

COLUMBIA COUNTY PLANNING COMMISSION MEETING

October 5, 2015

Meeting Minutes

Members Present: Paula Lichatowich, Linda Hooper, Alta Lynch, Jeff VanNatta, Bill DeJager, Rod Lloyd, Claudia Frace

Staff Present: Todd Dugdale, Glen Higgins, Deborah Jacob, Robin McIntyre, Ginger Davidson and Kay Clay

Others: Jack & Yvonne McGinnis, Michael Sheehan, Grant Gratrix, Angelina Dupree, Terence Joeckel, Nancy Kernutt, Amanda Renner, Jodi Tate, Cheryl VanDomelen, Ed Burgmans, Larry VanDolah, Cathy Joeckel, Michael Kernutt, Jillian Ferena, Matt Hanson, Linda Adams, Merry Lloyd, Shirley & Norman Vader, Ryan Lopossa, Catherine Donnelly, Jeff McAllister, Joan Owens, Jim & Margaret Foulke, David Graf, Gary & Chris Kaleta, bob & Lola Gregg, Albert & Jonell Strong, Christine Kramer, Roger Lopossa, Brian Lucifer, Alexander the great, Tyrone Palmer, Leigh & Stan Kenoyer, K Hendrickson, David Harley, Jeff Heller, Steven Alexander, Robert Loop, Derrick Frum, James Owen, Robert Bristow, Leroy Moes, Jim Martin, Sherry Casselnece, Martha VanDusen, Claris Harrell, William Etter, Shirley Morgan, James Dahlquist, Rachel & Peter Rintoul, David Ehrenkranz, Richard Faulhaber, Debra Dudley, Robert & Claudia Barnes, Candance Bryant, Christopher Brown, Brandon Faulk and William Crist

The Planning Commission meeting was called to order by Jeff VanNatta at 6:30 pm

Deborah Jacob read the pre-hearing statement.

No Ex-Parte was declared.

V 16-01 Rintoul Variance

Deborah Jacob presented the staff report.

BACKGROUND:

On December 1, 2014, through the approval of CU 15-05, the Columbia County Planning Commission conditionally approved the applicants, Peter & Rachel Rintoul's, construction of a detached ~ 3, 000 square foot shop. This shop would allow them to build custom cabinetry onsite and operate a Type 2 Home Occupation from their home at 54046 Kalberer road in the Rural Residential (RR-5) Zone. The 1.09 acre property is located at the intersection of Wikstrom and Kalberer Roads and is served by a private well and onsite septic system. The subject site contains no identified wetlands, steep

slopes, or flood hazard areas and emergency services are provided by the Columbia County Sheriff and the Scappoose Rural Fire District.

The provisions in Section 213.1 of the County Zoning Ordinance require buildings on double frontage and/or corner lots to meet the minimum front yard setback on both streets. Consequently, the detached shop is required to be at least 30' from the two property lines adjacent to both Wikstrom and Kalberer Roads. The submitted Site Plan for CU 15-05 showed the shop would be 30' from the front property line adjacent to Wikstrom Road and approximately 100' from front property line adjacent to Kalberer Road.

On February 23, 2015 the applicants submitted the necessary building permits to LDS for the construction of this detached structure. This site plan matched the site plan approved for CU 15-05 and showed the structure would be 30' from the front property line adjacent to Wikstrom Road, ~55' from the property line adjacent to Kalberer, over 200' from the rear property line and 5' from the east side property line. The County Planner approved this building permit noting that all conditions listed in the Final Order for CU 15-05 had been met and that the structure would be setback 30' from the front property line adjacent to Wikstrom Road.

The subsequent building inspections for this structure were approved and proceeded as follows:

Inspection Date	Purpose
April 27, 2015	Footing
April 30, 2015	Foundation
June 18, 2015	Roof Nail
June 29, 2015	Shear Wall/Nail
July 21, 2015	The County Building Official verified that the actual setback for this structure was 22' (instead of 30') from the edge of Wikstrom Road's existing 40' right of way which is the subject site's front property line.

After the July 21, site inspection, the County's Land Development Services (LDS) Director contacted the applicants and explained the Major Variance process that needed to be undertaken for addressing the non-complaint 22 foot front yard setback. The Director also explained to the applicants that although the Footing and Foundation Inspections did not identify the non-complying 22' front yard setback, both the Columbia County Building Code and the Oregon Residential Speciality Codes state that the approval of an inspection shall not be construed to be an approval of a violation of setback requirements; it is the property owner's/contractor's responsibility to comply with setback requirements.

Subsequently, on August 27, 2015 the applicants submitted the Major Variance Permit (V 16-01) application to LDS. They are requesting the Planning Commission's review and approval of the current location of their detached shop, being 22 feet, instead of 30' from the front property line that is adjacent to Wikstrom Road.

