

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application by William Cumby)
for an Indoor Marijuana Growing Operation in the)
RR-5 (Rural Residential – 5 Acre) Zone near Rainier,) FINAL ORDER NO. 1-2018
Oregon (Application No. MO 18-02 & CU 18-04))

WHEREAS, on August 2, 2017, William Cumby (hereinafter “applicant”) submitted an application for Marijuana Operation Permit (MO 18-02) and Conditional Use Permit (CU 18-04) to allow an indoor Marijuana Growing Operation on an approximately 5.07-acre property in the RR-5 (Rural Residential – 5 Acre) Zone. The subject property is located at 28934 Grandview Road, near Rainier, Oregon, and is identified as Tax Map ID No. 7218-010-01301; and

WHEREAS, County planning staff deemed the application complete on August 7, 2017, and following proper notice, the Planning Commission held a hearing on the application on September 11, 2017; and

WHEREAS, after receiving testimony and evidence, the Planning Commission deliberated and voted to approve the application with conditions; and

WHEREAS, the Planning Commission’s decision was timely appealed to the Board of Commissioners (“Board”) by Craig Bergerson; and

WHEREAS, following proper notice, the Board held a hearing on the application on December 20, 2017 and after closing the hearing, continued their deliberations to December 27, 2017; and

WHEREAS, on December 27, 2017, the Board deliberated and voted to approve the application (MO 18-02 and CU 18-04) with conditions as set forth in the Staff Report dated December 13, 2017;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

A. The Board of County Commissioners adopts the following findings in support of its decision:

1. The above recitals; and
2. The findings and conclusions in the Staff Report to the Board of County Commissioners dated December 13, 2017, which is attached hereto as Attachment A and incorporated herein by this reference, to the extent those findings are consistent with this Final Order; and
3. The following supplemental findings:

- a. The Board heard objections to the application on the basis that there is insufficient water available to support the use. Section 1503.5(C) of the Columbia County Zoning Ordinance (CCZO) provides:

“The characteristics of the site are suitable for the proposed use considering the size, shape, location, topography, existence of improvements, and natural features;”

The findings in the staff report describe the applicant’s proposal to harvest rain water for grow operation. The applicant confirmed in testimony that he has installed two 2500 gallon water tanks. In addition, the applicant testified that his grow operation will be within a closed system, in which water will be collected through dehumidifiers and will go back into the tanks. The applicant has worked as a chemical engineer and a general contractor and possesses knowledge and skills to design and build an efficient water collection system for his grow operation. The Board finds that based on the evidence in the record, the applicant has demonstrated that he has taken measures to provide sufficient water to support the proposed use.

- b. The Board also received testimony from the surrounding property owners who objected to the application based on environmental, safety, and transportation impacts, as well as objecting to commercial activity in general in their neighborhood. CCZO Section 1503.5(E) provides:

“The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses listed in the underlying district;”

For the reasons that follow, the Board finds that the proposed use complies with CCZO Section 1503.5(E) and that the objections raised do not identify impacts that alter the character of the area in a manner that will substantially limit, impair or preclude the primary uses allowed in the RR-5 zone.

As an initial matter, the Board finds that the objection to commercial activity in general in the RR-5 zone lacks merit. With the exception of marijuana grow operations, which are conditional uses, the RR-5 zone allows other farm and forest uses – which are commercial uses – outright. Accordingly, growing crops (indoors or outdoors), raising livestock, and harvesting timber are commercial uses that could take place on the subject property without any additional land use approval. Thus, in the absence of the proposed use,

commercial activity is allowed on this RR-5-zoned property, and the objection to commercial activity does not demonstrate a failure to comply with the applicable criteria.

The surrounding property owners also raised concerns about potential environmental and safety impacts, in particular: odor, noise, runoff from water containing pesticides, and increased traffic. As mentioned, above, farm and forestry uses are allowed outright in the RR-5 zone. It is worth noting that such uses could generate the similar impacts cited here – odor (such as from livestock), water runoff containing pesticides, noise from farm and forestry equipment, and additional truck traffic. However, marijuana growing is unique and can require additional measures to mitigate impacts.

One environmental impact the surrounding property owners raised that is unique to marijuana growing is the pungent, often skunky odor that presents during flowering. The applicant proposes to mitigate the impacts of this odor by growing the marijuana plants within a fully enclosed grow building inside the shop building. Because carbon dioxide for the plants will be generated inside the grow building, the building will be sealed, with no air intake. The applicant will also install an air filtration system to filter the air between the indoor grow building and the shop building prior to growing marijuana. Moreover, the shop building sits on a 5-acre property, approximately 80 feet from the nearest side property line and hundreds of feet from the nearest residence. Thus, in addition to being fully enclosed and air-filtered, the grow operation will also have ample physical separation from nearby residences to mitigate potential odors. The Board finds that with the applicant's proposed measures and the building's distance from nearby residences, the odors will not alter the character of the area in a manner that substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses allowed in the RR-5 zone.

The Board also heard concerns about the potential noise impacts from the air filtration system. As mentioned, the shop building is on a 5-acre property and is hundreds of feet from the nearest residence. The distance between the shop building and neighboring residences is a mitigating factor for noise. Moreover, according to the applicant, the prior owner operated a small millworks business with a paint booth in the existing shop building. Yet, the Board heard no testimony that the prior millwork shop produced noise impacts. Based on the evidence in the record, the Board finds that the noise of the air filtration system will not alter the character of the area in manner that would substantially limit, impair or preclude neighboring RR-5 primary uses.

Another concern of neighboring property owners is the impact of water runoff containing pesticides. Pesticides are commonly used in growing crops, and as mentioned, the RR-5 zone allows for farm use. There is no evidence in the record to indicate that pesticide use for marijuana growing is any different from any other farm use that would be allowed on the property. The Board finds that the presence of pesticides here would be similar to that of any other crop that could be grown on the property. Therefore, the Board finds that the impacts from water runoff will not alter the character of the area in a manner that substantially limits, impairs, or precludes the use of the surrounding properties for RR-5 primary uses.

Finally, the Board heard concerns about increased traffic. The proposed use will not include a dispensary or retail store for selling product. And although the applicant had originally planned to have water delivered to the site by truck, he now plans to harvest rain water instead. Aside from the water trucks, which are no longer proposed, there is no evidence in the record to indicate that the marijuana grow operation will generate more vehicle trips than any other farm use that would be allowed on the site. The Board finds that the increase in traffic will not alter the character of the area in a manner that substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses in the RR-5 zone.

B. Based on the foregoing and the whole record on this matter, the Board of County Commissioners **APPROVES MO 18-02 and CU 18-04** for an indoor Marijuana Grow Operation on the approximately 5.07-acre subject property located in the RR-5 zone, subject to the following conditions:

1. **This Marijuana Growing Operation Permit shall remain valid for four (4) years from the date of the final decision.** This permit shall become void, unless the proposal has commenced with a development permit, in conformance with all conditions and restrictions established herein within the four-year validity period.
2. Marijuana is a Schedule I drug under the federal Controlled Substances Act (CSA), and its manufacture, distribution, and possession remain prohibited under federal law. This application has been approved under state and local law. However, this land use approval provides no immunity from federal prosecution for violation of the CSA.
3. The applicant shall annually submit to the County written confirmation documenting that the State of Oregon has approved (1) the subject property and facility as a Registered Marijuana Grow/Production Site, and (2) that the applicant has a License or is Registered to Produce Marijuana on the subject property.

Failure to submit this annual documentation to Land Development Services shall invalidate the Marijuana Operation Permit authorized through the approval of MO 18-02 & CU 18-04.

4. Any future expansions and/or new structures related to the marijuana grow operation shall be required to (1) comply with Sections 1803.2(c) additional siting requirements, and (2) be approved by the County Building and Planning Officials for building and Zoning Code compliance.
5. If the owner/operator wants to install a sign advertising the facility, they shall first get a sign permit from LDS. Any future onsite signage shall be required to comply with the applicable provisions of Section 1300 of the Zoning Ordinance.
6. MO 18-02 shall be limited to five (5) employees to include the resident/owners.
7. If the applicant is planning on using water storage tanks in order to store water for future use, he must submit an updated site plan showing the location and capacity of all tanks.
8. The following shall be completed prior to Building Permit issuance for the structures as authorized through the approval of MO 18-02:
 - a. The applicant shall provide the County confirmation from OLCC that the applicant has completed the majority of the licensing process. This will authorize the use of proposed structures as described in MO 18-02.
 - b. The applicant shall submit a revised agricultural waste water plan and statement for the post use/disposal of process water. This documentation shall allow the County to confirm the wastewater generated from the proposed marijuana grow system is disposed of appropriately and complies with the minimum provisions in the OAR 340-071-0130(4).
 - c. The County shall receive written documentation from the District 18 Watermaster confirming the applicants irrigation supply is a legal source of water for the Commercial Marijuana Producer Water Use requirements in OAR 845-025-1030(6)(g)(D) in compliance with the State of Oregon's water use rights in ORS 537.
 - d. The applicant shall submit a current copy of his Oregon State Driver's License showing that he is the resident of the subject property.

- e. The applicant shall consult and receive approval from Columbia River Fire and Rescue prior to the establishment and use of any CO2 burners in this marijuana grow operation.
9. The following shall be completed prior to the commencement of growing any marijuana on the subject property as authorized through the approval of MO 18-02:
- a. Written confirmation from the State of Oregon documenting the site presented for MO 18-02 is a current Registered Marijuana Grow Site and the applicants have a current License to Produce Marijuana authorized per the applicable provisions in ORS 475B.
 - b. The applicant shall install an air filtration system to mitigate any odors that may emanate from the structure.
10. The Department of Land Development Services reserves the right to review the application again in the future if it determines that the approved Marijuana Operation Permit is in noncompliance with any of the conditions of approval herein.
11. This Conditional Use Permit shall be applicable to this proposal only, the current owner/applicant, and shall not run with the land.


