

## MINUTES

Creswell Planning Commission  
Creswell City Hall Council Chambers -- 13 South First Street  
Creswell, Oregon  
January 15, 2015  
6:30pm

PRESENT: Blake Oelke, Chair; David Christopher, Robert Grand, Gary Ludeke, Dennis Grice, and Lloyd Safley, commissioners; Madeline Phillips, staff.  
ABSENT: Dan Stockbarger  
GUESTS: None.

Mr. Oelke called the meeting of the Creswell Planning Commission to order at 6:35pm.

### I. MINUTES OF December 16 , 2014

MOTION: Mr. Christopher motioned, Mr. Grice seconded to approve the minutes from December 16, 2014. The motion carried unanimously (6:0).

### II. AUDIENCE

No audience present.

### III. COMMISSIONER COMMENTS

Gary Ludeke will continue to be the Airport Commission liaison to the Planning Commission. Both Lloyd Safley and David Christopher are continuing their tenure as Commissioners.

Dennis Grice may be considering moving permanently to Southern California. He will be absent for the months of February and March.

### IV. POLL MEMBERS FOR CONFLICTS OF INTEREST

No decisions will be made this evening. This work session will discuss Medical Marijuana Dispensaries as a proposed use within the City of Creswell.

### V. OLD BUSINESS

None.

### VI. NEW BUSINESS

#### Medical Marijuana: Possible Development Code Amendment

Madeline Phillips provided materials to introduce land use parameters and design standards for medical marijuana facilities. These recommendations mirror the city of Springfield's time, place, and manner ordinance, with a second (separate) section describing a proposed amendment to the Creswell Development Code.

Ms. Phillips explained that Chapter 18.3.5.200 of Creswell Municipal Code discusses the city's development code, which the Commission will potentially amend to include medical marijuana facilities. A medical marijuana facility would be its own entity, reviewed as a Type III Conditional Use Permit.

The proposal described by Ms. Phillips goes beyond the state law governing medical marijuana to describe a purpose,

Mr. Safley expressed support for the provision of not having bars on windows. Ms. Phillips described that prohibiting bars on windows was a suggestion by Michelle Amberg, to normalize the appearance of a medical marijuana facility.

Mr. Christopher confirmed that the Downtown Commercial zone is not included on the "Possible locations" map provided in the packet. Mr. Grand expressed his surprise that many homes in Creswell near Emerald Valley have an underlying Commercial zone designation.

Mr. Oelke confirmed that medical marijuana facilities may not be located in second-floor units. Commissioners commented on the requirements of street-frontage entrance precluding a marijuana facility at the Clubhouse at Emerald Valley. Further, the Commissioners commented that the use is likely considered incompatible with the Resort Commercial overlay. Ms. Phillips noted excluding Resort-Commercial overlay zones from the allowed areas.

Mr. Grice recounted discussions with Glenda, the owner of the Creswell Liquor Store on Oregon Ave, that OLCC has approached her requesting that she sell recreational marijuana when it becomes legal in July 2015. She refused to sell marijuana, marijuana-infused products, and/or paraphernalia. Commissioners corrected Mr. Grice's understanding, noting that this location is eligible as a location for a medical marijuana facility under the proposed code language.

Ms. Phillips noted that in the proposed code language, the area near the Post Office on Highway 99 was identified as a possible location, despite the location of a daycare facility. She noted there are many questions before the Oregon Legislature to better define: distance from a school (and defining a school), as well as grow/processing/production facilities.

Mr. Grand asked about inclusion of marijuana facilities beyond medical facilities. Ms. Phillips rejoined by describing a bill before the Oregon House describing a transition of control of medical marijuana in Oregon to OLCC.

Mr. Christopher confirmed that production/grow facilities may not be co-located. Mr. Grand confirmed the distances of all medical marijuana facilities may not be within 1000ft of one another.

Ms. Phillips clarified that though the amendment language describes only medical marijuana facilities, we can't legislate what we don't know yet (recreational marijuana), but that the Commission may regulate facilities beyond medical marijuana dispensaries. Mr. Grand suggested his support for regulating industrial production. Mr. Oelke clarified language related to industrial facilities vis-à-vis medical marijuana.

Ms. Phillips described that the proposed language would classify medical marijuana production facilities as a type of industrial/manufacture facility in the development code.

Mr. Safley asked if there was interest in extending buffer zones beyond 1000ft from certain areas. Ms. Phillips confirmed that the City can do so with a good (defensible) reason.

