



**Planning Commission Minutes
Willamette Activity Center Room 8
November 17, 2015
7:00 P.M.**

1.0 Open Meeting

7:00 P.M.

Commissioners Present

George Custer, Chairperson
Keith Brown, Vice Chair
Amy Kordosky
Teresa Freborg
James Affa
Jackie Taylor
Donald Reesman

Staff Present

Louis Gomez, City Administrator
Jackie Taylor, Assistant Planner

2.0 Citizen Input

None

3.0 Consider Approval of Minutes

Motion: Commissioner Brown moved to approve the minutes from the October 20, 2015 meeting. Commissioner Affa seconded the motion.

G. Custer (Aye), D. Reesman (Aye), T. Freborg (Aye), J. Affa (Aye), J. Taylor (Aye), A. Kordosky (Aye), K. Brown (Aye). Motion carried 7-0

Commissioner Custer asked Louis if we can do 4.2 first.

Louis said if it is ok with the commission.

Commissioner Custer asked if everyone received their copy of the top ten items for a hearing process?

Jackie will get copies out to the commissioners.

4.0 Action Item

4.1 **Conditional Use Permit for a Recreational Marijuana Grow Facility submitted by Job Hall 47409 Highway 58 Map/ Tax lot 21-35-18-00 00600**

- a) Conflicts of Interest/Exparte Contacts

None

- b) Open Public Meeting

7:22 P.M.

Commissioner Custer read a letter in opposition from the Oakridge Best Western Inn.

- c) Staff Report

Louis gave the staff report for the Marijuana Growing Facility on Map/tax lot 21-35-18-00 00600 47409 Hwy 58. They propose to grow both medical and recreational marijuana at this location. In order to operate the applicants must be appropriately licensed with the Oregon Liquor Control Commission.

In order for the applicants to operate this grow they must follow the rules for medical under the Oregon Health Authority and the recreational part they must follow the rules under the Oregon Liquor Control Commission. They must also obtain a business license from the City of Oakridge.

Louis read the possible action by the Planning Commission.

- d) Statements in Favor

Reed O’Ryan PO Box 934 LaPine Oregon – He would like to rent out his building and make it look presentable. There is plenty of odor from marijuana coming from behind the Jehovah’s Witness Church.

Job Hall 7675 Tamara Drive Reno Nevada – He plans to run this business exactly as OLCC wishes. They are taking this very seriously, they don’t want anyone to know they are there. He turned in a rough security plan, they will have back up tapes off premises and they will have night vision cameras. He thought this would be a good town to come in to to start this operation, but if there is a lot of opposition they don’t want to create (inaudible).

- e) Statements in Opposition

Sherry Elvrum 76366 River Road Oakridge Oregon – She is not against a grow in general, but she read an article in the Register Guard a couple of weeks ago that they are extremely hard on the electrical system. She wants to know if anyone has checked in to how much power it is going to take, the article said four plants will use the equivalent of 29 refrigerators running 24/7. She gave a copy of the paper to Amy earlier. Our power goes out at the drop of hat now.

Louis said that would be the due diligence of the retailer, it is up the owner to work with that through Lane Electric.

Sharon Lindsley 76392 Thatcher Lane Oakridge Oregon – She would like to see businesses and buildings along Hwy 58 that look inviting. People who have businesses are trying to make it inviting, she wonders what he is going to do to make this building look inviting and make the people of Oakridge proud. What are they going to do about landscaping?

Mr. O’Ryan said he wants the building to look good.

Commissioner Brown said that is part of the plan, it is required that they improve the building to get our approval.

Jennifer Brainard 77499 Bar B L Ranch Road Westfir Oregon – Asked if they will be expanding the size of the building and how many people they plan to employ.

Mr. Hall said they want to hire local and they will do back ground checks. During trimming time they could have up to 15 people.

f) Statements in General

Kent Dockery 47477 Teller Road Oakridge Oregon – From what he understands a marijuana facility is not allowed within 1,000 feet of a school, we have a Head Start at our church.

Louis said Ordinance 907 is the City’s Ordinance, when it was ratified by the Council they chose to go with State law which does not include preschools or Head Start, so at this point there is no violation.

Laura Dockery 47477 Teller Road Oakridge Oregon – Please keep in mind that the brain development for 3-5 year olds is crucial and there could be adverse effects.

