

Planning Commission Marijuana Work Session Notes – July 11, 2016

- Clarification that personal consumption is legal. The new regulations only relate to commercial, production, etc., don't have anything to do with regulating personal consumption. Recreational marijuana is regulated by OLCC, medical marijuana is regulated by OSHA. New Oregon City regulations only pertain to marijuana businesses in OC.
- Clarification regarding business vs. personal. How can Oregon City have a regulation on personal indoor only grows if the state allows each property four plants.
- Question for Pete about what he means about treating downtown differently.
- Comment: Too many bars downtown as it is.
- Question: Is it possible for there to be a GI zone with marijuana retail that wouldn't be allowed because the property is already at the 20% retail limit in GI? (yes)
- Question: What was the reason for no production permitted in Campus Industrial zones?
- Dr. Evans environmental concerns about growing marijuana (carcinogens, contamination, cadmium, lead, arsenic in soil). Also concerned about the amount of electricity and water a marijuana grow requires. Concerns about equipment.
- Dr. Evans: You can't treat marijuana as a regular plant because growing marijuana involves contaminants.
- Comment: Oregon City should not miss out on the benefits of creating jobs with marijuana businesses because we are overly cautious/unnecessarily concerned about contaminants that may or may not exist. We have to balance risk vs. reward. Is the small potential for unproven arsenic poisoning worth losing jobs over?
- Comment about jobs that Bullseye Glass creates vs. damage they've done.
- Comment: PC only has authority on zoning and cannot evaluate or regulate possible hazardous materials associated with marijuana (arsenic, cadmium, etc.). Focusing on zoning issues pertaining to marijuana would be a more productive conversation.
- Question about validity of Dr. Evans' claims. Would like to see a source.
- Question about what regulations are in neighboring jurisdictions. Pete pointed out that Clackamas County would generally be much easier to grow in due to agricultural zones.
- Question: What are Gladstone and Milwaukie doing?
- Concerns about buffers – as the crow flies vs. walking. What is the methodology for figuring out the buffers?
- Comparison to NROD buffers (if one corner of the property is in it a property report indicates that the entire property is in the NROD)
- Comment: if someone presented Planning with evidence that their property/building is outside of the buffer, would that be a staff decision to allow them to have a marijuana business? (yes)

- Clarification of the definition of a laboratory. Would academic/educational labs at Clackamas Community College be permitted if they wanted to have labs testing marijuana for academic purposes?
- Laura asked if we were unable to distinguish between academic labs vs. other labs, would they prefer that laboratories are included or excluded in CI zone? They would prefer that labs are excluded and the ball can be in the applicant's court to show why their lab should be allowed.
- Question: Are there requirements of owners or operators of marijuana businesses such as background checks, US citizen, etc? OLCC regulates, applicants must submit business plan to OLCC before Planning ever even reviews their Oregon City application.
- Discussion about whether or not allowing a limited number of plants outside under the right circumstances (R-10, big lot, etc.) would be better than forcing grows to be indoors?
- Consideration of adding setbacks for outdoor grows back in the draft code.
- Concerns about hopping fences if plants are outdoors, a setback wouldn't keep anyone from jumping over a fence.
- If grows are allowed outdoors, there will be uncontrolled access
- Concern about property owners using weapons against trespassers.
- Comment: If we are concerned about unauthorized users, then it should be indoors only.
- Laura on outdoor grows: members of the public are concerned about odor
- Concerns about forcing it to be indoors only and kids breathing in odors/vapors in an enclosed space.
- Comment that no one should have a right to impose sight/smell on someone else. "Do what you want to do as long as it doesn't impose anyone else."
- Denyse does not want to smell or see marijuana.
- Comment about other plants which may be considered smelly or offensive but are not regulated.
- Smell would be a code enforcement/nuisance issue, not part of zoning regulations
- Dr. Evans passed around a regulation/definition that Deschutes/Washington County uses.
- Laura commented that it is too vague and from a planning perspective, it is better to have clear standards that we are able to regulate.
- Discussion about animals and odors.
- Issue of access brought up again: a regulated substance should be grown indoors where access can be controlled. If allowed outdoors, there is no guarantee that access is controlled. Unless you can guarantee security, you are providing access. Comparison to leaving out a case of alcohol on your back porch that kids could access.
- Question about the 250' buffer from parks and concern that it is less than the 300' notice requirement.

- 300' from parks may be more consistent since that is the notice requirement.
- Comment that the noticing buffer is 50' bigger than the parks buffer, therefore more transparency is gained.
- Should the 250 be increased to 300?
- Comment that 250' vs. 300' buffer does not make that big of a difference.
- Clarification on exemption of sites that abut residential zones but are on a major street. Does 12th and Washington property qualify for this exemption? (yes)
- Clarification that voters are not voting on indoor vs. outdoor, only whether or not marijuana businesses would be permitted.
- Should there be a buffer between marijuana businesses on arterial streets and the residential zones behind? There is a setback for sites abutting residential zones during site plan and design review process. Many buildings are already existing and may not meet setback/buffer between residential zones.