Mr. Oelke noted a very informative and interesting piece on "60 Minutes" regarding marijuana legalization in Colorado after 1 year. Key points he noted were:

- Legalization has not ended black market sale of marijuana due to high taxation on retail product;
- Neighboring states are feeling the effects of marijuana leaving Colorado; and
- Grow/production facilities are much larger scale (\$ millions) than what he had previously envisioned with specialty growers on staff; and
- There is very little industrial property available in Colorado as a result of recreational legalization.

Ms. Phillips provided reasoning for Creswell as a much smaller market than the Eugene-Springfield metropolitan area, making Creswell a more desirable location for production/farming with lower industrial rents than in the metro area.

Mr. Ludeke wondered in the Commission might limit a facility based on output relative to local market demand.

Mr. Oelke noted that this kind of production facility is at the scale of commercial farming. Mr. Christopher and other Commissioners noted that such a facility represents free enterprise and may bring jobs and other multipliers.

Mr. Oelke asked the hypothetical question of locating a medical marijuana facility at the Emerald Valley clubhouse. Ms. Phillips suggested that the Commission review the Resort Commercial overlay criteria precludes this type of use. Mr. Oelke and Mr. Grice (with Commissioner concurrence) noted that a medical marijuana facility should not be allowed to locate in the Resort-Commercial Overlay zone.

Commissioners discussed the public safety implications and cash/banking restrictions of medical marijuana facilities. Mr. Oelke described a Colorado model proposal to support a bank/credit union that supports marijuana-related industries. Commissioners noted the depth of financing for marijuana production to sale.

Mr. Oelke noted that a Type III review should provide enough avenues for Commissioners to have discretion as to where a medical marijuana facility is located. Ms. Phillips suggested that there be some level of redundancy in the criteria for areas of concern.

Ms. Phillips suggested that inserting criteria into Section 3.5 about medical marijuana facilities provides stand-alone standards.

Mr. Oelke asked if this was a proper time to develop standards for a grow facility. Ms. Phillips recommended the Commission wait until after the State legislature addresses this issue, especially as these facilities see recreational market opportunities. Mr. Oelke and other Commissioners agreed to wait to hear about production facilities until after the legislature makes rules about these facilities.

Ms. Phillips raised the question of production facilities' impact on Creswell's infrastructure, describing the magnitude of impact on City wastewater and/or water systems. Mr. Oelke reminded Commissioners of the City's efforts to levy a tax. Ms. Phillips pointed out that this proposed tax is focused on point of sale dispensing, however the City exacts property taxes that could likely help in cost recovery based on the assessed value of machinery within an industrial marijuana production facility. Mr. Safley recommended against offering tax alleviation of these businesses.

Mr. Grand asked about constructing a production facility within the UGB versus out in the County – would there be notice for development of this kind? Is it difficult to change zoning from Rural Residential to commercial or industrial? Ms. Phillips provided some facts about zoning in the County, and reminded Commissioners that medical marijuana must be grown indoors.

RECAP – Commissioners would like more information on:

- Restrictions of the Resort Commercial Overlay;
- Regulations on industrial facilities; and
- Impact on city systems/infrastructure.

Commissioners discussed the co-location possibilities of small planes and marijuana production. Mr. Ludeke noted that a small plane (Cessna Citation, among others) can travel a “few thousand miles” from the Creswell Airport. Fuel would be the limiting factor on how far they can travel.

Commissioners discussed the timeline for the first evidentiary hearing. 35 calendar days are required prior to the first evidentiary hearing. Tentatively the hearing will be held February ~~19~~<sup>26</sup>, 2015.

Two meetings are required. Ms. Phillips noted that there will be notice and public hearing requirements associated with this action. She encouraged any and all comment to be submitted to City Hall to engage residents in this discussion. The Creswell Chronicle (Scott Olsen) will be running some copy and an article prior to the hearing.

Commissioners discussed whether there will be Joint Planning Commission/City Council meeting in the future. Commissioners unanimously agreed to send Madeline Phillips as their representative to the City Council evidentiary hearing on March 9, 2015 to present and explain the recommendation from the Planning Commission.

*Action: None*

## VII. OTHER

In coming months, Madeline Phillips will be bringing forward drafts of the existing development code to rectify Scriveners errors and content questions that remain prior to codification. Stay tuned, she says, we’ll be reading through the five Articles of the Development Code over the next few months.

## VIII. ADJOURN

Mr. Oelke adjourned the meeting at 8:10pm. The next meeting of the Creswell Planning Commission is scheduled for February ~~26~~<sup>15</sup>, 2014 at 6:30pm.

*(Recorded by Madeline Phillips)*



Blake Oelke, Chair

2-27-15

Date