DATED this 3rd day of January, 2018.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Margaret Magruder, Chair

By: 
Henry Heimuller, Vice Chair

By: 
Alex Tardif, Commissioner

Approved as to form
By: 
Office of County Counsel

BOARD COMMUNICATION

FROM: THE LAND DEVELOPMENT SERVICES DEPARTMENT

MEETING DATE: December 20, 2017 – Land Use Hearing

DATE: December 13, 2017

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Todd Dugdale, Director of Land Development Services 

SUBJECT: Appeal of Planning Commission Decision to Approve an Indoor Marijuana Grow Operation in a Rural Residential RR-5 Zone

SUMMARY: William Cumby has applied to grow marijuana for sale to state licensed dispensaries - indoors within an existing 1400 sq ft accessory shop building. The subject property is 5.04 acres with a dwelling addressed at 28934 Grandview Drive, and is Lot 5 of River Ridge Subdivision platted in February 2003. This fairly new subdivision is fully developed, seven dwellings using Grandview Drive off Meserve Road at the top of the Rainier hill overlooking the Columbia River and Longview, very secluded view property. At the Planning Commission hearing nine (9) neighboring property owners testified in opposition to the application each stating that the proposal was against the CC&Rs of the subdivision and that the County should deny the application. Staff informed the Planning Commission that CC&Rs of a subdivision are not part the County Zoning Ordinance or any other county ordinance and are not enforceable by the County. CC&Rs are covenants and restrictions agreed to between the property owners of the development.

The Planning Commission approved this application with imposed conditions recommended by staff because the application met all relevant review criteria of the Zoning Ordinance. Just because the proposal is not allowed by the private CC&Rs is not sufficient evidence that the use does not meet the relevant criteria in CCZO Section 1503.5E *"The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses listed in the underlying district."*

Since the Planning Commission decision, 5 additional opposition letters have been received from the neighbors, each tends to address the above relevant criteria.

RECOMMENDATION:

Staff finds that all criteria of the Ordinance has been or can be satisfied with imposed conditions, with exception of the impact on the character of the neighborhood. The criteria presented in *italics* above is somewhat subjective. The Staff Report presents arguments both for and against the proposal meeting the "not alter the characteristics of the surrounding area." (See bottom of page 5, Finding 14)

If the Board finds that the proposed marijuana grow operation would substantially limit, impair or preclude the neighbors in their residential uses, then the Board should DENY the application. If the Board finds that the proposal would not substantially limit, impair, or preclude the neighbor's residential use of their property then the Board should APPROVE the application, adopting the recommended conditions listed in the Staff Report.

ATTACHMENTS:

1. BOC Staff Report, dated December 13, 2017;
2. Application with maps; (submitted with Request for Board Hearing packet)
3. Appeal submitted by Craig Bergerson;
4. All correspondence received to date (included in the record).

COLUMBIA COUNTY BOARD OF COMMISSIONERS
STAFF REPORT
December 13, 2017

Marijuana Operating Permit for Growing/Producing and Conditional Use Permit in RR-5

HEARING DATE: December 20, 2017

FILE NUMBER: MO 18-02
CU 18-04

**APPLICANT/
OWNER:** William Cumby
28934 Grandview Drive
Rainier, OR 97048

PROPERTY: The subject property is addressed at 28934 Grandview Drive in Rainier.

MAP ID NUMBER: 7218-010-01301

ZONING: Rural Residential (RR-5)

SIZE: Approximately 5.07 acres

REQUEST: To obtain a Conditional Use Permit to conduct a Marijuana Growing Operation in an existing 35' x 40' structure in the RR-5 Zone provided for in Sections 603.6 and 1803 of the Columbia County Zoning Ordinance

APPLICATION COMPLETE: 8/7/17

150 DAY DEADLINE: 1/4/18

APPLICABLE REVIEW CRITERIA:

Page

Columbia County Zoning Ordinance

Section 1803 Marijuana Land Uses - Special use Standards 2

Section 600 Rural Residential - 5 4

Section 1503 Conditional Uses 6

Comments Received 11

SUMMARY:

On November 25, 2015 the Columbia County Board of Commissioners adopted Ordinance No. 2015-4 related to cannabis regulation in Columbia County, Oregon. The State of Oregon regulates cannabis by provisions in the Oregon Revised Statutes in ORS Chapter 475B. County Ordinance No. 2015-4 amends the Columbia County Zoning Ordinance and sets time, place and manner regulations for the growing, processing, and retailing of marijuana operations in the county's unincorporated areas.

This application for a Conditional Use and a Marijuana Operation Permit to grow marijuana in an RR-5 Zone was heard by the Planning Commission on September 11, 2017. The Planning Commission reviewed and approved with conditions this request; and mailed Final Order MO 18-02 & CU 18-04 on September 14, 2017. A timely appeal of the Planning Commission decision was filed by Craig Bergerson, and the Board set the date December 20, 2017 for an appeal hearing.

The applicant, William Cumby, is requesting a Conditional Use Permit and a Marijuana Operations Permit. The applicant proposes to grow cannabis inside a 1400 sq ft detached barn structure, which was originally permitted via BLD 2006-00121. In order to authorize this detached shop for the marijuana operation as provided in Sections 603.6 and 1803 of the Zoning Ordinance, the County must review and approve the applicants' Conditional Use Permit and the Marijuana Operations Permit and the applicant must be issued a Marijuana Growing License from the State of Oregon Liquor Control Commission (OLCC) or the Oregon Health Authority (OHA). Once approved, the applicant must apply for a change of occupancy for the existing 1400 sq ft detached structure.

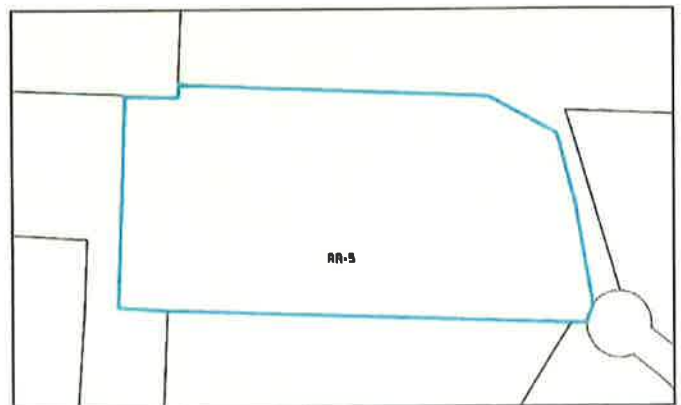
The subject site is already developed with an existing dwelling, driveway, well, septic tank, drain field, and two shop structures. The dwelling and proposed grow will use Grandview Drive as an access. Grandview Drive is a public road that runs directly into the property and is utilized by approximately 7 other property owners.

According to the FEMA Flood Insurance Rate Map No. 41009CO180 D, there are no flood hazard areas on the subject property. The site does not contain any wetlands or waterways, according to the National Wetlands Inventory Map. The subject property does contain some steep slopes, approximately 25% grade, that are located on the west side of the property. The property does not contain any sort of sensitive animal habitat according to the Rainier BEAK Map. Emergency services are provided to the site by Scappoose RFPD and the County Sheriff.

Subject Property Aerial Map



Zoning Map



Beginning with CCZO Section 1803:

1803 MARIJUANA LAND USES

- .1 State Issued Marijuana License or Registration Required. All marijuana land

uses except for those not required to be licensed by the Oregon Liquor Control Commission (OLCC) or registered by the Oregon Health Authority (OHA), such as home grown or home made marijuana, shall provide to the Land Development Services Department document of the issuance of the applicable state issued marijuana license or registration at the time of application for a required land use permit. Applicants for recreational marijuana land uses including producing, processing, wholesaling, and retailing shall also show evidence of a completed County land use compatibility statement for the use for which the application is being submitted.

Finding 1: On 12/29/16 the applicant attended a pre-application conference at the county, where the proposed marijuana grow operation was reviewed and the land use approval process discussed. On 7/13/17 the applicant submitted an application and paid the fees for the marijuana operation permit and the conditional use permit. The application materials included a site plan, a narrative of the proposal, and documentation, in the form of County Assessor records, that proves that the applicant is the owner of the property. As a condition of approval, the applicant must submit a copy of a valid Oregon Drivers License to show that he currently resides at the subject property. Staff finds the applicants will comply with the applicable provisions in ORS 475B for licensed Growing Operations. In addition, a condition of approval for MO 18-02 and CU 18-04 should require the applicant to submit written confirmation on an annual basis to LDS verifying that the marijuana growing operation has a current license registered with the State of Oregon. With these conditions and the conditions listed in subsequent sections of this report staff finds the proposal complies with the provisions in Section 1803.1.

Continuing with CCZO 1803

- .2 Marijuana Growing or Producing Uses. The following standards shall apply to marijuana growing or producing uses:
- A. Co-location with a Dispensary. Medical grows may not be on the same site as a dispensary.

Finding 2: Staff finds that MO 18-02 and CU 18-04 complies with the provision in 1803.2.(A). The applicants submitted documentation and a site plan confirming that the property will not include a dispensary. The applicant specifically states in the supplemental application materials, “*No medical grow or dispensary exists on the proposed site*”.

- B. Within an Enclosed Building in Certain Zones. Growing and producing must be within an enclosed building in the RR-5, RC, M-3, M-2 and M-1 zones. For the purposes of growing and producing, an enclosed building includes an enclosed greenhouse.
- C. Additional Setbacks for Indoor Grows in Certain Zones. In the FA-80, PF-80, and RR-5 zoning districts, minimum front, side and rear yard setbacks for buildings accommodating marijuana growing and producing shall be increased by 50 feet.

Finding 3: MO 18-02 is proposed to be conducted inside one existing, enclosed barn structure inside

a partitioned 32' x 32' area. This area will have four staggered growing zones that are 8' x 32' each. The regular setbacks for accessory structures in an RR-5 zone are 30 feet from the front property line and 5 feet from the rear and side property lines. With the additional 50 feet added for the marijuana grow, the setbacks become 80 feet from the front, and 55 feet from the rear and side property lines. The barn structure that will be used in this marijuana grow appears to meet these additional setbacks. It is located approximately 80 feet from the closest side or rear property line and approximately 450 feet from the front property line. The Project Planner's 8/8/17 site visit verified these approximate distances. In addition, the applicant stated that all activities related to this marijuana grow will take place within the enclosed structure that is being proposed for MO 18-02. Staff finds that this criteria is met.