In their submitted Major Variance request, the applicants explain *"In the beginning, the plans were misread as to the setbacks of the shop from the road. They were also missed at inspections, resulting in approval and continuance of construction. Had it been brought to our attention at the footings and setbacks inspection that our setback was not correct, we would have adjusted them to comply. Now that the shop is nearly complete, we are not able to do so."*

Concerns:

The applicants' answer to this criteria states *"That the variance will not obstruct anyone's property, view or access to the road in any way."*

The County Transportation Planner, Lonny Welter, submitted these attached comments on September 9, 2015 related to the impact this structure's location will have on vehicular traffic along Wikstrom Road as follows (*summary*):

1. The county has sufficient right of way to physically improve Wikstrom Road to Collector Road Standards. The Standards require a wider right-of-way to accommodate for difficult terrain; the terrain at this site is not difficult allowing for the physical road construction in a smaller foot print and within the current 40' wide right-of-way.
2. The applicants have installed a 120-foot long culvert along the side of Wikstrom Road. Because of its length, the applicants will need to install a clean-out near the middle of this culvert to allow access in the event of a blockage.
3. Although the structure is too close to Wikstrom Road, upon site inspection the safety of users of Wikstrom Road will not be compromised provided no parking will be allowed within the 8 foot right-of-way fronting this shop (shown above).
4. The ~4,200 square foot roof area for the shop will generate a significant amount of flash run-off during rain events which are prohibited from being directed to the road side ditch (along the southern property line adjacent to Wikstrom Road). The recommended solution is to create a bio-swale catch basin to the north of the shop to contain the roof water onsite.

In addition, requiring the applicants to submit an Engineered Stormwater and Erosion Control Plan to the County Building Official will help ensure that the proposed ~4, 200 square feet of roof surface water runoff will be contained on the subject property and not

compromise the existing drainage facilities along Wikstrom Road or other adjacent properties.

The provisions in Sections I (B) and III (B) (attached) of the Columbia County Stormwater and Erosion Control Ordinance also require that all building permits for accessory uses that disturb more than 2,000 square feet of land require Engineered Stormwater and Erosion Control Plans to be installed concurrent with the submitted final building plans.

Is this a hardship to move the building:

Without any additional evidence, Staff finds that the case presented for V 16-01 does not demonstrate the reasons why it is essential and not inconvenient, for this shop to be located at this location rather than 8 feet further away from the Wikstrom Road right-of-way. There are no site specific limitations to moving this shop 8' further north since this portion of the 1.09 acre site does not contain any other structures, easements, or topographical features demonstrating that this chosen site is the only area of the 1.09 acres where it can be built. Neither the Oregon Structural Speciality Code, Oregon Fire Code, or provisions of the Onsite Wastewater Treatment Systems require this structure to be constructed at this non-compliant location, nor will this shop's use be compromised if it was built 8 feet north. The applicant has not shown, only states, that the structure can not be move , and that moving the structure 8 feet to the north would cause a suffering or privation. For these reasons and without any additional evidence, staff finds the request proposed for V 16-02 does not satisfy the fourth criteria of Major Variance Approval, that there is an unnecessary hardship to realize compliance.

The Oregon Land Use Board of Appeals found in **57 LUBA 105 (Or. Luba), 2008 WL 6249597 in Moore vs. Columbia County** (Attached) *“Absent a code definition of ‘unnecessary hardship’ to obtain a variance, an applicant must demonstrate that strict compliance with the code would result in suffering or privation. The fact that it may be more difficult or expensive to build in one location as opposed to another location results in an inconvenience, rather than suffering or privation.”*

Based on the Findings and Facts contained in this Staff Report, **Staff can not recommend approval** for the proposed Major Variance since the requested variance is not consistent with all five (5) necessary criteria for Major Variance Approval identified in Section 1504.1 of the Zoning Ordinance.

Claudia Frace questioned if there was a culvert to be put in and that has already been done by the owner.

Open to Public:

In Favor:

Peter and Rachel Rintoul:

Mr Rintoul states that the plot plan was mis-read and the placement of the setback was not clear. He and two contractors understood that the set back began from the middle of the road not the side of the road. The size of the current building is exactly the size that was submitted for review. It does comply with all the rules. They have complied with all the request that the county has made.

Paula Lichatowich questioned if he saw the measurements on the plot plan and how feasible it would be to move the building to comply.

Rod Lloyd mentioned that the contractor should have known better and they should oversee all site work Rod wanted to know if an attorney has been contacted and what type of hardship would this be, according to LUBA financial is not a hardship. Was there a survey of the property?

Jeff VanNatta Pointed out that this was not like the LUBA case. He was approved to build and the building is being built as approved

Alta Lynch inquired if he knew the right of way vs the edge of the road.

Peter Rintoul said he was not clear regarding the right way area, but with the guidance from the contractors he thought he was doing what was right. He wants to do what is correct and he thought he was because he had passed inspections.

