



**TALENT PLANNING COMMISSION
MEETING MINUTES
TALENT TOWN HALL
OCTOBER 27, 2016**

***Study Session and Regular Commission meetings are digitally recorded and will be available online at:
www.cityoftalent.org***

The Planning Commission of the City of Talent will meet on Thursday, October 27, 2016 in a regular session at 6:30 P.M. in the Talent Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012. The Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COMMISSION MEETING- 6:30 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the Minute Taker. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the "Citizens Heard on Non-agenda Items" section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the Planning Commission.

I. Call to Order/Roll Call 6:30 P.M.

Members Present:

Commissioner French
Commissioner Hazel
Commissioner Milan
Commissioner Pastizzo
Commissioner Riley
Commissioner Schweitzer

Members Absent

None

Also Present:

Darby Stricker, Mayor
Daniel Wise, City Councilor
Zac Moody, Community Development Director
Jeff Wilcox, Minute-Taker

II. Brief Announcements

None.

III. **Consideration of Minutes for September 22, 2016**

Hazel asked for comments on the minutes from September 22, 2016, no comments were received.

Hazel asked the commission to entertain a motion.

Motion: Commissioner Milan moved to approve the Minutes of September 22, 2016. Commissioner Schweitzer seconded and the motion carried.

IV. **Public Comments on Non-Agenda Items**

Mayor Stricker and Planning Commissioner selection process

Moody asked Stricker if she would like to have her discussion in tandem with Agenda Action Item VI (Planning Commission Interviews).

Riley asked for the two items remain separate.

Hazel decided to keep Stricker's discussion item as a separate, non-agenda item.

Moody asked Stricker if she would like to read the letter she received.

Stricker explained that reading the complaint letter (Attachment #1) she received would trigger a formal process, instead she opted to read aloud some prepared comments and then have the Planning Commission decide how to proceed. She explained that the complaint letter directed at her will not be submitted to the record unchallenged because it reads as a serious allegation of conflict of interest which is a violation of government ethics, administered by the Oregon Government Ethics Commission.

Stricker stated that Schweitzer recently submitted a letter, writing as a Planning Commissioner, expressing serious concern about the Planning Commissioner voting-member appointment process and that she suspects a conflict of interest.

Stricker explained that ideally, she would have the opportunity for a dialog to clear up any confusion before an official complaint was made public record. She explained that she offered to attend the last Planning Commission meeting (September 22, 2016) and was told there was no need for her to attend. Stricker continued, saying her desire is to have a 100% fair appointment process and promised there is no conflict of interest.

Stricker proceeded to read Oregon Revised Statute 192.660(2B):

ORS 192.660(2B) The governing body of a public body may hold an executive session: (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.

Stricker asked if Schweitzer would like to submit the complaint to the public record. If Schweitzer did want to, Stricker said she would opt to have an open hearing to discuss the allegations.

Schweitzer explained the letter was addressed to commissioners to discuss the appointment process for voting members and that the letter was not intended to be an accusation. She added that there are no clear answers for the appointment process. Schweitzer concluded by asking if there was another way to have the conversation besides at a public hearing.

Moody said he would need to seek clarification from City Manager and Attorney about the public comment and public record keeping policy. Moody added that the letter, having been emailed to city staff may already be considered public record.

Hazel explained that she would be interested to know if the complaint could be removed from the public record and suggested to discuss the Planning Commissioner appointment process as a discussion item, right after the public hearing for CUP 2016-004.

Moody asked if this is this the consensus of the Planning Commission.
The commissioners unanimously but informally agreed.

Moody asked Schweitzer if she wanted to rescind the complaint letter from public record, -and- if a discussion was to take place, would it be at the current meeting, on the following week, or not at all?

Schweitzer opted to remove the letter from public record for now and wait to hear back from the city attorney; she will resubmit comments in the future if necessary.

Hazel appointed Commissioner French as a voting member for the meeting.

V. Public Hearings

(Quasi-Judicial) Conditional Use Permit – Consideration of a Conditional Use Permit allowing the operation of a recreational cannabis retail business located at 630 S. Pacific Hwy. and described as Township 38 South, Range 1 West, Section 25B, Tax Lot 2801. File: CUP 2016-004. Decisions are based on the approval criteria found in Zoning Ordinance 8-3D.4 and 8-3L.2. Applicant: Brent Kenyon, Grateful Meds, LLC.

The opening statement and approval criteria were read into the record. There was no ex parte contact, although Riley had visited the site to become familiar with the layout.

