

**PORT ORFORD PLANNING COMMISSION
CITY COUNCIL CHAMBERS, PORT ORFORD CITY HALL
REGULAR MEETING, PUBLIC HEARING and WORKSHOP
Tuesday, June 13, 2017
3:30 PM**

1. Call to Order
2. Approval of Minutes: May 9, 2017 regular meeting
3. Comments From the Public
4. Hearing

None

5. Planning Matters

Review of Planning Commission Policy & Procedure

Work on Marijuana Ordinance

Other Business

- A. Announcements and Communications:

- Planning Commission Comments

6. Public Considerations
7. Adjourn

CITY OF PORT ORFORD PLANNING COMMISSION
MINUTES OF MEETING

Tuesday, May 9, 2017 3:30 PM
Regular Meeting and Public Hearing and Workshop
Port Orford City Hall, Gable Council Chambers
555 W. 20th Street
Port Orford, Oregon

Date Draft: May 9, 2017

Date Corrected:

Date Final:

1. Call to Order

Chair McHugh called to order the regular meeting of the City of Port Orford Planning Commission at 3:30 PM.

Those members present were:

Comm. McHugh, Comm. Ames and Comm. LaRoche

City staff present was:

City Attorney Shayla Kudlac and Planning Assistant Patty Clark

2. Approval of Minutes:

Comm. Ames made a motion to approve the minutes of the April 11, 2017 planning commission meeting. Comm. LaRoche seconded the motion. Motion passed.

3. Comments from the public. None

4. Hearing: None

5. Planning Matters

Work on Marijuana Ordinance.

It was decided that at the next meeting the commission would go through the 32 page Oregon Laws 2016 on marijuana.

Section 17.50.010 Purpose.

At the end of the paragraph the semi colon was changed to a period.

Section 17.50.020

This section was still OK

Section 17.50.030 Relationship to Other Standards.

It was decided that we would need some minor word tweaking on the first paragraph so we can refer to a part of the Oregon Revised Statutes. So we will need to do a reference to that.

Under number (4) Comm. Ames asked that we add wording that would protect the wetlands.

Section 17.50.040 Planning Districts Where Retail Sales Marijuana Facilities Permitted.

It was decided that the words (Retail sales) would be removed from the sentence and replaced with (recreational) and words (medical marijuana) would be added before dispensaries.

Comm. McHugh made the motion to remove the word sales in the title of this section and also in the following sentence. Comm. LaRoche seconded the motion.

After discussion the motion was amended to say:

Motion was amended to say that the word sales would be removed in the title of this section and throughout this document. Motion passed

Section 17.50.050 Planning Districts Where Marijuana Processing Facilities Permitted.

This section was still OK

Section 17.50.060 Standards for Marijuana Facilities.

Sentence (2) line one the word (sales) will be stricken.

After discussion it was decided that under (2) a) Exclusive Residential Zones would be dropped if this is not a requirement in state law.

Under b) a licensed childcare facility, if there is no reference found in the Oregon Laws 2016 this would be removed.

Under c, d, and e the Commissioners still said that these sections were good.

(3) section a and b will be revisited after the Oregon Law 2016 is looked at.

Under c, d e, and f the Commissioners stated that these sections were good.

(4), (5) and (6) are good.

(7) A retail sales marijuana facility or a medical marijuana dispensary is prohibited from co-locating with any other marijuana facility. Take out the word (retail sales) and add (recreational) in front of marijuana and revisit this in June to see what the state laws say.

(8) Is still OK.

Section 17.50.070 Marijuana Recreational Retailer Operating Restrictions.

This section is still OK

Section 17.50.080 Edible Marijuana

Comm. McHugh made the motion to strike the word (wholesale) from the first sentence in this section. Comm. LaRoche seconded the motion. Motion passed.

The rest of this section was still OK

Section 17.50.090 Oil Extraction Prohibited

Comm. McHugh will go back to the council and ask what their intentions on this are.

Section 17.50.100 Marijuana Home Business Prohibited.

Comm. McHugh made the motion to remove this section. Comm. LaRoche seconded this motion. Motion passed.

Section 17.50.200 Violations.

This section is fine.

