

**POLK COUNTY PLANNING COMMISSION
DECEMBER 15, 2015 AT 6:00 P.M.
POLK COUNTY COURTHOUSE
FIRST FLOOR CONFERENCE ROOM
850 MAIN STREET
DALLAS, OREGON**

The following are the minutes of the Polk County Planning Commission meeting held on December 15, 2015 in Dallas, Oregon:

1. CALL TO ORDER AND NOTE OF ATTENDANCE

Michael Schilling called the Planning Commission meeting to order at 6:01 P.M. and attendance was noted.

Present: Lynda Agen, Bill Farmer, Michael Schilling, Lee Herzberg, and Paul Johnson.

Absent: Jim Morrison

Staff: Austin McGuigan, Mark Bernard and Cole Steckley.

2. MINUTES OF DECEMBER 1, 2015

Herzberg made a motion to adopt the minutes of the December 1, 2015 Planning Commission meeting. Second by Johnson. Motion Passed with no dissent.

**3. CONTINUE PUBLIC HEARING: LEGISLATIVE AMENDMENT 15-02 ;
IMPLEMENTATION OF HOUSE BILL 3400; RECREATIONAL AND
MEDICAL MARIJUANA USES**

Schilling opened Public Hearing at 6:03 P.M.

Bernard provided a Powerpoint presentation giving a quick briefing of what was shown during the previous work session that took place on December 1, 2015 and reviewing the timeline for House Bill 3400 and Legislative Amendment 15-02.

Bernard and McGuigan continued the presentation with an overview of staff recommendations for each marijuana use and the zoning districts that would allow such uses and with what restrictions.

McGuigan states that the proposed zoning recommendations based on an analysis of Polk County's Comprehensive Policies and state law requirements that would be appropriate each marijuana use.

Schilling then makes statutory statements regarding the procedures of Legislative Hearings.

At 6:24 P.M. Schilling opens Public Testimony

Schilling then asks for any public testimony of those in favor. No testifiers come forward.

Schilling then asks for any testimony from those opposed to the proposal. No testifiers come forward.

Schilling then asks if there is any other testimony.

Sam Oldham testifies in favor of Legislative Amendment 15-02. He supports recreational marijuana uses being allowed in the Farm Forest Zone.

Beau Whitney testifies in favor of Legislative Amendment 15-02. Whitney explains the process of marijuana extraction and emphasizes how safe the process is.

Doug Hart testifies in favor of Legislative Amendment 15-02. He stresses the availability of property zoned Light Industrial. Hart asks that Planning Staff and the Planning Commission consider what effects implementing a 1000' setback for any marijuana use from a park or school may have as far as limiting the selection of available Light Industrial zoned properties.

Cody White testifies in favor of Legislative Amendment 15-02. White states his concerns with the limited availability of Light Industrial zoned properties for processing and wholesaling.

McGuigan states that Planning Staff determined that the more intense marijuana processing facilities might be best suited for the more urbanized areas that are able provide the services needed in order to operate such infrastructures.

Glen Hart testifies in favor of Legislative Amendment 15-02. His main concern is security when transporting the crop from a production site to a processing site and believes processing should be allowed in the rural areas to limit distance traveled when transporting the crop.

Margo Lucas testifies in favor of Legislative Amendment 15-02. Lucas states a concern that the County's timeline for adopting these marijuana uses into the zoning ordinance is inconsistent with the licensing timeline proposed by the Oregon Liquor Control Commission (OLCC).

Jerry Norton testifies in favor of Legislative Amendment 15-02. Norton supports allowing production in all resource zones. (Exclusive Farm Use, Farm Forest, Farm Forest Overlay, Timber Conservation)

Schilling asks if there is any further testimony. No testifiers come forward.

Schilling asks if the Planning Commission has any questions directed towards Planning Staff.

Farmer asks the Planning Staff to clarify their recommendations as to how marijuana production is being handled in the resource zones other than the Exclusive Farm Use Zone.

Bernard states that the other resource zones such as Farm Forest, Farm Forest Overlay, and Timber Conservation list farm use as an outright permitted use in those zones. Marijuana production is considered a farm use.

Schilling asks if there any other questions for Planning Staff. No questions were proposed.

Schilling asks if there are any questions from the Planning Commission to those who have testified.

Farmer asks if testifier Beau Whitney could elaborate on the measures that the OLCC has in place in order to maintain security when transporting marijuana.

Beau Whitney expresses that he is aware of the OLCC requiring a manifest for logging and tracking marijuana transportation between licensees.

Agen asks Margo Lucas how many limited licenses OLCC is issuing.

Lucas informs Planning Commission that she has been told the OLCC is planning on issuing 850 licenses state wide.

Johnson asks Planning Staff if home occupations are included as uses permitted by right in the resource zones listed in the staff report.

McGuigan states that a home occupation approval is obtained through a conditional use permit in the resource zones and Planning Staff did not include the opportunity for a home based marijuana business in the resource zones after determining that it wasn't appropriate for those zones.

Schilling asks if we have any correspondence with any other governmental institutions.

McGuigan answers that Planning Staff has provided notice to the cities and have only heard back from the City of Salem stating they had no comment on Polk County's proposed regulations.

Schilling asks if there are any requests from participants for continuance to address new information submitted in favor of the new proposal.

No extensions requested.

Agen states that she agrees with the proposed recommendations made by Planning Staff in the staff report for implementing marijuana uses.

McGuigan states if the Planning Commission were to recommend that marijuana production be allowed in all resource zones, the language for marijuana production being described as a farm use would remain consistent throughout all allowed zones with certain amendments being made to address relevant regulations and procedures in specific zones.

McGuigan also clarifies that if the Planning Commission wished to do so, they could regulate marijuana production in the remaining resource zones besides the Exclusive Farm Use zone through a Conditional Use Permit. This would allow Planning Staff to implement conditions on a case by case basis.

Schilling asks if the Planning Commission has any further questions for Planning Staff.

No further questions.

Farmer suggests marijuana production being treated in a similar manner in all resource zones as an outright permitted use, not requiring any conditional use permits for production. He agrees with Agen's previous statement, expressing that he too believes the regulations and proposed zoning for marijuana uses specified in the staff report coincide with his expectations.

Schilling then clarifies that the Planning Commission will now deliberate.

Herzberg motions to adopt the language proposed by Planning Staff in Attachment A included in the record.

Farmer seconds the motion with an amendment to treat marijuana production equally as an outright permitted use in all resource zones.

Motion passes unanimously.

Johnson motions applying an additional standard of only allowing marijuana retail & wholesale uses outside a 1000 foot buffer area from any recognized park or school.

Herzberg seconds the motion.

Motion passes unanimously.

Legislative Amendment 15-02 unanimously carried forward to the Polk County Board of Commissioners.

4. COMMUNICATIONS FROM PUBLIC ON ITEMS NOT ON THE AGENDA

At 7:32 P.M. Schilling asked if there were any communications from the Planning Commission on items not on the agenda.

None were noted.

5. COMMUNICATIONS FROM PLANNING COMMISSION

At 7:33 P.M. Schilling asked if there was any further communications from the Planning Commission.

None were noted.

6. COMMUNICATIONS FROM PLANNING STAFF

At 7:33 PM Schilling asked if there was any further communication from Planning Staff.

None were noted

7. ADJOURNMENT

Schilling adjourned the meeting at 7:34 P.M.