



**CITY OF PHOENIX PLANNING COMMISSION
REGULAR MEETING
MONDAY, JUNE 8, 2015 6:30PM
1000 SOUTH B STREET, PHOENIX OREGON**

- I. **CALL TO ORDER/ROLL CALL/INTRODUCTION.** Chair Summerhays called the Planning Commission meeting to order at 6:30PM. In attendance were Commissioners Atkin, Lewin, Eisenhauer, Couch, Weiss, Farlow and Chair Summerhays. There was a quorum. Staff in attendance was Planning Director Matt Brinkley. City Councilor Luz, Mayor Bellah, and City Manager Steve Dahl, and Phoenix resident Robert Mumby were in attendance, Phoenix business and property owner, was also present.
- II. **CHANGES TO THE AGENDA:** None.
- III. **APPROVAL OF MINUTES:**
 - A. Minutes from May 11, 2015 Regular Planning Commission. **MOVED BY ATKIN, SUPPORTED BY LEWIN, TO APPROVE THE MINUTES AS PRESENTED.**
- IV. **NEW BUSINESS:**
 - A. **PUBLIC HEARING:** LDC15-01, an amendment to the Phoenix Land Development Code establishing standards regulating time, place, and manner of cannabis cultivation in land use districts throughout the City of Phoenix.

Chair Summerhays opened the public hearing by asking if any of her fellow commissioners had a conflict of interest or had participated in ex parte communications pertaining to the issue under consideration by the Planning Commission. No Commissioners reported such any conflicts of interest or ex parte communications. Summerhays then asked the Planning Director to present the staff report with its findings and recommendation.

Brinkley used a Power Point presentation to outline important features of the regulations, noting that the Planning Commission had completed 5 work sessions on this issue up to this point. He commended the commissioners for working diligently to develop the proposed regulations in a relatively short period of time.

He and the commissioners then discussed particular details of those regulations and implementation procedures. These included a small allowance for outdoor cultivation by a “resident grower” for consumption by an OMMP registered patient. Additionally, Brinkley stated that those wishing to cultivate cannabis in residential districts would be required to obtain a Type I zoning clearance. Performance standards for outdoor cultivation would include a minimum spatial separation between the cultivation area and property lines and the nearest part of an adjacent dwelling. Commercial cultivation would be permitted with certain special standards in certain land use districts, and commercial operations over a certain size (depending on land use district) would need to obtain a Conditional Use Permit. They also discussed inclusion of Urban Agricultural uses in nonresidential zones, and the relationship between those uses and the commercial cultivation of cannabis. Brinkley and the commissioners concluded their discussion and Chair Summerhays opened the hearing to public comment.

Robert Mumby of Phoenix, Oregon, “strongly objected” to any outdoor cultivation noting that even a few plants could cause a nuisance and citing concern over potential allergies. Chair Summerhays asked for any other public comment; there was none. After closing the public comment period, Commissioner Couch explained why the Planning Commission had settled on the 35 square foot allowance for outdoor cultivation of medical cannabis by a resident grower. The Commission was reluctant



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to hinder the ability of lower income individuals in procuring a medicinal substance in the most cost effective way possible. Commissioner Farlow also expressed reservations about further curtailing the rights of individuals to cultivate cannabis as established by state law.

Chair Summerhays opened commission deliberations. The commissioners spoke extensively about the most significant secondary effect of outdoor cannabis cultivation—odor—and continued to support regulation through limitations on the size of outdoor cultivation operations.

Commissioner Eisenhower raised the issue of the impact of cannabis businesses on local real estate markets. Commissioner Lewin referred to findings in the staff report concerned with that issue. He wondered how the City might most effectively manage the extent of commercial cannabis cultivation within the City in order to mitigate economic impacts. Could the City establish caps on the number of operations, the total size of such operations, or impose limitations based on anticipated impacts to public infrastructure? Brinkley agreed that such regulations could be achieved through the City's existing Cannabis Facility License program, because that would provide the City with more flexibility. Couch was eager to recommend the proposed amendment to City Council and consider amendments at a future time.

Lewin asked Brinkley to revise language concerning legally nonconforming residential land uses so that it would be clearer. No other changes to the proposed amendment were requested by other Planning Commissioners.

Couch moved to recommend that City Council approve amendment of the Phoenix Land Development Code as delineated by LDC15-01, with minor revisions as discussed, and to affirm the findings and conclusions of law contained within the staff report and recommendation. Farlow supported the motion which passed on a roll call vote, 7-0.

- V. OLD BUSINESS:** None.
- VI. PUBLIC COMMENT:** None.
- VII. COMMENTS FROM COMMISSIONERS:** None.
- VIII. PLANNING DIRECTOR'S REPORT:** Brinkley mentioned that the TSP is nearly complete, and asked the commissioners if they preferred to comment on the current draft or wait until after staff had submitted comments to the consultant. The commissioners directed Brinkley to submit staff comments; they would review and comment on the final draft.
- IX. ADJOURNMENT:** Chair Summerhays adjourned the meeting at 7:55PM.

Micki Summerhays, Chair

Matt Brinkley, Planning Director