



CITY OF BROWNSVILLE

Council Meeting

Tuesday – November 14th, 2017

Special Session 7:00 p.m.

Table of Contents

1	Agenda
2	Administrator Report

Reconsideration Documents

4	July 31 st , 2017 – Planning Commission Minutes
9	September 19 th , 2017 – Special Council Meeting Minutes
14	September 19 th , 2017 – Special Council Meeting Packet
44	September 26 th , 2017 – Council Meeting Minutes
53	September 26 th , 2017 – Council Proposed Motions
54	September 26 th , 2017 – Notice of Decision
55	Notice of Intent to Appeal – Brian Michaels
62	Notice of Withdrawal – Ross Williamson

Marijuana Grow Operation Documents

65	Linn County – Notice of Pending Land Use Action
71	Linn County – Site Plan Review
89	Linn County Contacts
90	Doug Block – <i>Oregonian</i> Crime Report
92	Annette Walker Letter
93	Homer Turnbull Letter & Information
100	Rick Morrow – Exclusive Farm Use Information
105	Skip Smith Letter
106	Reverend Kelly Williams
107	Roger & Alice Tetamore Letter & Information
110	Bob Anderson Letter
111	Terry Marchbanks Letter
112	David Bierek Letter & Information
118	Joe & LeAnne Ervin Letter



CITY OF BROWNSVILLE

121	Janea Deaver Letter
122	Rick Morrow – OLCC Documentation
123	Dan & Denese George Letter
124	Neil & Sue Karo Letter
125	Mike Kirk Letter
126	Ralph Morrow Letter & Information
133	KOIN 6 Corvallis Marijuana Robbery
135	Resolution 2017.18 – Linn County Buffer Recommendation



CITY OF BROWNSVILLE

Special Meeting

City Hall – Council Chambers
Tuesday, November 14th, 2017

AGENDA

Special Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) PUBLIC HEARINGS:
 - A. Reconsideration of Conditional Use Application for a Recreational Marijuana Facility at 221 W. Bishop Way
- 6) COUNCIL DECISION
- 7) COUNCIL LEGISLATIVE & DISCUSSION –
 - A. Linn County Planning Department – Proposed Pending Land Use Action for a Marijuana Grow Operation at 26958 Gap Road
 1. **Citizen Comments** (*Above Issue Only; 7) A.*)
 2. **Motion** – Forward Proposed Letter
 3. **Motion** – Pass Resolution 2017.18
- 8) COUNCIL DISCUSSION
- 9) ADJOURN

This Agenda is a list of the subjects anticipated to be considered at the meeting, but the Council may consider additional subjects as well. The location of the meeting is accessible to physically challenged individuals. Should special accommodations be needed, please notify City Administrator S. Scott McDowell at (541) 466-5880 in advance. Thank You.



City Administrator Report

November 14th, 2017

From: S. Scott McDowell
To: Mayor & Council
Re: Simpson-Ashford Recreational Marijuana Conditional Use Application & Land Use Board of Appeals (LUBA) Reconsideration

Why another special meeting?

Council decided unanimously at the October 24th, 2017 regular session Council meeting to reconsider the prior decision on the Simpson-Ashford Recreational Marijuana Conditional Use Application that was recently appealed to the Land Use Board of Appeals. On the advice and direction of City Attorney Ross Williamson and Planning Consultant David Kinney, Council decided to take the opportunity to self-remand this issue to reconsider the points of this decision. City Attorney Ross Williamson has officially filed a Notice of Withdrawal on behalf of the City which legally allows Council to reconsider the decision. All documents are included in the agenda packet for your review.

Council will review the public record and determine if the decision should be reversed or if the previous decision should stand. If Council elects to reverse the previous decision, an official motion must be passed along with Conditions of Approval. If Council elects to proceed through the Land Use Board of Appeals process, then Council would need to take no further action. Council does not have the ability to add any new documentation to the case currently filed with the Land Use Board of Appeals.

What is Council's role and process?

If Council should decide to change the previous decision, Council will need to make a motion to that end. There will be no public comment during this reconsideration process, only the discussion of Council. Council may elect to call audience participants to the podium if members should have any direct questions. Council may consider existing Conditions of Approval and may also expand those conditions should they choose.

What is in this packet?

Council will find the applicable public minutes from the Planning Commission and the Council meetings, the legal documents required by the process and reports from the earlier meetings. All other public record documents may also be considered. The record from the September 19th, 2017 special meeting is also included in the materials.

Additional Agenda Item

Council will find the pertinent information for a large scale, industrial grow operation planned 0.06 miles from City limits and the Urban Growth Boundary. Council will be asked to forward a letter and pass a resolution as an effort to protect the best interests of the citizens of Brownsville. Council can expect to hear from abutting property owners both from town and immediately surrounding town.

Continued on Next Page



City Administrator Report

Administrator Report

Reconsideration

The City has spent a lot of time and money reviewing all possible options through legal opinions and advice received from multiple attorneys and the League of Oregon Cities regarding marijuana uses. The City's major concern is the current legal landscape in the State. The City has been preempted, prohibited, by the State of Oregon to properly address concerns regarding the legalization of marijuana. The marijuana effort being carried out by the State of Oregon does not allow the City's issues to be heard and rationally considered. The State Legislative Assembly's complete, collective willful neglect to uphold the Oregon State Constitution, Federal law and their civic duty continues unchecked due mostly to the amount of financial resources being poured into the marijuana legalization effort.

The State legalizing an illegal operation continues to fall on deaf ears. The State has not legalized marijuana technically, they have decided to shield every business, business interest or individual interest related to the marijuana industry, including homegrown users, by granting immunity from prosecution claiming that the State, nor its municipalities or counties are responsible for carrying out or enforcing Federal law. Anyone associated with marijuana is still subject to Federal prosecution. The City is not authorizing or condoning illegal behavior or activity and the City's permission does not grant or imply any protections by the City, the City's staff or personnel. City regulations are intended to impose restrictions, mitigation efforts, not to provide authorizations.

Council must weigh potential legal claims and related expenses against the probability of defending the City's legal case. The past State legislative sessions and actions and current legal events have led to confusion which have resulted in no justice or peace for Oregonians being impacted by marijuana activities.

Linn County Planning Commission

Council will find materials regarding a major proposed marijuana grow operation 0.06 miles from town. The site plans to build (2) 30' by 96' industrial greenhouses with plans to expand to eight (8) greenhouses and will also include a marijuana processing plant. Brownsville citizens are imploring Council to request Linn County to place a three (3) mile buffer around the City to protect the health, safety and welfare of the citizens of Brownsville.

I have placed a letter and resolution in the agenda packet for consideration. The deadline to submit material is November 17th, 2017 which is why it is included on this agenda.

Respectfully Submitted,

S. Scott McDowell



Planning Commission Minutes

July 31st, 2017

Members of the Planning Commission met this day in regular session at City Hall, Brownsville, Oregon at 7:00 p.m.

Present: Commissioners Don Andrews, Gary Compton, Tricia Thompson, Josh Kometz, Bryan Wyant, Mike McDaniel, Scott McDowell, & Administrative Assistant Elizabeth Coleman.

Absent: Commissioner Wingren.

Public: Randy Simpson, Gayle Ashford, Kelly Williamson, Rob Wingren.

Presiding: Gary Compton.

The Pledge of Allegiance was recited.

The meeting was called to order at 7:00 p.m.

PUBLIC HEARINGS

221 W Bishop Way – Medical to Recreational Marijuana Facility Re-Convene

Chair Compton re-convened the meeting from July 17th, 2017. Mr. McDowell reviewed the details of the last meeting. Commissioner Wingren was not in attendance at the July 17th meeting due to unforeseen circumstances. In order to participate in the discussion and vote at the July 31st meeting, Commissioner Wingren would be provided with all documentation the Commission had to make a decision, including audio and written notes. Mr. Wingren would have until 5:00 p.m. on the hearing date to obtain the information. Mr. McDowell also explained that the Chair could open the public portion of the meeting at any time.

Mr. McDowell reported out on the attorney's clarifying answer to how the definition of a playground fits in with the proposed use (marijuana facilities locations in the City limits and the 1,000ft rule), in regard to Chapter 15.111 Marijuana Uses. Brownsville Municipal Code 15.111.020 C (3) states **"Public park, playground, recreational facility, or athletic field" means a park, playground, recreational facility, or athletic field that is owned or operated by a government entity or nonprofit organization and that is open to the general public excluding mini parks or pocket parks as defined in the City's Parks Master Plan.**

The attorney confirmed the Park Master Plan is a stand-alone document and the definitions provided within override other general definitions provided from additional sources (Merriam-Webster Dictionary, etc.). The City's Park Master Plan defines Blakely Park as a mini or pocket park; though the Park is within 1,000 ft. of the proposed use, it is excluded by definition, allowing the marijuana facility to be located at 221 W Bishop Way. Therefore, the application does meet that portion of the code. The attorney explained the rationale in this determination that a city should not and cannot zone a use



Planning Commission Minutes

out of town. This was the logic used in determined the ordinance language.

Mr. McDowell explained the process for Chair Compton to open the discussion and for the Commission to proceed with a vote. If the vote still ends in a 3 – 3 decision the application will be considered a denial. The applicants can appeal the Planning Commission's vote to City Council within 15 days of receiving the Notice of Decision. The City Council would hold a hearing and could uphold the Planning Commission's ruling or overrule it.

Chair Compton stated that he had contact with several commissioners after the July 17th hearing. Chair Compton asked Commissioner Andrews for his interpretation of a portion of the code. Commissioner Wyant asked Chair Compton if he was allowed to question the definition of playgrounds as a Commissioner, Compton felt he was within the bounds of his role, as he was attempting to interpret the code and rules to make a decision. Commissioner Thompson emailed Chair Compton to ask if conditions could be placed on the use of edibles; Chair Compton said he would have to research that information. Mr. McDowell sent an email to remind the Commission not to talk to the public, friends, or family about the hearing. Mr. McDowell appreciated the efforts of the Commission and how this delicate situation has been handled to date. Contact should be limited to staff in terms of ex parte contacts. Important to remember for the future.

Chair Compton said he was open to considering approval of the application with a condition that edibles are not sold, based on the research that showed a 52% increase in poison control calls involving children in Colorado relating to edibles. Commissioner Andrews re-iterated the Planning Commission's responsibility; to be consistent and use the four criteria provided to make decisions, not personal opinions, outside influences, etc. The only questionable criteria he could see was the adverse conditions and surrounding uses. The application meets the zoning code and applicable policies of the comprehensive plan. The Commission discussed at great length the interpretation of "adverse conditions" and whether or not an adverse condition outweighs the appropriateness of the proposed application. The Planning Commission has the ability to base a decision on adverse conditions; according to legal counsel, however, that decision may not provide enough strength to hold up in the appeal process to the Land Use Board of Appeals.

Chair Compton again brought up the past hearings where the adverse conditions/criteria aspect was applied; the coffee roaster and the dog grooming/kennel/boarding/daycare applications both considered adverse conditions related to surrounding uses (neighboring houses). The Planning Commission placed a condition on the dog grooming application where a one-year review was required to determine the impact on the neighbors (complaints of barking, odor, disturbing the peace, etc.) and a filtration system was required for the coffee roaster.

Commissioner Thompson suggested granting the conditional use permit to allow the recreational facility with the condition that edibles could not be sold. Mr. McDowell stated the applicant could voluntarily decide not to sell edibles but according to legal counsel, there are conditions of approval that can be placed on a use and those that



Planning Commission Minutes

cannot; this would be considered an undue condition. Discussion ensued. Commissioner McDaniel took into consideration the possible adverse effects on neighboring properties and values; he is now opposed to the recreational facility in Brownsville. Commissioner Wyant said the facility is still within 1,000 feet of a playground and although the state is allowing, this is still against federal law. Commissioner Kometz was also still opposed. Commissioner Thompson spoke to the fact that edibles are sold in a number of marijuana stores in the area; not having one in Brownsville will not change whether or not parents are going to be responsible with their edibles. The applicant has met the criteria required.

Chair Compton offered a vote for those in favor of opening the public portion of the hearing; it was unanimous. Chair Compton gave the applicants the opportunity to speak. Mr. Simpson felt the vote in November 2016 allowing marijuana facilities should have made it easy for the Commission approve the CUP. To him the discussion is irrelevant, other than what Commissioners Andrews & Thompson were saying.

They meet the requirements and Brownsville approved marijuana facilities in November by three votes. Mr. Simpson stated that a number of people do not like to smoke, especially the older generations; tinctures and “medibles” are taken instead. Mr. Simpson said if there were problems with edibles and children in the surrounding areas (Albany, Lebanon, Corvallis) it would be all over the news. That has not happened. The state says you have to allow it somewhere in Brownsville. Ms. Ashford said edibles could be being sold now and no one would know the difference. Medical edibles are twice as strong and a child would be in very bad shape if the medibles were taken. Recreational edibles are half as strong. Ms. Ashford contacted the OLCC and edibles are not sold in gummy shapes or attractive candy shapes. They are following all guidelines, local and state, should not be punished for someone else’s irresponsibility.

Ms. Ashford reiterated that cardholders only have to be 18 years of age, where recreational users have to be 21. OLCC is much more strict than medical. It’s all going OLCC, so it will be more closely regulated. The City of Brownsville has to provide reasonable zoning and by restricting the use by pocket park or by what they sell is going to result in a lawsuit against the City of Brownsville. Ms. Ashford stated that is not a threat just stating a fact. The City is not being reasonable. They have met all the City and State criteria. They were considered a model as far as bookkeeping & tracking product. We (Planning Commission, City) should be proud of what they are doing, closing down the black market. We (Planning Commission, City) should be ashamed of ourselves for placing these types of restrictions when they are simply trying to help their community.

Mr. Wingren had stepped down from the dais to speak as a citizen. Mr. Wingren apologized for missing the last meeting, he had a family emergency. He had been researching the pros and cons of the application and concluded the criteria is fairly boilerplate. The question came up as to whether or not the application is an asset to the community. He felt people were pulling in personal opinions, rather than sticking with the criteria. The majority of the Brownsville voters approved marijuana. Mr. Wingren said there is a lot of personal responsibility when it comes to edibles, no matter what kind of medication one is taking. It’s not possible to regulate every household to make sure they are locking up their medication, liquor cabinets, etc.



Planning Commission Minutes

One condition that Mr. Wingren would like to see is how signage and advertising is represented. The OLCC doesn't allow balloon blowups, spinning signs on street corners. He doesn't think neon signs should be allowed either. The Planning Commission did extensive work to find the best location for marijuana facilities and if the Commission is now saying this isn't the place for it, we (Planning Commission) didn't do our jobs. He would like to see a Conditional Use to allow the facility for a year. If he was a voting member, he would vote yes.

Commissioner Thompson asked if the one-year condition could be placed on the CUP. As with the dog grooming/kennel, that condition would be allowed. Mr. McDowell responded to the Commission that as Mr. Simpson said, the State says marijuana facilities are legal. The City also must provide due process. The applicants will be required go through the appeal process if the application is denied. If Council upholds the Commission's decision, Mr. Simpson & Ms. Ashford can then appeal the Council's decision to the Land Use Board of Appeals. According to the attorney, it is very likely that LUBA will approve the application to allow the change from medical to recreational at 221 Bishop Way. At the same time, the Planning Commission has the right to look at the criteria the way they see fit. Discussion ensued.

Commissioner Andrews reiterated that if the Commission bases its decision on personal opinion, that is going outside the required criteria. Chair Compton again likened the review criteria for the application and the potential adverse impacts to the surrounding area to the coffee roaster and dog grooming/kennel; some people don't like the smell of coffee and some people don't mind dogs barking. The Planning Commission tried to be as scientific in their decision making as possible in both of those cases. Chair Compton was strongly in favor of medical marijuana, however, he found information that provided some scientific evidence showing a negative impact on children in terms of recreational marijuana. Discussion ensued.

Chair Compton closed the public portion of the meeting. *Commissioner Andrews moved to approve the application and include recommended conditions of approval, Commissioner McDaniel seconded. The vote was 4 – 2 against the application. Commissioners Kometz, Compton, McDaniel, & Wyant voted against. Commissioners Thompson & Andrews voted in favor. Mr. McDowell explained the process of appeal.*

Front Door Orientation – New Construction

There are a number of lots in town that are deeper than they are wide. This configuration makes it difficult to fit some homes, a manufactured home for instance, lengthwise on the lot, where the front door can face the street. Aside from the aesthetic side of front door orientation, it is essential that 911 emergency response teams are able to easily see the three-digit address on the house. Currently, the Brownsville Municipal Code does not have an ordinance or any reference to the orientation or the architectural front of a home. Staff would like the Planning Commission to allow a revision of the Brownsville Municipal Code to require front door orientation or an architectural front that faces the street. *Chair Compton made a motion for Staff to draft an ordinance that*



Planning Commission Minutes

requires front door orientation or an architectural front to face a City street. Commissioner Kometz seconded and the motion passed unanimously.

General Information

There has been some consternation around the potential location of a Dollar General retail store in the Volume Commercial Zone. Dari Mart, Brownsville Body Shop, Chevron, Dr. Glenn Dentistry, & Bishop Royale are all located in the Volume Commercial Zone. Retail stores and businesses such as those are considered an Outright Permitted Use and do not require a hearing in front of the Planning Commission. They do, however, require local, county, State, Federal (if necessary) reviews. Currently, the Dollar General is working to complete requirements set forth by Planning, Public Works, Linn County Road Department, FEMA, DSL, Army Core of Engineers, etc. The City and County have required a HEC-RAS Study (Hydraulic Study) where they will provide proof the development will have no impact on the floodplain.

Mr. McDowell & Mrs. Coleman met with Cross Development, representative for the Dollar General and requested a softer look with brick, rather than a metal building. Cross Development was agreeable to the suggestion. The current sign ordinance allows internally lit signs, and that was not negotiated. Commissioner Thompson was pleased that the developer was open to the change in the texture of the building. There was some discussion about working with the developer of Dollar General to install signage that was more in line with the historical aspects of town. Discussion ensued.

There being no further business to discuss, the meeting was adjourned at 8:16pm.

ATTEST:

Elizabeth E. Coleman
Administrative Assistant

Gary Compton
Commission Chair



Council Minutes

Special Marijuana Meeting September 19th, 2017

ROLL CALL: Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Neddeau, Block, Shepherd, Chambers, Cole, and Gerber present. Administrative Assistant Tammi Morrow, Administrative Assistant Elizabeth Coleman and City Administrator Scott McDowell were also present.

PUBLIC: Alex Paul (*Democrat Herald*), Joel and Eleanore Stith, Vernon Landers, Patty Landers, Fred and Della Klinkebiel, Gian Mercurio, Dennis Sinnott, Terry Geil, Danna Geil, Natalie Turner, Greg Hopla, Jamie Cross, JoAnn Neddeau, J. David Erickson, Kim Clayton, Sharon McCoy, Irene Corbett, James Smith, Susan Smith, Merritt Schilling, Janet Schilling, Chad Hein, Guy Terrice, Jordan Parrish, Kelly Williams, Dan and Darlene Hartsook, Chris & Shelly Potts, Cathy MacIntyre, Greg Klein (*LCSSO*), Jannea Deaver, Kaye & Phil Fox, Randy Simpson, Gayle Ashford, Debbie Jensen, Bryan Bradburn, Roger Tetamore, Dave Erickson, Karl & Cindy Frink, and Don Neddeau.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: No additions or deletions were added to the agenda. A sign in sheet will be circulated, please sign in.

Mayor Don Ware read the public hearing format for the evening.

DECLARATIONS OF EX PARTE CONTACT, CONFLICTS OF INTEREST OR BIAS: Councilor Cole declared that she had a conversation with Tricia Thompson concerning the outcome of the Planning Commission meeting.

STAFF REPORT: Administrative Assistant Elizabeth Coleman provided a verbal staff report. On January 23rd, 2017, Randy Simpson and Gayle Ashford appeared before the Planning Commission to request permission to operate a medical marijuana facility at 221 W. Bishop Way in Brownsville. The request was granted. On May 26th, 2017, the applicants submitted a conditional use permit to operate a recreational marijuana facility at the same location. The Planning Commission meeting was held on July 17th, 2017. Questions arose and the meeting was recessed until July 31st, 2017. On July 31st, the application to operate a recreational marijuana facility was denied. Randy Simpson is here tonight because he and Ms. Ashford appealed the Planning Commission decision. Mrs. Coleman advised Council that per the City Attorney, this meeting is an open hearing, to be considered a new hearing.

APPLICANT'S PRESENTATION: Randy Simpson addressed Council stating that he hoped they had read the packet prepared for them by City Staff. After winning the local marijuana vote, he thought he was done pleading his case to the City, which has not been the case. Upon request, Mr. McDowell has provided the audio recordings from the Planning Commission meeting and Simpson quoted several members of the Planning Commission from the Commission's last meeting. City Staff has made it clear that we have met all the requirements needed by the City, and that is the bottom line on how the vote should go. He feels that they have proved that they are not making a gaudy presentation at their location. They plan to continue in this manner. Their operation has had to turn away many local people because they didn't have a medical card. He feels the Council should override the Planning Commission decision.

PROPOSERS TESTIMONY:



Council Minutes

Gian Mercurio was present in support of allowing the recreational marijuana facility to open. She presented a letter that she would like entered into the public record. She said that basically what is important is that a vote was taken and the issue passed by the voters. She stated that it is the sworn duty of the City Council to enact the will of the people.

Dennis Sinnott stated that he is not in association with Green Cross dispensary. Residents of Brownsville voted for marijuana. He stated Linn County is a sanctuary county, and therefore Brownsville is a sanctuary city. Sinnott feels the federal argument is not valid here. He currently has to travel to other cities to buy the product, and those cities are receiving the tax dollars that are generated, not Brownsville. He stated it is socially acceptable to smoke pot and it is time to follow the people's vote.

Debbie Jensen is an employee of the dispensary. She said they answer to state and government regulations. Other cities are using this tax revenue to improve streets, promote drug awareness programs, etc. Medical marijuana shops are not surviving because of the cost. Jensen said that it is still illegal federally, but believes it will be legal soon. She thinks this facility will help Brownsville and that the vote did pass it here.

OPPONENTS TESTIMONY:

Kaye Fox read parts of an email received from Alice Tetamore quoting that Colorado Department of Education will spend \$9.2 million the year on extra nurses, counselors, and social workers to combat marijuana use among students. Schools are bracing for the potential of more users. She said that Randy and Gayle's past behavior has been disrespectful to the City and Staff, and this speaks to the fact that they are not here for the community. Fox believes that the medical facility is sufficient. All surrounding towns have recreational suppliers and it is not that far to go.

Bryan Bradburn would rather not see a recreational facility in Brownsville. He feels that you can go anywhere and get it and is not really needed here. A deeper concern he has is the neighbors that are growing marijuana next door causing odor problems. It is an ongoing issue, and has only gotten bigger and uglier, it is not going away.

Pastor Kelly Williams is against a recreational marijuana shop. She said it is not in the best interest of the community, and more especially our youth. Her church (Brownsville Assembly of God) is located within a few blocks of the dispensary, and she feels it is not needed here. Safety is a main concern; just today a 20 year old lady smoked pot and then ran over a 10 year girl with her car in Linn County. It is not a good fit for our community.

Joel Stith is the pastor of the Brownsville Christian Church. He is concerned about preserving the quality of life in this community. He and his church are often tasked with putting lives back together after drug abuse. He said that folks come here because of our quality of life, and there are not enough homes to go around. The marijuana vote was not overwhelming; it passed by 3 votes. You are serving a divided community, but certain core values need to be upheld. It costs between \$800 - \$3,000 for every person that abuses this drug.

Roger Tetamore spoke in opposition of recreational marijuana. He is very involved with teenagers and works with them in 5 different states. He has seen marijuana contribute to a lackadaisical attitude and lack of motivation. He is for righteousness and self-control, medicines and doctors, but not through this means.

Dan Hartsook spoke about his church that is located less than one city block from the dispensary. He said that they have kids on their campus on an almost daily basis. Between



Council Minutes

Sunday school, church, missionettes and royal rangers programs, in effect the church is a school. He is concerned about unsavory characters in the area. Hartsook said that when he was young he experimented with the drug. It was not nearly as potent then, and the situation he found himself in was very scary. He suggests that we as adults, have a civic and moral responsibility to protect our children. He asks that Council exercise that responsibility.

Dave Erickson stated that what struck him tonight is that the applicant and the proponents seem to try to be discouraging all folks who don't have a legal point to not talk. He believes a recreational facility is the wrong decision for Brownsville, he speaks from his personal experience, not just his opinion. Erickson encouraged everyone to speak up for what you want for your town. He encouraged Council to vote no on this matter.

Merritt Schilling stated that he has been a business man in Linn County for several decades. He showed some exhibits of marijuana products that could be accessible to children and asked Council to pass them around. These items are packaged in attractive packaging and could easily be mistaken for candy. As a large employer, he is required to have drug free employees. It is becoming increasingly difficult to find employees that are drug free. OSHA is taking a strong stand on the issue. Do you really want intoxicated people doing repairs and driving on our roads? He believes the negative impacts that marijuana has on our community and society greatly outweighs any potential benefits. He said the goal of the facility will be to acquire more new customers, and a lot of these will be children. It is very disturbing to him.

GENERAL TESTIMONY:

Gayle Ashford, co-owner of Green Cross, spoke next stating that everyone who just touched the marijuana items have just broken the law. She stated that Green Cross does not sell to children, and they do not give products to children. They sell to responsible adults. The buyers treat the product as medicine because of the cost.

Cathy MacIntyre stated that she is a follower of Christ, and a proud marijuana smoker. She said that this decision is about the vote of the people, not morality.

JoAnne Neddeau stated that she is concerned about the safety of the children, and she has a problem with marijuana use. She said that Gayle Ashford cannot possibly keep each child safe. The proposed revenue from tax dollars can be found somewhere else.

Della Klinkebiel stated that she has worked in the medical field. Marijuana should be treated just like other prescription drugs. Recreational marijuana use is a problem in her opinion. She said that it is used as a treatment for epilepsy because it changes something in your brain. This is not a moral judgment, it's a fact. Klinkebiel said that drinking too much alcohol is a problem as well.

QUESTIONS OR CLARIFICATIONS FROM COUNCIL: None at this time.

APPLICANT'S SUMMARY AND REBUTTAL:

Randy Simpson said that he is hearing a lot of opposition to the dispensary based on people's knowledge of marijuana. Folks speaking against seem to be basing their testimony on how marijuana affects people. That is immaterial to the issue tonight. The bottom line is that he has met all the requirements for the dispensary. He has not heard anything negative about his facility. Council wanted to be very careful about dispensaries



Council Minutes

since so much was unknown. The cities all around us have recreational facilities and they do not have any problems. He is encouraging Council to do what the State of Oregon says they should do, and the voters have voted on it.

STAFF SUMMARY:

Councilor Gerber asked that Staff clarify the basis for the CUP denial by the Planning Commission. Basically, they have approved medical marijuana, but not recreational. McDowell quoted the Comprehensive Plan and the Brownsville Municipal Code. One condition is whether or not the proposed development will adversely affect the surrounding area. The Planning Committee was tasked with weighing the appropriateness of this application, and this is where they hung their decision. They believed that adverse outcomes outweigh the public good.

PUBLIC HEARING:

At this point the public hearing was closed. Council took a recess for 5 minutes, and reconvened at 8:00 p.m.

CITY COUNCIL DELIBERATION & DECISION:

Councilor Gerber asked if Council should be looking at this entire issue fresh, or are they looking for an error that the Planning Committee may have made? Mrs. Coleman stated that per the attorney's instructions this issue simply requires an open hearing. Mr. McDowell has provided Council with all testimony from the previous meetings for Council convenience. Council may present any research that they have done as well. Councilor Gerber commented that we may still be looking at the adverse conditions and how they apply and with the additional information provided tonight.

Councilor Block indicated that he drives over four hundred miles a week in this community as a bus driver for the local schools. Councilor Block does not think that encouraging more impaired drivers is in the best interest of the public. Block feels that the adverse impacts outweigh the benefit to the community.

Mayor Don Ware commented that he has talked to a lot of people over the last few months. He concluded that clearly for over the last 30 years marijuana has been available here in this community. He believes Randy Simpson has met the requirements. He will vote for allowing them to open a recreational facility. He believes this can be revoked later if standards are not met.

Councilor Cole stated that this is a very emotional issue for her. Council needs to follow due process. She is putting her personal opinions aside, but cannot overlook the vote. She also can't ignore that Oregon has legalized retail operations. Staff has verified that the application was done properly and Green Cross is eligible for a business registration. She agrees with Mayor Don Ware that this application should be approved. Cole doesn't believe that Council can control what happens in homes, and that we should not try to control access in homes to marijuana products. Her vote is contrary to her emotions.

Councilor Shepherd stated that he has driven commercially for years. To qualify for this employment, he had to pass random drug testing. He has seen a lot of bad results from



Council Minutes

drug intake. He believes the adverse conditions piece of the Brownsville Municipal Code applies to this situation. His vote will be a no.

Councilor Gerber stated that she came here tonight not knowing how she would vote. Councilor Cole has summarized her thoughts well. Evidence shows that use of marijuana before a certain age can easily induce psychosis. However, she doesn't feel that access will change very much with the approval of the recreational facility. She did state that she is disappointed that for over 2 years now the applicant has been stating that they would not go recreational, they only wanted to do medical to help people, and now it feels like this has been their plan all along. The marijuana vote was extremely close. She will be reluctantly supporting the recreational facility. Gerber also stated that we should be looking at the growing of plants out in the open.

Councilor Neddeau stated that the City has not made a dime on the marijuana this far, as it has been all medical sales. He reiterated that the applicant has repeatedly stated that they were only interested in doing medical sales, they were not interested in the recreational side. He was glad to see all the people here tonight, a lot of new faces, but frankly, they were a couple of years behinds the issue. It is an unfortunate situation; he will be voting no.

Councilor Chambers spoke next on the issue. She said that she lots of friends that smoke it and grow their own plants. It has helped a lot of people. She has given rides to friends when needed to recreational facilities. She does not like how the products are packaged, in seemingly child friendly packaging. You can also get it in water, which she thinks is terrible. Chambers stated that if folks want to grow it, they can. Federal or state law can be applied here. She doesn't care if people use it, but doesn't like it recreationally. She will be voting no.

Councilor Cole made a motion to approve the application for medical and recreational marijuana at the facility at 221 W Bishop Way, overturning the Planning Commission decision, with conditions, one condition being the ability to revoke this approval in one year if adverse conditions exist. Councilor Gerber seconded the motion. A vote was called for with the following results. Ayes included Mayor Don Ware, Councilors Gerber and Cole. Nays included Councilor Block, Shepherd, Chambers and Neddeau. The motion failed.

The applicant can appeal to LUBA (Land Use Board of Appeals) if they choose to do so. LUBA will take a look at the code, state law, and make a determination from there.