Continuing with CCZO 1803

D. Additional Standards in the RR-5 Zone.

1. Growing and producing uses shall be operated by a resident or employee of a resident of the property on which the uses are located.
2. The growing and producing use shall employ on the site no more than five full-time or part-time persons.
3. No more than one State issued growing or producing registration or licence is allowed for each parcel of record.

Finding 4: The narrative submitted with CU 18-04 states that, "Growing will occur inside the confines of an indoor shop. No light or smell shall emanate from the building. Producing will be managed by the resident and one other employee. The maximum employees shall not exceed 5. Only 1 state issued producing license will be issued for this site." As stated in previous findings and as a condition of approval, the applicant shall submit a valid Oregon Drivers License to prove that he is the current resident of 28934 Grandview Drive. Staff finds that with this condition, the applicant can prove that the marijuana grow that is being proposed in MO 18-02 will be operated by the resident.

The subject proposal is limited to no more than five employees. As stated in the application, the operation will be run by the applicant and one employee. To ensure that MO 18-02 continues to comply with 1803.2(D)(2) staff recommends that a condition of approval state that the operation shall be limited to five (5) employees including the residents/owners. Staff finds that, as presented, the proposal complies with CCZO 1803.2(D)(2).

Staff finds that the proposal requested for MO 18-02 and CU 18-04 complies with the provisions in Section 1803.2. To ensure that this operation continues to comply with Section 1803.2(D)(3), staff recommends that a condition of approval require any future expansions and/or new structures related to the growing operation/facilities likewise meet the requirements in CCZO 1803.2.

Beginning with Section 600 of CCZO - Rural Residential:

Section 600 RURAL RESIDENTIAL - 5

RR-5

601 Purpose: This district is designed for rural areas where parcels at the time of initial zoning designation are committed to non-resource uses consistent with County acknowledged exception areas. Uses in this zoning district are anticipated to be predominantly residential with a rural level of public services; i.e., domestic water from private wells, sewage disposal using on-site systems, adequate fire and emergency service by fire districts, and road access consistent with the County Transportation Plan and County Road Standards. Other uses shall be those customary to such areas, including farm and forest uses, churches, and home occupations of a rural character.

602 Permitted Uses:

[...]

- .4 Structures accessory to permitted uses when sited in accordance with the following:
 - A. If attached to the main building or separated by a breezeway, they shall meet the front and side yard requirements of the main building.
 - B. If detached from the main building, they must be located behind the front wall of the main building or a minimum of 30 feet from the front lot or parcel line.
 - C. Detached accessory buildings shall have a minimum setback of 5 feet from the rear and/or side lot or parcel line.

Finding 5: Staff finds that the existing structure that is being proposed for MO 18-02 and CU 18-04 will comply with the setback criteria in 602.4 (See Finding 3 for details) and comply with the additional setbacks for indoor marijuana grows listed in Section 1803.4. Staff finds that this criteria is met and will be discussed in future findings.

603 Conditional Uses:

[...]

- .6 Marijuana growing and producing within an enclosed structure subject to standards in Section 1803.

[Amd. Ordinance 2015-4, eff. 11-25-15]

Finding 6: The standards in CCZO Section 1803 state that: (A) marijuana grows may not be on the same site as a dispensary; (B) need to be within an enclosed building in the RR-5 zone; (C) needs to be set back an additional 50 feet; and (D) the operation needs to be operated by a resident/owner and it employs no more than 5 workers. Staff finds that the proposal requested for in MO 18-02 and CU 18-04 complies with these criteria, as discussed previously in this report (See Findings 2,3 & 4), and can be met subject to previously discussed conditions of approval.

Continuing with CCZO 604

604 Standards:
[...]

- .7 Unless otherwise prohibited, the maximum building height for all non-farm, non-forest structures shall be 35 feet or 2-1/2 stories, whichever is less.
- .8 Unless otherwise prohibited, structures such as barns, silos, windmills, antennas, chimneys, or similar structures may exceed the height limitations to a maximum height of 50 feet.

Finding 7: The proposed marijuana grow will take place inside of an enclosed building that is currently existing on the subject property. This building was permitted via BLD 2006-00121 and complies with Section 604.7 of the CCZO. Staff finds that this criteria is met.

Accessory Structure for Proposed Marijuana Grow



Continuing with CCZO, Section 1503

1503 CONDITIONAL USES:

- .1 **Status:** Approval of a conditional use shall not constitute a change of zoning classification and shall be granted only for the specific use requested; subject to such reasonable modifications, conditions, and restrictions as may be deemed appropriate by the Commission, or as specifically provided herein.
- .2 **Conditions:** The Commission may attach conditions and restrictions to any conditional use approved. The setbacks and limitations of the underlying district shall be applied to the conditional use. Conditions and restrictions may include a specific limitation of uses, landscaping requirements, off-street parking, performance standards, performance bonds, and other reasonable conditions, restrictions, or safeguards that would uphold the intent of the Comprehensive Plan and mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use being allowed.

- .3 Conditional Use Permit: A Conditional Use Permit shall be obtained for each conditional use before development of the use. The permit shall stipulate any modifications, conditions, and restrictions imposed by the Commission, in addition to those specifically set forth in this ordinance. On its own motion, or pursuant to a formal written complaint filed with the Planning Department, upon proper notice and hearing as provided by Sections 1603 and 1608 of this ordinance, the Commission, (or Board on appeal) may, but is not required to, amend, add to or delete some or all of the conditions applied to Conditional Use Permits issued by the Planning Commission or Board of Commissioners. The power granted by this subsection may only be exercised upon a finding such amendment, addition or deletion is reasonably necessary to satisfy the criteria established by Section 1503.5 below.

Finding 8: The applicant is applying for a conditional use permit (CU 18-04) to set up a marijuana growing operation (MO 18-02). The approval of this conditional use for the proposed marijuana grow does not constitute a change in zoning classification. The marijuana operation is a secondary, supporting use; the primary use of the property is still residential. Staff finds that CU 18-04 can be approved subject to conditions deemed appropriate by the Board of Commissioners.

Continuing with CCZO, Section 1503

- .4 Suspension or Revocation of a Permit: A Conditional Use Permit may be suspended or revoked by the Commission when any conditions or restrictions imposed are not satisfied.
- A. A Conditional Use Permit shall be suspended only after a hearing before the Commission. Written notice of the hearing shall be given to the property owner at least 10 days prior to the hearing.
 - B. A suspended permit may be reinstated, if in the judgment of the Commission, the conditions or restrictions imposed in the approval have been satisfied.
 - C. A revoked permit may not be reinstated. A new application must be made to the Commission.

Finding 9: Compliance with all conditions and applicable standards will be required to ensure that the marijuana grow operation remains harmonious with surrounding properties. Any departure from these conditions of approval and the approved plans constitutes a violation of this ordinance. Staff finds that CCZO 1503.4 can be met with a condition of approval that states the criteria herein.

- .5 Granting a Permit: The Commission may grant a Conditional Use Permit after conducting a public hearing, provided the applicant provides evidence substantiating that all the requirements of this ordinance relative to the proposed use are satisfied and demonstrates the proposed use also satisfies the following criteria:
- A. The use is listed as a Conditional Use in the zone which is currently applied to the site;

Finding 10: Marijuana growing/producing is listed as a Conditional Uses in the Rural Residential

(RR-5) zone (See Finding 6 regarding Section 603.6). The applicant submitted the application form for the Marijuana Operation (MO 18-02) at the same time as the conditional use application for CU 18-04. Staff finds that CU 18-04 is compatible with the Rural Residential (RR-5) zone and meets the criterion of CCZO 1503.5(A).

Continuing with CCZO, Section 1503

B. The use meets the specific criteria established in the underlying zone;

Finding 11: The criteria in the RR-5 zone applicable to this proposal includes the Permitted Uses (Section 602.4B&C) and Standards (Section 604.7 & 604.8). These sections deal with setbacks and height limitation, which were addressed in Findings 5 & 7. Staff finds that the subject proposal meets the criteria in the RR-5 zone.

C. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features;

Finding 12: The characteristics of this site makes it suitable for the Marijuana Grow Operation. The large lot size of 5.07 acres has ample room to meet setbacks, and the proposed grow will take place within an existing shop structure, which is approximately 80 feet from the nearest side property line.

The applicant was originally planning on obtaining water from a third party retailer, although since the Planning Commission meeting on September 11, 2017, the applicant has altered his methods of obtaining water for his proposed marijuana grow. He is now proposing to harvest rain water via a rain water collection system that he has designed and store this rain water in two 1500 gallon water tanks. Prior to the issuance of building permits for this operation, the applicant shall submit documentation from the District 18 Watermaster stating that this use of rain water collection is exempt from requiring a water right.

In the Conditional Use supplemental questionnaire, the applicant stated that there will be no impact on the roads, ground water, electrical utilities, sewage, and solid waste disposal to any adjacent property. He also states that the plant needs are met inside this sealed room with the aid of LED lights, CO2 burners, air conditioners, dehumidifiers, and the aeroponic grow system which recycles water back into the reservoirs. Although, in the submitted "Supplemental Questionnaire Building and Fire Code Compliance" information, the applicant states that there will not be any CO2 burners used in this marijuana operation. Due to the possible harmful nature of CO2, if the applicant plans on utilizing CO2 for this proposal, Staff recommends a possible condition of approval of this marijuana grow to be that the applicant work with Columbia River Fire and Rescue prior to the utilization of any CO2 burners in this accessory structure.

