



Legislation Details (With Text)

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Type:	Land Use Item	Status:		Agenda Ready	
File created:	9/1/2017	In control:		Planning Commission	
On agenda:	9/11/2017	Final action:		9/11/2017	
Title:	Variance from OCMC 17.54.110.(C)(1), to locate a marijuana retail dispensary ("The Green Planet") within 250 feet of a public park (Mountainview Cemetery).				
Sponsors:	Laura Terway				
Indexes:					
Code sections:					

Attachments: 1. Staff Report, 2. Recommended Findings, 3. Vicinity Map, 4. Public Notices, 5. Larry Krause Comments 8.25.2017, 6. Site Photos, 7. Local Government Regulation of Marijuana in Oregon – (Revised Third Edition May 2016), League of Oregon Cities., 8. ORS 475B - Cannabis Regulation, 9. CC 2016-08-09 Minutes, 10. CC 2016-08-17 Minutes, 11. CC 2016-09-07 Minutes, 12. CC 2016-09-21 Minutes, 13. CC 2016-10-05 Minutes, 14. CC 2016-10-19 Minutes, 15. PC 2016-07-11 Minutes, 16. PC 2016-07-25 Minutes, 17. PC 2016-08-08 Minutes

Date	Ver.	Action By	Action	Result
9/11/2017	1	Planning Commission	deny	Pass

Variance from OCMC 17.54.110.(C)(1), to locate a marijuana retail dispensary ("The Green Planet") within 250 feet of a public park (Mountainview Cemetery).

RECOMMENDED ACTION (Motion):

Denial.

BACKGROUND:

The proposed application would allow Green Planet to occupy an existing restaurant tenant space on the Property for the use of a recreational marijuana retail business. The proposed use involves the retailing of usable marijuana, marijuana concentrates, marijuana-infused products, immature marijuana plants, accessory products, and administration. This application proposes a Major Variance from the requirement that such a marijuana retailer be located at least two hundred fifty (250) feet from the Cemetery. The Cemetery is considered a park and is approximately 89 feet from the Property. No exterior alterations are proposed to the exterior of the property with this application.

Staff recommends denial because the applicant has not adequately demonstrated compliance with all of the approval criteria for approval of a variance under *OCMC 17.60.030 - Variance-Grounds*. Specifically, the applicant has not shown that the variance will equal or exceed the purpose of the regulation to be modified, which is in part to maintain the overall number of retail locations which could be located in the city, nor that the application will be adequately mitigated.