



**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, MARCH 16, 2017**

**5:30 P.M.**

**I. CALL TO ORDER**

Chair Lavier brought the meeting to order at 5:35 p.m.

**II. ROLL CALL:**

In Attendance:

Commission Chair: Bruce Lavier

Commissioners: Sherry DuFault, John Nelson, Mark Poppoff, Steve Ross

Absent: Jeff Stiles, Chris Zukin

Staff: City Attorney Gene Parker, Planning Director Steve Harris,  
Public Works Director Dave Anderson, City Engineer Dale  
McCabe

**III. APPROVAL OF AGENDA**

Commissioner Nelson moved to approve the agenda as written. Commissioner DuFault seconded the motion; the agenda was unanimously approved by the Commission.

**IV. APPROVAL OF MINUTES**

Commissioner Ross moved to approve the February 16, 2017 minutes; Commissioner Poppoff seconded the motion. The minutes were unanimously passed.

**V. PUBLIC COMMENT**

None.

**VI. PUBLIC HEARINGS**

**A. ZONING ORDINANCE AMENDMENT ZOA 95-17** – Proposed Land Use and Development Ordinance Amendments pertaining to recreational retail marijuana establishments separation requirements and establishing odor control and screening requirements for personal grow sites.

Director Harris began the public hearing referring the Commission to direction from City Council (Council's direction to Staff to revisit separation distances and draft alternative language) and discussions held at the February 16<sup>th</sup> Planning Commission meeting.

Director Harris explained that any item that potentially amends the Land Use and Development Ordinance (LUDO) requires a 35-day notice to the State. Notice was

sent to the Department of Land Conservation and Development on January 27, 2017. In addition, a Notice of Public Hearing was published in The Dalles Chronicle on March 5, 2017, and a direct notice was sent to operators of retail recreational marijuana establishments in the City.

An email from Mr. Norm Brock, Columbia River Herbals, was submitted to the Planning Commission expressing Mr. Brock's application concerns regarding his establishment on West 6<sup>th</sup> Street (Exhibit 1).

Director Harris presented maps displaying 500 foot and 1,000 foot buffer zones and potential marijuana dispensary locations. Harris stated that 500 foot buffer zones would provide additional retail sites.

Director Harris noted at the February 16<sup>th</sup> meeting, the Commission also discussed an annual operator's license and a temporary moratorium on subsequent applications within the separation area.

Commissioner DuFault questioned the need to readdress the 1,000 foot separation. Director Harris replied it was at the request of City Council that Staff and Planning Commission revisit the current separation requirement. Council discussion at the November 14<sup>th</sup> meeting also included recognizing that physical barriers between recreational retail establishments may constitute a mitigating factor in allowing the facilities to be located closer than 1,000 feet from each other as provided for in existing regulations.

Commissioner Poppoff asked if that was due to the two applications submitted almost simultaneously. Director Harris replied at the time Staff noted on both Land Use Compatibility Statement that there potentially may be permitted a retail facility located within 1,000 feet of each other, requesting that the State take that into consideration when processing the license permit application and to notify the City before issuing the license.

Director Harris stated the hearing on the agenda was to consider proposed amendments to the Land Use Development Ordinance for odor control and screening for personal marijuana grow sites, in addition to the recreational retailer separation requirements.

Three alternatives were presented for the Planning Commission's consideration:

Alternative No. 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 (e.g., hours of operation, no drive-up facility, etc.).

Alternative No. 2 – 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. 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 foot separation requirement with no minimum separation requirement established 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.

Director Harris stated the benefits to Alternatives No. 2 and No. 3 allow for public notice and public comment as well as provide opportunity to place additional conditions on the project through the UP process.

Chair Lavier Invited comments from the audience.

Mr. Don Lewis  
3021 W. Seventh Street  
The Dalles, OR 97058

Mr. Lewis stated since annexation into the City his property taxes increased \$1,000 a year. He said he was assured that the Arby's property would never be a pot shop. Mr. Lewis claims his neighborhood has become a cesspool. He suggested a fourth option of more than a 2,000 foot separation.

Commissioner DuFault stated she was not in favor of a change. Commissioner Ross stated he was in favor of Alternative No. 2.

Commissioner Nelson stated Alternative No. 2 would allow some flexibility to put controls and conditions on a project.

Chair Lavier revisited the suggestion of an annual license. Director Harris responded, saying that practice is used in other jurisdictions; additional research is required before implementing that option.

Director Harris stated the State license is renewed annually. Part of their process is to review any comments or concerns from the local jurisdictions. Complaints or operating out of compliance with local regulations may result in the State not renewing the annual permit of the operator. If the business operated out of compliance with the UP, the City could revoke the license as well. The CUP process used properly gives the City another tool in conjunction with the State's license.