Jim McMartin, neighbor is in support of the building being allowed. Before the Rintoul's were there the corner in question was blocked with brush and made it hard to see and was a hazard. Since the new ownership the corner has been cleaned up and there is no problem with visibility . The total property is clean and kept up.

David Graf, neighbor in support of the building. There have been mistakes made on both sides, the owner and the county. It is not practical to move this building. Let the Rintoul's finish their project. They are good people and good neighbors.

Opposed:

Jeff Heller is representing himself as well as the Griesen family. Considering that the Rintoul's had professional people to this job, the job was not done very well. He does not want an entrance from his driveway. There are safety issues with the visibility. What happens when delivery trucks come, that will block visibility. There has to be no parking zone to protect the traffic from the driveway and how will that be enforced.

Alta Lynch wanted to clarify that Jeff wanted a no parking zone to avoid poor visibility.

Jeff Heller, there has to be something to help secure safety.

Rebuttal:

Peter Rintoul agreed that parking during the construction phase can be difficult. On a normal basis the deliveries should take from 5-20 minutes and there is room for them to park parallel next to the building. There can be two striped parking in the front, that would work fine. There are not usually a lot of actual customers that come to the site. The parking will be where it is required to be and done as needed. There will not be any parking on the Heller driveway.

Closed public hearing.

Jeff VanNatta reviewed that there had been several mistakes with this project. The owner is responsible for any liability and he is making that better with the parallel parking in front of the shop.

Rod Lloyd pointed out the contractor should have caught the set back, that is in the basic of contracting, they should have know it is from the property line.

Linda Hooper states that this could be a hardship to the owner to have to move the building. The estimate of 100,000 dollars is a hardship for anyone.

Paula Lichatowich made motion for approval of V 16-01 with the addition of adding two parking spaces in front of the shop and identified as so.

Alta Lynch seconded. One opposed six in favor. Motion carried

DR 16-01

Rightline Equipment Inc

No exparte

Glen Higgins presented the staff report

Background:

The applicant, Rightline Equipment, submitted an application to build an 8,400 square foot metal structure that will allow them to connect their existing buildings together. The subject property contains 2.85 acres, is zoned for Heavy Industrial (M-1) uses and is located in the City of Rainier's Urban Growth Boundary. There are currently four permanent structures on the property, in addition there is a fifth structure of 19,120

square feet (Building E of phase 3) that was approved by the Planning Commission on March 3, 2014 and is yet to be built.

The subject of DR 16-01, proposed building 'F', will be constructed between buildings A, B, C, D and authorized 'E'. It will serve to marry these structures together providing continuous indoor access for ease of operations, as well as additional warehouse and manufacturing space. The area slotted for construction is already covered in impervious surface and contains an existing small building. Per application DR 16-01, this small building will be demolished to make room for the new structure. To ensure that the structure is properly disposed of, a condition of approval should require the applicant to submit a Demolition Permit Application prior to issuance of building permits.

Rightline Equipment currently has 62 employees on site during their largest shift change. As stated in the application, DR 16-01 will not result in additional employees. The "Enlarged Site Plan" indicates that this proposal will result in 23 parking spaces onsite and 42 spaces in the Oregon Department of Transportation (ODOT) right-of-way. Rightline Equipment has a written agreement with ODOT dated 12/19/2013 that allows them to park vehicles in the adjoining ODOT right-of-way. Once constructed the two proposed parking areas will include a total of 65 spaces.

The City of Rainier serves the subject site water and sewer. There is a fire hydrant along Dike Road on the Southwest corner of the subject property. This proposed structure will not require additional potable water or sewage disposal as all employees will be able to continue to use their existing services.

Staff recommended approval with conditions.

Open public hearing

In favor:

Steve Alexander representing Rightline Equipment. No problem with the staff report but do want to clarify the 5 foot ROW and the landscaping but would do what was necessary.

Opposed

None

Bill Dejager made motion to approve DR 16-01, **Linda Hooper** seconded. All in favor motion passed.

8:35 five minute break

8:40 back in session

TA 16-01 Proposed Amendment

Todd Dugdale present the background for this text amendment.

BACKGROUND & SUMMARY:

Legalization of Marijuana in Oregon/County Moratoria on Siting of Marijuana Uses

On November. 3, 1998, Oregon voters approved Oregon Medical Marijuana Act(OMMA), Ballot Measure 67. (Oregon Revised Statutes 475.300 et seq). The result of the "yes" vote allowed medical use of marijuana in Oregon within specified limits. It also established a state-controlled permit system. In December 1998, the Oregon Legislature passed Measure 67 into law. The OMMA provides legal protections for qualified patients; requires a physician-written statement of the patient's qualifying debilitating medical condition and allows for a caregiver to provide assistance. In 2013, HB 3460 was enacted which allowed for medical dispensaries. Medical marijuana grows, processors and dispensaries must be registered and licensed by the Oregon Health Authority(OHA) who was charged with administration of the OMMA

In March 2014, by SB 1531-C, the Oregon legislature approved amendments to the OMMA allowing the County to adopt a temporary moratorium on the operation of medical marijuana dispensaries.

