

## COLUMBIA COUNTY PLANNING COMMISSION MEETING

November 6, 2017

Meeting Minutes

Planning Commission Members Present: Linda Hooper, Shaun Stewart, Claudia Frace and Bill DeJager

Staff Present: Glen Higgins, Deborah Jacob, Hayden Richardson and Kay Clay

Others: Zack Watson, Errol Ater, Mike Mackin, Judy Watson, Brandon Faulkner, Darren Leake, Kwartel Hendrickson, Javier Barrera, Michael Sheehan, Colin Siemie??, Kevin Theobald, Terry Applebee, Doug & Linda Rumrill, Henry Singleton, Delores Orr, Beverly Lundy, Michael DeWerse, Angela Singleton, Heather Zwickey and Brian Lund

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

Hayden Richardson read the pre-hearing statement.

DR 18-01 & MO 18-01 Zack Watson & Ross Farland

No ex parte contacts

Hayden Richardson presented the staff report.

Purpose of the application: A Marijuana Operating Permit for a Processing Facility, and a Site Design Review to build a 1,884 sq ft structure in an industrial area, for processing cannabis derivatives for sale.

Background:

On November 25, 2015, the Columbia County Board of Commissioners adopted Ordinance 2015-4 related to cannabis regulation in Columbia County, Oregon. The State of Oregon regulates cannabis by provisions in the Oregon Revised Statutes in 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 cannabis operations in the county's unincorporated areas.

This application for Administrative Review was deemed complete on August 7, 2017. On August 7, 2017 notices were mailed out to adjacent property owners within 750 feet and affected government agencies. Those notified were given 10 calendar days in which to submit comments to the Planning Department or to request a public hearing on the matter before the Planning Commission per 1601.2 of the County Zoning Ordinance. A

Referral was timely received on August 17, 2017 from a notified party, stating “this referral is being made by three adjacent homes to the proposed building and 9 other close by residents all on the same block”. The application proposed for MO 18-01 and DR 18-01 is therefore was referred to the Planning Commission and scheduled for the November 6, 2017 public hearing.

The applicant, Ross Farland, who represents the property owner, Zack Watson, submitted an application to build one, 1844 square foot structure to be used for the processing of recreational marijuana on Tax Lot 4109-024-02000. This Parcel is approximately 0.11 acres in size (50'x100') and does not contain any improvements. Currently, there is no development on this property, however in the past, there has been a dwelling located on it that was built in 1958, according to Tax Assessor records. This property is zoned M-1 Heavy Industrial and is a part of the City of St. Helens Urban Growth Boundary.

The building that is being proposed for DR 18-01 will require approximately 3 parking spaces - one for each employee on the largest shift. There will be no customer traffic for this facility so there is no need for customer parking. Also, since the building that is being proposed in DR 18-01 is under 5,000 square feet, there is no requirement for a loading area. In the application it is noted that this Marijuana Processing facility will require 1 - 3 employees. However, the applicant is proposing 5 regular parking spaces as noted in their proposed site plan. This 5-space parking area will be improved to the minimum requirements in Section 1400 of the Columbia County Zoning Ordinance related to Off-Street Parking and Loading as one condition of occupancy.

In the submitted application materials, the applicant has included an overview of the marijuana activities that will be occurring on the property. This overview is titled, “Process Sequence Description” and it outlines the overall process of extracting THC from the marijuana plant into concentrate. All of the activities relating to the extracting process will be conducted within this enclosed 1884 square foot building.

The application did not discuss the specific water amounts that are required for this Marijuana Processing facility, however it did mention that they plan on using the City of St. Helens water to do so. In a Memo, dated October 11, 2017, from the City of St. Helens, it states that if the applicant wishes to use city water (or any city utility), a consent to annexation shall be required prior to connection or use. Proof that the applicant has a suitable water source will be a condition of approval prior to the issuance of a building permit.

The applicant included a signed “Marijuana Operation Waste Water Disposal Plan” worksheet however, did not describe how the waste water is going to be disposed of. However, there is a note on one of the site plans that was submitted that states, “All wastewater generated shall not be disposed of in any existing septic system and this disposal will not impact any surface waters”. As a condition of approval, and will be discussed in depth throughout this report, the County Sanitarian shall approved the

applicant's waste water disposal plan to ensure that it is disposed of appropriately and complies with the minimum provisions in the OAR 340-071-0130(4).

According to the City of St. Helens Wetland Identification Map, dated 1997, this property does not contain any identified wetlands. Also, the St. Helens BEAK map classifies this area to be a Natural Area, that does not contain any types of sensitive habitat. Emergency services are provided by the Columbia River Fire & Rescue and the Columbia County Sheriff.

After reviewing Sections 1803, 930, 1400 and 1550 of the zoning ordinance and the stormwater and erosion control ordinance staff recommends approval based on all the findings in the application have been met.

Open for discussion.

In Favor:

Ross Farland, is the responsible party for the application. His main concern is safety and welfare for all. The business is extracting essential oils. This will be a small lab and nothing in the outside space. There is will be plenty of ventilation. This process is a closed loop system which is the safest system for processing, there are gases involved along with tanks, tubes and valves.