Director Harris stated the temporary moratorium would help as well because of the confusion associated with the two applications. If there was a suspension or inability to apply for or go through the process until another application had gone through the process and was either approved or denied, it would prevent some of the issues seen now between the two operators.

Chair Lavier referred to prior discussion suggesting a 120 day time frame for a temporary moratorium.

Director Harris replied that the time frame is established. Regulations state after an application is submitted Planning has 30 days to deem the application complete and a total of 120 days to bring that item to the Planning Commission for approval. What was not established was the time required for the State to go through their process.

Commission consensus was that a temporary moratorium would provide some assurance for applicants while removing potential confusion surrounding multiple applications.

Further discussion touched on the need for a City business license. That subject was deemed outside the scope of the Planning Commission.

Chair Lavier closed the Public Hearing at 6:27 p.m.

Commissioner Nelson moved to recommend to City Council the language offered in Alternative No. 2 of the Planning Commission Staff Report (i.e., Option #3, Exhibit A of Resolution 562-17).

“Option #3. The Planning Commission finds and concludes that it is in the best interest of the health and safety of the citizens of The Dalles to reduce the 1,000 foot minimum separation requirement between recreational marijuana retailers to 500 feet, subject to the issuance of a conditional use permit. The reduction in this separation requirement will still address the concern as to the potential of a proliferation of retail marijuana facilities within the city; it will also create the potential for additional economic activity by creating additional potential locations for the operation of retail marijuana facilities; and it would provide an opportunity for comment at a public hearing concerning any potential negative impacts which the proposed facility would create, and those impacts would need to be addressed by a condition (or conditions) of approval. The retail marijuana facilities would still have to comply with operating standards for such facilities provided in the LUDO. The current 1,000 foot separation requirement for recreational marijuana retailers from elementary and secondary schools, public libraries, public parks and recreational facilities, and the 500 foot separation requirement for recreational marijuana facilities and the RL, RH and RM residential districts would remain in effect.”

Commissioner Ross seconded the motion. The motion passed 4-1; DuFault opposed, Stiles and Zukin absent.

Commission DuFault made a motion that upon application of a Land Use Compatibility Statement any further applications be put on hold for 150 days. Commissioner Poppoff seconded the motion; the motion passed unanimously, Stiles and Zukin absent.

**B. COMPREHENSIVE PLAN AMENDMENT CPA 42-17 AND ZONING ORDINANCE AMENDMENT ZOA 94-17 – Pertaining to adoption of updated Transportation System Plan and various amendments to the Comprehensive Land Use Plan and the Land Use and Development Ordinance**

Director Harris referred the Commission to the Transportation Plan discussed at the February 6<sup>th</sup> workshop, along with memos on suggested amendments to the Land Use and Development Ordinance, the Comprehensive Plan that would implement policies in the draft Transportation System Plan (TSP), and a handout referencing various construction projects. Director Harris then introduced City Engineer Dale McCabe and Susan Wright, Consultant, Kittelson and Associates.

Mr. McCabe stated this Public Hearing was the next step toward final adoption of the TSP. The Planning Commission could make edit recommendations to the TSP to be proposed on April 10<sup>th</sup> at the City Council Public Hearing, prior to going to adoption.

Susan Wright presented an overview of work completed and focused on changes made as a result of the work session, Exhibit 2. She stated the TSP provides

guidance for how the City operates its transportation system, including priority projects, policies and programs to guide the city for the next 20 years. It helps guide development review decisions, capital improvements and planned programming. Ms. Wright also brought attention to edits in the TSP evolving from the work session.

Dave Anderson, Public Works Director for City of The Dalles provided background information on potential bicycle routes to improve access through downtown area. He stated one recommendation from the Bicycle Advisory Committee was to develop First Street as a primary bicycle route. Also planned was a streetscape project anticipated to improve First Street with lighting, improved sidewalks and pedestrian facilities. However, bicycle lanes on First Street would remove parking availability along the north side of First Street.

Ms. Wright drew attention to associated Comprehensive Plan amendments and LUDO amendments necessary for implementation of the TSP.

Ms. Wright also elaborated on Staff concerns regarding partitions occurring on non-network streets without frontage improvements. A subdivision would be required to include transportation and other infrastructure facilities. A serial partition is, in essence, provided with a waiver from those improvements. Commission consensus was to explore options for further scrutiny on partition applications.

Chair Lavier invited public comments.