ADJOURNMENT: *Councilor Cole moved to adjourn the Council meeting at 8:19 p.m. Councilor Chambers seconded the motion, and it passed unanimously.*

City Administrator S. Scott McDowell

Mayor Don Ware



CITY OF BROWNSVILLE

Special Meeting

City Hall – Council Chambers
Tuesday, September 19th, 2017

AGENDA

Special Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) PUBLIC HEARINGS:
 - A. 221 W. Bishop Way – Marijuana Facility Medical to Recreational
- 6) COUNCIL DISCUSSION
- 7) GENERAL DISCUSSION
- 8) ADJOURN

This Agenda is a list of the subjects anticipated to be considered at the meeting, but the Council may consider additional subjects as well. The location of the meeting is accessible to physically challenged individuals. Should special accommodations be needed, please notify City Administrator S. Scott McDowell at (541) 466-5880 in advance. Thank You.



City Administrator Report

September 19th, 2017

From: S. Scott McDowell
To: Mayor & Council
Re: Special Meeting

Why a special meeting?

The Planning Commission denied the conditional use application as filed by Mr. Randy Simpson for a recreational marijuana facility at 221 W. Bishop Way. When an application is denied, an applicant may appeal the decision of the Planning Commission to Council if they choose. The City received a valid appeal request from Mr. Simpson and Ms. Ashford within the required timeframe.

What is Council's role?

Council will review all of the information and testimony as presented at the meeting on Tuesday, September 19th, 2017 and make a decision on whether or not a recreational marijuana facility will be allowed to operate at 221 W. Bishop Way.

What is in this packet?

You will find the full public record from the Planning Commission hearing for the Simpson application. The original application, the Staff report, unofficial minutes from the meeting and the reconvening, Planning Commission Chair Gary Compton's research, a letter from Pastor Kelly Williams. You will find the appeal from Mr. Simpson & Ms. Ashford which led to this special meeting, an e-mail received from Mr. Don Lyon and an e-mail received from Mrs. Alice Tetamore.

What about meeting procedures and process?

Mayor Ware and I have planned a structured meeting for Tuesday under the general direction of City Attorney Ross Williamson and Planning Consultant Dave Kinney that will hopefully allow for a civil discourse. The hearing is a stand-alone meeting which means that the outcome is solely dependent on the will of Council. With that said, you will find the entire public record from the Planning Commission meeting that was held on July 17th and continued on July 31st, 2017 regarding the Simpson Conditional Use application. Anyone wishing to speak about marijuana is allowed to speak. It does not have to relate directly to the Simpson's application.

If Council should approve the application, the Simpson's would be able to operate recreational sales at their current location at 221 W. Bishop Way.

If Council should deny the application, the Simpson's could appeal Council's decision to the Land Use Board of Appeals (LUBA).

Council members may conduct their own research.

Administrator Report

I do not wish to recount the history of marijuana in Brownsville. It has been a very long three years spent on this controversial topic and as Mayor Ware recently said, "We have talked it into the ground."

Administrator's Report



City Administrator Report

Attempting to write this report is difficult given the polarizing nature of this topic. Staff has not provided news articles, medical journal articles or any other information for or against marijuana. Staff's position has always been that any member of Council or any member of the Planning Commission have a responsibility to conduct their own research and draw their own conclusions.

There are no easy answers and any guidance I give will be construed either for or against a particular position. However, I think there are some things that should be said.

The Tax Revenue

Many states, including Oregon, seem willing to legalize marijuana which will drive tax revenue to the coffers of State and local governments. Kevin Sabet, a former advisor to President Obama who was the Senior Advisor of National Drug Control Policy, has written this about the impacts of legalizing marijuana, "Accidents would increase, healthcare costs would rise and productivity would suffer. Legal alcohol serves as a good example: The \$8 billion in tax revenue generated from that widely used drug does little to offset the nearly \$200 billion in social costs attributed to its use." Projections have predicted that for every dollar of revenue generated, marijuana will cost seven dollars in social damage. Do the adverse impacts outweigh the benefit to Americans?

The State Legalized Marijuana

The State claims the Tenth Amendment of the United State Constitution as the written right to ignore federal law and that states have the authority to legalize. However, Article VI of the Constitution makes it clear that federal law shall be the supreme law of the land and when there is a conflict between state law and federal law, federal law shall prevail.

The City Attorney has said that the State is not breaking federal law, the people growing, selling and supplying the drug are breaking federal law. So, by that logic, are we to infer that the State of Oregon has legalized an illegal activity?

If we use the same logic the State uses to disregard federal law, then cities should be able to use the same legal argument to pursue their own will as granted in the Oregon Constitution.

ARTICLE XI SECTIONS 1-11a CORPORATIONS AND INTERNAL IMPROVEMENTS

Section 2. Formation of corporations; municipal charters; intoxicating liquor regulation. Corporations may be formed under general laws, but shall not be created by the Legislative Assembly by special laws. The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon, and the exclusive power to license, regulate, control, or to suppress or prohibit, the sale of intoxicating liquors therein is vested in such municipality; but such municipality shall within its limits be subject to the provisions of the local option law of the State of Oregon. [Constitution of 1859; Amendment proposed by Initiative petition filed Dec. 13, 1905, and adopted by the people June 4, 1906; Amendment proposed by Initiative petition filed June 23, 1910, and adopted by the people Nov. 8, 1910]

The State circumvented cities charter rights as provided by the Oregon Constitution.



City Administrator Report

The City Charter says this,

CHAPTER II Powers

Section 4. Powers of the City.

 SHARE

The city has all powers which the constitution, statutes, or common law of the United States or of this state expressly or impliedly grant or allow municipalities as fully as though this Charter specifically enumerated each of those powers.

Oregon Home Rule has been completely overridden by the State of Oregon's actions.

Section 5. Construction of Powers.

 SHARE

In this Charter, no mention of a particular power is exclusive or restricts the scope of the powers which the city would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the city have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that a city may assume pursuant to state laws or the municipal home rule provisions of the state constitution.

Getting Legal Drugs in America

In order to be prescribed a legal drug, a person must go to a licensed physician, who in most cases, spent eight years in medical school with a two year residency. The physician examines the person and in some cases requires other tests to determine what drugs, if any, should be administered. When it is finally determined, the physician writes a prescription.

The prescription is then taken to a licensed pharmacist, who has studied six years, to dispense the drug to the person. (This is not to mention that the insurance company also has to authorize the drug prior to it being given to the person.) The legal drug has been through multiple testing by the Federal Drug Administration. All of this is done to protect the end consumer or user of legal drugs.

Now, in legalized marijuana states, a person can simply walk in to a facility that dispenses an illegal drug, has absolutely no medical training, no drug oversight, and sell a consumer a drug that has been proven to cause adverse health conditions by the medical community.

Conclusion

Many cities seem content following the State's dismissal of federal law. Votes on the matter have been very close in every marijuana election held historically in the State; the primary reason this topic is controversial. Now, you are faced with a decision once again involving marijuana in Brownsville. I certainly do not envy your position. I wish you the best in the outcomes you decide to pursue for the well-being of Brownsville citizens.



City Administrator Report

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be "SM", representing S. Scott McDowell.

S. Scott McDowell



Staff Report

Hearing Date:	September 19 th , 2017
Proposal:	Conditional Use Request To Open A Recreational Marijuana Facility With Limited Medical Marijuana Sales In The Light Industrial Zone (Li)
Applicant(s):	Randy Simpson & Gayle Ashford P.O. Box 700 Brownsville, OR 97327
Location:	221 W. Bishop Way, Brownsville, OR 97327 Tax Lot 0700, T13S, R2W, SECTION 01AA
Zoning:	Light Industrial
Comprehensive Plan Designation:	Commercial
Exhibits:	A. Location Map B. Vicinity Map C. Application and Site Plan D. Ordinance

Summary

On January 23rd, 2017, the applicants came before the Planning Commission to request permission to operate a medical marijuana facility at 221 West Bishop Way in Brownsville, under the Conditional Use Permit requirements. The Planning Commission granted the request. In addition to a Conditional Use Permit, in order to operate the proposed use, the applicant must be appropriately registered with the Oregon Health Authority and must obtain a City of Brownsville business registration as required by Brownsville Municipal Code sections 15.111.020.B.2 and 5.20.030.A.

On May 26th, 2017, the applicants submitted a Conditional Use Permit application to operate a recreational marijuana facility with medical marijuana sales at the same location. In order to operate that proposed use, the applicant must be appropriately registered with the Oregon Liquor Control Commission to sell recreational marijuana & must obtain a City of Brownsville business registration as required by Brownsville Municipal Code sections 15.111.020.B.2 and 5.20.030.A.

The subject property is located in the Light Industrial Zone. A recreational marijuana facility is a conditionally permitted use in the Light Industrial Zone. According to the OLCC, if a medical marijuana facility operator is approved for a recreational marijuana license through the OLCC, the OHA registrations must be surrendered. However, medical marijuana stock can be sold on the same premises as recreational marijuana.

Background

Applicant proposes to operate a recreational marijuana facility located at 221 W. Bishop Way in Brownsville.

On March 24th, 2015, the Brownsville City Council adopted Ordinance No. 751, establishing land use regulations for marijuana facilities in the City of Brownsville. Ordinance No. 751 amended the Zoning in the Brownsville Municipal Code (BMC) to allow registered medical marijuana dispensaries
2017 Simpson Conditional Use



and marijuana retailers as a conditionally permitted use in the Volume Commercial & Light Industrial Zones.

In addition to the regulations adopted by the City of Brownsville, marijuana dispensaries are regulated by the State of Oregon. In order to operate, recreational marijuana dispensaries are required to register with the Oregon Liquor Control Commission. BMC Section 15.111.020 imposes additional conditions on the location of marijuana dispensaries. This staff report and the proposed findings focus on the criteria and conditions located in BMC Chapter 15.125 as well as the additional conditions located in BMC Chapter 15.111.

Surrounding land uses and zoning are as follows:

	<u>Land Use</u>	<u>Zone</u>
North:	Commercial/Residential	Volume Commercial, Medium Density Residential
East:	Commercial	Volume Commercial
South:	Light Industrial/Residential	Medium Density Residential, Light Industrial
West:	Industrial	Light Industrial

None of the property is located within the 100-year flood plain.

Process and Criteria

The applicant's conditional use permit application was deemed complete on May 30th, 2017.

On May 30th, 2017, within 60 days after the applicant's request for a conditional use was received, in accordance with BMC 15.125.030.C, a letter was sent to the applicant, scheduling a public hearing before the Planning Commission for July 17th, 2017. The July 17th, 2017 Planning Commission hearing will be held within 60 days of the date applicant's CUP application was deemed complete.

In accordance with BMC 15.125.030.B, on June 28th, 2017, at least two weeks prior to the Planning Commission hearing, notice of the hearing was posted at Brownsville City Hall, the Brownsville Post Office and the Brownsville City Library.

In accordance with BMC 15.125.030.B, notice of the Planning Commission public hearing was published in *The Brownsville Times*, a newspaper of general circulation in the City, twice within the two weeks prior to the hearing, on July 5th, 2017, and July 12th, 2017.

In accordance with BMC 15.125.030.B, notice of the hearing was mailed on June 28th, 2017, to all owners of property located within at least 200 feet from the exterior boundaries of the property for which the conditional use has been requested. The date of mailing of the notice was at least 20 days before the date of the original hearing.

The appeal was received and accepted on August 8th, 2017.

Mayor Ware set a special meeting for the open hearing on September 19th, 2017.

The Brownsville City Council must take formal action on the conditional use application appeal at the September 26th, 2017 regular session Council meeting.

Possible Actions By The Council

In considering the proposed amendments, Council may take the following actions:



1. **Propose Conditions of Approval.** If Council elects to approve the application, Staff recommends conditions of approval listed below as part of the official decision.

Motions

“To adopt the findings entitled FINDINGS REGARDING AN APPLICATION FOR A RECREATIONAL MARIJUANA FACILITY AT 221 W BISHOP WAY, BROWNSVILLE, and **approve** the application for a Conditional Use Permit for a recreational marijuana facility located at 221 W Bishop Way.”

~ OR ~

“To **deny** the application to operate a recreational marijuana facility in the Light Industrial Zone, because the application does not fully comply with the conditional use criteria & City of Brownsville comprehensive plan & policies.

FINDINGS REGARDING AN APPLICATION FOR A RECREATIONAL MARIJUANA RETAIL FACILITY AT 221 W BISHOP WAY, BROWNSVILLE

Findings

PROCEDURES

1. The applicant filed an appeal to the Planning Commission’s decision on August 8th which was within the fifteen (15) day appeal period.
2. The City Administrator officially accepted the Appeal and worked with Mayor Ware to set a Special Council Public Hearing date for September 19th, 2017.
3. A Staff report was provided the City Council on September 15th, 2017 along with the entire Public Record from the Planning Commission on July 17th, 2017 and the continuation on July 31st, 2017.
4. In accordance with BMC 15.75.020 on September 13th, 2017, five (5) days prior to the Council hearing, notice of the hearing was published in *The Brownsville Times*, a newspaper of general circulation in the City.
5. All written public comment was submitted into the record at the Council Hearing.
6. Pursuant to BMC 15.75.020, a public hearing on the applicant’s appeal of the Planning Commission decision to deny the application to operate a recreational marijuana retail facility was conducted on September 19th, 2017, before the Brownsville City Council.

Applicable Criteria And Requirements

Brownsville Municipal Code Chapter 15.125.010 through Chapter 15.125.050 provides procedures and criteria for considering a Conditional Use request.

BMC 15.125.010

In judging whether a Conditional Use should be approved, approved with modifications, or denied, the Planning Commission shall weigh the proposal’s appropriateness and desirability for the public convenience or necessity to be served against any adverse conditions that would result from authorizing **2017 Simpson Conditional Use**



the particular development at the location proposed. In making its decision, the Planning Commission must adopt Findings of Fact addressing the following decision criteria listed in Chapter 15.125:

- 1. The proposal shall be consistent with the applicable policies of the Comprehensive Plan, the applicable provisions of the zoning code and other applicable policies, regulations and standards adopted by the City of Brownsville.**

RECOMMENDED CONDITIONS OF APPROVAL

If the Council elects to approve this request, Staff recommends the following condition(s) of approval:

1. Applicant shall comply with all requirements of applicable laws, ordinances and development regulations, including Uniform Building Code requirements and State regulations.
2. The applicant may not expand or otherwise operate beyond or above the proposed level without additional review by the Planning Commission or committee appointed by the Planning Commission.
3. The applicant shall comply with the provisions of the sign code if signage is used.
4. As there is currently no data available to determine the impact of surrounding uses (business or residential), Staff, two Planning Commission members, along with the applicants, shall conduct a review annually of the proposed use. If it is found that the proposed use negatively impacts the adjacent properties, the Planning Commission may revoke the Conditional Use Permit.
5. Conditional Use Permit is non-transferable and does not run with the property.



City of Brownsville

Planning Commission Meeting

City Hall
Council Chambers
Monday, July 17th, 2017
7:00 p.m.

Regular Session

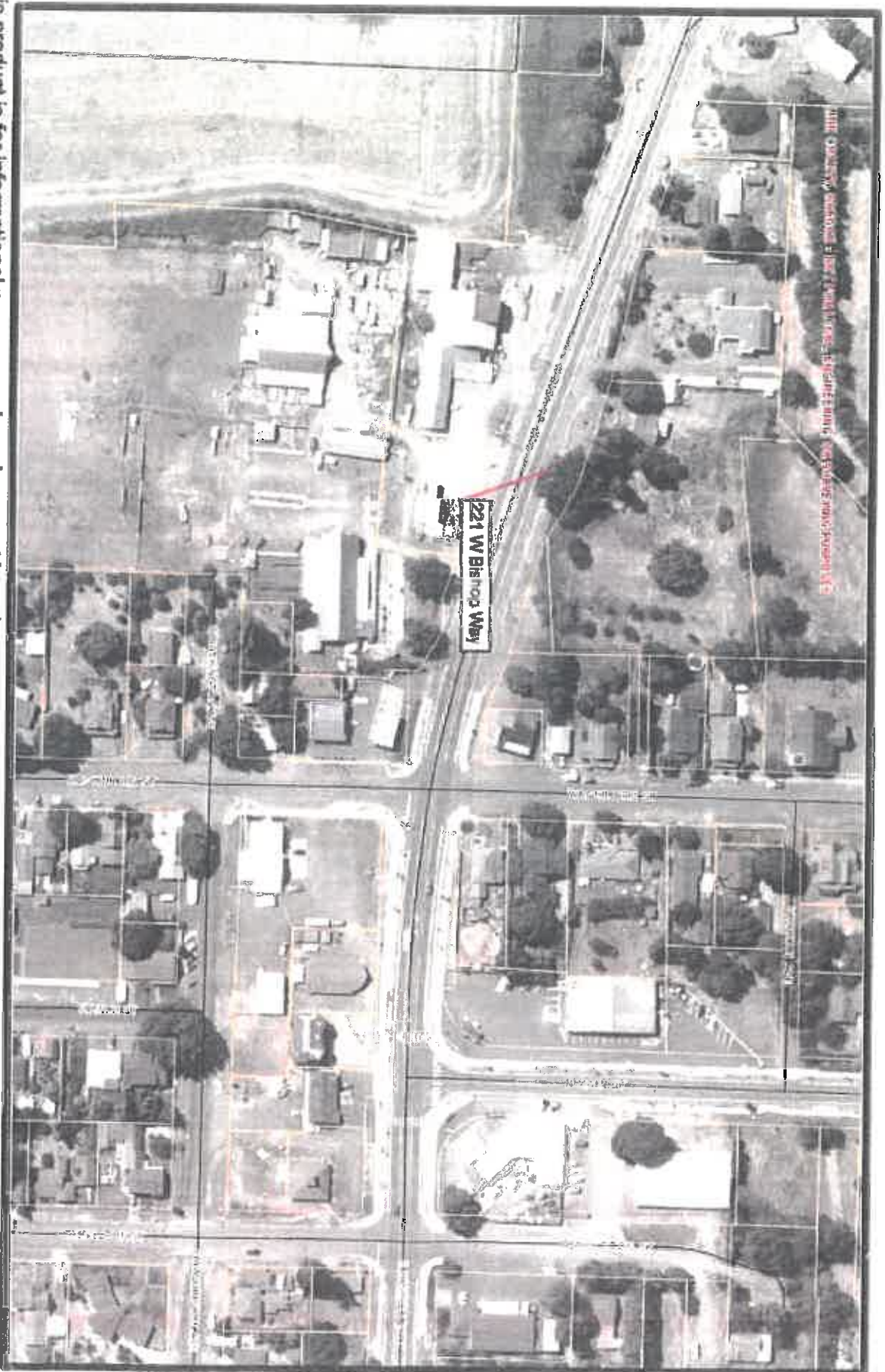
AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. PUBLIC HEARINGS:

221 W BISHOP WAY– MARIJUANA FACILITY MEDICAL TO RETAIL
5. COMMISSION DISCUSSION
6. MINUTES: JANUARY 23RD, 2017
7. STAFF UPDATES
8. ADJOURN

This agenda is a list of topics anticipated to be considered at the meeting. The Planning Commission may add or remove topics as necessary. The location of this meeting is accessible to the physically challenged. If special accommodations are needed, please notify S. Scott McDowell at 541.466.5880 in advance. Thank you.

221 W Bishop Vicinity Map



This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

221 W Bishop Way Location Map





City Hall
255 N. Main Street • P.O. Box 188
Brownsville, OR 97327 • 541.466.5666
Fax 541.466.5118 • TT/TDD 800.735.2900

Fee: 750.00

Commercial Conditional Use Application

APPLICANT INFORMATION

Name of Applicant: Randy Simpson Phone: 541 466 3115
Mailing Address: 29055 Sheep Head Rd, Brownsville, OR 97327
Applicant is: _____ Legal Owner _____ Contract Purchaser _____ Agent _____ Renter

DESCRIPTION OF SUBJECT PROPERTY

Legal Owner: Greg Hopla Phone: 541 619 4941
Mailing Address: 217 W. Bishop Way Brownsville, OR, 97327
Taxlot No: 309985 Township Brownsville Range 228 Hwy Section E Block Bishop
Address of Property: 221 West Bishop way Brownsville, OR 97327
General Location: Fronting Old Video Store Side of 221 W. Bishop way
Name or Number of Road

DESCRIBE THE PROPOSED CONDITIONAL USE

Recreational / medical Marijuana Dispensary

EXISTING CONDITIONS

Zone: Commercial Comprehensive Plan Designation Light Industrial (LI)
Present Use of Property 221 W. Bishop Way
Medical Marijuana Dispensary

Is the property serviced by city sewer and water? yes

SUPPORTING REASONS FOR A CONDITIONAL USE REQUEST

The Brownsville Zoning Ordinance, Section 7.010 specifies criteria that must be addressed before granting a conditional use. Applicants must respond to the following criteria (refer to your site plan where appropriate):

- 1. The proposal is consistent with the applicable policies of the Comprehensive Plan, the applicable provisions of the zoning ordinance and other applicable policies, regulations, and standards adopted by the City of Brownsville.

We follow ordinances

- 2. The location, size, design and operating characteristics of the proposal will have minimal adverse impact on the livability, value, or appropriate development of abutting properties and surrounding area, considering such factors as:

A. Location, size, and bulk of buildings.

Will blend in with Kirks Ferry Trading Post, will look historical and blend in with it's surroundings.

B. Location, size, and design of parking areas.

Already established and has been cleaned up and restored.

C. Screening, landscaping, exterior lighting, hours of operation, vehicular access, and similar factors.

Nothing has changed. Minor improvements like planting flowers,

3. The proposal will preserve those historical, archeological, natural, and scenic assets of significance to the community and the surrounding area.

We will preserve and add to the beauty of South historical Brownsville.

4. The proposal will not place an excessive burden on street, sewage, water supply, drainage systems, parks, schools or other public facilities in the area.

Not in any way.

ATTACHMENTS

Building is already on location.

1. A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development.
2. Filing Fee.

STATEMENT

I (we) hereby certify that the foregoing statements and answers and any other information (such as maps and drawing) attached hereto are true and accurate to the best of my (our) knowledge and belief.

APPLICANT:

Randy Simpson Randy Simpson 5-26-2017
(Name printed) (Signature) (Date)

Gayle Ashford Gayle Ashford 5-26-2017
(Name printed) (Signature) (Date)

OWNER:

Greg Hopa Greg Hopa 5-26-17
(Name printed) (Signature) (Date)

Shawna Hopa Shawna Hopa 5-26-17
(Name printed) (Signature) (Date)

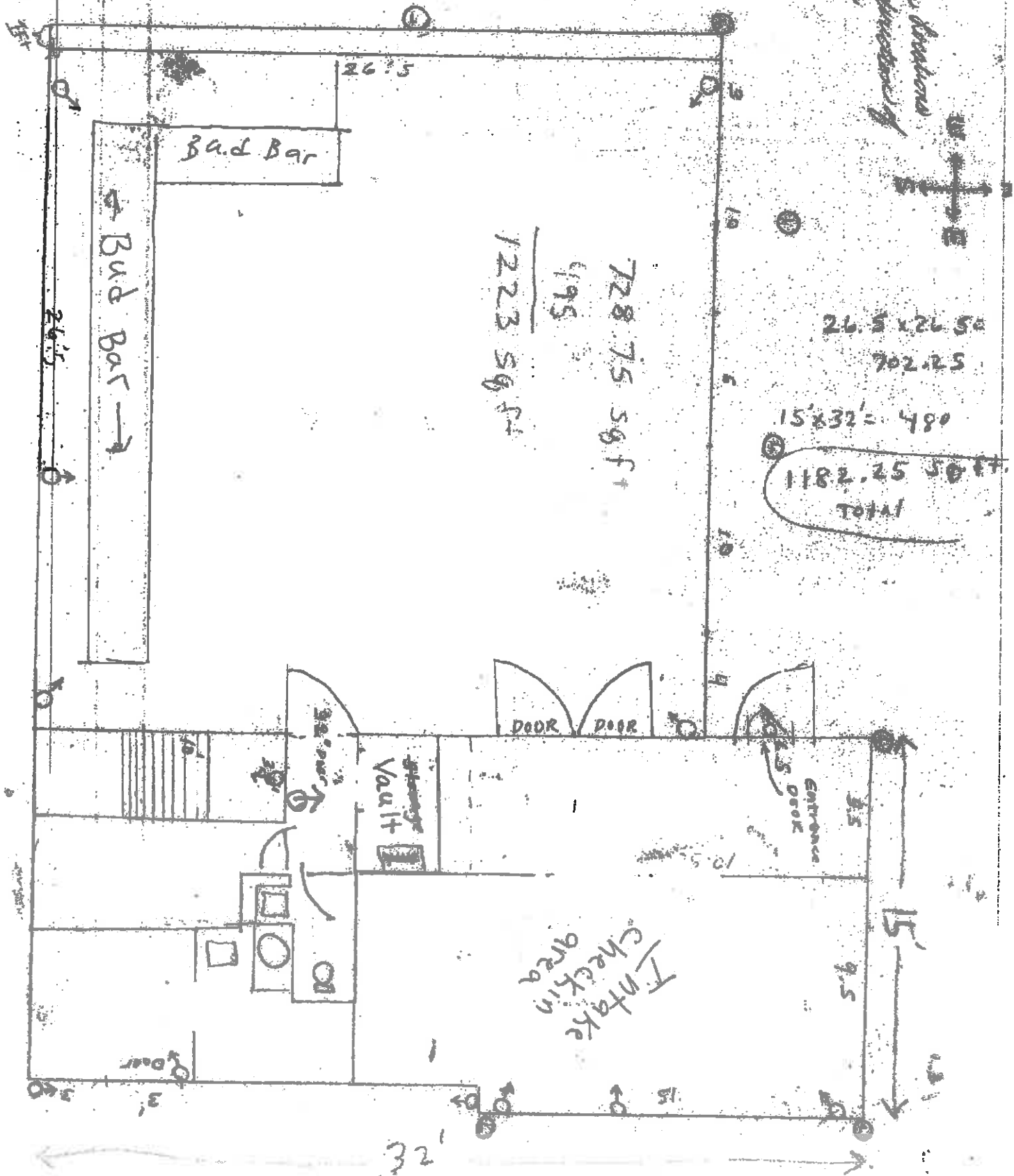
FOR CITY USE ONLY	
Received By: <u>Jannea Beaver</u>	Date: <u>5/30/17</u>
Fee Received: <u>750</u>	Receipt No: <u>165043</u>
City Administrator _____	

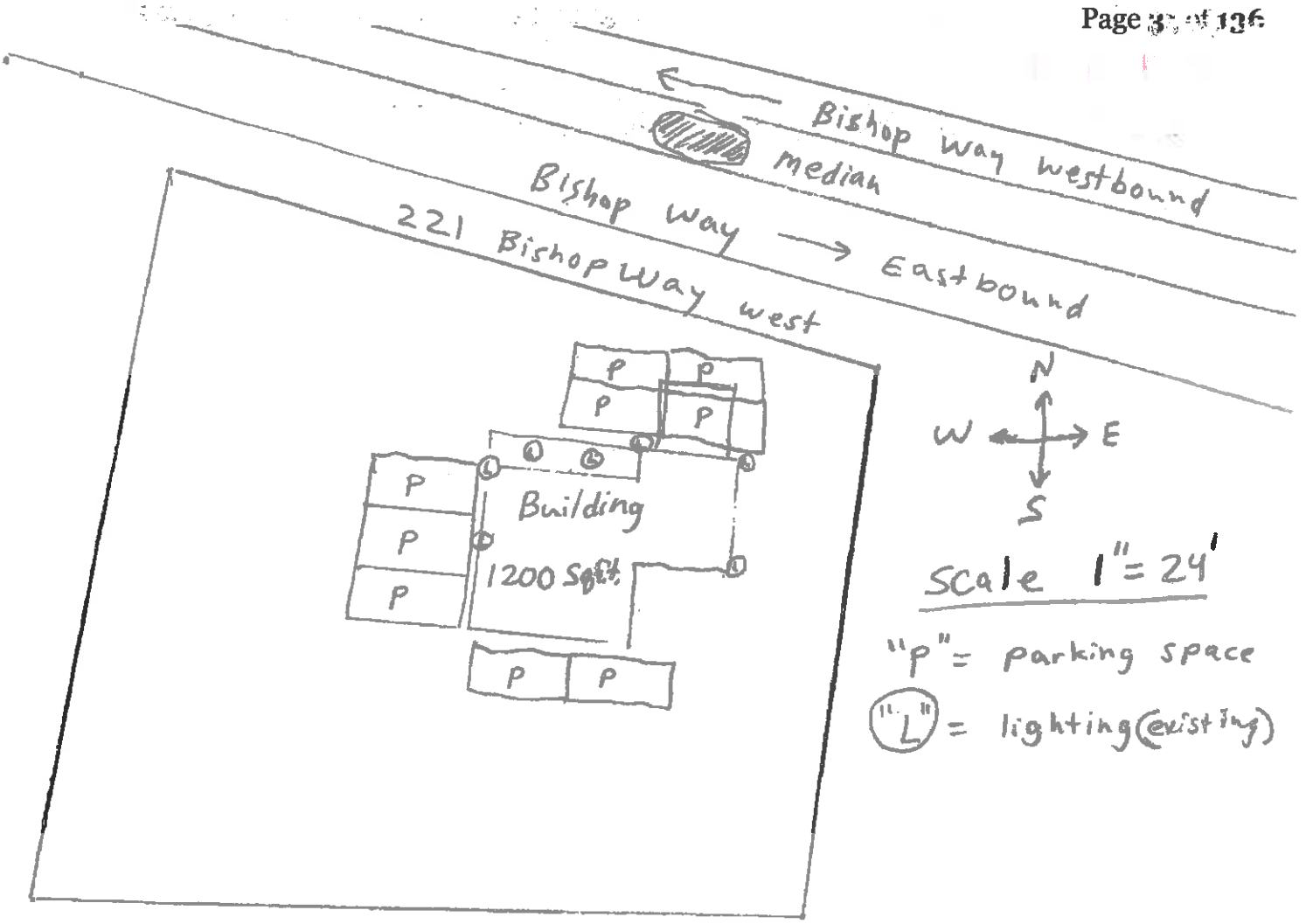
SCALE
1" = 5'

COPY

As - Camera locations
view direction of
power

26 1/2 x 26 1/2





hours of operation: ~~8 AM~~ 6 PM

Mon - Sat 11^A - 7^P

Sun 12^A - 4^P

Hours may change, but will be in keeping

with other surrounding business like

Kirk's Ferry, Chevron Gas and Dari Mart

Conditional Uses Chapter 15.125

- 15.125.010** Authorization to grant or deny conditional uses.
15.125.020 Conditions which may be placed on a conditional use permit.
15.125.030 Procedure for taking action on a conditional use application.
15.125.040 Time limit on permit for conditional use.
15.125.050 Standards governing conditional uses.

15.125.010 Authorization to grant or deny conditional uses.

A conditional use listed in this division shall be permitted, altered or denied in accordance with the standards in this chapter. In the case of a use existing prior to the effective date of the ordinance codified in this chapter and classified in this chapter as a conditional use, a change in the use or in lot area, or an alteration of structure, shall conform with the requirements for conditional use and is subject to review, application and fee in the same manner as a newly proposed conditional use. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability for the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable. Home occupations are required to obtain a conditional use permit in the event they generate noise, traffic or other factors which reasonably affect neighboring properties in a negative manner. The City Administrator shall make a determination as to whether a conditional use is required. The City Administrator's decision may be appealed to the City Council.