Staff Report:

Moody explained this application is very similar to the two other dispensaries that were operating as medical marijuana retailers prior to recreational legalization. He continued, stating this Conditional Use application meets the criteria of the code, probably more-so than the other retailers because it meets distance criteria (from parks, schools, other dispensaries, etc.) better than the other facilities.

Moody explained that he wants to ensure that conditions of approval are sensible and consistent with other applications that were approved in town. He specified that this application is only for retail operations, not production.

Conditions of approval:

- No uses other than retail operations shall be conducted on the subject parcel without additional conditional use permit review.
- Onsite consumption or use of marijuana products or tobacco are prohibited.
- Security bars shall not be allowed on any portion of the exterior of the building, nor shall they be installed on the interior of the building if they are visible from the outside.
- Provide Community Development a complete list of products to be sold or stored onsite. Upon review by the Jackson County Fire District 5 Fire Chief or the Building Official, if it has been

determined that a fire, life and safety inspection and/or a change of occupancy is required, the applicant shall prior to Certificate of Occupancy, install all necessary improvements to meet the building code of the new occupancy group.

- Submit plans for and install an appropriate air filtering and ventilation system sufficient to confine odors on the premises or provide evidence from a licensed professional that the existing air filtering and ventilation system is adequate to meet the intent of the standard. Plans for the necessary air filtering and ventilation system shall be submitted to the Building Official for review and approval prior to installation.
- Provide Community Development with a complete copy of the approved State retail license including all conditions, prohibitions and a list of names of all owners, operators and employees. The names of all owners, operators and employees and their background checks shall be provided to Community Development on an annual basis as part of the business license application.
- Provide Community Development a waste management plan in accordance with OAR 845-025-7750 detailing how solid and hazardous waste along with wastewater will be disposed or provide documentation that a waste management plan has been approved as part of the OLCC licensing process. The applicant shall install any required waste management facilities necessary to meet the requirements of OAR 845-025-7750.
- Permanently mark one (1) additional parking space as proposed on the approved site plan.
- Install one bicycle space for every ten (10) motor vehicle parking spaces. Sheltered bicycle parking is recommended.

Moody explained that this establishment was originally approved via a Site Plan Review, which converted the site from an automotive repair shop to a medical marijuana retail shop (SPR 2014-004). ODOT discovered that the site plan that was approved by staff extended beyond the confines of their property lines. This new application corrects the site plan, removing the landscape strip, and adjusting the parking strips to fix ODOT encroachment issues. ODOT will then be able to consider granting a right-of-way (ROW) permit to Grateful Meds, so they can retain the landscape strip. Moody asked the commission for questions.

Riley asked if the parking plan in original application is no longer valid, expressing concern that what was submitted by the applicant is different than what she observed on site.

Moody explained that a revised site plan has been submitted, using sharpie marker on the original site plan (from SPR 2014-004). He continued, stating that there are two parking stalls in the back, and three in front, including one Americans with Disabilities Act (ADA)-accessible parking stall. Grateful Meds will have to re-stripe the parking and hash out one old parking spot with this revised site plan because it encroached on ODOT ROW.

Milan voiced his concern for adequacy of odor control. He asked staff if there have been any complaints on odor control from current retail establishments.

Moody explained that one complaint was recently received from Chief Whipple. He elaborated, stating that the wholesale marijuana business at 806 S. Pacific Hwy. did not have adequate ventilation and consequently, marijuana smells were drifting into the Crown Market, also at 806 S. Pacific Hwy.

PUBLIC HEARING OPENED

Representative **Robert Graham** of Evergreen Law Group (542 Washington St. Ste. 104, Ashland, OR) spoke on behalf of applicant Brent Kenyon of Grateful Meds.

Graham explained that retail operations produce significantly less odor when compared to a wholesaler or processor, and that odor had been addressed during the initial business opening. Parking will be re-stripped as soon as there is a break in the rainy weather. Graham explained that simply put, the retail business is applying to sell marijuana to recreational users as well, which means it would be regulated by the Oregon Health Authority (OHA) and now, the Oregon Liquor Control Commission (OLCC) as well. He concluded, by saying he and applicant Brent Kenyon would both be available for any questions.

Riley asked the applicant about the building color choice.

Brent Kenyon (2319 Hillcrest Rd., Medford, OR) explained all of his businesses are painted in bright colors to garner attention. He added that he has plans to improve the landscaping at the time he purchases the property and looks forward to making the business look attractive while standing out. Speaking to the issue of odor, Kenyon explained that he had experience resolving issues by installing an air filtration in a retail store that was located in a strip mall. He added that his Talent location is removed from other retail locations but he added extra precautions ahead of time.

