



**TALENT PLANNING COMMISSION  
MEETING MINUTES  
TALENT TOWN HALL  
NOVEMBER 17, 2016**

*Study Session and Regular Commission meetings are digitally recorded and will be available online at:  
[www.cityoftalent.org](http://www.cityoftalent.org)*

The Planning Commission of the City of Talent will meet on Thursday, November 17, 2016 in a regular session at 6:30 P.M. in the Talent City Hall, 110 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 6:33 P.M.**

**Members Present:**

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

**Members Absent**

None

**Also Present:**

Darby Stricker, Mayor  
Zac Moody, Community Development Director  
Jeff Wilcox, Minute-Taker

**II. Brief Announcements**

**Appointment of Commissioner Riley to voting member of Planning Commission**

Moody explained that City Council appointed Riley to voting member of Planning Commission effective immediately.

**Planning Commission Ordinance update**

Moody stated that the second reading for the Planning Commission ordinance occurred at City Council on November 16<sup>th</sup>; the ordinance will be effective 30 days after adoption. Two vacant seats will be created as a result, and the application process will be reopened. Moody explained that he will coordinate this advertising with Melissa Huhtala and post the new vacancies in the newspaper.

**III. Consideration of Minutes for October 27, 2016**

Moody explained revised minutes were sent out today with an attachment. Moody explained that legal council had confirmed the letter submitted to staff from Commissioner Schwietzer needed to be attached/disclosed as a public record since it was referenced at a meeting and it was received as an email. The attachment doesn't change anything moving forward, it just substantiates the discussion that was held.

**Motion:** Riley moved to approve the Minutes of October 27, 2016. Milan seconded and the motion carried.

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

None

**V. Public Hearings**

None

**VI. Action Items**

**Election of Vice Chair**

Moody asked the Planning Commission when they would like to make an appointment for a Planning Commission Vice Chair. Hazel had originally been appointed to Vice Chair, but is now acting as Chair due to Eric Heesacker's departure from the Planning Commission. Moody explained that the Bylaws indicate that election occurs in January. The Planning Commission informally but unanimously agreed that the election will occur in January in accordance with the Bylaws.

**VII. Discussion Items**

**Study Session – Special Use Standards**

*Marijuana Cultivation*

Moody began to discuss the draft requirements for Marijuana indoor and outdoor cultivation for both personal and commercial use. Phoenix, Ashland and Medford code language had been reviewed to help shape the draft document. The Talent Police Department has also been consulted for their input. Moody added that he had discussed this draft language at the City Council Meeting on November 16<sup>th</sup> and citizens provided some good feedback that he will incorporate into this conversation. Personal Use Marijuana cultivation will not require a permit, but will be subject to municipal code requirements.

Draft requirements for growing Marijuana:

- A. *Marijuana Cultivators shall be allowed to cultivate, produce, process and/or possess Marijuana subject to the following general conditions:*
  - 1. *A grower must live on the property and that must be their primary residence. The intent of this is to prevent circumvention of state crop limitations (up to 4 plants are allowed for recreational use, or up to 6 for medical use).*
  - 2. *Marijuana cultivation and related activities shall be in full compliance with OLCC and OHA.*



3. *Marijuana processing shall be located indoors.*

Moody explained restricting processing to indoors is a common requirement in other municipalities.

4. *Licensed commercial grows as defined by Measure 91 not permitted in residential zones. Commercial grows would have to take place indoors on commercial/industrial zoned properties.*
5. *The use of explosive or flammable gas products for Marijuana cultivation or processing is prohibited.*
6. ~~*There shall be no visible evidence of presence of Marijuana cultivation from property line at the site at which Marijuana cultivation is conducted.*~~

Moody explained that the thought is to visibly shield/screen Marijuana to prevent trespass and theft. Commissioners expressed concern that the use of tall ugly fences and tarps to shield crops would result, it also reinforces the notion that Marijuana is a bad or immoral crop. Furthermore, if neighbors can report neighbors for merely seeing a Marijuana plant growing, enforcement will quickly become a burden. Pastizzo recommended getting rid of 6 since 10(c) addresses something similar in a less restrictive way and the commission informally agreed.

