

**4.1 Conditional Use Permit submitted by Jonathan Mack 48122 Highway 58
Map/Tax lot 21-35-16-1 04100**

a) Conflicts of Interest/Exparte Contacts

None

b) Open Public Hearing

7:05 P.M.

Motion: Commissioner Affa moved to postpone until next month due to legislative changes. Commissioner Kordosky seconded the motion.

Commissioner Custer asked Louis since we have a city ordinance now, could this have a major impact?

Louis said with the information that he has been receiving the medical marijuana part is being looked at primarily from the standpoint of the people that grow at home. How do they adjust the number of plants they have at home, those kinds of things. In regards to dispensaries he has not seen or received any information where there is any actual change to the Oregon Health Authority Medical Marijuana Program at that time.

Commissioner Brown said that is what he heard also and it has only passed one part of the house and only because the committee couldn't come to a solution. State Law will supersede what we pass here tonight.

J. Affa (Aye), T. Freborg (Nay), G. Custer (Nay), A. Kordosky (Aye), K. Brown (Nay). Motion failed 2-3

c) Staff Report

Louis presented the staff report to the Commission and citizens. This is a very controversial issue. The key issue at hand is that the City of Oakridge followed a process established by State Law and local ordinance to come up with ordinance 907.

Jonathan Mack is requesting a Conditional Use Permit to open a Medical Marijuana Dispensary at 48122 Hwy 58, Ordinance 907 does allow for Medical Marijuana Dispensaries in the C-3 Highway Commercial District. The other key piece is that Mr. Mack is going to have to follow a number of Oregon Administrative Rules in regards to how the Medical Marijuana Dispensary is managed and ran. He also has to follow the city's color pallet and the façade requirements of Highway 58 which is the Cascadian Design if he makes any major structural changes. He is also required to follow our sign ordinance.

Mr. Mack will have to follow a slew of Administrative rules which includes size of safe, security cameras all kinds of conditions.

d) Statements in Favor

Jonathan Mack 34741 Matthews Road, Pleasant Hill – Mr. Mack explained the process that he has to go through, he has to ensure that everything taken in is accounted for to the gram. He will track it in his computer system. The monitoring system is state of the art, all in compliance with the state. Also the video is able to track off site and he will have alarms to monitor off site. He is setting up the site very professional, he is making cosmetic changes inside and outside. Everything will be very professional. You have before you all the compliances he has met through the state.

Commissioner Custer asked Mr. Mack what the name of the dispensary will be?

Mr. Mack said his business name is Green Oaks Organics, he may DBA under that name.

Commissioner Brown asked if Mr. Mack has attempted to meet with Edwin Weih to discuss the issues he has?

Mr. Mack said no he hasn't but he would be more than happy to.

Commissioner Freborg said the numbers on his application are not correct.

Mr. Mack said it is the category of what he listed in OAR.

Commissioner Freborg asked if this was for purchase only and there won't be any usage there?

Mr. Mack said no usage or no growing in the building.

Commissioner Kordosky asked if he will sell in plant form or oils or anything else.

Mr. Mack said the oil is a byproduct that is approved by state law. They will have some edibles to sell to patients as well. They will be in sealed containers, they have to be preapproved state packaged containers.

Commissioner Affa asked if he will sell pipes or bongs in his shop.

Mr. Mack said they will sell some paraphernalia.

Commissioner Brown asked Mr. Mack if he had other businesses like this anywhere else?

Mr. Mack said no he doesn't.

Louis asked Mr. Mack if there would be any exceptions where medical marijuana could be smoked in a medical marijuana facility?

Mr. Mack said no, not under current law.

Louis said he should read the OAR's, what it says is if he has a separate room to the rear of the facility and one of his employees working has a card and he or she needs it they can go in there to smoke. This is for employees only, out of public view.

The hours of operation will be Tuesday through Saturday 11:00 A.M. to 7:00 P.M., Sunday 12:00 P.M. to 7:00 P.M.

Commissioner Kordosky said she is under the impression from the last meeting that the medical marijuana goes through a screening process before he gets it in his facility.

Mr. Mack said the current rules or laws read is that it comes from a licensed or approved grower. It is all tested before it is put on the shelves and sold.

Commissioner Brown asked what the tests conclude?

Mr. Mack said they conclude whether it is free from molds, chemicals and it gives the THC and CBD levels.

Louis asked what the CBD level is?

Mr. Mack said the CBD part is for mainly treating pain and anxiety, things like that. It is the part of cannabis that has the most medical value.

Commissioner Freborg said Mr. Mack said before he was a licensed grower, is he going to be a supplier to his store?

Mr. Mack said yes he is.

Commissioner Freborg asked Mr. Mack if he is the sole owner of the business?