Robert Johnson PO Box 831 Oakridge Oregon – At the last meeting we discussed the compensation to the City as far as taxes go, can you refresh my memory.

Louis said we will be able to ask the community to enact a tax of 3% of the recreational marijuana sales, which would go into the City Coffers account.

g) Close Public Hearing

7:54 P.M.

h) Commission Discussion

Commissioner Freborg said she has a copy of the paper regarding the power. Pacific Power did say that it was like running 29 refrigerators at one time.

Commissioner Freborg said she is a little confused on what they are supposed to approve, the size or indoor/outdoor, can we put the restriction on there?

Louis said we still need to go through the findings and he thinks some of her questions will be answered there.

Commissioner Affa said he is not convinced that Mr. Hall is a producer after reading the bill.

Mr. Job said he is, that is what the definition is.

Commissioner Affa said they have to have a marijuana handler’s card, do you have one of those?

Jessie Witworth who is working with Mr. Hall said he has a card.

Commissioner Affa asked Mr. Witworth to show him the card.

Commissioner Brown said he'd like to point out that we are going where we don't need to. It is their job to go to the Oregon Liquor Control Commission to get all the details of operating the business. Our job as a commission is to determine if whether or not they can use the building they have chosen for that purpose. What we need to answer is do we feel that this building is an appropriate use for what they are asking, yes or no. We can add stipulations such as a security fence or to improve the building so it looks nice from the street.

Commissioner Custer said they have to meet the restrictions we put in there. We are not telling them how to run their business or whether they are capable or properly licensed.

Commissioner Freborg said we are asked to do a Conditional Use Permit based on State Law, we need to understand what type of business we are allowing them to operate in there. She doesn't feel that the State is clear enough or finalized enough. We had an issue earlier with the other medical marijuana dispensary that, after the fact, when they finalized the rules and conditions that this commission put on that property, were overruled by the State.

Louis said on the medical marijuana dispensary the reason there was an override from the State was because we as a commission were asking him to do things that were in violation of the First Amendment.

Commissioner Freborg said we were very specific and asked a very pointed question that this is medical only and recreational would require another permit, and then all of a sudden it's recreational because the rules had not been clarified and came back after the fact, we acted too quickly.

Commissioner Affa said if he is going to vote for something he wants to know exactly what he is voting on.

Mr. Hall said specifically what they are going to do is produce their own marijuana and sell it to OLCC approved retailers and researchers.

i) Findings

Louis and Commissioner Custer read the Findings and General Conditions.

It was agreed that the building will be painted by the end of June 2016.

There is no need to set business hours, they will fall under the normal business hours for C-3 Zoning.

j) Commission Action

Motion: Commissioner Taylor moved to adopt the findings entitle Oakridge Planning Commission Findings and Decision regarding an application for an Indoor marijuana grow facility located at 47409 Hwy 58 tax lot 21-35-18-00 0600 and approve the application for conditional use permit for an indoor marijuana growing facility located at 47409 Hwy 58 tax lot 21-35-18-00 0600. Seconded by Commissioner Brown.

Louis read the conditions so they are incorporated into the motion.

G. Custer (Aye), D. Reesman (Aye), K. Brown (Aye), A. Kordosky (Nay), J. Affa (Nay), J. Taylor (Aye), T. Freborg (Nay). Motion passed 4-3

Ten minute recess 8:29 P.M.

Back in session 8:39 P.M.

4.2 Variance Permit for a mobile home on the property submitted by Cassie R Jones at 48361 Hills Street map/tax lot 21-35-16-42 03200

- None a) Conflicts of Interest/Exparte Contacts
- 7:05 P.M. b) Open Public Meeting
- c) Staff Report

Louis read the staff report and read the issues.

Louis stated that Ms. Jones is requesting a size variance for a mobile home, in our code it states that if you are going to place any kind of mobile home it must be at least 960 sq ft, this is a lot smaller than that. It was verified through the building department that this does qualify as a mobile home, it is not considered an RV.

Anytime you put up a new home you are required to put up a garage/carport and 120 sq ft patio area. They already have a garage and patio area.

- d) Statements in Favor

Cassie R Jones 48361 Hills Street - Her mother is living with her now and she just really needs her own space, but she will be able to look after as well.