- A. The proposal shall be consistent with the applicable policies of the Comprehensive Plan, the applicable provisions of the zoning code and other applicable policies, regulations and standards adopted by the City of Brownsville.
- B. The location, size, design and operating characteristics of the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area, considering such factors as:
- Location, size and bulk of buildings.
 - Location, size and design of parking areas.
 - Screening, landscaping, exterior lighting, hours of operation, vehicular access and similar factors.
- C. The proposal will preserve those historical, archeological, natural and scenic assets of significance to the community and the surrounding area.
- D. The proposal will not place an excessive burden on streets, sewage, water supply, drainage systems, parks, schools or other public facilities to the area. [Ord. 717, 2009; Ord. 644 § 1, 1996; Ord. 618 § 11, 1993; Ord. 567A § 10, 1987; Ord. 504 § 7.010, 1980; 1981 Compilation § 8-5:7.010.]

15.125.020 Conditions which may be placed on a conditional use permit:

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this division, additional conditions which it finds necessary to enforce the Comprehensive Plan and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include but are not limited to the following:

- A. Limiting the manner in which the use is conducted, including restricting the time a certain activity may take place and establishing restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establishing a special yard or other open space or lot area or dimension.

Journal of AMERICAN MEDICAL ASSOCIATION

View Details

Views 3,079 | Citations 8 | Altmetric 1,271

PDF

 Full Text Share

Original Investigation

ONLINE ONLY

September 6, 2016 ✓

Unintentional Pediatric Exposures to Marijuana in Colorado, 2009-2015

George Sam Wang, MD^{1,2}; Marie-Claire Le Lait, MS²; Sara J. Deakyne, MPH³; et al

» Author Affiliations

JAMA Pediatr. 2016;170(9):e160971. doi:10.1001/jamapediatrics.2016.0971

 Author Interview Multimedia

Importance As of 2015, almost half of US states allow medical marijuana, and 4 states allow recreational marijuana. To our knowledge, the effect of recreational marijuana on the pediatric population has not been evaluated.

Objective To compare the incidence of pediatric marijuana exposures evaluated at a children's hospital and regional poison center (RPC) in Colorado before and after recreational marijuana legalization and to compare population rate trends of RPC cases for marijuana exposures with the rest of the United States.

Design, Setting, and Participants Retrospective cohort study of hospital admissions and RPC cases between January 1, 2009, and December 31, 2015, at Children's Hospital Colorado, Aurora, a tertiary care children's hospital. Participants included patients 0 to 9 years of age evaluated at the hospital's emergency department, urgent care centers, or inpatient unit and RPC cases from Colorado for single-substance marijuana exposures.

Exposure Marijuana.

Main Outcomes and Measures Marijuana exposure visits and RPC cases, marijuana source and type, clinical effects, scenarios, disposition, and length of stay.

Results Eighty-one patients were evaluated at the children's hospital, and Colorado's RPC received 163 marijuana exposure cases between January 1, 2009, and December 31, 2015, for children younger than 10 years of age. The median age of children's hospital visits was 2.4 years (IQR, 1.4-3.4); 25 were girls (40%). The median age of RPC marijuana exposures was 2 years (IQR, 1.3-4.0), and 85 patients were girls (52%). The mean rate of marijuana-related visits to the children's hospital increased from 1.2 per 100 000 population 2 years prior to legalization to 2.3 per 100,000 population 2 years after legalization ($P=.02$). Known marijuana products involved in the exposure included 30 infused edibles (48%). Median length of stay was 11 hours (interquartile range [IQR], 6-19) and 26 hours (IQR, 19-38) for admitted patients. Annual (RPC) pediatric marijuana cases increased more than 5-fold from 2009 (9) to 2015 (47). Colorado had an average increase in RPC cases of 34% ($P<.001$) per year while the remainder of the United States had an increase of 19% ($P<.001$). For 10 exposure scenarios (9%), the product was not in a child-resistant container; for an additional 40 scenarios (34%), poor child supervision or product storage was reported. Edible products were responsible for 51 exposures (52%).

Conclusions and Relevance Colorado RPC cases for pediatric marijuana increased significantly and at a higher rate than the rest of the United States. The number of children's hospital visits and RPC case rates for marijuana exposures increased between the 2 years prior to and the 2 years after legalization. Almost half of the patients seen in the children's hospital in the 2 years after legalization had exposures from recreational marijuana, suggesting that legalization did affect the incidence of exposures.

Advertisement

Read More About

Pediatrics

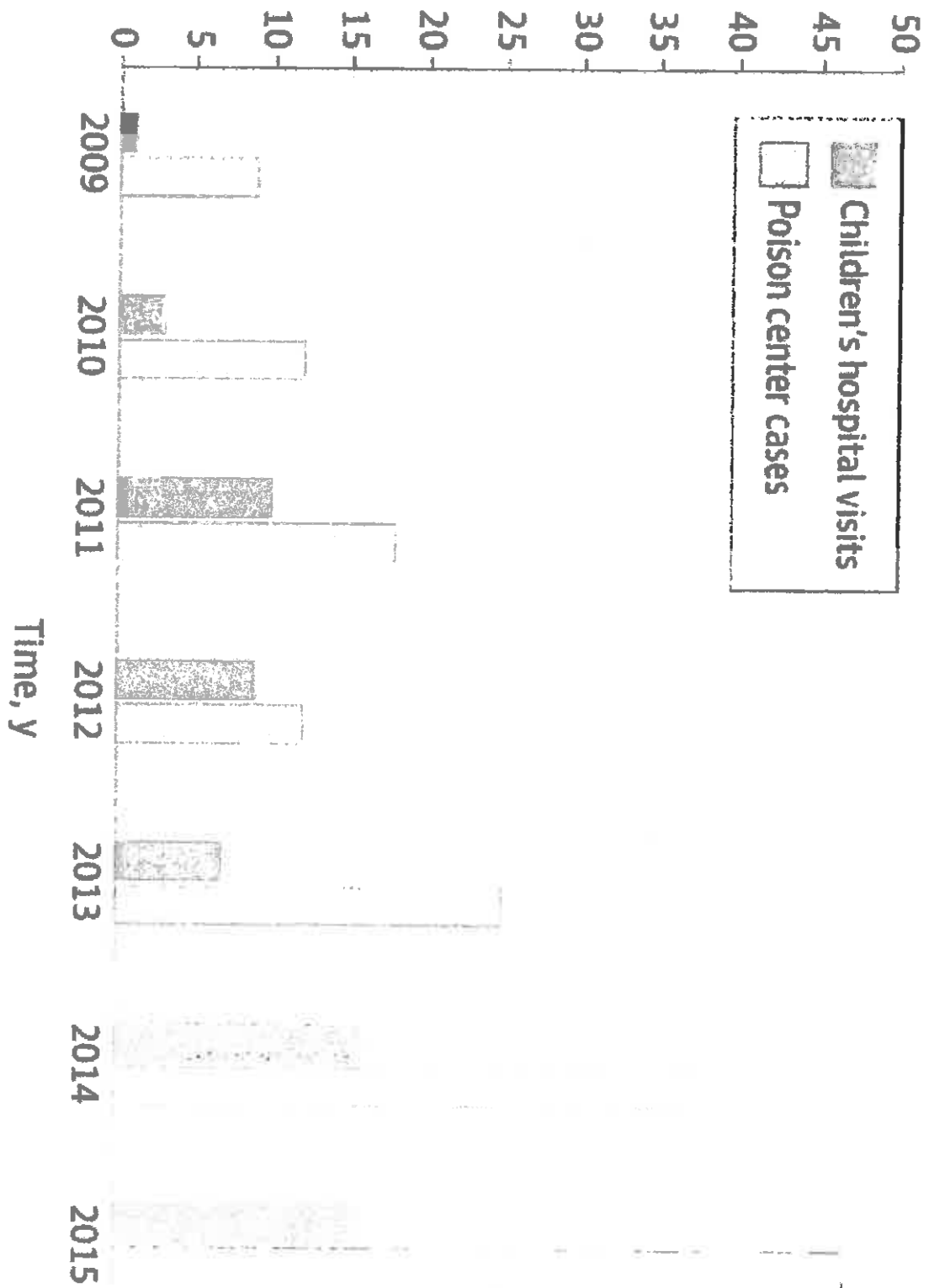
Substance Use and Addictive Disorders

Public Health



Read the current issue FREE

Children's Hospital Visits and Poison Center Cases, No.



Cannabis in Colorado

From Wikipedia, the free encyclopedia

Cannabis in Colorado refers to cannabis (legal term marijuana) use and possession in Colorado, United States. The Colorado Amendment 64, which was passed by voters on November 6, 2012, led to legalization in January 2014.^[1] The policy has led to cannabis tourism.^[2] There are two sets of policies in Colorado relating to cannabis use: those for medicinal cannabis and for recreational drug use along with a third set of rules governing hemp.^[3]



Cannabis dispensary in Denver

Contents

- 1 History
 - 1.1 Prohibition (1917)
 - 1.2 Decriminalization (1975)
 - 1.3 Medical marijuana (2000)
 - 1.4 Recreational marijuana (2012)
- 2 Regulation
 - 2.1 Impaired driving
 - 2.2 State wide effects
- 3 See also
- 4 References
- 5 External links

History

Prohibition (1917)

Amidst an early 20th century trend of limiting the drug, Colorado first restricted cannabis on March 30, 1917.^[4]^[5]^[6] In November 1914 Colorado voters approved the 22nd Amendment to the Colorado Constitution, also known as the Prohibition Amendment, prohibiting alcohol beginning January 1, 1916;^[7] and on December 18, 1917 the Eighteenth Amendment (establishing Prohibition) was proposed by Congress.

Shortly after the 1937 Marihuana Tax Act went into effect on October 1, 1937, the Federal Bureau of Narcotics and Denver Police Department arrested Moses Baca for possession and Samuel Caldwell for dealing. Baca and Caldwell's arrest made them the first marijuana convictions under U.S. federal law for not paying the marijuana tax. Judge Foster Symes sentenced Baca to 18 months and Caldwell to four years in Leavenworth Penitentiary for violating the 1937 Marihuana Tax Act.

Decriminalization (1975)

In 1975, during a decade-long wave of decriminalization in the country, Colorado decriminalized marijuana.^[8] A contributing factor was the work on behalf of NORML by Pitkin County Deputy District Attorney Jay Moore, who helped win over the legislature's Republican leadership with arguments as to money wasted on needless enforcement of marijuana laws.^[9]

Medical marijuana (2000)

On November 7, 2000, 54% of Colorado voters approved Amendment 20, which amended the State Constitution to allow the use of marijuana in the state for approved patients with written medical consent. Under this law, patients may possess up to 2 ounces of medical marijuana and may cultivate no more than six marijuana plants (no more than three of these mature flowering plants at a time). Patients who are caught with more than this in their possession may argue "affirmative defense of medical necessity" but are not protected under state law with the rights of those who stay within the guidelines set forth by the state.^[10] Furthermore, doctors, when making a patient recommendation to the state can recommend the rights to possess additional medicine and grow additional plants, because of the patient's specific medical needs. Conditions recognized for medical marijuana in Colorado include: cachexia; cancer; chronic pain; chronic nervous system disorders; epilepsy and other disorders characterized by seizures; glaucoma; HIV or AIDS; multiple sclerosis and other disorders characterized by muscle spasticity; and nausea. Additionally, patients may not use medical marijuana in public places or in any place where they are in plain view, or in any manner which may endanger others (this includes operating a vehicle or machinery after medicating). Colorado medical marijuana patients cannot fill prescriptions at a pharmacy because under federal law, marijuana is classified as a schedule I drug. Instead, patients may get medicine from a recognized caregiver or a non-state-affiliated club or organization, usually called a dispensary. Dispensaries in Colorado offer a range of marijuana strains with different qualities, as well as various "edibles" or food products that contain marijuana extracts. Certain dispensaries also offer patients seeds and "clones" for those who want to grow their own medicine.^[11]

In April 2013, the Colorado Court of Appeals held in *Coats v. Dish Network* that since marijuana remains against federal law, employers can use that standard rather than state law as a rationale for banning off-the-job worker use, and are not bound by Colorado's Lawful Activities Statute:^{[12][13][14]}

The primary question before us is whether federally prohibited but state-licensed medical marijuana use is "lawful activity" under section 24-34-402.5, C.R.S. 2012, Colorado's Lawful Activities Statute. If it is, employers in Colorado would be effectively prohibited from discharging an employee for off-the-job use of medical marijuana, regardless that such use was in violation of federal law. We conclude, on reasoning different from the trial court's analysis, that such use is not "lawful activity."

On June 10, 2016 Governor John Hickenlooper signed House Bill 16-1359. This bill stated that the court shall not prohibit the use or possession of medical marijuana as a condition of probation unless the individual is sentenced to probation for a conviction under Article 43.3 of Title 12, C.R.S.; or if the court determines based upon any material evidence that such a prohibition is necessary and appropriate to accomplish the goals of sentencing stated in 18-1-102.5, C.R.S.^[15]

Recreational marijuana (2012)

Since the enactment of Colorado Amendment 64 in November 2012, adults aged 21^[16] or older can grow up to six marijuana plants (with no more than half being mature flowering plants) privately in a locked space, legally possess all marijuana from the plants they grow (as long as it stays where it was grown),^[17] legally possess up to one ounce of marijuana while traveling,^[18] and give as a gift up to one ounce to other citizens 21 years of age or older. Any adult in Colorado's territory may possess up to one ounce of marijuana at any time, regardless of whether they are an in-state resident or an out-of-state visitor, as of 2016. Retail concentrate/edible limits are as follows: 8g of retail concentrate will be equal to 1oz of flower, and therefore 800mg of THC in the form of retail edibles will be equal to 1oz of retail flower.^[19] Consumption is permitted in a manner similar to alcohol, with equivalent offenses prescribed for driving.^[20] Consumption in public was recently passed in Denver under



Brownsville Assembly of God

P.O. Box 538 Brownsville, OR 97327 541-466-5030 Located at the corner of Hwy 228 & Washburn St. in Brownsville, OR

Dear Planning Commission and City of Brownsville,

I am writing to address the issue of a Conditional Use Permit for a Recreational Marijuana Dispensary and limited Medical Marijuana Sales at 221 W. Bishop Way in Brownsville.

As Pastor of the Assembly of God church on the corner of Washburn and Hwy 228, we are only a few blocks from this dispensary. I am opposed to permitting a Recreational Marijuana Dispensary. Please note the following reasons:

1. The risk to the residents of Brownsville. Impaired driving has increased since the legalization of Marijuana. Peter Kissinger, CEO of AAA states that one in six drivers involved in fatal crashes in 2014 had recently used Marijuana.
2. The message to our children and youth. I have worked with the teens of this community for the past 14 years. The idea that Marijuana is safe, and fun is a myth. Marijuana use by teens is dangerous. According to a study from the Massachusetts Chapter of the American Academy of Pediatrics it changes the structure and function of the brain in developing years (up until mid 20's.) There is an increased risk for long-term brain damage and decreased IQ and cognitive function years later. There is a direct connection between Marijuana use and depression, psychosis, and lower motivation.
3. Health risks for children. The packaging and names of Marijuana appeal to children. Common candy names, (such as "Munchy Way, Twixed, KeefKat, Oeo, TriChrome Crunch, Candy Corn Harvest), and flavors,

4. (Girl Scout Cookie...) imply the marketing is targeting children. The American Academy of Pediatrics opposed the legalization of Marijuana and sited this list of damage to children that occurs with use: "negative effects on short-term memory, concentration, attention span, motivation, problem solving, which clearly interfere with learning; adverse effects on coordination, judgement, reaction time, and tracking ability, which contribute substantially to unintentional deaths and injuries..."
5. Health risks for adults choosing to use Marijuana are substantial. The American Lung Association states that there are 33 cancer-causing chemicals contained in Marijuana, and that Marijuana deposits four times as much tar in the lungs as tobacco. It significantly increases the risk of heart disease and stroke.
6. Marijuana uses promotes addiction. It is a fact that it requires more and stronger doses to produce the "high" therefore, the users are more likely to try harder drugs than those who never use marijuana.
7. Personal opinion: I feel that we were deceived in the proceedings leading up to the Conditional Use Permit being approved for "medical" use. In a very short time this has changed to "recreational" use, and I feel the board was manipulated by stories of the help offered to those with medical conditions that might benefit from its use, to open the door to recreational sales in this community.

I value the health and safety of the citizens of Brownsville and oppose the Conditional Use Permit.

Sincerely,



Rev. Kelly Williams

B O P Y



www.ci.brownsville.or.us

City Hall
 255 N. Main Street • P.O. Box 188
 Brownsville, OR 97327 • 541.466.5666
 Fax 541.466.5118 • TTY/TDD 800.735.2900

August 1st, 2017

NOTICE OF DECISION

PROPOSAL: Conditional Use allowing a Recreational Marijuana Facility, with Limited Medical Marijuana sales in the Light Industrial Zone (LI).

LOCATION: Tax lot 700, T14S, R3W, Section 01AA; located at 221 W Bishop Way.

APPLICANT: Randy Simpson & Gayle Ashford
 PO Box 700
 Brownsville, OR 97327

The City of Brownsville Planning Commission conducted a review and public hearing of the above referenced planning action on July 17th, 2017. The Planning Commission requested clarification from legal counsel on Brownsville Municipal Code Chapter 15.111.020 B (c) & C (3) regarding public parks & playgrounds. The Planning Commission re-convened on July 31st, 2017. Upon consideration of the record and testimony at the public hearing and based upon Findings of Fact as stated in the Staff Report, the Planning Commission voted 4 – 2, resulting in a denial of the proposed Conditional Use Permit.

If you are an affected party and wish to appeal this decision, appeals must be filed in writing within fifteen (15) days from the date of decision with the City Administrator along with the required fee of \$375.00. The following information must be included:

- A. Name and address of the appellant(s).
- B. A reference to the subject development.
- C. A statement of the specific grounds for appeal.
- D. A statement as to how you are an affected party.

Appeals will be accepted only when based upon identified inadequacies, omissions, or errors in the decision's findings and conclusions. Appeals must be filed by 4:30 p.m. on the final day of the appeal period at City Hall, 255 N. Main Brownsville, Oregon, 97327. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 1:00 p.m. on the subsequent work day. Brownsville City Hall is open Monday through Friday, 8:30 a.m. to 4:30 p.m.

If no appeal is filed, this Notice of Decision will become effective on August 16th, 2017. A copy of this Notice of Decision will be available on that date.


 Elizabeth E. Cepema
 Administrative Assistant



RECEIVED
City of Brownsville

AUG 09 2017

Clerk _____

City Hall
255 N. Main Street • P.O. Box 188
Brownsville, OR 97327 • 541.466.5666
Fax 541.466.5118 • TTY/TDD 800.735.2900
Fee: \$375.00
(1/2 of original cost)

Application for Appeal to City Council

Date of Appeal: 8-9-17

An application for an appeal of any planning action must be filed by 4:30 p.m. on the final day of the appeal period at City Hall, 255 N. Main Street, Brownsville, Oregon.

APPLICANT INFORMATION

Name Randy Simpson / Gayle Ashford

Address 221 West Bishop way, Brownsville OR 97327

Phone 541 466 9110

ACTION BEING APPEALED: Our conditional use permit denial by the Planning Commission

SPECIFIC GROUNDS AND CRITERIA FOR APPEAL: Denial was based on personal opinions. Our facility @ 221 W. Bishop way was approved by majority of vote by City residents. Green Cross Dispensary meets all of the City criteria and zoning requirements for the operation of a recreational Marijuana OLCC approved facility.

STATEMENT AS TO HOW YOU ARE AFFECTED BY THIS DECISION:

This decision prevents us from operating an olcc State and local approved facility and therefore is causing us to loose business on a daily basis.

APPLICANT SIGNATURE(S)

Name: Randy Simpson Date: 8-9-17

Name: Gayle Ashford Date: 8-9-17

S. Scott McDowell

From: Donald Lyon <phototraveler02@gmail.com>
Sent: Monday, September 11, 2017 9:31 AM
To: Scott McDowell; Don Ware
Cc: gaylelashford
Subject: 9.19 City Council Meeting

Brownsville City Council--September 19 Meeting

Recreational Marijuana sales in Brownsville: I understand that a vote by the City Council will be held soon whether or not to allow Gayle and Randy Simpson to extend Marijuana sales at their shop from Medical to Recreational. I will not be able to attend the meeting so I would like to make my voice heard to the City Council via this email.

Over several years I have watched the Simpson's jump nimbly through every hoop that the city has put forward. They have spent a considerable amount of money and time in an attempt to be part of building Brownsville into a thriving commercial center. Yet they have been held back by dubious legal definitions and rulings and prevented from operating their business on Main Street. Grudgingly they have been allowed to operate at their Highway 228 location. Now, as the State of Oregon has determined that regulations regarding Medical and Recreational Marijuana sales are to be combined, it seems that the Planning Commission has taken this opportunity to thwart them once again.

The Simpsons have shown themselves to be responsible citizens trying to provide a product deemed legal by the State of Oregon and deemed desirable and beneficial by a large number of the population. Indeed--at one City Council meeting that I attended, those speaking in favor of marijuana sales spoke clearly and knowledgeably with personal experience about the benefits of this drug while those who spoke against seemed motivated by emotions based on outdated information and hearsay with no personal experience.

All drugs have the potential for abuse--witness the current opioid epidemic. Alcohol is the most widely abused and life damaging drug in this country--yet it is sold in the center of town and regulated by law. The fact that one is allowed and the other is not seems due to outdated thinking. I urge the City Council to take this opportunity to correct the wrongful action of the Planning Commission and grant the conditional use permit to the Simpsons.

I could argue for the medical benefits of marijuana, for the right of individuals to consume this drug, for the tax benefits that will accrue to the city but I leave those points to others. I urge the City Council to approve the permit to the Simpsons because it is the right thing to do. Respectfully yours, Donald Lyon

*Donald Lyon, 352 Kirk Avenue, Brownsville, Oregon 97327 USA, tel: 541 654 2052,
email: phototraveler02@gmail.com*

S. Scott McDowell

From: Alice Tetamore <rnatetamore@centurytel.net>
Sent: Wednesday, September 13, 2017 8:45 PM
To: McDowell Scott
Subject: Marijuana News

Scott,

You might be interested in this article from World Digital (we subscribe to the World Magazine which provides a balance to other new aganets).

I was thinking about the selling of recreational marijuana in Brownsville.

Alice

Is this the high school?

The Colorado Department of Education will spend \$9.2 million this year on extra nurses, counselors, and social workers to combat marijuana use among students. The grants, spread among 42 public and charter schools, are funded through taxes on pot sales, which are now legal for Coloradans 21 and older. Legalizing marijuana has created a more casual attitude toward the drug, experts say. About 5 percent of Colorado high schoolers smoke marijuana regularly, a figure that's held steady since 2005, according to state public health officials. Although legal marijuana hasn't led to dramatic increases in use by minors, schools are bracing for that potential. "We just want to make sure kids make smarter choices," said Ellen Kelty, interim director of student equity and opportunity for Denver Public Schools. —L.J.

Author:

Leigh Jones

Leigh lives in Houston with her husband and daughter. She is WORLD Digital's managing editor and reports on education for WORLD Magazine and WORLD Digital.



Council Minutes

September 26th, 2017

ROLL CALL: Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Neddeau, Block, Shepherd, Chambers, and Gerber present. Councilor Cole was excused. Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink and City Administrator Scott McDowell were also present.

PUBLIC: Fire Chief Kevin Rogers, Merritt and Jan Schilling, Kim Clayton, Chenoweth Robertson, James and Susan Smith, Steve Chambers, Ralph Seyler, Joel & Eleanor Stith, Don Neddeau, Sergeant Greg Klein (*LCSO*), Robert & Alfreda Miller, Kathleen Peake, Alex & Tanisha McIntyre, David & Katt Simpson, Randy Simpson, Gayle Ashford, Kelly Williams, Elizabeth Coleman, Ken Meadors, Jannea Deaver, Rebekah Schneiter, Patty Linn, Dave Erickson, Liza Peake, Marilyn Grimes, Vernell Landers, George Frasier, Jonathon Rush, Stacey Meneses, Kaye Fox, Bryan & Amy Bradburn, Tricia Thompson, and Jordan Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Mayor Don Ware would like to add an administrative motion right after the minutes are approved. McDowell would like to add under Action Items: 10) E. Inspection Services. There are no deletions tonight.

MINUTES: Councilor Block indicated that he did not say intoxicated or distracted drivers last month, he said impaired. *Councilor Gerber made a motion to approve the July 25th, 2017 meeting minutes as presented and the September 19th, 2017 minutes with corrections. Councilor Shepherd seconded the motion, and it passed unanimously.*

*Mayor Don Ware made a motion to publicly correct the public behavior of Councilor Chambers in accordance with R 718. Councilors are required by the very nature of these leadership positions to treat each other and members of the public with courtesy and respect. Actions recently taken by Councilor Chambers at the July 25th Council meeting and in subsequent encounters with Mr. Bryan Bradburn were, and are, unacceptable. Councilor Gerber seconded the motion. Councilor Chambers stated that in subsequent encounters, she did not indicate that she was acting as a Councilor. Councilor Gerber stated that regarding this issue that when out in the community we are always Council members and we cannot abdicate our duty and position at any time. Mr. McDowell clarified for Councilor Chambers and Council that R 718 states that you are always a Council member while in these leadership position. Councilor Chambers asked that in future she needs to declare that she is not acting as a Council member? Mayor Ware continued that Councilor Chambers need not engage is what R 718 indicates. Mr. McDowell stated that these rules pertain to all Council members, not just Councilor Chambers. Councilor Chambers would like to state that she disagrees with the motion as worded, and as a citizen. *The motion was voted on and passed by all.* Councilor Chambers then stated that she sincerely regretted any pointed personal comments made to Mr. Bradburn during the meeting. She would like to apologize to the City Staff, Mr. McDowell, and Council about comments she made during the July 25th Council meeting.*

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Central Linn Recreation Association – Blaine Cheney.** Mr. Cheney, current acting Vice President of CLRA, thanked Council for having him here tonight. Over the summer the CLRA launched their online website for local



Council Minutes

elementary aged youth sports programs. This online platform will help minimize CLRA liability and provide access 24/7 for registration, electronic payment options, early bird discounts, as well as many other services. This launch took 3 months of meetings, 60 days of design, and 30 days to build the concept, overall about 6 months of work. They are also working on bilingual possibilities as well as phone options for those folks that don't have computer access. The website seems to be working well. He would like to thank Council and Staff again for their continued support of CLRA.

Rebekah Schneider, Central Linn School Board member, spoke next in favor of the upcoming school bond for capital improvements. After the last bond did not pass, the School Board and District have done pollings and focus groups and determined that the community wanted more details. The new bond will be roughly \$28 million, \$7.2 million less than the last bond. The bond will provide 3 new schools at the current high school location. It will include a new track, redevelopment of the Halsey school, and furnishings for \$1.72 per \$1,000 of assessed valuation. She encouraged everyone to go to the website (www.clsbond.org) for more information. Schools are the backbone of rural communities like ours. This new facility will provide a shelter and gathering place as well. Schneider said it will help personal property values, and she asked that Council endorse this project.

2. **Marijuana Odors – Bryan Bradburn.** Mr. Bradburn, 522 E. Washington Avenue, was present to ask Council to seriously consider enacting legislation similar to what Eagle Point and Central Point, Oregon have done limiting marijuana grows in town to inside grows only. He believes the town needs this ordinance to create laws for our own town. This issue has been an ongoing source of major concern for him and his family as several of his neighbors are growing large numbers of marijuana plants. The problem is only increasing in nature as people are illegally growing more marijuana plants than allowed, with local law enforcement unable or unwilling to prosecute. Bradburn stated that Oregon is now the biggest drug exporter in the world. He said that living next to a grow operation is basically hell; those that don't like it shouldn't be subjected to this unfairly. He is very concerned and asked for help from Council through legislation.

DEPARTMENT REPORTS:

1. **Sheriff's Report.** LCSO Sergeant Klein reported that August had 13 traffic citations, 17 warnings, 1 DUI crash, 5 adults arrested on outstanding warrants, 86 complaints, 15 hours for traffic enforcement, ending with 220 hours overall for Brownsville. Mayor Don Ware stated that he was happy to see the citation numbers are up; it means more safety with driving. Klein addressed marijuana grow concerns. He said that when they get a complaint, they will go to the residence and make contact. If the residents allow, LCSO can examine the plants. It is important to remember that plants are not illegal until they have buds on them. Klein has investigated 3 or 4 complaints in Brownsville. He has gone to the Linn County District Attorney who has reviewed practices with the Department of Justice (DOJ) in Salem. The legislation has changed and is allowing more cases to be legal. The legal language can be confusing and hard to understand. LCSO is looking at policy very carefully.
2. **Public Works.** Public Works Superintendent Karl Frink reported that at the water treatment plant they had a major control valve fail. It is an estimated repair cost of \$5,000. The valve is critical to maintain a constant flow in operations. Staff is manually operating the valve at this time until repairs can be made. In other



Council Minutes

areas, fire hydrants have been repainted, sewer work is happening on Depot Avenue for the Lepman development, trees are being trimmed per ordinance, and Pioneer Park is being maintained with facility and trash clean up. Don and Carol Neddeau (Park Caretakers) are doing a great job and continue to help out down in the park even after their work contract has been completed. It is great to have local folks help us out in the park.

3. **Administrator's Report.**

McDowell mentioned that is one of Council's larger business meetings of the year due to the August recess. McDowell pointed out the new clock that was built by Jane Macqueen and Bernard Gross. Public Works helped hang the clock.

McDowell shared that Eugene Kennel Club (EKC) has informed the City that this will be the last year for their dog show in Pioneer Park. The EKC would like to thank Council, the Park Board and the Staff for allowing them to host their annual in Brownsville. They are grateful for the time they have spent in Brownsville. Debbie Berry indicated that the club will be dissolving at the end of 2017.

McDowell reported that the deed for the Central Linn Recreation Center has been finalized. Councilor Shepherd attended a Central Linn School Board meeting with Staff earlier this to iron out the details. First American Title out of Albany assisted with this transaction. McDowell extended thanks to the Central Linn School Board and Superintendent Brian Gardner for their assistance.

McDowell talked about a comprehensive economic development meeting that was held at Linn Benton Community College that had been many months in the making. The meeting transpired on September 6th, 2017. Many major economic developments players were at the table: Corvallis, Albany, Millersburg, Linn County, Benton County, the State of Oregon, Cascade West Council of Governments (COG), Oregon State University (OSU), Linn Benton Community College (LBCC) and representatives from the Go Team effort. McDowell said this meeting was a momentous occasion because, the have-nots, had never before been invited to the table. McDowell credited COG Executive Director Fred Abousleman for the invitation to participate in the meeting. Many great concepts and ideas were shared at the meeting. The outcome was that representatives from the COG, OSU and LBCC would reach out to the private sector for thoughts and guidance in a qualitative manner. The group was hopeful of an update within two weeks from the meeting.

Councilor Gary Shepherd accompanied McDowell to the first meeting with the Linn County Sheriff's Office under the new contract. Several issues were addressed from communication, to conflicting marijuana laws, to traffic enforcements. Overall, the meeting went very well. Communities were glad to have the Sheriff, the Undersheriff and Sergeant Klein in the room listening and addressing concerns and challenges. Challenges not only facing the communities, but for Linn County as well. Several suggestions were made for improvements.

