

CITY PLANNING COMMISSION MEETING BRIEF

Tuesday, May 19th, 2015 at 6:30 p.m.

Full audio is available on the City Web site www.Cityofprineville.com

Commission Members Present:

Marty Bailey, Bob Orlando, Ron Cholin, Robert Spaulding, Deb Harper

Commission Members Not Present: Kim Kambak, Tim Harris

Staff Present: Phil Stenbeck (Director), Josh Smith (Senior Planner)

Provided Testimony: Darlene Harpster

Public Hearing (6:30)

CALL TO ORDER:

Planning Commission Chair Marty Bailey called the Commission to order.

Public Hearing: AM-2015-101 Amending the City's Comprehensive Plan, creating Chapter 153B and Chapter 97 to regulate Recreational Marijuana Activities.

Staff – There were 5 recommendations to be voted on at this hearing, an amendment to the Comprehensive Plan, an amendment to the Land Use Code creating Chapter 153B an amendment to the City's General Regulations creating Chapter 97 and a recommendation about creating a license and tying approval to Federal law. The Commissions primary discussion points are summarized below.

The Planning Director began with a presentation of the changes proposed for the City's Comprehensive Plan. The Director explained that the definitions recently added for regulating medical marijuana don't work with recreational marijuana rules and are proposed to be changed with this amendment. The Director then stated that he added references to the proposed land use zoning Chapter 153B and included a statement that would not allow the City to approve recreational marijuana activities until the Federal law allows it. The Director also stated that the Federal Law issue needs to be voted on separately as it is a separate issue from the other amendments.

The Senior Planner then presented the proposed changes to the City's General Regulations that would create Chapter 97. The Senior Planner explained that this Chapter was created due to guidance from City Council to look at how the City could regulate personal use of marijuana. The Senior Planner then presented the proposed changes to the City's Land Use Code that would create Chapter 153B. It was explained that this code is a slightly edited version of the medical marijuana code that would maintain the same overlay zone. Through this presentation several questions were asked by the Commission about wording and content.

Public Testimony – Only one citizen provided general comments on the proposed code changes. The citizen felt that a license would benefit the City and asked the Commission and staff for their opinion. The general response was that it would. The Citizen then expressed concern that the penalties in the Chapter 97 code were too low. Staff explained that the penalty section was pasted from the City's nuisance code and would need to be adjusted for this type of use.

Planning Commission - Throughout the course of the hearing and during Commission deliberations the Commission debated many aspects of the proposed code amendments. The following is a summary of the primary discussion points.

The Comprehensive Plan was discussed with only one comment about adding the word "dispensed" in addition to the word "sold" to the Marijuana Facility definition. Staff agreed that adding the word would broaden the definition to better define a facility for both medical and recreational marijuana.

With Chapter 97 the discussion primarily concerned the penalties section. As stated during public testimony, the penalty section was pasted from the City's nuisance code and would need to be adjusted for this type of use. The Commission was in agreement that the fines need to increase and suggested that they be similar to OLCC fines for liquor.

With Chapter 153B the Commission discussed three minor changes. First was adding a reference to the Comprehensive Plan under "General Provisions". Second was removing the word "individual" from the grow site definition, as Measure 91 only refers to the number of plants that a household can grow. Finally a change was made to clarify the public park exception to the 1000 ft. buffer. In Section 153B.004(B)(5)(a)(5) the words "industrially zone properties" was replaced with "public parks located".

The Commission then discussed the issue of waiting on the Federal Government to legalize marijuana before implementing the land use code. Staff had presented them with a clause that could be placed in the Comprehensive Plan that would accomplish this. The Commission was split on this recommendation. Some of the reasons to exclude the provision were that it was that it was passed by the voters, it would allow the City to receive taxing and possibly licensing revenue and it would be consistent with how medical marijuana was approved. The clause will remain as part of the proposed Comprehensive Plan Amendment when presented to City Council.

Finally the Commission discussed the issue of creating a City license. The Commission was also not unanimous on this issue. The argument against a license was that the State will require at least one if not multiple licenses making a City license redundant. The argument for a license was additional local control, revenue and it would be consistent with the City's liquor license.

Motion - Five motions for recommendations were made as follows:

Chapter 97: Deb Harper made a motion to recommend the land use code amendment with changes as discussed. Bob Spaulding seconded the motion and the motioned passed with a 5 to 0 vote.

Chapter 153B: Bob Spaulding made a motion to recommend the land use code amendment with changes as discussed. Deb Harper seconded the motion and the motioned passed with a 5 to 0 vote.

Comprehensive Plan (without federal language): Deb Harper made a motion to recommend the Comprehensive Plan Amendment with changes as discussed. Bob Orlando seconded the motion and the motion passed with a 5 to 0 vote.

Federal law Comprehensive Plan language: Ron Cholin made a motion to recommend excluding policy from the Comprehensive Plan. Bob Spaulding seconded the motion and the motion ended in a tie with 2 in favor, 2 against and 1 abstention.

City License: Bob Spaulding made a motion to recommend the creation of a City license for marijuana. Bob Orlando seconded the motion and the motion passed 4 to 1 in favor.

No other business was discussed.

Planning Director's Report: The Planning Director briefly updated the Commission of city projects and development in the community.

Meeting Adjourned: