



AGENDA

WARRENTON PLANNING COMMISSION
Regular Meeting | August 11, 2022 | 6:00pm
Warrenton City Hall Commission Chambers | 225 S Main Avenue, Warrenton, OR 97146

*****The meeting will be broadcast via Zoom at the following link*****

<https://us02web.zoom.us/j/89594092173?pwd=VG5sMFFTVEqTWI1dXVXSTBFbWw2UT09>

Meeting ID: 895 9409 2173 | Passcode: 612659 | Dial in number: 253-215-8782

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. ATTENDANCE

3. APPROVAL OF MINUTES

- A. Planning Commission Regular Minutes – 7.14.22
- B. Planning Commission Work Session Minutes – 7.14.22

4. PUBLIC COMMENT

At this time, anyone wishing to address the Planning Commission concerning items of interest may do so. The person addressing the Planning Commission must complete a Public Comment Card and submit it to the Secretary prior to the meeting. All comments will be addressed to the whole Planning Commission and limited to 3 minutes per person. Public Comments may also be submitted by email to the Secretary, at rsprengeler@ci.warrenton.or.us, no later than 5:00 p.m. the day of the meeting. The Planning Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

5. PUBLIC HEARING

- A. Continuation: Variance Application V-22-3 – Rally Time LLC (Street Improvement)

6. BUSINESS ITEMS

7. DISCUSSION ITEMS

- A. Psilocybin Ordinance
- B. Economic Opportunities Analysis Update
- C. Food Trucks and Food Cart Pods Ordinance

8. GOOD OF THE ORDER

9. ADJOURNMENT

Next Meeting: September 8, 2022

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.

MINUTES
 Warrenton Planning Commission
 July 14, 2022
 6:00 p.m.
 Warrenton City Hall - Commission Chambers
 225 S. Main
 Warrenton, OR 97146

Chair Mitchell called the meeting to order at 6:01 p.m. and lead the public in the Pledge of Allegiance.

Commissioners Present: Chair Paul Mitchell, Ken Yuill, Lylla Gaebel (Zoom), Christine Bridgens, and Kevin Swanson (Zoom, left at 7:06)

Absent: Chris Hayward and Mike Moha

Staff Present: Planning Director Jay Blake, Public Works Director Collin Stelzig (Zoom), Public Works Engineering Technician Trisha Hayrynen, Consultant Kevin Cronin (Zoom), and Deputy City Recorder Rebecca Sprengeler

Deputy City Recorder Rebecca Sprengeler noted corrections to the minutes.

APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes – 6.9.22

Commissioner Swanson made the motion to approve the minutes with corrections. Motion was seconded and passed by majority.

Mitchell – abstain; Yuill – aye; Gaebel – aye; Bridgens – aye; Swanson – aye

PUBLIC COMMENT ON NON-AGENDA ITEMS – None

PUBLIC HEARINGS

Planning Director Jay Blake presented a variance request from Jeff and Jennifer Canessa to not bury power lines along the public right-of-way. Pacific Power submitted comments supporting the applicant. There are two different variance applications for a similar request. Consultant Kevin Cronin wrote a consolidated staff report for both. Mr. Blake stated two separate motions are needed. No additional comments have been received.

Chair Mitchell opened the continued public hearing on variance application V-22-1, submitted by Jeff and Jennifer Canessa (L46, LLC – Latitude 46 Apartments) to allow the overhead power lines on Jetty Avenue. Formalities followed. Commissioners Yuill, Gaebel, and Bridgens have seen the site but can make impartial decisions.

Mr. Blake noted the staff report and additional staff memo in the packet. He again stated there were no additional comments since the last meeting.

There was question about why the city would keep the lines above ground. Mr. Cronin clarified that the small site lines will be underground. The variance is for the larger lines from the substation that are currently overhead. It was noted the substation and lines belong to Pacific Power. Larger discussion is needed around implementing the underground power requirement. Discussion continued about the difference between the two types of lines. There was concern about setting a precedent for not undergrounding lines. Further discussion about policy is needed. Discussion followed about responsibility for future undergrounding; discussion is needed between the City and Pacific Power. Discussion continued.

Jason Palmberg, contractor, explained how the power lines will look going from the transfer station to underground on the property. He discussed the cost for undergrounding the electrical utilities proposed by Pacific Power. The final cost will be greater. They also do not have permission from surrounding property owners for undergrounding. It is an estimated \$450,000-\$500,000 to bury lines for two blocks.

Chair Mitchell asked for additional comment. No one spoke in favor or opposition. He closed the public hearing.

Commissioner Swanson does not like the idea of the lines going from overhead to underground because there is no documentation showing where or when this would occur. Public Works Director Collin Stelzig discussed what the power lines would look like on the site and considerations of undergrounding. Discussion continued about the specifications of the lines. Commissioner Gaebel feels this requirement would be too expensive for developers. She would like to forward a recommendation to the City Commission and Urban Renewal Agency to work with Pacific Power on this issue. Commissioner Yuill noted a section in the letter from Pacific Power about potential negative impacts. He supports Pacific Power. Commissioner Gaebel noted overhead lines could cause cancer.

Commissioner Yuill made the motion to approve V-22-1 variance request for Jeff and Jennifer Canessa (L46 LLC — Latitude 46 Apartments) to not require the undergrounding of public utilities adjacent to their proposed apartment development on SE Jetty Avenue. The action is based on the findings of fact submitted by the applicant, the Warrenton City Staff memo dated July 7, 2022, public comments received and written correspondence from Pacific Power. Motion was seconded and passed unanimously.

Mitchell – aye; Yuill – aye; Gaebel – aye; Bridgens – aye; Swanson – aye

Chair Mitchell opened the public hearing on variance application V-22-2, submitted by Jason Palmberg (Jetty Street Apartments) to allow the overhead power lines on Jetty Avenue. Formalities followed. Commissioner Yuill has visited the site but can make impartial decisions.

Mr. Blake presented the application. The request is to not require burial of the power lines adjacent to the development site. He noted onsite utilities will be undergrounded. There is a

separate motion. He spoke about his experience with utility companies undergrounding utilities. He does not feel granting the variance would set a precedent.

Jason Palmberg, applicant, feels the Pacific Power letter was informative. He rediscussed the cost of the project they would owe to Pacific Power for the work and lack of surrounding property owner permission. He noted the application should state Jetty Stone Apartments LLC and corrected the mailing address.

Commissioner Gaebel made the motion to approve V-22-2 variance request for Jason Palmberg (Jetty Apartments) to not require the undergrounding of public utilities adjacent to their proposed apartment development on SE Jetty Avenue. The action is based on findings of fact submitted by the applicant, and the Warrenton City Staff memo dated July 7, 2022, public comments received, and written correspondence from Pacific Power. Motion was seconded and passed unanimously.

Mitchell – aye; Yuill – aye; Gaebel – aye; Bridgens – aye; Swanson – aye

Chair Mitchell opened the public hearing on variance application V-22-3, submitted by Eryn Cary on behalf of Rally Time LLC, for a street improvement on 7th Avenue. The subject property is located at 719 S Main Avenue, Warrenton, and is also identified as tax lot 81021DC02900. Formalities followed. Commissioners Yuill, Bridgens, and Gaebel have visited the site and can make impartial decisions.

Mr. Blake noted this application was presented at the last meeting. Additional Public Works comments were received then. Two things have come up since: 1) The initial request for a cottage cluster is not allowed in the current zone. 2) There are two unmet criteria for transportation variances (topographic and wetlands/sensitive soils). These criteria were not a part of the initial review. The application needs to be reviewed again. Mr. Blake contacted the applicant, church members, and adjoining property owner. He would like to meet with all three to find a compromise to move forward with paving. He requested a one-month delay on the application. Commissioner Bridgens feels the average trips per day would be problematic. Mr. Blake agreed this should be discussed. Commissioner Yuill noted the Public Works letter from the last meeting and asked if site design has been submitted since then. Mr. Blake explained the variance was submitted before the site design review. He feels they should be submitted together.

Commissioner Gaebel made the motion to move the variance V-22-3 to August 11th. Motion was seconded and passed unanimously.

Mitchell – aye; Yuill – aye; Gaebel – aye; Bridgens – aye; Swanson – aye

Commissioners thanked Mr. Stelzig and wished him luck.

BUSINESS ITEMS – None

DISCUSSION

Mr. Blake gave an update on pending applications. There may be some permit extensions. Public Works Engineering Technician Trisha Hayrynen gave an update on Popeye's civil review. It was noted Oregon Department of Transportation and the county approved.

Mr. Blake introduced himself, sharing his background and philosophy on planning. He gave details about his personal life and expressed his excitement to be here.

GOOD OF THE ORDER – None

Commissioner Gaebel welcomed Jay.

Commissioner Yuill is looking forward to working with Jay.

Commissioner Bridgens welcomed Jay.

Chair Mitchell would like to see everyone in person to prevent talking over each other.

There being no further business, Chair Mitchell adjourned the meeting at 7:17 p.m.

APPROVED:

ATTEST:

Paul Mitchell, Chair

Rebecca Sprengeler, Secretary

MINUTES
 Warrenton Planning Commission
 Work Session – July 14, 2022
 5:30 p.m.
 Warrenton City Hall - Commission Chambers
 225 S. Main
 Warrenton, OR 97146

Chair Mitchell called the work session to order at 5:33 p.m.

Commissioners Present: Chair Paul Mitchell, Ken Yuill, Lylla Gaebel (Zoom), Christine Bridgens (at 5:34), and Kevin Swanson (Zoom)

Absent: Chris Hayward and Mike Moha

Staff Present: Planning Director Jay Blake, Consultant Kevin Cronin (Zoom), and Deputy City Recorder Rebecca Sprengeler

Consultant Kevin Cronin discussed the need for an Urban Growth Boundary (UGB) amendment at the Hammond Marina to resolve code enforcement and nuisance abatement issues in an area that is outside city limits. The UGB has not been changed since the late 70's or early 80's. He noted a "white paper" summarizing the issue. The process will be involved and difficult.

Commissioner Yuill asked about the time frame to complete the amendment. Mr. Cronin answered 6 months to 1 year at least. Planning Director Jay Blake has done a UGB amendment in Minnesota, but the statutes are different than Oregon's. Mr. Cronin discussed the involved and expensive process. There was discussion about the Hammond boat ramp's noncompliance with ADA requirements. Mr. Blake noted an exception to procedure in Minnesota and suggested researching if the City has owned the land longer than the Comprehensive Plan has been in place. There was question about the area of land already in the URG. A survey will likely be needed to confirm. It was noted a temporary enforcement ordinance still could not be applied to the area outside Warrenton's jurisdiction. There was question about meeting ADA requirements before a public exception could be granted. Mr. Cronin feels they are separate issues. The existing zoning would be extended onto the new land near Seafarers Park. It was clarified that City of Warrenton ordinances cannot be enforced outside city limits. Mr. Blake asked about a scope of work procedures and identifying funds. The goal is to complete by next June.

There being no further business, Chair Mitchell adjourned the meeting at 5:53 p.m.

APPROVED:

ATTEST:

 Paul Mitchell, Chair

 Rebecca Sprengeler, Secretary




City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
 FROM: Jay Blake, Planning Director 
 DATE: August 11, 2022
 SUBJ: Continuation of Variance V 22-03 Stemper/Rally Time LLC

BACKGROUND:

The request for variance by Randy Stemper and Rally Time LLC for street improvement variation has been withdrawn. The public hearing was opened at the June Planning Commission meeting and continued until the August 11, 2022 meeting.

In the interim, planning staff met with representatives from the United Methodist Church and the adjoining property owner to review the plans and discuss the local impacts. Because the initial request was for a cottage cluster, the variance was brought forward without additional plans. Unfortunately, the proposed use is not allowed in the current zoning district. The applicant has agreed to bring forward a preliminary plat for subdivision of the property into individual lots. Public Works and Planning staff have reviewed the issues related to the development and will present additional findings when the preliminary plat is reviewed.

During that process, the request for road design deviation may be considered. Because of the 120 day rule, the City must take action on the request. Because the request was initiated based on incorrect information from the interim planning consultant, the request should be denied without prejudice to any future requests.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

Recommended Motion:

I move that the request V-22-03 Variance from road standards be denied without prejudice for a future application for subdivision.



City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
 FROM: Jay Blake, Planning Director *[Signature]*
 DATE: August 11, 2022
 SUBJ: Oregon Psilocybin Regulations and Local Response, Discussion

BACKGROUND:

In November of 2020 Oregon voters approved Ballot Measure 109 allowing the production and sale of psilocybin products within the state. The measure created a licensing and regulatory framework to provide psilocyben services for people 21 and older. It established licenses for manufacturing, laboratories, facilitators, and service centers with restrictions.

Definition: Psilocyben Services (From Oregon Department of Health)

In Oregon, "psilocybin services" refers to preparation, administration and integration sessions provided by a licensed facilitator. The psilocybin products consumed must be cultivated or produced by a licensed psilocybin manufacturer and may only be provided to a client at a licensed psilocybin service center during an administration session. Psilocybin services will be available to people age 21 or older and will not require a prescription or medical referral. People accessing psilocybin services are called "clients"

Much of the following information comes from a printed copy of an Oregon Department of Health presentation, entitled "Local Government Partners Webinar, Introduction to the Oregon Psilocyben Services Act, dated June 17, 2022.

Cities are given several options to consider

1. Cities may adopt "opt-out" ordinances that prohibit manufacturers and service center; In this case, that ordinance would need to be referred to the voters of the City of Warrenton at the next general election; or

2. Cities may adopt a time, place, manner approach to regulation that include “reasonable regulations of hours, location and operation within a city;

In order for the City to adopt a time, place, and manner approach to this issue, the City must have GIS mapping tool available to verify distances from schools (and as outlined by our City Code distances from parks, worship centers, and childcare centers). The City of Warrenton meets this condition.