On April 9, 2014, by Ordinance 2014-5, the County adopted a moratorium on new or expanded medical marijuana dispensaries until May 1, 2015.

On November 4, 2014, Oregon voters approved the Oregon Legalized Marijuana Initiative, Measure 91(Section 5, Chapter 1, Oregon Laws 2015) legalizing recreational marijuana for people ages 21 and older, allowing adults over this age to possess up to eight ounces of "dried" marijuana and up to four plants. Additionally, the measure tasked the Oregon Liquor Control Commission(OLCC) with regulating the retail production, processing, wholesaling and retailing of recreational marijuana. Generally speaking, Measure 91 is to go into effect in two stages: (1) in July 2015 for personal use and growing; and (2) on January 4, 2016 for licensing to produce and sell. The OLCC is currently developing rules to implement Measure 91, and those rules will likely be adopted before January 4, 2016.

On April 29, 2015, by Ordinance 2015-3, Columbia County expanded and extended the first moratorium on medical marijuana dispensaries to include new or expanded outdoor areas used for growing medical or recreational marijuana and any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law in unincorporated Columbia County until August 24, 2015. The County based its decision to adopt this extended and expanded moratorium on the finding that additional time is needed for the County to develop local land use regulations governing both medical and recreational uses which take into consideration and incorporate pending State Legislative amendments to the OMMA and Measure 91 as well as yet to be developed rules for

recreational marijuana to be promulgated by the OLCC. Ordinance 2015-3 anticipated that a six months extension would be necessary to complete the public hearing and adoption process for new County marijuana use amendments to the Zoning Ordinance or until February 2016 .

On June 24, 2015, the Oregon State House of Representatives and on June 30, 2015, the Oregon State Senate, passed an omnibus bill(House Bill 3400A) which substantially amended both the Oregon Medical Marijuana Act and Measure 91, the recreational marijuana law. The law has since been signed into law by the Governor. The Association of Oregon Counties has summarized the provisions of HB3400A that most directly affect the County and provide a framework for local land use regulations governing medical and recreational marijuana uses.

On August 25, 2015, after a public hearing, by Board Order 44- 2015, Columbia County extended the moratorium imposed by Ordinance 2015-5 until February 27, 2016 to allow additional time to complete the required public hearing process to consider draft Columbia County Zoning Ordinance amendments governing marijuana uses.

County Regulation of Marijuana Uses

Presently, the Columbia County Zoning Ordinance neither references nor specifically regulates marijuana growing, processing, wholesaling or dispensing/retailing facilities. However, these marijuana land uses may have unique impacts as evidenced by the special regulatory framework established by the State. Although State law governing medical and recreational marijuana uses provide for the registration and/or licencing of marijuana uses and set some restrictions on the location of such uses, the ultimate authorization for the siting of marijuana uses rests with the County.

Proposed Zoning Ordinance amendments must prescribe in which zoning districts marijuana uses may be located in unincorporated Columbia County, by what review process and according to what standards. For the purposes of these amendments, marijuana uses include the following:

“Marijuana” as defined by Section 5, Chapter 1, Oregon Laws 2015 (14)(a) &(b) and ORS 475.302(11)(a) &(b).

Medical Marijuana: Medical marijuana uses licensed by the Oregon Health Authority(OHA) including:

Growing as defined in ORS 475.302(12) & (20)

Processing as defined in ORS 475.302(13) & (19)

Dispensaries defined in ORS 475.302(16).

Recreational Marijuana: Recreational marijuana uses licensed by the Oregon Liquor Control Commission(OLCC) including:

Production as defined by Section 5, Chapter 1, Oregon Laws 2015 (26)(a).

Processing as defined by Section 5, Chapter 1, Oregon Laws 2015 (25)(a)
& (b).
Wholesaling
Retailing

As a part of the proposed amendments to the Columbia County Zoning Ordinance contained in **Attachment 2**, State definitions related to marijuana land uses have been added to Section 100 “General Definitions”.

Oregon Revised Statutes (ORS) 215.050, allows Columbia County to revise the County’s Zoning Ordinance in order to implement the adopted County Comprehensive Plan. The primary objectives of the Comprehensive Plan are to 1) “prevent or minimize conflicts between incompatible land use activities,” 2) provide a source of information describing the condition and characteristics of the County,” 3) “provide an objective basis for public and private land use decisions,” and 4) “provide a better understanding of specific actions, programs and regulations which may affect the public.” Proposed amendments will support Comprehensive Plan objectives as they establish clear regulations specific to marijuana uses, alleviating issues of incompatibility and confusion for the public. Therefore, the County must decide how it will proceed with siting of marijuana uses authorized by the State consistent with the Comprehensive Plan as well as other applicable Zoning Ordinance provisions not being considered for amendment. The County has proceeded with the process of drafting amendments to its Zoning Ordinance addressing marijuana uses according to the legislative process prescribed by the Comprehensive Plan and Zoning Ordinance.