The agricultural wastewater plan that was submitted with MO 18-02 and CU 18-04 described the method of land application for the disposal of the waste water. This was deemed to be adequate by the County Sanitarian. However, the applicant has handwritten changes on the wastewater plan that need to be clarified prior to the approval of the plan. As a condition of approval, the applicant shall submit an updated wastewater plan that shows the correct amounts of water being used for this grow, as well as the amount of water being applied to the property. With this condition, the County Sanitarian will be able to approve the applicant's wastewater plan.

- D. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;

Finding 13: The proposed marijuana grow does not require more public services than what is already available in this rural location. In regards to transportation systems, the Columbia County Transportation Planner commented on this new proposed use and stated, “*No objections from the County Road Department. An access permit has been approved for both location and construction*”. In regards to water, MO 18-02 will have no impact on the local water supply granted the applicant can supply the County and Watermaster with a copy of the water contract from an approved water provider. Utilization of well water for irrigation of marijuana crops is prohibited. In his application, the applicant states that a commercial line of electricity from Columbia River PUD will use approximately 15,000 kW hrs of electricity per month. Columbia River PUD commented on the application and stated that the applicant will need to submit a load data sheet detailing the new power requirements and that the residential transformer is at capacity. Staff finds that with conditions that have been covered in previous findings, MO 18-02 and CU 18-04 complies with the criteria in 1503.5(D).

Existing Driveway and Residence



Continuing with CCZO, Section 1503

- E. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district;

Finding 14: The primary uses listed in the RR-5 zone are predominately residential, large 5 acre lots

with a rural level of public services, i.e. domestic water from private wells, sewage disposal using on-site systems, etc. As defined in the American College Dictionary- character; the character of a neighborhood is all qualities or features possessed and the special thing or quality that makes that neighborhood different from others. The physical character of the River Ridge Subdivision neighborhood is new large homes built within 10 years, after 2004. Obviously, the applicant's proposal for indoor marijuana grow will not change the physical features of large residential lots overlooking a view, consisting of quality homes. Another feature of the neighborhood is the people who live in the neighborhood, one of the special qualities of the neighborhood is successful business owners, some retired, who have built their businesses elsewhere and enjoy the secluded comfort in their new homes. The owners of the neighborhood have set a bar or standard of living in the subdivision, incorporated in covenants and restrictions called CC&Rs. They do not want businesses to locate in their surrounding area. One could argue that the proposed business venture of marijuana growing would alter this character of the neighborhood. But, whether this alteration would substantially limit, impair or preclude their use of properties is questionable. The applicant contends that, because the project is small in scale, it is compatible with the RR-5 zoned neighborhood, which has the characteristic of secluded view properties surrounded by a mix of forest land and steep slopes. The applicant states, "Growing will occur inside the confines of an indoor shop. No light or smell shall emanate from the building." The site visit confirmed that the visual impacts will be negligible for the proposed marijuana grow due to the location of the applicant's home and enclosed grow structure, mainly out of site. In terms of mitigating any possible odor impacts, staff recommends that the applicant install an air filtration system in order to negate any odors coming from proposed grow operation. Whether the proposed grow operation will alter the character of this neighborhood it is difficult to determine. There is the pungent odor, stinky smell which can hopefully be mitigated by fan filtration that produce constant noise. Further evidence must be presented for Staff to find that the proposal satisfies the criteria in Section 1503.5(E).

- F. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use;

Finding 15: The Economy Section of the Comprehensive Plan (CCCP Section X) encourages the County to strengthen and diversify the economy of Columbia County and ensure stable economic growth. The subject proposal realizes this goal in that the marijuana operation will generate income for the residents/business owners, which will likely be spent locally. Staff finds that this proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use. Staff finds that the criterion is met.

Continuing with CCZO, Section 1503

- G. The proposal will not create any hazardous conditions.

Finding 16: Staff finds that MO 18-02 and CU 18-04 will not create hazardous conditions and comply with 1503.5(G). In terms of the wastewater that is generated from this proposed grow, as discussed in previous findings, the applicant shall submit a new wastewater plan for review and approval from the County Sanitarian prior to the issuance of any building permits relating to this marijuana grow. Staff finds that the conditions listed in this report will minimize any potential impacts that this marijuana grow would pose to neighboring property owners.

- .6 **Design Review:** The Commission may require the Conditional Use be subject to a site design review by the Design Review Board or Planning Commission.

Finding 17: As discussed earlier, there is no evidence that the proposal will interfere with other uses permitted on adjacent, residentially zoned properties. Staff finds that the magnitude of this proposal does not warrant Design Review, because public health, safety and welfare will not be compromised.

COMMENTS:

Columbia River Fire & Rescue: As of the date of this report, no objections or comments have been received.

Columbia River PUD: Submitted comments stating, *“They will need to submit a land data sheet detailing the new power requirements. Residential transformer is at capacity and will need to be upgraded at a minimum”*.

County Building Official: Has reviewed the submitted application and has no objections to its approval as submitted provided the applicant obtain the necessary permits and inspections.

County Sanitarian: Stated that the method of disposal was adequate to meet County regulations. However, the applicant will need to submit a new wastewater plan that states the correct amounts of water that is being disposed of.

County Transportation Planner: No objections from the County Road Department. An access permit has been approved for both location and construction.

Planning Commission:

On September 11, 2017 The Columbia County Planning Commission approved, with conditions, the application MO 18-02 & CU 18-04. During the hearing most testimony in opposition focused on the fact that the proposed marijuana grow is not allowed by the Covenants, Conditions and Restrictions (CC&R) of the subdivision. However, the Planning Commission disregarded this testimony as irrelevant to their decision. The CC&Rs are not part of a county ordinance. Within the allotted appeal period, Craig Bergerson submitted an appeal to the Columbia County Clerk, on September 26, 2017, stating that he does not agree with the decision made by the Planning Commission. The appeal was also accompanied by letters from 7 neighboring residents, including Mr. Bergerson. This appeal will be heard by the Board of County Commissioners on December 20, 2017.

On November 21, 2017, Land Development Services received a letter from Attorney Stephen D. Petersen stating that the River Ridge Subdivision has amended their Covenants, Conditions, and Restrictions and recorded these amendments on November 15, 2017. These amendments make it clear that no businesses are allowed in the neighborhood. However, these CC&R’s are a private agreement between property owners and have not been adopted by Columbia County. Therefore, the county can not uphold these restrictions.

These following citizen letters are attached:

ChiYomi Ingram - Letter dated September 26, 2017 in opposition.

Craig Bergerson & Teresa Nelson - Letter dated September 25, 2017 in opposition.

Stan & Kathy Johnson - Letter dated September 24, 2017 in opposition.

Fonda Jackson - Letter dated September 26, 2017 in opposition.

Shelly Trass- Letter in opposition.

As of the date and time of this report December 13, 2017 no other comments have been received by Land Development Services.

CONCLUSION RECOMMENDATION & CONDITIONS:

Staff acknowledges Mr. Bergerson's and the residents of River Ridge Subdivision's concerns. Throughout the legislative process for adopting a local time, place and manner regulations into the County Zoning Ordinance, Staff has maintained that marijuana grow operations are not appropriate in all areas zoned as Rural Residential RR-5, but marijuana grows would seem compatible with some areas zoned RR-5. Just one month after this hearing, at the October 1, 2017 meeting, the Planning Commission voted to recommend not allowing marijuana operations in the Rural Residential RR-5 zone. The County's present Ordinance provisions in Section 1803 have been designed to help mitigate these potential impacts by not only prohibiting the onsite selling of marijuana, but also requiring the setbacks for all indoor growing facilities to be increased by 50 feet from all property lines. If it is evident that these provisions are not successful in mitigating threats to the public's safety and/or enjoyment of personal residential land, the Board of Commissioners has the authority to amend the applicable provisions of the Zoning Ordinance to do so.

Based upon research about the property and findings of the Staff Report for **MO 18-02 & CU 18-04** the applicant has met or can meet all applicable criteria with imposed conditions, except the compatibility criteria in CCZO Section 1503.5(E). Staff recommends that if the Board can not find the proposal meets Section 1503.5(E) it must DENY the request, if the Board finds that the proposed use meets the criteria in Section 1503.5(E), and does not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses of the zoning district; and, the Board of County Commissioners APPROVES this request to establish a marijuana grow operation on the 5.07 acre RR-5 zoned property, then Staff recommends the following conditions:

CONDITIONS OF APPROVAL:

1. **This Marijuana Growing Operation Permit shall remain valid for four (4) years from the date of the final decision.** This permit shall become void, unless the proposal has commenced with a development permit, in conformance with all conditions and restrictions established herein within the four-year validity period.
2. Marijuana is a Schedule I drug under the federal Controlled Substances Act (CSA), and its manufacture, distribution, and possession remain prohibited under federal law. This application has been approved under state and local law. However, this land use approval provides no

immunity from federal prosecution for violation of the CSA.

3. The applicant shall annually submit to the County written confirmation documenting that the State of Oregon has approved (1) the subject property and facility as a Registered Marijuana Grow/Production Site, and (2) that the applicant has a License or is Registered to Produce Marijuana on the subject property. Failure to submit this annual documentation to Land Development Services shall invalidate the Marijuana Operation Permit authorized through the approval of MO 18-02 & CU 18-04.
4. Any future expansions and/or new structures related to the marijuana grow operation shall be required to (1) comply with Sections 1803.2(c) additional siting requirements and (2) be approved by the County Building and Planning Officials for building and Zoning Code compliance.
5. If the owner/operator wants to install a sign advertising the facility, they shall first get a sign permit from LDS. Any future onsite signage shall be required to comply with the applicable provisions of Section 1300 of the Zoning Ordinance
6. MO 18-02 shall be limited to five (5) employees to include the resident/owners.
7. If the applicant is planning on using water storage tanks in order to store water for future use, he must submit an updated site plan showing the location and capacity of all tanks.
8. The following shall be completed prior to Building Permit issuance for the structures as authorized through the approval of MO 18-02:
 - a. The applicant shall provide the County confirmation from OLCC that the applicant has completed the majority of the licensing process . This will authorize the use of proposed structures as described in MO 18-02.
 - b. The applicant shall submit a revised agricultural waste water plan and statement for the post use/disposal of process water. This documentation shall allow the County to confirm the wastewater generated from the proposed marijuana grow system is disposed of appropriately and complies with the minimum provisions in the OAR 340-071-0130(4).
 - c. The County shall receive written documentation from the District 18 Watermaster confirming the applicants irrigation supply is a legal source of water for the Commercial Marijuana Producer Water Use requirements in OAR 845-025-1030(6) g)(D) in compliance with the State of Oregon's water use rights in ORS 537
 - d. The applicant shall submit a current copy of his Oregon State Drivers License showing that he is the resident of the subject property.
 - e. The applicant shall consult and receive approval from Columbia River Fire and Rescue prior to the establishment and use of any CO2 burners in this marijuana grow

operation.

