



**Planning Commission Minutes
Willamette Activity Center Room 8
September 20, 2016
7:00 P.M.**

1.0 Open Meeting 7:00 P.M.

Commissioners

George Custer, Chairperson (absent)
Keith Brown, Vice Chair
Teresa Freborg
Jackie Taylor
Donald Reesman
Stanley Barenboim
Lynne Ofsthun (absent)

Staff Present

Louis Gomez, City Administrator
Rick Zylstra, Assistant to the CA, Community Services
Coordinator
Jackie Taylor, Assistant Planner

2.0 Citizen Input

None

3.0 Consider Approval of Minutes

Motion: Commissioner Reesman moved to approve the minutes from the July 19, 2016 Planning Commission meeting. Commissioner Taylor seconded the motion.

D. Reesman (Aye), T. Freborg (Aye), S. Barenboim (Aye), J. Taylor (Aye), K. Brown (Aye). Motion carried 5-0

4.0 Action Items

4.1 Conditional Use Permit for a Growing and Drying Facility of marijuana for David Abrahamson at 48331 E 1st Street Map/Tax lot 21-35-16-163 02900

a) Conflicts of Interest/Exparte Contacts

None

b) Open Public Meeting

7:07 P.M.

c) Staff Report

Louis gave the staff report. As we all know in the last year or two we have been dealing with measure 91 when marijuana was legalized. House Bill 3400 gave local Governments the ability to have some input and our city ordinance 907 established those rules.

d) Statements in Favor

David Abrahamson 37198 Wheeler Road, Pleasant Hill Or – Mr. Abrahamson said he and his wife live in Pleasant Hill and they have been looking at moving this way. The idea of being able to work from home would be nice. He used to own a gym, there he had some medical marijuana patients and with the law changing you will be able to sell any of your excess and so he is looking to get into recreational.

Commissioner Brown asked if his intent was to live at this facility?

Mr. Abrahamson said no, the intent is to hopefully make money and get the building to where it is fully functional in time.

Louis said to clarify in C2 zones they can live there, it is allowed in the top floor or in the rear 25% of the building if it was developed for that.

Matt Altemus 76489 Walnut Street - He is in favor of this, he would like to see his building fixed up and façade looking better. He feels like this would be a good idea.

e) Statements in Opposition

Fred Ulrich 76435 River Road – He is a concerned citizen, he is speaking on behalf of the Ministerial Association of Oakridge and on behalf of his friend Robert Jones who owns property up town, Mr. Jones said he did not receive a notice in a timely manner. This is the 4th marijuana facility in town, we don't need this many. Mr. Jones is concerned about property values going down because of this. Mr. Ulrich asked why we are changing the ordinance?

Ron Freborg 76773 Bugle Loop – Read a list of cities that are producer prohibited, processor prohibited, wholesale prohibited and retail prohibited. This is as of 9/9/2016 on the State of Oregon website. There seems to be an awful lot of places in Oregon that prefer to more family friendly and not be in love with marijuana like we seem to be. At some point it has to stop, either think about what we have done or just see if we can get some casinos and strip joints. He

is asking them to stop, it is just growing too quick with the marijuana businesses in town and it isn't going to make Oakridge family friendly.

Nancy Kelly 48328 E 1st Street – She doesn't have anything against David or Matt. She is not in opposition to marijuana and it is important to have businesses in town, but she is a homeowner across the street from this building. She asked about the hours of operation. She is not concerned about the parking, that can easily be accommodated, but she wants her driveway to stay clear.

Commissioner Brown read the letters in opposition.

Jeff Smith, Alpine Ridge Construction LLC – The building is a fire hazard and is dilapidated, he wants to make sure all proper permits are pulled especially electrical permits. He does not have a problem with a marijuana facility or others like it, but he wants to make sure the odors are contained and there is no signage. The exterior should look like a presentable business.

He is concerned about the security of the building as well as the security issues it causes to my building next door. He is also concerned about the roof, it is very faulty and will need to be replaced. He has no problem with the marijuana facility or the facility that produces and sells marijuana they should be proactive about making sure their own building is secure with alarms and/or cameras so as to create a secure image to the public. This would also include odors, making sure they are contained and no signs or images on the building.

George and Virginia Custer 48175 McFarland Road– They are against granting a Conditional Use Permit for a growing and drying facility regardless of what the law says. This is more of an agricultural business than retail or processing. They currently own businesses on this section of East First Street. They have worked hard to make the uptown district a desirable place for visitors and locals to walk and shop.

The building is in shambles, the building should be at a minimum brought to current building codes and the front façade completely refurbished to align itself with the architectural standards of the district.

The black mold inside the building is at very hazardous levels, removal would be almost impossible. The growing and drying of marijuana is better suited for another area where zoning is more appropriate for agriculture.