Marijuana Advisory Committee

As a first step in the development of Zoning Ordinance amendments and to study the issues surrounding marijuana uses, the Board directed Staff to solicit interested persons to serve on a Marijuana Advisory Committee to provide information and advice to Staff in drafting marijuana use amendments. Twelve citizens representing various perspectives on the issue met on June 4, June 11 and June 25 to systematically review how the current Zoning Ordinance would regulate marijuana uses and options for amendments to the Zoning Ordinance to accommodate such uses. The Committee had broad based ideologic differences, with member opinions reflecting two distinct groups: those affiliated with or served by the marijuana industry uses and those not affiliated with marijuana uses. For this reason, it was not the intention of the group to reach a consensus on specific written changes to the Zoning Ordinance, but rather to provide Staff with a discussion of issues, options and relevant information helpful in drafting of the proposed amendments.

The proposed amendments address the specific zones in which marijuana uses should be permitted, the process by which they are to be reviewed and special use standards, if any, which are to be applied to each marijuana particular use.

A new Section, “1803 Marijuana Uses” within, Article IX (Special Use Standards) is proposed to be added to the Zoning Ordinance as part of this amendment. Section 1803 addresses State and local County standards specific to marijuana uses which are in addition to those applicable in individual zoning districts in which those uses are allowed. These standards incorporate State law requirements related to land use and add County reasonable time, place and manner regulations of the nuisance aspects of medical and recreational marijuana uses. Findings justifying the proposed additional County standards in terms of the need to address related potential adverse effects of marijuana uses are contained in the findings of this report.

Mr Dugdale explained that in June the BOC organized an advisory committee to help us come up with some reasonable standards and expressed great appreciation to the advisory committee because they did help a lot.

Proposed amendments reviewed:

COLUMBIA COUNTY SUMMARY OF PROPOSED ZONING ORDINANCE AMENDMENTS-MARIJUANA USES

PROPOSAL: To amend the following Sections of the Columbia County Zoning Ordinance to specify marijuana uses that are allowed, in which zoning districts, by what review process and according to what standards. Draft Zoning Ordinance Text amendments are contained in **Attachment 1**. The Staff report for the October 5, 2015 Planning Commission public hearing on the proposed amendments will be available on September 28, 2015 as follows:

On the County’s website at:

<http://www.co.columbia.or.us/departments/land-development-services/lds-planning>

By calling Land Development Services at 503-397-1501 x 3 for a nominal copy fee.

Section 100	General Definitions	
Section 300	Primary Agriculture Use	
	Zone-80-	PA-80
Section 400	Forest/Agriculture-80	FA-80
Section 500	Primary Forest Zone-80	PF-80
Section 600	Rural Residential - 5	RR-5
Section 620	Rural Residential - 2	RR-2
Section 650	Rural Community	RC
Section 670	Existing Commercial	EC
Section 680	Resource Industrial-	
	Planned Development	RIPD
Section 800	Highway Commercial	C-5
Section 820	General Commercial	C-3

Section 910	Industrial Park	M-3
Section 920	Light Industrial	M-2
Section 930	Heavy Industrial	M-1
Section 1040	Surface Mining	SM
Section 1803	New Section - Special Use Standards-Marijuana Uses	

APPLICABLE REVIEW CRITERIA:

Notification Requirements

Columbia County Zoning Ordinance

Section 1606 - Legislative Hearing
 Section 1611 - Notice of Legislative Hearing

Oregon Revised Statute

ORS 197.610 - DLCD Review
 ORS 215.503 - Measure 56 Notice

Oregon Administrative Rule

OAR 660-018-0020 - Post Acknowledgment Amendments

Review Criteria

Columbia County Zoning Ordinance

Resource Districts

Section 300 Primary Agriculture - 80
 Section 400 Forest Agriculture - 80
 Section 500 Primary Forest- 80

Rural Development Districts

Section 600 Rural Residential - 5
 Section 620 Rural Residential - 2

Suburban Districts:

Section 800 Highway Commercial
 Section 810 Neighborhood Commercial
 Section 820 General Commercial
 Section 920 Light Industrial
 Section 930 Heavy Industrial

Special Districts, Overlay Districts and Special Provisions

Section 1040 Surface Mining

Discretionary Permits

Section 1503 Conditional Permits
Section 1507 Home Occupations
Section 1606 Legislative Hearing
Section 1607 Consistency with the Comprehensive Plan