Kenyon explained that he is on the OLCC rules advisory committee which advises the Governor's Office and Attorney General on cannabis issues in Oregon. Kenyon and Graham work together consulting and setting up dispensaries, gardens and wholesale operations. Kenyon explained that he may be looking into a wholesale license in the future because it allows him to shift his inventory around with greater ease. He said that officials from across the state have visited his sites to see how the industry is moving forward and said he is happy to field questions from the City in the future if so desired.

Schweitzer asked where the other Grateful Meds were located. Kenyon said they are currently operating out of Portland, Springfield and Talent.

PUBLIC HEARING CLOSED

Moody added for clarification that if the conditional use permit is approved, this facility would sell marijuana for recreational use, in addition to its current sales for medical use.

Motion: Schweitzer moved to approve CUP 2016-004 with conditions as stated in the staff report. Pastizzo seconded and the motion carried. All commissioners voted in favor.

VI. Discussion Items

Planning Commission application process

Moody asked how to deal with two applicants since there are not currently two openings, just one. He added that since it is likely another seat will be made available soon, would the commission entertain the idea of recommending both applicants to City Council ahead of time.

Darby explained that only Commissioner Riley's application was received by the deadline, which was October 3, 2016. She added that the application time should only be open two weeks, and extended only if necessary.

French agreed, acknowledging that her original application had been withdrawn and that by time she resubmitted, the deadline had passed.

Stricker stated that according to state law, any vacancy created must be appointed by the governing body.

Moody asked why the application process had to be closed; adding that in the past, if an application had been received prior to the agenda being released and the candidate was qualified, they would have been considered.

Stricker explained that the application policy came into effect in January 2015, and it stipulates that there is a required minimum time for application (2 weeks) but it can be extended. In this case it was extended to 5 weeks. She added that the seat was vacated on July 28th 2016 and the application process closed on October 3rd, 2016. She concluded by explaining that the idea behind the policy is to give closure to applicants.

Stricker moved on to explain the commission appointment process, maintaining that the highest authority for a Planning Commission is the state. Planning Commissions have particular statutes due to responsibilities associated with quasi-judicial hearings.

ORS 227.030(3) any vacancy in such a commission shall be filled by appointing authority for the unexpired term of the predecessor in the office.

Stricker added that another authorizing document is the City Charter, which was installed by city voters.

City Charter, Chapter Five § 21, Powers and Duties of Officers. The Mayor and Council shall appoint members of committees and commissions established by Council and Other persons required by the Council to act in an advisory capacity to the Council or its appointed committees and commissions.

Stricker continued to explain current city policy and her campaign promise, part of which is to ensure equal access to government for everybody. When a commission vacancy is declared, city staff will cause a seat vacancy notice to be placed on the city website, in three conspicuous areas around city and in The Flash newsletter if time allows. Stricker concluded by stating that she and City Council will make the final decision on the Planning Commission voting member, but she'd be happy to take recommendations from the Planning Commission.

Moody stated that it was his understanding that when a voting member seat became available on the Planning Commission, the longest-serving alternate would be appointed to it.

Stricker acknowledged there had been some confusion on the appointment process in the past.

Wise reiterated that the Planning Commission may still choose to recommend the longest-seated alternate to City Council and the Mayor for appointment to voting member.

Schweitzer explained that in her view, the Planning Commission had made two clear recommendations for Commissioner French to be appointed to voting member. Schweitzer added that in French's two years of service to the Planning Commission, acting as a voting member on many occasions, she has proven herself to be suited for the job.

Darby stated that she had asked city staff to prompt Planning Commissioners for recommendations but had never received any.

Pastizzo asked if it was posted when applications would be closed and if so whose responsibility is it?

Stricker explained that city staff posts vacancies. She would like to see the application policy be revised to specify opening and closing details.

Moody explained that he added French's application to the Planning Commission Agenda Packet because there was no clear legal guidance on who is permitted to close the application process. He asked why the application process shouldn't have been left open until the next meeting.

Stricker replied that the end goal was to get the vacancy filled quickly since it had been open for nearly two months.

Schweitzer asked Stricker that since she had asked the Planning Commission for a recommendation, wouldn't the Planning Commission's decision to make French a voting member count?

Stricker explained that would not count as a recommendation because the vacancy hadn't been declared yet.

Wise elaborated, the process requires the seat be declared vacant and open prior to anyone being appointed or recommended. If it had been at least two weeks from that declaration, that motion could have been considered as a recommendation.

Stricker explained that she still needs a voting member recommendation to take to City Council and would be happy to take feedback for upcoming policy changes as well.

Milan asked how the Planning Commission makes a recommendation. Do they rank all applicants based on qualifications, or do they recommend a single candidate?