The State of Oregon also restricts psilocybin service centers from being located on public lands, within a residence or in any area that is zoned exclusively for residential use. Manufacturing facilities also cannot be located on public lands, must have defined boundaries, have landlord consent, and cultivation may not be located outside of a structure.

History of Similar Regulations in Warrenton

In our deliberations, the Commisison should review how the City of Warrenton managed the sale and manufacturing of marijuana and marijuana infused products between 2014 and 2016.

Initially, the City of Warrenton established a temporary moratorium on the placement of medical marijuana facilities. (Ordinance 1189-A, April 2014)

Later in 2014 the City adopted a tax related to the sale of marijuana and marijuana infused products. (Ordinance 1190-A, October 2014)

In August of 2015, the City Commission adopted Ordinance 1195-A that prohibited the sale of “limited marijuana retail products” within the City.

In January of 2016, the City adopted Ordinance 1196-A that governed the location of marijuana production, processing, wholesale, and retail facilities and medicinal marijuana dispensaries.

Also in January of 2016, the City rescinded Ordinance 623 related to the possession of marijuana within the City.

In the end and after a moratorium, the City adopted the time place manner approach to marijuana regulations.

WMC 16.040.030 establishes medical marijuana dispensaries and recreational marijuana retail outlets as conditionally permitted in the C-1 zone (limited to those areas along Highway 101, SE Marlin and SW Dolphin Avenues, and east of Highway 101, and in a single occupant building, and 1,000 feet from a school, park, church, or daycare center).

WMC 16.60.030 requires a conditional use permit for marijuana manufacturing, wholesaling, and distribution facilities (limited to those areas along Highway 101, SE Marlin and SW Dolphin Avenues, and east of Highway 101, and in a single occupant building, and 1,000 feet from a school, park, church, or daycare center).

At this time, no city-authorized marijuana production, wholesaling, or retail sales operation are established. However, the City does receive state revenue from the production, wholesaling, and retail sales of marijuana in other areas within Clatsop County.

Other Considerations:

City legal staff provided a background report on this matter (attached).

Measure 109 authorizes the state to begin issuing Psilocybin Service Center licenses in January of 2023.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

Recommended Motion:

"I move to direct staff to prepare necessary documents and schedule public review and consideration of an ordinance regulating the manufacturing, wholesaling and service centers for psilocybin within the City of Warrenton. Staff should model the initial draft upon the final regulations adopted regulating the production, distribution and sale of marijuana."

Alternative Direction:

- A. The City of Warrenton can adopt a temporary two-year moratorium on these facilities; or
- B. The Warrenton Planning Commission can defer discussion.

Attachments:

- A. Legal Counsel Background Memorandum
- B. League of Oregon Cities Sample Ordinances

Local Governments Should Consider Psilocybin (Mushroom) Regulations This Summer

In November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin (mushrooms) at licensed facilities. The Oregon Health Authority (OHA) has begun the rulemaking process to implement Measure 109 and will begin accepting applications for psilocybin licenses in January 2023. This means local governments need to begin thinking about whether and to what extent they want to impose regulations on these types of facilities soon.

The Measure 109 program for psilocybin was modeled after the state's marijuana program. As with the marijuana program, there are different types of licenses that OHA will issue under the state's psilocybin program—manufacturer (production), laboratory (testing), facilitator (server), and service center licenses (location where provided and taken). Also, like the marijuana program, local governments may be involved in this process in three ways: (1) by imposing prohibitions on all or some of the types of licensed facilities being located within their jurisdictions; (2) by imposing time, place and manner restrictions on such facilities; and (3) by considering a land use compatibility statement (LUCS) that any such facility must acquire before it can obtain a license from OHA.

Accordingly, local governments should consider a few regulatory issues this summer so they are prepared when OHA begins to accept applications for licenses in January 2023:

- Local governments may impose prohibitions on psilocybin manufacturing and service center facilities within their jurisdictions. Importantly, state law already prohibits locating a service center within residential zones of an incorporated city. A local prohibition can be permanent or for a limited duration. As with marijuana prohibitions, however, local psilocybin prohibitions must be approved by the voters during a statewide general election. Thus, if a local government wants to propose a prohibition to the voters, it must do so for this November's election or it will need to wait until the November 2024 election to do so. The deadline to refer a measure to this November's ballot is August 18.
- Instead of a prohibition, local governments may impose time, place and manner restrictions on such facilities. Often, such regulations are included as part of a local jurisdiction's development code, and amendments to such codes can require a somewhat lengthy process, as they typically include providing notice to the state as well as hearings before the local planning commission and governing body. Thus, local governments wishing to impose time, place or manner restrictions on these types of facilities should begin the process this summer. Of note, state law already prohibits the manufacturing of psilocybin products outdoors as well as prohibits locating a service center within 1,000 feet of a school. As noted above, service centers are also already prohibited within a residential zone of an incorporated city. Whether additional regulations are necessary is a decision each jurisdiction should make locally.

