

4.1 Adoption of Ordinance 907 – Placement of Medical Marijuana Dispensaries and Recreational Marijuana Outlets

a) Conflicts of Interest/Exparte Contacts

Does not pertain to Legislative action

b) Open Public Hearing

7:24 P.M.

c) Staff Report

Louis presented the staff report, this has been a topic within our State for some time. Back in 2014 the legislature approved Senate Bill 1531 which allowed cities to establish a Medical Marijuana Moratorium, this city chose to do that. That Moratorium was adopted with Ordinance 905. The Moratorium gave the city some time to look at different options on what type of regulations they want to establish in regards to land use when it came to initially, medical marijuana, now with Measure 91, Recreational marijuana coming into the picture there hasn't really been any guidance from the legislature other than the legislature did say that the local governments could set some regulations such as location, the hours the business is open, those kinds of things. That is the direction that we are heading with with Ordinance 907.

Part of what came out of measure 91 was that under the recreational marijuana facilities that there would be producers (growers), processors, wholesalers and retailers. The OLCC is the agency that is tasked to establish the rules for the recreational marijuana. The question was asked if there is any talk in the legislature to combine the two programs, yes there is talk, but it hasn't gone anywhere.

State law regulating medical marijuana facilities which was the first thing we were working with, were also known as dispensaries required that those dispensaries be located in either Commercial, Industrial, Agricultural and Mixed Use zones. The state laws governing dispensaries also require that dispensaries be located at least 1,000 feet from most public schools and at least 1,000 feet from another dispensary. The state law prohibits a dispensary from locating on the same property as a marijuana growth site.

Letter received from Janice Dunn, 48453 E 3rd Street Oakridge by mail in favor of this ordinance.

d) Statements in Favor

None

e) Statements in Opposition

Fred Ulrich 47949 Hwy 58, Oakridge – He wants to see that the 1,000 ft distance from schools, churches, nursing homes, hospitals etc...anywhere there are children are congregating.

Commissioner Affa asked Mr. Ulrich if he is talking about bible school only or churches in general?

Mr. Ulrich is talking about churches in general. They already have enough issues being right on the highway.

Edwin Weih 48134 Hwy 58, Oakridge – Oakridge is a small town, he would like to see at least a 300 ft distance from a medical facility. He doesn't want to show passive approval or passive disapproval, both as a provider and as a personal citizen he doesn't care one way or another. He is worried about his patients getting the wrong message if he has a recreational or medical marijuana dispensary next door.

Marvin True 48216 Westoak Rd, Oakridge – He is with the 1st Christian Church at 76470 Hazel Street. One thing he would like to see included is the City parks.

Louis said the parks are included.

Mr. True wanted in public record that the congregation is against this whole thing.

Commissioner Affa asked if he is against marijuana in general or medical, recreational, growing or dispensing?

Mr. True said yes.

Nicole Sulick 76506 Portal Dr, Oakridge – She is concerned that we are being too restrictive, we have a very small town. It would have been nice to have a map here to look at. Showing the 1,000 ft distance and how limited this is. Oakridge has tripled the restrictions of what the state said. They are talking about public schools and she thinks that is relevant. We are talking about libraries, there is alcohol served in these areas and no one is concerned about that.

She has been inside many of these marijuana distribution facilities and dispensaries. They are ran very professionally and it is hard to even get in the front door if you don't have appropriate paperwork and ID. They are required to have security cameras and security systems. We have added parks, daycares, libraries, she is concerned that after we map this all out we might not be able to open one here at all.

Patients have to drive an hour away to get their medicine, which can be very difficult.

f) Statements in General

Jonathan Mac Matthews Rd, Pleasant Hill – He understands the churches position and he understands that we are progressing as a society and there is scientific realization in dealing with cannabis and are looking at it in a different way. People depend on this in place of medication and it has a lot less side effects. He wants a location that is run correctly and that provides proper service to the patients and restrictions to allow it not to get out and dry up the black market that exists in our society. Legislation is trying to give an access point that is regulated by the state and monitored by the state rather than have people exist like they have been and buy from brothers and sisters like they have been. They are applying the same rules as governess at this point to tax it etc...

Pat Selman 47651 NW 1st Street, Oakridge – His sister had breast cancer twice, the first time she had medications available to her with opiates, marinol and alcohol, those three didn't work. The second time around the thing that worked the best to where she could maintain. The access point to be able to get that would be very important. If he had cancer and needed to get it he would want to be able to get it and live in a community where they would say it is ok for him to smoke or eat a brownie, he hopes he won't ever have to go that far, as far as having to use a medication, but if he had to use one that would be the lesser of the evils. In the copious amounts he has read about it he hopes to live in a community where they say this person is ill, he/she needs some kind of relief and marijuana has an incredible amount of uses.

