wouldn't lease or lease pricing was too high.

During Commission deliberations many comments were made about the desire to keep this type of business in the existing medical marijuana overlay. There were concerns with how the laws are constantly changing at the State level and a suggestion was made to wait until the law is settled before making a decision. One Commissioner stated that he wanted a better reason to expand the overlay. A Commissioner ask if the overlay could be limited to dispensaries only, siting safety concerns with processing in the community. Another Commissioner stated that the application meets the criteria and can't in good conscience deny the application, but thought limiting the use to dispensaries only would incentivize the desire of the Commission to keep most operations in the

industrial park. Staff reiterated that the application meets the criteria of the code and that in order to recommend denial a finding would need to be made based on the code. Staff also explained that the code does allow the Commission to recommend limitation of the overlay zone to a specific use.

Motion – Kim Kambak made a motion to recommend the amendment for approval by City Council with a condition that it is limited to dispensaries only. Deb Harper seconded the motion and the vote was tied with 2 for and 2 against. That recommendation will be presented to City Council on August 25<sup>th</sup>.

**B. CU-2015-102 for a change of use on the subject property to a Medical Marijuana Facility.**

Due to the tie vote on the amendment the change of use application was continued until after the Council can vote on the amendment on August 25<sup>th</sup>. Kim Kambak made a motion to continue the hearing to the September 1<sup>st</sup> meeting. Deb Harper seconded the motion and the motion passed 4-0.

**Planning Director's Report:** The Planning Director updated the Commission on potential development opportunities.

**Meeting Adjourned:**