

**MINUTES OF THE
LINCOLN COUNTY PLANNING COMMISSION
MEETING OF DECEMBER 14, 2015**

Chair Torp called the meeting to order at 7:31pm and asked for roll call.

OTHER COMMISSIONERS PRESENT

ANDRA BOBBITT
DICK JOHNSON
JUDITH PELLETIER
PHIL SPULNIK
MARK ESTES
MARK MCMAHON
BOB PORCH

COMMISSIONERS ABSENT

SAM GALASSO

Staff Present- Planning Director Onno Husing, Senior Planner Joshua Shaklee, Associate Planner Hui Rodomsky and Permit Specialist Kristine Castillo

QUORUM STATUS

With Commissioners present a Quorum has been reached for the December 14, 2015 Planning Commission Meeting.

APPROVAL OF MINUTES

Chair Torp asked if there were any changes or additions to the draft October 12, 2015 minutes or the draft October 19, 2015 minutes.

Commissioner Bobbitt asked that her name be spelled correctly on page 1 and page 3 on the draft October 12, 2015 meeting minutes.

Commissioner Bobbitt moved to approve the October 12, 2015 meeting minutes with spelling corrections to the spelling of her last name on pages 1 and 3.

Commissioner Estes seconded the motion.

The vote was taken with Chair Torp, Commissioners Bobbitt, Johnson, Spulnik, Estes and Porch in favor.

Commissioners McMahon and Pelletier abstained.

The motion is passed.

Commissioner Bobbitt moved to approve the October 19, 2015 meeting minutes as written.

Commissioner Estes seconded the motion.

The vote was taken with Chair Torp, Commissioners Bobbitt, Johnson, Spulnik, Estes and Porch in favor.

Commissioners McMahon and Pelletier abstained.

The motion is passed.

ITEMS FROM THE AUDIENCE

There were no items from the audience.

PAST ACTION REVIEW FROM PLANNING COMMISSION

There were no past actions to review from the Planning Commission.

UNFINISHED BUSINESS

There was no unfinished business.

ACTION ITEMS

There were no action items.

PUBLIC HEARING

Chair Torp introduced the case and reads the applicable criteria.

Case file #: 04-TA-15

Request: Public Hearing on Case File #04-TA-15; The Lincoln County Planning Commission will consider an Ordinance adopting temporary regulations for recreational marijuana facilities in the unincorporated areas of Lincoln County. The Lincoln County Board of Commissioners initiated the amendments with Resolution #15-2-12A.

Applicable Criteria:

A. LCC 1.1230 Legislative Amendments

The Commission shall make a recommendation to the Board upon completion of the hearing. Findings required to be made by the Board and the Commission for legislative amendments is as follows:

- (a) Establish that the amendment will be consistent with the Comprehensive Plan goals and policies.**
- (b) Establish that there is a public need for the requested change and that the public need will be met by the change.**
- (c) Establish that the amendment will be consistent with all other provisions of this Chapter and in conformance with the Statewide Planning Goals and all other applicable statutes and regulations.**

Chair Torp asked Senior Planner Shaklee for the staff summary and staff report.

STAFF REPORT

Senior Planner Joshua Shaklee presented the staff report. Shaklee said the Planning Commission was being asked to provide a recommendation to the Board of Commissioners on the establishment of temporary regulations on recreational marijuana, an amendment to our code.

Planner Shaklee noted, in 2014, the passage of Ballot Measure 91, legalized the use of recreational marijuana in the State of Oregon. Personal possession and production of marijuana became legal on July 1, 2015. The Oregon Liquor Control Commission (OLCC) adopted temporary administrative rules this

past October which regulate the purchase/sale, production, processing transportation and delivery of recreational marijuana. Those rules go into effect on January 1, 2016.

On January 4, 2016 the OLCC will begin accepting applications for facilities for the production, processing, wholesale, and retail of recreational marijuana. In light of these developments Lincoln County has decided to exercise its authority under state law to adopt reasonable time, place and manner regulations on recreational marijuana related to land use and declare an emergency (related to odor, lighting, security, waste management, minimum separation distances from incompatible uses, access to water, access to facilities and hours of operation where applicable).