Columbia County Comprehensive Plan

Part II Citizen Involvement
Part III Planning Coordination
Part IV Forest Lands
Part V Agriculture
Part VII Rural Residential
Part X Economy
Part XII Industrial Siting
Part XVIII Air, Land and Water Quality
Part I Administrative Procedures

Oregon State Statute and Oregon Administrative Rule

OAR 660-015-0000(1)	Goal 1: Citizen Involvement
OAR 660-015-0000(2)	Goal 2: Land Use Planning
OAR 660-015-0000(3)	Goal 3: Agricultural Lands
OAR 660-015-0000(4)	Goal 4: Forest Lands
OAR 660-015-0000(6)	Goal 6: Air, Water and Land Resources Quality
OAR 660-015-0000(9)	Goal 9: Economic Development
HB 3400-A	Oregon Medical Marijuana Act and Measure 91 As Amended
ORS 215.283	Uses Permitted in Exclusive Farm Use Zones
ORS 215.296	Standards for Approval of Uses in Farm Use Zones
OAR 660-033-0090	Uses on High Value and Non High-Value Farmland
OAR 660-033-0130	Minimum Standards Applicable to Conditional Uses
OAR 660-006-0025	Uses Authorized in Forest Zones
ORS 215.448	Home Occupations

State Law-General Requirements:

- A land use compatibility statement(LACS) from the County is required prior to issuance of recreational licences by OLCC.
- County may not be less restrictive than State rules but may be more restrictive. County allowed to adopt reasonable time, place and manner regulations of the nuisance aspects medical and recreational marijuana uses provided it makes specific findings the regulated uses would create adverse effects without them.
- CUP - Conditional Use Permit, Planning Commission Hearing
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TABLE 1 USE: MARIJUANA GROWING/PRODUCTION(For Others)

State Law: Medical Marijuana grows may not be visible from a public place.

Zoning District	Current Code	Proposed
RESOURCE ZONES State Law: Defines marijuana production as a farm use; is allowed as a permitted use in PA- 80 Zone. Counties <u>may</u> allow marijuana production in the FA-80 or PF-80 zone as a farm use.		
Primary Agriculture - 80	PA-80 Home Occupation/CUP	Permitted
Forest Agriculture - 80	FA-80 Home Occupation/CUP	Based on Predominant Use: Agricultural Use: Permitted Forest Use: CUP w/Special Use Standards
Primary Forest - 80	PF-80 Home Occupation/CUP	CUP w/Special Use Standards
RESIDENTIAL ZONES State Law: Silent on location of grows/production in residential zones.		

Rural Residential Zones

Rural Residential - 5	RR-5 Home Occupation/CUP	CUP in Enclosed Building w/Special Use Standards
Rural Residential - 2	RR-2 Home Occupation/CUP	Prohibited

Suburban Residential Zones

Single-Family Residential	R-10 Home Occupation/CUP	Prohibited
Single-Family/Duplex Residential	R-7 Prohibited	Prohibited
Multiple-Family Residential	MFR Prohibited	Prohibited
Mobile Home Residential	MHR Prohibited	Prohibited

COMMERCIAL ZONES

Rural Community	RC Prohibited	CUP in Enclosed Building w/Special Use Standards
Existing Commercial	EC Prohibited	Prohibited
Resource Industrial PD	RIPD Prohibited	Prohibited
Highway Commercial	C-5 Prohibited	Prohibited
Neighborhood Commercial	C-4 Prohibited	Prohibited
General Commercial	C-3 Prohibited	Prohibited
Marine Commercial	C-2 Prohibited	Prohibited

INDUSTRIAL ZONES

Industrial Park	M-3 Prohibited	CUP in Enclosed Building w/Special Use Standards
Light Industrial	M-2 Prohibited	CUP in Enclosed Building w/Special Use Standards
Heavy Industrial	M-1 Prohibited	CUP in Enclosed Building w/Special Use Standards
Airport Industrial	AI Prohibited	Prohibited
Resource Industrial PD	RIPD Prohibited	Prohibited

CUP - Conditional Use Permit, Planning Commission Hearing

TABLE 2 USE: MARIJUANA PROCESSING & WHOLESALING

Zoning District	Current Code	Proposed
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RESOURCE ZONES

State Law: Prohibits farm stands, farm commercial activities and new farm dwellings based on marijuana crops in the PA-80 zone.

Primary Agriculture - 80	PA-80	Home Occupation/CUP	Prohibited
Forest Agriculture - 80	FA-80	Home Occupation/CUP	Prohibited
Primary Forest - 80	PF-80	Home Occupation/CUP	Prohibited

RESIDENTIAL ZONES

State Law: Prohibits medical marijuana extract processing sites in residential zones.