Mr. Mack said he is a corporation and has three doctors that are silent partners.

e) Statements in Opposition

Edwin Weih 48134 Hwy 58, Oakridge – He is the owner and medical provider of Five Rivers Family practice. He has been practicing medicine in Oakridge since 1992 and he has owned and operated Five Rivers Family Practice since 1996. We currently have 150 registered medical marijuana users in Oakridge, he is not sure how that is going to

support a business, unless there is a lot of leakage, which is one of the things that the head of the current recreational marijuana use is concerned about.

This is a conditional use permit, which means it must meet conditions, according to the staff report that you have issued on May 14, 2015 this should be an inappropriate conditional use, and he read from the findings attached to the packet. He is concerned about the odors that may emanate from folks smoking in the back room, and could be harmful to his patients. The state law is very specific in trying to separate school age children from medical marijuana dispensaries. He is concerned about his pediatric patients and his elderly patients, he is concerned they will think he is now practicing marijuana medicine and not seek appropriate care.

He is familiar with the CBD and THC controversy and Mr. Mack is correct, that the CBD's do have some benefit, but we have seen a rush to percentages in medical marijuana. The THC is definitely not a benefit to anything.

Commissioner Brown asked where the number of 150 patients came from?

Mr. Weih said that came from a report that was submitted to the city council.

Commissioner Brown asked Mr. Weih if he has made any effort to talk to the owner?

Mr. Weih said he did, he told him he thought this was an inappropriate use.

Commissioner Brown said he understands Mr. Weih's concern about having that next door to his business and people having the perception that he condones this. Could some of this concern be eliminated by signage or lack of signage? From his knowledge a dispensary is made for people who have medical cards and therefore there is limited need to advertise to the general public driving down Highway 58 that a medical dispensary actually exists in that location.

Mr. Weih said that would certainly relieve some of the anxiety from the parents of his young patients if there is limited signage.

Commissioner Freborg asked Mr. Mack how many parking spots are there?

Mr. Mack said there are 5-6 parking spaces, but Mr. Hill has purchased the building across the highway that could be used for parking also.

Commissioner Freborg said we don't want to encourage people to jaywalk across the highway.

Commissioner Custer said a petition has been submitted to him in opposition of the Conditional Use Permit at 48122 Hwy 58 as a Medical Marijuana Dispensary, there are 23 signatures on the petition.

f) Statements in General

Derrick Cook 48112 E 1st Street, Oakridge – He understands what Mr. Mack is bringing in and what he is trying to do, he just wishes he would reconsider his location. He did bring up that they are going to monitor usage, what is to say someone buys an edible and goes out to their car and eats it on the property?

Mr. Mack said he can't control that, but he will probably have to run them off, he can't have that going on.

Mr. Cook said he would really like him and the Commission to reconsider the location.

Mr. Mack explained the reason for his location, he said he has to keep 1000 ft from schools and 500 ft from parks and libraries. He doesn't have a lot available.

Ron Freborg 76773 Bugle Loop, Oakridge - Mr. Mack mentioned that if he saw someone out in their car consuming marijuana he would deal with it. What does he mean by that?

Mr. Mack said as the owner of the facility it is his responsibility to see that once the people get their stuff they leave. If they don't he can call the police. He would probably give him them a first warning. He would be putting his license at risk by allowing this.

g) Close Public Hearing

7:55 P.M.

h) Commission Discussion

Commissioner Affa wanted to be clear that we are only talking about medical marijuana here, not recreational.

That is correct, medical only.

Commissioner Affa said so recreational use would require another permit?

Commissioner Custer said yes.

Louis said Ordinance 907 does cover recreational also, with a conditional use permit.

Louis said he see's changes with people growing their own from home, which is where most of the leakage comes from.

Mr. Weih said Rob Partridge, the Chairman of the Oregon Liquor Control Commission wrote a letter to the Honorable Peter Courtney, the President of the Senate stating that that is not where the majority of the leakage comes from. The OLCC doesn't want to join with the Oregon Health Authority.

Commissioner Brown asked how much marijuana can someone with a medical card can purchase?

Mr. Mack said you can only purchase up to 18 (inaudible), which is what a patient can have in their possession at one time. They can purchase 1 ounce at a time, they can purchase more than that, and it depends on the cardholder and what they can have at any given time. The card does not indicate how much they can have. This is not like a prescription.

Commissioner Freborg asked Mr. Mack if he can sell to out of state cardholders?

Mr. Mack said no he cannot, but some people from other states can have Oregon State cards.

Commissioner Affa said we have all seen the dispensary by Walmart, it is very decorated. He would prefer something tasteful and conservative on his building.

Commissioner Custer said that can be one of the conditions that the commission can work with Mr. Mack on.

Mr. Mack said as far as the name he will be conservative and make this positive. He doesn't need marijuana leafs or anything like that.

Commissioner Brown said his biggest concern is the impact it may or may not have with Edwin's facility. He personally would like Mr. Mack and Mr. Weih to work some of these issues out before they move on with this.

Commissioner Custer asked if a meeting between Mr. Mack and Mr. Weih would be something they could do and do they feel that something good could come out of a meeting?

Mr. Weih said if he has a captive clientele what advertisement does he need? To him, that would be reasonable, he just needs a place to sell it.