McDowell expressed disappointment in the fact the Cascade West Council of Governments agreement for general ledger and utility billing software would not



Council Minutes

be happening. The COG will be going out for a contract soon for another provider. The City's saving was predicated on the agreement the COG had with the software provider and the fact that COG staff would be assisting with questions and data conversion. McDowell indicated that Administrative Assistant Tammi Morrow and Administrative Assistant Jannea Deaver would be starting the search shortly after the annual audit which will transpire the last full week of October.

McDowell and Administrative Assistant Jannea Deaver met with Kevin Sullivan, who is the President of Alyrica Internet Company from Philomath, to discuss a fiber optic system in Brownsville. Currently, Alyrica is installing a fiber optic system in Halsey. Halsey has an advantage due to a major trunk fiber cable already existing along Highway 99. McDowell said that a fiber optic system is vital for the future of Brownsville and other rural towns. Recently, computer scientists have developed Photonic Data Transfer which can transmit data at the speed of light. This development will shape computer for the foreseeable future. Fiber optic systems are the key component of transmitting data as light signals. Developers have not quite figured out how to slow the data down to capture it just yet, but they will. McDowell said that he recently talked with Juine Chada at Senator Wyden's office to inquire about possible funding options and mechanisms that may be available for small, rural systems. Senator Wyden has been active on this issue.

McDowell said that Public Works Superintendent Karl Frink and Administrative Assistant Elizabeth Coleman presented information in March regarding the City's In Fill Policy. The City cannot expand residential available lands due to the amount of available lots that currently exist within the City limits and the Urban Growth Boundary (UGB). The problem is that many of these available lots are "dry lots" meaning utilities and/or roadway must be extended to connect these lots to the public utility system or road system. Due to the high costs of making these connections, the lots are not attractive for development. Any one attempting to develop a lot is required to meet the City's Public Works Standards. The City has several options, 1) Do nothing, 2) develop the utility system and assess associated costs, as allowed by law, to the lots in order to make them more affordable options for development, or 3) allow owners to match existing conditions thereby lessening the Public Works Standards. McDowell will be bringing the discussion back to Council later this year.

Recently, the City considered a Social Work intern to assist with various projects. The City ran into a few concerns that included applicable work toward the major and a confidentiality issue which was impossible to address effectively since the City is a public entity. The City would like to host an intern in the future if the situation is more conducive for the City's needs.

McDowell gave a brief overview of the needs in Pioneer Park. Last October, Public Works Superintendent Karl Frink and McDowell prepared a presentation that demonstrated the need for a serious review of the Central Linn Recreation Center and the structures in Pioneer Park. Many of the structures are nearing the end of their useful life as they were built in the early 1970's. McDowell reminded Council that a conversation with the Linn County Pioneer Picnic Association is pending for the Pioneer Picture Gallery on Main Street. McDowell proposed hosting a Town



Council Minutes

Hall style meeting once a report is completed on the structures. All community partners using these assets would be invited to discuss future improvements and financing options.

McDowell reported that Administrative Assistant Tammi Morrow and Staff would send the Fall Newsletter out on Friday of this week.

McDowell thanked Staff and Public Works for all of their work during the month. Staff hosted the Volunteer Party on September 14th, 2017. Councilor Neddeau helped tremendously by being the master chef for the celebration. Brownsville is fortunate to have such vibrant and talented volunteers.

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** No comments.

Citizen Comments. Marilyn Grimes stated that she voted to legalize marijuana, and that Council does not have the right to take this away, when it was voted on and passed. The plants look big when they are grown outside, but they shrink down to only about ¼ of the plant for actual use. She believes that cannabis needs to be grown outside for best results. McDowell asked that she refrain from personal attacks, and encouraged her to address Council only. This statement goes to everyone in the room. Ms. Grimes concluded with the statement that if the Council passes this, they are not voting for what the citizens of Brownsville voted for and want.

Kelly Williams stated that she and her elderly mother are having a lot of health problems (headaches, etc.) due to a neighbor that is growing marijuana and encroaching on her backyard. The skunk smell is quite bad, and very difficult to deal with. She is asking that Council put a limit on how close to a neighbor's residence marijuana plants can be grown. She is unable to use her backyard at all.

Ralph Seiders stated that he had been a marijuana user for years. He has witnessed firsthand the destruction this drug has caused in his own family. He believes it will contribute to the ruination of the young people. He is against marijuana.

Robert Miller is Mr. Bradburn's neighbor and he stated that he put up a fan to combat the male pollination from getting on his plants.

Ken Meadors from Sweet Home stated that he is honestly for marijuana. He believes education of the young is where it should start. There is bad to go with the good, and vice versus. There are a lot of grey areas. Folks should meet halfway and come to an agreement that benefits us all.

Amy Bradburn stated that she lives the marijuana nightmare every day. She works at LBCC, and educates youth. When she puts her daughter to bed at night the smell in their bedroom is just awful. Allegations from the neighbors are ridiculous. Mrs. Bradburn stated that she is not for or against marijuana necessarily, she just doesn't want her daughters exposed to it. When other people's choices infringe on you or your health, you have a right to speak up. She implored Council to pass an ordinance for inside marijuana grows only in town.



Council Minutes

LEGISLATIVE:

- A. Resolution 2017.14 – Machinery Fees.** McDowell stated that it has been three years since Council has reviewed this list of fees. This resolution is just modifying costs to this list. *Councilor Gerber moved to approve R 2017.14 as presented. Councilor Neddeau seconded the motion, and it passed unanimously.*
- B. Resolution 2017.15 – Cut and Fill Requirement – Public Works Standards.** McDowell explained that the City has been employing this technique for a number of years. Developers do all they can to maximize profits, and the law is always changing, so this resolution should help with clarification. *Councilor Block moved to approve R 2017.15. Councilor Shepherd seconded the motion, and it was approved unanimously.*
- C. Resolution 2017.16 – Planning Fees.** Staff is recommending two changes, adding a no-fee demolition permit and also looking at secondary lot options. *Councilor Gerber made a motion to adopt R 2017.16. Councilor Block seconded the motion, and it passed unanimously.*
- D. Resolution 2017.17 – Park Fees.** McDowell stated that Park Board is recommending this legislation to Council. This summer Council had to take immediate action to discontinue most camping and only allowing camping on a very limited basis. Staff made this transition go as smoothly as possible. In future, camping fees shall be incorporated into park reservations as much as possible and fees will be collected at City Hall as appropriate. It is important to always remember that our park is a park, not a campground. There may well be a time when the City can no longer allow long-term camping in the park at all. Other recommendations to consider is only allowing camping of Friday, Saturday, and Sunday nights. Exceptions could be made if a holiday falls mid-week. There will be a broader discussion around this issue soon. *Councilor Chambers moved to adopt R 2017.17 as presented. Councilor Shepherd seconded the motion, and it was approved unanimously.*
- E. Ordinance 769 – Architectural Front (First Reading).** *Councilor Gerber moved to read by title only. Councilor Block seconded the motion, and it passed unanimously.* Mayor Don Ware read by title only. This legislation is recommendation of the Planning Commission. McDowell stated that the City does not have a law on the books surrounding this issue. It is a public safety issue, and many communities have enacted legislation like this. Council will review again next month.
- F. Arbor Day Proclamation.** Mayor Don Ware proclaimed October 14th, 2017 as this year's Arbor Day for the City of Brownsville. There will be a tree planting event in the park.

ACTION ITEMS:

- Simpson Condition Use Application – Findings of Fact.** To recap, McDowell stated last month Council held a special open hearing meeting on September 19th around this issue. Council needs to follow proper procedure and pass a motion. The agenda packet includes both the findings of fact which is



Council Minutes

required by State law if approval is denied and the conditions of approval should Council choose to approve the application. There are two motions that Council needs to pass tonight due to the statutory 120 days requirement. *Councilor Block moved to deny the Simpson's Conditional Use Application based on the information provided to Council and to adopt the Findings of Fact as contained in the Council Agenda Packet for this evening's meeting. Councilor Shepherd seconded the motion.*

Discussion followed.

McDowell stated that this is an issue that has certainly divided this community. This issue puts these Councilors, Staff, neighbors, and users at odds. He does not envy any of the people to his left that have to make these kinds of decisions. He applauds all who are here tonight. To articulate for the public record, this has never just been about marijuana. Some folks think that the U.S. Constitution is being ignored and the Federal law is being broken. There is a strong body that believes that nationally. In the State of Oregon, voters did approve Measure 91, legalizing marijuana, and some will argue that it is unconstitutional. It is split down the line in this room tonight. City Staff and City Councilors are charged with discharging certain responsibilities. The City Attorney is focused on not getting the City involved in a liability situation. Liability is precarious at best. If the Simpsons appeal to LUBA (Land Use Board of Appeals) some folks are saying that the City's argument will not stand and the City will probably lose. With that said, sometimes Councils have to make decisions that they don't want to make. Councilor Gerber stated that she will be voting in the same way as she did before. She believes the Simpsons have met the conditions and that they City did vote in favor of recreational and medical marijuana. However, she would definitely vote for a City ordinance limiting outdoor marijuana grows outdoors; the City should be able to legally control that. Mayor Don Ware said that he will be voting the same as well. An official vote was called for. *Voting to deny the approval were Councilor Shepherd, Block, Chambers, and Neddeau. Voting against the denial were Mayor Don Ware and Councilor Gerber. The denial motion passed, 4-2.*

2. **Calapooia Food Alliance – Red Barn Agreement.** McDowell has been contacted by Don Lyon, CFA president, and they would like to renew the red barn agreement. Mr. Frink said the agreement is working fine in relation to Public Works. *Councilor Gerber moved to renew the agreement. Councilor Block seconded the motion.* Discussion followed. Councilor Shepherd stated that the City has recently put a lot of improvements into the building and he believes the rent money should go up to get a return on the City's investment. A vote was called for. *Mayor Don Ware, Councilors Block, Chambers, Neddeau, and Gerber voted to renew the agreement as presented. Councilor Shepherd opposed the motion. The motion passed, 5-1.*
3. **Calapooia Food Alliance – Kirk's Ferry Agreement.** McDowell stated that the City entered into this agreement many years ago, but it was never utilized. If the CFA would like to use this space in the future, they should come back to Council and go through the process again. *Councilor Block moved to vacate the current*



Council Minutes

agreement. Councilor Chambers seconded the motion and it was approved unanimously.

4. **Wickett Landscaping Maintenance Agreement.** The City entered into a landscape maintenance agreement with the Wickett's on the corner of Depot and Main Street. The agreement is up for review; McDowell is recommending renewing the agreement. *Councilor Gerber moved to continue the agreement for three more years. Councilor Block seconded the motion, and it passed unanimously.*
5. **City Building Inspections.** McDowell has secured a bid from Inspections Unlimited, located in Salem, Oregon, for \$9,800 to do a full inspection of City buildings for maintenance and repair into the future, focusing in particular on the Rec Center and Park buildings. Due to the cost of the estimate, Staff would like Council approval before proceeding. The bottom line is that some of these buildings are going to need a lot of upgrading and improving and the public will be severely scrutinizing the situation. Staff feels it will be difficult to proceed without getting cost estimates for future needs and improvements. It is not mission critical right now, but costs continue to rise, and from a budgetary standpoint, cost projections are critical. McDowell would like to possibly have a town hall meeting around the issue in December. *Councilor Gerber moved to go forth with the contract, and approve Ware and McDowell to sign the necessary documents. Councilor Chambers seconded the motion, and it passed unanimously.*
6. **Eagle Point Marijuana Ordinance.** *Councilor Gerber moved to authorize McDowell to move forward with researching this legislation. Councilor Shepherd seconded the motion and it was approved unanimously.*

DISCUSSION ITEMS:

1. **Annual Master Checklist.** McDowell included the Master Checklist for Council's general information. The report is put together as part of a broader document based on Budget Committee outcomes. The report also shows the depth of Staff responsibilities to serve as a reminder to Council and the other committees how involved the City's Staff already is with current requirements. The only three resources that we have is time, energy and money to accomplish goals. Due to limited Staff and unlimited responsibilities, Staff and Council have to have a plan to accomplish key directives and objectives over the course of any given year. One problem with accomplishing goals is things like the marijuana issue and the sheer amount of time that the issue alone has consumed. Marijuana was never a goal or an objective of Council or the City. It is a goal of the Oregon State Legislature that was forced on cities and counties through pre-emption. These and other legislative issues and initiatives by outside agencies force Staff to spend a lot of time *not* on facilitating Council Goals. There are always several projects that were not listed that come up that need to be dealt with each year as well. McDowell includes it in Council's agenda packet sporadically so that progress can be monitored by Council and so that Council can understand the challenges as they arise. This list is simply a tool for Council to track and be aware of Staff's day to day work. Mayor Don Ware commented that he thought it was a fascinating and important document.



Council Minutes

2. July & August Financials. No comments.

CITIZENS COMMENTS – Bryan Bradburn spoke about Inspections Unlimited, stating that he has not had good dealings with the company. He says they are a shady outfit and he would not recommend using them for any services. Vern Landers stated that he believes that marijuana is here and it is not going anywhere because of how much money is involved. He proposed that the City outlaw growing it in town so that neighbors don't have to put up with the smell. Marilyn Grimes spoke next stating that she does not like the smell of the mill, or the smell of skulls from the taxidermist. Kaye Fox commented that she was privy to the letter that Kevin Keenan wrote about the situation on Kirk Avenue. Is there something that can be done about the situation? There is a lot of traffic on Kirk Avenue.

COUNCIL COMMENTS – Councilor Gerber asked Mr. McDowell about recommendations for the inspection company? Mayor Don Ware and McDowell will do further research. If they feel comfortable executing an agreement, they will do so. If not, they will come back to Council with other options.

ADJOURNMENT: Councilor Gerber moved to adjourn at 8:57 p.m. Councilor Block seconded the motion, and it passed unanimously.

S. Scott McDowell
City Administrator

Don Ware
Mayor



September 26th, 2017

Simpson's Conditional Use Application

Motion to Deny:

I move to deny the Simpson's Conditional Use Application based on the information provided to Council and to adopt the Findings of Fact as contained in the Council Agenda Packet for this evening's meeting.

Motion to Approve:

I move to approve the Simpson's Conditional Use Application based on the information provided to Council and to adopt the Conditions of Approval as contained in the Council Agenda Packet for this evening's meeting.



www.ci.brownsville.or.us

City Hall
 255 N. Main Street • P.O. Box 188
 Brownsville, OR 97327 • 541.466.5666
 Fax 541.466.5118 • TTY/TDD 800.735.2900

September 26th, 2017

NOTICE OF DECISION

- PROPOSAL:** Conditional Use allowing a Recreational Marijuana Facility, with Limited Medical Marijuana sales in the Light Industrial Zone (LI).
- LOCATION:** Tax lot 700, T14S, R3W, Section 01AA; located at 221 W Bishop Way.
- APPLICANT:** Randy Simpson & Gayle Ashford
 PO Box 700
 Brownsville, OR 97327

The City of Brownsville's Council conducted a public hearing for the above referenced planning action on September 19th, 2017. Mr. Simpson & Ms. Ashford appealed the Planning Commission's decision which was made on July 31st, 2017 to Council. Upon consideration of the record and testimony at the public hearing and based upon Findings of Fact, the Council voted on September 26th, 2017, 4 – 2, resulting in a denial of the proposed Conditional Use application. The Findings of Fact are attached to this Notice of Decision.

If you wish to appeal this decision, appeals must be filed with the Land Use Board of Appeals (LUBA). The LUBA can be reached at (503) 373.1265. The LUBA Office can be reached by e-mail at LUBASupport@dsl.state.or.us. Information about LUBA can be found at <http://www.oregon.gov/luba/pages/index.aspx>. There are many statutory requirements for filing such an appeal. You have twenty-one (21) days to file an appeal with LUBA. For all other requirements and rules, please contact LUBA for process and procedures. If no appeal is filed, this Notice of Decision will become effective on October 17th, 2017. Please feel free to contact me if you should have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "SM", written over a horizontal line.

City Administrator S. Scott McDowell

c: File

2017 Simpson & Ashford Notice of Decision – September 26th, 2017

BRIAN L. MICHAELS, P.C
Attorney at Law
259 East Fifth Avenue, Suite 300-D
Eugene, Oregon 97401
Telephone: 541.687.0578
Fax: 541.686.2137

October 14, 2017

RE: APPEAL BY
RANDY SIMPSON AND
GAYLE ASHFORD

This letter succeeds NOTICE OF INTENT TO APPEAL mailed October 13, 2017. Please be advised, as you may have noticed, it would appear the printer failed to print pages 2 and 4, leaving them blank.

Contained herein is a complete copy of the LUBA Appeal. Please accept our apologies for any inconvenience.

Thank you for your attention and courtesies.

BRIAN L. MICHAELS, P.C.

FILED
COURT RECORDS
OCT 18 2017

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

RECEIVED
City of Brownsville
OCT 18 2017

RANDY SIMPSON and GAYLE
ASHFORD,

Petitioners,

v.

CITY OF BROWNSVILLE,

Respondent.

LUBA No.

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that Petitioners intend to appeal the final decision by the City of Brownsville in the Findings of Fact and Conclusions, on denial of Petitioners' Appeal and Application for Conditional Use Permit, otherwise described as follows:

Conditional Use allowing a Recreational Marijuana Facility, with Limited Medical Marijuana sales in the Light Industrial Zone (LI).

Exhibit A (Notice Of Final Decision). Petitioners were the applicants below. The date of the Notice of Decision was September 26, 2017, *id*, and the decision occurred on September 26, 2017, *id*.

II.

Petitioner is represented by:

Sean T. Malone, OSB # 084060
Attorney at Law

Brian Michaels, OSB 925607
Attorney at Law

RETURN TO:

City of Brownsville
1000 1st Street, SW
Brownsville, Oregon 97101
Phone: 503.325.2700

1 259 E. Fifth Ave, Ste 200-C
2 Eugene OR 97401
3 (303) 859-0403
4 seanmalone8@hotmail.com

259 E. Fifth Ave, Ste 300 D
Eugene OR 97401
541.687.0020
brian@brianmichaelslaw.com

5 III.

6 Respondent has as its mailing address and telephone number:

7
8 City Of Brownsville Planning Commission
9 City Hall
10 255 N. Main Street
11 P.O. Box 188
12 Brownsville, OR 97327
13 541.466.5666

14 City Council for the City Of Brownsville
15 City Hall
16 255 N. Main Street
17 P.O. Box 188
18 Brownsville, OR 97327
19 541.466.5666

20 and has as its legal counsel:

21 Mr. Ross M Williamson
22 Speer Hoyt LLC
23 975 Oak St Ste 700
24 Eugene OR 97401
25 541.485.5151

26 IV.

Other persons mailed or emailed written notice of the land use decision by
Respondent, as indicated by its records, are listed in Exhibit B.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

NOTICE:

Anyone designated in paragraph IV of this Notice who desires to participate as a party in this case before the Land Use Board of Appeals must file with the Board a Motion to Intervene in this proceeding as required by OAR 661-10-0050.

DATED: October 13, 2017,

BY:



Sean T. Malone, OSB # 084060
Attorney at Law
259 E. Fifth Ave, Ste 200-C
Eugene OR 97401
(303) 859-0403
seanmalone8@hotmail.com



Brian Michaels, OSB 925607
Attorney at Law
259 E. Fifth Ave, Ste 300 D
Eugene OR 97401
541.687.0020
brian@brianmichaelslaw.com

STATE OF OREGON DEPARTMENT OF REVENUE

Division of Property Tax
1000 NE Oregon Street, Room 300
Eugene, Oregon 97401

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

Undersigned hereby certifies that on October 13, 2017, a true and correct copy of the foregoing was served on all persons listed in paragraphs III and IV of this Motion pursuant to OAR 861-010-0015(2) by first class mail or electronic mail where an electronic mail address was included on the local government's website.

CERTIFICATE OF FILING


Undersigned hereby certifies that on October 13, 2017, an original of the foregoing, together with two copies, was filed with the Land Use Board of Appeals, DSL Building, 775 Summer Street NE, Suite 330, Salem OR 97301-1283, by certified mail, return receipt requested.

DATED: October 13, 2017.

BY:



Sean T. Malone, OSB # 084060.
Attorney at Law


Peter Richman, OSB # 929603
Attorney at Law

Attorneys For Petitioner

NOTICE OF [] IN TAPPEAL APPEAL

Attorney at Law
[]
[]
[]

Exhibit A



www.ci.brownsville.or.us

City Hall
 285 N. Main Street - P.O. Box 186
 Brownsville, OR 97327 • 541-466-8666
 Fax 541-466-8118 • T1/TDD 800 735 2000

September 26th, 2017

NOTICE OF DECISION

PROPOSAL: Conditional Use allowing a Recreational Marijuana Facility, with Limited Medical Marijuana sales in the Light Industrial Zone (LI).

LOCATION: Tax lot 700, T14S, R3W, Section 01AA; located at 221 W Bishop Way.

APPLICANT: Randy Simpson & Gayle Ashford
 PO Box 700
 Brownsville, OR 97327

The City of Brownsville's Council conducted a public hearing for the above referenced planning action on September 19th, 2017. Mr. Simpson & Ms. Ashford appealed the Planning Commission's decision which was made on July 31st, 2017 to Council. Upon consideration of the record and testimony at the public hearing and based upon Findings of Fact, the Council voted on September 26th, 2017, 4 - 2, resulting in a denial of the proposed Conditional Use application. The Findings of Fact are attached to this Notice of Decision.

If you wish to appeal this decision, appeals must be filed with the Land Use Board of Appeals (LUBA). The LUBA can be reached at (503) 373-1265. The LUBA Office can be reached by e-mail at LUBASupport@dsl.state.or.us. Information about LUBA can be found at <http://www.oregon.gov/luba/pages/index.aspx>. There are many statutory requirements for filing such an appeal. You have twenty-one (21) days to file an appeal with LUBA. For all other requirements and rules, please contact LUBA for process and procedures. If no appeal is filed, this Notice of Decision will become effective on October 17th, 2017. Please feel free to contact me if you should have any questions.

Sincerely,

City Administrator S. Scott McDowell

c: File

2017 Simpson & Ashford Notice of Decision - September 26th, 2017

Exhibit B

Terry & Danna Gell
PO Box 12
Brownsville, OR 97327

Jerry's Gas & Food Mart
PO Box 274
Brownsville, OR 97327

BV MHP LLC
14845 SW MURRAY SCHOLLS DR
STE 110 PMB 304
BEAVERTON, OR 97007

Art & Danee Kallai
PO Box 251
Brownsville, OR 97327

Jaime Bargen
404 Bishop Way
Brownsville, OR 97327

Roman Alfonso
354 W Bishop Way
Brownsville, OR 97327

Huff & Sarah Meyr
304 W Bishop Way
Brownsville, OR 97327

Jean Shipp
424 Washburn Street
Brownsville, OR 97327

Rick & Debbie Wingren
PO Box 522
Brownsville, OR 97327

Adonai Nissi Mission
PO Box 96
Brownsville, OR 97327

Rudy & Carlene San Martin
29255 Lone Pine Road
Brownsville, OR 97327

Greg & Shawna Hopla
212 W Washington Avenue
Brownsville, OR 97327

Thomas & Jean Hamilton
PO Box 190
Jefferson, OR 97352

LD McFarland Cascade CO LTD
PO Box 1496
Tacoma, WA 98401

Brownsville Assembly of God
PO Box 538
Brownsville, OR 97327

Meaghan Walter
235 Washburn Street
Brownsville, OR 97327

Robert & Margaret McCormick
30400 Fayetteville Drive
Shedd, OR 97377

Michael Larsen
216 Washburn Street
Brownsville, OR 97327

Robert & Tamara Strauss
229 Washburn Street
Brownsville, OR 97327

Henry & Carol Kraemer
219 Washburn Street
Brownsville, OR 97327

Glenn Reinemer
209 Washburn Street
Brownsville, OR 97327

James & Sue Baldwin
303 W Bishop Way
Brownsville, OR 97327

Family Bible Church of Oregon
PO Box 341
Brownsville, OR 97327

Neal & Susan Karo
409 Washburn Street
Brownsville, OR 97327

Carl & Leisa Keyser
401 Washburn Street
Brownsville, OR 97327

Randy Simpson & Gayle Ashford
PO Box 700
Brownsville, OR 97327

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

RANDY SIMPSON and GAYLE ASHFORD,

LUBA No.: 2017-097

Petitioners,

v.

CITY OF BROWNSVILLE, an Oregon
Municipal Corporation,

Respondent.

WITHDRAWAL OF DECISION FOR RECONSIDERATION

Respondent City of Brownsville, through its attorney of record, hereby withdraws
the decision identified in Petitioners Notice of Intent to Appeal for purposes of

////
////
////
////
////
////
////

1 reconsideration. Pursuant to OAR 661-010-0021 and ORS 197.830(13)(b), the City of
2 **Brownsville** has decided to reconsider its decision.

3 DATED this 31st day of October, 2017.

4 Respectfully submitted,

5 LOCAL GOVERNMENT LAW GROUP PC

6
7
8 By:



Ross M. Williamson, OSB #014548
Of Attorneys for Defendants
Local Government Law Group PC
975 Oak Street, Suite 700
Eugene, OR 97401
Telephone: (541) 485-5151
Email: ross@localgovtlaw.com

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **WITHDRAWAL OF DECISION FOR RECONSIDERATION** on October 31, 2017, by depositing a full, true and correct copy thereof in a sealed, first class postage-prepaid envelope, addressed to the following addresses:

Brian L. Michaels, P.C.
Attorney at Law
259 E. Fifth Avenue, Suite 300-D
Eugene, OR 97401
Email: brian@brianmichaelslaw.com
Attorney for Petitioners

Sean T. Malone
Attorney at Law
259 E. Fifth Avenue, Suite 200-C
Eugene, OR 97401
Email: seanmalone8@hotmail.com
Attorney for Petitioners

SPEER HOYT LLC

By:



Ross M. Williamson, OSB #014548
Of Attorneys for Respondent
Local Government Law Group PC
975 Oak Street, Suite 700
Eugene, OR 97401
Telephone: (541) 485-5151
Fax: (541) 485-5168
Email: ross@localgovtlaw.com



LINN COUNTY PLANNING AND BUILDING DEPARTMENT
 Robert Wheeldon, Director

Room 114, Linn County Courthouse
 PO Box 100, Albany, Oregon 97321
 Phone 541-967-3816 Fax 541-926-2060
 www.co.linn.or.us

NOTICE OF PENDING LAND USE ACTION

The following request has been submitted for review by this Department. Any comments you wish to provide must be received by **5:00 p.m., November 17, 2017**. All comments will be appreciated; however, Oregon law requires that written comments specify which application criteria apply to submitted testimony.

APPLICANT NAME: Amln Patel & Randall Raschein **LANDOWNER:** Randall & Carolyn Raschein

FILE NUMBER/ TYPE OF REQUEST: PD17-0287; site plan review for marijuana production, as allowed under Linn County Code (LCC) Section 928.310(B)(1).

LOCATION OF PROPERTY: The property is located at 26985 Gap Road, near the city of Brownsville (T14S, R02W, Section 06, Tax Lot 2200).

PLAN DESIGNATION/ZONE DESIGNATION: Agricultural-Resource / Exclusive Farm Use (EFU)

URBAN GROWTH AREA/PLANNING AREA: City of Brownsville

SUMMARY OF REQUEST: The applicant is establishing an indoor marijuana production operation as a farm use under LCC 928.310(B)(1). The use requires a site plan review in accordance with the standards found in LCC Chapter 940. The subject property is located on the east side of Gap Road, approximately 0.15 miles from the intersection of Gap Road and Tyson Lane, approximately 0.06 miles south of the city limits of Brownsville. The purpose of this notice is to solicit comments and input from surrounding property owners and affected agencies regarding the applicable decision criteria (attached) so that the Department may make a final land use decision.

COMMENTS: _____

BY _____ AGENCY (IF ANY) _____ DATE _____

STAFF CONTACT PERSON: Jennifer Cepello; (541)967-3816, ext.2368 or jcepello@co.linn.or.us

- | LINN COUNTY | | STATE OF OREGON | | OTHER |
|------------------------------------------------------------------|------------------------------------------------------|-------------------------------------------|---------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> BHP | <input checked="" type="checkbox"/> Sheriff | <input type="checkbox"/> DEQ | <input type="checkbox"/> ODOT/OSHD | <input type="checkbox"/> School _____ |
| <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Bldg. Off./Flood | <input type="checkbox"/> DOGAMI | <input type="checkbox"/> ODSF | <input checked="" type="checkbox"/> Landowners |
| <input checked="" type="checkbox"/> Assessor | <input checked="" type="checkbox"/> Roads | <input type="checkbox"/> DSL | <input type="checkbox"/> DLCD | <input type="checkbox"/> City of _____ |
| <input checked="" type="checkbox"/> GIS | <input type="checkbox"/> Surveyor | <input checked="" type="checkbox"/> Water | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Other <u>OLCC</u> |
| <input checked="" type="checkbox"/> RFPD <u>Brownsville RFPD</u> | | <input type="checkbox"/> ODPW | <input type="checkbox"/> State Fire Marshal | |

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

1. Oregon law [ORS 215.416(5)] requires that local governments make copies of applicable decision criteria available to any participant in a land use hearing. This application will be reviewed, and a decision made, using the decision criteria listed below.

Section 940.400 of the Linn County Land Development Code contains the criteria and standards specified for use with this application.

940.400 Marijuana production

- (A) Marijuana production is limited to the Agribusiness (AB), Freeway Interchange Commercial (FIC), Heavy Industrial (HI), Light Industrial (LI), Rural Commercial (RCM), Urban Development (UD-II), Exclusive Farm Use (EFU), Farm/Forest (F/F), and Forest Conservation Management (FCM) zoning districts and shall be subject to the following standards and criteria:
- (1) **Minimum lot size.** For production in the EFU, F/F, and FCM zoning districts, the subject property shall be a minimum of two acres, except that if outdoor production is proposed, the subject property shall be a minimum of five acres.
 - (2) **Setbacks.** Outdoor production, as defined in LCC 920.100(B)(204), shall be a minimum of 100 feet from all property lines. Any structure used for indoor production, as defined in LCC 920.100(B)(147), shall comply with the structural setback standards of the underlying zone or be located a minimum of 100 feet from an existing dwelling that is not located on the same property as marijuana production use, whichever is greater.
 - (3) **Access.** The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. However, the easement standard will be waived if the property takes access via a private road or easement which also serves other properties and evidence is provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production described in the application. Such evidence shall include any conditions stipulated in the agreement.
 - (4) **Lighting.** Lighting shall be regulated as follows:
 - (a) Light cast by light fixtures inside a building used for marijuana production shall not be visible outside the building between the hours of 7:00 p.m. to 7:00 a.m., except for the months of June, July and August, where light cast by light fixtures inside a building used for marijuana production shall not be visible outside the building between sunset and sunrise.
 - (b) Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m., except for the months of June, July and August, where outdoor marijuana grow lights shall not be illuminated between sunset and sunrise.
 - (c) Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.
 - (5) **Odor.** As used in this section, building means the building, or portion thereof, used for indoor production. This section does not apply to a building approved as part of outdoor production, as defined in LCC 920.100(B)(204).
 - (a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - (c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - (d) Negative air pressure shall be maintained inside the building.
 - (e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (f) The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with LCC 940.400(A)(5).