Some issues local jurisdictions will not need to consider are local licensing requirements, as well as local taxes, because Measure 109 preempted local ordinances on both. The League of Oregon Cities (LOC) has produced [model ordinances](#) to be referred to the voters to prohibit the location of psilocybin facilities within a jurisdiction. In addition, LOC has made available a [presentation](#) about psilocybin from OHA for local governments. Our office, of course, remains available to assist your jurisdiction with these issues as needed.



Model Psilocybin Ordinance & Ballot Measure

JUNE 2022

Attachment B

Cities and counties that desire to prohibit the establishment of psilocybin-related businesses may do so by referral at a statewide general election, meaning an election in November of an even-numbered year. Cities and counties should consult the secretary of state’s referral manual and work with the city recorder, elections official, or similar official to determine the procedures necessary to refer an ordinance to the voters.

Once the governing body of a city or county adopts an ordinance, its city or county must submit the ordinance to the Oregon Health Authority (OHA). The OHA will then stop registering and licensing the prohibited businesses until the next statewide general election, when the voters will decide whether to approve or reject the ordinance. In other words, the governing body’s adoption of an ordinance acts as a moratorium on new psilocybin-related businesses until the election.

In addition, it is important to note that once election officials file the referral with the county election office, the ballot measure is certified to the ballot. At that point, the restrictions on public employees engaging in political activity will apply. Consequently, cities should consult the secretary of state’s manual *Restrictions on Political Campaigning by Public Employees* and their city attorney to ensure that public employees are complying with state elections law in their communications about the pending measure. The model ordinances and ballot measures below contain two versions. The first is a permanent ban of psilocybin-related businesses until the ordinance is repealed and the second acts as a two-year moratorium.

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This document is not a substitute for legal advice. City and county councils considering prohibiting psilocybin-related activities should not rely solely on this sample. Any city or county council considering any form of regulation of psilocybin should consult with its city or county attorney regarding the advantages, disadvantages, risks and limitations of any given approach.

Legal counsel can also assist a city or county in preparing an ordinance that is consistent with local procedures, existing ordinances and charter, and advise on what process is needed to adopt the ordinance. The sample provided is intended to be a starting point, not an end point, for any jurisdiction considering prohibiting psilocybin-related activities.

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PERMANENT BAN

.....

ORDINANCE NO. _____

**AN ORDINANCE DECLARING A BAN ON PSILOCYBIN SERVICE
CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS**

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of June {date}, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of {city} is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the city; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the City Council seeks to refer to the voters of {city} the question of whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries.

Now, therefore,

THE CITY OF {CITY} ORDAINS AS FOLLOWS:

Section 1. Prohibition.

The establishment of psilocybin product manufacturers licensed under ORS 475A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of {city}.

Section 2. Referral.

This ordinance is referred to the electors of the city of {city} for approval at the next statewide general election on November 8, 2022.

Section 3. Effective Date.

This ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

First reading this ____ day of _____, 2022.

Second reading and passage by this Council this ____ day of _____, 2022.

Signed by the Mayor this ____ day of _____, 2022.

ATTEST:

SIGNED:

{NAME}, City Recorder

{NAME}, Mayor

BALLOT TITLE

A caption which reasonably identifies the subject of the measure.

10-word limit under ORS 250.035(1)(a)

Prohibits psilocybin-related businesses within {city}. [Prohibition sunsets after two years.]

QUESTION

A question which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure.

20-word limit under ORS 250.035(1)(b)

Shall {city or county} prohibit {psilocybin-related businesses} in {city or county}?

SUMMARY

A concise and impartial statement summarizing the measure and its major effect.

175-word limit under ORS 250.035(1)(c)

State law allows operation manufacturer, distribution and possession of psilocybin and psilocin. State law provides that a {city or county} council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of {psilocybin product manufacturers} and/or {psilocybin service center operators} within the area {subject to the jurisdiction of the city} or {in the unincorporated area subject to the jurisdiction of the county.}

EXPLANATORY STATEMENT

An impartial, simple and understandable statement explaining the measure and its effect for use in the county voters' pamphlet.

500-word limit under ORS 251.345 and OAR 165-022-0040(3)

Approval of this measure would prohibit the establishment {and operation} of psilocybin-related businesses within the {city or county}.