Stricker asked for a single recommendation and invited the commissioners to visit her during office hours to resolve issues as soon as they occur.

Pastizzo asked Stricker if both applicants should be considered.

Stricker reminded Pastizzo that only one completed application was received in time.

Schweitzer stated that given the confusing circumstances surrounding the application process, in her mind, both applications should be considered.

Moody explained that Planning Commission can choose to review one or both candidates, however City Council and the Mayor ultimately make the decision and may take into consideration the application deadline when making that decision.

Hazel stated that her personal feeling is to just evaluate commissioner Riley's application since the commission will soon be expanding. She then asked for a general consensus from commissioners.

After a brief discussion, it was informally decided that only Riley's application would be considered.

VII. Action Items

Riley Interview for voting member of Planning Commission

Hazel reminded the commission that their options were to make a motion to: recommend, -or- not recommend the applicant to the Mayor and City Council.

Moody explained the interview process necessitates meeting with the Planning Director, Mayor and the Planning Commission. The commission then interviews the applicant.

The interview commenced.

Schweitzer asked Riley to give examples of how she will exemplify: Respect, Teamwork, Courtesy and Fairness.

Riley explained that providing everyone with an opportunity to speak is important, and it is courteous to raise a hand to speak. She added that she has experience working to problem solve large and contentious land use actions. Speaking to the topic of courtesy, she added that includes addressing Planning Commissioners formally. She concluded by stating that she possesses a deep knowledge of Oregon Planning Law and enjoys the challenge of working with experienced lawyers, engineers and architects to ensure planning laws are followed.

The interview concluded.

Hazel asked the Planning Commission for a motion.

Motion: French moved to recommend Commissioner Riley to the vacancy, Milan seconded and the motion carried. All commissioners voted in favor.

Stricker asked Planning Commission to consider providing standardized and consistent questions for candidates in the future.

VIII. Discussion Items

Work Session # 2 – Housing Needs Analysis (HNA) & Draft Housing Policies

Moody explained that the document the commissioners received in their packet isn't quite current, as it is constantly being revised and improved; specifically, some of the numbers have been recently reworked slightly. Moody explained that due to time constraints, he will expedite the presentation, but commissioners are encouraged to email him with questions, then he will provide the questions to the Citizen Advisory Committee (CAC) meeting and respond to those questions at the public hearing.

HNA Timeline

Moody mentioned the process started in August 2016 and is tentatively scheduled to go to Public Hearing in Planning Commission in November 2016 then it would be taken to City Council for adoption in December. The Comprehensive Plan update to the Housing element will be produced with the HNA as an appendix.

Background

Housing trends were last evaluated in 2001 using 2000 census data, therefore the information is outdated. Part of the Housing needs analysis included city staff conducting a Buildable Lands Inventory (BLI) using Geographic Information Systems (GIS) to analyze residential lands.

Main components of HNA

1. BLI,
2. Historical and Recent Development Trends,
3. Demographics and other factors affecting residential development,
4. Housing Needs in Talent,
5. Residential Land Sufficiency Test within Talent

Moody explained that ECONorthwest consultant (Beth Goodman) wasn't present because he wanted her to be available for the upcoming public hearings (Planning Commission and City Council) so that she could be there for specific questions and be able to provide a high level of detail.

Stricker asked if there will be a public charrette.

Moody explained that every CAC meeting has been publicly noticed and mailed, additional charrettes will need to be coordinated at the City Manager/City Council level.

Goals

Develop a Housing Element that is consistent with the requirements of statewide planning goal 10
Analyze the city residential land inventory. Incorporate updated local, state and national trends into the revised housing element. Present factors that affect housing need in Talent, focusing on age income, and housing composition. Evaluate housing affordability in Talent relative to the larger region. Forecast housing growth in Talent, describing housing need by density ranges and income levels.

BLI Definitions

Vacant land – tax lots that have no structures or have buildings with very little improvement value (standard for the state).

Partially vacant – those occupied by a use but which contain enough land to be further subdivided without the need for rezoning.

Undeveloped land – vacant land that is under the minimum lot size for the underlying zoning district, no access, committed to other policies, HOA owned land, lack of potential access or more than 90% constrained.

Public lands – those owned by fed, state, county, city, hospitals...etc.

BLI Results

163 acres are developed in Residential Low (RL) within City Limits, 59 acres Residential Manufactured Home (RM), Residential High Density (RH) 104 acres, 1 acre RL within the UGB. There are 95 acres that the City can't really count as buildable land in the UGB. Not sure how to develop it with infrastructure constraints. The Residential Manufactured Home Comprehensive Plan designation may be changed to Residential Medium Density, which is more appropriate since a majority of the RM zoned property would fit the medium density category well and already contain Single Family Residences.

