

**PLANNING COMMISSION MEETING MINUTES
FOREST GROVE COMMUNITY AUDITORIUM**

March 23, 2015--7:00 P.M.

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CALL TO ORDER:

Chairman Beck called the meeting to order at 7:01 p.m.

Planning Commission Present: Tom Beck, Carolyn Hymes, Sebastian B. Lawler, Lisa Nakajima, Dale Smith, Phil Ruder and Hugo Rojas.

Staff Present: Jon Holan, Community Development Director; Chris Crean, City Attorney; Marcia Phillips, Planning Commission Coordinator.

1. PUBLIC MEETING:

2.1 PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS: None.

2.2 PUBLIC HEARING:

A. Amend Forest Grove Development Code Articles 3, 8 and 12 to establish requirements and definitions for Medical Marijuana Dispensaries.

Chairman Beck opened the public hearing and called for the staff report.

Mr. Holan stated that the Oregon Legislature enacted House Bill 3460 in 2013, which directs that persons who operate or are employed by a registered medical marijuana facility will enjoy immunity from state prosecution for delivery, possession and production of marijuana. He explained that last year the City adopted a moratorium on medical marijuana facilities until May 1, 2015, and the hearing being held tonight is to pass along a recommendation to the City Council and give them enough time to hold a public hearing.

Mr. Holan explained that the proposed approach regarding medical marijuana facilities is to classify them as a medical center. He said this is the only listed use category on the use tables in the Development Code that reflects the medical aspect of the dispensaries. He said there are two aspects to the proposed code amendment of medical marijuana dispensaries, location and initial requirements for these facilities and ongoing operation requirements. Holan said the location and initial requirements for medical marijuana facilities or dispensaries is a land use determination and is proposed to be addressed within the Development Code. He said the amendments in the Development Code affect three articles, Article 3 (Zoning Districts, Article 8 (General Development Standards) and Article 12 (Use Categories and Use Definitions). Holan explained that enforcement of ongoing operations is proposed for the Municipal Code and will be the responsibility of the Police Department.

Mr. Holan stated that the State established proposes the following buffers: dispensaries cannot be located on a grow site, it must be 1,000 feet from another medical marijuana facility, it must be 1,000 feet from public schools (Pacific University not included). He said Washington County requires that distances between dispensaries be 2,000 feet rather than the 1,000 feet required by state law, and Cornelius established buffer areas around day care facilities. He said the Commission may wish to consider more restrictive provisions.

Commissioner Nakajima commented that it would be appropriate to say a "licensed" daycare if the Commission considers this provision. She said medical marijuana centers

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should have their own category.

Mr. Crean explained that it is more seamless to add it to an existing category.

Commissioner Nakajima stated that it is legal in Oregon, and not at the federal level, but they will not prosecute. She said this is ground breaking, and should have its own category.

Chairman Beck said it seems it is not much of an issue since it is in the Development Code somewhere. He said he would side with Commissioner Nakajima, and look to the future when marijuana will be legalized for recreational use and these medical facilities will become just dispensaries.

Mr. Crean pointed out that because a prescription is needed, it is not a retail business yet. Crean explained that six months from now the Commission can shift it to another category instead of having a whole category go away.

Commissioner Nakajima said she withdrew her comments.

The Commission agreed medical marijuana facilities should be put in the medical facilities category.

Mr. Holan said staff recommends prohibiting medical marijuana centers in the town center, as did Hillsboro. He explained that medical centers are prohibited in the industrial areas. Holan stated that Article 8 is the most complex part of the amendment. He said Article 8 has to do with hours of operation, entrances and security. Holan said sales are on a cash basis, so large sums of cash will be on site, so the facility needs to be well lit and not visually obscured. He explained that it needs to be a permanent facility and must comply with design standards – no drive-throughs. Holan said there must be proper disposal of product to avoid “dumpster diving”. In summary, Mr. Holan stated that staff recommends approval of the proposal and that the Planning Commission’s recommendation be forwarded to the City Council.

COMMISSION DISCUSSION:

In response to a question from Commissioner Lawler about the map showing the buffer areas, Mr. Holan stated that staff is not sure how the State will view a property that is half in and half out of the buffer area. He explained that it is their decision.

Commissioner Lawler commented that the Commission is dealing with cultural stigmas.

Chairman Beck responded by saying that he finds the whole anxiety over medical marijuana is overstated. He explained that these people are doing this for medical reasons, such as cancer, so he sees no reason to ban it from the town center.

Chairman Beck said he liked the hours as stated.

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Commissioner Nakajima said she would like to see a closing time of 8pm instead of 10pm, which would be more consistent with retail hours.

Commissioner Hymes said 9pm would be appropriate.

Chairman Beck said he would agree to 9pm or 10pm.

Commissioner Lawler said people with odd working hours could still get their medicine if the facility were open until 10pm.

Commissioner Nakajima said she would like to see a buffer around licensed daycare facilities. She explained that if the City is protecting school kids, it should also protect daycare kids.

Commissioner Ruder stated that daycare kids are always around Mom and Dad. He explained that school kids walk themselves home and are more vulnerable.

Mr. Holan showed the Commission a map including daycare buffers, and explained that it would reduce the allowed area by about one third.

Chairman Beck polled each Commissioner, and it was decided there would be no daycare buffers.

Chairman Beck polled each Commissioner and it was decided the facilities should be open between 8am and 10pm.

Mr. Crean made the comment that in allowing medical marijuana centers in the town center it is harder to get them out once they are in.

Chairman Beck polled each Commissioner and it was decided the centers should not be allowed in the town center.

PUBLIC COMMENT:

Dillon Pilorget, Reporter for the Forest Grove Leader. Mr. Pilorget said he just wanted to inform the Commission that Cornelius has approved a 1,000 foot buffer around state licensed daycare facilities.

Commissioner Lawler made a motion to recommend approval to amend the Forest Grove Development Code Articles 3, 8 and 12 to establish requirements and definitions for Medical Marijuana Dispensaries with one change which would move the facilities out of the institutional zone. Commissioner Smith seconded. Motion passed 7-0.

2.3 ACTION ITEMS: None.

2.4 WORK SESSION ITEMS: None.

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3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES: Commissioner Ruder made a motion to approve the minutes from the February 16, 2015 meeting. Commissioner Rojas seconded. Motion passed 7-0.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES: None.

3.3 DIRECTOR'S REPORT:

Mr. Holan stated that the April 6th meeting will be about the Historic District Guidelines with a report from Pacific University on the University Ave. improvements (Pacific University is wanting comments and concerns from the Commission). Holan said the April 20th meeting will be about the Planned Residential Development on Plum Lane. He explained that this is a co-habitation development, and there will be on site sanitation due to distance to sanitary.

Chairman Beck said he will be gone for the April meeting.

3.4 ANNOUNCEMENT OF NEXT MEETING: Next meeting will be held on April 6, 2015, at 7pm.

3.5 ADJOURNMENT: The meeting was adjourned at 8:04pm.

Respectfully submitted by:
Marcia Phillips
Assistant Recorder