A {city or county} council may adopt an ordinance prohibiting the establishment of psilocybin related businesses within the {city or county}, but the council must refer the ordinance to the voters at a statewide general election. The {CITY or COUNTY} OF {NAME} {city or county} council has adopted an ordinance prohibiting the establishment of psilocybin-related businesses within the {city or county} and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit psilocybin-related businesses within the {city or county}.

TWO-YEAR MORATORIUM

ORDINANCE NO. _____

AN ORDINANCE DECLARING A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of June {date}, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of {city} is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the city; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the {city} City Council believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries to enable the adoption of the state's psilocybin licensing and regulatory program and to allow the city to adopt reasonable time, place, and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety and welfare of the people of {city}; and

WHEREAS, the City Council seeks to refer to the voters of {city} the question of whether to establish a two-year temporary ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries.

Now, therefore,

THE CITY OF {CITY} ORDAINS AS FOLLOWS:

Section 1. Prohibition.

The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the city of {city}.

Section 2. Referral.

This ordinance is referred to the electors of the city of {city} for approval at the next statewide general election on November 8, 2022.

Section 3. Effective Date.

This ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

Section 4. Sunset.

This ordinance is repealed on December 31, 2024.

First reading this ____ day of _____, 2022.

Second reading and passage by this Council this ____ day of _____, 2022.

Signed by the Mayor this ____ day of _____, 2022.

ATTEST:

SIGNED:

{NAME}, City Recorder

{NAME}, Mayor

BALLOT TITLE

A caption which reasonably identifies the subject of the measure.

10-word limit under ORS 250.035(1)(a)

Prohibits psilocybin-related businesses within {city}. [Prohibition sunsets after two years.]

QUESTION

A question which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure.

20-word limit under ORS 250.035(1)(b)

Shall {city or county} prohibit {psilocybin-related businesses} in {city or county}?

SUMMARY

A concise and impartial statement summarizing the measure and its major effect.

175-word limit under ORS 250.035(1)(c)

State law allows operation manufacturer, distribution and possession of psilocybin and psilocin. State law provides that a {city or county} council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of {psilocybin project manufacturers} and/or {psilocybin service center operators} within the area {subject to the jurisdiction of the city} or {in the unincorporated area subject to the jurisdiction of the county.}

EXPLANATORY STATEMENT

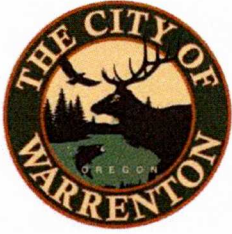
An impartial, simple and understandable statement explaining the measure and its effect for use in the county voters' pamphlet.

500-word limit under ORS 251.345 and OAR 165-022-0040(3)

Approval of this measure would prohibit the establishment {and operation} of psilocybin-related businesses within the {city or county}.

A {city or county} council may adopt an ordinance prohibiting the establishment of psilocybin related businesses within the {city or county}, but the council must refer the ordinance to the voters at a statewide general election. The {CITY or COUNTY} OF {NAME} {city or county} council has adopted an ordinance prohibiting the establishment of psilocybin-related businesses within the {city or county} and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit psilocybin-related businesses within the {city or county} until December 31, 2024.




City of Warrenton

Planning Department

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STAFF REPORT

TO: The Warrenton Planning Commission
 FROM: Jay Blake, Planning Director 
 DATE: August 11, 2022
 SUBJ: Regulation of Mobile Food Carts, Discussion

BACKGROUND:

The City of Warrenton has allowed the placement of temporary mobile food carts within the city for a number of years. It is a trend that will likely continue. The City Commission reviewed Ordinance 1258 that allows Food Carts or Food Pods to be placed in certain Commercial zones and remanded it to the Planning Commission for further consideration and proper State of Oregon notification. That item was considered by the Planning Commission and will be scheduled for hearing at the September 8, 2022 meeting.

HISTORY OF SIMILAR REGULATIONS IN WARRENTON

WMC. 16.240 allows the City of Warrenton to approve Temporary Use Permits which include, but are not limited to construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales and seasonals sales such as Christmas tree sales or vegetable stands. The code further divides the allowed uses into Seasonal and Special Events (16.240.010.A), Temporary Sales Office or Model Home (16.240.010.B), and Temporary Buildings (16.240.010.C). The code is not clear on temporary or mobile food cart operations.

Draft Ordinance 1258, which is being considered by the Planning Commission, allows the placement of food carts and food pods in C-1 zoning districts. It currently does not define these terms or establish operational standards (ie. Garbage, signage, self-contained operations). City staff are also concerned with mobile or "pop-up" food carts that may cause traffic or parking concerns.

Planning Technician, Rebecca Sprengeler researched what other communities have done related to these items. Staff has compiled a draft ordinance amendment that would define Food Carts, Food Pods, Mobile Food Vendors, and establish licensing some operational requirements on them. The ordinance also allows portable food carts to operate within the city with some restrictions on locations and private property owner permission requirements.