The draft ordinance recognizes four categories of recreational marijuana facilities, production, processing, wholesale and retail. Most of the definitions are drawn from the OLCC rules. Each of these four types of marijuana facility must meet a special set of standards. They have to meet all state law requirements including building code and fire codes. The way the ordinance is drafted co-locating of different types of facilities is not permitted and that's something we ask you to focus on during this meeting. For instance, does Lincoln County want to allow the production and processing on the same property? With the draft, as written, all four uses are permitted to co-locate in the IP zone subject to a conditional use (CU).

Chair Torp asked if the County has a preference?

Planner Shaklee said that not-locating may have been something that came out of the medical marijuana. Other counties are allowing co-locating, so, we ask you to look at this during this meeting. All operations must be conducted indoors. And, should we put in place square footage for building limitations in the RR-5 and RR-10 zone and in other zones where it is allowed.

Director Husing noted that we left those areas in the draft code blank, looking for the Planning Commission for feedback on those items.

Planner Shaklee noted other standards include locational requirements (distance requirements). In all four facilities types employees and volunteers are required to have background checks. Personal use in growing personal marijuana is not regulated by these proposed code amendments. Changes in use in a property after standards are set will not create a code violation. In recreational marijuana, it is considered a farm use under Oregon law (that was not the case in medical marijuana).

So, again, this evening, we ask you to examine: (1) should we limit square footage of production facilities in different zones and, if so, what should those limitations be? (2) should we allow different types of facilities to co-locate at a property? (3) and then, a housekeeping matter, under our medical marijuana ordinance, we limit grow sites to people to 120 plants, Oregon MM program now says 96 plants, so our ordinance is not in alignment the state standards.

Chair Torp asked what is the staff's recommendation on MM. Shaklee stated he believes the Planning Commission should recommend that we, the County, bring the number of plants into alignment with the State of Oregon's rules (96 plants).

96 plants is a limitation for grows that were in operation as of January 1, 2015. And new grows are limited to 48 plants. In the rural residential zones our ordinance limits them to 24 plants which is the same as the state except that new growers are limited to 12 plants.

Commissioner Spulnik asked, so all marijuana facilities need to be inside? Why is that?

Commissioner Bobbitt stated that there was an article that in Jackson County they had a lot of outdoor growing, there may be all sorts of problems with our weather? But...

Planner Shaklee The idea there is to limit some of the impacts...

Commissioner Pelletier noted that she recalled from an earlier meeting that people can develop bad allergic reactions to marijuana...

Commissioner Bobbitt noted that they grow grass seed and all sorts of things in the Willamette Valley and those crops cause allergic reactions.

Director Onno Husing I think this outdoor grow on resource lands issue is one of the bigger policy calls that you are going to be asked to weigh in on tonight. You have some people tonight will testify on that. I also want to note, that, we are getting these code amendments out to you rapidly, because, again, we confronted this, oops, timing issue. Compared to the MM process, this time around we have land use compatibility statement requirements (LUCS), by the state, in place. That's what we wanted to see of course, but, we need to get these ordinances in place, this month, to be ready for when people come to us in early January 2016, that this program is in place and goes through our Department, people get these LUCS. Once again, we have to have a quick turn around on this, and ask you to do this tonight. We will probably have to revisit these issues in the near future. Also, Measure 56 notices, we want to make sure that we won't be forced to issue M 56 notices later because we did not get this code amendment in place. That's why we are moving quickly.

Commissioner McMahon asked about the policy justifications for not co-locating some of the marijuana facilities at the same property. W

Counsel Belmont noted that, just like agriculture in general, you may not want to mix the growing of food with the processing of food in an EFU, you can't go all the way through to canning and selling because you want to maintain the integrity of the zone, which is where you grow the product (and not have processing plants take good farmland out of production).

Commissioner Johnson It seems to me it would be efficient to have the production and processing facility be co-located, but, not with wholesaling and recreational sales. That seems overly restrictive.

Counsel Belmont Well, it's the edibles, and the butane and the chemicals, those things, but, you are right, that's the question here.

Commissioner Bobbitt But, what about baking? Is that processing? I would like to bake it and sell it at the same place.

Counsel Belmont We will see if big companies come in and dominate the industry.

Commissioner McMahon So, if you separate the uses, will that prevent big companies from moving in?

