

DEPARTMENT OF COMMUNITY SERVICES
LAND USE PLANNING DIVISION
MULTNOMAH COUNTY PLANNING COMMISSION

MINUTES OF November 7, 2022
Virtual Meeting/Zoom

This is not a full transcript. Time indicators reference the meeting recording, which is accessible at the following Dropbox link:

<https://www.dropbox.com/sh/2rfbi7o9qokg3ms/AAAWamGeLTnTpbOBHp3JtzDa?dl=0&preview=November+7+2022+Planning+Commission+Zoom+Recording.mp4>

1. Call to Order

(00:00:01) Chair John Ingle calls the meeting to order at 6:33 p.m. on November 7, 2022.

2. Roll Call

(00:00:30) Chair Ingle conducts a role call and declares a quorum present.

- Present – Kari Egger, John Ingle, Chris Foster, Bill Kabeiseman, Stephanie Nystrom
- Absent – Victoria Purvine, Alicia Denny, Barbara Alexander, Tim Wood

3. Approval of Meeting Minutes

(00:01:03) Minutes from the July 25, 2022 meeting are presented for adoption.

(00:01:28) A motion to approve is made by Commissioner Kabeiseman.

(00:01:30) The motion is seconded by Commissioner Foster.

(00:01:33) A roll call vote is held. The motion to approve minutes is passed unanimously.

4. Opportunity for Public Comment on Non-Agenda Items

(00:02:10) Chair Ingle invites public comment on non-agenda items.

(00:02:16) Scott Robison informs the commission that two public attendees were pre-registered for the meeting, but opted not to give public testimony.

5. Commissioner Transitions

(00:2:38) Chair Ingle welcomes Commissioner Alexander, but she isn't in attendance for the meeting.

(00:2:51) Kevin Cook, Senior Planner, shares Commissioner Alexander's background working for the Port or Portland, living in southeast Portland, and as someone who has been volunteering her whole life. He also wanted to express appreciation for Commission Silodor's eight years on the commission as she exits her post.

6. Briefing – Update on Planning Commission Work Program

(00:04:28) Kevin Cook lets the commission know that he's not proposing to add any items to the coming 2023 Planning Commission Work Program given the work we already have ahead of us. So far, two of the items on the completed efficiency projects include code amendments from last July, and making it easier for people to add solar panels. We still have work to do on the Sauvie Island accreditation, and there is a public meeting scheduled on Wednesday evening to give the public more information about it. Much of the work is beyond just letting them know there are new flood maps, and areas that are subject to ponding behind the levee. This is part of the work overall to certify the Sauvie Island levees. We also have the Metro project that you've been hearing for years, that is likely coming in January. There is also the code equity audit that was funded and approved, and Director Johnson will speak to this in her comments. Two other big projects are EFU/CFU Omnibus that passed over the last two years, and we have yet to codify them yet. Last is the flooding structure regulation to make development in the channel safer, and to function better.

(00:09:21) Commissioner Egger wanted to know if we were planning on meeting in person for future meetings, and asked for a status update on virtual work for the Land Use department in general.

(00:10:02) Carol Johnson, Planning Director, informs the group that we are allowed to have in-person meetings, but that a virtual component will be a part of any public meeting going forward, and that has added an additional layer of complexity. Most likely, the test run of this hybrid meeting will take place for the Portland Water Bureau water treatment facility hearings in early 2023.

(00:12:09) Commissioner Foster asks if we will continue with Zoom meetings for the Metro project.

(00:12:22) Kevin Cook confirms that Zoom will be used for the Metro project.

(00:12:24) Chair Ingle says it will be challenging to do the meetings virtually.

(00:13:12) Commissioner Egger had a follow-up question if it was a new county rule to do hybrid meetings since Covid started.

(00:13:46) Carol Johnson says it was a state rule to have hybrid meetings if you meet in person.

7. Briefing – Update on Psilocybin Rulemaking

(00:14:09) Kevin Cook presents Adam Barber's powerpoint on the psilocybin rules given that Adam's power is out and will try to phone into the meeting. This was put together before some new rules came out a couple days ago. One thing that changed is the number of people allowed to be in the psilocybin service centers.

(00:17:13) Carol Johnson explains new rules were released to the public, and there will be an abbreviated public comment period through November 21st.

