

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES**

**Milwaukie City Hall
10722 SE Main Street
TUESDAY, July 22, 2014
6:30 PM**

COMMISSIONERS PRESENT

Wilda Parks, Vice Chair
Shannah Anderson
Scott Barbur
Greg Hemer
Shaun Lowcock
Gabe Storm

STAFF PRESENT

Denny Egner, Planning Director

COMMISSIONERS ABSENT

Sine Bone, Chair

1.0 Call to Order – Procedural Matters*

Vice Chair Parks called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

***Note:** The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.ci.milwaukie.or.us/meetings>.*

2.0 Planning Commission Minutes

2.1 May 13, 2014

It was moved by Commissioner Storm and seconded by Commissioner Anderson to approve the May 13, 2014, Planning Commission minutes as presented. The motion passed with Commissioner Hemer abstaining.

2.2 May 27, 2014

It was moved by Commissioner Storm and seconded by Commissioner Barbur to approve the May 27, 2014, Planning Commission minutes as presented. The motion passed with Commissioner Hemer abstaining.

3.0 Information Items

There were no information items.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings – None

6.0 Worksession Items

6.1 Summary: Medical Marijuana
Staff: Denny Egner

Denny Egner, Planning Director, presented the staff report. Staff was seeking general direction or options about direction for medical marijuana regulations. He noted that some changes to State law changed the distribution from individual providers to dispensaries, and included some standards such as 1000 ft buffer from schools and other dispensaries. It also allowed for a year-long moratorium on dispensaries to allow for local governments to put further regulations into place, such as location, operational characteristics, hours and place standards, and distribution.

Mr. Egner explained the items included in the packet and noted key questions.

- When City Council passed the moratorium, it was suggested to add a 1000 ft buffer around parks; the two maps included reflect the options of buffers, and show the areas where dispensaries could be allowed. These buffers leave mostly commercial and industrial areas available.
- One question was if the City would allow a retail use in industrial areas. The zoning map was also included as State law originally called for dispensaries to be located in commercial or industrial areas, so the zoning map was also included to show those areas.
- Another question was buffering around childcare facilities; would a daycare be able to then move into the buffer zone?
- Hours of operation should be considered, and how late was too late?

Vice Chair Parks ask if there was prohibition around residential areas.

- **Mr. Egner** responded that was not something Council discussed but other communities have considered that as additional standard.

Mr. Egner noted that the City Attorney had been working on this issue. He distinguished that these regulations applied to medical marijuana versus recreational marijuana, although recreational marijuana was on the ballot for November. He assured that if that passed, it would take time for the State to put regulations in place. The current moratorium was in effect until April. He noted that Councilors and he himself knew of people that used medical marijuana to aid with severe illnesses such as cancer. He did acknowledge that there were crime issues involved but the benefit of medicinal use was notable.

Vice Chair Parks asked to clarify the difference between medical marijuana dispensaries and pharmacies.

- **Mr. Egner** explained that pharmacies were treated as a retail use in the code and so were allowed in any of the zones that allowed retail. There was the option to classify dispensaries as retail.

Commissioner Storm asked what the statistics were that drive why these have to be buffered away from schools, parks, etc. A bar was allowed to be near a school - what was the difference? He added that to consume in public was prohibited anyway.

- **Mr. Egner** clarified that state law prohibited consumption onsite so he speculated that perhaps the assumption was that a consumer would buy the product, leave, and consume elsewhere.

Commissioner Hemer noted that it was federal law that a person cannot be within a certain distance of a school with an illegal drug, and marijuana was still considered illegal federally, and so thought that was why the state mandated similar regulations.

Vice Chair Parks clarified that the City could make the regulations tighter by saying dispensaries could not be within 1000 ft of a school, park, childcare facilities, or another dispensary; regarding zoning, it was a specialized use so could only be in an industrial or commercial area. These options were up to the Commission and Council.

The Commission noted that trails were considered parks as well, which would eliminate much of the industrial area. The map should be updated to reflect some other educational entities, such as the Wichita Family Services building and Hector-Campbell Elementary (although not currently in use). The state regulation of a buffer around a “public facility commonly used by minors” needed to be further defined.

The Commission discussed buffers around other educational institutions including daycare facilities.

- **Mr. Egner** clarified that, with preschools or daycare centers, parents were generally picking up and dropping off; with schools, many children walked to and from, and he believed that was part of the concern and difference between daycare facilities and schools.
- **Commissioner Storm** felt facilities like Boys & Girls Clubs, youth centers, etc., should be considered.
- **Mr. Egner** offered that regulations could be written where dispensaries would not be able to locate within the buffer of a school, etc., but in turn, would not be required to relocate if an educational institution or daycare, etc., moved within the buffer of the existing dispensary.

The Commission discussed how dispensaries should be classified or how they should be treated under the zoning. If dispensaries were prohibited near residential uses, that would reduce options for siting. Due to the nature of their use, they should not be permitted as a standalone retail use, and might be most similar to a professional office, such as a doctor or lawyer’s office, rather than a general retail type use. They should be allowed where office uses were allowed.

- **Mr. Egner** noted all commercial zones allowed office except for the downtown storefront zone.

The Commission discussed and agreed upon the direction to staff:

- 1000 ft buffer around schools and adding the buffer around Hector Campbell Elementary and Wichita Elementary/Family Services;
- No buffer around parks;
- Hours should be reasonable and available after regular business hours, but limited for safety reasons, for example 9 am to 9 pm. Limit on time of operations that was reasonable;
- No storefront display;
- Explore option of limits on types of business names;
- Buffer around daycare or other youth facilities should be considered.

7.0 Planning Department Other Business/Updates

7.1 Planning Commission Notebook Update Pages

8.0 Planning Commission Discussion Items

Commissioner Storm asked about an update on the house with a stop work order on SE Harvey St.

Mr. Egner noted that a variance had been submitted but was currently incomplete. He would

look to see if there were more details to share.

Mr. Egner also noted that Northwest Housing Alternatives had withdrawn their appeal application to the Land Use Board of Appeals. He was unaware of what their future plans were at this point.

9.0 Forecast for Future Meetings:

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| August 12, 2014 | 1. TBD – <i>It was moved by Commissioner Barbur and seconded by Commissioner Lowcock to cancel the August 12, 2014 Planning Commission meeting due to lack of agenda items. The motion passed unanimously.</i> |
| August 26, 2014 | 1. Worksession: Moving Forward Milwaukie Central Milwaukie draft concept <i>tentative</i> |

Meeting adjourned at approximately 8:27 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Sine Bone, Chair