

NEWBERG PLANNING COMMISSION MINUTES
February 25, 2016, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

Chair Allyn Edwards called the meeting to order at 7: 00 p.m.

ROLL CALL

Members Present:	Patrick Johnson	Jason Dale
	Philip Smith	Allyn Edwards, Chair
	Luis Saavedra, Student	Cathy Stuhr

Members Absent: Gary Bliss

Staff Present: Doug Rux, Community Development Director
Bobbie Morgan, Planning Secretary

PUBLIC COMMENTS:

None

CONSENT CALENDAR:

None

NEW BUSINESS:

1. Development Code Amendment – Recreational Marijuana Producers and Processors.

File No. DCA-15-003, Planning Commission Resolution No. 2016-313

Chair Allyn Edwards asked if any Commissioner had a conflict of interest to declare. There was none.

Community Development Director Doug Rux gave a PowerPoint presentation regarding recreation marijuana producers and processors. The marijuana subcommittee recommended recreational producers be a conditional use indoors in R1, R2, and their subdistricts and prohibited indoors and outdoors in R3, AR, RP, SD, MMR, and their subdistricts. Producers would be permitted indoors in M1, M2, M3, M4, M1SP, SD/E, and I/I. It would be conditional outdoor use in M1, M2, M3, M4, M1SP, SD/E, and I/I. For processors, the subcommittee recommended permitting indoors in the M1, M2, M3, M4, and SD/E. Processors would be prohibited in residential, commercial, community facility, institutional, and miscellaneous districts. There would be definitions added to the Code for recreational producer and processor. This was not about whether marijuana should be legal or not, did not address medical marijuana, and did not address recreational marijuana wholesalers, laboratories, research certificates, or retailers. He gave a background on Measure 91, the marijuana subcommittee recommendations, and OLCC administrative rules. OLCC would start issuing licenses for producers and processors in the second quarter of 2016. The City was trying to complete the local review before April 1. Public notice had been given about these recommended changes to the Development Code. No written comments had been received. He explained cities could regulate place, time, and manner for recreational marijuana producers and processors. The OLCC had a requirement that a local jurisdiction had to sign off on a land use compatibility statement. OLCC would not issue a license for a producer or processor if they were on federal property, same location or address as a medical marijuana grow site, processing site, or dispensary, same location or address as a liquor licensee, on public land, and a producer could not be on the same lot or parcel as another producer. Processors with an endorsement for mechanical or chemical extracts were not allowed in areas that were exclusively residential. There was a question about what exclusively meant, as Newberg did not have any

exclusively residential land that only allowed housing and no other uses. There were indoor and outdoor producers. Indoor producers used artificial grow lights. Outdoor producers had to have an eight foot tall wall or fence so the public could not see it, however the Code said they could not have an eight foot tall fence at the property line and would have to go in five feet of the property. Marijuana was a crop for farming practices, but they could not sell it from a farm stand. Medical marijuana grow sites could opt into being recreational producers. There were no time limit regulations, but there were many manner regulations regarding security, signs, and where the public could and could not be.

There was discussion regarding what groups could sell to each other and where the public was allowed.

CDD Doug Rux continued by discussing the grow canopy limits. Grow canopies were measured by the outside perimeter of the space the mature plants were occupying. There had to be a ten foot space between grow canopies and there could be multiple grow canopies at the same site. Processors could do edibles, topicals, concentrates, and extracts and required an endorsement from OLCC. All marijuana products had to be tested. The regulations for edibles were through the Department of Agriculture, and edible processing could not be done in restaurants. Several edible processors could use the same location, only at different times. He explained the requirements for concentrates, extracts, and topicals. Processing had to be done indoors. The subcommittee recommended processors to be permitted in industrial zones M1, M2, M3, M4, and SD/E and prohibited in Airport Industrial and Airport Industrial Overlay. Processors could not be in residential, commercial, community facility, institutional, miscellaneous districts, and their subdistricts. For producers, they would be conditional use indoors in residential and residential subdistricts. They were prohibited in commercial, community facility, institutional, and their subdistricts and permitted indoors in the M1, M2, M3, M4, SD/E, SP, and I/I. They were conditional use outdoors in the industrial districts, prohibited in the AI and AI Overlay, historic, stream corridors, and bypass interchange subdistricts. At the time the marijuana subcommittee was doing its review, there was some language in the Administrative Rule that talked about premises. There was a question about producers in residential areas and he asked OLCC to clarify. OLCC said they would not issue a license for any use in a location within a primary residence. The subcommittee had recommended producers be conditional uses in the R1 and R2, but it could not be in a primary residence but in an accessory structure to be considered indoors and had to have electrical lighting. He explained the definition of marijuana processor and producer. A table had been created for the subdistricts explaining what was prohibited and what was allowed. He clarified the typo on Attachment 2 and discussed the added provisions that prohibited marijuana uses in the stream corridor overlay, civic corridor, bypass interchange overlay, and interim industrial overlay subdistricts. He then discussed the findings. If a local jurisdiction banned one or more of the categories, they would not be able to share in the State revenues from marijuana taxes. Staff recommended adoption of the resolution.