Bruce Lumper  
Vice President, Riverfront Trail Board  
Co-Chair, The Dalles Watershed Council  
6377 Mill Creek Road  
The Dalles, OR 97058

Mr. Lumper presented a letter to the Commission, Exhibit 3, requesting that the Planning Commission consider changes to the Transportation Safety Plan for Mill Creek Trail, Phases 1 through III. Inclusion of the Mill Creek Trail phases would provide additional impetus for funding.

Planning Commission consensus was to include Mill Creek Trail, Phases I through III, in the TSP.

Engineer Dale McCabe asked the Commission if there were additional questions or suggestions for the draft TSP.

Chair Lavier expressed a desire fo stronger language dealing with serial partitions.

Commissioner Poppoff recommended rather than installing sidewalks on West Second Street, a dual use lane for both pedestrians and cyclists would be more practical. McCabe responded stating that in discussions with the public advisory committee and discussion at both public meetings, it was felt pedestrian and bicycle improvements are needed.

Chair Lavier and Commissioner DuFault expressed their thanks for the efforts that went into the Transportation System Plan.

Chair Lavier closed the Public Hearing at 7:41 p.m.

Commissioner DuFault made a motion to adopt the draft Transportation System Plan with the inclusion of changes suggested in Bruce Lumper's March 16 memo. Commissioner Poppoff seconded the motion; the motion passed unanimously, Stiles and Zukin absent.

**VII. RESOLUTIONS**

**561-17: CPA 42-17 and ZOA 94-17 City of The Dalles**

Commissioner DuFault made a motion to adopt Resolution 561-17 with changes in the amendments to include language and also the amendments to Section 3.040 considering serial partitions. Commissioner Poppoff seconded the motion; the motion passed unanimously, Stiles and Zukin absent.

**562-17: ZOA 95-17 City of The Dalles**

Commissioner Nelson moved to adopt Resolution 562-17, selecting Option #3 (Alternative No. 2 in Staff Report) in the findings and accepting the entire suggested odor and screening provisions. Commissioner Poppoff seconded the motion; the motion passed 4-1, DuFault opposed, Stiles and Zukin absent.

**VIII. STAFF COMMENTS**

Next scheduled meeting: April 6, 2017

Director Harris informed the Commission of agenda items for the April 6<sup>th</sup> meeting. Items include a Conditional Use Permit for a training tower for Mid-Columbia Fire and Rescue and various Housing Studies, the Buildable Lands Inventory, Housing Strategy and Housing Residential Plans Assessment. Multiple Comprehensive Plan and LUDO text amendments must be adopted to fully implement the recommendations of the Housing Strategies Report. Because the studies are funded by State grants, it is necessary to present them to City Council next month to meet funding obligations.

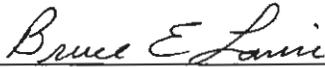
**IX. COMMISSIONER COMMENTS**

There were no further comments or questions.

**X. ADJOURNMENT**

Chair Lavier adjourned the meeting at 7:52 p.m.

Respectfully submitted by Planning Secretary Paula Webb.