Counsel Belmont We are one of the few counties that are talking about capping the size of these building. We are thinking of 5,000 square feet buildings. That's still big.

Commissioner Spulnik in a smaller residential zone, 5,000 square feet is huge.

Planner Shaklee Some counties have tiered systems to address this.

Commissioner Bobbitt Will the utilities have to look at these grows to see if they can provide electricity?

Director Husing The utilities, I don't believe, are doing any kind of grid analyses. There will be a big electrical demand. But, the utilities are not providing any checks and balances based on what their capacity is.

Commissioner Pelletier Can we require facilities to be run with renewable energy?

Director Husing We don't have the authority to do that. People, on their own, will turn to solar panels on their own property to supplement their power.

Commissioner Pelletier What about water? What about a drought?

Director Husing When you have a farm, if there is a drought, they have to manage that potential for scarcity. That's why some growers are happy to grow in an industrial area in a city, where you have sewer and water and police. So, now, in the rural area, you can't get a building permit to build a house unless you can guarantee that you have water from a well or a water district.

Commissioner Pelletier What about what's happening in California where the growing operations are taking all the water?

Director Husing I sense that's just another very bad impact of when you have unlawful grow operations in the hills where there is no regulations and it's out of control.

Commissioner Johnson I want to get my bearings. With what we have before us, it doesn't look like there are too many questions that we have to address. Some of the proposed code amendments are coming from state law or rule. Some of it we do need to focus on. Do we just have square footage limitations and co-location? Is that's all that's before us.

Director Husing And the outdoor grow issue.

Commissioner Johnson So, what is being put before us?

Commissioner Bobbitt What about C-T, is the state telling us we can't have facilities in C-T zones?

Counsel Belmont The Board of Commissioners are not comfortable moving forward with dispensaries in C-T zones.

PUBLIC TESTIMONY

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Hunt and Cathy Fales We put together a document for the Planning Commission. It makes three major points. First, history of the property. Second, we ask you to support having outdoor grows. We are only talking about EFU. We think, with outdoor grows, we can produce at lower costs, one harvest a year, less electricity, all your neighboring counties are allowing outdoor grows, and, they are also allowing processing. We got 80 acres, lots of room, very few neighbors. Deuschutes said over 20 acres you can do an outdoor grow, they were looking to see if there’s enough room. If you get into odors, how do you think onions smell? Ever go to Tillamook County and smell the dairies? Agriculture has odors and that’s what we think EFU ground is all about.

With respect to processing, some counties, like Benton, require some standards for EFU, Lane County allows anything allowed for farm use, that’s how they are going, for processing you need a special permit and show what you are doing. These would be ministerial reviews by the planning department.

Commissioner McMahon Turning to staff, do we, as part of the proposed code amendments, have anything on standards related to processing?

Director Husing If I may, turn to the witness, when you talk about processing, are you talking about the process of turning the product into oils and edibles?

Cathy Fales It can be oils but it can’t be edibles are not allowed in recreational marijuana processing at this time. Only concentrates and extracts. On the application, you have to choose, and you can choose all four, well, just like slaughtering chickens, there’s a lot of processing that occurs on farms.

Director Husing In Oregon, yes the law anticipates there’s some processing of farm products on site where they are produced, especially preliminary working with the product activities, but, for traditional

larger processing operations, like Flavo-Pack etc., a processing plant somewhere where products are handled in bulk, in a much more industrial process.

Cathy Fales They do let you be a processor on EFU, they do encourage a vertical integration

Hunt Fales In the marijuana process, and the final product is sold in gram weights, there's an amazing amount of waste, what that process does is it converts that waste into extracts and concentrates. Water is a solvent, that's what we plan to use. Part of the whole purpose here is to have a small, mom and pop, a quality product, a hand-craft product. Our farm would be modeled after that approach. The State of Oregon does provide for that flexibility.

Director Husing Your primary reason for you being here is for the Planning Commission to recommend to the BOC that outdoor grows would be allowed on agriculture land.

Cathy Fales Yes, and, the second reason to be here tonight is we want to be able to process on site, and the State of Oregon allows us to do that. We have a commercial kitchen and a 5,000 square foot building right now that would be perfect. And, again, we think think this is a lot like other agricultural activities, process where we grow, to maximize the efficiency of our employees, to process as allowed...