MOTION: PC Philip Smith/PC Jason Dale moved to adopt Resolution No. 2016-313.
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PC Cathy Stuhr was concerned about allowing processors and producers in residential districts.

PC Philip Smith said they would not be in homes, but in accessory dwellings.

PC Patrick Johnson said those growing it on their property would get a double use out of the property. He was concerned about safety and having it in a neighborhood. He thought putting it in an industrial zone made sense, but did not think it would be fair to only allow it in industrial zones.

Chair Allyn Edwards commented that it was a conditional use in residential zones, and people would have to come before the Planning Commission to present their case.

There was no public comment.

Chair Allyn Edwards closed the public comment portion of the meeting.

PC Jason Dale thought the way it was written was good as there were many rules to follow to keep the safety in the neighborhood. He was in favor with keeping it in the R1 and R2 zones.

Student Lois Saavedra asked about the eight foot fence requirement. CDD Rux responded that was required for an outdoor producer operation.

PC Philip Smith said that was the State law to have an eight foot wall or fence for an outdoor grow.

PC Jason Dale asked if they could come back later and change the regulations if it became a problem in the residential zones. CDD Rux replied it would require another Development Code amendment and operations already in place would be grandfathered in.

PC Cathy Stuhr asked what kind of review conditional uses had. CDD Rux responded conditional uses always came to the Planning Commission. He explained the process a person had to go through if they wanted to use an accessory structure for an indoor marijuana production facility.

PC Cathy Stuhr asked if the Commission wanted to deal with angry neighbors on these applications, and had to tell them that if it met the criteria, they had to approve the conditional use.

AMENDMENT TO THE MOTION: PC Cathy Stuhr/PC Patrick Johnson moved to amend the motion to remove the conditional use and prohibit producers and processors in the R1 and R2 districts.

PC Philip Smith thought this was a clean amendment and would avoid problems in the residential districts. It could be amended at a later date.

PC Jason Dale concurred that it was easier to go back and amend the Code to allow it rather than to prohibit it at a later time.

PC Patrick Johnson said this was a livability issue for neighborhoods. If there was a challenge, he would be open to hearing it.

Chair Allyn Edwards asked for clarification on the difference between R1 and R2 zones. CDD Doug Rux explained how it was based on the lot size.

Vote on the Amendment: Motion carried (5 Yes/ 0 No).

Vote on the Motion: Motion carried (5 Yes/ 0 No).

ITEMS FROM STAFF:

1. Update on Council items

CDD Doug Rux gave an update on the bypass and Wilsonville Road. There had been discussion to have Wilsonville Road aligned with Highway 219 south of Wyooski Road. Wilsonville Road would be left as it was until the realignment was constructed and would be open with a median in Springbrook Road to limit the Wilsonville Road connection to a right in, right out. When the realignment was done, Wilsonville Road would be turned into a cul-de-sac with a length appropriate to serve the properties. The parties had verbally indicated their agreement, and a written agreement was being drafted.

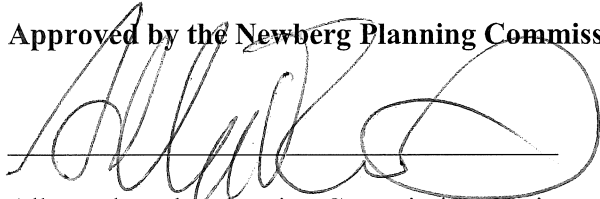
There was discussion regarding how this was an important example that tough land use livability issues could be resolved without litigation. There was further discussion regarding the turn lanes going southbound and northbound onto the bypass, Highway 219, and Wyooski during construction.

2. Other reports, letters or correspondence: None
3. Next Planning Commission meeting: March 10, 2016, 7:00 PM

ITEMS FROM COMMISSIONERS: None

Chair Allyn Edwards adjourned the meeting at 8:17 p.m.

Approved by the Newberg Planning Commission this 14 day of April, 2016.



Allyn Edwards, Planning Commission Chair



Bobbie Morgan, Office Assistant II