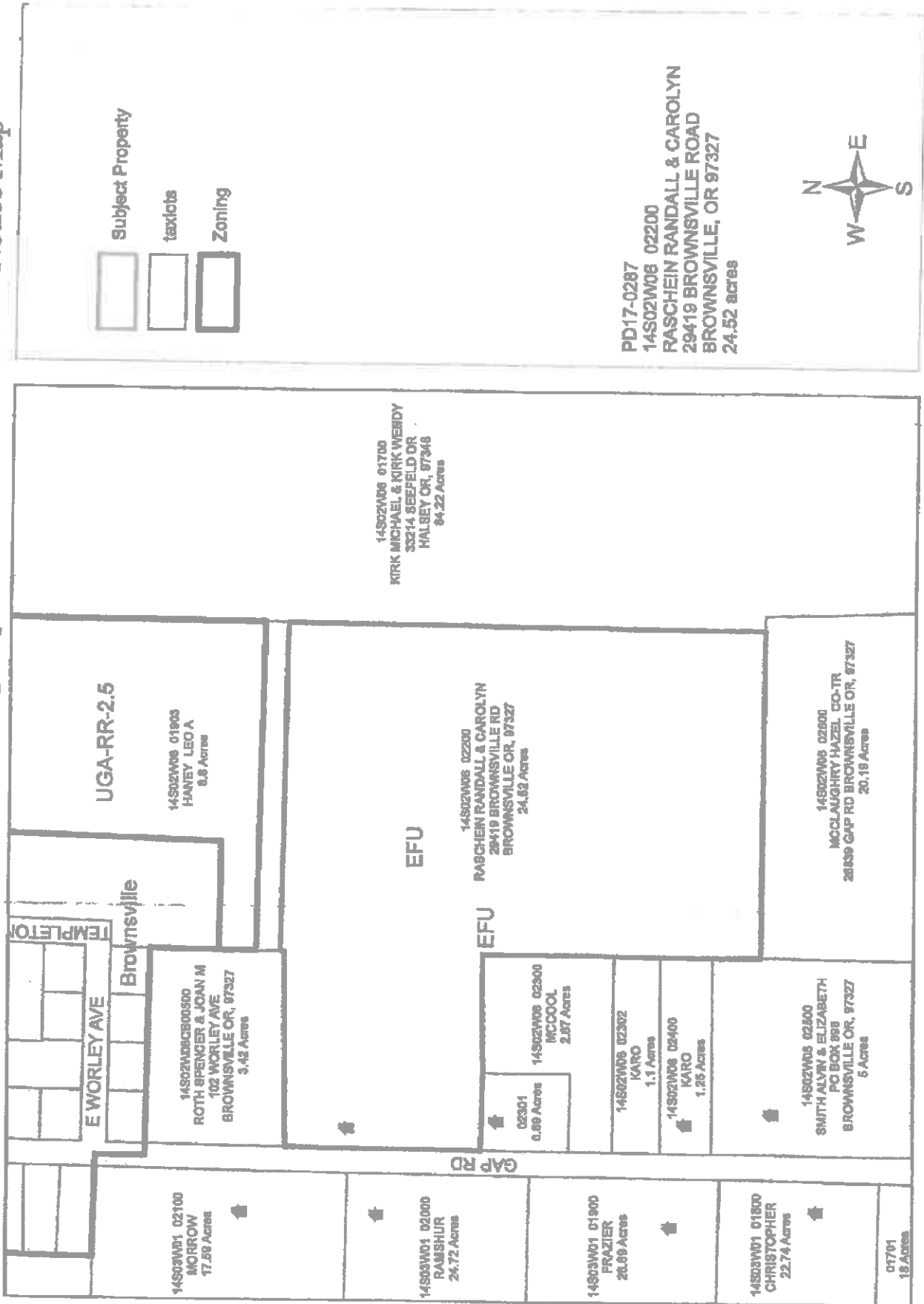
- (g) An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.
 - (6) Noise. The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that generators as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measured at any property line of the subject property, exceeds 50 dB(A).
 - (7) Security Cameras. If security cameras are used, they shall be directed to record only the subject property and public right-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission (OLCC) or registration requirements of the Oregon Health Authority (OHA).
 - (8) Water. The applicant shall submit:
 - (a) A water right permit or certificate number for the proposed marijuana production;
 - (b) A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
 - (c) Proof from the Oregon Water Resources Department that the water to be used for marijuana production is from a source that does not require a water right.
 - (9) Waste Management. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant. Outdoor storage of marijuana waste is prohibited. Marijuana waste burning is prohibited.
 - (10) Fencing. Fencing, walls, or other barriers, as required by state law, shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc. Fencing shall not be electrified, use barbed wire, razor wire, concertina coils, anti-climb spikes or any other similar security feature designed to discourage ingress through the potential of causing bodily harm.
 - (11) Survey. Pursuant to OAR 845-025-1030(4)(c), a survey prepared by an Oregon licensed surveyor that accurately reflects the property lines of the subject property is required to be submitted as part of an application for outdoor marijuana production. The survey is required in order to ensure that the outdoor marijuana production operation is located entirely on the subject property and does not encroach onto adjacent properties.
 - (12) Marijuana production is subject to the size limitations found in OAR 845-025-2040.
 - (13) Marijuana production shall be subject to a Type IIA site plan review per LCC 921.080(B)(13).
2. All testimony and evidence must be directed toward the criteria described above or other criteria in the plan or land use regulations, which you believe, apply to the decision. Failure to raise an issue before the close of the record during the comment period/final evidentiary hearing, by letter or in person, or failure to provide statements or evidence sufficient to afford the decision maker(s) and the parties an adequate opportunity to respond to each issue raised precludes an appeal based on that issue.
 3. Please note the deadline stated in the accompanying notice for submitting your written comments for decisions to be made by the Planning and Building Department Director. Oral comments cannot be accepted for Director decisions.
 4. If a public hearing is scheduled before either the Planning Commission or the Board of County Commissioners, written and/or oral comments may be submitted either before and/or during that hearing. Please note the time and date of the hearing in the accompanying notice.
 5. A map(s) depicting the parcel under review and surrounding lands is attached to the notice.
 6. A copy of the application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost and will be provided at reasonable cost. For applications scheduled for public hearing, a staff report will be available for inspection at the Department at least seven days prior to the hearing. A copy of the staff report will be provided at reasonable cost.

7. If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the 150-day time limitations of ORS 215.427.
8. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The decision maker shall grant the request by either (a) continuing the public hearing or (b) leaving the record open for additional written evidence or testimony. If the decision maker grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the initial hearing.
 - (a) At the continued hearing, persons may present and rebut new evidence and testimony. If new written evidence is submitted, any person may request, prior to the close of the continued hearing, that the record be left open for at least seven more days to submit additional written evidence or testimony to respond to the new written evidence.
 - (b) If the record is left open, it shall remain open for at least seven days. During the period the record was left open, any participant may file a written request with the local government for an opportunity to respond to new evidence submitted. If the record has been closed and such a request has been timely filed, the record shall be reopened. Unless waived by the applicant, the applicant shall have at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. If the record is reopened to admit new evidence or testimony, any person may raise new issues, which relate to the new evidence, testimony or decision criteria for the application. Except when requested or agreed to by the applicant, the extension shall be subject to the 150-day limitations of ORS 215.427.
9. Appeals from Departmental decisions result in a hearing before the Planning Commission; appeals from Commission decisions result in a new hearing before the Board of County Commissioners.
10. Testimony or evidence previously submitted to the Commission must be resubmitted by the parties to the Board for the new hearing.
11. If this case is scheduled for a public hearing, the hearing will begin with a declaration of any ex parte contacts (contacts which occurred outside of the public hearing) or any conflict of interest by the decision makers. This will be followed by the staff report from the planning department. Then the applicant (or appellant if case is an appeal) will testify, followed by testimony by other people in support of the application. After the people who are in favor of the application are finished, testimony from opponents will begin. This will be followed by testimony from people who neither favor nor oppose the application. The applicant will then be given the opportunity for rebuttal. The decision makers are free to ask questions of any person who has testified or of staff at any point during the hearing.

If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for resumption of the hearing and/or what limitations exist on further testimony or submittal of written materials. If a site visit is warranted, the chairperson will announce the time and date of such a visit. If the hearing and record are closed, the decision makers will begin deliberations and/or will announce the time, date and place when the decision will be made.

Linn County Planning & Building Department

Notice Map



10/23/2017

1 inch = 300 feet



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
PO Box 100, Albany, Oregon 97321
Phone 541-967-3816 Fax 541-926-2060
www.co.linn.or.us

SITE PLAN REVIEW APPLICATION \$250/\$500/\$750

Date Received: 10/16/17 Receipt number: FD17-0287 Fee paid: 3250
Application accepted by: AS Application reviewed by: _____

THIS FORM MUST BE FILLED OUT COMPLETELY, IN INK OR TYPE WRITTEN

I. Property Owner/Applicant Information

A. Applicant(s) Amin Patel & Randy Raschein
Mailing Address 11440 Highland Ave
City Truex State CA Zip Code 96161-1209
Phone number (home) _____ (work) _____

II. Property Information

A. Legal description of property: Township 14 Range 2W Section 6
Tax Lot 2200
B. Additional Properties:
Township _____ Range _____ Section _____ Tax Lot _____
Township _____ Range _____ Section _____ Tax Lot _____
C. Site Address (if any) 20985 Camp Rd.
Brownsville, OR
D. Zoning designation EFW Comp Plan designation Aq Res.

III. Owner/Applicant Certifications

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

Owner/applicant signature [Signature]
Owner/applicant signature _____

Date 10/3/17
Date _____





LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
PO Box 100, Albany, Oregon 97321
Phone 541-967-3816 Fax 541-926-2060
www.co.linn.or.us

SITE PLAN REVIEW APPLICATION
\$250/\$500/\$750

Date Received: Receipt number: Fee paid:

Application accepted by: Application reviewed by:

THIS FORM MUST BE FILLED OUT COMPLETELY, IN INK OR TYPE WRITTEN

I. Property Owner/Applicant Information

A. Applicant(s) Amin Patel & Randy Raschein
Mailing Address 29419 Brownsville Road
City Brownsville State OR Zip Code 97327
Phone number (home) 5304141277 (work)

II. Property Information

A. Legal description of property: Township Range Section
Tax Lot

B. Additional Properties:

Township Range Section Tax Lot
Township Range Section Tax Lot

C. Site Address (if any)

D. Zoning designation Comp Plan designation

III. Owner/Applicant Certifications

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

Owner/applicant signature [Signature]
Owner/applicant signature [Signature]

Date 9-26-17
Date 10/3/17

IV. Site Plan

Attach a site plan which shows existing and proposed locations of buildings, access, parking, loading, landscaping, screening, fencing, drainage, water supply, sewage disposal, public utilities, and exterior lighting.

V. Development Standards

Site plans will be evaluated for compliance with all applicable standards for the subject zone in addition to any applicable provisions of Chapter 934 – Development Standards Code. Please review these standards prior to preparation of your site plan.

VI. Attachments

1. Site plan.
2. A copy of the deed for the subject property.
3. A copy of any easement granting access to the subject property, if the property does not have frontage on a public road.
4. If the applicant for this request is not the property owner, then authorization from the owner must be submitted with the application.
5. A copy of all permits, licenses, and authorizations from other government agencies pertaining to the proposed use, including highway access, water and sewer connections, state or federal discharge permits.

VII. Proposed Use of Property

- A. Describe in detail the proposed use and your development plans for the property. Include a description of the number and type of buildings and their intended use, roadways, driveways, parking lots, signs, landscaping, drainage plans and outdoor lighting.

We will be starting with 2- 30'x96' greenhouses working towards 8 total in the future.the greenhouses will be used for the production of recreational marijuana. The plants will have no runoff water. All outdoor lighting will be faced downward in compliance with Linn County and the OLCC's standards. Established roadways and parking areas on the property will be utilized

- B. Please describe the general operating characteristics of the proposed use and the hours of operation.

The general operating characteristics will be that of the production of recreational marijuana. General farming practices from 7am-7pm daily.

- C. Will any other permits from local or state agencies be required? If yes, please list permits needed and if they have been secured.

A recreational marijuana production permit is required through the OLCC and has not yet been secured.

- D. How much land area will be used for the proposed activity? Will the proposed use generate wastewater and if so, how will it be disposed?

Approximately 3 acres of land will be used for production. There will be no waste water.

- E. Will the proposed use require a water supply? If so, how much will be needed and how will it be supplied?

The proposed will require approximately 250 gallons of water every 2 days. The water will be supplied from Lebanon Water Company-(541)258-4914

- F. Please describe the types of vehicles, machines and/or tools to be used. Please estimate the amount of vehicle trips per day that will be generated by the proposed use.

SUV and/or Pick Up trucks 1-2x a day. Tools being used will be hoses, shovels, and a small back hoe.

- G. What are the proposed hours and days of operation? Will any products be offered for sale on the property? If products are sold, what will be sold?

Operation hours ate from 7am-7pm 7 days a week. Absolutely nothing will be sold or offered for sale on the property.

- H. How many people will be employed including the applicant? Please indicate whether the employees will be full or part-time. Will anyone live on the property? If so, who?

2 employees both residing on the property full time.

- I. Does the property front on a county road or public road? Which one? Is there an existing driveway and how is it improved (gravel, asphalt, concrete)?

Property front is on a county road. There is an existing gravel driveway.

- J. How is the property now used? Are there any unique features on the property such as a creek, steep topography, or wetlands?

The property is currently being used for growing and storing hay.

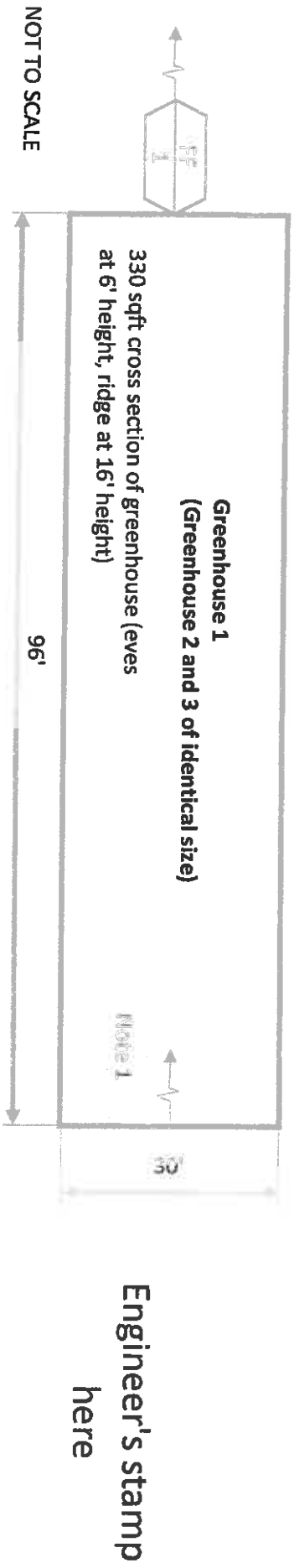
"Fencing will be in compliance with Linn County & OLCC."

Patel, Linn County

room	room volume	required air flow	flow rate per filter	filter count	total flow provided	Meets County air filtration requirement?	Recirc?	tag	fan/carbon filter combination provided
	ft3	cfm	cfm		cfm				
Greenhouse 1	31,680	10,560	2,000	6	12,000	yes	no	FF1	Fan: Wall Master VF36GG2 (1 ea); Carbon Filter: Purulator HE40CB-STD2, 24x24x2 (6 ea)
Greenhouse 2 (future)	31,680	10,560	2,000	6	12,000	yes	no	FF2	Fan: Wall Master VF36GG2 (1 ea); Carbon Filter: Purulator HE40CB-STD2, 24x24x2 (6 ea)
Greenhouse 3 (future)	31,680	10,560	2,000	6	12,000	yes	no	FF3	Fan: Wall Master VF36GG2 (1 ea); Carbon Filter: Purulator HE40CB-STD2, 24x24x2 (6 ea)

Installation notes

(1) Outside air intake to be protected by birdscreen, gravity louvers, and weather hood. Total opening size to be 70" x 60" or round equivalent (4,200 sq in) at minimum. If filters are used instead of birdscreen, pressure drop not to exceed 0.1" w.c., and air speed not to exceed 400 fpm.



NOT TO SCALE

Mechanical Engineer

Peter Depp 541-342-7210

Acoustic Engineer

Phil Beatty

BEADFEED ENGINEERS

503-201-9792

Purolator™

Hi-E® 40 CB PLEATED FILTER

MERV 8 Carbon-loaded Pleated Media



Product features

The goal of a Purolator Hi-E 40 CB pleated filter is to promote improved indoor air quality through odor control. These carbon-loaded pleated filters clean the air by removing airborne molecular contaminants present at levels less than one particle per million.

- Efficiency MERV 8: Small (20 x 50 mesh) carbon particles and pleated configuration maximize adsorbent surface area
- Low pressure drop: Uniform dispersion of carbon throughout media, not just on surface, lets air flow freely
- Longer filter life, minimal shedding/dusting: thermal bonding of media to carbon exposes maximum adsorbent surface area
- More adsorbent: pound for pound, our carbon media is six times more effective than competitive GAC carbons

Applications

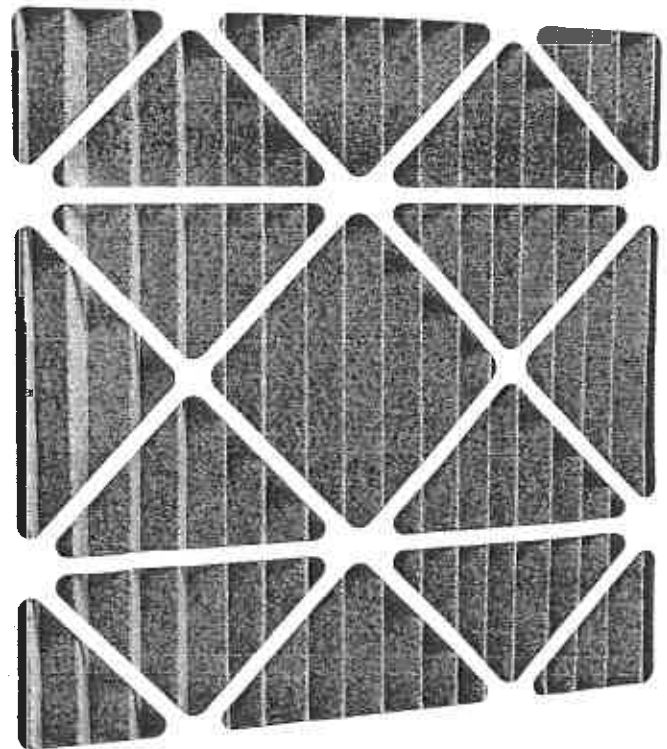
The Purolator Hi-E 40 CB filter is recommended for typical IAQ settings of 1ppm or less. Specific applications include air conditioning filters, furnace filters, heating vents, air intakes, air purification devices, and ozone removal devices.

Appropriate end users are those involved with filtration of hospital facilities, chemical plant offices/labs, pollution control areas, sewage disposal and waste management plant offices, airports, kitchens and restaurants, or commercial offices.

Media

A non-woven dual layer pleated filter media composed of synthetic fibers makes up the Hi-E 40 CB media. The media of the Hi-E 40 CB filter is so stiff with carbon that it is actually self-supporting and requires no external wire reinforcements. The pre-filter layer is MERV 8 - allowing for particulate and odor removal in one package.

Each Hi-E 40 CB filter is loaded with 200 grams/sq. meter (GSM) of superior, 60% active, 20 x 50 mesh-size carbon particles. Our top-grade carbon provides six times the adsorbent surface area of standard GAC carbon - making it vastly more effective, efficient, and long-lasting. No adhesive is used in the media. Fine mesh carbon granules are



bonded to the synthetic fibers by a unique thermal process that requires no adhesive and blinds less than 1.5% of each carbon particle's effective surface area. As a result, more than 98.5% of the carbon's surface is exposed to contaminated air - resulting in maximum gas adsorbing capacity and efficiency. This bonding method also features minimal dust release.

The pleated configuration of the Hi-E 40 CB media also increases the filter's exposed surface area, thereby providing a higher overall efficiency by expanding its capability to adsorb contaminants.

Frame

The Hi-E 40 CB filter elements are enclosed in a two-piece heavy duty, high-wet-strength beverage board frame. When assembled, the fully bonded double-wall frame combines with the integral corner flaps and forms a rugged, durable filter which will not rack, warp, or leak under normal operating conditions.

Hi-E® 40 CB PLEATED FILTER

Carbon-loaded Pleated Media



Performance Data: Hi-E® 40 CB

Series	Hi-E 40 CB Model Number	Nominal Size W x H x D	Actual Size W x H x D	CFM ² Capacity	Resistance		Media Area Sq.ft.	Carbon Weight (g)
					Inches W.G.	Inches Final		
1 12 pleats per lineal foot of face area	HE40CB-STD1	12x24x1	11½ x 23¾ x ¾	600	.45	1.00	2.6	48
	HE40CB-STD1	16x20x1	15½ x 19½ x ¾	665	.45	1.00	3.4	63
	HE40CB-STD1	16x25x1	15½ x 24½ x ¾	850	.45	1.00	4.3	80
	HE40CB-STD1	18x24x1	17¾ x 23¾ x ¾	900	.45	1.00	4.4	81
	HE40CB-STD1	20x20x1	19½ x 19½ x ¾	850	.45	1.00	4.3	80
	HE40CB-STD1	20x25x1	19½ x 24½ x ¾	1050	.45	1.00	5.3	98
	HE40CB-STD1	24x24x1	23¾ x 23¾ x ¾	1200	.45	1.00	6.1	113
2 11 pleats per lineal foot of face area	HE40CB-STD2	12x24x2	11¾ x 23¾ x 1¾	1000	.60	1.00	5.9	109
	HE40CB-STD2	16x20x2	15½ x 19½ x 1¾	1100	.60	1.00	6.9	128
	HE40CB-STD2	16x25x2	15½ x 24½ x 1¾	1400	.60	1.00	8.7	162
	HE40CB-STD2	18x24x2	17¾ x 23¾ x 1¾	1500	.60	1.00	9.3	172
	HE40CB-STD2	20x20x2	19½ x 19½ x 1¾	1400	.60	1.00	8.9	165
	HE40CB-STD2	20x25x2	19½ x 24½ x 1¾	1750	.60	1.00	11.2	208
4 11 pleats per lineal foot of face area	HE40CB-STD4	24x24x2	23¾ x 23¾ x 1¾	2000	.60	1.00	12.5	232
	HE40CB-STD4	12x24x4	11¾ x 23¾ x 3¾	1250	.55	1.00	12.7	235
	HE40CB-STD4	16x20x4	15¾ x 19¾ x 3¾	1400	.55	1.00	14.9	275
	HE40CB-STD4	16x25x4	15¾ x 24¾ x 3¾	1750	.55	1.00	18.7	346
	HE40CB-STD4	18x24x4	17¾ x 23¾ x 1¾	1875	.55	1.00	18.8	348
	HE40CB-STD4	20x20x4	19¾ x 19¾ x 3¾	1750	.55	1.00	19.1	353
	HE40CB-STD4	20x25x4	19¾ x 24¾ x 3¾	2170	.55	1.00	24.1	446
	HE40CB-STD4	24x24x4	23¾ x 23¾ x 3¾	2500	.55	1.00	26.8	496

(1) Width and height dimensions are interchangeable. The Hi-E 40 CB may be installed with pleats running vertical or horizontal.
 (2) Capacity ratings are recommended levels. Resistance to airflow data is based on ASHRAE 52.2 Test Method. Data based on a 24x24 at a test velocity of 492 FPM.
 (3) The recommended final operating resistance is typical of systems currently in operation. The Hi-E 40 CB can be operated to higher or lower final resistance levels without materially affecting filter efficiency.

Product Specifications

1. The filter shall be the Hi-E 40 CB as manufactured by CLARCOR Air Filtration.
2. The filter shall have a MERV 8 pre-filter layer.
3. Air filters shall be (1"), (2"), and (4") deep pleated media, disposable panel type.
4. Pleat element shall be made with carbon element containing 200 grams/sq. meter (GSM).
5. To assure no dirty air bypass, the media grid assembly shall be bonded to all interior surfaces of the water resistant, die-cut frame with solvent-free water based glue.
6. The support grid shall be formed into a wedge configuration to optimize use of the filter media.
7. To maintain accurate pleat alignment on 4" depth filters, die-cut diagonal frame members shall be bonded to the media pack upstream and downstream.

P-HIE40CB-0813



www.purolatorair.com

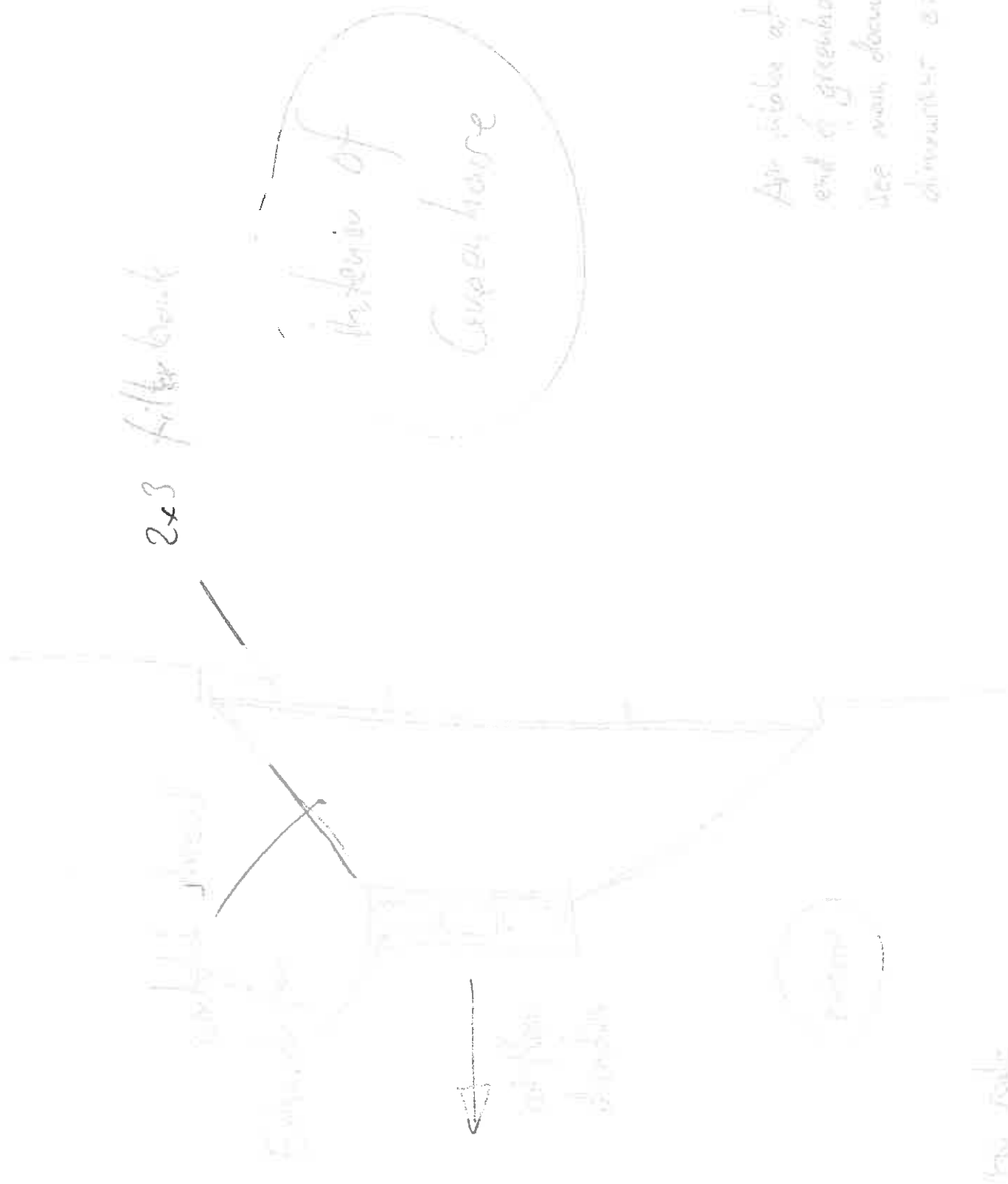


Distributed by:



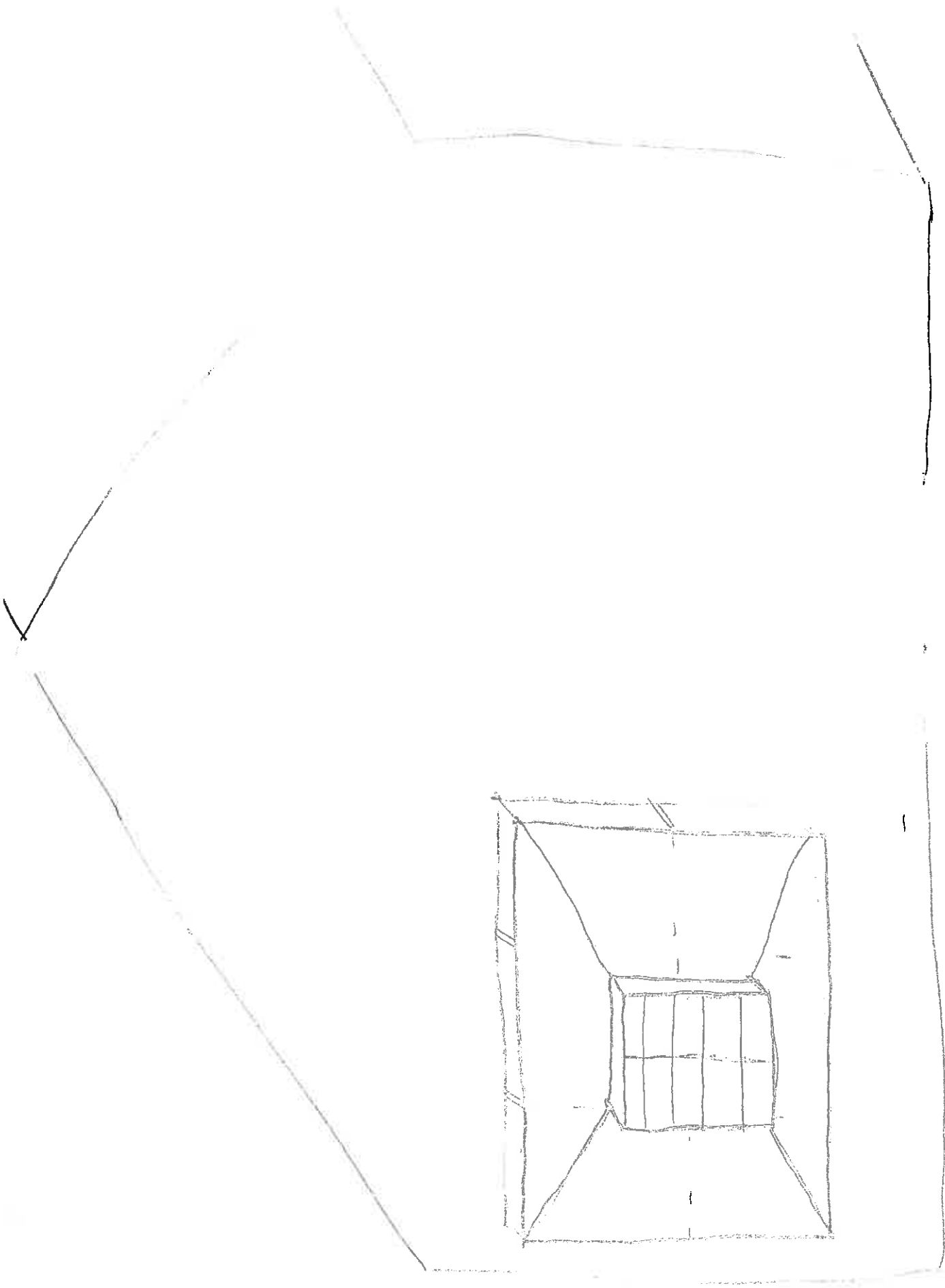
CLARCOR Air Filtration Products
 100 River Ridge Circle • Jeffersonville, IN 47130
 Customer Service: 1-866-925-2247 • Fax: 1-866-601-1809
 Email: info@purolatorair.com • www.purolatorair.com

