



CITY OF DONALD

10710 Main Street N.E. • P.O. Box 388 • Donald, OR 97020-0388

Phone 503-678-5543 • Fax 503-678-2750

www.donaldoregon.gov

Planning Commission Action Agenda Summary

Thursday, October 17, 2019 at 6:45pm at City Hall

Open Meeting: Planning Commission Chair Cammi Hungate opened the meeting of the Donald Planning Commission on September 26, 2019 at 6:46 pm.

Pledge of Allegiance

Roll Call:

Present: Chair Cammi Hungate, Vice Chair Neil Strathdee, Commissioners: Daniel Afonin, Don Saxton, John Crawford, Mike Mader and Jim Peters.

Staff Present: Planner Holly Byram and City Manager Heidi Bell

Add or Delete Agenda Items:

Items added:

- Under New Business, Item II: Tree Board Discussion

Approval of Action Agenda Summary: September 2019

- ✓ Commissioner Saxton motioned and Vice Chair Strathdee seconded to approve the Action Agenda Summary from September 2019 with amendment to correct under the item of Adjourn change it to read "Vice Chair Strathdee" instead of "Neil". No discussion. Vote: 7-0-0. Motion carried.

General Comments from the Public:

Paper Feedback Form: Retha Harwood, Cone Street: Her concerns involve tree issues and the septic tank at her property. This had been added as New Business Item II.

Public Hearing:

- I. City File #CU 2019-02 Conditional Use Permit for approval to operate marijuana retail store. No significant alterations are proposed to either the interior or exterior of the existing building. 10801 Main Street NE, Donald OR 97020 (downstairs).

Chair Hungate opened the Public Hearing at 6:51pm.

Planner Byram read the legally required language for a land-use public hearing into the record including how make testimony, submit documents into the record or appeal. She reported that the substantive criteria upon which this case will be decided are found in Donald Development Ordinances Section 2.108: Downtown Mixed Use Zone, Section 2.407: Commercial Marijuana Retail

Store and Section 3.107: Conditional Use Permits.

Chair Hungate asked if there were any objections to the notice that was published. There were none.

Chair Hungate asked if there were any objections to the jurisdiction of this body to hear and consider this matter? There were none.

Chair Hungate asked if there were any declaration of ex-parte contact, conflict of interest or bias. The following declarations were made:

- Commissioner Mader: Several co-workers had approached him regarding the marijuana dispensary application who had heard about it on Facebook. He read post regarding the application on Facebook.
- Vice Chair Strathdee: He read posts regarding the application on Facebook.
- Chair Hungate: She read posts regarding the application on Facebook.

Planner Byram asked if the information that they heard or were exposed to will have an impact on tonight's decision? All three said there would be no impact on their ability to make a decision.

Planner Byram gave background on her work and research that went into her staff report followed by an oral report giving a summary of the staff report. The staff report was given to the applicant and Planning Commissioners in advance. It was included into tonight's record along with a copy of the applicant's application and maps. These items were in the Commissioner's packets for prior reading. Planner Byram reviewed the process for a public hearing, appeal process and public notifications. She reviewed the property zoning and the criteria for the downtown mixed use zone. She reviewed the specific criteria in the Donald Development Code for marijuana dispensaries and reported that all these standards were met. She reviewed the Code's conditional use criteria and that these requirements were also met. Lastly, she reviewed the specific conditions for approval and that with those criteria in place that staff recommended approval of the conditional use permit.

Chair Hungate called for questions from the Commission. There were none.

Chair Hungate asked the applicant or his representative if they wanted to speak to the Commission.

Applicant Dalton Justice stated that he does not want to be a nuisance in the community. He is open and receptive to any/all concerns that they have. (Applicant's wife, Samantha Justice present too.)

Property Owner Ward Fredricks stated that he was present to say to the Commission that he is in favor of the application; however, it is just one of many steps before Dalton is able to proceed with his lease application. Fredricks said he was curious to hear what the result of the decision would be and what people had to say so he came tonight.

Chair Hungate asked if there was any testimony in support of the application.

