

**NOTICE OF PUBLIC MEETING  
LAFAYETTE PLANNING COMMISSION**

**DATE & TIME:** Thursday, October 19, 2023 – 6:00 p.m.

**PLACE:** Council Chambers, 486 Third Street, Lafayette, OR 97127

**AGENDA**

---

1. CALL TO ORDER
2. FLAG SALUTE
3. ROLL CALL
4. CITIZEN INPUT ON NON-AGENDA ITEMS:
5. APPROVAL OF MINUTES
  - a. August 17, 2023 Planning Commission Meeting Minutes
6. DISCUSSION ITEMS:
  - a. Amending the City's Marijuana Standard (LA 2023-01)
  - b. Short-Term Rental Update
7. ADJOURNMENT

*The Council Chambers is accessible. If you need an accommodation to attend or participate in a meeting or wish to participate remotely, please notify the City at (503) 864-2451 at least 24 hours prior to the meeting.*

**City of Lafayette  
Planning Commission Meeting Minutes  
August 17, 2023 at 6:30 p.m.**

---

1. **CALL TO ORDER:** Chair Kerr called the meeting to order at 6:33 p.m.
  
2. **ROLL CALL:** Chair Kerr called the Roll:  
*Present:* Ron Kerr, Stephan Belding, Jon Meola, Doreen VanTyne  
*City Staff Present:* Branden Dross, City Administrator; Jasmine Garcia, Community Development Clerk  
*Not Present:* Michael Karl  
*Others:*
  
3. **PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA:**  
Chair Kerr asked for brief introductions since Stephan Belding is new to the board; staff gave brief introductions of themselves. Administrator Dross noted that Chris Mead is no longer apart of the planning commission.
  
4. **APPROVAL OF MINUTES**
  - a. October 20, 2022  
Chair Kerr asked if there were any changes that needed to be made; none were requested.  
  
Meola moved to approve the minutes of the October 20, 2022 Planning Commission minutes. VanTyne seconded the motion, which passed unanimously.
  
  - b. February 16, 2023  
Chair Kerr asked if there were any changes that needed to be made; none were requested.  
  
Chair Kerr moved to approve the minutes of the February 16, 2023 Planning Commission minutes. Meola seconded the motion, which passed unanimously.
  
  - c. March 16, 2023  
Chair Kerr asked if there were any changes that needed to be made; none were requested.  
  
Chair Kerr moved to approve the minutes of the March 16, 2023 Planning Commission minutes. Belding seconded the motion, which passed unanimously.  
  
Chair Kerr asked for the Oct 20, 22 minutes to be approved. No comments were made regarding the minutes. Meola mentioned he did not find anything. Kerr made the motion to adopt the Oct 2022 minutes. Meola motioned to adopt the Oct 2022 minutes. VanTyne seconded the motion. Minutes were approved unanimously. Kerr asked if anyone had any comments on the Feb 16, 23 minutes. Meola mentioned there was nothing. Kerr made the motion to adopt the Feb 2023 minutes. Meola seconded the motion. Minutes were approved unanimously. Kerr asked for March 16, 23 minutes asked if anything needed to be corrected. No comments were made. Kerr made motion to adopt March 2023 minutes. Belding seconded

the motion. Minutes were approved unanimously. Brandon clarified that Belding seconded the motion.

**5. NEW BUSINESS:**

*a. Examine Less Restrictive Marijuana Establishment Policy*

Kerr stated it would be a work session meeting to examine the zoning and development restrictions on marijuana establishment policy as well as a brief report/background.

Dross noted that he has received a few calls regarding retail marijuana shops wanting to open in town since his starting date with the city back in January. Dross decided it was an issue that should be brought to the attention to the City Council. After discussion, the Council directed the Planning Commission to review the issue and provide a recommendation.. Depending on how this discussion proceeds, a public hearing will take place in October. Dross explained that the maps he provided shows how currently there is a 1,000 ft barrier that is required between a marijuana dispensary from any schools, daycares, and parks. The next maps show a 500 ft barrier from any school, daycare; another that shows schools and parks and city facilities. He also provided two separate maps that are primarily the state laws which show the barrier surrounding the school only.

Sstate law only requires a 1,000 ft barrier around an K-12 schools. That distance could be reduced to a 500 ft barrier if there are major barriers or obstructions that are preventing a child from accessing a location. Dross believes that it is appropriate to leave the 1,000 ft barrier in place around Wascher Elementary. Dross stated how when marijuana became legal in the state of Oregon back in 2013/2014 all the cities had to adopt that they wanted to take part of the state revenue which is only 3%. Dross briefly reviewed the history of legalizing retail sales and the City's restrictions that are currently in place. Dross shared a study that showed that about 25% of Oregonians admitted to partaking in marijuana. Dross mentioned it would be good for the city to bring growth in the business sector. He the Planning Commission to consider whether to scale back the City's regulations and adopt the 1,000 ft barrier around the school which would be the minimum requirement from the state. When Dross asked the state staff about the requirements regarding daycares, the state stated it was up to the Council. If amendments were mad, the regulations are currently in chapter 7 of the municipal code, which would need to moved to the City's development code. Dross asked the Planning Commission if they had any questions or items that he would need for the next meeting.