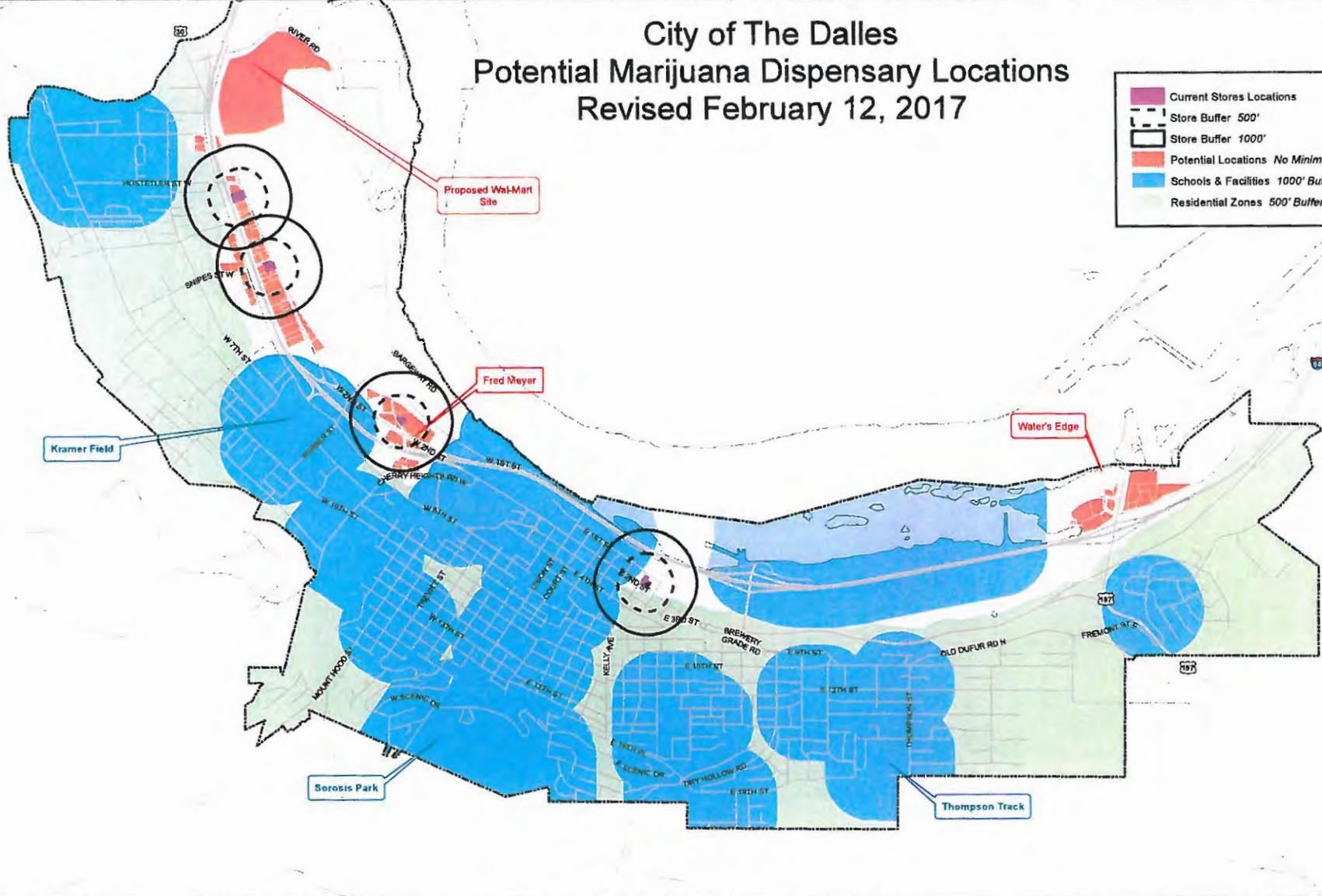
  
\_\_\_\_\_  
Bruce Lavier, Chair





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

<span style="display: inline-block; width: 15px; height: 10px; background-color: #800080; border: 1px solid black;"></span>	Current Stores Locations
<span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed black;"></span>	Store Buffer 500'
<span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black;"></span>	Store Buffer 1000'
<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF4500;"></span>	Potential Locations <i>No Minimum Distance</i>
<span style="display: inline-block; width: 15px; height: 10px; background-color: #00B0F0;"></span>	Schools & Facilities 1000' Buffer
<span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90;"></span>	Residential Zones 500' Buffer





**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 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.
- ▶ **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.

**From:** Norm Brock [<mailto:NormBrock@msn.com>]  
**Sent:** Wednesday, March 15, 2017 9:48 AM  
**To:** Steve Lawrence; Julie Krueger; Gene Parker  
**Cc:** [russ@craftlawyer.com](mailto:russ@craftlawyer.com)  
**Subject:** Columbia River Herbals-2630 W. 6th St.

Steve, Julie and Gene,

I received notice on Monday by mail that there is a Planning Commission meeting this Thursday in regards to finalizing the recommendations for amending the buffer zones. Unfortunately I will not be able to attend; I have a mandatory Doctors Appointment at the Eugene V.A. Clinic on Thursday Afternoon which is in conflict.

I would like to inform you that Columbia River Herbals:

- Has passed all local inspections and been granted Occupancy
- Passed OLCC Inspection
- Fully approved by OLCC
- Paid for our Marijuana Retailers License and given clearance to open.

We will be open for business on Friday March 17th at 11:00 a.m.

We will be operating on limited hours 11 a.m. to 6 p.m. until our Grand Opening which will be April 8th and 9th.

I am hoping to schedule a ribbon cutting for this location although we don't have the outside painted yet, if that happens I would like to invite you all to attend.

One thing I would like to point out in the event the separation issue cannot be resolved; the store on W. 2nd in the Devlins Automotive Building has not opened for business as of yesterday March 14, 2017.

If you could please extend to the Planning Commission my apologies for not being in attendance I would greatly appreciate it; this a vital issue for us but a recent health issue is why I have to keep this Doctors appointment.