Commissioner Johnson So you want the growing and processing at the same location

Cathy Fales Exactly. Under EFU and under the rules by the OLCC that's absolutely allowed.

Commissioner Estes I think that's pretty cut and dried for me, I don't see any problem with that.

Commissioner Spulnik Except one thing, you are dealing with a controlled substance. Where, on most EFU properties you are not, these are not ears of corn or watermelons. Here you are dealing with a crop that someone could come in at night and raid and I think we really need to look at anything outdoor and make it a conditional use in an EFU zone, and put certain restrictions and requirements like fencing in place.

Cathy Fales You know, that, for the state, we have to provide a security plan and we do have to have a fence and motion detectors and we do have to have cameras so the state can look at your cameras whenever they wish.

Commissioner Spulnik What kind of fencing to they require?

Cathy Fales They didn't actually say whether it is a tight fence or chain link, they originally said 8 feet, our goal is to use a tight-wood fence. The state recently said they would waive the fence requirement if you were in the middle of nowhere, but, if the county said you need a fence then you need a fence, but, the state said if you were on 80 acres in EFU you probably don't need a fence. We are fine with doing that, we just got a bid for a fence this morning.

Commissioner Pelletier I see no problem with processing, if you have a commercial kitchen on your site, so that would be inspected by the Health Department?

Cathy Fales Well, actually, the Health Department only inspects with medical marijuana and not recreational marijuana, it will be inspected by the OLCC inspectors for the processing of marijuana. We will be assigned an inspector and we are subject to random inspections throughout the year.

Commissioner Pelletier I think to have just generic processing, on any site, other than industrial, if they use solvents, now that's an industrial process. Using water, as you suggested, to process the marijuana, that's one thing, but, what about the waste waters, I don't know anything about the process. I would like to distinguish between certain processes, not just an across-the-board generic approach. Some of these processes would be toxic.

Director Husing Just picking up on what Commissioner Spulnik said earlier, if you were going to make a recommendation to the BOC on the processing, that, it might just end up being a recommendation to them to make it a conditional use rather than make it an outright use because the point of a conditional use, as you know, is to "condition the use" and to have a little more control over what's going on, and, have another checklist of things to work through. And that's what's bedeviling about this whole thing for all of us; we don't want to be hostile to this new industry, but, we want to have an opportunity to address the things that the state are not considering, with people actually having to live with this, the potential conflicts with next door neighbors getting worked out. But, there's a vigorous amount of regulation going on, first on the medical marijuana and now the rec marijuana, and the Planning Commission is asking the right questions, but, then we hear, oh, the state, the OLCC, is covering that, so, what are the different roles and that's what makes this exceptionally challenging for all of us to sort through this.

Cathy Fales We've been to over 40 hours of meetings of the OLCC and it wasn't until last Thursday that it finally clear, I think they finally settled on what they were going to do, I think, until then, if you asked three of those commissioners what they were going to do you would have got three different answers. So, we think, now, there's clarity, and given that the first applications will be submitted on January 4th, its none too soon.

Hunt Fales The medical is under a different system. We don't have an interest in doing medical, and, looking ahead, in five years, I don't think you will see any medical marijuana. I think the industry will migrate into the recreational because the recreational will be far more competitive and if you have an MMP card, which I do, you are going to shop the best prices. I see the medical going away.

Director Husing You know, earlier, when Commissioner McMahon was asking our county counsel to explain the rationale behind why the medical marijuana had different requirements than recreational marijuana, the policy justifications, I think part of that explanation is an artifact that you had the medical marijuana got out there in front, politically, and created this weird fiction that nobody was making any money from medical marijuana. People are putting up \$100k, \$200K buildings-accessory structures on properties, but, there not making any money? There hiring electricians and lawyers but nobody's making any money? This was, from the beginning, a grand legal fiction, that nobody's making any money.