Kerr stated that with the 1,000 ft regulations there is no place in the city of Lafayette that a dispensary could be placed. Kerr stated when looking at the 500 ft barrier map then there would be a place either the far westside of town or the far eastside of town there could be potential depending on zone code.

Meola added just doing the 500 ft or 1,000 ft around daycare and schools it would push the dispensaries outside the commercial zone. Meola stated that the only buffer could be the 1,000 ft around the school.

Dross stated that the state only requires a buffer zone around the schools; it would be up to council regarding any other buffers on the daycares, parks, and city facilities.

Kerr stated the age of when people draw attention to marijuana would be around the teen years, maybe as young as 10. With daycares the children will be very young, and it is a controlled

environment. Meola added that with daycares there is a minimal exposure but inquired about the parks, you cannot use marijuana at our parks, same is with alcohol. Dross agreed that residents cannot smoke or consume alcohol in the park. Kerr asked if a buffer around a park would serve any purpose, and if we had a 1,000 ft buffer around the park what would happen to the residents that would like to consume on their own property. Meola asked for clarification on whether this meeting was concerning the consumption of marijuana or the sale. Dross stated this was only regarding the sale and that if any dispensary were to open it would be in C-1 or C-2.

Belding asked if we knew of any smaller towns that had opened dispensaries and what their experience and what their process was. Dross mentioned that he will get some feedback ahead of time for the commission to review if they wanted to move forward with a public hearing. Kerr mentioned that there may be some public record that will show the process. Kerr stated if it was for retail only, he would be okay with allowing dispensaries in the C-1, C-2, and RC zones, with the 500 ft buffer around the Wascher Elementary School as state requires and the other areas left open knowing full well there are already laws in place that you cannot consume marijuana in the public. Meola suggested keeping the buffer around Wascher at 1,000 ft to help ease the community. Meola had asked if we had any information regarding the potential financial revenue a dispensary would bring to the city. Dross had stated we do not have that information currently, but if there was a decision to bring this to a public hearing that he would see about obtaining that.

Kerr stated there is a risk for theft since dispensaries are mainly cash only establishments that can put bystanders at risk. Belding stated this is where finding the data from other cities would be necessary.

Dross asked the Commission to make a motion to have a public hearing on October 19, 2023, on the topic of retail marijuana establishments and amending the Lafayette code.

Kerr moved to hold a public hearing to discuss the surrounding limits and choices as discussed in tonight's work session. Belding seconded the motion. The motion passed unanimously. Commission agreed to start the following meeting at 6:30pm.

**6. Next Meeting:** October 19, 2023

Retail marijuana location restrictions in Lafayette and making the necessary changes to zoning codes regarding the barriers in place for a marijuana dispensary.

**7. ADJOURNMENT**

Chair Kerr asked if he had a motion to adjourn the meeting. Commissioner VanTyne made the motion to adjourn the meeting. Meola seconded that motion. There was no discussion and the motion passed unanimously.

Minutes approved on the 19th day of October 2023.

CERTIFIED:

ATTESTED:

\_\_\_\_\_  
Ron Kerr, Chair

\_\_\_\_\_  
Jasmine Garcia, Community Development Clerk

DRAFT

# City of Lafayette

486 Third Street, P.O. Box 55

Lafayette, Oregon 97127

Phone: (503) 864-2451 Fax: (503)864-4501



---

TO: LAFAYETTE PLANNING COMMISSION

FROM: JIM JACKS, CITY PLANNER

SUBJ: AMEND THE CITY'S MARIJUANA STANDARDS (LA 2023-01)

DATE: OCTOBER 19, 2023

## I. PURPOSE

The October 19 Planning Commission meeting will include a discussion of the proposal to allow marijuana retail stores in the Residential-Commercial (RC) District in a work session environment, not in a public hearing environment. The issue is that the RC District is primarily a residential district and the majority of the properties in the RC District are developed with single-family residences which comprise residential neighborhoods.

## II. BACKGROUND

In 2015 and 2016 the City amended its Municipal Code, Chapter 7, Business, to add recreational marijuana regulations. Section 7.960 – 7.995, Marijuana Facilities, was added to address medical and recreational marijuana uses. In 2023 the City Council reviewed the regulations, especially the 1,000-foot buffers. The City Council asked the Planning Commission to review the buffers.