Commissioner Freborg said he does need a sign, you need a sign for your clinic.

Mr. Weih said it does not need a green leaf or green cross on it, he should have a small discreet sign.

Mr. Mack said he would do a sign and a small cross.

Mr. Weih asked him why he needs a small cross?

Mr. Mack said that is the identifier of the dispensaries,

Mr. Weih said that is the whole point.

Commissioner Kordosky said what Edwin is saying is why do you need the green cross when you already have a captive clientele.

Mr. Mack said there will be people coming through town that are not local, so he needs something identifying his store.

Commissioner Brown said he doesn't want to get into the details, he would prefer there is a solution before it came to them.

Mr. Mack said he doesn't have to have the green cross, he will be fine with that.

Louis said there are some things that we need to key in on, the state of Oregon has said this is a legal business, there has to be fairness with Mr. Mack's business just as any other business. From personal standpoint, he doesn't care for the green cross. We don't dictate signage details like this at this level.

Motion: Commissioner Brown moved to table this until next month, to give opportunity for Mr. Mack and Mr. Weih to meet and attempt a resolution before we make any decisions.

Louis asked Mr. Mack if a postponement will affect him financially or otherwise?

Mr. Mack said on his application that has been approved by the state he has a deadline of June 2, 2015 to have all of this done. If that is not done it will affect him financially.

Commissioner Custer asked if there are any circumstances beyond his control that could have this extended?

Mr. Mack said it states on the application that no extensions will be granted beyond the 60 days. He took the time to allow the moratorium to fall by the wayside and he submitted this in time for the public hearing.

Commissioner Brown rescinded his motion to postpone.

Commissioner Custer asked Louis if the commission can ask the two individuals involved for their input when making the determinations for the Conditional Use Permit.

Louis said if you as a commission are ok with that as a group, yes.

Commissioner Brown said if we had the sign that did not say marijuana, or have the green cross, or marijuana leaf, anything that didn't identify specifically with marijuana would that be better for Mr. Weih.

Mr. Weih said understanding that he is opposed to it being that close to his medical clinic, that would certainly be a whole lot better. It's awfully garish in Springfield and Portland.

Commissioner Brown agrees, he has seen the ones in Springfield. In town they are competing with other businesses, he doesn't think we will have that problem here.

Mr. Mack said he is ok with no green cross or marijuana leaves, he just wants to have the name he wants, a respectful name, he is not sure what that will be yet, it won't say anything about marijuana.

i) Commission Action

Commissioner Custer read the findings.

Commissioner Freborg asked about if they apply for a recreational license they would have to come back in?

Commissioner Brown said because we are approving a permit for medical use it's limited to medical use, if he brings recreational use into it it is no longer what he was approved for, Louis would have to shut him down.

Louis said he would have to come back in front of the commission. As our Ordinance currently reads it would have to be 1,000 ft from his medical dispensary.

Commissioner Freborg said if there is a change in PRF does it cancel out the Conditional Use Permit?

Mr. Mack said he has to come back for this every year for renewal.

Commissioner Brown said he personally doesn't want to limit him and his business, he could have an outstanding person from Harvard who is now managing his business and

he wants to designate him as the PRF, he doesn't want to stand in his way or make his business decisions for him.

The Conditional Use Permit is for Mr. Mack, so if he leaves the new owners would have to apply for their own.

Motion: Commissioner Brown moved that after a public hearing and approval of the findings, I move to approve the application for a conditional use permit for a Medical Marijuana Dispensary located at 48122 Highway 58 with the following condition, signage will not advertise marijuana, cannabis, a green cross or other graphic or verbiage which directly advertises marijuana or products to the public. Commissioner Affa seconded the motion.

G. Custer (Aye), K. Brown (Aye), A. Kordosky (Aye), J. Affa (Aye), T. Freborg (Aye).
Motion carried 5-0

Louis asked to take a five minute break.

4.2 PUD Extension for Matt Steele map/tax lots 21-35-18-14 2002, 2003 and 2601

Louis said Mr. Steele applied for the Middle Fork PUD roughly six years ago. He is asking for an extension of the PUD for two more years, he would still like the opportunity to put in the PUD, which is why he is asking for the extension.

Commissioner Brown said he was a part of the original submittal and approval, he thought this was a good plan for the property. He understands the financial situation still being a little bit tenuous.

Motion: Commissioner Freborg moved to approve the request from Mr. Steele for a two year extension for Middle Fork Village Planned Unit Development. Commissioner Brown seconded the motion.

K. Brown (Aye), A. Kordosky (Aye), G. Custer (Aye), J. Affa (Aye), T. Freborg (Aye).
Motion carried 5-0

5.0 Discussion Items

None

6.0 Positive Comments and Constructive Input

None

7.0 Announcements

None

Meeting Adjourned

Chair Custer adjourned the meeting at 9:03 p.m.

Signed:

George Custer Chairman Date

Attest:

Susan LaDuke City Recorder Date