Adjourn at 4:48 pm

Chapter 2.16

PLANNING COMMISSION

Sections:

- 2.16.010 Creation.
- 2.16.020 Appointment of members-Term-Compensation.
- 2.16.040 Vacancy.
- 2.16.050 Budget.
- 2.16.060 Officers.
- 2.16.070 Powers and duties.
- 2.16.080 Meetings.

member of the commission, and at any time a position shall become vacant for a period of sixty (60) days without the consent of the commission, or other reason, the city council shall fill said vacancy. (Ord. 96-09 § 1, 1996)

2.16.040 Budget.

There shall be included in the annual budget of the city of Port Orford and amount necessary to pay the reasonable expenses of the planning commission during the year next succeeding. (Ord. 280 § 4, 1977)

2.16.050 Officers.

A. At its first regular meeting of each calendar year, the planning commission shall choose from its own members a chairperson, vice chairperson and secretary. The officers shall serve for the calendar year in which they are chosen and may be reappointed for subsequent terms.

B. The chairperson shall be a voting member of the planning commission and shall preside over all meetings of the planning commission and shall have the power to call special meetings deemed necessary by the chairperson and to sign plats and other official documents for the planning commission.

C. The vice-chairperson shall be a voting member of the planning commission and shall exercise the powers of the chairperson when the chairperson is absent.

D. The secretary shall sign plats and other official documents of the planning commission and see that recommendations of the planning commission are forwarded to the city council. The secretary of the planning commission shall also ensure that minutes of all planning commission meetings are recorded pursuant to ORS 192.650 by a member of city staff or record such minutes personally. (Ord. 99-04 § 1, 1999; Ord. 280 § 5, 1977)

2.16.010 Creation.

A city planning commission consisting of five members is created. (Ord. 280 § 1, 1977) (Ord. 2017-01 § Nov. 2016)

2.16.020 Appointment of members-Term-Compensation.

A. Members of the planning commission shall be appointed by and serve at the pleasure of the city council.

B. Each member shall serve a term of two years. Not more than two nonresidents of the city, living within the Urban Growth Boundary, shall be appointed. (Ord. 2007-07 § 2, 2007)

C. Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses.

D. The city council may appoint city officers as ex officio nonvoting members of the commission. (Ord. 280 § 2, 1977)

2.16.030 Vacancy

At the expiration of the term of office of a

2.16.060 Powers and duties.

Except as otherwise provided by law, the commission may:

A. Recommend and make suggestions to the city council and to all other public authorities concerning laying out, widening, extending, parking and locating of streets, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones of districts limiting the use, height, area and bulk of buildings and structures.

B. Recommend to the city council and all other public authorities plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of all public utilities, harbor, shipping and transportation facilities;

C. Recommend to the city council and all other public authorities plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits;

D. Do and perform all other acts and things necessary or proper to carry out the provisions of Oregon state law;

E. Study and propose in general such measures as may be advisable for promotion of the public interest, health, moral, safety, comfort, convenience and welfare of the city and of the area of the Urban Growth Boundary. (Ord. 280 § 6, 1977) (Ord. 2007-07 § 2, 2007)

2.16.070 Meetings.

A. The planning commission shall hold meetings at such times and places as it shall

determine; provided, however, at least one regular monthly meeting shall be scheduled. The chairperson may call such special meetings as may from time to time be deemed necessary and shall call a special meeting upon the request of three members of the commission.

B. A majority of the members of the planning commission shall constitute a quorum to convene a meeting and do business. If a member of the planning commission must disqualify himself or herself because of a conflict of interest as defined by ORS 244.135, the planning commission may still hear and decide the issue. The issue must be approved by a vote equal to a majority of the quorum, not a majority of the remaining members eligible to vote on the matter.

C. All meetings of the planning commission shall be held in accordance with Oregon Public Meetings Law, ORS 192.610 to 192.710.

D. Except as otherwise provided by this ordinance, the planning commission shall use Robert's Rules of Order for the conduct of its meeting. (Ord. 99-04 § 2, 1999; Ord 280 § 7, 1977)

MOST CURRENT WORKING DRAFT

CHAPTER 17.50

REGULATION OF MARIJUANA FACILITIES

Sections:

Section 17.50.010 - Purpose.

Section 17.50.020 - Definitions.

Section 17.50.030 - Relationship to Other Standards.

Section 17.50.040 - Planning Districts Where Retail Sales Marijuana Facilities Permitted.

Section 17.50.050 - Planning Districts Where Marijuana Processing Facilities Permitted.

Section 17.50.060 - Standards for Marijuana Facilities.

Section 17.50.070 - Marijuana Facility Operating Restrictions.

Section 17.50.080 - Edible Marijuana.

Section 17.50.090 - Oil Extraction Prohibited.

Section 17.50.100 - Marijuana Home Business Prohibited.

Section 17.50.200 - Violations.

Section 17.50.010 Purpose.

The purpose of this chapter is to:

Balance the right of individuals to sell, produce and access marijuana and marijuana derivatives consistent with state law, with the need to minimize adverse impacts to nearby properties that may result from the production, storage, distribution, sale, and/or use of marijuana and derivatives.