Commissioner Custer asked if they would turn this into a rental at some point?

Ms. Jones said no, they have no intent to do that. They will be hooking up to water and sewer.

- e) Statements in Opposition

None

- f) Statements in General

Terry Crawford 76238 Gale Street – Does zoning allow having two residences on one lot?

Louis said yes, as long as the lot is big enough.

- 7:14 P.M. g) Close Public Hearing
- h) Commission Discussion

Commissioner Freborg asked about having temporary housing to care for a family member and then when it is no longer needed the variance is removed.

Louis said that is for an RV, you can live in that temporarily for up to two years at a time to care for a family member. The hurdle he had to get over was if this was an actual home, not an RV they are staying in to care for a family member which would be a temporary use permit, not a variance.

Commissioner Affa asked if the building is being erected on the premises or is it being wheeled in?

Louis said it is being wheeled in.

- i) Finding of Fact

Commissioner Custer read the findings.

- j) Commission Action

Motion: Commissioner Brown moved that after completing the finding of fact, I move to approve the Variance to install a 392 sq ft manufactured home, without a garage, carport, or a 120 square foot patio area for assessors map 21-35-16-42 tax lot 03200. Commissioner Affa seconded the motion.

K. Brown (Aye), A. Kordosky (Aye), G. Custer (Aye), J. Affa (Aye), D. Reesman (Aye), T. Freborg (Aye), J. Taylor (Aye). Motion carried 7-0

4.3 Text Change of Zoning Ordinance 874 Article 15, section 15.01 (3) through 15.01 (17) and article 33 definitions submitted by Louis Gomez on behalf of the City of Oakridge Oregon.

- a) Conflicts of Interest/Exparte Contacts

None

- b) Open Public Meeting

8:41 P.M.

- c) Staff Report

Louis read the staff report. Back in September of 1999 we received a letter from the Department of Land Conservation and Development telling us back in 1999 that our flood plain district portion of our Ordinance was not up to date. So they sent us another letter in 2004 telling us that our Ordinance was not up to date on our flood plain. They are telling us that we have to get it up to date. If we don't get it up to date then DLCS and FEMA could suspend the insurance program for our zip code. That is why we are here tonight.

We are being told by DLCD and the Feds that we shall update this portion of our Ordinance.

- d) Statements in Favor

None

- e) Statements in Opposition

Karon Tiller 47596 Riverview Street Oakridge Oregon – What does it mean saying that we can have RV's in the flood plains?

Louis said what it means is that we have to have that language in the flood plain portion of our Ordinance. Someone can come before the Commission and ask to put one in, but that does not mean they get to put it in.

Most of it has to do with the requirements from FEMA to ensure when homes go into flood plains that they are following updated construction practices.

- f) Statements in General

None

g) Close Public Hearing

9:11 P.M.

h) Commission Discussion

Commissioner Freborg said on page 3 of 27 under compliance it says “no structure of land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Lane County Ordinance and other applicable regulations.” Instead of altered can we add alter the foot print so we can put on a new roof or remodel kitchen it won’t fall under this ordinance.

Louis said he likes their wording better on page 202 section 7, this is from the State.

Anyone will still have to come before the Planning Commission to ask for a variance if they want to work on their home or property in the flood plain. They are trying to discourage building in the flood zones.

Commissioner Custer said he sees their point, but it puts a hardship on people currently living in the flood plain.

Louis said page 6 under Standards helps to understand this.

Jackie and Louis have the FIRM maps at City Hall.

i) Finding of Fact

Commissioner Custer read the Findings.

j) Commission Action

Motion: Commissioner Freborg 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 to the Oakridge City Council regarding proposed Amendments to the Zoning Ordinances of the City of Oakridge. Commissioner Affa seconded the motion.

J. Taylor (Aye), J. Affa (Aye), T. Freborg (Aye), G. Custer (Aye), A. Kordosky (Aye), D. Reesman (Aye), K. Brown (Aye). Motion carried 7-0

6.0 Discussion Items

None

7.0 Positive Comments and Constructive Input

None

8.0 Announcements

None

Meeting Adjourned

Vice Chair Brown adjourned the meeting at 9:23 p.m.

Signed: _____
George Custer **Chairman** **Date**

Attest: _____
Susan LaDuke **City Recorder** **Date**