9. The following shall be completed prior to the commencement of growing any marijuana on the subject property as authorized through the approval of MO 18-02:
 - a. Written confirmation from the State of Oregon documenting the site presented for MO 18-02 is a current Registered Marijuana Grow Site and the applicants have a current License to Produce Marijuana authorized per the applicable provisions in ORS 475B.
 - b. The applicant shall install an air filtration system to mitigate any odors that may emanate from the structure.
10. The Department of Land Development Services reserves the right to review the application again in the future if it determines that the approved Marijuana Operation Permit is in noncompliance with any of the conditions of approval herein.
11. This Conditional Use Permit shall be applicable to this proposal only, the current owner/applicant, and shall not run with the land.

Attachments:

MO 18-02 & CU 18-04 submitted application & proposed site plan
Address, Zoning and Vicinity Maps

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
Planning Division
COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
PHONE: (503) 397-1501 FAX: (503) 366-3902

APPEAL / REFERRAL

NOTE: If this is an appeal, please read the back of this form to determine if you have "Standing"
CIRCLE ONE OF THE FOLLOWING

OAPPEAL or **O**REFERRAL

YOUR NAME: CRANK A. BERGERSON Phone: 503-501-7035

Address: 28825 GRANDVIEW DRIVE City: RAINDIER Zip: 97048

ORIGINAL APPLICATION: Name: WILLIAM CUMBY

File #: NO 18-02
CU 18-04 Request: CONDITIONAL USE PERMIT TO

CONDUCT A MARIJUANA GROWING OPERATION IN RR 5-ZONE

APPEAL Fee required

File in the County Clerk's Office

Please check one of the following:

I wish to appeal the decision made by the Land Development Services Department. This appeal is to the Columbia County Planning Commission. (CCZO Section 1702); or

I wish to appeal the decision made by the Columbia County Planning Commission. This appeal is to the Columbia County Board of Commissioners. (CCZO Section 1703)

Original request was: Approved or Denied; Decision Date: 9-19-17
Appeal Deadline: 9-26-17

Reason for appeal (attach additional pages if necessary): PLEASE SEE ATTACHED:

REFERRAL Fee required

File in the Land Development Services Office

The application is reviewed Administratively without a public hearing, and I wish to refer this application to the Columbia County Planning Commission for a public hearing.

Reason for referral (attach additional pages if necessary): _____

The foregoing statements are in all respects true and correct to the best of my knowledge and belief:

Date: 9-26-17 Signed: GAB

FOR CLERK'S OFFICE USE ONLY

Received: 9/26/2017 Received by: DK Receipt # 148810 Check# 11492

Please route copies of this form to: Board of Commissioners (4 copies), Land Development Services (1 copy) and County Counsel (1 copy). Thank you.

September 26, 2017

Re: Marijuana Operating Permit MO 18-02 & CU 18-04

Public Hearing September 11, 2017

William Cumby (applicant)

Outcome was approval with conditions: Odor pollution and water contamination

Appeal:

Appeal based on environmental impact and safety issues. I would like additional clarification on several items.

What is the grow capacity of 1400 square feet?

Odor Pollution: There is air exchange between the outside and inside of the building. Plants take in CO₂ and produce oxygen. Marijuana is pungent. William is an engineer who invented a system that does not allow odor to leak out of a building. He tested the equipment in a bedroom. Testing equipment in a bedroom is not the same as using the equipment in a 1400 square foot building. In addition, the odor is intensified during harvest. I am interested in the test documents.

William explained the marijuana would be grown aeroponically which is a type of hydroponic.

Water Contamination: How much water will be used for the entire operation? What are the sources? How will the water be used? Where will all the waste water be disposed? What is the environmental impact?

What chemicals will be used for each stage of operation? How are they used? Quantity? What is the environmental impact?

Claudia Frace (volunteer commission member) and William determined a truck holding 3,000 gallons of water would be delivering two – three times per year. The property has a 25% grade. Where is 6,000-9,000 gallons of water from a grow operation being disposed? What are the environmental impacts?

It is recommended to drain and clean tanks every one - two weeks. The tank reservoirs can hold 20 – 60 gallons of water. One 20 gallon reservoir would use a minimum of 1,000 gallons of water per year. Water delivery two - three times a year would not be adequate.

Instead of cleaning the tanks, the water can be recycled. Recycling water requires chemicals to reduce the impact of algae growth.

The neighbor directly downhill from the operation has a drain field. There is a natural spring located on an adjacent property from the operation.

Noise pollution: Fans are important in a grow operation. Plants need wind to strengthen stalks so they can hold the weight of the buds. They need approximately 20 hours of light during the grow stage. Lights produce heat. Fans are also used for constant temperature control. Fans are also used for air circulation to control humidity and to circulate CO₂ within the building. Humidity is a big deal because too much could induce mold growth. How loud are the fans? What is the CO₂ source? Impact of the source?

Safety Issues: Increased traffic on an 11% grade hill which runs through the neighborhood. The operation is at the bottom of a curved hill.

Please explain the harvest process that will be used. William repeatedly said only he and his wife were going to be working at the operation. When marijuana is harvested, crews are hired. (His permit allows for five total.) A plant is ready for harvest every three to four months. It can take 1-3 days for one person to harvest one plant depending upon size.

Other issues: Please provide information for the items below.

- Disposal of THC plant matter.
- Disposal of THC contaminated supplies such as tubing.
- Type, amount, and disposal of chemicals used to control pH balance, mites, algae etc.

Discussion Hayden Richard (project planner) on September 12th

A topic we discussed was the increase in traffic due to the number of potential employees needed during harvest. He did not realize hiring trimming crews is standard practice used by growers. It is our job to monitor and report increase in traffic to code enforcement officers because there is not enough staff. We are happy to do this because we care about our neighborhood. That is why, in part, we are appealing.

Alta Lynch (volunteer commission member) mentioned she grew up in the 60'S. This is prejudicial. She was late and texting during the hearings. Bill Dejager (volunteer commission member) appeared to be sleeping in his chair during William's rebuttal.

Claudia Frace (volunteer commission member) and Linda Hooper (chair volunteer commission member) were both engaged.

Request:

Do thorough investigation before granting final approval. And slow down the entire process for all.

Regards,


Chiyomi Ingram

28982 Grandview Dr.

503-867-9018

September 25, 2017

Columbia County Board of Commissioners
Courthouse
St. Helens, OR 97051

Board of Commissioners,

We are writing to strongly appeal the decision of the Land Development Services Committee, regarding the application of William Cumby to conduct an indoor Marijuana Growing Operation in the Rural Residential (RR-5) Zone as provided for in Sections 603.6 and 1803 of the County's Zoning Ordinance. This hearing and final decision of approval took place September 11, 2017.

As homeowners, having invested large sums of money to live in a lovely residential area, as zoned by the Planning Commission, we're very offended to have the Planning Commission allow a commercial business, a marijuana grow, set-up shop in our midst. We have trusted the Planning Commission to maintain this and other areas deemed "residential" to remain as such. Parties seeking to establish large businesses such as Mr. Cumby's, should be directed to invest in a more industrial area suited for this enterprise.

Contrary to Mr. Cumby's claims, we know our clean air quality will be ruined. He professes to have invented a "new system" that will keep the offensive 'skunk stench' associated with a marijuana grow, contained within his business. We have talked to several people with experience in this field, installing equipment, etc. Every person agrees that it's virtually impossible to keep that odor from entering the surrounding outside atmosphere.

Several neighbors have children at home, and many of us have frequently visiting young grandchildren. We also enjoy entertaining on our patios and decks. Having the smell, along with increased traffic, brings many concerns to a peaceful, law abiding neighborhood.

We appeal to you as Commissioners, to review and revoke Mr. Cumby's application. His business is better suited in an industrial area, not in a residential zone.

Sincerely,

A handwritten signature in blue ink, appearing to read "Teresa Nelson Bergerson". The signature is written in a cursive style and is positioned to the right of the word "Sincerely,".

Craig Bergerson & Teresa (Nelson-) Bergerson
28825 Grandview Dr., Rainier OR 97048 503-556-3831 (appeal check encl.)

September 24, 2017

Columbia County Land Development Services

Board of County Commissioners

230 Strand

St. Helens, OR 97051

Dear Commissioners,

Re: Order MO 18-02 & CU 18-04 Applicant: William Cumby

We each appeared before the Planning Commission on Sept. 5, 2017. At that time we stated we were adamantly against any commercial facility being constructed in our neighborhood/development and we are still very much opposed to it. In this case the applicant, William Cumby, proposes to construct and run a marijuana grow facility.

We moved from SW Portland to our current home in Rainier in 2008. We are situated on 5 lovely view acres. It is a quiet family neighborhood. Our CCRs state that our development will be residentialthus, the main reason for our buying this property. The CCRS are well thought out and added to the primary reason for our selecting this development. Our acreage shares a property line with Mr. Cumby. His home site sets at the bottom of a quiet cul-de-sac on Grandview. That dead end street is shared by neighbors whose children (and in our case, grandchildren) play in the street and sled down it in the winter.