And it had its own momentum, that's how you could start legalization; you called it medicine, got that passed. No, this is not something people are partying with, and if you even mentioned that you suspected that some of this marijuana was not being used for medical purposes you got this huge push-back from that community. "No, it's not being used recreationally! These are patients! And nobody's making any money!" And guess what? Right on its heels, right after medical marijuana get its footing, right on its heels, we see the ballot measure to legalize recreational marijuana. So, Commissioner McHahon, not being an expert in recreational or medical marijuana, seeing how political processes unfold, these two issues developed on different tracks at two different times, as you work to try to understand why there are differences between the two I think the explanations are found in the fact that these two processes started at a different time, they got tracked in a certain way, it is an artifact of that. There may not be logical reasons why these two programs morphed over time. I recall, early on, when we went to the listening sessions, we heard "Over our dead bodies we will not mix medical marijuana and recreational marijuana, and, at the last minute, they did."

Cathy Fales OLCC can't go on properties that there is medical marijuana, and that's why there will be no co-location with medical and recreational marijuana. Because recreational is so regulated and delineated, and seed-to-sale tracked. They can come on your property, they can watch your cameras. Medical is run by the Department of Agriculture and the Health Department.

Director Husing But, the dispensaries, medical marijuana and recreational marijuana? They can co-locate?

Cathy Fales No, they cannot. They can just sell recreational until June 16th of 2016. But then, they have to make a choice in the next 6 months, are you medical or are you recreational? You cannot be both and the day your license flips over in one is the day your license is cancelled in the other.

Commissioner McMahan In the processing, you use water, does the state have a whole set of rules set up for what process you use?

Cathy Fales No, I believe they let you do it the way you want to do it but the state, the end product, must be tested, so there are no poisonous substances in the processed marijuana, they are trying to achieve parity in products, in order to protect you, because it is something you are ingesting.

Commissioner McMahan So regardless how it is processed the end product has to be safe. Are there any regulations at the state about, what do you do with all the iso-profol alcohol, you used?

Hunt Fales I was going to follow up. There are fairly stringent restrictions for waste water. And how you dispose of any waste product. Whether it be the plant, or the processing process.

Commissioner Pelletier I would think that's why you want to be on the sewer or have waste barrels? How do you do this?

Hunt Fales One of the reasons people don't use the water soluble process and use the solvents to process to create a concentrate or an extract, they don't do water processing because it takes months.

Commissioner Pelletier I would say that the threat of groundwater contamination, I think that tells us that certain types of processing should be in an industrial zone.

Cathy Fales I don't know what farmers do with all their methane from all their fertilizer. I assume there's ways that farmers handle all of those chemicals that they use.

Commissioner Pelletier Well, they are supposed to have holding ponds, they contaminate creeks.

Commissioner McMahon And those are violations of laws that are in place.

Director Husing Yeah, starting in 1989 the Agriculture industry had to comply with CAFO, there was a regulatory system put in place.

Commissioner McMahon I don't know that we need to be the knight in shining armor because there are other agencies that are regulating agricultural production. And I would assume that would also include chemicals besides water. Having the state having regulations is much better than having some crazy yahoo dumping stuff in the hills out there.

Director Husing And that's why there are huge advantages to legalization because we are finally getting some measure of control over this because in Northern California and in Rural Oregon there has been a lot of backwoods marijuana cultivation and processing and its caused some enormous problems (both with pollution and unregulated water withdrawals).

Director Husing I thought that when it came to that last processing stage, those highly refined products, that was like a very industrial process, that that would go to an industrial zone. Wayne, help me out here? Did you learn something new tonight on this?

Cathy Fales I could get you more information but I did talk to the Planning Directors at all of these counties (adjacent to Lincoln County) and they all did allow processing of marijuana.

Counsel Belmont This has not been explored, from a land use perspective, let me tell you what the OARs define as "processing"; you need to establish a detailed set of policies and procedures, when they say processing they mean, if you are processing a cannabinoid or an extract you have to conduct periodic safety checks, as part of your plan prior to commencing processing. You have to have a plan to purging solvents or other unwanted components from your cannabinoid extract. Procedures for cleaning all equipment and counters thoroughly, proper handling and storage of solvents, chemicals and gasses used in processing, consistent with data sheets and other applicable laws. It doesn't tell you what that is, it just says you need to have a plan to do so. When I look at what the state is doing here, I like chemicals and solvents, these are the kinds of things that we would be looking at taking place in an industrial zone. I am concerned the State of Oregon comes up with this, this activity, and then sticks it out on EFU land where its not going to be examined.

