

**Devils Lake Planning Commission**  
**11-29-18**

Members present: Larry Liere, Rodger Haugen, Tom Traynor, Gary Martinson, Ray Sletteland, Dick Johnson, Terry Thompson, Wyatt Hanson.

Others present: see attached list.

Larry opened the public hearing to review a request for a conditional use permit for a medical marijuana dispensary at 810 10<sup>th</sup> St SE.

Steven Zimmer, planning consultant, submitted a memo regarding the process and his recommendations (attached).

Aaron Hall submitted the request and stated he is submitting his application to the State for a dispensary license. This location would have a reduced impact compared to other locations and is 1000' from a school. The State has extremely tight restrictions on dispensaries and they are for medical use only and do not allow sales if recreational marijuana was approved. He is early in the process required to get a license from the State and even though the State doesn't require an approved conditional use permit before applying, he would like to have a complete application sent to the State. The application fee is non-refundable \$5,000 so he would like to have city approval before submitting his application. The conditional use permit for this location would be valid only if he gets a State license. He is working on his business plan and is present to answer questions from the planning commission and neighbors.

John Nord, MJ Rentals, is owner of the building where the proposed dispensary would go. He said they are pretty picky about who they rent their building to. He stated a dispensary is the equivalent of a pharmacy, not a bar with open pot smoking.

Al Fletschock lives directly next to the building and is very concerned about a number of things. He has been chosen to be the spokesperson for the neighborhood. He stated this type of business should not be located in a residential neighborhood like this. Resale of properties will go down and no one wants to live next to a dispensary. Parking would end up being a problem because of the increased traffic and only on-street parking available. There is a playground just down the road. He agrees that a dispensary is probably a good thing, but in a different location.

Shirley Owens lives at 818 11<sup>th</sup> St SE and is very concerned about safety. If you have to have an armed guard on duty to protect the product, how safe a business is it?

Clem Volk lives at 912 11<sup>th</sup> St SE and said there are a lot of elderly people in the neighborhood and he is concerned about disruption from the increase in traffic. He stated marijuana cards are a dime a dozen and there will be a lot of people coming and going.

Al Fletschock said he has nothing against John Nord or Mike Yoder (owners of the building) but he just doesn't want to see this type of business in the neighborhood. He also said the letter sent

to neighbors from the City notifying them of the public hearing was confusing and lots of people don't pay attention to the letter.

It was noted 20 letters were sent to neighbors notifying them of the public hearing.

Clem Volk doesn't object to a dispensary, just the proposed location, and asked if there isn't a better location somewhere else.

Jack Volk, city commissioner, noted a problem with the letter stating it would be subsidizing low costs to Spirit Lake. Would those lower costs include veterans and low income people as well?

Aaron Hall said they would absolutely offer discounts. He said he couldn't comment on the resale of homes but felt it shouldn't have any more affect than having Pop's Bar next door. He didn't think parking would be an issue because the State limits who even gets a medical marijuana card and the product is dispensed for a 30 day period. Should parking become an issue, he would address it and possibly buy more land for parking. He said he is a small player in the game and doesn't have funds to build a building for a dispensary. State requires \$90,000 every 2 years just to operate a dispensary.

Proposed hours for the dispensary would be Monday-Friday and 1 weekend day.

Ray asked if the dispensary could be located outside city limits.

Aaron Hall said there are certain areas it could be located, but there is nothing available at this time.

Larry tabled the public hearing and opened the public hearing to review a request for annexation of a parcel of land located adjacent to the east edge of the cemetery.

The annexation was already approved by the planning commission, but the public hearing notice had an error in the legal description of the parcel so a new hearing had to be held.

Larry closed the hearing and opened the regular meeting. Ray made a motion to approve the minutes of the last meeting. Motion 2<sup>nd</sup> by Rodger. Carried.

Dick made a motion to table action on the conditional use permit for a medical marijuana dispensary at 810 10<sup>th</sup> St SE. Motion 2<sup>nd</sup> by Rodger.

Terry asked about conditional use permits – what would have to happen to shut them down?

Gary said the City can pull a conditional use permit if it doesn't follow rules that have been set, such as conditions on parking or hours of operation.

Wyatt asked if the conditional use permit could be pulled for not following regulations.

Gary said it could if there are special conditions such as selling medical marijuana only, and could not sell recreational marijuana.

Motion carried.

Ray made a motion to recommend approval of the annexation of a parcel of land located east of the cemetery located in the SE1/4NE/14 of Section 35. Motion 2<sup>nd</sup> by Rodger. Carried.

Larry felt the planning commission should recommend to the city commission not having public hearings for conditional use permits for dispensaries unless the State has already approved the applicant for a license.

Aaron Hall felt it would be an incomplete application to the State without conditional use approval.

Dick said more information from the State would give us a lot better idea of the application process.

Steven Zimmer will arrange a meeting.

Rodger made a motion to adjourn the meeting. Motion 2<sup>nd</sup> by Terry. Carried.

Respectfully submitted,

Helen Carlson  
Recording Secretary