One of our major concerns is the availability of water. You are probably aware that we are all on wells. In fact, the individual who sold Mr. Cumby his property, ran out of water. His well(s) went dry and he had to truck in water for his home. Mr. Cumby claims he will truck in water for his grow facility, but we have no assurance that he may also tap the existing wells. Who would police that? Mr. Cumby shares a common aquifer with our property. If he decides to tap into the wells for the quantity he states he will need, this would put the water we derive at a definite risk. At certain times of the year his wells would go dry as they have in the past.

We are quite aware of the number of marijuana grow facilities across the river in Longview, WA. They give off a very unpleasant odor. The company I (Stan) work with in Portland, Arjae Sheet Metal and HVAC, has done the mechanical and HVAC installations of marijuana grow facilities in Kelso and the Portland area. Every grow chamber Arjae has worked on have been hydro phonic grow chambers just as Mr. Cumby plans to create. Even with excellent filtration systems they definitely give off a very unpleasant odor.

We DO NOT WANT ANY COMMERCIAL BUSINESS here. Whether it be a marijuana grow facility, a restaurant, a clothing store. This is zoned R-5 residential and we sincerely hope that the commissioners will agree that it should remain so.

Thank you very much.

Stan and Kathy Johnson 75384 Meserve Rd., Rainier, OR 97048

Handwritten signatures of Stan Johnson and Kathy Johnson in blue ink.

September 26, 1917

Columbia County
Land Development Service
230 Strand
St. Helens, OR 97051

Subject: Final Order MO 18-02 & CU 18-04

To the Board of County Commissioners:

This appeal is based on environmental impact, road maintenance and lack of State and County staff to monitor this type of operation.

During the public meeting on September 11, 2017, Well water issues, natural spring water pollution and road maintenance issues were presented as concerns, but these issues were not addressed by the committee or the applicant.

1. The county does not maintain Grandview Dr road, but it is maintained by the residences of this subdivision. This is a dead end road with one entrance. This road will be used by trucks to transport the product, water, propane and other materials used for this operation. The road maintenance was not addressed. There should be some type of requirement for the applicant to be responsible for road maintenance.
2. It is unknown to the number of gallons of water required for a hydroponic marijuana grow system the applicant will use, but 70 percent of the water will result in wastewater. The applicant has changed his statement from having 3000 gallons of water delivered twice a year to 3 to 4 times a year. He recently stated the contract with the water company was not approved by the water company, which is a requirement of the Final Order MO 18-02 & CU 18-04. Has he updated the required plan to the county with this recent information?

The Marijuana Operation Wastewater Disposal Plan required by the county, specifically states:

"APPLICATION PROCEDURES:

If you are proposing land application, an accurate site plan must identify this area and all surface waters"

GENERAL STANDARDS, PROHIBITIONS, and REQUIREMENTS:

* Excess irrigation water application area should be flat and vegetated in order to use excess nitrogen and prevent pollution."

When I spoke with Erin O'Connell, County Environmental Services Specialist, she stated she was not aware of the spring located directly below the applicant's property. This was brought up at the public meeting as an issue of possible ground water pollution.

The applicant does not have a flat piece of property to dispose of the wastewater that contains the fertilizer and other contaminants that could possible leak into my well, the well that is on the property with the natural spring and also pollute the natural spring. The applicant's property is on a hillside. I received a copy of the proposed drain area, which he did not include the incline of the property where he plans on disposing of the wastewater which is also at 25 percent incline. All excess wastewater will drain down from his property to my property and the adjacent properties. During the public meeting he stated it was like fertilizing a yard, but I do not believe 2250 gallons of water 3 times of year is like fertilizing a yard.

3. I have made numerous calls to the county and state to try to find additional information on wastewater pollution, road maintenance, odor and noise concerns. I was told this grow operation would basically need to be monitored by myself or others in the neighborhood as the county does not have the staff to monitor these types of operations. These duties were basically added as other duties to county personnel and the Land Management division did not have enough staff to perform these duties. I am not sure how a citizen can be responsible for monitoring a private land owner's business. We do not have the right to go onto the applicant property and request information on how he operates his business. If the county and state do not have the staff to monitor these types of operations then they should not be approved.

I would like to inform the county, I attended the public meeting but did not receive the appeal letter from the county. All of my neighbors received the letter. One neighbor provided me a copy so that I could address my concerns to the committee. There should be further investigation when issues are brought up at the public meeting. I was very disappointed with the process because there was not anyone taking notes to address all of our concerns. We could not speak again, so our concerns were not answered. As a county office you should be looking out for the best interest of all citizens not just the ones requesting the permit. I am not convinced that the applicant will not be contaminating my well. I have a family, how would the county commissioners feel drinking fertilized water? Also it is a law to not pollute any water ways in Oregon and the natural spring should fall under that protection.

Sincerely,



Fonda C. Jackson
28940 Grandview Dr.
Rainier, OR 97048
503-556-2245

We live at 28870 Grandview Dr
and are strongly opposed to the
marijuana operation in the neighborhood
we are concerned about the smell
traffic increase.

We purchased the property knowing
it had CCER'S. It is a residential
neighborhood with no business or
commercial activity.

We also have concerns about
property values.

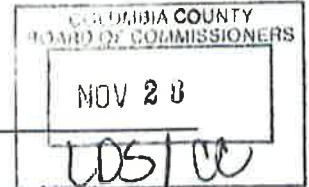
Jelly Trass
28870 Grandview Dr,

STEPHEN D. PETERSEN, LLC

ATTORNEY & COUNSELOR AT LAW

P.O. Box 459 612 West B Street Rainier, OR 97048 503-556-4120 FAX 503-556-4124

Stephen D. Petersen
Licensed in Oregon and Washington



Legal Assistants
Jan Everman/
Lindsay Jurvakainen
Tena Brundage

November 21, 2017

Columbia County Board of Commissioners
Columbia County Courthouse
230 Strand Street
St. Helens, OR 97051



Re: File No. MO 18-02
CU 18-04

Applicant/Owner: William Cumby
28934 Grandview Drive
Rainier, OR 97048

Property: 28934 Grandview Drive
Rainier, OR 97048

MAP ID Number 7218-010-01301

Zoning: Rural Residential (RR-5)

Size: Approximately 5.07 acres

Request: To obtain a Conditional Use Permit to conduct a Marijuana Growing Operation in an existing 35'x40' in the RR-5 Zone provided for in Sections 603.6 and 1803 of the Columbia County Zoning Ordinance

Dear Gentlemen and Ladies:

I enclose a copy of the First Amendment to the Declaration of Covenants, Conditions and Restrictions for River Ridge Subdivision, which was recorded November 15, 2017 as Fee Number 2017-010634. Please be advised that the revised CC&R's prohibit Mr. Cumby's marijuana growing operation.

Very truly yours,

Stephen D. Petersen

SDP/lj
Enclosure
cc: Clients

COLUMBIA COUNTY, OREGON 2017-010634
DEED-C&R
Cnt=1 Pgs=5 HUSERB 11/15/2017 10:38:44 AM
\$25 00 \$ 11 00 \$20 00 \$5 00 \$10 00 = \$71.00



I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon
certify that the instrument identified herein was recorded in the Clerk
records
Elizabeth E. Huser - County Clerk

AFTER RECORDING RETURN TO:
Stephen D. Petersen, Attorney
P.O. Box 459
Rainier, OR 97048

GRANTORS: Jeffrey T. Trass, Sholly L. Trass
Michael C. Griffin, Chiyomi J. Ingram,
Fonda C. Jackson, Steven J. Jackson,
Stanley H. Johnson, Kathleen Johnson
Teresa Nelson Bergerson and Sally Ann Stennick

GRANTEES: River Ridge Subdivision and Northland, LLC

FIRST AMENDMENT
to the
DECLARATION OF COVENANTS, CONDITIONS, and RESTRICTIONS
for
RIVER RIDGE SUBDIVISION

WHEREAS:

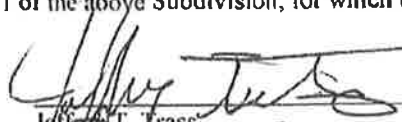
1. The original Declaration of Covenants, Conditions, and Restrictions (the "CCRs") for River Ridge Subdivision (the "Subdivision") were recorded on February 11, 2003, as Instrument No. 03-01908, in the real property records of Columbia County, Oregon.
2. The CCRs affect Tax Account Numbers 72101001300 and 721804000100, Lots 1, 2, 3, 4, 5, 6, and 7, Section 18, Township 7 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon, excepting therefrom public roads and highways.
3. The CCRs at paragraph 3 allow the CCRs to be amended by "an affirmative vote of 75% of the lot owners."
4. We, the undersigned, being the current owners of Lots 1, 2, 3, 4, 6, and 7 in River Ridge Subdivision, and constituting both 91% of all property owners in the Subdivision and 86% of the lots in the Subdivision, do hereby amend the CCRs as follows:
 - a. The following language is added to Article III, Section 2: "No commercial vehicles having a gross weight of more than 30,000 pounds shall be permitted to travel or park on any street within the boundaries of the recorded plat of the subdivision, specifically Grandview Drive."
 - b. The following language is added to Article III, Section 3: "No agricultural, industrial, commercial, or business activity of any kind or nature, whether for-profit or not-for-profit, and whether permitted or permittable by any city or county rule, regulation, or ordinance, shall be carried on upon any lot. No activity of any kind or nature shall be carried on upon any lot if that activity is considered illegal under any current or future federal or state law, or federal or state rule or regulation."
5. All other terms and conditions of the CCRs shall remain the same.

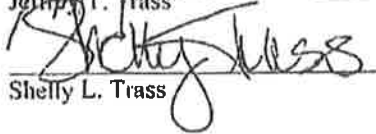
6. **The CCRs and this First Amendment thereto shall run with the land included in the Subdivision, and shall bind, benefit, and burden each lot in the Subdivision. They shall inure to the benefit and shall bind all owners of any lot in the Subdivision, their successors, assigns, heirs, administrators, executors, mortgagees, lessees, invitees, or any other party claiming or deriving any right, title, or interest in use of, or to any, real property in the Subdivision.**

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed for recording as the **First Amendment to the Declaration of Covenants, Conditions, and Restrictions for River Ridge Subdivision**, on the date last signed below.

