



City of Oregon City

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Meeting Minutes - Draft

Planning Commission

Monday, July 25, 2016

7:00 PM

Commission Chambers

City Commission and Planning Commission Work Session - 5:30pm - 7:00pm

1. [PC 17-015](#) The Willamette Falls riverwalk design team is holding a work session to discuss riverwalk elements and design objectives with the Planning Commission and City Commission. The discussion will include:
 - River Access and Docks
 - Arts/Civic Space/Gathering Space
 - Interim Uses
 - Connecting and integrating the riverwalk to downtown
2. [17-111](#) Discussion of Type I Site Plan and Design Review Process

Planning Commission Hearing - 7:00pm

1. Call to Order

Vice Chair McGriff called the meeting to order at

Present: 4 - Tom Geil, Robert Mahoney, Zachary Henkin and Denyse McGriff

Absent: 3 - Charles Kidwell, Paul Espe and Damon Mabee

2. Public Comments

Sam Drevo spoke on behalf of We Love Clean Rivers. He played a clip from a Planning Commission meeting on September 8, 2014, where Commissioner Mabee suggested the idea of a whitewater park at the Willamette Falls Legacy Project site which had started momentum on the idea. Since then, they had spent over \$100,000, received grants, and had delivered results through technical studies and documentation. Up to to this point, the idea had been viewed positively. It had been publicly funded through the County, through a tourism development grant, and PGE contributed money as well. A significant number of resources, time, and energy had gone into this project and he was asking the Planning Commission to recommend to the City Commission to continue work on the project. Without any discussion or research, the City Commission had voted for an option that did not allow this project to continue as an element of the redevelopment. They wanted to keep the option alive. There was a lot of community support for the whitewater park.

Laura Terway, Community Development Director, stated comments on this issue could be directed to Kelly Reid, Planner, which would be taken to the Partners group in August where a final decision would be made.

Travis Kruger, resident of Oregon City, was in support of incorporating a whitewater channel into the Willamette Falls project. He did not want the Riverwalk to preclude the possibility for this channel. He was a whitewater slalom racer and spent a lot of time outdoors with his family. They often had to go outside of Oregon City to do outdoor activities. This was an opportunity to make Oregon City a destination for outdoor tourism. He worked on the feasibility study for a whitewater facility on the Clackamas, but learned there was no feasible site on the Clackamas. The Willamette Falls site was the most feasible due to the flows, vertical drop, and population center proximity, and they had the support of the community and the property owner. It would be able to function without pumping. The facility would be for a diverse range of ages and uses. He had worked on the City of Bend's whitewater park, and that site had many hurdles to overcome but was now a success.

Don Smith, resident of Oregon City, had served on PRAC previously where he noted the City had good Parks staff, but not enough money for parks. This was a solid revenue opportunity and he gave examples of other communities where these facilities had brought economic success. There was a strong market for this and it would bring in many visitors. He thought the private/public partnership would work well and he did not want to lose this once in a lifetime opportunity. He asked the Planning Commission to urge the City Commission to keep the option open.

Nathan Modlin, resident of Oregon City, said tradition and legacy were important to long-term residents like his family. The Willamette Falls were part of the reason his family had lived here so long. It was the wish of many Oregon City families that the falls remain a source of recreation, education, and economic success while paying homage to the traditions of the people who lived here before us. A whitewater park would be good for fish, trees, and wildlife; good for humans as a source of healthy activities; and good for future generations as an educational center and place to experience the falls firsthand. It would expand the number of living wage jobs and would honor the history and traditions of past generations. He supported the option being allowed to continue.

Duane Felix, resident of Oregon City, had received a letter about his shed which had a metal roof that was no longer acceptable. In March of 2013 he had discussed putting a metal roof over the shed structure with the City and got approval. He was willing to put a wooden fence around it, but it would not meet the fence height requirement where they could not see it.