Section 17.50.020 Definitions.

Terms are defined as set out in the ORS and administrative rules unless otherwise defined herein.

Section 17.50.030 Relationship to Other Standards.

- (1) The Oregon Revised Statutes regulating Medical and Recreational Marijuana, including ORS Chapter 475B as amended, and its successors, and Rule 25 of the Oregon Liquor Control Commission as amended, and its successors, are hereby incorporated and constitute part of this Ordinance.

- (2) The provisions of this Chapter apply to all marijuana facilities requiring a state license or registration.
- (3) The regulations in this Chapter are in addition to other zoning code standards, including all base zone standards. Sites with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations set forth elsewhere in the Port Orford Municipal Code.
- (4) To the extent there is a conflict between other provisions in the Port Orford Municipal Code and the provisions of this Chapter, the provisions in this Chapter shall apply. To the extent there is a conflict with State Law, the more restrictive law shall apply.

Section 17.50.040 Planning Districts Where Retail Sales Marijuana Facilities Permitted.

~~Retail sales~~ *Recreational* marijuana facilities and *medical marijuana* dispensaries are permitted only on properties with frontages on US 101 in the following planning districts and subject to the other provisions of this Chapter:

- (1) Commercial (4C);
- (2) Industrial (5I); and
- (3) Battle Rock Mixed Use (10MU)

Section 17.50.050 Planning Districts Where Marijuana Processing Facilities Permitted.

Marijuana processing facilities are permitted in the following planning districts and subject to the other provisions of this Chapter:

- (1) Commercial (4C);
- (2) Industrial (5I);

Section 17.50.060 Standards for Marijuana Facilities.

- (1) All retail marijuana facilities and medical marijuana dispensaries must comply with all applicable Oregon laws and requirements.
- (2) A medical marijuana dispensary or retail sales marijuana facility cannot be located within 1,000 feet, measured from the closest property line, from any:
 - a) Exclusive Residential Zones; (strike if not addressed in chapter 24)

- b) A licensed childcare facility; (strike if not addressed in chapter 24)
 - c) Public Park;
 - d) Public, private or charter school as defined by ORS
 - e) Public library;
 - f) Playgrounds.
- (3) A marijuana processing facility cannot be located within 1,000 feet, measured from the closest property line, from any:
- a) Exclusive Residential Zones; (strike if not addressed in chapter 24)
 - b) A licensed childcare facility; (strike if not addressed in chapter 24)
 - c) City Parks listed below:
 - i) Battle Rock Park and State Wayside
 - ii) Buffington Park
 - d) Public, private or charter school as defined by ORS;
 - e) Public library;
 - f) Playgrounds.
- (4) A marijuana processing facility cannot be located within 500 feet, measured from the closest property line, of any other marijuana facility.
- (5) A marijuana processing facility cannot exceed 3,000 square feet in size.
- (6) A marijuana processing facility must be located in a permanent building and may not be located in a non-permanent structure, such as a motor vehicle, a recreational vehicle, or cargo container.
- (7) A *recreational* ~~retail sales~~ marijuana facility or a medical marijuana dispensary is prohibited from co-locating with any other marijuana facility. (what does state law say)
- (8) Drive-through marijuana facilities are prohibited.

Section 17.50.070 Marijuana Recreational Retailer Operating Restrictions.

1. All marijuana facilities must comply with the following operating restrictions:
 - a) Primary entrances must be located on street-facing facades and clearly visible from a public street; and
 - b) Outdoor storage of merchandise, plants, or other materials is prohibited.

Section 17.50.080 Edible Marijuana.

Marijuana facilities that produce, process, wholesale, distribute, transfer, or sell edible marijuana must comply with the following provisions:

- (1) All edible marijuana must be individually wrapped at the original point of preparation.

- (2) Labeling must be distinctly and clearly legible on the front of the package and must include:
 - a) a warning that the contents contain marijuana;
 - b) a statement that the contents are not sold as a food product; and list all ingredients; and
 - c) a statement that the product is to be kept away from children.
- (3) Packaging that makes the product attractive to children or imitates candy is prohibited.

Section 17.50.090 Oil Extraction Prohibited. (Kevin will ask council what their intentions were on this)

The production of marijuana extracts is prohibited.

~~Section 17.50.100 Marijuana Home Business Prohibited.~~

~~Retail sales of marijuana and processing of marijuana as a home business is prohibited.~~

Section 17.50.100 Violations.

Any person who violates any provision of this Chapter commits a civil infraction and is subject to a fine of up to \$1,000. Each violation, and each day that a violation continues, is a separate civil infraction.