© 2013 CLARCOR Air Filtration Products
 CLARCOR Air Filtration Products has a policy of continuous product research and development and reserves the right to change design and specifications without notice. Terms and Conditions of Sale can be accessed in the "LOGON" section at www.purolatorair.com



Inspection of
Cuprous chloride

App. inside of column
end of greenhouse
See main document for
dimensions etc.



outside

Property Detail Report**33217 Tennessee Rd, Lebanon, OR 97355**

APN: 0168928

Reference ID: 1506970446TSP419983

Linn County Data as of: 09/21/2017

Owner Information

Owner Name: Riverland Ranch LLC
 Vesting: Corporation
 Mailing Address: 29419 Brownsville Rd, Brownsville, OR 97327

Location Information

Legal Description:	12S02w0200	County:	Linn, OR
APN:	0168928	Alternate APN:	12S02W020002000
Munic / Twnshp:	Lebanon	Twnshp-Rng-Sec:	12S-02W-02
Subdivision:		Tract #:	
		Census Tract / Block:	030800 / 2012
		Legal Lot / Block:	
		Legal Book / Page:	

Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	/ 03/22/2006	Price:		Doc #:	2006.6640
Buyer Name:	Riverland Ranch LLC	Seller Name:	Raschein, Randall D JR & Carolyn K	Deed Type:	Warranty Deed

Last Market Sale

Sale / Rec Date:	03/15/1997 / 03/17/1997	Sale Price / Type:	\$102,000 /	Deed Type:	
Multi / Split Sale:	Y	Price / Sq. Ft.:		New Construction:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		1st Mtg Doc #:	N/A
2nd Mtg Amt / Type:		2nd Mtg Rate / Type:		Transfer Doc #:	857.587
Seller Name:	King Trust				
Lender:					
Title Company:	First American Title				

Prior Sale Information

Sale / Rec Date:	01/27/1997 / 01/28/1997	Sale Price / Type:	\$25,000 /	Prior Deed Type:	
1st Mtg Amt / Type:		1st Mtg Rate / Type:		Prior Doc #:	849.847
Buyer Lender:					

Property Characteristics


Gross Living Area:		Total Rooms:		Year Built / Eff:	2001
Living Area:		Bedrooms:		Stories:	
Total Adj. Area:		Baths (F / H):		Parking Type:	
Above Grade:		Pool:		Garage #:	
Basement Area:		Fireplace:		Garage Area:	
Style:		Cooling:		Porch Type:	Porch
Foundation:		Heating:		Patio Type:	Porch/No Step
Quality:		Exterior Wall:		Roof Type:	
Condition:		Construction Type:		Roof Material:	

Site Information

Land Use:	Mobile Home	Lot Area:	372,438 Sq. Ft.	Zoning:	
State Use:	Tract With Mfg Struc Perm Disq	Lot Width / Depth:		# of Buildings:	1
County Use:	Tract With Mfg Structure	Usable Lot:		Res / Comm Units:	
Site Influence:		Acres:	8.55	Water / Sewer Type:	
Flood Zone Code:	Ae	Flood Map #:	41043C0567G	Flood Map Date:	09/29/2010
Community Name:	Linn County	Flood Panel #:	0567G	Inside SFHA:	True

Tax Information

Assessed Year:	2016	Assessed Value:	\$207,850	Market Total Value:	\$207,850
Tax Year:	2016	Land Value:	\$104,350	Market Land Value:	\$104,350
Tax Area:	00948	Improvement Value:	\$103,500	Market Imprv Value:	\$103,500
Property Tax:	\$2,995.72	Improved %:	49.80%	Market Imprv %:	49.80%
Exemption:		Delinquent Year:			

Disclaimer: This report: (i) is not an insured product or service or an abstract, legal opinion or a representation of the condition of title to real property, and (ii) is issued exclusively for the benefit of First American Data Tree LLC (Data Tree) customers and may not be used or relied upon by any other person. Estimated property values are: (i) based on available data; (ii) are not guaranteed or warranted; (iii) do not constitute an appraisal; and (iv) should not be relied upon in lieu of an appraisal. Data Tree does not represent or warrant that the information is complete or free from error, and expressly disclaims any liability to any person or entity for loss or damage caused by errors or omissions in the report. If the "verified" logo  is displayed, or a record is designated "verified," Data Tree's algorithm matched fields from two or more data sources to confirm source data.

After Recording, Return to:

Timothy P. O'Rourke
Corey, Byler, Rew, Lorenzen & Hojem, L.L.P.
P.O. Box 218
Pendleton, OR 97801

LINN COUNTY, OREGON 2006-06640
D-WD
Crt=1 Stn=1 A. ZURCHER 03/22/2006 02:18:33 PM
\$15.00 \$11.00 \$10.00 \$36.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



WARRANTY DEED

Randall D. Raschein, Jr. and Carolyn K. Raschein, "Grantors," hereby convey and warrant, to Riverland Ranch, LLC, an Oregon Limited Liability Company, "Grantee," all of Grantors interest in the following real property, free of encumbrances except for matters of public record:

See Exhibit "A" attached hereto and by this reference incorporated herein.

THE LIABILITY AND OBLIGATIONS OF THE GRANTORS TO GRANTEE AND GRANTEE'S HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTORS UNDER A STANDARD POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD EXTENDED. IT IS THE INTENTION OF THE GRANTORS TO PRESERVE ANY EXISTING TITLE INSURANCE COVERAGE. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTORS OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE, AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

The true consideration for this conveyance is \$0.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Until a change is requested, all tax statements are to be sent to the following address:

Until a change is requested, send tax statements to:

Randy and Carolyn Raschein
29419 Brownsville Rd
Brownsville, Oregon 97327

DATED this 22 day of MARCH, 2006.

Carolyn K. Raschein
Carolyn K. Raschein

Randall D. Raschein, Jr.
Randall D. Raschein, Jr.

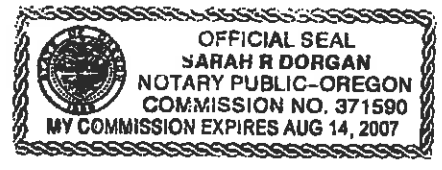
STATE OF OREGON)
) ss
County of Linn)

March 22, 2006.

Personally appeared the above named Randy Raschein, aka Randall D. Raschein, Jr. and acknowledged the foregoing instrument to be his voluntary act.

Before me:

Sarah R. Dorgan
Notary Public for Citizens Bank
My commission expires: Aug. 14 2007



STATE OF OREGON)
) ss
County of Linn)

_____, 2006.

Personally appeared the above named Carolyn K. Raschein and acknowledged the foregoing instrument to be her voluntary act.

Before me:

Sarah R. Dorgan
Notary Public for Citizens Bank
My commission expires: Aug. 14 2007

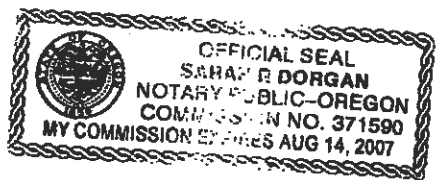


Exhibit "A"

Parcel I:

Part of James M. Marks D.L.C. No. 44, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, described as follows: Beginning at the Southeast corner of Section 2 of said Township and Range; thence West 10.50 chains to the East line of the Said James M. Marks D.L.C.; thence North along the East line of said Marks D.L.C., 10.91 chains to the South line of a 20 foot county road; thence West 27 rods 8 feet to the true point of beginning of the tract to be described; thence South 8 rods; thence Northwestery parallel with the South line of said county road, 24 rods; thence Northeastery 10 rods and 5 feet to the point of the South line of said county road that is 15 rods and 14 feet from the point of beginning; thence Southeastery along the South line of said county road 15 rods and 14 feet to the true point of beginning.

Parcel II:

Beginning on the West line of and North 28.527 chains from the Southwest corner of the James M. Marks D.L.C. No. 44, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, said beginning point being on the South line of that certain 20 foot public road established by county court order in Book 17, page 624, of County Court Journal, and running thence North along said claim line, 9.68 chains to the center of a large slough; thence down the meanders of the center of said slough to the East line of said D.L.C. No. 44; thence South along the East line of said claim, 8.5 chains, more or less, to the Southerly line of the aforementioned 20 foot public road; thence Westerly along said road to the point of beginning;

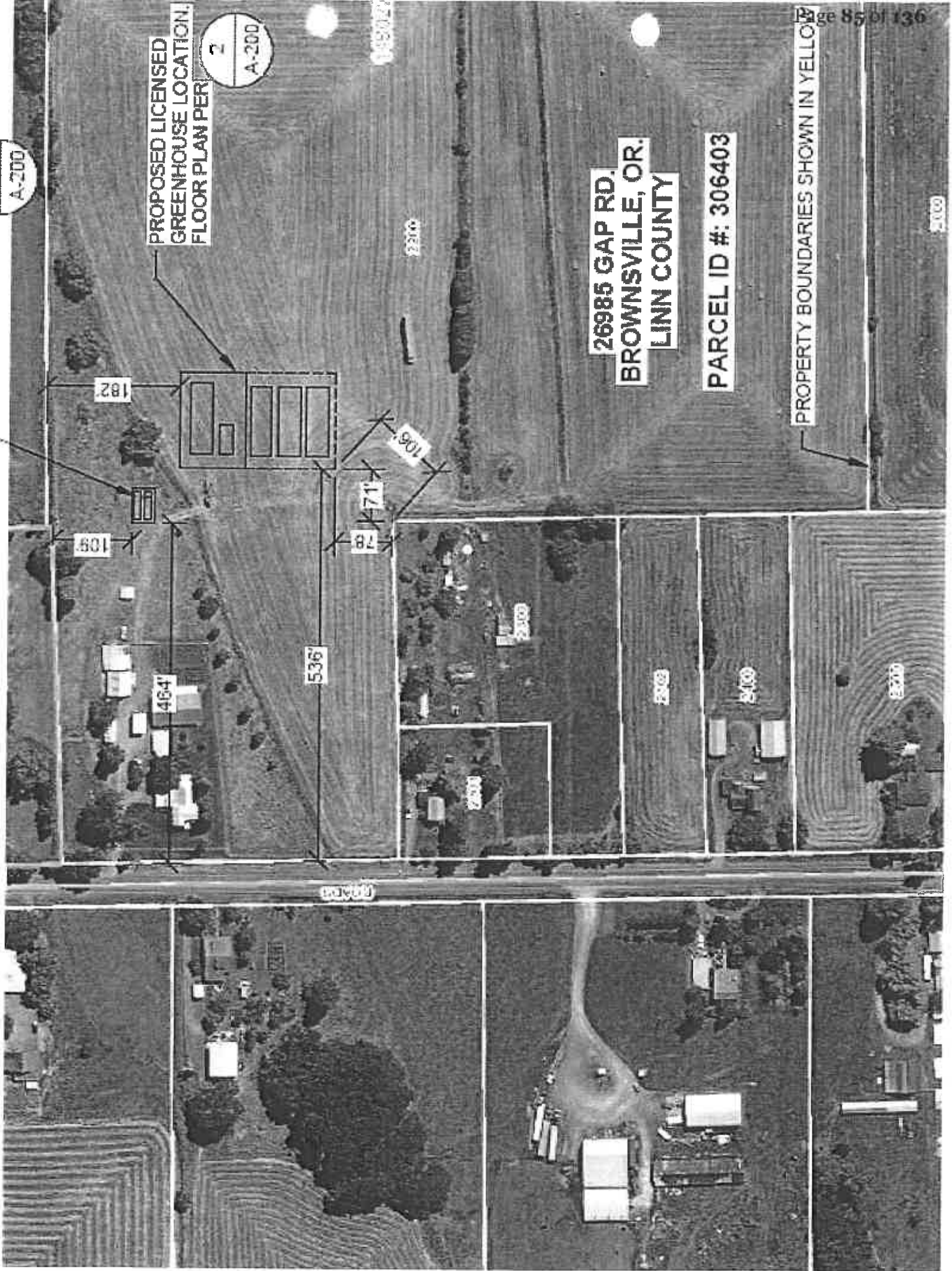
EXCEPTING THEREFROM that part lying within said public roadway.

Parcel III:

Beginning at a 5/8" iron rod which bears 1,616.34 feet North and 2,327.60 feet East from the Southwest corner of the James M. Marks D.L.C. No. 44 in Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; thence South 11° 04' West, 80 feet; thence South 66° 08' West, 583.88 feet; thence North 2° 54' West, 50 feet to a 5/8" iron rod; thence North 78° 02 1/2' West, 411.45 feet to a 5/8" iron rod; thence South 81° 18 1/2' West, 162.49 feet to a 5/8" iron rod; thence North 178.14 feet to a 5/8" iron rod at the Southeast corner of the first tract conveyed to Boyde and Neva J. Young by deed recorded on Page 227 of Linn County Deed Book 199; thence North along the East line of said Young tract 132 feet to a 5/8" iron rod at the Northeast corner of said tract and on the Southerly right of way of a 20 foot wide public easement; thence South 87° 30' East, along the Southerly right of way line of said road as said road is presently laid out and existing, 454.05 feet to a 5/8" iron rod on the East line of said D.L.C. No. 44; thence North along the claim line 120 feet, more or less, to the center of Marks Slough; thence Northerly along the center of said slough to the line between Section 1 and 2, thence North 2 chains to a point 20 chains South of the Southwest corner of the South projection of the D.L.C. of Andrew Keas Claim No. 71 in said Township and Range; thence East to the center of Marks Slough; thence Northeastery along the center of said slough to a point which bears North 11° 04' East from the place of beginning; thence South 11° 04' West, 1,400 feet, more or less, to the place of beginning.

Exhibit "A"

Page 1 of 1



A-200

PROPOSED LICENSED GREENHOUSE LOCATION. FLOOR PLAN PER:

2
A-200

26985 GAP RD.
BROWNSVILLE, OR.
LINN COUNTY

PARCEL ID #: 306403

PROPERTY BOUNDARIES SHOWN IN YELLOW

182'

109'

464'

536'

78'

71'

106'

2300

2200

2300

2300

2400

2500

2500

ORMAPS
STRUCTURAL ENGINEERING
 1001 West River Street, Truckee, CA 96161
 PO Box 2651, Truckee, CA 96160
 www.ormaps.com
 530.434.4241
 info@ormaps.com

REVISIONS

These drawings have been prepared by
 Linvign Structural Engineering Inc.
 They are not suitable for use on other
 projects or for other purposes without the written
 approval and participation of Linvign
 Structural Engineering Inc.
 Reproduction is prohibited.

**OLCC
 PERMIT**

26985 GAP RD
 BROWNSVILLE, OR

UPROOTED FARMS
 AMIN PATEL & MARIAH
 LAURSEN

PROJECT # 1951

DATE 10/11/17
 SCALE 1" = 200'-0"

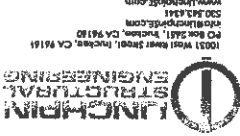
**PREMISES
 MAP**

A-100



AERIAL SITE PLAN
 1" = 200'-0"

NOTE:
 - AERIAL MAP COURTESY OF ORMAPS.NET
 - ALL LICENSED AREAS ARE LIMITED ACCESS AND ENTIRELY FENCED.
 - ALL DOORS HAVE LOCKS.
 - ALL SECURITY CAMERAS ARE RECORDED AND REGULARLY MONITORED.
 - NO PLANTS SHALL EXTEND ABOVE CANOPY.



REVISIONS

These drawings have been prepared by Lindbrin Structural Engineering, Inc. They are not suitable for use on other projects without the approval of Lindbrin Structural Engineering, Inc. reproduction is prohibited.

OLCC PERMIT
26985 GAP RD
BROWNSVILLE, OR

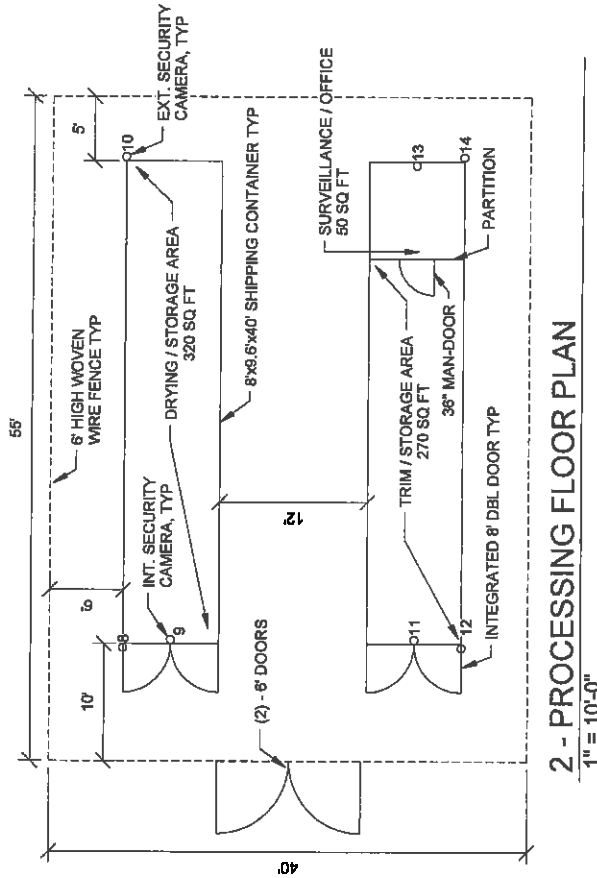
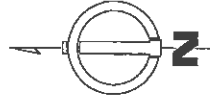
UPROOTED FARMS
AMIN PATEL & MARIAH LAURSEN

PROJECT # 1951

DATE 10/11/17
SCALE As Indicated

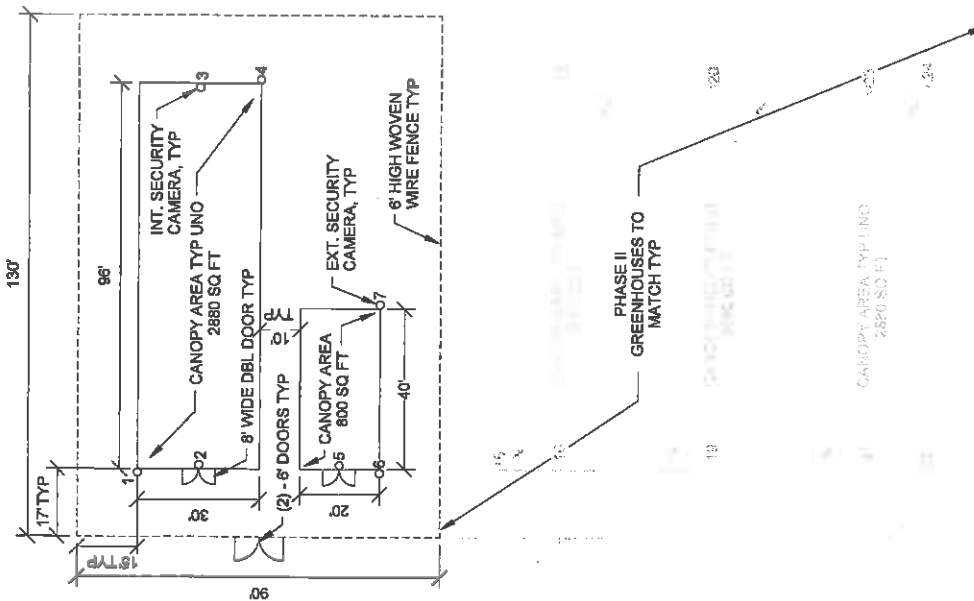
FLOOR PLANS

A-200



2 - PROCESSING FLOOR PLAN
1" = 10'-0"

NOTE:
- ALL LICENSED AREAS ARE LIMITED ACCESS AND ENTIRELY FENCED.
- ALL DOORS HAVE LOCKS.
- ALL SECURITY CAMERAS ARE RECORDED AND REGULARLY MONITORED.
- ALL SECURITY CAMERAS ARE NUMBERED PER PLAN.
- NO PLANTS SHALL EXTEND ABOVE CANOPY.



1 - GREENHOUSE FLOOR PLAN
1" = 30'-0"



**Oregon Water Resources Department
Water Right Research Query**

- [Main](#) [Help](#)
- [Return](#) [Contact Us](#)

Claim: GR 99 *

POD Description

**HERMAN & LENA KRUESI
ROUTE 1
BROWNSVILLE, OR 97327**

Name: POD 1 - A WELL > CALAPOOIA RIVER
T-R-S-QQ: 14.00S-2.00W-6-NW SW
Location Description: 1386 FEET NORTH AND 1122 FEET EAST FROM SW CORNER, SECTION 6

POD Uses (Click to Collapse...)

IRRIGATION (Primary)

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
5/10/1948	0.2228	0.2228					3/1	10/31	

Search Criteria

Type of Water Right: Ground Water
 Surface Water
 Storage

Use Category (select All /None):

Distance from Stream(ft.):

Include Supplemental

Day In Year Month: 6 **Day:** 1

Priority Date 5/10/1948

Comparison Type Junior

Direction Upstream

- | | |
|---------------------------------------------------|--------------------------------------------------|
| <input checked="" type="checkbox"/> Agriculture | <input checked="" type="checkbox"/> Domestic |
| <input checked="" type="checkbox"/> Fish | <input checked="" type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> Irrigation | <input checked="" type="checkbox"/> Instream |
| <input checked="" type="checkbox"/> Livestock | <input checked="" type="checkbox"/> Mining |
| <input checked="" type="checkbox"/> Miscellaneous | <input checked="" type="checkbox"/> Municipal |
| <input checked="" type="checkbox"/> Power | <input checked="" type="checkbox"/> Recreational |
| <input checked="" type="checkbox"/> Storage | <input checked="" type="checkbox"/> Wildlife |

Search



November 7, 2017

**Linn County Contacts
Linn County Planning Department Application
Randall & Carolyn Raschein**

Roger Nyquist

Roger Nyquist
Linn County Commissioners
Commissioner

(541) 908-3930 Mobile
rnyquist@co.linn.or.us

John Lindsey

John Lindsey
Linn County Board of Commissioners
Commissioner

(541) 967-3825 Work
jlindsey@co.linn.or.us

Tucker, Will

Will Tucker
Linn County Board of Commissioners
Commissioner

(541) 967-3825 Work
wtucker@co.linn.or.us

Planning & Building Department

Robert Wheeldon, Director

Linn County Courthouse, Room 114
Hours: Monday - Friday
8:30 A.M. - 12:00 P.M.
1:00 P.M. - 5:00 P.M.

Land Use and Building Information:
541-967-3816

rwheeldon@co.linn.or.us

S. Scott McDowell

From: Doug Block <doughblock2008@gmail.com>
Sent: Tuesday, October 31, 2017 8:41 AM
To: S. Scott McDowell
Subject: Could just be a coincidence:2015 FBI Statistics

Follow Up Flag: Follow up
Flag Status: Completed

Pot capital of Oregon-Medford
City with highest crime rate in Oregon-Medford

Things to ponder,
Doug



From Councilor Doug Block

Oregon's 20 most crime-ridden cities ranked, according to FBI data

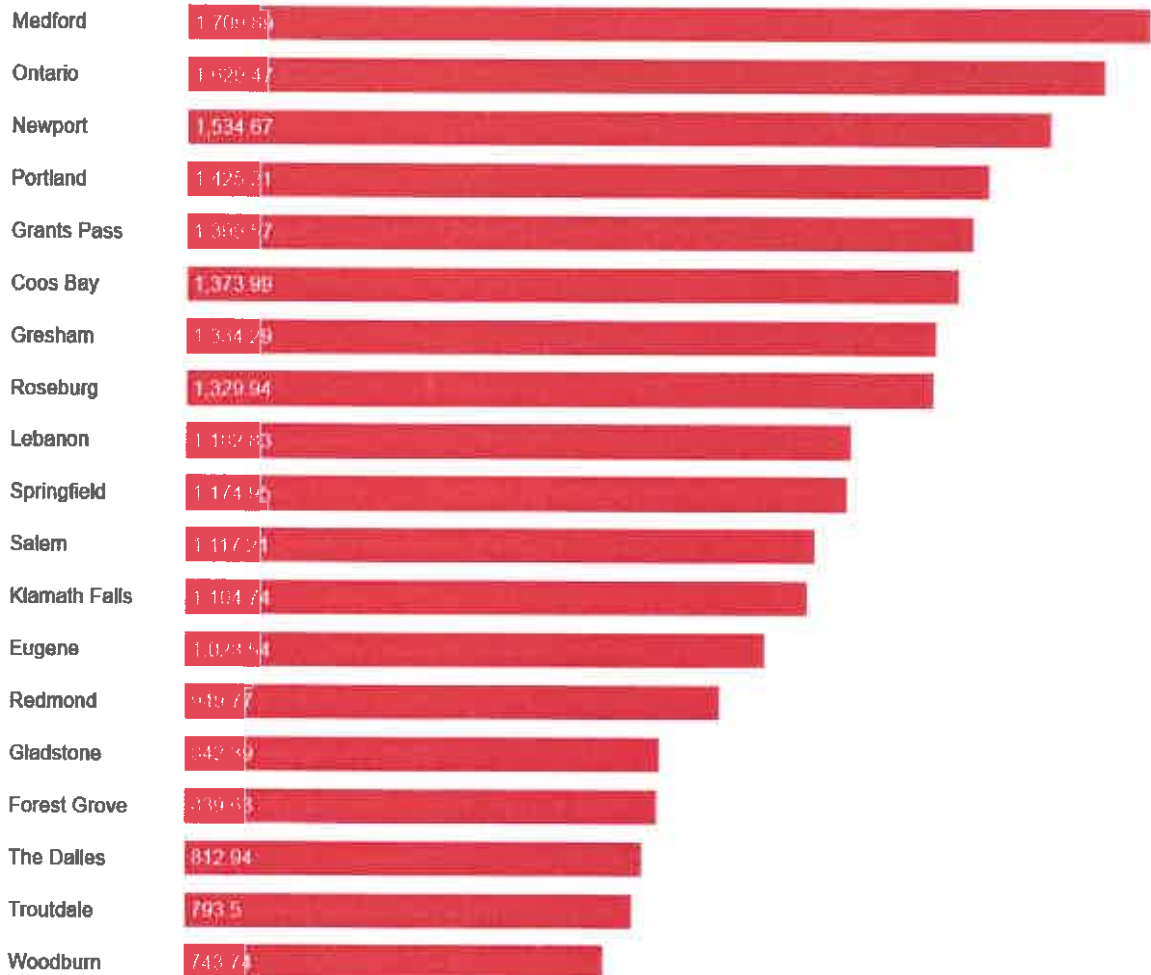
Posted July 12, 2017 at 05:00 AM | Updated July 18, 2017 at 10:33 AM

Mark Graves

We ranked Oregon's most crime-ridden cities according to data collected from the [FBI's Uniform Crime Reporting Program in 2014 and 2015](#). The list includes cities with 10,000 people or more in Oregon. Each city is rated using a "crime score" created by adding 20 percent of the property crimes per 100,000 residents and 80 percent of the violent crimes per 100,000 residents. Violent crime was given greater weight due to it being a greater public concern.

Statistics from several major cities (including Portland) in both years were unavailable. In 2015, this was largely due to a [\\$12.6 million computer system in Oregon that failed to handle record keeping for local law enforcement](#). We ranked cities according to the 2014 dataset, which was the most complete.

Note: These rankings are based on the percentages of crime compared to population, but that can skew numbers from year to year for smaller cities, where even a small jump in crime can make percentages jump more than in cities with larger populations.



SOURCE: *The Oregonian*

To Whom It May Concern

My name is Annette Walker and I live on Cooley Ave. It has been brought to my attention that green houses and a processing plant will be built down on Gap RD.

I am opposed for a number of reasons. (1) The odor from these plants is horrible. (2) we are having enough issues in this area with Theft. With a pot growing Operation we will have more issues with this. (3) I don't want my children raised around this. Brownsville doesn't need to have a business like this. The voters of this town has been opposed to Pot coming into Brownsville. If these individuals feel the need to have a pot plant, they have property further outside of Brownsville. Our daughter and son have asthma and air quality will go down.

Sincerely

Annette Walker
103 W Cooley Ave
Brownsville OR 97325

531 619 5488

S. Scott McDowell

From: Homer <Hom-mil@centurytel.net>
Sent: Tuesday, November 07, 2017 12:11 PM
To: admin@ci.brownsville.or.us
Subject: Proposed Marijuana Production Operation Just Outside Brownsville

S. Scott McDowell, City Administrator, Brownsville,

I am writing to you to express my strong opposition to the application by Amin Patel and Randall Raschein to establish a commercial marijuana operation very near many residences at the south end of Brownsville.

My opposition has nothing to do with the legality of marijuana use; I received from Linn County the "Notice of Pending Land Use action" and after reading it I discarded it, naively thinking it to be of no concern. The next day I read an article in the Eugene Register-Guard describing the great harm to the health, use of property, livability, and property values of those living near this type of operation just outside Cottage Grove. The article can be accessed here:

<http://registerguard.com/rg/opinion/36109717-78/living-near-marijuana-grow-can-be-unhealthy-experience.html.csp>

I find it appalling that County regulations could allow such an operation so near an incorporated residential area, or even property in the rural residential category which is next to this proposed operation. I realize property owners have the right to use their property but this use of property should not entail damage to the health, property value, and use of their own property by neighbors.

Sincerely, Homer Turnbull,
980 Washburn St., Brownsville

Living near marijuana grow can be unhealthy experience

By RICHARD SEDLOCK AND JERRY SETTELMEYER
For The Register-Guard

Are the neighbors of large cannabis operations just collateral damage? Here's what it's like to live next to the industrial-scale marijuana operation on Cedar Park Road, our mostly residential street just outside Cottage Grove.

Classified by the state as an "agricultural" crop, cannabis can be grown and processed in Lane County on lots surrounded by rural residential properties — with many undesirable but not really unexpected effects. Our neighborhood's core concern is not the legalization of recreational marijuana, but rather the permit-ting of large-scale grows and processing facilities.

Traffic and noise: We have experienced a huge (six to 10 times) increase in traffic, notably heavy vehicle traffic. Many residents have abandoned their daily walks on this once-safe dead-end street. The facility emits a constant rattle of commercial-scale diesel generators running all day, every day.