The current medical and recreational marijuana regulations are in the Lafayette Municipal Code, Chapter 7, Business. There are no marijuana regulations in the Lafayette Zoning and Development Ordinance (LZDO) (the Development Code). The purpose of Legislative Amendment 2023-01 is to move the zoning-related regulations in the Lafayette Municipal Code, Chapter 7, Business, into the LZDO, Section 2.105.02, Commercial-Core District (C-1) list of permitted uses and in Section 2.106.02, Commercial-General District (C-2) list of permitted uses. The proposed amendments would allow retail recreational and medical marijuana uses in the C-1 and C-2 Districts as permitted uses subject to standards.

On August 17, 2023 the Planning Commission held a work session to review the City's existing marijuana standards in the Lafayette Municipal Code, Section 7.960 – 7.995. The purpose of the review was to address the 1,000-foot buffer distances that prohibit retail marijuana use within 1,000 feet of (1) schools, (2) any public property, except public rights-of-way, (3) other medical-recreational marijuana facilities, and (4) licensed child care facilities. The current marijuana standards in the Municipal Code, Section 7.960 – 7.995, allow marijuana retail stores only in the Commercial Core (C-1) and the Commercial General (C-2) Districts. The current 1,000-foot buffers precludes marijuana retail stores on most C-1 and C-2 properties.

The Commission proposed retaining the 1,000-foot buffer for (1) schools and allowing a 500-foot buffer for (2) any public property, except public rights-of-way, (3) other medical-recreational marijuana facilities, and (4) licensed child care facilities.

On August 17, 2023 the Commission reviewed the area covered by a 500-foot buffer and determined that allowing marijuana retail stores in the Residential–Commercial (RC) District should be allowed. The reduced buffer distance and allowing sales in the RC District were put forward as amendments to the Lafayette Zoning and Development Ordinance (LZDO) for a public hearing for LA 2023-01 on October 19, 2023.

Changing the City’s regulations to allow marijuana retail stores in a residential district would be a major departure from the current regulations which allow them only in the C-1 and C-2 Districts. Presenting for the first time a major change involving a sensitive issue such as marijuana sales in a residential district may be of concern to many residents in the community.

Rather than using a public hearing as a “sounding board” to hear the community’s concerns about a sensitive issue, further discussion is presented in this staff report to assist the Commission in a work session format, not a public hearing format, in determining whether allowing marijuana retail sales in the RC District is appropriate. The October 19 meeting will be a work session. The public hearing will be on November 16.

### III. RC DISTRICT DATA

There are 54 properties in the RC District. Of the 54 properties, 76% or 41 properties are developed with residential uses.

Of the 41 residential properties, 37 are developed with single-family residences (37 dwelling units) and 4 are developed with duplexes (8 dwelling units).

Of the 54 total properties, 7% or 4 properties are developed with commercial uses.

Of the 54 total properties, 2% or 1 property is developed with an industrial use.

Of the 54 total properties, 9% or 5 properties are vacant.

Of the 54 total properties, 6% or 3 properties are owned by the City of Lafayette.

Residential:	76%	41 properties.
Commercial:	7%	4 properties.
Industrial:	2%	1 property.
Vacant:	9%	5 properties.
<u>City owned:</u>	<u>6%</u>	<u>3 properties.</u>
 Totals:	 100%	 54 properties

Based on the above data, the majority of the properties in the RC District are developed as residences. Four properties at 1184, 1214, and 1260 E. 3<sup>rd</sup> (east end of the City) and one property at 575 E. 2<sup>nd</sup> Street (Redtail Espresso) are developed with commercial uses.

Many of the RC District lots are in groups where all the lots are residential uses or are vacant. See the attached Lafayette Zone Map. The map is also on the City Council Chamber wall. The six blocks west of S. Madison between 2<sup>nd</sup> and the RR tracks are all zoned RC, except for Commons Park which is zoned Public. The lots in the five RC zoned blocks are all developed with residences or are vacant except for Redtail Espresso at the corner of S. Madison and 2<sup>nd</sup>.

The two RC Blocks south of the RR tracks and west of S. Madison are developed with residences or are vacant.

The RC area south of the RR tracks and east of S. Madison are developed with residences.

The RC Block bounded by 4<sup>th</sup>, N. Adams, 5<sup>th</sup> and N. Jefferson is developed with 3 dwellings and the Macore Company.

The RC area at the east end of the City (east of N. Jackson Street) is a strip on the north side of 99W where 3 of the 4 commercially developed properties are located. The strip is also the site of 5 residentially developed properties and one vacant property immediately west of the Dollar General store.

The pattern described by the data and the description of the blocks shows the majority of the properties in the RC District are developed as residences and are grouped together in residential neighborhoods.

Allowing a marijuana retail store to be located on a RC property would not be consistent with the current development pattern in the RC areas nor with the zoning concept which allows marijuana retail stores only in the C-1 and C-2 Districts.

#### IV. STAFF RECOMMENDATION

Staff recommends the Planning Commission not propose allowing marijuana retail stores in the Residential-Commercial District because it is primarily a residential district and the majority of the properties in the RC District are developed with single-family and duplex residences. Marijuana retail stores are an inappropriate use in the RC District.