7. *The cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gases, smoke, traffic or other impacts -or- be hazardous due to use or storage of materials, processes, products or waste.*

Moody explained this item is not intended to deal with smell, but with waste management and processing. He added that this item is subjective and might be difficult to enforce. Pastizzo asked if it made more sense to have the general Nuisance ordinance handle these issues. Milan stated that based on his experiences, most conversations on this topic are related to the odors. Moody said individual preference makes odor enforcement subjective, some people don't enjoy the smell of a fire pit, lavender, etc. Moody will review nuisance code in other jurisdictions to see how noxious odors are addressed and enforced.

8. *Disposal of any excess or unused Marijuana, Marijuana products or other byproducts thereof shall meet all local and state requirements for disposal and shall be secured in a fashion to avoid access by children, casual passers-by, vandals, etc.*

Moody explained this is a common-sense rule for personal use-growers. Moody asked for consensus from commissioners on whether common-sense rules like this should be excluded because they might be seen as obvious and unnecessary. Commissioners informally agreed these items might be important for inexperienced growers.

9. *Cultivation, production or processing of Marijuana in a commercial or industrial structure or located in a commercial or industrial zone shall meet the following requirements:*
- a. *The use must be conducted entirely indoors in accordance with Section XXX below;*
- b. ~~*The premises must not be vacant and there shall be an actual daily presence, use and occupancy of the premises by an owner, tenant, employee or agent thereof;*~~

The Commission explained there was a little confusion on the organizational scheme for the numbered items. Moody explained that he would revise the special use standards for clarity, something like: A. Residential B. Commercial C. Outdoor Cultivation D. Indoor Cultivation. The commissioners agreed this would be helpful. It was also determined that 9(b) will be removed since there will be a daily presence

due to processing and the OLCC commercial requirements. Moody will add language to this item to ensure it is consistent with OLCC commercial requirements.

10. *Outdoor Cultivation. Up to four (4) recreational Marijuana plants per lot or up to six (6) medical Marijuana plants per lot are allowed to be grown in accordance with applicable Oregon Revised Statutes and Oregon Administrative Rules. Outdoor Marijuana cultivation shall meet all of the following requirements;*

Riley asked if a grower could have up to ten plants, for both recreation and medical use. State law does not allow this. Moody added that in order to remain in compliance with state law as it evolves, the Special Use Standards will clarify that the stricter limitation will be the governing rule.

- a. Outdoor cultivation areas must be in compliance with ORS 475.320(2)(b)(d) which requires all medical Marijuana grows to obtain and display a medical Marijuana grow site registration card.*
- ~~*b. Outdoor cultivation areas are not permitted when the cultivation of Marijuana is for the consumption of individuals other than resident OMMP registered individual(s);*~~
- c. Locate Marijuana plants so that they are not visible from a public place, public street or area the general public has access (e.g. schools, playgrounds, parks, open space, pedestrian and bicycle paths and trails). Marijuana plants shall not be located in a front yard.*

Moody explained the idea is to prevent easy access to children passing by and to reduce instances of theft since Marijuana is a cash crop.

- ~~*d. Screen Marijuana plants to limit view and access from adjacent residential properties with a solid wood fence or masonry wall. Fences and wall shall meet the requirements outlined in the City's Zoning Code.*~~

Commissioners expressed concern about the screening requirement, explaining that most back yards already have fences installed, they also questioned the building material requirement. The commissioners agreed that plastic and tarp screening is not an aesthetic that should be allowed and would prefer to see the plant. Moody said he would get rid of D, and C would mention prohibited screening material.

- e. Marijuana plants grown outdoors shall meet the following dimensional standards:*
  - i. Cultivation areas shall be sited closer to the primary dwelling of the resident grower than to dwellings on adjacent properties;*

Pastizzo explained that setbacks will be a better way to approach this.

- ~~*ii. Cultivation areas may include one area or a combination of areas on the property;*~~
- ~~*iii. Contiguous lots under single ownership shall be considered one lot for the purpose of calculating the dimensional standards for Marijuana cultivation;*~~
- ~~*iv. Number of Marijuana plants grown outdoors may not exceed four (4) recreational or six (6) medical plants;*~~
- ~~*v. Maximum cultivation areas shall not exceed fifty (50) square feet and shall be surrounded by a fence that is six (6) feet in height. The combined total of the individual cultivation areas shall not exceed the maximum.*~~
- ~~*vi. The total area permitted to be used for Marijuana cultivation, including indoor and outdoor cultivation areas shall not exceed one hundred (100) square feet.*~~



The above items [(10)(e)ii-vii] were removed as the commissioners decided they were either redundant or unnecessary.