The third letter is to Mr. Matt Altemus from The City of Oakridge Oregon Building Department, Mortier Engineering. The office received a complaint that the building is being used as a residence, it has never been approved for this type of occupancy. It is considered unsafe to be occupied, please have whoever is occupying or living in the building to discontinue use immediately or within 14 days of this letter.

f) Statements in General

Dennis Patterson 47871 W 1st Street – The owners of the CO2 extraction business was granted a Conditional Use Permit at the bowling alley and they were going to refurbish and open back up to the public, he was wondering if he was thinking about opening up the swimming pool to the public.

Mr. Abrahamson said he doesn't think he can do that, it is more about getting the building up to code and he needs to be able to make money to do that.

Patrick Selman 47651 NW 1st St – He asked Mr. Abrahamson if there are any plans of employment for Oakridge residents?

Mr. Abrahamson said once he is able to hire people, he will hire locally.

Matt Altemus said he was against marijuana in the beginning, but he did a lot of research on it and the medicinal use of marijuana that replaces prescription drugs. This won't be a store front business so there won't be any traffic and he plans on fixing up the building.

Mr. Abrahamson said he won't be growing in the whole building, just a small area.

Mr. Ulrich said this is still a Federal offense regardless of what Oregon does.

Mr. Abrahamson said he does not smoke marijuana, but he sees the benefit of medicinal marijuana.

Mr. Freborg wanted to clarify that he was not talking at all about medical marijuana, he was talking about producing, processing, wholesale and retail.

g) Close Public Hearing

7:37 P.M.

h) Commission Discussion

Louis explained what happened with the ordinance and why it changed.

Commissioner Freborg said Mr. Ulrich mentioned his friend did not receive notice in a timely manner.

Louis said we send the notices out at 20 days before the hearing, he is out of state so he probably got his later, but we do send out 20 days in advance.

Commissioner Freborg said the letter is dated September 1, 2016 so that is within the legal requirements.

Commissioner Freborg asked Mr. Abrahamson if this was for medical or recreational marijuana or both?

Mr. Abrahamson said it is for recreational.

Commissioner Freborg asked what he plans on using the rest of the building for since he will only be using about 600 sq ft.

Mr. Abrahamson said top floor is like a New York style loft and first floor has a pool and hot tub.

Commissioner Brown said the building is in dire need of upkeep. He would like to see it brought up to code before they approve this.

Louis said one of the things we have to look at is once Mr. Abrahamson's application has been deemed complete we have 120 days to complete the action. That includes if this commission chose to deny, Mr. Abrahamson has an appeal process and it will go to the Council. Mr. Abrahamson is the only one who can say he is ok with extending the 120 days.

Before we issue him a business license the conditions you have given him must be met.

Commissioner Reesman asked if he would be living in the building.

Mr. Abrahamson said no, he won't be living there.

Commissioner Reesman asked how he intends to keep the odor from escaping.

Mr. Abrahamson said he will use carbon filters or they are called air scrubbers.

Commissioner Taylor asked if the fans are noisy and if they are running all of the time?

Mr. Abrahamson said they are not noisy and they would be running at all times.

i) Finding of Fact

Commissioner Brown read the Findings of Fact

j) Commission Action

Motion: Commissioner Reesman moved that after a public hearing and approval of the findings, I move to approve the application for a conditional use permit for a recreational marijuana growing and drying facility located at 48331 E 1st Street, Oakridge, Oregon 97463 Map/tax lot 21-35-16-13 02900 with the following conditions:

- The property owner shall address any and all structural and appearance deficiencies, bringing the building to code in structural integrity and in appearance designated for the C-2 zone.
- Growing of marijuana on the subject property may only take place within a structure and outside of public view.
- All waste from Recreational Marijuana grow facility will remain inside of the facility and not stored outdoors.

- Before beginning to grow marijuana on the subject property, applicant will install any fans, air filtration systems, and/or scrubbers necessary to combat odors that may disturb businesses or other property owners in the area of the subject property.
- Hours of operation will be between 8:00 A.M. and 5:00 P.M.

Commissioner Barenboim seconded the motion.

D. Reesman (Nay), K. Brown (Aye), S. Barenboim (Aye), J. Taylor (Aye), T. Freborg (Nay). Motion failed 3-2

Louis told Mr. Abrahamson to get a hold of him tomorrow and he can guide them on the next steps.

4.2

5.0 Discussion Items

None

6.0 Announcements

The Dollar General Construction sign is up, they want to be opened by December 15, 2016.

Meeting Adjourned

Co-Chairman Brown adjourned the meeting at 8:11 P.M.

Signed:

George Custer Chairman Date

Attest:

Susan LaDuke City Recorder Date