

**MINUTES SEASIDE PLANNING COMMISSION**  
**March 3, 2015**

**CALL TO ORDER:** Vice Chair Carpenter called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE:** Commissioners present: Steve Wright, Chris Hoth, Bill Carpenter, Robert Perkel, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

Absent: Tom Horning & Ray Romine

**OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT:** Vice Chair Carpenter asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Vice Chair Carpenter then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. There was no response.

**APPROVAL OF MINUTES:** March 3, 2015 Minutes;

Commissioner Perkel made a motion to approve the minutes as submitted. Commissioner Wright seconded. The motion was carried unanimously.

**AGENDA:**

**PUBLIC HEARING REQUIREMENTS:**

The following public hearing statements were read by Vice Chair Carpenter:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.

**PUBLIC HEARING:**

**B.) Medical Marijuana Dispensaries:** Consideration of potential zoning or use regulations for medical marijuana dispensaries. Although the current Code of Seaside prohibits the licensing of such facilities, the Commission will be taking public testimony concerning any additional zoning or use restrictions that should be considered if the licensing restrictions are lifted by City Council. Oregon State law provides for a number of restrictions for medical marijuana dispensaries; however, City ordinance does not currently recognize any of these use restrictions and the Commission will be hearing public comments concerning any additional regulations that may be appropriate for allowing such use.

Kevin Cupples, City Planning Director, stated that at the last planning commission work session, staff provided the commission with a variety of information concerning potential zoning or use regulations for medical marijuana dispensaries.

Vice Chair Carpenter asked if there was anyone who would like to offer testimony related to this issue. Steve Geiger, owner of Highway 420, he is the current owner of the only state license dispensary in the City of Seaside. He has been licensed since March of last year. They have been operating the store for the last year trying to make ends-meet until the city's moratorium is lifted. It has been a year and a half since patients in Seaside have had safe access to medical marijuana. Mr. Geiger stated that they have spoken to the city council several times and he is willing to work with the city in any way they can to make this transition with the new laws. The reason these dispensaries are so important is that they not only provide cannabis to patients but also the topical and edibles and every different type of medical cannabis. The science of marijuana has gotten so advanced that there are so many different strains now that there is a strain that will help with about every affliction that you can think of. It is less helpful when someone has to rely on a single grower that only has one or two strains to treat their particular condition. A dispensary provides a variety of many different types of marijuana. Some people think that a dispensary is a wink and a nod situation so people can just go get a medical card and that it is easy. The reality, in Oregon, is that you have to have a medical track record. There are very few Doctors that will write a prescription for medical marijuana. There are several steps that you must go