Ms. Terway would look into the issue. Code had been adopted that stated membrane structures, including both fabric and metal, that were visible in the right-of-way had to be removed by January 1, 2011. The City had received 37 complaints regarding membrane structures in the last 30 days which was unusually high. There was no grandfathering in any of these structures.

Curtis Degner, resident of Oregon City, also received a letter regarding his RV structure. It was there when he bought his home a few years ago and he had paid more for the home because it had this metal structure. It could be seen from the street and was installed in 2008 and he purchased the house in 2013. It would not be an easy structure to remove.

Ms. Terway would also look into this issue.

3. [16-448](#)

Planning File LE-16-0001 - Adoption of Time, Place and Manner Regulations for Marijuana Businesses.

Vice Chair McGriff opened the public hearing.

Pete Walter, Planner, presented the staff report. He discussed the State laws and bills regarding marijuana. Measure 91 passed in Oregon City 52% to 47% and under State law the City was permitted to temporarily ban recreational and medical marijuana businesses provided a measure was submitted to the voters. The measure would be on the November ballot. The temporary ban allowed time to draft time, place, and manner regulations. If the voters lifted the temporary ban, these regulations would go into effect. He explained what reasonable regulations were. The proposed regulations would not apply to personal cultivation and use of recreational marijuana provided those activities were done indoors. He reviewed the definitions that would be included in the code, the legislative review process and criteria, the public process since May 2016 to the present, surveys that were conducted, survey summary, and zoning. Retailers and dispensaries would be prohibited in residential zones or abutting any residential zones except if it was located on a corridor. Retailers and dispensaries were not allowed within 250 feet of any public parks, licensed child care and day care facilities, and public transit centers and they were not allowed within 1,000 feet of a public, private, or parochial elementary and secondary school. He showed what these buffers would look like on maps, showing where these facilities would and would not be allowed. These facilities would be permitted in retail use zones and in zones that already had limitations on retail. Production would be prohibited in all zones except for General Industrial. Processing was prohibited in all the residential zones, all mixed use corridor, and commercial zones. It was permitted in General Industrial, Mixed Use Employment, and Campus Industrial. Wholesaling would be prohibited in all residential zones, mixed use corridor, and commercial zones and would be permitted in General Industrial, Mixed Use Employment, and Campus Industrial. Regarding standards of operation, these facilities needed to be in compliance with other laws, would be in good standing with OLCC and OHA, no portion of any business would be conducted outside, and the hours of operation would be in accordance with OLCC and OHA. Any businesses that would produce an odor would have an odor control system, doors and windows would remain closed, secure disposal was required, the business could not have a drive-through or walk-up, and they needed to show proof of security with OLCC. He then explained the State tax revenue from recreational marijuana. Medical marijuana was not being taxed. The funds would go to the common school fund, mental health, alcoholism, and drug service account, State police, cities for local law enforcement, counties for local law enforcement, and Oregon Health Authority for alcohol and drug abuse prevention, early intervention, and treatment. The disbursement to the cities was currently based on population, but after July 2017, it would change to be based on the number of licenses. A local sales tax could also be imposed up to 3%, which had to be approved by the voters. This tax was also on the November ballot. He entered the testimony from Dr. Kendall Evans, summary of the Planning Commission Work Session from July 11, 2016, revised draft map of potential retail locations, revised draft map of potential retail locations with buffers, and Mr. Walter's PowerPoint presentation into the record. He read the correction to the definition of a marijuana business. In proposed Chapter 17.54.110 subsections 3 and 4 there was incorrect reference to sections 6, 7, and 8. Staff recommended approval of these text amendments.

Doug Neeley, resident of Oregon City, was on the board of Oregon City Together, an organization dedicated to reducing substance abuse. He distributed a pie diagram showing the substance abuse of youth. He thought the 1,000 foot buffer from schools was not enough and did not include Clackamas Community College. Many under-age students attended classes at the college and there was a daycare on campus. He thought there should be an additional 1,000 foot buffer around the college.