Cathy Fales It will be examined.

Counsel Belmont I guess I disagree with that. One of the concerns, and one of the concerns the Board of Commissioners expressed, is, that, what, four inspectors for the entire State of Oregon. And how they are going to meet the requirements for all the applicants they are getting. We hear, already, numerous applicants wanting to come in and process these applications for all the various aspects of this industry. How are they going to keep up with and adequately regulate this is huge question.

Cathy Fales The only thing I would ask is, on a farm, the EFU farm, what kind of processing and the chemicals, if we went out to the Kessi's farm, the Grant's farm, my neighbors, and if we looked at all of their chemicals that they store for their crops and their hay and their animals, and, I think the reason the state said the processing could be done in EFU is because there is a high precedent for farms and farmers to process, slaughter, deal with chemicals and farm usages and I think that's why Lane, Tillamook, Benton, Deschutes all said you can process on EFU land.

Commissioner Pelletier You cannot slaughter your own animals and sell them. They have to be inspected. So most people have a mobile slaughter company come, they don't do it themselves because they can't sell them properly.

Counsel Belmont In all fairness, on the other side of this, if you are going to do edibles, that is actually regulated by the Oregon Dept of Ag. So, there would be a licensed and approved program for that kind of activity. We are concerned about using volatile chemicals during processing. I am surprised, that, its bare bones, it says just give us a plan, to me, that surprised me that they don't have more of a regulatory program because that's what we here, anecdotally, where the problems are, with processing.

Chair Torp It sounds like we need more discussion about this conditional use thing, but, we need to get some regulations in place now.

Counsel Belmont We are dealing with something that we have not dealt with. We are thrust into this because state law says we can't put our regulations into place before March 1, 2016 yet they are coming out with their regulations on January 1st and they are saying to us that you need to make determinations and issue land use compatibility statements (LUCS). The process has been somewhat of a nightmare from the beginning. And, you guys who have followed the OLCC thing, we are all struggling with this, trying to put something in place, to give us a framework to start with, I have no doubt we are going to be back before you and we may change some of these things. I am not ready to say processing should or should not occur, and be co-located where the marijuana is produced.

Director Husing If we had some kind of CU process..

Counsel Belmont Yes, I wish I had a better understanding and feel for how OLCC is doing to deal with this out in the communities out there. If you want to be more restrictive right now, separate them now, and we may come back in a year, get some more history and background on this. And then say, yes, let's bring them together.

Director Husing Or even less time.

Counsel Belmont Why we really need to get this in place is, if we don't have regulations in place, we are going to deny every single application, every land use compatibility statement, because it is not compatible with our code. I can spin a really good legal argument that says if we have not provided for it, it's not allowed.

Director Husing Because of that Catch 22..

Counsel Belmont Because that Catch 22. We don't want to do that.

Hunt Fales The real reason we are here is, put the processing aside, we think the outdoor grow operation is the most efficient, cost effective, and produces the highest quality product because it uses the natural environment to produce the product. The state allows you do to a combined indoor and outdoor. If we get to do an outdoor grow we will not do an indoor grow.

Counsel Belmont On that point, I was interested in Deschutes County, they did two requirements. You could say, a size requirement, a minimum size requirement for outdoor grows like they did; it has to be a AC or TC site that's at least 20 acres in size. And, for outdoor grows, I would say you should also have a requirement that makes you be 1,000 feet from a dwelling on adjacent properties. Maybe that's where you do outdoor grows.

Commissioner McMahon So, that sounds like a good approach to me, and, with the county being able to say, with a conditional use (CU), there are certain solvents we don't want being used on those lands because of the potential damage to the environment because they could be dumping them in the streams. But, then it would be up to us to say how we want things done for safety.

Director Husing So, a potential motion, when you are ready to go into deliberation, would be you grab 20 acres plus the 1,000 feet for outdoor grows. And require fencing on an outdoor grow. With the value of the product I don't care if you are in the boondocks, if people know you are growing, and if you don't fence your grow operation, you are asking for trouble.

Commissioner McMahon Can we say that in a recommendation to the BOC, that we want to explore these things in more depth through the CU process?