through and a couple of hundred dollars in order to get a medical marijuana card. These fees are due every year. We would really like to move forward with this. The people that come into the store are not the people you would think they are, they're just regular people. Many of the people have to go to Portland or Astoria to get their medicine and they should be able to get it right here in Seaside.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony. Oscar Nelson, 92428 Fort Clatsop Rd, co-owner Sweet Relief in Astoria. They have been operating in the City of Astoria coming up on a year now. They have had zero issues. It's a safe environment. Voters have said they want it and need it. The topicals and edibles really help people and it helps people get off the hard medication that they are currently taking. He understands that this is new to everybody and he asked that the commission please don't throw the baby out with the bathwater. Think this through. The city probably doesn't want this next to the arcade or a place where it will become an attractant to unacceptable activities. If this is done well and done right, it could be a good thing for the City of Seaside.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony. Angela Fairless, 846 10<sup>th</sup> Avenue, Seaside. She is a patient in the medical marijuana program. She was ten years old when her parents took her to the emergency room for the first time. Migraines were just becoming accepted as a physical condition. From the age of 10 to the age of 23, she went to the ER 5 to 12 times a year. At the age of 23, she learned how to use marijuana as a medicine. Prior to that she did use it for other reasons. Using marijuana as medicine is very different. Now that she uses it in a capsule form, she has only been to the E.R. once in ten years. There are approximately 600 patients here in Clatsop County and most of these patients have to drive to Portland or Astoria to get their medicine to maintain their quality of life. Obviously, Seaside is a little bit behind. They are dragging their feet and City Council is still leaning on Federal Law. When you take a political science class, they talk to you about liberty and about the way government works. It's supposed to be that we have a certain level of freedom and that it only can be given to us more by the government based on their level. Instead we have the opposite of that. The government grants us all these freedoms and then with each level of government, decides to take these freedoms away. This is the very opposite of what our country is supposed to be about. If you, as the Planning Commission, can do anything to urge the City Council to stop restricting freedom and stop denying the voters something that they have already voted for and just open it up with restrictions that you feel necessary, but not to the point where they are restricted outright, please do so.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony in favor of the request. Sharon Ralston 21027 Laboe, Sherwood. She is a medical marijuana patient herself and was diagnosed with rheumatoid arthritis after her first son was born and it was very debilitating and she found relief with cannabis. She has used it for a number of years and now the arthritis is in remission. It gave her energy, helped her sleep and took away a lot of the pain. It was not something that she shared with her children because of all the stigma associated with it. It was greatly beneficial to her. She stated that there are approximately 86 dispensaries currently in the state of Oregon, maybe more. She has been working with the greater metropolitan area in Portland, Beaverton, Sherwood, Tigard, Tualatin, and Hillsboro. All of them are in the process or have completed drafting their measure for medical marijuana. None of them are currently considering banning it completely. Hillsboro has completed theirs and they are working pretty close to what measure 91 has said. City of Beaverton went totally with measure 91. She believes the City of Tualatin will have some conditions on grow sites but every one of them are working on having medical marijuana stores in their cities. If you have any questions she would be happy to answer them. She also brought in an article that ran in the Oregonian the other day. It stated that marijuana is safer than alcohol and nicotine. Some of the information in the article is very informative. At dispensary sights there is no loitering and you cannot use marijuana in any public place. You can go buy a six pack of beer and go sit on the beach and drink it. There is a lot of stigma about what's going to go around these dispensaries. She has seen dozens of dispensaries. She has spent time in Denver looking at them and talking to grow sites as well. They're all working quite well and blend in to the community and they're within the city limits, next to grocery stores, Starbucks and they are running efficiently. From a standpoint of not knowing much about cannabis, she encourages everyone to read all they can about it. Talk to people about it. She's really hoping that there will be dispensaries in Seaside. It's very difficult to find your medicine when you have to drive great distances for it. It's no different than filling a prescription. There really are a lot of uses for it and people benefit from it. When she's in dispensaries, the people that she sees in there are very ill. The dispensary that she goes to has a clientele of 50 and older. There is a stigma that there are teenage stoners hanging out at these dispensaries but that is not what she is seeing. Please keep an open mind and do all the reading that you can on these sites. She is looking forward to having a dispensary in Seaside.

Commissioner Ridout was not aware that marijuana was so disease specific. He had no idea how the dispensaries handle a prescription. Does a doctor write a prescription for a specific type of marijuana? Shari Ralston responded that unfortunately the medical community, because of the regulations, is not able to do a lot of investigation on cannabis right now. Although the doctors see the benefit, they still don't know a lot about it. There are approximately 784 known strains today. A lot of them have different beneficial properties to them. There is a website that you can go to [www.theweeklyweedonline.com](http://www.theweeklyweedonline.com). They register the different types of marijuana. On this website you can type in your illness and it will recommend some strains that will help with that. There are two different properties: one is [Tetrahydrocannabinol](#) (THC) and the other is [Cannabidiol](#) (CBD). The THC is what you get high from and the CBD is for pain. The dispensary's employees can help you because they hear all the reports from other patients on what is helping them and then they can let you know what other patients say help them with their certain afflictions. Once a person purchases their medicine it is placed in a sealed container. Marijuana does not have dangerous side effects, you are not going to make yourself sick if you try a strain that doesn't work. You can simply try another strain.

Commissioner Hoth asked who actually issues the medical card? Ms. Ralston stated currently it is the Oregon Health Authority. Angela Fairless stated that your Doctor will write a recommendation and signs the application to the State of Oregon. You take it to O.H.A and about \$500.00 later, you can get your card. She also stated there are more than 500 compounds in marijuana.

Commissioner Hoth asked Steve Geiger if his facility is operational at this point. Mr. Geiger stated that it is but it is a head shop right now and they sell t-shirts, kites, pipes and glass items.

Commissioner Ridout wanted a follow-up on where the shop is now located. That to a large degree is what the planning commission will end up handling. The commission will not get into the pro's and con's of medical marijuana and the legalization of it. The commission may comment on where the facilities will be located, for example 1000 feet from schools and other facilities. Commissioner Ridout asked if there was something in particular that the audience would like to see the commission do. Mr. Geiger stated the operating hours would be a good start and location of other facilities. Mr. Geiger thinks that Broadway would not be a good location for a dispensary. A dispensary is a place for patients to go, it's not a tourist attraction, if this was for recreational use then there would be a different discussion. Mr. Geiger stated that every person who walks through the door is videotaped. Every transaction is videotaped and everything is documented.