The stench: We have experienced an incredible olfactory assault that shocks even those among us who have lived amid smaller-scale marijuana grows in northern California.

For months, the intense, skunk-like, eye-watering stench prevented us from opening our windows and doors to cool our houses on summer nights, raising nighttime temperatures to unhealthy levels and causing sleep deprivation and anxiety.

Involuntary exposure to the concentrated chemicals emitted by the cannabis operations triggered severe headaches, asthma episodes and other respiratory problems in several households on our street. We are greatly concerned about the effects of such chemicals — and, frankly, on all of us; we feel like subjects in an ill-conceived experiment on the downwind effects of large-scale marijuana operations.

For months, the stench forced us to involuntarily limit our outdoor time, for both work (in gardens and orchards, with animals, on various outdoor proj-

ects) and play (patios, porches, outdoor dinners, swimming pools, etc.).

Water: Cannabis requires irrigation water. State law prohibits pumping groundwater for irrigating recreational marijuana unless the property has irrigation water rights. Nevertheless, groundwater gets pumped for large-scale marijuana irrigation without such water rights, drawing down the local water table and affecting water levels in surrounding wells.

Physical safety: Cannabis may be classified as an agricultural crop, but the security concerns attached to it produce a cartel-like atmosphere with drones, security cameras and armed guards with high-powered rifles with ranges of more than two miles. What the heck is this kind of facility doing in a residential area? Hundreds of people live within two miles of it.

Intimidation: In addition to these impacts, which are likely to be experienced by neighbors of any large-scale marijuana operation, our neighborhood has been subjected to intimidation, threatened violence, profanity and arrogant bullying.

Examples include sexual threats to young women; drone flights over neighbors, including children and an 80-year-old stroke victim mowing his lawn; frequent discharge of firearms, typically after a confrontation with a neighbor; neighbors stalked by employees with sidearms strapped to their waists; explosive outbursts of profanity; and verbal demands to get off our own street.

While this may not be typical of large-scale marijuana operations, the current Wild West-like atmosphere of light state and local regulation and insufficient staffing in regulatory agencies invites exploitation by greedy opportunists.

Our neighborhood's cannabis presence has forced itself to the forefront of our everyday lives and introduced a persistent fear for our health, sanity and physical safety. Many neighbors are so distraught and intimidated that they are planning to move away, leaving behind invested time and resources, memories and plans, and their attachment to a place — to their homes — with the dimly perceived goal of somehow starting all over in a place like our street used to be.



Cannas Van Ra, Newsmart.com

Several actions could be taken at the county and state levels to limit the impacts of large-scale cannabis operations on adjacent neighborhoods.

- ◆ Significantly reduce the permitted size of individual grows near residences.
 - ◆ Limit large-scale operations to sites distant from residences.
 - ◆ Significantly increase the required setback from property lines.
 - ◆ Reclassify cannabis as something other than an "agricultural" crop.
 - ◆ Enforce the water laws.
- We believe that such measures could help protect residential neighborhoods from the impacts we've described, would minimize local water-supply issues arising from surreptitious pumping of groundwater, and would slow the influx of exploitative industrial-scale operations.
- We know that other neighborhoods are experiencing impacts like those we have described here, and anyone living within a mile of a property zoned F1, F2, or EFTU currently is at risk of doing so. If you wish to share your experiences or concerns, email us at the address below.

Richard Sedlock, a retired professor, and Jerry Settelmeier, a retired educator and school board member, live on Cedar Park Road near Cottage Grove. They can be reached at cedarparkroad@gmail.com.

NOVEMBER 3, 2017

SUBSCRIBE LOGIN

The Register-Guard

OPINION HOME

GUEST VIEWPOINT

Living near marijuana grow can be unhealthy experience

BY RICHARD SEDLOCK AND JERRY SETTELMAYER

For The Register-Guard

NOV. 3, 2017

Are the neighbors of large cannabis operations just collateral damage? Here's what it's like to live next to the industrial-scale marijuana operation on Cedar Park Road, our mostly residential street just outside Cottage Grove.

Classified by the state as an "agricultural" crop, cannabis can be grown and processed in Lane County on lots surrounded by rural residential properties — with many undesirable but not really unexpected effects. Our neighborhood's core concern is not the legalization of recreational marijuana, but rather the permitted size and proximity to residential neighborhoods of large-scale grows and processing facilities.

Traffic and noise: We have experienced a huge (six to 10 times) increase in traffic, notably heavy vehicle traffic. Many residents have abandoned their daily walks on this once-safe dead-end street. The facility emits a constant rattle of commercial-scale diesel generators running all day, every day.

The stench: We have experienced an incredible olfactory assault that shocks even those among us who have lived amid smaller-scale marijuana grows in northern California.

For months, the intense, skunk-like, eye-watering stench prevented us from opening our windows and doors to cool our houses on summer nights, raising nighttime temperatures to unhealthy levels and causing sleep deprivation and anxiety.

Involuntary exposure to the concentrated chemicals emitted by the cannabis operations triggered severe headaches, asthma episodes and other respiratory problems in several households on our street. We are greatly concerned about the effects of such chemicals on infants and people with weakened immune systems — and, frankly, on all of us; we feel like subjects in an ill-conceived experiment on the downwind effects of large-scale marijuana operations.

For months, the stench forced us to involuntarily limit our outdoor time, for both work (in gardens and orchards, with animals, on various outdoor projects) and play (patios, porches, outdoor dinners, swimming pools, etc.).

Water: Cannabis requires irrigation water. State law prohibits pumping groundwater for irrigating recreational marijuana unless the property has irrigation water rights. Nevertheless, groundwater gets pumped for large-scale marijuana irrigation without such water rights, drawing down the local water table and affecting water levels in surrounding wells.

Physical safety: Cannabis may be classified as an agricultural crop, but the security concerns attached to it produce a cartel-

like atmosphere with drones, security cameras and armed guards with high-powered rifles with ranges of more than two miles. What the heck is this kind of facility doing in a residential area? Hundreds of people live within two miles of it.

Intimidation: In addition to these impacts, which are likely to be experienced by neighbors of any large-scale marijuana operation, our neighborhood has been subjected to intimidation, threatened violence, profanity and arrogant bullying.

Examples include sexual threats to young women; drone flights over neighbors, including children and an 80-year-old stroke victim mowing his lawn; frequent discharge of firearms, typically after a confrontation with a neighbor; neighbors stalked by employees with sidearms strapped to their waist; explosive outbursts of profanity; and verbal demands to get off of our own street.

While this may not be typical of large-scale marijuana operations, the current Wild West-like atmosphere of light state and local regulation and insufficient staffing in regulatory agencies invites exploitation by greedy opportunists.

Our neighborhood’s cannabis presence has forced itself to the forefront of our everyday lives and introduced a persistent fear for our health, sanity and physical safety. Many neighbors are so distraught and intimidated that they are planning to move away, leaving behind invested time and resources, memories and plans, and their attachment to a place — to their homes — with the dimly perceived goal of somehow starting all over in a place like our street used to be.

Several actions could be taken at the county and state levels to limit the impacts of large-scale cannabis operations on adjacent neighborhoods.

- Significantly reduce the permitted size of individual grows near residences.
- Limit large-scale operations to sites distant from residences.
- Significantly increase the required setback from property lines.
- Reclassify cannabis as something other than an “agricultural” crop.
- Enforce the water laws.

We believe that such measures could help protect residential neighborhoods from the impacts we’ve described, would minimize local water-supply issues arising from surreptitious pumping of groundwater, and would slow the influx of exploitative industrial-scale operations.

We know that other neighborhoods are experiencing impacts like those we have described here, and anyone living within a mile of a property zoned F1, F2, or EFU currently is at risk of doing so. If you wish to share your experiences or concerns, email us at the address below.

Richard Sedlock, a retired professor, and Jerry Settmeyer, a retired educator and school board member, live on Cedar Park Road near Cottage Grove. They can be reached at cedarparkroad@gmail.com.

More [GUEST VIEWPOINT](#) articles »

RG Opinion

Editorials, commentary & more delivered to your inbox.

Email address

 **COMMENTS (8)**

LOG IN

Post your comment...

SUBMIT

Sort by Highest rated

Hide replies



Silverhorn
6 hours ago

LOL!!! Well - *that* didn't take long! :)

After all that campaigning to legalize weed, come to find that there might be downsides come along with it (like any other form of agriculture!) <g> Should have been more careful about what we wished for ??



1 Reactions

Flag

React

Reply



willw
4 hours ago

I wish the authors would have named the grow operation. I suspect this is "One-Grow" which is the same one that is pushing Creswell to change their law prohibiting pot stores.

I hope someone can say whether this is true or not. The voters in Creswell should know what sort of "neighbors" want to move into their town.



3 Reactions

Flag

React

Reply



Sun
3 hours ago

Sounds like some bad neighbors...But,i think this is an exception rather than the norm when it comes to Cannabis growers.Most are Good people for sure,but not all.Good Luck on figuring it out.Its lfe though,sometimes Cannabis growers or not you just have bad neighbors.They sound more like tweakers to me.



2 Reactions

Flag

React

Reply



Gladys Kravitz
6 hours ago

Do you live nearby anyone with a marijuana grow? I do, in Springfield city limits, and am forced to smell the stench of the crops. My neighbors are nice and friendly to everyone, but the neighborhood reeked from mid-August until two weeks ago because of the marijuana grows. We don't get to enjoy Fall outside anymore, eating dinner outside in our beautiful yard that we worked hard to develop doesn't happen anymore because the skunky smell of marijuana makes me physically sick.



2 Reactions

Flag

React

Reply



ag
6 hours ago

Thank you for writing this viewpoint. I hope there are some positive outcomes for your neighborhood and that a law firm steps up to assist you all. You provide some succinct, reasonable ideas. This doesn't sound like a group I'd want opening a pot store in my town, either.



1 Reactions

Flag

React

Reply



charles dalton
7 hours ago

Now these folks know how organic farmers feel that live next to tree farms that spread poison from the air on breezy days. Lets not forget the people, including kids sensitive to pesticides, that have to see doctors after being exposed to poison spread by their neighbors. The tree farmers refuse to pay their medical bills too.



2 Reactions

Flag

React

Reply



Will Watson
2 hours ago

This sounds like an Old West story, like "Shane" or "Pale Rider" or "Open Range"--one of those ones where rich ranchers or mine owners want the land of powerless homesteaders or something. Or, more recently, this sounds like something that's happening now in Amazonian Brazil or Ecuador, or even around fracking operations in thousands of places right here in the gas lands of the USA

The crops may change, times may change, but powerful, well-monied agricultural and ranching interests always seem to be exempted from the laws of human community. Extractive industries have always set the tone for land use in the West, have always had a disproportional influence on state politics and policy.

It's a dirty, crying shame what's happening to these folks.



4 Reactions

Flag

React

Reply



motleycrew

6 hours ago

Water runs down hill!

Those who voted for legal marijuana didn't exactly consider the consequences.

Or, more likely, didn't care as long as they could have their toke!

Flag

React

Reply

[PRIVACY](#) [TERMS](#)

Local

SCHOOLS

Eugene School District, teachers union inch toward contract

The two sides said they were close to a deal Thursday night, with pay and prep time remaining as sticking points

Six months. That's about how long the Eugene School District and its teachers union, the Eugene Education Association, have been negotiating over a new labor contract. The association represents the 925 teachers, school counselors, registered ...

12

Related

- Eugene School District's average cost per teacher for one school year: \$103,000 and growing | Local
- Kaiser Permanente Northwest reaches agreement with PeaceHealth, opening door for insurer's expansion in Lane County
- Official says Knight campus will bolster UO, Eugene through 'science advancing society'
- More than 25 tax-foreclosed Lane County properties up for auction Friday

[More LOCAL »](#)

Opinion

EDITORIAL

A do-or-die tax plan

The tax plan unveiled by House Republicans Thursday fails a crucial test at the outset: It adds \$1.5 trillion to the deficit over a 10-year period — probably more. But the GOP desperately needs to ...

2

- Another PERS task force
- Mueller firing would set off a national crisis
- Living near marijuana grow can be unhealthy experience

[More OPINION »](#)

Entertainment

MUSIC

Shake down: The Shook Twins keep it elegantly simple with their latest EP

The duo will perform at the Hi-Fi Music Hall on Friday, Nov. 3

Two sisters in a room, alone with their voices, a guitar and a banjo. Music doesn't get much more pared down than that. In 2017, The Shook Twins — the Portland-based twin indie-folk duo from ...

»



- Finding redemption among ruins: The Devil Makes Three's latest release is both a cover and a theme album
- Video game review: Final piece of 'Nathan Drake Collection' shines just as bright as the rest
- New movie roundup: What's opening in Eugene-Springfield this weekend, Nov. 3-9

[More ENTERTAINMENT »](#)

Discovery

OREGON COAST

Paddler's paradise at Port Orford Heads

An eye-opening kayak trip along one of Oregon's most scenic, secluded and sheltered shores

Dave Lacey shouts over his shoulder, his voice carrying through salty air laced with a pungent shrimp-and-sour mystery aroma: "Have you ever smelled whale's breath before?" As the scent hits them, four kayakers in boats ...

▶ 3



- Interactive recreation guides point the way to fun in 2017
- The three jewels of Cape Arago Highway
- Maritime ghosts of the Oregon Coast

[More DISCOVERY »](#)

Submit

Choose...

Connect

Choose...

Marketplace

Choose...

Subscriber Services

Choose...



THE REGISTER-GUARD
 3500 CHAD DRIVE • EUGENE, OR • 97408
 (541) 485-1234 FEEDBACK
 COPYRIGHT © 1996-2017
 TERMS PRIVACY COPYRIGHT

S. Scott McDowell

From: Rick Morrow <autoricks@yahoo.com>
Sent: Tuesday, November 07, 2017 10:27 AM
To: Ci Brownsville Or Finance; admin@ci.brownsville.or.us
Subject: Fw: Exclusive Farm Use | LandUseOregon.com

This is interesting.

On Tuesday, November 7, 2017 10:19 AM, Robert Anderson <robert140@centurytel.net> wrote:

look at this

Limitation on restrictions by governing bodies

<https://www.landuseoregon.com/references-resources/exclusive-farm-use/>

Exclusive Farm Use

Exclusive farm use (EFU) zones & permitted non-farm uses

[* Excerpt from the Oregon Department of Agriculture's website, [2001 Oregon Farmer's Handbook](#)]

Oregon law establishes the following statewide policy for use of agricultural land (ORS 215.243):

- Open land used for agriculture is a vital natural and economic asset for all the people of the state,
- Preservation of a maximum amount of agricultural land, in large blocks, is necessary to maintain the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food,
- Expansion of urban development in rural areas is a public concern because of the conflicts between farm and urban activities, and
- Incentives and privileges are justified to owners of land in exclusive farm use zones because such zoning substantially limits alternatives to the use of rural lands.

Statewide Planning Goal 3, "Agricultural Lands," requires all agricultural lands to be inventoried and preserved by adopting exclusive farm use

zones. Local counties are responsible for planning and zoning, subject to approval by the Oregon Department of Land Conservation and Development (DLCD). Allowable nonfarm uses are incorporated into local zoning regulations.

Definition

Farm use (ORS 215.203)

Farm use means the current employment of land primarily for obtaining a monetary profit by raising, harvesting, and selling crops; feeding, breeding, managing and selling livestock, poultry, fur-bearing animals, and honeybees; dairying; or any other agricultural or horticultural use. Farm use also includes the preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. The definition includes land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; land planted in orchards or other perennials prior to maturity; any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land classified for farm use; dry or water covered wasteland in or adjacent to land in farm-use; or land under dwellings or buildings supporting farm practices. Farm use also includes the stabling or training of equines (horses, mules, etc.) along with riding lessons and training clinics.

Eligibility for special tax use zoning

To be eligible for preferential farm value assessment under an exclusive farm-use zone, the land must be employed in a farm use as described in ORS 308A.056. For lands located outside an exclusive farm-use zone, the landowner must file an application with the county assessor by April 1 of the first year in which such assessment is desired. Applications for farm use special assessment only apply to non-EFU zones.

Note: refer to the “Property Tax Special Assessment” section of this handbook for more information.

Limitation on restrictions by governing bodies

No state agency, city, county, or political subdivision may enact local laws or ordinances, restrictions or regulations that would restrict or regulate farm structures or accepted farming practices because of noise,

dust, odor, or other materials carried in the air, arising from farm operations in farm use zones, that do not extend into an adopted urban growth boundary, unless the practice affects the health, safety and welfare of the citizens of the state. (ORS 215.253)

Nuisance complaints

A county governing body or its designate may require, as a condition of approval of a single-family dwelling, that the landowner of the dwelling sign a statement declaring that the landowner will not complain about accepted farming or forest practices on nearby lands devoted to farm or forest use (ORS 215.293). Farm operators may want to contact their county planning department regarding this option if nuisance complaints are increasing as a result of new single-family dwellings near exclusive-use farm land. Additionally, the 1993 Oregon Legislature passed “right to farm” provisions (see Chapter 792, Oregon Laws 1993. ORS 30.930 – 30.947), which protect acceptable farming practices from nuisance suits. Contact the Oregon Department of Agriculture (Jim Johnson, 503-986-4706) for information on the right to farm law. Another option for resolving nuisance complaints is mediation. Contact the Oregon Department of Agriculture Farm Mediation Program (1-800-347-7028) to discuss this alternative. Mediation is a voluntary process involving a third-party mediator who facilitates discussions and seeks potential resolutions to the disputes of the parties.

Note: for more information see the “Farm Mediation Program” section of this handbook.

Permitted nonfarm uses on EFU land (ORS Chapter 215)

All rural landowners should contact their county planning department prior to siting or building any structure or starting any nonfarm use activity. Nonfarm uses require prior approval by the respective county. Fines may be levied by the county if prior approval is not obtained. Certain nonfarm uses may be allowed, and their approval standards are incorporated into local zoning regulations; additional approval standards may apply to high value farmland. Technical variations exist between counties, so contact your county planning department or Department of Land Conservation and Development (DLCD), 503-373-0050 for details. The following types of non-farm uses are generally allowed in exclusive farm use zones:

- Public or private schools
- Forest product propagation & harvesting
- Dwelling for farm use
- Farm buildings
- Farm stands
- Mineral exploration & mining
- Farm-worker housing
- Land based application of reclaimed water for farm use
- Winery
- Playgrounds or campgrounds
- Dog kennels
- Bed & breakfast (5 guest limit) in existing residences
- Commercial activities in conjunction with farm use
- Churches and cemeteries
- Utility service
- Geothermal exploration/production
- Community centers
- Siting for solid waste disposal
- Creation/restoration of wetlands
- Hunting & fishing preserves
- Golf courses
- Small scale crop processing facility

Technical assistance

Department of Land Conservation and Development (Main Office)

635 Capitol Street, N.E., Suite 150

Salem, OR 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

Website: www.lcd.state.or.us

Regional representative (Willamette Valley, Hood River, Columbia County)

Rob Hallyburton, 503-373-0050 ext. 239

Regional representative (Central & Eastern Oregon)

Jon Jinings, 541-388-6424

Regional representative (South Coast)

Dave Perry, 503-373-0050, ext. 267

Regional representative (Southern Oregon)

Nancy Kincaid, 541-858-3152

Regional representative (North Coast)

Dale Jordan, 503-373-0050 ext. 262

Farm and forest lands specialist

Ronald Eber, 503-373-0050 ext. 247

S. Scott McDowell

From: Skip Smith <sjsmith@centurytel.net>
Sent: Monday, November 06, 2017 6:39 PM
To: admin@ci.brownsville.or.us
Subject: Possable Pot Farm & Processing Facility

Hi Scott, We just wanted to touch base with you regarding the proposed marijuana grow and processing facility for south Brownsville. Although we don't live in Brownsville we are within a mile of the city limits just off of Enos Drive. We most definitely oppose this type of farming operation and hope the city develops an ordinance that keeps this type of farming a few miles from the city's urban growth boundary. The Smell and possible criminal activity to the surrounding property owners could be a major issue. If you have any questions about this email, please don't hesitate to call.

Thanks for your attention,
Skip and Julie Smith
541-466-3252

 Virus-free. www.avast.com

November 7, 2017

City Council,

I would like to go on record as opposing the proposed Marijuana Grow on Gap Rd. in Brownsville. I live within a few blocks of the proposed site and feel the impact on my quality of life would be negative.

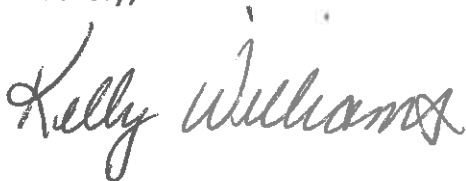
A close neighbor grew four plants directly behind my home and the smell was horrible. It permeated our home and was obnoxious day and night. My 83 year old mother lives with me and suffered from the odor. I am aware this is an indoor grow and they are supposed to take measures to prevent the obnoxious odor and associated noise from assaulting the neighbors, but I am skeptical.

I want to remind you of the adverse effects this could have on our quiet community. The issue of safety for our citizens, both young and old is a serious concern. As a Rural Community with stretched resources, I am very concerned about the increased criminal activity the Marijuana Grow could bring and the fact that the Linn County Sherriff's department is at least twenty minutes away when called. The associated crime will place added stress to an already stretched resource.

Unwanted traffic congestion and impaired drivers present a risk to everyone. Commercial vehicles and equipment that are required for the proposed grow will add to our present traffic issues.

As a concerned citizen I stand firmly opposed to this Marijuana Grow.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Williams". The signature is written in black ink and is positioned above the printed name.

Rev. Kelly Williams

November 8, 2017

To Brownsville City Council:

As residents of the City of Brownsville, we would like to express our opposition to the growth of marijuana inside or outside of the City limits other than the few plants grown at home in compliance with Oregon law. In conjunction with growing marijuana, odors and fumes from the marijuana plants and any processing allowed are a concern for people who are not using marijuana similar to 2nd hand smoke of tobacco.

Sincerely,

A handwritten signature in purple ink that reads "Roger Tetamore". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Roger and Alice Tetamore

S. Scott McDowell

From: Alice Tetamore <rnatetamore@centurytel.net>
Sent: Wednesday, November 08, 2017 6:25 PM
To: McDowell Scott
Subject: Another Piece of Research on Marijuana

Scott,

This may not relate necessarily to the current issue of growing marijuana just outside the City boundaries but it is confirming of the negative affects on people especially with mental issues. World Magazine Nov. 11, 2017

Alice Tetamore

A dangerous weed

FOR PSYCHIATRIC PATIENTS, A LINK BETWEEN MARIJUANA AND VIOLENT BEHAVIOR *by Julie Borg*



➔ Recreational drugs can wreak havoc on anyone's life. But for those with mental illness, smoking pot could lead to aggressive behavior—and put their loved ones at risk.

According to a new study published in September in *Frontiers in Psychiatry*, adults who persistently smoke marijuana following a psychiatric hospitalization are 2½ times more likely to commit violent acts, including assault, battery, or threats with a weapon, than those

who do not use the drug.

The study included 1,136 patients from ages 18 to 40 who received five follow-up appointments within a year after discharge from a psychiatric hospital.

Not only did the

researchers find that cannabis use put these patients at an increased risk for violent behavior, but they also discovered the risk is greater than for those using other mood-altering substances. "An interesting feature of our results is that the association between persistent cannabis use and violence is stronger than that associated with alcohol or cocaine," Alexandre Dumais, the lead researcher, said in a statement.

The results support neuroimaging studies that

show chronic marijuana users develop deficits in the prefrontal cortex, an area of the brain involved in inhibiting impulsive behavior, the researchers said. Problems with the prefrontal cortex have been correlated with anti-social personality and psychopathic traits.

The National Institute on Drug Abuse reviewed numerous studies on the adverse effects of cannabis use. They found that short-term effects may include impaired memory, decreased problem-solving ability, hallucinations, and delusions. Possible long-term effects include breathing problems, increased heart rate (which may raise the risk of a heart attack), onset or worsening symptoms of mental illness, depression, anxiety, and brain and behavioral problems for unborn and nursing babies whose mothers use the drug.

To whom it may concern

I'm writing to express my concerns over the Linn County application for marijuana production at 26985 Gap Rd., Brownsville, Oregon which was recently submitted. I am a residential and a commercial property owner in this area. I also am a business operator who has lived in the area for over 35 years.

I would first like to state that the following concerns are not related to my approval or disapproval of marijuana use. My concern is the impact of this proposed operation on the surrounding properties and the City of Brownsville. My concerns are as follows:

1. This scale of marijuana production can cause significant odor and allergen problems in the area. As with Oregon Law, property owners who build in a EFU zone do not have the right to sue for odor or dust etc. for existing farm practices—what about the people who have lived for decades in an area and now have these issues imposed on them? Marijuana odor and allergen issues are well established in the medical community.
2. Ground water use requires established water rights by the user in commercial marijuana production. There are no water rights at this time. 250 gallons a day is grossly underestimated for water transported from alternative sources.
3. Security for the area, not just the grow operation, will be needed. Who is going to pay and provide the needed security for the surrounding properties?
4. This is a relatively quiet area. There will be an increase in traffic and noise. Again, should the pre-existing residential property owners have no say about the livability of their properties that they own and have paid taxes on for years?

Within the near future, The City of Brownsville will need to expand their present Urban Growth Boundary. If you look at availability for growth, this proposed marijuana production property might be included in the new UGB. With burn restrictions on property owners within a 3-mile radius of a small town, why wouldn't a city also have decision making rights over a similar type of odor producing activity?

I have known the applicant for many years and know them as quality folks. This response has nothing to do with them, only this proposed business activity. There are so many other properties that could provide for all the requirements of this type of business without the negative impact on surrounding established residential properties. I hope that this application is denied.

Sincerely,

Robert D. (Bob) Anderson
315 Stanard Ave.
Brownsville, Oregon 97327



If I wanted to destroy a charming little historic town that sponsors a myriad of yearly outdoor events such as picnics, fun runs, antique fairs, Easter egg hunts, fireworks in the park, downtown trick or treat and farmer's markets, I would locate a foul smelling facility .06 miles from the southern city limits where every wind that comes along would shove the unpleasant smell up everyone's noses.

I am of course referring to the proposal from Randy Raschein and his California business partner, to build a marijuana farm on Gap Road.

But wait you say, it's supposed to be an indoor facility with, " a carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent passes through an activated carbon filter." Lots of greenhouses have roof vents for hot days.

Once Rascheins begin their grow operation using two greenhouses, (phase 2 calls for six more greenhouses to be added), what is to keep them from adding phase 3 and expanding to an outdoor growing operation as well? Will Brownsville need its own carbon filtration system for incoming breezes?

OLCC spokesman Mark Pettinger said in a February 2016 Eugene Register Guard article, "We don't have anything in our temporary rules regulating marijuana odors. We don't have the enforcement authority." The DEQ is equally unhelpful. Tom Roick, a DEQ senior analyst says, "The odors can be a nuisance, but they're not a toxic or health concern." He states the DEQ does not plan on regulating marijuana specific odors.

It looks like Brownsville is going to have to save itself. Section 59 of Measure 91 allows cities and counties to regulate the nuisance aspects of a marijuana establishment. It is a lot easier preventing a problem than trying to fix it after all the loopholes are in place.

The City of Brownsville needs to keep this facility from becoming established so close to town. While we can't name which Brownsville residents will develop adverse health effects or put their homes up for sale and leave town, we know there will be some. How will the economy suffer because vendors, customers, vacationers, families and friends don't want to come to Brownsville anymore because it stinks? We need to fix this now.

Respectfully,

Terry Marchbanks

11/7/2017

To Whom it may Concern:
City of Brownsville Council Members, and
Jennifer Cepello, Linn County Planning and Building

In response to the notice of pending land use action at 26985 Gap Rd;

To the Linn County Planning and Building Department, I am writing as a concerned member of the public in opposition to the proposed land use action. Despite trends of marijuana legalization in certain states, it is still an illicit drug subject to prosecution by the federal government. Because of this unique predicament of being criminalized by the federal authorities and legalized by the state, it has given rise to a hodge-podge regulatory system and lax enforcement of rules and regulations.

In the case of the proposed land use action there are several reasons to oppose the action. Specifically, there are security concerns, no sign of an adequate alarm system, effects on public health, neighborhood safety, noise concerns, and lack of inspections. Each shall be discussed as follows,

- 1) Security concerns – The premise that the marijuana production and grow operation shall be located does not have an adequate response time from a local police force in the event of criminal activity. The city of Brownsville does not have its own police department and relies on a sheriff's substation for law enforcement related activities. This substation is already has enough territory to oversee without adding a premise of special concern to increase patrols around or be able to quickly respond to calls.
- 2) Alarm System – The security concerns are compounded by the omission of an alarm system in application materials as required by OAR 845-025-1420, specifically mentioned again in OAR 845-025-1470(1). The alarm system must be able to alert the licensee or their employees to unauthorized entry while also either alerting authorities or requiring a land line phone to be placed in all limited access areas immediately capable of calling authorities. Reliance solely on video cameras, or the residence of employees on the property leaves large gaps in a security system that can and will be taken advantage of, leading to the operation becoming a target of additional criminal activity.
- 3) Neighborhood Safety – With a lax security system, and longer sheriff response times, the operation will be a prime target for criminals looking to break in and steal processed product similar to the recent break in at a Corvallis production location. Neighboring properties will end up also being surveyed by the criminals who could end up breaking into other properties or causing additional unease and incidents.
- 4) Effects on Public Health & Noise – While no one living on the edge of Brownsville is unfamiliar with normal agricultural products and farming practices, marijuana cultivation is a noxious crop that severely impacts neighboring properties. The pungent stench from marijuana plants will be a constant, year round annoyance even with carbon filters. There is no way that even an enclosed facility will be able to contain this, especially since they will be opening large double doors letting fumes out. Furthermore, the

fans that should be producing the negative pressure environment in the greenhouses will be exceeding loud, if not individually but also in unison of the amount running in parallel. These fans will be running constantly, twenty four hours a day, seven days a week. There is also a lack of information regarding the effects of marijuana exposure to other crops in the area, potentially harming nearby pre-existing vineyards or hazelnut operations with cross-compatible diseases or non-regulated/registered pesticides used in marijuana production. Not every Oregonian wants to live next to a grow operation with all of these issues, driving down neighbor's property values in homes they have invested years of payments into.

5) Lack of Oversight and Inspections – Since legalization in Oregon and the assignment of inspections to the OLCC, there are now a total of 1,535 licensed recreational growing operations in Oregon¹. There is little to no follow up inspections after initial approval to ensure that marijuana producers will continue to maintain their fans, security measures, or other mandated aspects to the letter of the law.

Overall, the introduction of a grow operation close to city's urban growth boundary and residential populations, will greatly affect the neighbors in ways that a normal, legal agricultural crop would otherwise not. There are many concerns in the community about how this will affect their lives and properties and very little that can be done on their own to protect their own investments and community many have worked so hard to build and keep as a shining example of a positive, vibrant rural town.

