



**MARIJUANA SUBCOMMITTEE MEETING
DECEMBER 9, 2015, 1:00 pm
Newberg City Hall, 414 East First St
Permit Center Conference Room**

Due to recording error minutes recaptured from manual minutes taken at time of meeting.

Councilor Tony Rourke called the meeting to order at 1:00 p.m.

ROLL CALL:

Members Present: Councilor Denise Bacon Councilor Tony Rourke (Chair)
Councilor Stephen McKinney

Staff Present: Mayor Bob Andrews, Doug Rux, Community Development Director
Bobbie Morgan, Planning Secretary Truman Stone, City Attorney

APPROVAL OF MINUTES: Approval of Marijuana subcommittee meeting held on November 19, 2015
3/0 approved minutes.

Councilor Rourke comments on tour of the medical marijuana dispensary on Springbrook Road, CDD Doug Rux made comments that staff will organize a tour and coordinate with the subcommittee.

Truman Stone gave handout "Statement on sale of Drug or Marijuana Paraphernalia".
Councilor McKinney asked on the number of merchants selling drug paraphernalia.

Councilor Rourke asked for roll call of visitors Colin Staub, Dave, Les Brook, Larry Brock, Jim

POTENTIAL DEVELOPMENT CODE REGULATIONS FOR MEDICAL MARIJUANA GROWERS AND PROSESSORS; MODIFICATIONS FOR DISPENSARIES:

CDD Doug Rux provided an overview of the medical marijuana producer and processor definitions from Oregon Revised Statutes, Oregon Administrative Rules, Temporary Oregon Administrative Rules and House Bill 3400.

CDD Doug Rux continued discussing place regulations from House Bill (HB) 3400.

General discussion by subcommittee on:

- Is growing a business transaction between patient and grower?
- Are there any legislative changes forthcoming in the session to begin in February 2016?
- What are extraction processes and do they create odor or noise?
- Can you regulate for noise and odor?
- How much space does 24 plants occupy?
- How much space does 9 plants occupy?



Are existing grow sites grandfathered?
Do we know where grow sites are located?
Who owns the plants grown by the grower?
What happens to the excess marijuana that is produced by the grower?
Can marijuana extracts be produced in a residential area?
Are there water or wastewater issues?
Is a business license from the City required?
Question on cost of growing?

CDD Rux noted that HB 3400 identifies marijuana as a crop for purposes of farm use, farming practice and as farm product.

Subcommittee general discussion on where we have farming activities with the city limits currently.
Truman Stone made comments on farm crops.
Truman Stone commented on zoning.
Councilor McKinney question on land use regulations. Discussion followed with Truman Stone commenting we are looking at land use – time, place and manner regulations.

Citizen comments: 24 mature plants are about the size of a garage. A 4'x4' area is about 9 plants. You have to have a variety of plant sizes from starts to mature plants. Extraction processes can be either mechanical or chemical based. The medical card holder owns the plants grown by the grower. Excess marijuana is sold to a dispensary.

CDD Rux and Truman Stone indicated there is a transaction between a medical card holder and a grower, it is unknown if there will be any legislative actions on marijuana during the short February session, it may be possible to regulate for noise and odor, existing grow sites may be grandfathered, the Oregon Health Authority does not share the location of confidential medical marijuana grow sites, medical marijuana extracts are not allowed to be processed in a residential area by State law, it is unknown if there are water or wastewater concerns with medical grow sites, a business license is required for anyone who conducts business within the city limits.

1st decision how many plants 6 or 12 plants.

Councilor Bacon commented 1-2 people or 3-4 people.
Councilor Rourke indicated ok with split between 1-2 people and 3-4 people. He would lean towards split between 2-3 people and regulate plants and not people.

Truman Stone stated CDD Rux and he could draft a definition. Mr. Stone also asked for clarification is up to 12 plants or greater than 12 plants?

Councilor Rourke question on conditional use process. CDD Doug Rux answered conditional uses go to the Planning Commission for review at a public hearing.