- vii. Maximum Marijuana plant height shall not exceed 10 feet in height. Plant height is measured from the average adjacent grade.*
- viii. Minimum cultivation area setbacks from any property line shall be ten (10) feet and twenty (20) feet from dwellings on adjacent properties or from multifamily dwelling units within a multifamily development.*

#### *Multifamily Developments Discussion*

Moody explained his thought is that as long as the dimensional standards listed above can be met, growing Marijuana on multi-family sites, such as apartment complexes, should probably be left up to property owner's discretion. Consideration was given to permitting growing on balconies and restricting growing to indoors. Moody will conduct more research in this area since a large proportion of Talent housing consists of multi-family dwellings and the demand for high-density residential uses is likely to increase.

#### *11. Indoor Cultivation. Indoor Marijuana cultivation shall meet all of the following requirements;*

- a. Building Code. Any structure, accessory structure, electrical service, plumbing, or mechanical equipment such as lighting, fans, heating and cooling systems associated with Marijuana cultivation shall satisfy the Oregon Building Code requirements and obtain all required permits prior to installation;*
- b. ~~Maximum indoor cultivation area shall not exceed one hundred (100) square feet and not exceed ten (10) feet in height per property;~~*

Item B was selected for removal due because limiting plants to 4 or 6 serves a similar purpose, this item was considered unnecessary and redundant by commissioners.

- c. Accessory Structures. Any accessory structure shall meet the requirements of the City's Zoning Code;*
- d. Light and Glare. Light pollution, glare, or brightness that disturbs the repose of another shall be minimized. All lighting shall be shielded or confined to the interior of the structure*
- e. Marijuana cultivation shall not be the primary use of a dwelling. Vacant, uninhabited or abandoned dwelling units shall not be used for Marijuana cultivation.*

Moody will make the above changes. Pastizzo recommended that the general structure of the document should be: Personal Use outdoor, indoor, then commercial.

#### *Temporary Uses*

Moody explained that events lasting less than two days will be handled with a Special Use Permit and would be exempted from the Temporary Use permit requirement. The permit form will be very simple, and require a statement of the applicant's request. Temporary Use Permits are intended to be a minimal site plan review. Temporary Use Approval would be reviewed annually to make sure there were no code enforcement issues. This is superior for applicants when compared to a traditional Site Plan Review because it will take far less processing time and require less money up-front. Temporary Use Permits are over-the-counter, straightforward permits that will ensure the proposed use is consistent with the intent of the zoning district and that the use meets standards-based code criteria.

C. *Allowable Temporary Uses*

1. *Temporary displays, sales, and events.*
2. *Temporary stationary food vending, coffee stands or other kiosks.*
3. *Second Dwelling on Property During Construction or Demolition of Dwelling.*
4. *Outdoor Storage (not involving sales).*
5. *Standards for a manufactured dwelling as a temporary office in the commercial or industrial zone during construction of a permanent structure.*

D. *Procedures for Renewing Temporary Use Permits*

1. *Temporary Use Permit shall be subject to review and approval by the Community Development Director on an annual basis for a period not to exceed three (3) years, after which the use shall be discontinued or application for Site Development Plan review shall be approved.*
2. *Temporary Use Permit renewals may be approved by the Community Development Department provided that:*
  - a. *No formal complaints have been filed regarding the temporary use.*
  - b. *There have been no changes made to the site plan or activities from the time of initial approval as verified by the Community Development Director.*

*Backyard Chickens*

Moody explained that the rules for backyard chickens were suspended by City Council approximately four years ago. These proposed changes will provide common sense standards and utilize lot dimensions instead of zoning designation to determine whether or not chickens are permitted; they will also address associated nuisance issues.

- A. *The keeping of chickens on lots less than 4,000 square feet in size is allowed in a residential zoning district subject to all of the following conditions:*

Will be corrected to: *more than 4,000 square feet*

1. *One (1) chicken is allowed for each one thousand (1,000) square feet of lot area, up to a maximum of ten (10) chickens.*
2. *No chickens are allowed on properties occupied by multi-family housing, including duplexes or within mobile home parks.*

Commissioners expressed concern over not allowing those in multi-family housing to have chickens. Moody stated that can be changed if commissioners so desire, however, if someone in a manufactured home (MH) park is permitted to have chickens in those cramped spaces, then the 4,000 square foot minimum lot size should be considered for removed. Pastizzo suggested allowing property owners of MH parks to decide if they want to permit chickens as long as the density requirements are adhered to. Riley suggested that lot coverage should also be taken into account, since a large building footprint on a small lot, which means more congestion.

