

City of Buckley
Planning Commission Minutes
October 16, 2017

Vice-Chairperson Harris called meeting to order at 7:00 PM. The following members were present: Helmer and Garland, McPhail arrived at 7:04 PM.

Helmer moved to approve the minutes of the October 2, 2017 commission meeting. Garland seconded the motion and the motion carried.

Setbacks to marijuana facilities Public Hearing

Harris opened the public hearing on the setbacks to marijuana facilities at 7:01 PM.

Thompson gave a presentation to the Commission and Public regarding the setbacks to marijuana facilities.

Helmer asked when did the State change the rule from mandated 1,000 feet in the categories we are proposing to change to 100 feet. Thompson stated she believes it was two years ago. Helmer stated and we are just now looking at it because of the conflict with the day care moving within the 1,000 feet to the marijuana store. Thompson stated that is what pushed it but would probably be looking at in in the near future.

Doug West, his residence address is 459 Hackmann St, Buckley and his business address 29393 Highway #410-Mr Bills of Buckley. He would like to address some of Chuck's comments regarding when the 1,000 foot rule changed. He stated it is done through public hearings; the people in the industry are able to write in requests/changes as they are seeing the industry change. He would like to say he spent 15 years in the Casino industry where he saw the impact of what alcohol did to people. He is not a consumer of cannabis. He doesn't see cannabis ruin lives and cause problems. The people that come into the cannabis stores are people like you and me. There have been a lot of job created since the cannabis law took effect.

Connie Bender, 1915 Ryan Rd, Buckley. She has been a resident for almost 20 years and raised all her kids here. This 100 foot rule from public parks is things our kids do not need to be exposed to. How many years have we been having classes for our children to teach them to "Say no to drugs". We already have two businesses here, will this open the door for more retail businesses to come in. We are a small town and it is scary to think what can happen to our small town. When it was next to the Chevron, she wouldn't take her grandkids with her

because she could smell the marijuana. She feels the 100 feet is ridiculous. Yes we have a liquor store here but you don't even realize it but the marijuana stores have great big billboard signs. She doesn't feel the 100 foot rule is logical.

Wayne McBroom, 1461 Main Street, Buckley. His concerns are different because he doesn't have small children in his home. Regarding the jobs, it shouldn't matter where the marijuana facility moves, the jobs should move with it. As far as finding spots within 1,000 feet shouldn't be a problem either. If it within 1,000 feet it shouldn't be there. We have all heard the problems of 2nd hand smoke, how far will they have to go from the stores before they can light up and now we are thinking about putting them within 100 feet from parks. He has not heard about cannabis 2nd hand smoke. His opinion is to leave it at 1,000 ft.

Joseph Soule, he works with Doug West in the sense that Doug is retail person and he is a producer/processor. They have talked about him moving his facility into the old IGA store. He respects what people have been saying and he understands the fears. He spent 20 years in the wine and spirits industry. He has seen many people even at Church events where people are drinking and then getting into cars and driving. He talks to his kids about it, he tells his kids and to even tell their friends to google deaths caused by alcohol and crimes caused from alcohol and then do it with marijuana, there is none for marijuana. He believes in the product, it has been known to help people. If you look at Mr. Bills and the people that come in there, there is a very diverse group of people. They are not people that are just going in there to get high. Garland asked about the issue of 2nd hand smoke. Mr. Soule stated you are not allowed to light up marijuana in public places at all. You are basically only allowed to use it in your home. McPhail asked about the regulations for the smell. Mr. Soule stated that if you are a grow facility you have to have certain filters on the air system and if you have proper air filtration it should not be a problem.

Connie Bender, 1915 Ryan Road, yes alcohol is bad; the only difference is the Federal Government says it is ok. With marijuana only the State says that, it is still against the law federally to grow or sell marijuana. Yes drinking and driving is bad but it is not any better to drive under the influence of marijuana.

Doug West, he just wanted to say that the current liquor store is probably 200 feet from the library and the skate park and is right along the trail and is within 1,000 feet of the playground. There really isn't any proof that says marijuana is any worse than alcohol.

Wayne McBroom, a couple points, it was mentioned if we kept it at 1,000 feet there wouldn't be enough room and there would be too much concentration in one area. As far as the 2nd hand smoke, there is no danger to a child to stand by someone who just opens a can a beer but there is to someone who lights up cannabis with the smoke that a child would inhale.

The Public Hearing was closed at 7:41 PM.

Helmer stated it needs to be clarified about the law changing about 2 years ago to allow the reduction from 1,000 feet to 100 feet for certain uses. We have not taken action on this but allowed this to come before us is because there was a consideration at this time that Mr. Bill's would not be allowed to locate where he is because a daycare had moved within the 1,000 feet. Helmer stated the Daycare license was granted on April 20, 2017; Doug from Mr. Bill's stated he opened his business on April 19, 2017. **Garland moved to approve the draft ordinance and recommend to the City Council that they ratify it. Harris seconded the motion.** Helmer stated his main concern is how we came to this discussion being lead to believe that the daycare center was causing the marijuana store to lose their license and that turned out to not be true because they were grandfathered in. Then we received an email from Misty from the cannabis board that whenever a marijuana business moves, they treat it as a new business. If the marijuana store got their license okayed for the new location, it does not matter where the daycare locates as long as it is allowed in the zone. Given that he will vote for this, he didn't like the idea that we said we were changing the rule just to allow one business to keep going. We need to make these decisions based on a whole, not for one business. Once this was clarified, that we are simply dealing with this based on the State giving us this allowance. What he has been able to study on he hasn't found any negative information on marijuana. After discussing this for two months, he feels we have done our due diligence and can find no definitive reason not to vote for this reduction down to 100 feet. **After discussion the motion carried.** There was a brief discussion regarding the setbacks between recreational marijuana facilities and processing and growing operations.

Proposed revision to Chapter 20.01

Thompson stated at the last meeting we talked about the permit types and didn't make any changes. We will need to come back to that when we talk about administrative permits. The permit types are in the draft ordinance. This next chapter we are talking about is exemptions. Thompson then went through this section with the Commission. Thompson stated at the next meeting she hopes we can go through this and make it even better and put it into an Ordinance.

New/Old Business:

Thompson stated the Anomaly Ordinance is back. There are three issues this time. The first is front, rear, side lot lines; the second one is Board of Adjustments; and the last one is Short Plat expiration. Thompson explained all three to the Commission and stated that these will be put into an Anomaly Ordinance.

Thompson stated she has provided a calendar for next year she did not put anything down for July because of the holiday. We will revisit it in December to set the dates for 2018.

McPhail asked if we have officially received notice from Joe Frame. Thompson stated she did talk to him and he did send an official resignation to the Mayor.

The next meeting will be November 6, 2017 at 7:00 PM.

With nothing further the meeting was adjourned at 8:40 PM.

A handwritten signature in dark ink, appearing to read 'Mark McPhail', is written over a horizontal line. The signature is fluid and cursive, extending to the right of the line.

Mark McPhail, Chairperson