Councilor McKinney had a question on PGE and electrical issues, CDD Doug Rux answered PGE would have to address their electrical system.

Councilor Rourke asked for a motion.



Councilor Bacon made a motion to allow up to 12 plants in residential R-1, R-2 and R-3 or two patients. Above that be a conditional uses in all other zones. 2nd by Councilor Rourke. Motion by Councilor Bacon to amend the original motion to include the word “mature” between “12 plants”. 2nd Councilor Rourke. Vote passed 3/0 on amendment. Councilor’s discussion, Vote passed 3/0.

Councilor Rourke continued medical marijuana grower time and manner limitations.
Dave (Citizen) commented may want to look at lighting issues.
Councilor Rourke commented time limitations seems inappropriate to regulate.

Councilor Rourke continued discussion on manner regulations.
Councilor Rourke commented on clarification of structure.
CDD Doug Rux answered a structure s anything built and put together.

Councilor Rourke moved to add foot note to exclude outdoor growing in all zones, discussion. Motion failed for a lack of second.

Councilor Rourke continued manner discussion. Councilor McKinney made a motion in R-1, R-2 and R-3 indoor operations only, 2nd by Councilor Bacon 3/0 vote.

Councilor Rourke continued and asked for recommendations.

Councilor Rourke moved processors be allowed in industrial zones and light manufacturing. Councilor Bacon 2nd motion. Councilor Rourke made a motion to amend the original motion to clarify M-1, M-2, M-3, AI and SD. Councilor Bacon 2nd.

Councilor Rourke asked for further discussion, vote 2/1 passed Councilor McKinney against.

CDD Rux provided background on HB 3400 changes to career school for medical marijuana dispensaries. Career school has been deleted as a definition and replaced with a new definition for primary/secondary schools and private/parochial schools. Administrative Rule still has the definition of career school. CDD Rux went over the maps in the packet and the area that would change if career school was removed from the definition for a 1,000 foot separation to a medical marijuana dispensary.

Councilor Bacon made a motion to remove career schools and change definition and to adopt a new definition of primary and secondary, and private parochial schools.

Councilor McKinney had question on home school and if they were included in the definition. CDD Rux indicated no and read the ORS 339 provision for schools.

Council Rourke 2nd to motion to remove career schools and change and change the definition and to adopt a new definition of primary and secondary, and private parochial schools. 2/1 passed Councilor McKinney against.

FUTURE MEETING SCHEDULE:

CDD Rux continued and indicated new information was available on the Oregon Liquor Control Commission (OLCC) timeline for issuing licenses. Information indicates that OLCC will be in a position to issue licenses to producers and processors in the 2Q of 2016 (April – June). He shared a revised schedule to initiate a development



code amendment on January 4, 2016. The Department of Land Conservation and Development notice would be required on either January 6 or 20; Planning Commission hearing on either February 11 or 25 and a City Council hearing on either March 7 or 21.

The subcommittee discussed the timeline options. Would the Planning Commission be able to meet on February 25? CDD Rux will ask the Planning Commission on December 10 about their availability for a February 25 meeting.

Councilor Rourke moved to direct staff to prepare an RCA to start development code process for recreational growers and processors, discussion followed on starting or initiating the amendment.

Councilor Rourke amend motion, moved to direct staff to prepare an RCA to initiate a development code process for recreational growers and processors, Councilor Bacon 2nd motion 3/0 passed

Councilor Rourke commented on trip Friday. OLCC will be holding a briefing at 7:30 am in Salem. The subcommittee will meet at 6:30 am at City Hall to go to Salem.

Councilor Rourke had request that notebooks be provided for subcommittee material.

ADJOURNMENT: Councilor Rourke adjourned the meeting at 3:12 p.m.

Approved by the Marijuana Subcommittee this 12 day of January, 2016.

Councilor Tony Rourke,
Marijuana Subcommittee Chair

Bobbie Morgan, Planning Secretary