3. *Roosters are not allowed.*

- B. *Chickens kept under this section shall be secured at all times:*

1. *During non-daylight hours, chickens must be confined within a secure chicken coop sufficient to protect chickens from predators;*



2. *During daylight hours, chickens shall be confined within a chicken coop or run meeting the requirements of Section 8-3J.1150(C), below, or within a securely fenced backyard.*

*C. Chicken coops and runs:*

1. *Shall be built in compliance with all applicable building and zoning codes;*
2. *Shall not be located in a required front yard;*
3. *Shall be set back at least 20 feet from dwellings on abutting property;*
4. *Shall be set back a minimum of 5 feet from abutting property;*
5. *Shall not exceed eight (8) feet in height;*
6. *Square footage combined shall not exceed one hundred (100) square feet in area, or ten (10) square feet per animal, whichever is greater.*

Pastizzo suggested chicken coops and runs should be separated and “chicken tractor” language should be added since it is a secure but mobile option. Moody said he would add something to meet that intent.

*D. To protect public health, the areas in which chickens are kept must be maintained in compliance with the following requirements:*

1. *All animal or poultry food shall be stored in metal or other rodent proof receptacles;*
2. *Chicken manure must be collected, stored, composted and/or removed from the property on a regular basis so as not to create a public health hazard or nuisance. All manure not used for composting or fertilizing shall be removed from the property;*
3. *Noise resulting from the keeping or maintaining of chickens must not exceed the limitations set forth in Talent Municipal Code XXX.*

The Planning Commission will continue the discussion of these items and hold a public hearing in January.

## **VIII. Subcommittee Reports**

### *Citizen Advisory Committee (CAC) – Housing Needs Analysis*

Milan explained that upon reviewing the Residential Buildable Lands Inventory (BLI), CAC member Charlie Hamilton pointed out that there is an overstating of available land. Moody said Hamilton pointed out that some lots weren’t truly Partially Vacant, several should have been considered Developed. Therefore, Moody went back and re-evaluated Partially Vacant lands to determine if additional development could truly occur there. Upon reviewing this data taxlot-by-taxlot, Moody determined that Partially Vacant lands were overstated by approximately 9 acres; approximately 25% of the original Partially Vacant taxlots would now be considered Developed. This new information will be presented to the CAC at the next meeting on December 6<sup>th</sup>.

Milan stated that the significance of obtaining a suitable Railroad crossing at Belmont Rd. or Rapp Rd. came up frequently at the last meeting; As did the topics of Rezoning land to permit higher densities and providing more multi-family. He concluded by emphasizing that there is a housing availability issue in Talent and that it may be a real challenge to obtain the lands needed to ensure housing needs are addressed and economic growth can continue. Moody encouraged the commissioners to attend the December CAC meeting. Stricker explained that although official deliberation could not occur there, observation is certainly welcomed. There will also be a City Hall Open House on December 15<sup>th</sup>.

### *Liaison Report from Mayor Stricker*

Stricker gave a brief summary on what City Council is currently working on. There are five ordinances in the works. The ordinances are primarily related to code enforcement and utility easements. Council

Stricker gave a brief summary on what City Council is currently working on. There are five ordinances in the works. The ordinances are primarily related to code enforcement and utility easements. Council recommended approval of a liquor license permit for the new business (Sweet Beet) that will be operating from the Railroad Depot (100 E. Main St.). Officer Carnighan has received recognition for life saving efforts on the job. The ordinance restructuring the Planning Commission is also in the works. A Leadership meeting between the Police Department and Fire Department for Community Emergency Response Teams (CERT) services is also being organized. There will also be training on March 29<sup>th</sup> 2017 for administrative procedures, such as: placing purchase orders, council/committee appointment, quorum procedures, etc.

**IX. Propositions and Remarks from the Commission**

None.

**X. Next Meeting**

It was agreed that the next meeting would likely be scheduled for January 26, 2017.

**XI. Adjournment**

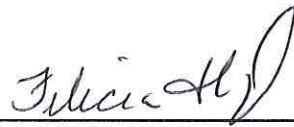
There being no further business to come before the Commission, the meeting was adjourned at 8:59 p.m.

Submitted by:  \_\_\_\_\_

Date: 1/19/2017 \_\_\_\_\_

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](http://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.

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