LOT 1

We are the property owners of record for Lot 1 of the above Subdivision, for which the street address is 28820 Grandview Drive.

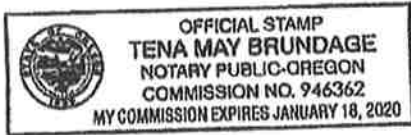


Jeffrey T. Trass


Shelly L. Trass

State of Oregon)
) ss.
County of Columbia)

Subscribed and sworn to before me by Jeffrey T. Trass and Shelly L. Trass this 13th day of October, 2017.





Notary Public for Oregon
My commission expires Jan-18, 2020

LOT 2

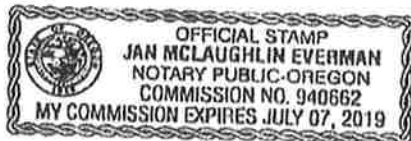
I am the property owner of record for Lot 2 of the above Subdivision, for which the street address is 28976 Grandview Drive.

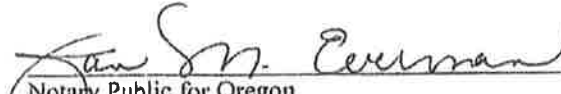


Sally Ann Stennick

State of Oregon)
) ss.
County of Columbia)

Subscribed and sworn to before me by Sally Ann Stennick this 10th day of October, 2017.




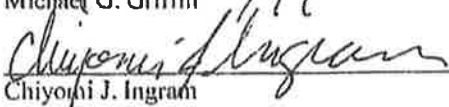


Notary Public for Oregon
My commission expires: 7/7/2019

LOT 3

We are the property owners of record for Lot 3 of the above Subdivision, for which the street address is 28982 Grandview Drive.




Michael G. Griffin


Chiyomi J. Ingram

State of Oregon)
) ss.
County of Columbia)

Subscribed and sworn to before me by Michael G. Griffin and Chiyomi J. Ingram this 10th
day of October, 2017.





Notary Public for Oregon
My commission expires: 7-7-2019

LOT 4

We are the property owners of record for Lot 4 of the above Subdivision, for which the street address is 28940 Grandview Drive.

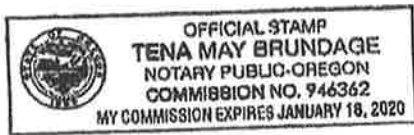


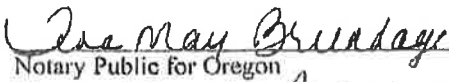
Fonda C. Jackson


Steven J. Jackson

State of Oregon)
) ss.
County of Columbia)

Subscribed and sworn to before me by Fonda C. Jackson and Steven J. Jackson this 12th
day of October, 2017.




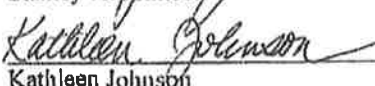


Notary Public for Oregon
My commission expires: Jan 18, 2020

LOT 6

We are the property owners of record for Lot 6 of the above Subdivision, for which the street address is 75384 Meserve Road.

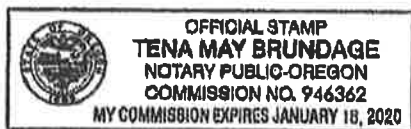



Stanley H. Johnson


Kathleen Johnson

State of Oregon)
) ss.
County of Columbia)

Subscribed and sworn to before me by Stanley H. Johnson and Kathleen Johnson this 13th day of October, 2017.





Notary Public for Oregon
My commission expires: Jan 18, 2020

LOT 7

I am the property owner of record for Lot 7 of the above Subdivision, for which the street address is 28825 Grandview Drive.

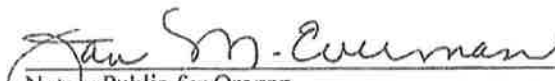


Teresa Nelson Bergerson

State of Oregon)
) ss.
County of Columbia)

Subscribed and sworn to before me by Teresa Nelson Bergerson this 5th day of _____, 2017.





Notary Public for Oregon
My commission expires: 7-7-2019

COLUMBIA COUNTY PLANNING COMMISSION MEETING
September 11, 2017
Draft Meeting Minutes

Planning Commission Members Present: Claudia Frace, Linda Hooper, Alta Lynch, Bill DeJager

Staff Present: Glen Higgins, Hayden Richardson and Kay Clay

Others: Kathleen & Stan Johnson, Bill Cumby, Jeff Trass, Ryan Murphy, Craig & Teresa Bergerson, Michael Griffin, ShellyTrass, Fonda Jackson, Chiyomi Ingram, Don & Sonya Karow and Myron & Genet Smiens

Linda Hooper, Vice Chairman, called the meeting to order at 6:30pm

Hayden Richardson read the pre hearing statement.

CU 18-03 Conditional Use for Myron & Genet Smiens

no exparte declared

REQUEST: Conditional Use Permit that will allow the applicants to operate a decorative concrete work construction company that is run from their home with materials stored in the garages and accessory shop building.

Background:

The applicants, Myron and Genet Smiens, reside at 56602 Old Portland Road and have submitted an application to the County to operate a decorative concrete contracting company from their home as a Type II Home Occupation on their 7.5 acres in the Rural Residential (RR-5) Zone. The property is served by Warren Water Association, a septic system and accesses off of Old Portland Road. The applicants describe the proposal as follows:

“Re-establishing our office in our home and break room/office in garage. Material storage and equipment will be held in garage that will be used to conduct work for our small business named Hardcore Construction, LLC. Hardcore Construction is a traditional and decorative concrete contractor CCB #154208 providing homeowners and

general contractors with beautiful concrete flat work, sidewalks, patios, etc. at their homes or businesses. We have been conducting business in Columbia County since 1999 and have been licensed to conduct business from our home and shop in St. Helens since that time. We recently built a home on Old Portland Road and have been preparing the property to move our business to this site for over a year."

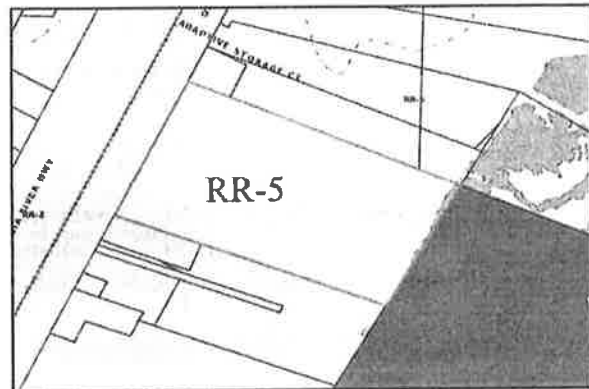
As shown below, the subject and adjoining properties along Old Portland Road are zoned primarily for RR-5 and RR-2 uses.

Although the eastern ~ 2 acres of the property is located within the 100 year floodplain according to FEMA FIRM # 41009CO453D, all of the development on the property, including the home, detached garage, and storage shop that will be used in this home occupation, are located at least 200 feet from the flood plain. The Project Planner's site visit on 8/8/17 confirmed that these environmentally sensitive areas will not be compromised from this Home Occupation. Emergency services are provided to the site by Columbia River Fire and Rescue and the County Sheriff.

2009 Aerial Map With Flood Plain



Zoning Map



Type II Home Occupations are permissible on the RR-5 zoned property, subject to prescriptive standards established in Section 603.3 and 1503 of the Zoning Ordinance provided the Planning Commission's review and approval of a Conditional Use Permit. Accessory structures, like the applicant's detached garage and storage shop that will be used for the clerical, administrative and storage needs of their equipment for their decorative concrete company, are also permitted uses in the RR-5 Zone provided they comply with the minimum property line setback requirements in Section 602.4 (B and C) as follows: 30' from the front property line and 5' from the side and rear property lines. The detached shop that will be used for storage of equipment was originally permitted as an agricultural building, but is in the process of changing the occupancy to a storage shop, for non-agricultural use, through BLD 2018-00040.

Staff finds that the location of the detached workshop and the garage/break room as presented in the submitted site plan complies with the minimum property line setbacks in Section 602.4.

It appears that the applicants have met all the criteria necessary for this operation of this home occupation. Staff recommends approval with conditions of CU 18-03.

In Favor:

Genet & Myron Smiens. This is a business that we have had for many years but previously ran it out of their home in St Helens. They are ok with the conditions set forth in the staff report.

Opposition: None

Bill DeJager made a motion to approve CU 18-03 with conditions. Alta Lynch seconded. All in favor motion carried.

MO 18-02 and CU 18-04

No exparte declared.

Hayden Richardson presented the staff report.

REQUEST: To obtain a Conditional Use Permit to conduct a Marijuana Growing Operation in an existing 35' x 40' in the RR-5 Zone provided for in Sections 603.6 and 1803 of the Columbia County Zoning Ordinance

Background:

On November 25, 2015 the Columbia County Board of Commissioners adopted Ordinance No. 2015-4 related to cannabis regulation in Columbia County, Oregon. The State of Oregon regulates cannabis by provisions in the Oregon Revised Statutes in ORS Chapter 475B. County Ordinance No. 2015-4 amends the Columbia County Zoning Ordinance and sets time, place and manner regulations for the growing, processing, and retailing of marijuana operations in the county's unincorporated areas.

The applicant, William Cumby, is requesting a Conditional Use Permit and a Marijuana Operations Permit. The applicant proposes to grow cannabis inside a 1400 sq ft detached barn structure, which was originally permitted via BLD 2006-00121. In order to authorize this detached shop for the marijuana operation as provided in Sections 603.6 and 1803 of the Zoning Ordinance, the County must review and approve the applicants' Conditional Use Permit and the Marijuana Operations Permit and the applicant must be issued a Marijuana

Growing License from the State of Oregon Liquor Control Commission (OLCC) or the Oregon Health Authority (OHA). Once approved, the applicant must apply for a change of occupancy for the existing 1400 sq ft detached structure.