The ordinance is in the initial stages of development and staff are seeking direction from the Planning Commission on how we should proceed.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

Recommended Motion:

I move that the Planning Department staff incorporate language relating to definitions and licensing of food carts and portable food carts into Ordinance 1285 for consideration at the September 8th Planning Commission Meeting.

Alternative Direction:

- A. The Warrenton Planning Commission can defer action or discussion on this item.

Attachments:

Drafted Ordinance related to Definitions and Licensing of food carts within the City of Warrenton

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WARRENTON

PROVIDING FOR THE REGULATION OF TEMPORARY FOOD VENDORS AND FOOD CARTS WITHIN THE CITY; REQUIRING REGISTRATION OF TEMPORARY FOOD VENDORS; ESTABLISHING RULES REGARDING THE PLACEMENT OF SIGNS, AND PROVIDING A PENALTY FOR VIOLATION.

WHEREAS, the City Commission of the City of Warrenton finds there is a need for the regulation and registration of street vendors and food carts;

WHEREAS, regulating street vendors will protect the general health, safety and welfare of the public; and

WHEREAS, regulating temporary food vendors will also protect the general health, safety and welfare of the public.

THE CITY OF WARRENTON, CLATSOP COUNTY, OREGON, ORDAINS AS FOLLOWS:

The Warrenton Municipal Code is amended as follows

Underline/Bold – New Language

~~Strikethrough~~ – Deleted Language

16.12.010 Definitions

Food Cart – a vehicle from which food stuffs and/or refreshments are sold or offered for sale for human consumption, primarily operating from a single location for more than a month;

Food Pod - a site containing two or more food carts and associated amenities on private or public property.

Temporary Food Vendor - Temporary Restaurant, Seasonal Temporary Restaurant, Single Event Temporary Restaurant, or Mobile Unit as regulated by WMC.

16.240.010.D

16.040.060 Other Applicable Standards.

J. The following standards shall be met by all food cart placements in the C-1 Zoning District

- 1) **Prior to operation, the owner shall obtain a city business license and complete the required food cart application**
- 2) **The placement and operation of the cart shall meet the operational requirements found in Section 16.240.010.D**

16.240.010 Temporary Use Permits. Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands, **and temporary food vendors.** ~~Three~~ **Four** types of temporary uses require permit approval (see subsections A, B and C, **and D** of this section):

D. Temporary Food Vendors (Food Carts)

1. Definitions. Temporary Food Vendor. A person or persons, including a business entity, who operates an Intermittent Temporary Restaurant, Seasonal Temporary Restaurant, Single Event Temporary Restaurant, or Mobile Unit as defined below:

- a. **Intermittent Temporary Restaurant. An establishment that operates temporarily at a specific location or multiple locations in connection with multiple public gatherings, entertainment events, food product promotions or other events, at least two of which are arranged for by different oversight organizations; and where food is prepared or served for consumption by the public.**
- b. **Seasonal Temporary Restaurant. An establishment that operates at a specific location in connection with multiple public gatherings, entertainment events, food product promotions or other events that are arranged for by the same oversight organization; and where food is prepared or served for consumption by the public.**
- c. **Single Event Temporary Restaurant. An establishment that operates in connection with a single public gathering, entertainment event, food**

product promotion or other event; and where food is prepared or served for consumption by the public.

- d. Mobile Unit. Any vehicle on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.

2) Registration Required. No person shall operate as a Temporary Food Vendor without first registering with the City of Warrenton. Registration shall be on forms provided by the City. All Temporary Food vendors shall be required to provide the following information:

- a. Official picture identification in the form of a valid state issued driver's license, state issued identification card, or valid passport;
- b. Current contact information, including a valid mailing address and phone number;
- c. A current Oregon State food handler's certification if handling food;
- d. The location of vending;
- e. If vending on private property, the street vendor must provide a copy of the affected property owner's written permission for placement of a temporary shelter, stand, vehicle or cart; and
- f. Any other information deemed necessary to enforce this Ordinance.

3) Oregon Revised Statutes Chapter 624 requires all food service vendors to be licensed in advance of operation. In accordance with ORS 624.020, all food service vendors shall display their license in clear view of the public during any food service. The following restaurant activities shall operate as set forth below:

- a. Intermittent Temporary Restaurant (ORS 624.082): A person may not operate an intermittent temporary restaurant without first procuring a license to do so from the Oregon Health Authority. The intermittent temporary restaurant license shall be posted in a conspicuous place on the premises of the licensee.
- b. Seasonal Temporary Restaurant (ORS 624.084): A person may not operate a seasonal temporary restaurant without first procuring a license to do so from the Oregon Health Authority. The seasonal

temporary restaurant license shall be posted in a conspicuous place on the premises of the licensee.

