

MINUTES

**December 5, 2024
Planning Commission
Regular Meeting**

**6:30 pm
Hybrid Meeting
McMinnville, Oregon**

Members Present: Dan Tucholsky, Sylla McClellan, Rachel Flores, Meg Murray, Brian Randall, Beth Rankin, and Elena Mudrak

Members Absent: Sidonie Winfield and Matthew Jones

Staff Present: Heather Richards – Community Development Director, Tom Schauer – Senior Planner, Taylor Graybehl – Senior Planner, Susan Muir – Parks and Recreation Director, and Bill Kabeiseman – Bateman Seidel

1. Call to Order

Vice Chair Tucholsky called the meeting to order at 6:30 p.m.

2. Citizen Comments

None.

3. Minutes

- November 7, 2024

Commissioner Randall and Rankin noted they had visited the site for the first public hearing, but their names were not listed.

Commissioner McClellan moved to approve the November 7, 2024 minutes as amended. The motion was seconded by Commissioner Rankin and passed unanimously.

4. Public Hearings

A. Quasi-Judicial Hearing: Sign Appeal (AP 3-24), 2155 NE Lafayette Avenue, Tax Lot R4415 1300

Request: An appeal of the Planning Director decision on a sign permit application (SR 11-24). The decision being appealed is the denial of the installation of one (1) freestanding sign facing Lafayette Avenue, located at 2155 NE Lafayette Avenue. The application was denied because the proposed sign exceeds the maximum area of freestanding sign in the Commercial Zone as permitted by Section 17.62.070(C)(1) of the McMinnville Municipal Code (MMC).

Applicant: Scott Thorkildson

Vice Chair Tucholsky said this issue had been resolved and the applicant had withdrawn the appeal.

B. Legislative Hearing: City of McMinnville Proposed Amendments To The Comprehensive Plan To Support The Parks, Recreation And Open Space Plan (Docket G 5-24)

Request: A proposal to adopt the June 2024 Parks Recreation and Open Space Plan as a supplemental document to the McMinnville Comprehensive Plan, and to amend Volume I, Background Information, Volume II, Goals and Policies and Volume III, McMinnville Growth Management and Urbanization Plan's Framework Plan, to support the Parks, Recreation, and Open Space (PROS) Plan.

Applicant: City of McMinnville

Vice Chair Tucholsky said the public hearing for this application had been closed at the last meeting, and the Commission would now deliberate on the application.

Staff Report: Community Development Director Richards said this was a legislative initiative to support the June 2024 Parks, Recreation, and Open Space Plan with the land use program. It required adoption of the Parks Plan as part of the Comprehensive Plan through an acknowledged Comprehensive Plan amendment process. She explained the purpose of the adoption and answered a question about the alignment of the Parks Plan with the proposed amendments to the Framework Plan and how it impacted the Fox Ridge Road Area Plan. She discussed the parks identified in the Fox Ridge Plan and the proposed language that the Fox Ridge Plan would incorporate one neighborhood park of a 5-acre minimum. The park would be co-located on or near the future high school site and would include opportunities for passive and active recreation that was accessible to all residents with a 10 minute (or ½ mile) walk of their home. The Fox Ridge Plan also included several natural and geographic features that provided an excellent opportunity for a natural resource park. Staff thought the proposed amendments were more in alignment with the plans than they were today without the amendments.

Commissioner Deliberation: The Commission deliberated on how this satisfied the spirit of what the Fox Ridge area citizens envisioned.

Commissioner Murray MOVED to recommend the Council APPROVE the proposed amendments to the Comprehensive Plan to support the Parks, Recreation and Open Space Plan (Docket G 5-24). SECONDED by Commissioner Flores. The motion PASSED 7-0.

C. Legislative Hearing: City of McMinnville Psilocybin Activities, Time, Place and Manner Regulations (Docket G 5-22)

Request: A proposal to amend the McMinnville City Code, Title 17, Chapter 17.64, to add a section with time, place and manner regulations relative to licensed Psilocybin Manufacturers and Service Centers.

Applicant: City of McMinnville

Vice Chair Tucholsky opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Staff Report: Community Development Director Richards presented the text amendment to the zoning ordinance for time, place, and manner regulations for psilocybin services. She gave a background on psilocybin services and how the Council voted to postpone onboarding for two years while Oregon Health Authority adopted rules. Those rules were adopted in 2022 and the direction from Council was to create similar time, place, and manner regulations to marijuana activities. She discussed the types of services, local government issues, what the law allowed for time, place, and manner regulations for manufacturers and service centers, McMinnville's regulations for marijuana facilities, and other cities' regulations for psilocybin. The proposed regulations for psilocybin facilities in McMinnville were: service centers allowed in C1 and C3 zones and manufacturing in ML, M1, and M2 zones, must be separated by 1,000 feet, could not be within 1,000 feet of a school (including preschools), library, community center, aquatic center, recreational facility attended primarily by minors, or licensed daycare center, and could not be located on a property with a residence, including a caretaker's residence. Hours of operation would be from 9 a.m. to 9 p.m. The development standards for these facilities included: must be in a building and not a trailer, cargo container, or motor vehicle, no outdoor storage allowed, no paraphernalia visible to the public, no drive-through facilities or temporary facilities, and must have exterior lighting and waste disposal.

Commissioner Questions: There were questions regarding these uses being allowed in the same building as marijuana and how co-location in facilities was prohibited but they could be adjacent on the same tax lot, adding distance from potential future community centers, how the language meant daycare facilities not home based daycares that were not licensed, requiring space between marijuana and psilocybin businesses or allowing them to be located close together, how they could not be located on a property with a residence due to the effects of psilocybin and safety concerns of adjacent residents, making the location restrictions the same for marijuana and psilocybin, how at the dispensaries they did not consume the product but people experienced the treatment at the psilocybin facilities which posed a greater potential risk and further restrictions were appropriate, allowing manufacturing to be more concentrated but not distribution, and how not allowing psilocybin in McMinnville was not a choice due to Council's previous direction.

Commissioner Randall suggested making the marijuana location restrictions the same as the psilocybin restrictions. Any existing licensed marijuana facilities in these locations would be grandfathered in.

There was no public testimony.

Commissioner Rankin MOVED to CLOSE the public hearing, SECONDED by Commissioner McClellan. The motion PASSED 7-0.

Vice Chair Tucholsky closed the public hearing.

Commissioner McClellan MOVED to recommend the Council APPROVE City of McMinnville Psilocybin Activities, Time, Place and Manner Regulations (Docket G 5-22) and to add the same time, place, and manner restrictions to marijuana facilities, allowing

current licensed facilities to be grandfathered in. **SECONDED** by Commissioner Rankin. The motion **PASSED** 6-1 with Commissioner Mudrak opposed.

5. Commissioner Comments

None.

6. Staff Comments

Community Development Director Richards discussed upcoming meetings.

7. Adjournment

Vice Chair Tucholsky adjourned the meeting at 8:07 p.m.