

City of Talent

Community Development Department - Planning



STAFF REPORT

Type-3 Land Use Application — Planning Commission

Meeting date: January 28, 2020
Prepared by: Zac Moody

File no: CUP 2016-004
Item: Revocation to CUP 2016-004

GENERAL INFORMATION

Original ApplicantGrateful Meds, LLC.
Property OwnerPeter & Deborah Pollard
Assessor's Map Number38-1W-25B Tax Lot 2801
Site Location630 S. Pacific Hwy.
Applicable Code SectionsTMC 18.155.110

REVOCATION CRITERIA

TMC 18.155.110, Termination of a Conditional Use, a conditional use:

“May be revoked or modified by the Planning Commission, after a public hearing, on any one or more of the following grounds:

- A. *Approval of the conditional use was obtained by fraud or misrepresentation.*
- B. *The use for which approval was granted has ceased to exist.*
- C. *The use does not meet the conditions specifically established for it at the time of the approval of the application.*
- D. **The use is in violation of any provision of this title or of any other applicable statute, ordinance or regulation. [Ord. 817 § 8-3L.280, 2006.]**

BACKGROUND

Grateful Meds began selling limited recreational marijuana products to consumers over the age of 21 in February 2016 after OLCC implemented the recreational marijuana retail sales program. At that time, staff had determined that retail operations by both State and local definitions were not taking place prior to December 5, 2014 when revisions to the City’s Zoning Code were adopted, and since the sales of retail marijuana had not been approved through a conditional use permit review, the use was being conducted in violation of the City zoning code. Once the conditional use permit allowing the recreational retail sales of marijuana was approved, the sales of recreational marijuana was allowed to continue as a conditional use.

Since the approval of the Conditional Use permit in November 2016, the business has had two business license violations and is now in violation of TMC 3.10, Marijuana Tax. Violations of TMC 3.10 and 5.01 are outlined in the proposed Planning Commission Final Order and evidenced by the timeline and exhibits provided. No marijuana taxes have been paid since the ordinance was adopted and now the balance owed exceeds \$4,000 (not including penalties and interest).

DISCUSSION

Based on a history of continued violations and an unwillingness to take appropriate corrective action, staff believes that the revocation of the approved conditional use permit is warranted. Continued lack of compliance with the Talent Municipal Code have demonstrated in the past and present violations and until the time this proposed order was publicly noticed, there were no efforts from the business owner to resolve the violations.

PUBLIC COMMENTS

None

RECOMMENDATION

Based on the findings for the Conditional Use revocation, staff recommends **REVOCA-TION** of CUP 2016-004 as outlined in the Proposed Final Order.

ATTACHMENTS

- Attachment A – Proposed Final Order
- Attachment B – TMC 3.10 Marijuana Tax
- Attachment C – TMC 5.01 Business License
- Attachment D – Violation Timeline and Exhibits
- Attachment E – Original Planning Commission Final Order



Zac Moody, Community Development Director

January 21, 2020
Date

Staff has recommended this proposal for approval, but it will require at least one public hearing before the Planning Commission for a decision. The Talent Municipal Code, 18.190 establishes procedures for quasi-judicial hearings.

A public hearing on the proposed action is scheduled before the Planning Commission on January 28, 2020 at 6:30 PM at the Town Hall.

For copies of public documents or for more information related to this staff report, please contact the Community Development Director at 541-535-7401 or via e-mail at zmoody@cityoftalent.org.