Angela Fairless stated that the Rasta Shop on Broadway has been there for many years and has bright colored marijuana leaves and other paraphernalia in the shop and that has nothing to do with recreational or medical marijuana and just has to do with apparel and the culture becoming more prominent.

Vice Chair Carpenter stated that the city does have a number of commercial zones, and because this is a retail business, the shops should be located in one of those zones. The commission is looking for guidance to determine what zoning would be appropriate for these facilities. This is just for the medical marijuana and not the recreational marijuana. The Broadway corridor is mainly the C2 and C4 zones and then the C3 zone is more along Highway 101. Which of these zones would be more appropriate or less appropriate? Mr. Geiger said that the Oregon Health Authorities site will let you put in the city and then it will do a circle of 1000 feet around a school. Then a big green circle is where the current dispensaries are currently located. There are not too many sites along the highway where you could put a dispensary. Once you lose areas in the vicinity of the High School or the Middle School, there is very limited space for a dispensary.

Commissioner Hoth asked Mr. Cupples if tonight's talk is just about medical marijuana dispensaries and if recreational facilities will come up for review once we get to that point. Mr. Cupples said that is correct. There are so many things up in the air right now for recreational marijuana that the OLCC doesn't even know what they are going to be doing. Commissioner Hoth stated that right now the commission just needs to figure out what zones they should be in. Mr. Cupples stated that with the zoning and the schools, the number of facilities will be limited. Three additional is probably the maximum that can be within the city. Because we just don't have the space for more than that. Mr. Cupples stated that he could put a map together and then the commission could visually see where these dispensaries could go. Vice Chair Carpenter said that would be great so the planning commission can present that to the city council.

Shari Ralston states that most of the cities are doing what the planning commission is doing now. Most are in a retail area. Lincoln City has several dispensary and you can't even tell that they are dispensaries. These dispensaries are very low key, people go in and come out. They don't loiter. They do their business and leave.

Commissioner Wright stated that Mr. Cupples laid out everything pretty clear at the last work session. The rules for medical marijuana are already set. The final rules are about the siting of such facilities. The commission's main goal is where are the dispensaries going to go?

Commissioner Perkel also stated that a map is a great idea.

Shari Ralston stated that the one thing that has not been brought up tonight is the grow facilities and asked if that is a different discussion. Vice Chair Carpenter stated at this time it is not part of the conversation. And he doesn't yet understand personally the amount of land needed for a grow site and within the city limits of Seaside we have very limited available land. Ms. Ralston stated that grow sites can be a very interesting conversation. She also stated that you can grow in a garage and as long as your product is tested for mold and mildews and passes the testing properly, you can sell your product to a dispensary. Measure 91 will probably change that. Some cities say in the industrial part of the cities. Other cities say they should be located on farm land. Most cities are thinking about putting grow sites in agricultural zones or in industrial zones and not within the city limits. Vice Chair Carpenter stated that we really have very limited industrial lands within the city limits. Angel Fairless stated that you can grow marijuana in a closet or as big as a warehouse.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Vice Chair Carpenter asked if there was anyone who would like to offer testimony in opposition. There was no response.

Vice Chair Carpenter closed the public comment on Medical Marijuana Dispensaries.

**A.) 15-001V:** A request by Sunset Empire Park & Recreation District (SEPRD) to expand the permitted sale items associated with the Seaside Farmers Market outdoor merchandising variance. The original approval allowed the number of sales to exceed the limits in Section 5.100, 4, B and permit three hour sales on Wednesdays for 16 consecutive weeks during the summer months. Sale items were restricted to unprocessed or minimally processed, natural foods such as meats, cheeses, breads, fruits, and vegetables, in a farmers' market style setting. Products had to be unique to the outdoor, open market style setting and not simply duplicate prepackaged products regularly offered for sale in conventional grocery retailers in Seaside. SEPRD is asking that vendors now be allowed to sell prepared food cooked on site and no more than 20% of the vendors able to sell arts & craft items at the event. The event will be located at 1315 Broadway at the American Legion's west parking lot & landscaped area (6 10 22BC TL 1400, 1500, 1600). The property is zoned Medium Density Residential (R-2).