Kristi Krueger: Rees ST: She spoke about her health regarding her genetic issues and how these troubles carried into her work. She shared that instead of treating her condition with opioids and their addictive nature, she is able to manager her condition with CBD products, which saved her life. She spoke about her family and the stigma surrounding the use of medical marijuana products.

Chair Hungate asked if there was any testimony in opposition of the application.

Carlton Fictcher: Main Street: He spoke about his concerns regarding driver impairments. He is a former truck driver. He stated that there is no local police department and concerned about that with a dispensary. He wanted to make sure other drivers are not impaired on the road and that they would/could be with a dispensary.

Krista Fogelson: Rees Street: Submitted a written statement, which was included in the Planning Commissioner's packets for prior reading. Her concern was there not being family-friendly businesses on Main Street and that it conflicts with her involvement and promotion of the Donald Beautification Group and City parks.

Amanda Martin: Cone Street: Mother and does not want her kids to walk past the marijuana dispensary. She suggested it be moved to a different location.

Julie Nasr: (she is from California and spoke on behalf of her father and Donald resident Jack Lindsey): Jack lives on Rees Street: Nasr and Lindsey submitted letter for the record with supplemental information. She stated her concern for the residents that are living in the upstairs portion of the building, asking how can this be in compliance with the regulations of the OLCC? She read her letter.

"Canessa Family": submitted letter that was given to the Planning Commission and read aloud by Manager Bell. There was no address included or first name and for this reason no formal standing can be made by this applicant.

Chair Hungate asked if there was any testimony neither for nor against (neutral) the application. There was none.

Chair Hungate asked if the applicant would like to rebut and he did. Mr. Justice stated that there will be no issues regarding impaired driving because, unlike a bar, consumption is not allowed on-site. He addressed the issues raised about children seeing it or being exposed to it. He stated that he will operate a clean establishment, and if you were walking down the street then the kid wouldn't even know it was there but that the customers will know. He is not advocating weed, especially to minors. He assured people that he is following all the OLCC requirements. He stated that he is well aware of the stigma surrounding marijuana, he has been a grower for a long time, and that he has the goal to negate these stereotypes. He said that he was on a path to med-school and now is bringing medicine to people.

Samantha Justice rebutted the issue raised by Nasr regarding security. She stated that all the security that is required is not meant to scare people but it is meant to give comfort that there is a procedure in place to handle outlier events that could occur.

D. Justice followed up and stated that statistics depend on where you get them. However, there is a current consensus this is one of the most regulated industries in the state and shows that crime actual stays away from it. Most likely because every square inch of the place is under security.

Planner Byram provided an explanation to the question regarding zoning with residential being upstairs. She explained that the City has two maps (requirement of State rules) and that the City's comprehensive map has this area as a commercial area, which allows for marijuana dispensaries.

Chair Hungate asked before she closes the meeting if there were any additional questions for the Commissioner's staff or anyone?

Vice Chair Strathdee stated that he knows the Canessa Family and offered to provide additional contact information for the family to achieve standing. Planner Byram said she will take it after the meeting.

Commissioner Crawford raised concerns around children walking by the store, what will the effect be on them?

D. Justice responded that he intends to frost the glass and that no pot leaves will be used in advertising. His goal is to decrease stigma around marijuana, including only marketing to people age 21+. He said that the OLCC regulates this business/industry and they do sting operations. He said that everyone working there is trained, just like at a bar or tavern.

Chair Hungate asked why the store will just sell recreational marijuana and not medical marijuana also.

D. Justice and S. Justice said that they will have medical marijuana for people with medical cards. He explained that having a medical only dispensary, severely limits your customer base. He spoke about the generation of tax revenue for the City and public education regarding marijuana.

Commissioner Afonin raised concerns around security and asked about the policing requirements from OLCC since Donald does not have a local police department.

J. Dalton discussed the OLCC's security requirements, including storage of security footage, parameter settings and alarms. There was discussion about how and who is notified when the alarm sounds.

Chair Hungate asked for clarification about the Development Code allowance for it not to be located within a 1,000 feet of park, or if Marion County had a rule about this? Or how this works in a City?

