

City of Creswell
Joint City Council/Planning Commission Minutes
November 17, 2014

Council Present:

Holly Campbell
Brent Gifford
Ted Romoser

Dave Stram
Jane Vincent

Planning Commission Present:

David Christopher
Gary Ludeke
Lloyd Safely
Dan Stockbarger

Blake Oelke
Robert Grand

Staff Present:

Michelle Amberg
Roberta Tharp
Layli Nichols
Cliff Bellew
Ross Williamson
Sgt. Billy Halvorson
Dep. Guy Pease
Maddie Phillips
Shelley Humble

City Administrator
City Recorder
Finance Director
Public Works Director
City Attorney
Lane County
Sheriff's
Lane County Sheriff
Planning Tech
Airport Manager

Council Absent: 2 – Adam Pelatt & Omar Bowles - Excused

Press: 1 – Scott Olson, Creswell Chronicle

Audience: 7

The joint City Council/Planning Commission meeting was called to order by Mayor Dave Stram at 6:02 PM and the pledge of allegiance given.

Sgt. Billy Halvorson addressed the council to introduce Deputy Guy Pease to the Council and Planning Commission. He will fill the vacancy of the third deputy for Creswell.

1. Special Presentation

A. Marijuana Dispensaries – Ross Williamson City Attorney

City Attorney Ross Williamson addressed the City Council and Planning Commission for a presentation on Land Use Regulations for medical marijuana facilities.

Mr. Williamson said the presentation tonight will cover land use regulation options for medical marijuana facilities. Medical marijuana is regulated by the Oregon Health Authority and is very different than recreational marijuana. The discussion tonight is only for medical marijuana.

The City has two options for land use regulations for medical marijuana facilities:

- They can opt to do nothing and not take any action and leave specific regulations to state law and OHA rules or
- Impose regulations

The classification for Medical marijuana dispensaries would likely fall under the retail use category in the City's Development Code. The Planning Commission and City Council can regulate zoning as to where dispensaries can locate within the City, and what the business will look like. The Council can also regulate the business aspect of dispensaries as to how they are going to operate. Mr. Williamson noted it is his projection that once the recreational marijuana laws come forward, medical marijuana dispensaries will turn their business into a recreational dispensary.

Mr. Williamson set forth the following land uses required currently under state law:

- A medical marijuana dispensary may not exist within a thousand feet of a school
- A dispensary cannot operate within a thousand feet of another dispensary
- Background checks are required for business owners only, but are not required for employees
- Regulations are set for security systems, and how medical marijuana can be dispensed, sold and tested.
- Zoning – cannot have a dispensary located in a residential district although they can be located in industrial, commercial and mixed zones. For Creswell this would mean five different zones:
 - Residential – Commercial (RC)
 - Downtown Commercial (DC)
 - General Commercial (GC)
 - Industrial Commercial (IC)

o General Industrial (GI)

The Planning Commission and Council can apply different subsets of these zones if they choose to. Different standards could also be applied to different zones.

Mr. Williamson cautioned the members to look carefully at setbacks. Some of those included are residential districts, public libraries, public parks, and registered childcare facilities; grow sites as well as schools and other dispensaries as required currently by state law. When looking to regulate setbacks, Mr. Williamson advised to look at the zoning map, you will want to leave the businesses some options to locate; don't regulate them out of existence. He has also seen in some City's where they are not allowing a dispensary to be located on the bottom store front of a building that has a residential use.

A discussion ensued regarding grow sites. Mr. Williamson clarified grow sites are facilities where marijuana is grown for both medical facilities as well as personal use. Medical grow sites according to the Oregon Health Authority (OHA) are not considered a business for profit; you are only recouping your costs. In response to Mr. Oelke's question, Mr. Williamson replied Creswell more than likely has existing grow sites within the city limits currently and according to the OHA, the addresses are confidential.

Mr. Oelke asked what kind of legal problems could arise from grow sites. Mr. Williamson explained he has seen issues with water and electricity usage and fertilizer runoff into storm drains. Production sites that produce hash oil, (cooking plants to make liquid resin) can be extremely hazardous because the process is flammable and has caused many house fires.

Mr. Oelke asked if *anyone* knew the addresses of grow sites in Creswell. Mr. Williamson responded that if you were to call OHA and ask they would tell you it is confidential information. Sgt. Halvorson responded that when the Sheriff's department requests information from the OHA on a specific address or if a specific person is a grower the only answer provided to them is either a simple yes or no; no other information will be given.

Discussion moved to the medical marijuana dispensary moratorium. Creswell opted to take the maximum time allowable and the moratorium will expire on April 30, 2015. The City of Cave Junction case is testing the boundary; they denied a business license to a dispensary in their town, the business brought a claim to circuit court asking if this could be done. Circuit Court said yes, they can deny a dispensary from operating in their city. The State Attorney General's office has become involved and Cave Junction has filed an appeal. The case is currently on going and not sure when it will be settled.

A discussion ensued about medical facilities converting to recreational facilities once that law becomes enacted. Councilor Romoser asked about a future moratorium on the recreational side. Mr. Williamson said the City will not have the authority to ban the sale of recreational marijuana within its boundaries. What can be done under the initiative is put it to a vote of the citizens. You could do a voter initiative (local option) to make Creswell a dry city for recreational marijuana. Once you have enough signatures on your petition the earliest you could get it on the ballot would be at the November 2016 election. This deadline is about six to eight months after businesses can open their doors

Mr. Williamson said other things that could be considered in planning land use regulations for dispensaries:

- Dispensary must be a permanent structure – not in an RV or dispensary truck
- Dispensary must be in its own separate structure – has to do with hash oil production
- No drive-up window
- Exterior lighting requirements
- On-site parking lighting requirements

Mr. Williamson touched on some Time, Place and Manner business regulations

- Hours of operation
- No drive up service
- Upgrade criminal background checks
- No onsite production of extracts and oils
- No mobile facilities
- No free giveaways or samples

Mr. Williamson said this process will start with the Planning Commission drafting some land use regulations, they will receive public comment and then make a recommendation to the Council for action.

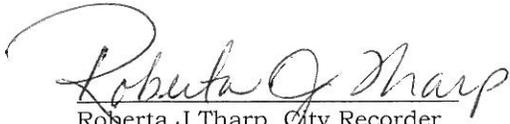
Mayor Stram asked Planning Commission Chair Blake Oelke for his thoughts on when the Planning Commission could have a recommendation for the Council. Mr. Oelke replied the commissions only roadblock would be coming up with a quorum this time of year. He noted it will take a couple of meetings and thought

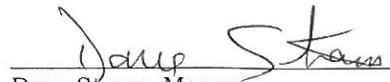
they could have a recommendation to the Council by the February work session for discussion and action at the March 9th meeting.

Mayor Stram thanked the Planning Commission for all the work they do for the City.

2. Adjournment

There being no further discussion Mayor Dave Stram adjourned the meeting at 6:50 PM.


Roberta J Tharp, City Recorder


Dave Stram, Mayor