Wise asked if the RL designated lands in the UGB had to remain that way.

Moody confirmed that is the current designation but the HNA points out the possibility of changing some of that land to medium density. The City is trying to figure out how to make the land in southern Talent

usable for development when it requires a railroad crossing; it must be included in the inventory unless it is officially de-urbanized, which is unlikely because the land would lose value. Consultants will help determine where buildable land can be obtained since so much land is currently infrastructure constrained. More answers will be made clear after meeting with Robert Parker, a University of Oregon research associate, instructor and consultant that advises ECONorthwest on their projects and specializes on urban populations under ten-thousand.

Trends in Housing

Total dwelling units in Talent

- 2000: 2420 dwelling units
- 2010-2014: 2903 dwelling units
- Housing mix fairly consistent over the years, currently: 75% Single Family Detached; 25% Single Family attached and Multi Family 25%

Trends in Tenure

Housing tenure describes whether a dwelling is owner or renter-occupied. 61% of Talents households own their own home, 68% Phoenix, 51% Medford, 62% Jackson County (incorporated areas removed) 62% State.

Housing Densities

- 1993-97 – 6.1 dwelling units per acre
- 1998-2002 – 6.4 dwelling units per acre
- 2003-2007 – 7.7 dwelling units per acre
- 2008-2012 – 7.4 dwelling units per acre
- 12.4 units per acre average density in Talent apartments

Steps in Housing Needs Analysis

- Identify relevant state and local demographics.
- Describe demographic characteristics of the population and housing trends relating to different housing types.
- Review housing affordability based on average household income.

Determining Housing Demand

Age of householder (based on census data) millennials vs. older families,
size of household (approx. 2.7 people per household in Talent),
Household income (drives demand for Single-Family and Multi-Family developments)

French asked what HUD housing duplexes would be categorized as.

Moody explained that differentiating single-family vs. multi-family homes was separated out based on Jackson County assessment type and asked French to email him that question so he could follow up with the consultant.

Projected Population Growth

- City of Talent rate of growth is almost twice the rate of Jackson County
- 1.7% City annual population growth projected 2016-2036
- Current population approximately 6600

Commuting Trends

- 154 live and work in Talent
- 862 commute into Talent to work
- 2147 commute out to work

Trends affecting affordability

- Data from 2010-2014 explains median gross rent is \$992 in Talent (averaging Single-family and Multi-family residences together)
- Ashland currently less expensive

Trends affecting need

- Growth in housing will be driven by growth in population
- Housing affordability will continue to be a key challenge in Talent, policies will address this issue
- Without substantial changes in housing policy on average future housing will look a lot like past housing
- If the future differs from the past, it is likely to move in the direction (on average) of smaller units and more diverse housing types
- No amount of analysis is likely to make a distant future completely certain
- Purpose is to gain approximate idea to make policy changes today and update as necessary

Residential Lands Sufficiency and Deficit

- 74 low density dwelling unit deficit; 69 City Limits, 5 Urban Growth Boundary
- 124 medium density dwelling unit deficit
- 83 high density dwelling unit deficit
- 81 commercial (mixed use) dwelling unit deficit
- 362 units needed over course of next 20 years
- Land in Belmont area will also work against deficit

Moody asked the Planning Commission if they would like another work session.

The Planning Commission unanimously and informally agreed to hold an additional work session at the next scheduled meeting.

Moody requested commissioners send HNA questions to him in the meantime, so the consultant can answer questions prior to the next meeting.

Ordinance Update for Expansion of Planning Commission

Wise asked the Planning Commission if they were confident they can fill an extra Planning Commission seat and asked if anyone had objections. He added that as the ordinance update currently reads, the seven-member commission would have a four-member quorum.

Moody added that he has to go to City Council and do a second reading and wants to make sure Planning Commission is okay with what was presented to Council during the first reading.

The Planning Commission unanimously but informally supported the second reading for the ordinance update.

IX. Propositions and Remarks from the Commission

There were none.

X. Next Meeting

It was agreed that the next meeting would be scheduled for November 17, 2016 to adjust for the holidays.

XI. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 10:00 p.m.

Submitted by:  _____

Date: 10/27/16

Attest:

Zac Moody, Community Development Director

Chair Hazel

*Further information on the Code amendments is available at the Community Development office.

Note: These Minutes and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website (www.cityoftalent.org) in advance of each meeting. The Minutes are not a verbatim record: the narrative has been condensed and paraphrased to reflect the discussions and decisions made.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.