The other issue is the limitation on the square footage of the buildings?

Director Husing On the upside its 5,000 square foot limitation.

Phil Spulnik What's the square footage on accessory structures in any zone?

Director Husing We have a 30% of the lot coverage limitation, so, on small properties that can be a major limitation, on a 20 acre property that's irrelevant.

Phil Spulnik 5,000 square feet is a big building.

I don't like the idea of the recreational stuff being grown on the 5 or 10 acres. Its not an agricultural use. And what we should do is make it small. We are talking about rural residential. People thinking about

putting in a huge grow operation. So, I don't know about you guys think but, five acres, something like 2,000 square foot limitation on the building?

Mark McMahon I get that. You don't want gigantic buildings on small parcels.

Commissioner Bobbitt A 3,500 square foot house is really big.

Commissioner Spulnik On 10 acres I'd say 50 x 100 feet is all right.

Commissioner McMahon If you go to the Valley some of the farm buildings are gigantic.

Commissioner Spulnik But that's agricultural, this is RR residential. If you are a grass seed farmer you will have a 20k foot shop. But, if I am living in a rural residential zone, I don't want that next door. Will there be variances allowed? We are surrounded by timber land and all that sort of stuff. I'd like to have a variance on this for something like that. So, there will be variances in this ordinance, right?

Commissioner Johnson I think we are leaning toward accepting outdoor grows,

Commissioner Spulnik We are just talking about the size of the building for indoor grows, there would be no outside grows in RR zones.

Commissioner Estes Are there buildings in RR zones now that are over 5,000 square feet. Are they out there?

Commissioner Spulnik I've got a 40 x 80 shop. I like to maybe expand it, these are like greenhouses.

Commissioner Estes Is this an aesthetic thing we are talking about? ? Because its all enclosed, it's a building that there are growing in.

Commissioner Spulnik I'd like to see in an RR 5 zone, at 2,500 foot limitation. And in an RR 10 zone, 5,000 square feet

Commissioner Estes But your building exceeds 2500? I don't see the difference between your building and the greenhouse, for instance.

Commissioner Johnson I think Phil's on the right track.

Commissioner Spulnik We are talking about fans, we are talking about 24 hour lighting, security systems.

(lots of people talking at once)

Director Husing There's very little R-10 zoning out there in Lincoln County.

Commissioner McMahon The other counties limit outdoor grows to AC zones.

Commissioner Estes I don't see that these sizes for buildings are a problem in these large properties.

Director Husing The beauty of the CU is we get to work with the property owner to site the buildings in ways that will work.

Commissioner Spulnik Lets get a consensus on each of these issues and then get a motion going.

Planner Shaklee Please consider that many RR zones are smaller than 5 acres. So, you might have a one acre RR 5.

Director Husing So, have a two acre minimum for these RR zones?

Commissioner McMahon Or, do a CU, and, based on the circumstances you can say the lot is too small and too many neighbors.

Director Husing That's a way of handling it. And, if we, at that staff level, say they can't do it then they can appeal and come before you to take a second look at it. In the interest of getting closure, Mr. Chairman, I think I am hearing closure on 5,000 square feet for RR 5 or RR 10?

Chair Torp But didn't you just say you got some small lots out there?

Director Husing Yes, but the remedy there is the CU, it its too small and impactful on neighbors, we can deny it. OK, that's item #1. Shall we do outdoor grows next?

Chair Torp AC, TC 20 acres minimum. 1000 square feet from a neighboring house? With a CU?

Commissioner Bobbitt And you can have indoor and outdoor on the same property at AC and TC.

Director Husing So, I am hearing no CU, just subject to special standards.

Director Husing Ok, that's item #2. AC TC, 20 acres, 1,000 feet requirement, no CU, special standards, OK, Item #2 is done.

Commissioner Johnson Go to co-location? I think the production and processing ought to be allowed to be co-located, but, cannot be co-located with wholesaler or retailer.

Commissioner MacMahon I like that but still subject to CU.

Director Husing I think the only place we have all four uses allowed at the same site is IP and under our code all IP has a CU.

Commissioner MacMahon But, I'd like us, in the future, to maybe allow more processing in an EFU zone. The more efficient the better as long as there are no environmental hazards.