Rural Residential Zones

Rural Residential - 5	RR-5	Home Occupation/CUP	Prohibited
Rural Residential - 2	RR-2	Home Occupation/CUP	Prohibited

Suburban Residential Zones

Single-Family Residential	R-10	Home Occupation/CUP	Prohibited
Single-Family/Duplex Residential	R-7	Prohibited	Prohibited
Multiple-Family Residential	MFR	Prohibited	Prohibited
Mobile Home Residential	MHR	Prohibited	Prohibited

COMMERCIAL ZONES

Rural Community	RC	CUP	Prohibited
Existing Commercial	EC	CUP	Prohibited
Resource Industrial PD		RIPD	Prohibited
Highway Commercial	C-5	Prohibited	Prohibited
Neighborhood Commercial	C-4	Prohibited	Prohibited
General Commercial	C-3	Prohibited	Prohibited
Marine Commercial	C-2	Prohibited	Prohibited

INDUSTRIAL ZONES

Industrial Park	M-3	Prohibited	CUP in Enclosed Building w/Special Use Standards
Light Industrial	M-2	Prohibited	CUP in Enclosed Building w/Special Use Standards
Heavy Industrial	M-1	Prohibited	CUP in Enclosed Building w/Special Use Standards
Airport Industrial	AI	Prohibited	Prohibited
Resource Industrial PD	RIPD	Prohibited	Prohibited

TABLE 3

USE: MARIJUANA DISPENSARIES/RETAIL STORES

State Law: Medical marijuana dispensary may not be located:

- On same site as grow.
- Within 1000 feet of a public elementary or secondary school or a private or parochial school.
- Within 1000 feet of another medical marijuana dispensary.

Zoning District

Current Code Proposed

RESOURCE ZONES

State Law: Prohibits farm, stands, farm commercial activities and new farm dwellings based on marijuana crops in the PA-80 zone.

Primary Agriculture - 80	PA-80	Prohibited	Prohibited
Forest Agriculture - 80	FA-80	Prohibited	Prohibited
Primary Forest - 80	PF-80	Prohibited	Prohibited

RESIDENTIAL ZONES

State Law: Prohibits medical dispensaries in residential zones.

Rural Residential Zones

Rural Residential - 5	RR-5	Prohibited	Prohibited
Rural Residential - 2	RR-2	Prohibited	Prohibited

Suburban Residential Zones

Single-Family Residential R-10	Prohibited	Prohibited	
Single-Family/Duplex Residential R-7	Prohibited		Prohibited
Multiple-Family Residential MFR	Prohibited		Prohibited
Mobile Home Residential MHR	Prohibited	Prohibited	

COMMERCIAL ZONES **State Law** Dispensaries may not be located within 1,000 feet of a public elementary or secondary school, private or parochial elementary or secondary school. The County may not require a separation of recreational retail marijuana sites by more than 1,000 feet. Medical dispensaries may not be located within 1,000 feet of another medical dispensary. Medical Dispensary May Not Be on Same Site as Grow or a Site with Another Licenced Medical Marijuana Dispensary

Rural Community	RC	CUP	CUP w/Special Use Standards
Existing Commercial	EC	CUP	CUP w/Special Use Standards
Highway Commercial	C-5	Permitted	CUP w/Special Use Standards
Neighborhood Commercial	C-4	Permitted	Prohibited
General Commercial	C-3	Permitted	CUP w/Special Use Standards
Marine Commercial	C-2	Prohibited	Prohibited

INDUSTRIAL ZONES

Industrial Park	M-3	Prohibited	CUP w/Special Use Standards
Light Industrial	M-2	Prohibited	CUP w/Special Use Standards
Heavy Industrial	M-1	Prohibited	CUP w/Special Use Standards
Airport Industrial	AI	Prohibited	Prohibited
Resource Industrial PD			

After review of the zoning restrictions staff is asking for recommendation of approval to refer to the Board of Commissioners.

Alta Lynch wanted to know if the grow was inside a building then do we need the 130' set back, and clarification that in an RR2 zone we are not allowing the grow at all.

Todd Dugdale explained that normally the RR2 lots are smaller and odors and security could be a greater issue. We can not regulate the personal grows. Four plants are allowed by law per household.

Alta Lynch wants to know what the problems would be if it was an indoor structure, why the 130' set backs. Feels there should be more conversation regarding this.

Open to public:

In Favor

Grant Gratrix. Advisory committee member. There is no noise except for fans that run inside of a structure. The state has determined that the odor is not offensive, security is controlled by the state and if we control areas by set backs that would create a financial hardship to some people.

Jody Tate, this plant helps people and people believe in it so the rules should not hamper people having it. Also feels that the county should reimburse for mileage to and from the meeting.

Ryan, (no address available) Knows the county and state are faced with a difficult issue, in Columbia County the majority of the property is in FA or PF. If the county is going to require conditional use applications for grows the county will be overwhelmed with processing. It is an agriculture use and we should just go with the state rules.