Planner Byram provided information regarding the Donald Development Code not regulating specific feet but instead placing restrictions around time, place and manner.

Chair Hungate closed the Public Hearing at 7:46pm.

Commissioner Crawford stated that he wanted time to read the documents submitted by Julie Nasr.

Vice Chair Strathdee asked Manager Bell for clarification around her email with the background regarding the 3% tax vote and to give background on how the Development Code for marijuana dispensaries came about.

Manager Bell provided a summary on the process of marijuana code formulation in Donald. In 2015, the Mayor called a special joint session between the Council and Planning Commission to figure out the best way to handle Oregon voters passing the allowance of marijuana being regulated by the OLCC. Although there was a lot of discussion and ideas following at this meeting and subsequent meeting regarding how to regulate it in Donald, the group ultimately decided that regulating it by placing boundaries on it was too restrictive. Instead they went with the approach of regulating it by time, place and manner, which is what was used for this application. She stated that in 2016 the Council asked the Donald voters if they wanted a local sales tax added to any future sales in Donald,

of 3%. This is the max allowed by State law and can be collected by the Department of Revenue and then given to the City.

New Business:

- I. Vote: File #CU 2019-02 Conditional Use Permit to operate a commercial marijuana retail store.
 - ✓ Commissioner Mader motioned and Commissioner Afonin seconded to adopt findings in the Staff Report in the conditional use report and approve as recommended by Staff.
4 yes (Mader, Afonin, Peters and Strathdee), 0 nays, and 3 abstains (Hungate, Crawford and Saxton) Motion carried. No discussion on motion.
- II. Tree Board Matters: Dead Trees Complaints. This was added by Manager Bell. She reviewed the letter that was submitted by Retha Harwood. She said that this letter contains two separate matters for the Donald Tree Board to consider.
 - a. There is a root intrusion problem to the septic tank where Ms. Harwood lives and that this was confirmed by a third-party sewer doing a sewer scope. Manager Bell had watched the video.
 - i. The Tree Board directed Manager Bell to write a letter to the property owner informing them of the issue and that the Code requires removal by the property owner and for the property owner to report back to the Tree Board by their next meeting.
 - b. There are possible dead trees at a neighboring property.
 - i. The Tree Board directed Manager Bell to write a letter to the property owners asking them to respond to the Tree Board regarding this complaint by their next meeting.
- ✓ Commissioner Mader motioned and Commission Afonin seconded to direct Manager Bell to follow the request of the Tree Board (as specified above). No discussion. Vote: 7-0-0. Motion carried.

Old Business: None

Commissioners' Discussion

- I. Downtown Beautification Group (DBG)
Manager Bell gave a summary of the DBG's work and invited everyone to attend the next DBG meeting on Monday, October 21 from 6:30pm – 7:30pm at City Hall.
- II. Santa's Sing-a-Long
There was discussion about this year's program and how Commissioners could help out. The event will be quite a bit bigger this year because of the volunteers with the Donald Beautification Group and the Donald Hazelnut Festival. Manager Bell was thankful for the help and involvement.

Mayor's Communication with Commission: None

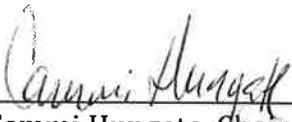
City Planner's Report: Planner Byram referred to her report that was included in the Commissioner's packets for reading prior to the meeting.

City Manager's Report: Manager Bell referred to her report that was included in the Commissioner's packets for reading prior to the meeting. The dates of the November and December Planning Commission meetings were changed to the third Thursday of the month (if needed).

Adjourn

- ✓ Commissioner Saxton motioned and Commissioner Crawford seconded to adjourn the meeting ~~at 7pm~~. No discussion. Vote: 7-0-0. Motion carried. Meeting ended at 8:17pm.

Date: November 21, 2019

Signed: 
Cammi Hungate, Chair

ATTEST:

Date: November 21, 2019

Signed: 
Heidi Bell, City Manager

*** indicates amendments made to action agenda summary at following meeting.**