Kendall Evans, resident of Oregon City, did an evaluation of Clackamas County

marijuana regulations and came up with 15 corrections that needed to be made. Regarding ventilation, all the air inside a grow facility needed be filtered for carcinogens and heavy metals.

Mr. Walter said the City would defer to OLCC and OHA for compliance with those standards.

Dr. Evans said OLCC and OHA had not done the proper testing for those elements and baseline studies needed to occur. Regarding waste management, businesses did not know what to do with the waste due to the chemical compounds in it. It could not be given to animals and it could not be composted or burned or hauled away. He encouraged the City to look at what Lake Oswego had done with their regulations. He thought there should be a larger buffer between retail facilities and parks. He thought it should be at least 500 feet. He discussed what Duschutes County did and thought Clackams County should have similar regulations. He thought there should be a general liability policy for grow facilities. He recommended hiring a part time industrial hygenist to help them through the codes.

There was discussion regarding the sources of information that could be found on these topics for further review.

Eric Nelson, resident of Oregon City, said many states were preparing to legalize marijuana and a number of studies had been done looking at safety issues. The federal government was looking at having marijuana as a Schedule 1 to a Schedule 2. The overall tax benefits would be beneficial to the City. He thought the proposed zoning was appropriate and he hoped the City did not pass up the opportunity. The Police Department would have more time chasing down bigger issues.

Ian Watson, resident of Portland, said his family owned a marijuana dispensary. He thought the City was doing a good job balancing local needs with those of OLCC and not wasting resources or duplicating regulations. He encouraged the Commission to visit his store to see how it functioned.

Vice Chair closed the public hearing.

Commissioner Geil thought personal grows should be allowed outside. These regulations were for businesses, not personal grows, and he did not think the regulation on personal grows should be included.

Commissioner Henkin thought cigarettes and alcohol were more harmful than marijuana. He agreed there should be a buffer around the college, however he did not think there needed to be a buffer around parks. It was already illegal to smoke in a public park, and if there was a problem it could be enforced by the police. The enemy to youth was hard drugs and they needed to create channels where people were not getting marijuana illegally when they were the right age.

Commissioner Mahoney discussed unintended consequences. He was concerned about what it would mean for police enforcement and the message they were sending youth. Down the road they would be sorry about this decision. He had no problem with medical marijuana, but not recreational. He thought the proposed zoning would work, but wanted more time to think about it.

Vice Chair McGriff wanted to know what the County and other nearby cities were doing for marijuana regulations. She thought a buffer should be established around the college. She was not in favor of allowing personal cultivation outdoors.

There was consensus to add a 1,000 foot buffer around the college, to continue the hearing, and to have staff come back with an alternative that allowed outdoor personal cultivation with setbacks.

to continue Planning File LE-16-0001 - Adoption of Time, Place and Manner Regulations for Marijuana Businesses to August 8, 2017. The motion passed by the following vote:

Aye: 3 - Tom Geil, Robert Mahoney and Zachary Henkin

Nay: 1 - Denyse McGriff

4. Communications

Ms. Terway said there was a vacancy on the Urban Renewal Commission and applications were due by July 29. She gave an update on the Cove project. There would be a groundbreaking ceremony on July 27. National Night Out would be on August 2. She gave an update on three LUBA cases. Oral argument for the hospital case was given last week and a final decision would be given on August 15. The record for the Beavercreek Road Concept Plan was being settled. The record was still being settled for the Comprehensive Plan amendment and zone change for the property near Beavercreek and Highway 213. Pete Walter had received a service award for his 10 years of working for the City. Photos of the Community Development Department were taken and would soon be posted on the City's website. The Concerts in the Park were well attended. The Library would reopen on July 27.

5. Adjournment

Vice Chair McGriff adjourned the meeting at 9:10 PM.