Amy Buchmeier 47867 Elgin Ave, Oakridge – She asked how many medical marijuana card holders we have in Oakridge.

Louis said a couple of years ago we had around 40, he has been out of that for a couple of years now so he is not sure.

Amy said 80% of the houses they deliver to have marijuana smoke coming out of them.

This is pretty restrictive, she mapped it out on her own last night and there are maybe two locations in town where we could have a dispensary. Having locations for medical marijuana is very important.

Marijuana producers are not outlined in the regulations.

Louis looked through the regulations, they are not outlined.

Amy said not all pot smokers are bad and she does not believe that marijuana is a gateway drug, it is not as bad as heroine or meth.

Louis said we would add our marijuana producer to Light Industrial and heavy industrial. Because you are allowed light manufacturing in commercial zones and this is considered light manufacturing we would add that to C-2 commercial and Hwy C-3 commercial.

Commissioner Freborg asked if we are talking specifically medical or recreational growers?

Louis said right now we are talking recreational but, we are trying to write the regulations for both.

You can't have a medical or recreational retailer in the same lot.

Gary Carl 48175 E 1st Street, is there going to be grandfathering of previous growers on residential property for medical marijuana, are they going to be disallowed now?

Louis said that is a separate program, there is not supposed to be direct compensation under this program.

Gary said so this program will remain intact and we have two tracts now, is that correct?

Louis said yes, two different programs.

Ron Hill 48122 Hwy 58, he would like people to research the medical part of marijuana and how it helps people with seizures and other medical problems. It helps his wife and brother in law, they would rather take something that is natural.

Tom Morgan 76570 Walker, he lived at his daughters place in Central Point, there were producers of marijuana down there. Two years ago the Federal Government had to come in and wipe everything out. They were allowed to grow so many plants and sell so many plants every year for medical marijuana purposes, but they got greedy and they decided to start growing more until someone turned them in. Six people down there that were growing had to be nailed, they were hauling them off in dump truck loads. What happens if they start that here and someone gets greedy? His problem with the whole thing is we will have people trying to be legal and then there will be the ones who will get greedy and want more out of this.

Patricia May 48400 E 1st Street, Oakridge – She uses medical marijuana and if she didn't she wouldn't be here today. It bothers her that people over 21 years of age at each house can grow four plants. She believes we need a medical marijuana dispensary here, but where is a very difficult question. The Industrial Park would be a great area that could be utilized.

Johnathan Mac Matthews Rd, Pleasant Hill – We will never be able to overcome the greed, that is where the police will come in and have to enforce and monitor. The legislature wants us to have a legal access point that is monitored.

Sandy Edds 48251 E 1st Street, Oakridge – If this thing passes, as a business owner will they have the right to not allow it on their property.

Louis said you don't have to allow it, you are not required to allow it. You can't smoke it in public that is the law.

Brock Buchmeier 47867 Elgin Ave, Oakridge – He wanted to say something positive about the medical marijuana program. The dispensaries that he is aware of, in order to be in business most of them take their finished product medicine and before it even hits the shelves, they have to have it tested by a professional, credible laboratory. It is highly controlled and it is something they go through for the quality of their patients. Not everyone who has a dispensary is a criminal. He knows people who are in this program so they can help people. We should open our minds and know that this can work in a positive way in our community.

Marvin True 48216 Westoak Rd, Oakridge – He likes the comments that people are talking about tonight. This subject is a no win situation. He has friends that used this medically. What he is concerned about is when they put Bills together and they create an even bigger mess than before. There are a lot people on medical cards that don't need to be, but on the other hand there are people who need it and it is doing a great job for them. They have proven that marijuana does ruin part of the brain cells, but on the other hand it does help those in need.

John Weddle 76499 Poplar Street – Wants to commend the Commission for trying to put this together. Medical marijuana and recreational marijuana are two separate issues but, they are together. The only way either business will make it in this town is if they are together. As far as recreational goes, if he were a user he would like to know that the marijuana had been through the same scrutiny as the medical marijuana.

Edwin Weih 48134 Hwy 58, Oakridge – We are a small town, that 1,000 ft distance doesn't fit everything. A school should have the highest level of protection, but another business like a medical practice doesn't necessarily need 1,000 ft or a church doesn't

need 1,000 ft. Because of the size of Oakridge we should have a scaled distance from the dispensary.

Commissioner Brown said that what has currently been written is places for any of these dispensaries will still need to come before the Planning Commission for a Conditional Use Permit. One thing they will have to weigh is the impact that that new business will have on current businesses.

Nicole Sulick said if that is the case it would make more sense to go with the State guidelines, then allow individually as a case by case situation.

g) Close Public Hearing

8:22 P.M.

h) Commission Discussion

Commissioner Brown thanked everyone for coming here and speaking respectfully, there are a number of different opinions here and this had the opportunity to be relatively heated.

He wants to go back to what he perceives the law to be in the State of Oregon. He thinks there were a number of things that brought this law about. People were frustrated and tired of the criminalization of marijuana and really wanted to get rid of that criminalization piece where people did something and wound up in jail or prison for a substantial amount of time based on some arbitrary amount of marijuana. The other thing is to bring something that was in the shadows, out of the shadows.

We want to create a situation that we can manage. He wonders if what we are proposing is too restrictive, but he agrees with the 1,000 ft from schools. He wants people to be able to open a legitimate business so people don't go to Eugene and buy much bigger quantities and then come back here and deal it out of their house, which is not something we want to get in to.

Commissioner Freborg said she has done more research on the business side, there is a big difference in medical marijuana and recreational marijuana. She shares Commissioner Brown's concerns, maybe we need to differentiate between medical and recreational. The State has yet to propose how the recreational is going to work, medical has been sort of lined out. To be able to purchase medical marijuana you have to have a medical marijuana card and the recreational will be taxed at a much higher rate.

Marijuana producers/retailers will not be able to have a bank account, banks won't allow that type of business on property that they have a lien on.

Recreational marijuana is going to be regulated by OLCC and so it should be treated like a liquor store and carefully zoned.

Commissioner Freborg is comfortable drafting something for medical, but when it comes to recreational we can't or should outlaw it by the City, but we could be less restrictive on medical.

Louis said the issue at hand is there is not a lot of guidance under Measure 91. What we do have for guidance is location and hours of operation for business for the recreational side. From our City Attorney, once the State does set the regulations we are no longer allowed any say. That is why this is being presented at this time with guidance from the City Attorney. One of the things they, as a body can propose without unraveling this whole this is if they feel the 1,000 ft is too restrictive, then they can amend and adjust that for the Council.

Commissioner Affa asked how many feet is it from School Street to his driveway.

Louis said we do have a map, he apologized for not bringing it. 1,000 ft from the WAC goes to about the center of the Hwy by the liquor store.

The Council has already seen what you have, but any amendments you make he will send to the Council in the morning.

Commissioner Affa likes the 500 ft around businesses and 1,000 ft around schools or anything else that smells like education.

Commissioner Brown said he would like to add churches to that, but he is concerned about where all the churches are in town also.

Louis said he understands the concerns of the churches, but on the other hand it is intermittent use and how do you enforce that? That is going to be difficult to do.

Commissioner Custer asked if a church can turn around tomorrow and say they have a school there now?

Louis said if there is a registered charter school there already then that is appropriate.

Fred Ulrich said their church has activities five days a week.

Louis said he is not saying all churches are intermittent.

Don Sivard 76330 Rock Rd, Oakridge – You guys seem to keep going around and around this 1,000 ft distance, a real quick fix is the industrial park, it has been mentioned a couple of times already. There are no schools, churches or kids out there. The 1,000 ft zone is cut and dry in most states.

Raymond Little 47690 Bain Street, Oakridge – He is the youth leader at the Assembly of God church. The problems he has right now is there are some medical growers near his residence right now that take advantage and distributed over and beyond what they are allowed to do. He knows there are people that want to do this the right way and be on the up and up. He hasn't heard anything about what will happen to the people who violate the new laws.

Commissioner Brown said he has the same concerns, he hopes that having legitimate businesses being able to open up in legitimate areas that he won't have to worry about that.

Commissioner Custer said not to forget that they will still have to come before the Planning Commission to apply for a Conditional Use Permit which will put them under the microscope and they will be watched a little closer.

i) Commission Action

Motion: Commissioner Brown moved that the Oakridge Planning Commission recommend approval of the amendments to the zoning ordinance of the City of Oakridge, as presented in Exhibit A with the following amendments:

1. Addition of Marijuana Producers in sections Central Commercial District C-2, Highway Commercial District C-3, Light Industrial I-1 and Heavy Industrial I-2.
2. Change the distance to 500 ft for everything except Schools which will stay at 1,000 ft and the State required 1,000 ft distance from other Marijuana retail establishments.

To the Oakridge City Council recommendation regarding proposed amendments to the zoning ordinance of the City of Oakridge. Seconded by Commissioner Affa.

G. Custer (Aye), K. Brown (Aye), A. Kordosky (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