



Marion County

OREGON

PLANNING COMMISSION MINUTES

PLANNING COMMISSION

George Grabenhorst – Chair
Carla Mikkelsen – Vice Chair
Stanley Birch
Mike Long
Rick Massey
Gary Monders
Dennis Person
(vacant)
(vacant)

DATE: August 23, 2016
TIME: 6:30 p.m.
PLACE: Senator Hearing Room, 555 Court St. NE, Salem

Present: Stanley Birch, Carla Mikkelsen, Mike Long, Rick Massey, Gary Monders and Dennis Person

Absent: George Grabenhorst

Vice-Chair Mikkelsen called the meeting to order:

1. Work Session:

Discuss testimony received at the August 16, 2016 public hearing and deliberate on amendments to Marion County Urban and Rural Zone Code Chapters 16 and 17 related to marijuana businesses, if the voters of Marion County overturn the current prohibition during the election scheduled for November 2016.

Joe Fennimore, Principal Planner, reminded members they are making recommendations to the Board of Commissioners. In reviewing the spreadsheet, growing and producing are allowed in the farm zones and indoors in industrial zones. Mr. Person asked about the statute that indicates "...the county may allow production as a farm use on land that is farm or forest". Mr. Fennimore clarified because those zones are farm zones it becomes a "shall" but for the Farm/Timber zone that may be correct. He will check with Legal Counsel. Mr. Fennimore gave a brief description of the FT zone, uses generally allowed and locations of this zone in the County. Members discussed why to exclude marijuana operations from the FT zone, general character of the zone, problems with obtaining water, general sizes of typical FT parcels, etc. When asked, all of the members commented that if possible, they would like to exclude growing from the FT zone.

When asked, Mr. Fennimore clarified the PC will make recommendations to the Board and the Board will hold a hearing, as well. Mr. Monders asked about the possibility of reviewing any regulations put in place in a few years? Mr. Fennimore replied that was possible as these are land use regulations. Mr. Monders continued if the PC recommends not allowing growing in the FT zone and the Board concurs, in a few years if the issue doesn't seem to be a problem it could be changed? Mr. Fennimore replied there is a process. Mr. Monders replied it would be easier and better to do it that way rather than allow it now and then try and undo it down the road. Mr. Person agreed and Mr. Long added the more area where this is allowed, the more resources the County will need to address any enforcement. Members discussed this comment back and forth. Ms. Mikkelsen commented it may not be the amount of acreage rather than the number of total growers. Mr. Long added he feels keeping the scope to a minimum, at least at first, is the best approach. Other members agreed.

Mr. Fennimore continued with dispensaries and retailers and that the current recommendation is to allow in the commercial zones with setbacks similar to those for medical marijuana dispensaries. Mr. Birch asked about the testimony given regarding the potential impact to existing approved locations

having to move if a competitor hired someone to open a daycare within the required setback. The PC briefly discussed this situation and Mr. Fennimore added wording to allow an existing business to remain has been included in these amendments and he will explain the change to the Board.

Members asked about issues with smell and Mr. Fennimore replied he has included wording in the amendments regarding controlling smell for processing and growing in the urban areas but not the farm zones. He explained the difference is because operations in the urban and nonfarm areas would be required to be indoors. Mr. Massey commented under those regulations the person that testified about smell would not be helped because it was an SA zone. Mr. Fennimore replied that was correct.

Mr. Fennimore continued that in the dispensary rules a dispensary is not allowed within 1000 feet of another. It may be possible to apply the same limitation to recreational retailers, but based on previous discussion, the PC seemed to feel that was not necessary? Members agreed and discussed that it would be no different than trying to limit bars. Mr. Birch asked about separating medical dispensaries and recreational marijuana retailers? Mr. Fennimore replied as he understand it OLCC rules require some type of separation.

Mr. Fennimore referenced the request made during the public hearing regarding allowing medical growers to continue in the AR zones. As he understands, current regulations require a grower to obtain sign-off of a land use compatibility statement. A property owner in the EFU zone would come to Planning and say it is approved. The exception is to allow the transition of medical growers to grow recreational without having to obtain the local sign-off. The group discussed the current state regulations, the number of mature plants that would be allowed a grower in the AR zone, and total number of plants allowed. The group discussed that current state regulations would allow a fairly sizeable operation. Mr. Monders asked for confirmation that the county has the option to not allow recreational grow operations in the AR zone, but grandfather in licensed medical marijuana growers that are there at the present time? Mr. Fennimore replied that was correct but he is not sure OHA has the ability to not allow them from coming in if the operation meets their requirements. Those growers don't require county approval of any kind. The group discussed what medical marijuana growers are allowed to do and that they will probably want to start selling excess product as recreational.

Mr. Monders suggested a two-tier recommendation for the AR zone: a) exclude it totally from the AR zone; b) grandfather in medical growers but no recreational growers. Mr. Fennimore clarified the PC would like to recommend no recreational marijuana in the AR zone and the members concurred. The group discussed the option to limit the size of buildings, but comments were made that that would not have much impact. Mr. Massey commented the only way to really limit operations in the AR zone is to totally not allow it. Suggestions were made to limit the size of acreage or number of plants but those are not allowed under current state guidelines. Mr. Long stated they must consider worst case scenario for the AR zone and take into account the general small size of parcels and the group discussed. Mr. Monders added there is plenty of acreage in the farm zones where it is allowed and he is concerned with the potential for medical growers expanding into recreational selling in the AR zone. Mr. Person stated it seems like the county is stuck with the medical growers and Mr. Fennimore concurred. Mr. Long stated the "smaller that door can be cracked" the better for everyone at this time. Mr. Fennimore stated he will confirm with Legal Counsel that the county can't regulate medical marijuana growers. Discussion followed on concerns with increased crime for residential areas.

Vice-Chair Mikkelson asked for motions on the discussion as it appeared there was consensus. Mr. Person made a motion to prohibit marijuana operations in the FT zone. The motion was seconded and passed unanimously, 6-0.

Mr. Monders made a motion to prohibit recreational marijuana operations of any kind in the AR zone and grandfather in existing licensed and permitted medical marijuana growers but not allow them to expand into growing recreational marijuana. The motion was seconded and passed unanimously, 6-0.

The group discussed grow operations in the SA zone and limiting light from grow operations. Mr.

Fennimore confirmed that type of regulation would be allowed for recreational but probably not medical. He will confirm with Legal Counsel.

Mr. Person made a motion to recommend the Board adopt the remaining regulations as outlined in the staff spreadsheet regulating marijuana in the Rural and Urban zones, and adopt the amendments that were previously approved. The motion was seconded and passed unanimously, 6-0.

2. Adjournment.

There being no further business, the meeting was adjourned.