Commissioner Bobbitt I agree, I think that (processing) should be a CU in an AC zone.

(Wayne Belmont changes the draft matrix on the white board).

Wayne Belmont Do you want to place an upper limit to a structure for a grow in and AC and a TC zone? We left it blank in the code for discussion.

Commissioner Peletier The idea in TC is to grow trees, there ought to be an upper limit to the size of the structure.

Commissioner MacMahon I think the county can make some money, why put a limit on the size of the structure. It's just a product.

Wayne Belmont There will be some kind of limitation on canopy from the state, we don't know what that is.

Director Husing We can approach this later without making a Measure 56 problem? When the state takes action we can adjust later. As Wayne says, track what the state does on this for indoor grow. Use the state limitations. 5,000 square feet for Tier 1, 10,000 for Tier 2, and a 4-1 ratio if you have a mixture of indoor-outdoor (size of the canopy).

So, for item #4, a motion later would be to instruct staff to build what the state is coming up with into what we have for caps on TC and AC.

I think we have four items that would go into a motion, is there another issue out there.

Planner Shaklee We also need for the Planning Commission to issue a recommendation to bring what we have in our code on medical marijuana in alignment with what the state of Oregon has. 120 plants to 98 plants.

Commissioner Bobbitt I still think dispensaries ought to be allowed on Commercial Tourist zones (CT).

Commissioner Spulnik The Commissioners have already turned that down.

Chair Torp indicated that he was ready to accept a motion.

Commissioner Spulnik motioned to recommend that the Lincoln County Board of Commissioners adopt an ordinance regulating recreational marijuana facilities as drafted, with the following modifications:

- Marijuana production facilities are permitted to locate on properties zoned Rural Residential RR-5 and Rural Residential RR-10. Production facilities in each zone are limited to a maximum size of 5,000 square feet.
- On properties zoned Agricultural Conservation A-C and Timber Conservation T-C, production and processing facilities shall be limited to a maximum size consistent with state rules.
- Recreational marijuana shall be permitted to be grown outdoors on Agricultural Conservation A-C and Timber Conservation T-C zoned lands, provided that the subject property is a minimum of 20 acres in size and the facility/crop is located no closer than 1,000 feet from a dwelling not located on the subject property. The County will apply canopy limits under the two-tier system employed by OLCC to the size of operations allowed in the County.
- On Agricultural Conservation A-C and Timber Conservation T-C zoned properties, production and processing facilities shall be permitted to co-locate on the same property with a conditional use approval

Commissioner McMahon seconded the motion.

The vote was taken and the motion passed with all in favor.

MOTION ON CASE FILE #04-TA-15; THE LINCOLN COUNTY PLANNING COMMISSION RECOMMENDS THE LINCOLN COUNTY BOARD OF COMMISSIONERS ADOPT THE PROPOSED ORDINANCE WHICH PLACES TEMPORARY REGULATIONS ON RECREATIONAL MARIJUANA FACILITIES IN UNINCORPORATED AREAS OF LINCOLN COUNTY, WITH MODIFICATIONS AS OUTLINED ABOVE. THE LINCOLN COUNTY PLANNING COMMISSION FURTHER MOTIONS TO RECOMMEND TO THE LINCOLN COUNTY BOARD OF COMMISSIONERS TO AMEND LINCOLN COUNTY ORDINANCE #479 TO ALIGN WITH STATE RULES REGARDING THE NUMBER OF MATURE PLANTS ALLOWED TO BE GROWN IN MEDICAL MARIJUANA GROW SITES.

PLANNING COMMISSIONER CONCERNS

Director Husing informed the Commission that Lincoln County had recently applied for technical assistance from the Oregon Department of Land Conservation and Development to audit the County Land Use ordinance farm and forest zone standards and work with an outside consultant to update the code to align with the State rules and statutes.

Senior Planner Shaklee we are looking for Advisory committee members, over the next few months.

Senior Planner Shaklee We will more than likely organize a conference call later in the week to adopt findings.

ADJOURNMENT

Chair Torp adjourned the meeting at 9:55 pm.

Respectfully Submitted,

Onno Husing

DIRECTOR, LINCOLN COUNTY PLANNING AND DEVELOPMENT