The review will be conducted in accordance with Article 7, of the Seaside Zoning Ordinance which establishes the review criteria and procedures for a variance.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Vice Chair Carpenter asked if there was anyone who would like to offer testimony in favor of the request. Justin Cutler, Sunset Parks and Recreation, Mr. Cutler asked if there were any questions. Commissioner Wright asked why they want to add prepared foods to the farmers market? Mr. Cutler stated the market has been going on for a couple of years but the first location at the TLC site was not a good location. The first time the market was open there were about 600 people, then after that, about 300 people. The reason they want to add prepared food is because people are requesting it. People want to see the popcorn vendor, the taco truck vendor and the falafel vendor. Is this going to be like the Sunday Market in Astoria? No. That's not the goal. That's why they want to limit the arts and crafts to 20%.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony in favor of the request. Oscar Nelson stated that he is the owner of Astoria Indoor Garden Supply. They have the Thursday farmers market and host the Falafel truck and other eateries. It is something that doesn't seem to have any issues. Food carts are set with state regulated sinks and they just plug into power and make their food people happy. There haven't been any issues. This would be logical.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony in favor of the request. Barbara Hasson, 2270 Skyline Dr. Seaside. They are down to two volunteers to keep this market going, plus one market manager. They are trying to get this going and it really ties in nicely to the counties "Way to Wellville" program. We need more locally grown fresh and organic fruits and vegetables available to patrons. The patrons would like to see more variety and the vendors would like to see more patrons. The way to do that is to have more variety. She has also asked some of the local restaurants and local business to show up and post their menu and wares. She plays local tourist quite

often and plans her days around going to other local markets. If she does this, there are probably a lot of other people that do it to.

Justin Cutler stated that they also reached out to the SDDA and asked them about their feelings on adding food vendors. They did not get any feedback.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony in favor of the request. Lila Wickham, 4001 Hemlock, Cannon Beach. She just retired as the Environmental Health Director of Multnomah County were they oversaw all the food carts. There are 750 in Multnomah County. They are a real safe venue and people really like them. The reason she supports the market in Seaside is because she supports the Masters Home Gardeners. A critical component of a vibrant farmers market is the diversity of vendors and products. One of her prior colleagues is the Director of the Farmers Market in Beaverton and mentioned that a lot of the local businesses should get an uptick in their business because the people who visit the farmers market also visit other local establishments being as they are already in town.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Vice Chair Carpenter asked if there was anyone who would like to offer testimony in opposition. There was no response.

Vice Chair Carpenter close the public comment on variance for the Farmers Market.

Commissioner Hoth asked if they will have a limitation for the number of food carts, and will there be enough space? Mr. Cutler stated that they do not have a set limit on vendors because they don't want to limit the market. The more vendors that come hopefully more people will come to the market. What the market doesn't want is two berry vendors or two salad vendors. We don't want to see redundancy. This is a great location. Commissioner Hoth stated that he just wants to make sure that there's not one vendor that will be taking over the whole farmers market. Mr. Cutler stated that this is a farmers market and wants to keep it as a vibrant farmers market. People are coming to the market to buy produce and the market is struggling to get some other types of business because the market is not big enough, yet. Skipanon Brand Seafood won't be a part of the farmers market because it doesn't have a critical mass yet. The food carts help with getting more people at the market.

Commissioner Hoth asked if there have been any complaints or has he received any feedback. Mr. Cutler stated that the only thing that he has heard was one post on facebook that they didn't like the smell. Mr. Cutler stated that it's like someone roasted a roast in their backyard. It's only for three hours.

Commissioner Wright asked if the SDDA had time to discuss this. Mr. Cutler stated that he spoke with them in February regarding this and Commissioner Perkel was at that meeting. Commissioner Wright stated that he moved here from Gresham and they have a very vibrant farmers market and all the businesses seem to enjoy it, because it brings more business to the brick and mortar stores.

Commissioner Perkel stated that the farmers market that we currently have is OK, but we need more.

Commissioner Ridout asked if the Legion had enough parking. Mr. Cupples stated there is a lot of parking at the Legion and then people can also park at Broadway Park or at the Skate Park. Mr. Cutler stated that this is a great location because of all the apartments right across the river and it's really a centrally located place to hold the market. They also accept food stamps.

At the end of the Commissioners discussion, Vice Chair Carpenter closed the public hearing and Commissioner Ridout made a motion to approve the variance under the guidelines that staff has presented.

Commissioner Perkel seconded and the motion was carried unanimously.

**ORDINANCE ADMINISTRATION: None**

**COMMENTS FROM THE PUBLIC: None**

**COMMENTS FROM COMMISSION/STAFF: None**

**ADJOURNMENT:** Adjourned at 8:17 pm.

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Ray Romine, Chairperson

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Debbie Kenyon, Admin. Assistant