(00:17:52) Kevin Cook shows a slide giving a summary of Ballot Measure 109 – Legalizing Psilocybin in Oregon. There were 55.7% yes votes on the ballot measure Oregon-wide, and 71.2% yes votes in Multnomah County. Unlike marijuana, there is no recreational use authorized. Psilocybin is to be decriminalized at the state level, for therapeutic use only, but still illegal at the federal level. State rules are not final yet as of the current date, and changes are expected. Draft updates were released on November 1st, and virtual public hearings will take place on November 15th, 16th, and 17th. Final rules

have to be in place by December 30th and applications will start coming in January 2nd. There are 26 of the 36 counties in the state that are pursuing op-out measures. Kevin shares the definitions of manufacture, preparation session, administration session, and integration session. Prohibited areas include Columbia River Gorge, public land, no service centers within 1000 feet of elementary or primary school, no premises can overlap with marijuana business area use, no psilocybin businesses allowed in primary residence, and no outdoor manufacturing. All service centers can function as a training site. Service Centers hours are from 6:00am – 11:59pm, and an administration session duration will be from 1 to 6 hours, and is dosage dependent. Service centers cannot host more than 100 clients at any one time. The facilitator license requirements include you must be 21 or older and an Oregon resident, high school diploma, pass background check, facilitator training required, must pass regulations exam, and an annual license is required. Possible land use categories in county zoning code include psilocybin manufacturing, psilocybin testing, and psilocybin service center. It's hard to predict how this will all shake out in Oregon and the country as a whole. We will learn as we consider applications.

(00:36:20) Adam Barber, Deputy Planning Director, joined by phone to answer questions on the presentation that Kevin presented.

(00:37:21) Commissioner Foster is worried the standards are discretionary and leaving it all up to a hearing officer to sort out.

(00:38:40) Carol Johnson references a slide from the presentation about possible land use categories, and that we are seeing these service centers being a business, professional office, or a clinic.

(00:40:42) Commissioner Foster voted for this, but worries about the scale given how discretionary the standards are.

(00:40:49) Adam Barber responds that we have begun to look at uses outside of the scenic area where these uses may come in. We have started the work to look at the code for all of the spectrum of psilocybin businesses, from manufacturing, production, testing, and in the service centers.

(00:42:14) Commissioner Foster is worried about the service centers given the treatment centers require someone to pick up a person who has received treatments. It's an added complication with two trips, miles to travel, etc.

(00:42:45) Chair Ingle wants to know if the staff has fielded inquiries and how marijuana law is different from psilocybin. It seems that marijuana has a segmented structure where there is a divide between production, retail sales, etc. They don't necessarily need to be combined on the same site, where this may be the case with psilocybin.

(00:43:43) Adam Barber agrees that the possible vertical integration model of the psilocybin business is very different from marijuana's current model. There are similarities with both drugs being Schedule 1 drugs. Regulations at state level will be drafted a similar way as well. The big difference is that psilocybin will not be allowed to a recreational market, and that may limit applications received. It's hard to know how this will shake out as we move forward. So far, he has received one inquiry about psilocybin.

(00:46:46) Carol Johnson notes that she had one similar inquiry as Adam, the person was asking if the county would try to opt-out. There wasn't much information that could be given as the rulemaking committee was still in process and there were still many unknowns at this stage of the process.

(00:47:35) Adam Barber adds that marijuana businesses have externalities that are not at play with psilocybin, like odor, or noise from mechanical equipment. It's a different type of crop, and we're still learning as we go.

8. Briefing – Current Planning Trends and Upcoming Budget Requests

(00:48:47) Carol Johnson notes that at the end of last fiscal year, we saw a significant increase in revenue. Staff have been feeling overwhelmed with the number of applications, or least the complexity of the applications. The planner is assigned a case that is really an umbrella for multiple different permit requests. The easily developable parcels are already built out, and the remaining ones have environmental overlays and are generally more complex. We had a planner leave for a job with Clackamas county, and that staffing shortage made it hard to do the equity audit. Then, when we were more fully staffed, we got the Portland Water Bureau application that requires a significant amount of man hours to work through it. The focus has shifted to all hands on deck, as we are following state law. We are in the completeness review phase, combined with staffing shortage, has pushed out when we can do the equity audit and the comprehensive update of the code.

(00:56:38) Commissioner Egger asked if the department will get to keep the funds if they aren't spent this year.

(00:56:47) Carol Johnson said that our hope is to roll over those funds to the next year.

9. Director's Comments

(00:59:14) Carol Johnson shares with the Planning Commission that she will be stepping down from her Planning Director position in the next couple weeks. Her last day will be November 18th. She is putting together a transition plan with upper leadership to help make the transition as smooth as possible. Carol thanks the commission for their time, and the opportunity to work with them for the last three years during the pandemic.

(01:01:20) Chair Ingle thanks Carol for her hard work, and hope things go well in the next chapter of her life. He mentions the article links at the end of the planning commission agenda, and thinks there are some very interesting articles to check out as commissioners have time.

(01:02:26) Commissioner Egger thanks Carol for her hard work that has been very impressive. Other staff and commissioners agree, and thank Carol as well.

(01:03:31) Chair Ingle announces that the next meeting is tentatively scheduled for 6:30 p.m. on December 5, 2022, and is expected to be virtual.

(01:03:35) The meeting is adjourned at 7:36 p.m.

Recording Secretary,

Scott Robison