Linda Hooper wanted to know if with this type of system is the smell would be as bad as with other types of systems.

Ross Farland said that they will be using a carbon filtering system, There is minimal water being used, the cleanup is alcohol and wipes. There will not be a septic tank just a holding tank for bathroom use only.

Claudia Frace questioned if the city wanted to annex them if they would and if at that point they would be on city water. Ross Farland said that a consent was signed to join into the city when that is required. Claudia Frace wanted to know if there would be building improvements and security added and what will the hours of operation be.

Zack Watson. He is a medical extractor and has been this doing this for 8 years. This operation will be operating from 7-7 daily with 24 hour security, there will be a state tracking system. Anyone coming to the premises will have badge id or they will not be allowed. This business will have the normal business look. It is an inside operation, closed looped system, there will not be a smell, the only sign will be a logo. The vehicle to the OLCC facility will be smaller rigs to transport, the deliveries will be discrete, a few a week, will be transported in safes. As far as tanks on site there will be a 50 and 100 pounds.

Opposition:

Terry Applebee. Has concerns when he hears the word "lab" , he thinks old school equipment and the chemicals that are used to clean the pipes and has concerns about the overflow to Milton Creek, the ducks and frogs - what will this lab do to them. Feels that DSL should take a look at the wetlands in the area. The water line is a 4" main to a wooden pipe. There can not be further development because sewer is not available from the city. This building was originally a shop.

Beverly Lundy. Has lived in her location for 30 years. The area needs to be cleaned up and has been to some extent. The burned demolition of the previous house, lots of fill was brought in to cover the garbage. Some of the trees that were cut down belonged to the Port. If the law is that they have to stay 1000' feet from schools why can't that hold true of homes - families

Closed the public hearing.

Rebuttal:

Zack Watson. The only cleaning supply they will use is alcohol for cleaning. The technology is updated and there is no old school operations in the lab. Kids are safe near this building - there are no dangers. As far as the house being destroyed that was done before a contract was signed with Zack. Kids can not be at the facility, there have to be 21 or older. There will be a fence and security cameras at the location.

Linda Hooper pointed out that before occupancy the fire department does have to sign off

Claudia Frace asked Hayden Richardson about the wetland and he pointed out that there have not been any since 1997.

Hearing closed.

Bill DeJager made a motion to approve the applications with conditions and Claudia Frace seconded. Motion carried

DR 17-07 MOD & MO 17-18 MOD Kevin Theobald

No Exparte declared.

Hayden Richardson presented the staff report.

Purpose: Site Design Review to construct one 132' by 60' pre-fabricated metal building to be used for establishing an indoor marijuana growing operation provided for in Sections 923.1 and 1803.2 of the County Zoning Ordinance.

Background:

The applicant, Kevin Theobald, had completed the original application for MO 17-18 and DR 17-07 on May 8, 2017 and it was heard at the June 19, 2017 Planning Commission Hearing. At this meeting, the Planning Commission determined that this proposal was insufficient in terms of obtaining an approved water source, an approved waste water disposal plan, and submitting a wetland delineation report. On June 19<sup>th</sup>, the Planning Commission decided to continue the hearing for date unknown, until the applicant could provide the County with such materials. Since this meeting, the applicant decided to modify his proposal which would move it approximately 400 feet to the north of the original proposed site. The shifting of this proposed development will move it from Tract 16 to Tract 13 of Tax Lot 7207-030-00500.

MO 17-18 MOD and DR 17-07 MOD was originally scheduled for the October 2, 2017 Planning Commission meeting, however on September 14, 2017, information was received from the County Sanitarian that the development proposed for DR 17-07 MOD was in direct conflict with the existing septic drainfield that is located on Tract 13 of Tax lot 7207-030-00500. On September 22, 2017 Staff received a modified proposal of MO 17-18 MOD & DR 17-07 MOD. This modification proposes one 60' x 132' pre-fabricated general purpose industrial-rated metal building (rather than two buildings), an updated parking area, as well as a redesigned driveway to the facilities. These changes are necessary in order for the applicant to avoid possible conflicts with the existing septic infrastructure that serves the residence at 76412 Ege Road in Rainier, OR.

The application is proposing to build one approximately 7,920 square foot metal structures to be used for the production of recreational marijuana on Tract 13 of Tax Lot 7207-030-00500. Tract 13 of Tax Lot 7207-030-00500 is 2.5 acres in size and currently consists of two barn structures and a hayfield with no other improvements other than livestock fences. Tax Lot 7207-030-00500 as a whole, consists of a farm dwelling, addressed at 76412 Ege Road, and three farm buildings that date back to the 1940's and are located on Tracts 13 and 14 of the Tax Lot. This property was zoned for Primary Agriculture until ZC 98-4 was passed which included this property into the City of Rainier's Urban Growth Boundary and designated it as Light Industrial (M-2). The 7,920

square foot building requested for DR 17-07 MOD will be the first of many phases of the West Rainier Industrial Project.