Chris Brown, feels that set backs would hinder the use of their property and would make it difficult to grow on smaller lots. Noise, odor is not considered a nuisance anymore. Refer to Oregon codes 40.9.35.

Andrew Park, there were many against the moratorium, why can't we just follow the state rules.

Ed Burgman, advisory committee member, works in Salem developing regulations for Marijuana. There has been extensive work put in to M91 and many people involved. They want to get rid of the black market and if do not allow retail then there will still be black market. There are standards that the state has now and they are highly regulated. OLCC will regulate recreational. Medical grows have issues to and they do sell excess to dispensaries . Another issue is that there is a lot of money being kept in homes because the federal government rules its not legal. They are working on depositories for that money. It will probably take another five years before anything is final. We do need to get the products tested and we do need to protect our kids.

Opposition:

Joan Owens, Psych nurse. She has seen many cases where people who have used marijuana have many side effects from the use. Granted there some cases that marijuana can help people but there are so many cases where the patients end up in the hospital due to psychosis and schizophrenia. Many cases have been proven to be caused by marijuana use. CCMH have and will have more of these cases as the increase in use expands. Where will the funds come from to treat these people.

James Owens, Has many issues with a recreational store across the street from him. There are so many safety issues access and parking and the local property owners do not want it there.

Bob & Lola Gregg, concerns with the increase in robberies. Is it possible to identify the growers and where they live? It would be nice to know where the grows are.

Jeff VanNatta pointed out that there is a freedom of information clause where that could be public information.

Todd Dugdale reminded us that medical marijuana is a confidential matter. In order to get a state permit the recreational has to get a land use compatibility signed with the county.

David Harley, primarily concerned with the water issues. There are some bad wells in the area and what happens when the growers come in, tap into their water sources, what recourse will there be for well loss. Would like to see a permitting process.

Todd Dugdale told the audience that the watermaster knows the issues around the county and you may want to discuss any concerns with them, they may have restrictions that we do not have. This is just like farm use and should be addressed that way.

Norman Vader, his concerns address the property values and traffic safety on Hwy 30. There are many accidents on this highway and a retail store in the Lindberg area is a bad spot including parking issues.

Robert Bristow, No government has the authority to tell us what we can do on our property. It is difficult to provide for a family and they have a grow for medical or supplemental income that should be allowed. No one has the right to determine what can and can be done on your property. Robert works with the National Liberty Alliance and points out that we need to quit trying to stop what is legal for us to do.

William Etter, as a member of the advisory group he wanted to point out that there was never a consensus of the group. They were there for input only. He was in favor of PROHIBIT.

Shirley Morgan, lives in Welches but is concerned with what we are facing. Marijuana has redefined this area, there will be impacts on property values, she likes that we have restrictions but is concerned on law enforcement, water, traffic, farm use being infiltrated, , barbed wire fences, once we open the door it can't be closed and we can't go back and re do laws.

David Ehrenkranz, member of the advisory committee and wants to restate that this is not for personal use, we need to better define commercial. Each household is allowed to have 4 plants and that also needs to be defined more clearly.

Cindy Anderson, Some medicines have helped the world but Measure 91 was hap-hazard, tax free, do not know what serving sizes to use, creates lawlessness, violence, water threats. There will be many scars left by this movement. What does it say when people are giving out free marijuana.

Larsen, recognizes that we are in uncharted territory, are we going to pass this just to see what happens, we need to maintain a safe territory for our families, what about law enforcement, look at the rate of dropouts in our schools, why can't we just say no.

Russ Lenoir, this meeting was not what he expected. Thought maybe we would know some outcomes of these decisions and rules.

Jeff VanNatta pointed out the rules have not been adopted yet.

Stan Kenoyer, When growing will the grower have to have insurance, bonds. There are issues with the fire districts some of the response times are already bad, they are invading on private areas, once you could ride bike or walk and enjoy nature now we run in to grows, there will be water issues, livestock issues and law enforcement issues.

Alta Lynch questioned if there was a growers tax, how could it be if the feds were against it. It's a case of the state vs the federal government. Is there a 25% tax coming in January.

Ed Burgman tried to explain that there may be a 17%. But that would be a huge expense for a legal seller so that would increase black market again. The going price is about \$200 an ounce. In order to sell a pound it could take up to about 60 buyers. At that price the black market would be active.

Jeff VanNatta stated that since each household could grow 4 plants that could take a bite out of the black market.

Ed Burgman agreed that it may help.

Alta Lynch, questioned what the move would be for veteran's. If they are in drug court can they legally get medical marijuana.

Jeff VanNatta closed the meeting and continued it to October 12 for the planning commission to deliberate only.

Other Business:

6-1-15 & 6-15-15 minutes were approved

Meeting adjourned 9:50 pm