Signed,
David Bierek
233 NW 9th St
Corvallis, OR

I would also advise reading the article referenced:

¹ <https://www.usnews.com/news/best-states/oregon/articles/2017-07-02/rural-oregon-residents-at-odds-with-large-marijuana-grows>

f

U.S. News (/news/best-states) BEST STATES

- [f](https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon) (https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon)
- [t](https://twitter.com/share?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02-rural-oregon-residents-at-odds-with-large-marijuana-grows) (https://twitter.com/share?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02-rural-oregon-residents-at-odds-with-large-marijuana-grows)
- [r](https://www.reddit.com/submit?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02-rural-oregon-residents-at-odds-with-large-marijuana-grows) (https://www.reddit.com/submit?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02-rural-oregon-residents-at-odds-with-large-marijuana-grows)

VIDEOS (/NEWS/BEST-STATES/VIDEOS) NEWS (/NEWS/BEST-STATES/NEWS)

NEWS (/WWW.USNEWS.COM/NEWS) / BEST STATES (/WWW.USNEWS.COM/NEWS/BEST-S... / OREGON NEWS (/WWW.USNEWS.COM/NEWS/OREG..

Rural Oregon Residents at Odds With Large Marijuana Grows

Williams is known as one of Oregon's pot-growing capitals, but longtime residents have raised alarms over industrialized grows they say are ruining the character of this remote but close-knit rural community.

July 2, 2017, at 4:08 a.m.

f

...

AP

By DAMIAN MANN, Mail Tribune

WILLIAMS, Ore. (AP) — Williams is known as one of Oregon's pot-growing capitals, but longtime residents have raised alarms over industrialized grows they say are ruining the character of this remote but close-knit rural community.

"People are pissed off," said Michael Johnson, chief operating officer of Siskiyou Sungrown Farms. "I've never seen anything like it."

Small artisan cannabis farmers find themselves pitted against giant marijuana greenhouse conglomerates, said Johnson, whose outdoor cannabis grow, which relies on sunlight and native soil, is often cited by locals as a responsible operation.

Community organizers are drafting a September ballot initiative they hope will lead to a moratorium on activities associated with future large-scale grows until regulations addressing the community's concerns can be implemented.



www.scholarships4moms.net
 Mom: \$10,000 Scholarship
 No GPA, No Essay, No Stress! Enter Now. Takes Only Minutes.
 VISIT SITE



Ad

"This is not about marijuana, it's about bringing industry into a rural-residential area," said Sha'ana Fineberg, co-chair of the Williams Town Council and Citizens Advisory Committee. "It's asking for a moratorium on the activities that are negatively impacting the community."

Growing marijuana has long been a way of life in Williams, but gardens were relatively low-key until recreational marijuana use became legal in 2015. Now massive commercial operations have sprung up throughout the community, drawing concerns over increased traffic, fences that stretch for hundreds of feet, semi-trucks racing down rural roads and large greenhouses outfitted with bright lights and loud fans. Four such greenhouses, erected near Highway 238, look like giant rockets laid on their side.

Those who moved to Williams for the peace and quiet say their lifestyle has been threatened by dummy corporations buying up large tracts of land, making it difficult to determine who the real owners are, Johnson said.

Johnson's 40,000 square-foot operation on Williams Highway has worked with the state to avoid installing the opaque fencing that annoys so many neighbors.

[f](https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02/rural-oregon-residents-at-odds-with-large-marijuana-grows) (https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02/rural-oregon-residents-at-odds-with-large-marijuana-grows)
"You can't do it with less impact than this type of operation," he said. Most of the frustration in the community comes from the big greenhouse operations.
[t](https://twitter.com/share?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02/rural-oregon-residents-at-odds-with-large-marijuana-grows) (https://twitter.com/share?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02/rural-oregon-residents-at-odds-with-large-marijuana-grows)
[r](https://www.reddit.com/submit?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02/rural-oregon-residents-at-odds-with-large-marijuana-grows) (https://www.reddit.com/submit?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02/rural-oregon-residents-at-odds-with-large-marijuana-grows)
(https://www.usnews.com)

Williams sits in the middle of Oregon's largest pot growing region. Jackson County has most marijuana producers of any county in the state at 299, according to the Oregon Liquor Control Commission, which regulates the recreation marijuana industry. In Josephine County, where Williams is located, there are 213, the second highest in the state. Together the two counties have 512 producers, accounting for nearly one-third of the 1,535 licensed operations in Oregon.

There are 11 licensed recreational grow sites in Williams, with 12 more proposed, the OLCC said. To illustrate Williams' longtime acceptance of marijuana, the area in 2011 had 400 registered medical marijuana growers out of a population of 2,000, according to the Oregon Health Authority.

Fineberg said the moratorium is not intended to stop recreational grows.

"Our goal is simple," said Fineberg, who is not a grower. "Our goal is to protect our community."

Community members, who've been airing their concerns and seeking solutions for weeks, are drafting a ballot initiative asking voters in the Williams ZIP code whether they want a moratorium on activities associated with new large-scale marijuana grows. If the initiative passes with 66 percent of the vote, organizers hope it will persuade Josephine County commissioners to adopt the moratorium for their unincorporated community.

Then the community and county officials could draft regulations limiting activities that threaten the rural nature of Williams. She said the regulations would apply only to Williams and only for any future operations.

Drafting the language for the proposed moratorium has been more complex than Fineberg and others expected. She said she's put in 20 hours a week for nine months. While the list of unwanted activities hasn't been completely fleshed out, controlling light and noise from greenhouses are two issues that likely will be included in the moratorium.

Because most of Williams supports recreational cannabis, Fineberg said the moratorium has to be carefully written to avoid more conflicts.

"We don't want to create more division in our community," she said.

A brochure of best practices for cannabis growers is being distributed in the community to inform newcomers how they can avoid problems that might bother neighbors, including loud fans, light pollution, use of pesticides, erosion, setbacks, traffic, visual impacts and more.

"Every time we go out, we see another fence," said Kathy Escott, secretary of the Williams Grange. "And the greenhouses they're building, with concrete or gravel floors, are literally like paving over farmland."

For many residents, the increased traffic generated by these grow sites on rural roads poses a danger to children.

"One of the worst things is people are driving like maniacs up and down the roads right now," said Escott, whose husband grows six medical marijuana plants for her health problems.

She said longtime residents are usually considerate of neighbors and try to avoid the conflicts that have popped up over the past few years.

f

- [f \(https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02-rural-oregon-residents-at-odds-with-large-marijuana-grows\)](https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02-rural-oregon-residents-at-odds-with-large-marijuana-grows)
- [t \(https://twitter.com/share?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02-rural-oregon-residents-at-odds-with-large-marijuana-grows\)](https://twitter.com/share?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02-rural-oregon-residents-at-odds-with-large-marijuana-grows)
- [r \(https://www.reddit.com/submit?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02-rural-oregon-residents-at-odds-with-large-marijuana-grows\)](https://www.reddit.com/submit?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02-rural-oregon-residents-at-odds-with-large-marijuana-grows)

"Usually it's newcomers that just don't get it," Escott said. "They're not part of the community."

Escott said the fences have become a problem for wildlife, particularly deer that cross roads to get to creeks and now find barriers blocking their way.

A licensed recreational grow known as ShadowBox Farms has been a lightning rod for neighbor complaints.

Six months ago, the grow site was criticized because of noise from its fans, said Dani Jurmann, chief executive officer of Shadowbox.

When new fans were installed, the complaints shifted to the long fence, he said. Trees have been planted in front of the fence, and in a few years they will obscure the fence from view.

"We've done everything we can possibly do," Jurmann said. "I really do believe in a couple of years, we will be all but forgotten."

Right now there is a lot of truck traffic delivering materials for drying sheds and other buildings. Once they're completed, he said, the traffic will be less than 10 percent of what it is now.

Jurmann said he and three families invested in the cannabis enterprise and bought 32 acres zoned exclusive farm use. They have two 40,000-square-foot greenhouse operations on two separate tax lots. Under Oregon law, farmland is allowed to generate noise, dust and other issues that may bother neighbors. Surrounding Jurmann's farm are properties zoned rural residential.

Jurmann said he chose the property because he likes Williams and thinks it's a beautiful area for his business.

He said the families invested close to \$1 million for the property and spent far more than \$250,000 into the operation, which he said pumps a lot of money into the local economy. He said he doesn't want to see any rules that sharply curtail the ability to operate a successful agricultural venture on farmland.

"I lose sleep about the 70 or 80 people who will lose their jobs," he said.

Jurmann said he personally wouldn't vote for a moratorium that would block certain activities of new cannabis businesses.

"My feeling is it is a lost cause," he said. "I think it's an interesting concept if a town like Williams wants to change state law. It's a noble pursuit."

But he said farmers can't be deprived of the essential tools needed to succeed.

"Greenhouses are a part of farming, and fans are a part of greenhouses," he said.

<https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02/rural-oregon-residents-at-odds-with-large-marijuana-growers>
<https://twitter.com/share?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02/rural-oregon-residents-at-odds-with-large-marijuana-growers>
<https://www.reddit.com/submit?url=https%3A%2F%2Fwww.usnews.com%2Fnews%2Fbest-states%2Foregon%2Farticles%2F2017-07-02/rural-oregon-residents-at-odds-with-large-marijuana-growers>
<https://www.usnews.com>

Mike Smith, vice chair of the Williams Town Council and Community Advisory Committee, said his community would like to see reasonable regulations so when people come here they know what to do, Smith said. "People care about the land and quality of life out here and are concerned about the industrialization of our farmland."

Some of the friction has developed because large-scale growers don't take into account the impact of their operation on surrounding property owners.

"To me, it's a bit shocking how inconsiderate people are being to their neighbors," Smith said.

One large-scale grower removed a series of berms that prevented water from flooding a neighboring property, Smith said.

He said at least two lawsuits have been filed over these neighbor disputes.

Other issues could be resolved by improving state regulations. While many growers have wooden fences, Smith said it's possible to get approval from the state to install deer fencing, which many find more attractive. He said these options need to be clearer for prospective growers.

Smith said he is working with legislators to develop some regulations that could help Williams and other communities.

Some local business owners have seen a surge in customers from large commercial grow sites, but not others.

Rebekah Rumery, owner of Takubeh Natural Market & Agricultural Supply, said the big conglomerates that are behind some of the large grow sites have not become part of the community.

Rumery said her store hasn't seen a big influx of business from the large grows, though one of her customers does have a large grow site.

"It is challenging for us to see, because those big corporations are not supporting small business," she said.

Instead, many of the big operations order their equipment from large supply houses and have them delivered by semi-truck, Rumery said.

She said Williams is particularly concerned about these issues that also affect many areas of Oregon because many of the local residents are active environmentalists and take pride in living in a community that exists with nature.

"It's kind of sad to see," Rumery said. "But we're asking, 'How can we make it better?' We have to give them (the large growers) a standard to live by."

S. Scott McDowell

From: jervin@peak.org
Sent: Wednesday, November 08, 2017 7:42 AM
To: scott mcdowell
Subject: Marijuana Production Facility, south Brownsville
Attachments: Marijuana Production Facility.docx

Scott,

Thank you for your help and advice in regard to the proposed marijuana production facility.

Attached is a letter voicing our concerns that LeAnne and I would like placed in the council packet for the upcoming special city council meeting. Our letter is in regard to the proposed marijuana production facility to be located directly adjacent to the south Brownsville city limit and within our south Brownsville neighborhood.

As always, thank you so much for your caring dedication to our community,

Sincerely,

Joe & LeAnne Ervin

November 7, 2017

Joe & LeAnne Ervin
985 Washburn St
PO Box 56
Brownsville, OR 97327

City of Brownsville Oregon
City Administrator and City Council
Brownsville, OR 97327

Dear Scott McDowell and members of Brownsville City Council:

We are writing in regard to a notice received from the Linn County Planning and Building Department were as applicants Randall Raschein and Amin Patel are requesting to site a large scale marijuana production facility immediately adjacent to the urban growth area of the City of Brownsville. This property is located at 26985 Gap Road. The property is located approximately 0.1 miles from our home and many other homes in the area both inside and just outside the city limits of Brownsville. This production facility as proposed would become part of our neighborhood.

Such a facility will greatly increase truck traffic on Washburn St / Gap Road. This area is without sidewalks or bike lanes. Washburn Street and Gap Road are used daily by many pedestrians, walkers, and runners. This roadway is also part of the Willamette Valley Bike Route and is heavily used by bicyclists. We have written the counsel previously in regard to the lack of speed limit observance, and traffic patrol in this area. Adding a manufacturing facility in this area will serve to increase issues in regard to traffic control, speed and safety for all users of the roadway.

The marijuana production operation will bring with it an odor which effects all homes and their respective occupants in this area. I understand that the proposed operation involves greenhouses. These greenhouses are required to meet code in regard to ventilation to mitigate any odors from the operation. However we are greatly concerned about the governing body's (Oregon State Liquor Control Commission) ability to regulate and enforce these codes. Additionally, what control will there be over future expansion and the possibility of outdoor grown crops.

Further, what controls will there be to mitigate property crimes, and security for neighbors when a drug production (cannabis) and manufacturing facility is allowed to be sited within a city neighborhood. We are very concerned about the current climate in regard to law enforcement and marijuana laws. Currently we enjoy a very quiet and law abiding neighborhood. However, cannabis production at this level brings with it an atmosphere of intimidation, threats of violence, bullying and related. This type of mentality does not fit in a quiet city neighborhood. Siting such a facility in our neighborhood will negatively affect our current law abiding atmosphere.

The proposed greenhouse facility is a large scale marijuana (drug) production facility and is not compatible with the surrounding neighborhood. Marijuana production is currently considered an agricultural crop or ag business by current Oregon laws. It is more correctly drug manufacturing and production (Federal law) and should be treated as such. Until current laws are adjusted to treat

production of cannabis in this way, a facility if located in or this close to our city would more appropriately be placed in an industrial area suited for manufacturing and production or placed three to four miles away from any populated areas. We are strongly encouraging the council to request from the county a two to three mile buffer zone designation around our city limits to give the city a voice in land use issues like the one considered here in and for others to follow in the future.

Respectfully,

Joe & LeAnne Ervin

11/07/2017

Brownsville City Council,

I am not an eloquent letter writer, and feel a little intimidated by some of the letters I have read about this subject.

However, I do feel very strongly about having a marijuana grow operation come to Brownsville.

I don't think anyone knows what all the ramifications we will face.

Business will suffer from the lack of visitors to our quaint little town.

If we don't make a stand now it will be too late. Once here, it will not go away.

Three main reasons I feel it would be a mistake to allow this:

Reason: The odor will be overwhelming to all of Brownsville not just the connecting properties.

Health: Anyone who suffers from pulmonary issues will be affected by the odor.

Allergies! I for one suffer every year from allergies and am concerned about how this will just add to my reactions each year.

Crime: Increase in crime rate. Will we have the means to control this?

We are finding it difficult just getting citations for speeding in Brownsville, and are told they don't have the man power to address that.

Will the sheriff's office be able to respond in a timely fashion if (worst case scenario) there would happen to be a drug war?

This may seem ridiculous to you, but this is a serious matter and you need to step-up and do the right thing!

Give us a 3 to 5 mile buffer around Brownsville. This is not going to be the only grow operation we will have to face if this is approved.



Jannea Deaver

Brownsville last 13 years.

S. Scott McDowell

From: Rick Morrow <autoricks@yahoo.com>
Sent: Wednesday, November 08, 2017 4:10 PM
To: Ci Brownsville Or Finance; S. Scott McDowell
Subject: Fw: Copy Request

On Wednesday, November 8, 2017 4:03 PM, MARIJUANA OLCC * OLCC <marijuana@oregon.gov> wrote:

Good afternoon,

Please note, the address of a premises for which a license has been issued or for which an application is proposed to be licensed (Producer, Processor, and Wholesaler license types) is exempt from disclosure. As a result, we are unable to acknowledge whether the OLCC possesses records referencing 26985 Gap Rd. Brownsville, OR 97327 because to do so may divulge the address of a licensee or applicant.

Having reviewed your request, we are able to inform you that the OLCC is not able to locate the names Amin Patel, Mariah June Laursen, or Randall (Randy) Raschein in our system and thus do not have documents responsive to this request.

Roslyn Espinosa

Oregon Liquor Control Commission
 9079 SE McLoughlin Blvd., Milwaukie, OR 97222
marijuana@oregon.gov

From: Rick Morrow [mailto:autoricks@yahoo.com]
Sent: Wednesday, November 8, 2017 3:53 PM
To: MARIJUANA OLCC * OLCC <marijuana@oregon.gov>
Subject: Copy Request

I would like to request copies and information on a Commercial Marijuana Production Permit

Producers: Amin Patel
 Mariah June Laursen
 Randall (Randy) Raschein

Premises: 26985 Gap Rd
 Brownsville, OR 97327

Thank You
 Rick Morrow
 27006 Gap Rd
 Brownsville, OR 97327
 (541)409-7339

November 8, 2017

Brownsville City Council
Brownsville City Hall
255 N. Main St.
Brownsville, OR 97327

Honorable City Council Members,

It has recently come to our attention that there may be plans to begin a large scale marijuana growing operation on Gap Rd. This is troubling for a number of reasons.

The marijuana issue in our town is divisive. Although a city wide vote allowed a marijuana store to open its doors in our community, the vote tally indicated that the marijuana issue is far from being entirely supported by all of our citizens. Even though the vote settled the issue, many of us remain opposed to the idea.

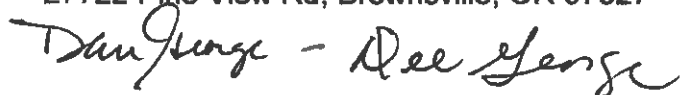
Secondly, although it is said that marijuana may be useful as a drug for certain diseases, it has now become legal in our state to be used recreationally. If this growing operation is allowed so close to our community, we believe it increases the risk and possibility of our children obtaining it. There are laws written to prevent kids from obtaining alcohol, but are there any of us so naïve to think that many of them cannot figure a way to circumvent these laws? With studies showing how this chemical can be destructive when used by the young, why would we want to take this chance?

Lastly, we have heard that marijuana growing operations can promote odors. We moved to the Brownsville area five years ago because we loved the little town and its pleasant environment. I would hate to open my front door some morning in the future and be assaulted by a strong odor that we can prevent by using what we believe is good common sense...by not allowing the operation in the first place.

My wife and I join with many others in our community that believe that allowing another marijuana concern to open its doors so close to where our families live has the potential to move our beloved Brownsville further down that proverbial slippery slope.

We ask that you please do everything in your power to prevent this from occurring.

Sincerely,
Dan and Denese George
27722 Pine View Rd, Brownsville, OR 97327

A handwritten signature in black ink that reads "Dan George - Dee George". The signature is written in a cursive, flowing style.

November 8, 2017

To the City of Brownsville,

Subject: PD17-0287, Site plan review for marijuana production,

We are writing to express our objections for the potential marijuana growing facility.

We are afraid that the crop will emit offensive odors that will be difficult to overcome. Indoor growing facilities require high ventilation. Large industrial fans will put noise pollution to neighboring communities. This product has a high potential to attract criminal behavior. All of these factors will negatively affect property values.

We have a rental property just south of this location. This facility will reduce our ability to rent the property at fair market price, thereby causing a loss of income.

The negative persona of marijuana crops turns buyers away. Our son has friends in the Sheridan area that are currently dealing with this problem. Their neighbor put up warehouses for marijuana production. Now they are trying to sell their vacant lot next to the facility. As soon as buyers discover what the buildings are for they walk away. This has been going on for 2 years now.

The applicant has land a few miles north of town, why should he put the facility next to city limits? We wouldn't want a chicken farm this close, how is this any different?

Concerned citizens

Neal and Susan Karo



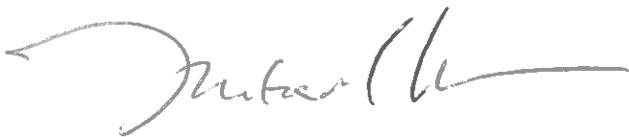

My family has been farming the property directly east of the proposed marijuana greenhouse/processing plant for the past 60 years. The value of the property has been steadily increasing as we have improved the property in our farming operation.

Other grow operations in the Willamette Valley have caused neighboring property to decrease in value, primarily because of the obtrusive smells emitted into the surrounding area, increased traffic and a change in the way of life for the surrounding community.

I strongly urge the Brownsville City Council to create a large buffer zone around the city banning commercial marijuana grow operations.

Michael W Kirk, President

Kirk Century Farms, Inc.

A handwritten signature in black ink, appearing to read "Michael W Kirk", with a long horizontal flourish extending to the right.

11-8-2017

Excerpt from THE WENATCHEE WORLD JAN 25, 2016

WENATCHEE — Bright sunny days and crisp mornings and evenings make September and October two of the best months to be outdoors in North Central Washington unless, as many area residents have discovered, you can't stand the smell of mature marijuana plants.

Lori Wisemore found that out the hard way last year when a state-sanctioned outdoor marijuana grow owned by Toleman Construction harvested its first crop, right across the street from her home in central Malaga.

"We didn't notice the smell until September," she said. "Then, September through the end of October it was bad. Bad. It permeated the house... You cannot sit outside here and barbecue and be with your family because of that smell."

Whether you grow or smoke it
gives no one a right to be a
bad neighbor

Santa Barbara Independent

May 25, 2017

At 7 p.m. on Mondays, during Zumba class at Carpinteria's Boys & Girls Club, an unmistakably fresh stench of cannabis flowers can be whiffed from the greenhouse next door. At the high school across the street, teachers must show up early to air out their classrooms. One teacher said the odor is pungent three days a week. "It's like someone is smoking in the classroom," she said. "It's very distracting."

Cannabis crops have increasingly augmented Carpinteria greenhouses, which had become less profitable in recent years. Growers estimate 20-30 acres of weed plants are currently cultivated in greenhouses out of 280 acres total "under glass." As more cannabis is grown, the smell of ripe buds has become more pungent. Created by the plant's essential oils, known as terpenes, the odors are strongest when cannabis flowers are budding, which happens virtually all the time because planters stagger growth cycles.

In the first week of May, there were 12 odor complaints in Carpinteria logged with the county's planning department.

Excerpts from USA Today Aug 11 2014

DENVER — There's a little something extra drifting through the Colorado air these days: Marijuana.

Long confined to isolated areas far from prying eyes and sniffing noses, the marijuana industry has gone mainstream, and that you-can-smell-it presence has upset some people. This year, about 30% of the smell complaints coming into Denver's code enforcement office are about the pot smell coming from the largely industrial areas away from most homes, schools and parks.

The conflict isn't just confined to industrial areas. In nearby Boulder, some rural residents are upset about a marijuana grow operation that is proposed for a farming area a few miles outside the city.

Placer County Ca
according to the Auburn Journal
aug 28, 2013
had 74 grow complaints
since may

The lawsuit filed by Rachel and Erin McCart of Beavercreek, Ore., accuses 43 defendants — including neighboring property owners as well as affiliated marijuana growers and retailers — of violating the Racketeer Influenced and Corrupt Organizations Act.

Because it remains illegal under federal law, Oregon's "regulatory scheme" for marijuana does not protect the defendants from RICO charges for conspiring to grow, process and sell the controlled substance, according to the plaintiffs.

"Given the strict federal prohibitions against each of those purposes, defendants knew these purposes could only be accomplished via a pattern of racketeering," the complaint said. "In furtherance of that goal, defendants pooled their resources and achieved enterprise efficiency that no one defendant could have achieved individually."

Beginning in late 2014, the defendants began installing equipment to produce marijuana on two properties neighboring the McCarts, who own nearly 11 acres of fenced pastures and forestland, the complaint said.

While the neighborhood was once quite and safe, the marijuana operations have drawn unwanted visitors who litter nearby properties, play loud music, ride loud all-terrain vehicles and harass landowners, the plaintiffs claim.

The McCarts allege that a narrow, one-lane easement running across their property is now a busy commercial roadway traveled "seven days a week, at all hours of the day and night" by the marijuana growers as well as their customers, employees and building contractors.

"While passing plaintiffs' property, these easement users stared menacingly at plaintiffs, directed obscene gestures at them, peered into plaintiffs' kitchen window (which looks out onto the easement), openly used marijuana, rolled their windows down and blasted loud music and dramatically accelerated or decelerated when they observed plaintiffs outdoors on their property," the complaint said.

These problems, as well as the "unmistakable, skunk-like stench of marijuana" and the incessant barking of guard dogs, have reduced the McCarts' property value and would make it tough to sell at any price, the lawsuit alleges.

"No one's idea of a dream home includes noxious odors, invasive and persistent racket, heavy commercial traffic, a location next door to two illegal drug manufacturing sites, or aggressively obnoxious neighbors," according to the plaintiffs.

Oregon landowners accuse marijuana-growing neighbors of racketeering

A couple of Oregon landowners have accused marijuana operations on two neighboring properties of violation the federal Racketeer Influenced and Corrupt Organizations Act.

[Mateusz Perkowski](#)

Capital Press

Published on June 27, 2017 5:01PM



(AP/WIDE WORLD) GUYTON FILE

A Beavercreek, Ore., couple has filed suit against their neighbors and dozens of other related people and businesses alleging they broke federal racketeering laws by operating a marijuana farm. The plant is legal under state law but illegal under federal law.

A couple of rural Oregon landowners are accusing their neighbors of operating marijuana-growing operations in violation of federal anti-racketeering laws.

The Oregonian/Oregon Live March 20 2015

The issue of marijuana-related odors is something local governments are starting to grapple with. In Medford, where the climate is ideal for growing marijuana outdoors, leaders are considering fines on backyard growers who fail to contain the smell from their plants.

Tim George, Medford police chief, said his agency gets lots of complaints about marijuana odor. He expects the problem to increase once the marijuana law goes into effect this summer. The new law allows households to grow up to four plants. (Under the medical marijuana law, patients or their growers may cultivate up to six mature plants.)

Register Guard

Pot's pungent odor causing quite the stink

Lane County residents are complaining about the smell, but neither local nor state law can provide much recourse

BY JUNNELLE HOGEN

The Register-Guard

APPEARED IN PRINT: THURSDAY, FEB. 25, 2016,

More Lane County residents are complaining that nearby commercial or private marijuana grows are fouling the air with their pungent smell.



\$1M heist: 'They were carrying weed out with a cop here'

The burglars made off \$1 million of marijuana product from Oregon Genetics

Tim Becker and KOIN 6 News Staff

Published: November 3, 2017, 9:39 am | Updated: November 3, 2017, 5:22 pm



Two suspects were caught on camera burglarizing Oregon Genetic's warehouse in Corvallis. (Oregon Genetics)

CORVALLIS, Ore. (KOIN) — More than \$1 million worth of marijuana material was stolen from [Oregon Genetics](https://www.oregongeneticscannabis.com/home) (<https://www.oregongeneticscannabis.com/home>) — in Benton County — sometime overnight Tuesday.

Caleb Mata, the founder and CEO of the legal weed operation, said the burglars took off with 1,000 pounds of ready-to-sell marijuana and another 10 pounds of pure hash oil.

"Taking anything from someone is wrong, but \$1 million — no matter which way you cut it is a lot of money to anyone," Mata said.

Mata told KOIN 6 News that the suspects were caught on surveillance camera stealing from their warehouse. He points out that the video shows that one of the suspects is drastically shorter than the other. Since posting the video on Instagram, it has had close to 12,000 views, and Mata hopes someone recognizes the duo.

"They got away with a bunch of these black and yellow totes too, full of weed," Mata said.

Based on the footage, Mata believes they spent about 15 minutes inside the warehouse — but spent another hour or 2 around the 6-acre property's perimeter while making a huge haul. "Really the main thing is the more humans that we have with their eyes on the ground looking for this... its a million dollars worth of product ...the amount of mass is gigantic..it could fill this room," Mata said.

A sheriff's deputy responded to the incident, but because of how big the property is — Mata said the deputy had no idea what was

KOIN 6 election coverage

going on at the other end.

"That's the worst part about it," Mata said. "They were literally carrying totes of weed out in the open with a cop here. It's weird to think a cop could have been here and responded at the same time the burglars were here."

According to Mata, similar break-ins have happened — possibly with the same suspects — at other marijuana producers in the last couple of months.

The company is offering a \$10,000 reward for information leading to the arrest of those involved.

Mata hopes the video and reward — plus his specialized product will help track down the burglars.

"There's no one else that makes oil this clear, so it would be obvious if you saw it," Mata said.

Related Posts



OSP seize 200 pounds of marijuana from rental car (<http://koin.com/2017/10/24/osp-seize-200-pounds-of-marijuana-from-rental-car/>)

[OSP seize 200 pounds of marijuana from rental car](#)



Police seize 3,000 pounds of marijuana in SE Portland (<http://koin.com/2017/11/07/police-seize-3000-pounds-of-marijuana-in-se-portland/>)

[Police seize 3,000 pounds of marijuana in se portland](#)



Blazes light up California pot farms ahead of legalization (<http://koin.com/2017/10/18/blazes-light-up-california-pot-farms-ahead-of-legalization/>)

[Blazes light up california pot farms ahead of legalization](#)

KOIN 6 (<http://koin.com/>)



(<http://www.nexstar.tv/>)

© 1998-2017 KOIN.com | Nexstar Broadcasting, Inc. (<http://www.nexstar.tv/>) | All rights reserved

Powered by WordPress.com VIP (https://vip.wordpress.com/?utm_source=vip_powered_wpcom&utm_medium=web&utm_campaign=VIP%20Footer%20Credit&utm_term=koin.com)

u





RESOLUTION 2017.18

A RESOLUTION OF THE CITY OF BROWNSVILLE'S COUNCIL RECOMMENDING LINN COUNTY CONSIDER THE IMPLEMENTATION OF LAND USE RESTRICTIONS FOR MARIJUANA CROPS & MARIJAUANA RELATED FACILITIES

WHEREAS, a large number of city residents are directly adjacent to Linn County's zoning regulations and land use allowable uses, and;

WHEREAS, the decriminalization of marijuana has directly led to unwanted and unwelcomed outcomes that effect the health, welfare and safety of Linn County citizens and the residents of the cities in Linn County, and;

WHEREAS, marijuana farming uses can cause widespread adverse living conditions for neighboring residents, and;

WHEREAS, marijuana remains illegal under Federal law and was never intended to be considered a legal use under any county code nor Oregon State Land Use laws, and;

WHEREAS, the property value, quality of life, health and safety of area residents will be detrimentally impacted by such farming activities.

NOW, THEREFORE, let it be known that the Brownsville City Council recommends a three (3) mile buffer around corporation limits for all cities in Linn County, expressly Brownsville's City Limits and Urban Growth Boundary, to be enacted through emergency legislative measures.

BE IT FURTHER RESOLVED, that all future Land Use Actions regarding marijuana require a public hearing where Conditions of Approval can be additionally applied as a manner to limit and mitigate the potential adverse impacts to neighboring property owners such as odor, noise, light, traffic and possible criminal activity among other issues.

BE IT FURTHER RESOLVED, Council encourages the Linn County Commissioners Office to impose a moratorium on all proposed land use actions that occur within a three mile buffer around Linn County cities until Linn County has the opportunity to review such legislation.



BE IT FURTHER RESOLVED, Council encourages Linn County to impose the same restrictions to marijuana as other agricultural uses that pose similar nuisance concerns.

PASSED AND ADOPTED by the Council of the City of Brownsville this 14th day of November, 2017.

ATTEST:

Don Ware
Mayor

S. Scott McDowell
City Administrator