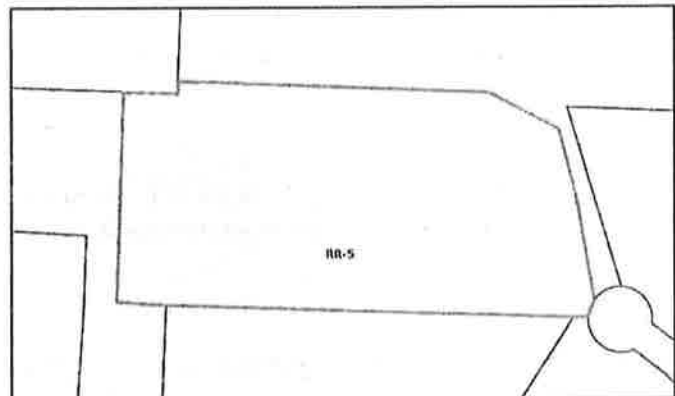
The subject site is already developed with an existing dwelling, driveway, well, septic tank, drain field, and two shop structures. The dwelling and proposed grow will use Grandview Drive as an access. Grandview Drive is a public road that runs directly into the property and is utilized by approximately 7 other property owners.

According to the FEMA Flood Insurance Rate Map No. 41009CO180 D, there are no flood hazard areas on the subject property. The site does not contain any wetlands or waterways, according to the National Wetlands Inventory Map. The subject property does contain some steep slopes, approximately 25% grade, that are located on the west side of the property. The property does not contain any sort of sensitive animal habitat according to the Rainier BEAK Map. Emergency services are provided to the site by Scappoose RFPD and the County Sheriff.

Subject Property Aerial Map



Zoning Map



On 12/29/16 the applicant attended a pre-application conference at the county, where the proposed marijuana grow operation was reviewed and the land use approval process discussed. On 7/13/17 the applicant submitted an application and paid the fees for the marijuana operation permit and the conditional use permit. The application materials included a site plan, a narrative of the proposal, and documentation, in the form of County Assessor records, that proves that the applicant is the owner of the property. As a condition of approval, the applicant must submit a copy of a valid Oregon Drivers License to show that he currently resides at the subject property. Staff finds the applicants will comply with the applicable provisions in ORS 475B for licensed Growing Operations. In addition, a condition of approval for MO 18-02 and CU 18-04 should require the applicant to submit written confirmation on an annual basis to LDS verifying that the marijuana growing operation has a current license registered with the State of Oregon.

MO 18-02 is proposed to be conducted inside one existing, enclosed barn structure inside a partitioned 32' x 32' area. This area will have four staggered growing zones that are 8' x 32' each. The regular setbacks for accessory structures in an RR-5 zone are 30 feet from the front property line and 5 feet from the rear and side property lines. With the additional 50 feet added for the marijuana grow, the setbacks become 80 feet from the front, and 55 feet from the rear and side property lines. The barn structure that will be used in this marijuana grow appears to meet these additional setbacks. It is located approximately 80 feet from the closest side or rear property line and approximately 450 feet from the front property line. The Project Planner's 8/8/17 site visit verified these approximate distances. In addition, the applicant stated that all activities related to this marijuana grow will take place within the enclosed structure that is being proposed for MO 18-02.

The subject proposal is limited to no more than five employees. As stated in the application, the operation will be run by the applicant and one employee. To ensure that MO 18-02 continues to comply with 1803.2(D)(2) staff recommends that a condition of approval state that the operation shall be limited to five (5) employees including the residents/owners

Compliance with all conditions and applicable standards will be required to ensure that the marijuana grow operation remains harmonious with surrounding properties. Any departure from these conditions of approval and the approved plans constitutes a violation of this ordinance.

In the application, the applicant states that he will contract a water company, Water Supply, LLC, to provide 3000 gallons of water per delivery. The applicant does not state how frequent these deliveries will be or where he will store the water once it is delivered to the property. Also, the applicant submitted a signature from a Tralee Friedlein under the statement, "Water Supply, LLC understands and approves that the water will be used in the process of growing marijuana". This statement doesn't not indicate that Tralee Friedlein is associated with Water Supply, LLC in any way and cannot be considered a contract of sales. As a condition of approval, and prior to the issuance of any building permits, the applicant shall provide the county with a contract which states that Water Supply, LLC is willing and able to supply this marijuana grow with water. This contract shall discuss the frequency of the deliveries and shall indicate the title of the signee.

The applicant stated that there will be no impact on the roads, ground water, electrical utilities, sewage, and solid waste disposal to any adjacent property. He also states that the plant needs are met inside this sealed room with the aid of LED lights, CO2 burners, air conditioners, dehumidifiers, and the aeroponic grow system which recycles water back into the reservoirs. Although, in the submitted "Supplemental Questionnaire Building and Fire Code Compliance" information, the applicant states that there will not be any CO2 burners used in this marijuana operation . Due to the possible harmful nature of CO2, if the applicant plans on utilizing CO2 for this proposal, Staff recommends a possible condition of approval

of this marijuana grow to be that the applicant work with Columbia River Fire and Rescue prior to the utilization of any CO2 burners in this accessory structure.

Based on the findings and conditions in the staff report, staff recommends approval of this application.

Discussion:

Linda Hooper inquired about the smell and wanted to know what would be done to control that and Claudia Frace wanted to know if it would be a condition.

Hayden responded that the applicant would be using air purifiers and that is pretty much a standard in the industry.

In favor:

William Cumby. Owner/applicant

Mr Cumby is a 13 year contractor and a chemical engineer, He says he did a proto type of what the building would be and the system works. The smell in the building will stay in the building and he will be using a carbon filter system.

Linda Hooper asked if he would be using a CO2 burner? Mr Cumby said he would be using a inline water heater which is the same. CO2 is not combustible, it is more scientific, no bugs. Its overall better for the grow. Mr Cumby is ok with the staff report and conditions.

Opposition:

Craig Bergerson, neighbor. This is in a family subdivision and they have CCR's that state there is no industrial use or businesses that can cause an annoyance to the neighborhood. As far as the water trucks go they have to go up an 11% grade to get to his location, its not safe. This is a private maintained road. The fact that there are scrubbers and increased electric use supports commercial use.

Jeff Trass, neighbor. There are CCR's and no commercial use is allowed in the neighborhood. Jeff pointed out that there is already a secondary business at this location (deck renovation). With the additional use of the road there will be an impact on the private maintained road. How will there not be odors. The building would have to be 100% sealed off to prevent odors. The odor is there and always will be and there will be odors in the wastewater also. Where will the drain water go?

Linda Hooper inquired about the private road agreement. In the statement from the Lonny Welter the county does not maintain the road at all.

Fonda Jackson is also a neighbor and is also concerned about the CCR's. Also the drainage and how close will it be draining to the well, will the well or wells be affected? The smell is hard on allergies and he just does not want it in that neighborhood.

Stan Johnson, his property adjoins the applicants property. Stan is curious as to if the shop was ever permitted. There is already a decking business up there. Will there be 6 employees with the new business? Who will enforce the operation, will it be seasonal, there are water issues now what if the well dry up? Who monitors the amount of the water being trucked in. He moves to keep this neighborhood residential.

Michael Griffin, they got CCR's for a reason and the intent of the CCR's is to keep this area residential. He doesn't understand how the application can be approved knowing what the CCR's are there. This is not a commercial location. How much will the traffic increase if there are five employees? The CCR's state that no offensive activity is permitted. This is private residential.

Unknown - It would have been nice if Mr Cumby would have checked with the neighbors before springing this on them. There is a 11% grade on this road and it is dangerous in the winter, it does not need more traffic on it. What will a business like this in a residential district do to the property values.

Don Karow, There is a shared well with Mr Cumby and there are dry well issues in the area. No matter what I understood that you could not use well water for this operation, will there be a monitoring device on this well and will the spring water be contaminated?

Kathleen Johnson, lives on Meserve Rd and enjoys the country living, it's a good clean environment for family living please don't spoil it. This is a residential neighborhood where we watch our kids play, please support the CCR's and deny this application.

Rebuttal:

Mr Cumby did not want everyone upset about his intended business. The reason there is a water truck coming to his location twice a year is that he can not use well water for his business. He recycles the water so there is very little water wasted, there will be an underground tank for the water. There is more infrastructure needed to use rain water. The smell is minimal to none because there will be a room within a room and this was previously tested and it does hold the odors in. This was not tested at this site because it is not completed. This is not a large scale grow. It is costly to grow in this type of structure and using the CO2 generator. There will be shop filters being used also for odors. The normal traffic will be the two that reside in the home, him and his future wife. He has talked to his neighbors and gets along with them but has never mentioned the grow operation, its just an uncomfortable topic. He wants to do this for additional income. It probably would have been better to bring this up in public discussion with the neighbors. This is a second business at the

home but the other business is Portland based. As far as the wastewater goes it is just fertilized water that will put any waste back onto the grass. After 8 weeks the mixture loses its potency.

Claudia Frace wanted to understand the underground water storage. It will be 3000 gallons.

Mr Cumby also wanted to mention that there may be water trucks and propane.

Alta Lynch wanted to know if any oil trucks would be coming up the road because there may be weight restrictions.

Mr Cumby did scan over the CCR's.

Closed public hearing

Glen Higgins wanted to point out that Columbia County does not enforce CCR's, they are an agreement between neighbors, we have no authority we only deal with zoning.

Linda Hooper explained that the CCR's are just a vehicle for the neighbors for enforcement.

Alta Lynch explained that what the Planning Commission deals with is the zoning aspect and the County as a whole passed the law to allow the marijuana.

Alta Lynch made a motion to approve MO 18-02 and CU 18-04, adding in that the air filtering is a condition of approval as well as requiring the information regarding the water supplier. At this point there is no water contract signed.

Glen Higgins pointed out that the applicant has four years to start his business.

Bill DeJager seconded the motion. Motion carried.

Meeting adjourned 7:50 p.m.