- c. Single Event Temporary Restaurant (ORS 624.086): A person may not operate a single-event temporary restaurant without first procuring a license to do so from the Oregon Health Authority. The single-event temporary restaurant license shall be posted in a conspicuous place on the premises of the licensee.
- d. Mobile Unit (ORS 624.320): A person may not operate mobile unit without first procuring a license to do so from the Oregon Health Authority. The operator shall post the license in a conspicuous place on the mobile unit; or, if the operator has multiple mobile units, the operator shall affix a card, emblem or other device clearly showing the name and address of the licensee to each mobile unit.
- e. Mobile Unit Carts/Trucks/Units may move around Oregon. Out-of-state licenses are not transferable to Oregon. Mobile Units from out-of-state, do not have license reciprocity in Oregon. Out-of-state mobile units shall contact the Clatsop County Public Health Office and get an Oregon license before operating.
- f. Mobile Food Carts/Trucks/Units may be licensed in other Oregon Counties, but they are still required to contact the Clatsop County Public Health Office prior to arrival at any location to discuss their operations.

4) All temporary food vendors cooking with propane shall obtain a Portable Propane Cooking Devices Permit from the Warrenton Fire and Rescue Department.

5) Standards of Operation.

a. No Temporary Food Vendor shall:

- 1. Occupy an area within ten (10) feet of a crosswalk, alleyway or building doorway;
- 2. Obstruct or impede vehicular or pedestrian traffic;
- 3. Leave a location without first picking up, removing and disposing of all trash and refuse remaining within a twenty-five foot (25') radius of their vending area. Each vendor shall be responsible for maintaining a twenty-five foot (25') radius around their vending area clean of any trash or debris;

4. Make any loud noise for the purpose of advertising or attracting attention to their wares;
5. Leave their shelter, stand, vehicle or cart unattended;
6. Sell from any location other than the registered location;
7. Solicit or conduct business with any persons in motor vehicles located within any traffic lane on a public street;
8. Unreasonably interfere with or obstruct the free flow of pedestrian traffic or access to businesses; or
9. Violate any federal, state or local ordinance, statute or regulation.

b. If vending on private property, the street vendor must prominently display a copy of the affected property owner's written permission for placement of the street vendor's temporary shelter, stand, vehicle or cart at the vending location.

c. Signage. No street vendor shall:

1. Place signs anywhere other than the street vendor's place of business;
2. Place more than one sign on each of four sides of the street vendor's temporary shelter, stand, vehicle or cart.
3. Place a sign greater than ten square feet on any side of the street vendor's temporary shelter, stand, vehicle or cart.
4. Place signs on vehicles other than the vendor's registered sales structure or within the road right-of-way;
5. Place signs within ten feet (10') of a crosswalk, alleyway, or fire hydrant; or
6. Place signs in any way that obstructs or impedes vehicular or pedestrian traffic.
7. One hand held sign is allowed for each approaching travel direction but in no instance shall more than two hand held signs be allowed.
8. Hand held signs may only be used on the sidewalk; they shall not be used in the vehicular right of way; including travel lanes, bike lanes, or parking areas.

6) Violation of this Section. Any temporary shelter, stand, vehicle, cart or sign in violation of this ordinance may be removed by the City Administrator or

designee twenty-four (24) hours after written notice is delivered to the vendor in person or five (5) days after written notice is mailed to the address registered with the City.

- a. Any item(s) removed may be stored by the City up to 30 days or until the owner redeems the property by paying a storage and removal charge as established by the City Administrator. The City may dispose of items left longer than 30 days from the date of notice provided in this section.
- b. Written notice shall include at least the following:
 1. A statement that the item(s) are in violation of this ordinance;
 2. The approximate location of the violation;
 3. Date the item(s) will be removed;
 4. Statement that the removal and storage costs are the responsibility of the owner or vendor;
 5. Statement that the item(s) shall be disposed of after thirty (30) days of storage;
 6. Cost of removal and storage;
 7. Location of storage or person to contact concerning storage;
 8. Statement that the owner or vendor may remove the item(s) at their own expense prior to the date of removal; and
 9. Statement that further violation will result in immediate removal without prior notification.

7) Exemption. This section does not apply to non-public events. Non-public events include sporting events where only the participants, support staff, and invited guests are served food. This section does not apply to food carts placed within approved food pods in the C-1 zoning district.

Separability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this Ordinance, or any portion thereof, should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said Ordinance, or such portion thereof, was enacted.

Effective Date. This Ordinance shall take effect upon_____.

ADOPTED by the City Commission this _____day of_____, 2022.