Best regards,

Norm Brock  
Owner/Member  
Columbia River Herbals LLC  
541-521-9757

March 16, 2017

Bruce Lavier, Chairman  
City of the Dalles Planning Commission  
313 Court St.  
The Dalles, OR 97058

RE: Comments Regarding this evening's Agenda Item VI, Public Hearing B, Draft Updated Transportation System Plan Table 6-11, Pedestrian Projects: P-15, The Dalles Riverfront Trail; and P-17, P-20 and P-21, Proposed Mill Creek Trail

Dear Chairman Lavier;

At the February 6, 2017 Work Session of The Dalles City Council and the Planning Commission, Dan Durow, President of the Riverfront Trail Board, and I, Vice-President of the Riverfront Trail Board and Co-Chair of The Dalles Watershed Council, provided comments in regard to the priority ranking of the Riverfront Trail and proposed Mill Creek Trail in the draft Transportation System Plan (TSP) update that was the focus of discussion for that Work Session.

Dan requested, in his comments, that The Dalles Riverfront Trail, listed in that Febr. 6, 2017 draft document as Projects P-15 and P-16, be revised to show this project completion as a HIGH priority.

The revisions described and shown in the March 9, 2017 Memorandum from Kittelson & Associates, for The Dalles Riverfront Trail, and included in tonight's agenda, make these changes, as requested. On behalf of the Riverfront Trail Board, I would like to thank Dale McCabe, City Engineer; and, Ashleigh Ludwig and Susie Wright, of Kittelson & Associates, for working with Dan Durow, and making these requested changes to the draft TSP update.

In regard to the proposed Mill Creek Trail, several changes were made to the draft TSP update in regard to my comments at the Febr. 6, 2017 Work Session, and additional communication with Dale McCabe, the City Engineer and TSP update Project Manager.

Project P-17 for the Mill Creek Trail was removed because, it was determined that Project P-20 completed the Mill Creek Trail project as shown in current Mill Creek Trail planning documents. In addition, Project P-21 was extended to provide the connection to Project P-20.

I appreciate the work that was done to delete Project P-17 and incorporate the proposed Mill Creek Trail into Projects P-20 and P-21.

With just a few additional revisions, I believe that the proposed Mill Creek Trail could be fully incorporated into the draft TSP Update. These revisions would cover more than just placing the proposed trail at a HIGH priority.

**First, for Project P-20, I would suggest the following changes:**

Location: **Mill Creek Trail, Phase I**

Project Description: Construct a shared-use path between **W. 2nd Street (Aquatic Center and Thompson City Park) and West 8th Street. Pre-engineering for this part of the trail has been completed. All parts of this proposed Phase I of the trail are on public property.** Further plans should be coordinated with The Dalles Watershed Council, the Riverfront Trail Board and Northern Wasco County Parks & Recreation District.

Cost: **\$94,500\*\*\*** (\*\*\*) Cost estimate for engineering only. Estimate provided by Tenneson Engineering.)

City Contribution: **\$94,500**  
(This amount has been budgeted by Urban Renewal for FY 2016/17. If the full cost of the engineering is not considered to be a City Contribution, a 25% City Match would be \$23,625).

Priority: High

**Second, for Project P-21, I would suggest the following changes:**

Location: **Mill Creek Trail, Phase II**

Project Description: Construct a shared-use path between the intersection of West 3rd Place and West 4th Street to connect to **Phase I of the Mill Creek Trail** at the Aquatic Center and Thompson City Park. This path should use the existing bridge. (Note: I would suggest that the statement that much of this path will be constructed on private property be deleted as I believe it is in error. Mapping I have shows all of the property where the path would go as either owned by the City or the Northern Wasco County Parks & Recreation District.)

Priority: Medium

**Third, I would suggest that Project P-17 be re-instated as follows:**

**Location: Mill Creek Trail, Phase III**

**Project Description: Construct a shared-use path from the south side of W. 2nd Street and the west side of Mill Creek (Aquatic Center and Thompson City Park) to the Riverfront Trail using an at-grade crossing of W. 2nd Street, an easement from the north side of W. 2nd Street between the Union Pacific Railroad, Urness Motors and the US Post Office properties to Union Street, and then use the existing Union Street sidewalk, at grade railroad crossing and Interstate 84 underpass to connect with the Riverfront Trail.**

**Project Type: Shared-Use Path**

**Cost Estimate: Unknown**

**City Contribution: Unknown**

**Priority: Low**

**Potential Funding: City/Urban Renewal, ODOT, Other**

Thank you for your consideration of these suggested revisions. Please let me know if you have any questions.

Sincerely,



Bruce Lumper  
Vice-President, Riverfront Trail Board  
Co-Chair, The Dalles Watershed Council