The new building will require approximately 3 parking spaces - one for each employee on the largest shift. In the application it is noted that these building will require no more than 3 full-time employees. However, the applicant is proposing 2 regular parking spaces and 1 ADA parking spaces as noted in their site plan. This 3-space parking area will be improved to the minimum requirements in Section 1400 of the Zoning Ordinance related to Off-Street Parking and Loading as one condition of occupancy.

In the submitted application materials, the applicant has included an overview of the marijuana activities that will be occurring on the property. All activities that relate to marijuana production will be located within the windowless, metal building. Approximately 5,000 square feet will be allocated for flowing plants, 1,000 square feet for cloning and growing immature plants, and 700 square feet for drying and packaging, with the remaining area for corridors, storage, utilities, and administrative office space.

The water demand for this marijuana operation will be approximately 300 gallons per day. The applicant has submitted materials from the Oregon Water Resources Department that states the use of a well may be allowed for nursery use, subject to a Land Use Compatibility Statement from Columbia County stating that the use of the property has been approved. The Proposed Final Order from OWRD states that all four wells on the property may be used in this marijuana grow for up to .25 cubic feet per second of flow. As one of the conditions of this OWRD Final Order, the applicant shall install flow monitors on each well to track how much water is being used per month. At the end of the year the applicant shall submit a water use report to OWRD.

The application also describes the waste water plan for the marijuana production, which is to capture the waste water and store it in portable tanks for later disposal. This disposal will compose of spraying the waste water on areas of the property to allow the vegetation to absorb the nutrients. As a condition of approval this waste water plan shall be approved by the County Sanitarian prior to the issuance of any building permits.

A wetland delineation was done in April of 2017 for the subject property and was accepted as accurate by the Department of State Lands on July 31, 2017. On Tract 13 there is a small isolated agricultural wetland area (approximately 0.1 acres in size) located approximately 130 feet to the east of any of the proposed development. There is another agricultural wetland on the southeast side of the building site, which extends over a larger area and extends onto other tracts that are adjacent to Young Road. There is also a small ditch that lies between the property and Ege Road. This ditch drains the area into Rinearson Slough. No development that is being proposed for DR 17-07 MOD will be within 50 feet of a delineated wetland.

Although the Rainier-Fernhill CPAC Beak Map indicates the property is located in a Major Waterfowl Habitat Area, this property and the surrounding area has been zoned for

industrial uses since the Zone Change (ZC 98-4) in 1998 The subject property is protected from 100 year flooding by the West Rainier Dike which has been provisionally approved by the U.S. Army Corps of Engineers. Emergency services are provided by the Columbia River Fire & Rescue and the Columbia County Sheriff. The remainder of this report will evaluate the extent to which the proposal requested for DR 17-07 MOD and MO 17-18 MOD complies with all the applicable local and state regulatory requirements for the development of M-2 zoned properties.

Columbia County Zoning Ordinance, Sections 1803, 920, 1100, 1180, 1400 and 1550 were reviewed along with the storm water and erosion.

After review of the criteria and requirements staff recommends approval with conditions.

No questions from staff.

Open public hearing:

Kevin Theobald, Before in June there were incomplete components of this application, there have been some changes made. We have moved the location so it is more secluded, further from other properties and reduce the building to one. Kevin has made other site visits to see what is working and what is not. In the past there were many questions and concerns and hopefully this will not be as cumbersome. The lighting will be low energy.

Opposition:

Eugene Thompson, would like to know why this business, but realizes that this is just the modern generation. Suggesting that maybe he can move the business to a new site. He does have emission effluent drainage concerns. It is in the building now what are the chances of it moved to the outside? He does not like the smell, skunky cabbage and if he does have issues with that he will make a complaint. Do they have to have a septic. Will there be any road improvements made, it is generally a compact gravel road and has the potential of lots of dust.

Rebuttal:

Kevin Theobald, The odors should be a minimal amount and they will try to keep odors out, there will be bathroom facility, wastewater from the plants is like wastewater from a houseplant, very minimal, any odors will come from the blooms, nursery runoffs will be used on other parts of the farm, the only time there will be trucks is during the development for about 3 weeks. Pickup type trucks will be used for business deliveries, no semi's. Having a business like this in a control environment is better than a black market, the sales are monitored by the state.

Closed public meeting.

Claudia Frace made a motion to approve with added conditions, Bill DeJager seconded.  
Motion carried - approved

Break 7:55 to 8:00

V18-01 & MO 17-04

No ex-parte declared.

Deborah Jacob presented the staff report.

On December 16, 2016 the County Planning Director approved MO 17-04 and identified Conditions under which the applicant, Kwartel Hendrickson, would be authorized to operate a State of Oregon licensed Recreational Marijuana Production Operation in the Forest - Agriculture (FA-80) Zone. The Final Order is valid for 4 years and was based on the 1/1/93 predominant forest use of the subject 3.92 acre. The applicant lives onsite on the lawfully established single family residence addressed at 74818 Conyers Creek Road. The property receives water from the City of Clatskanie and is served by an existing septic system. The county approved MO 17-04 with Condition No. 9 stating that any structures used for marijuana production may require Minor or Major Variance Permits to be approved by the County pursuant to the provisions in Section 1504.

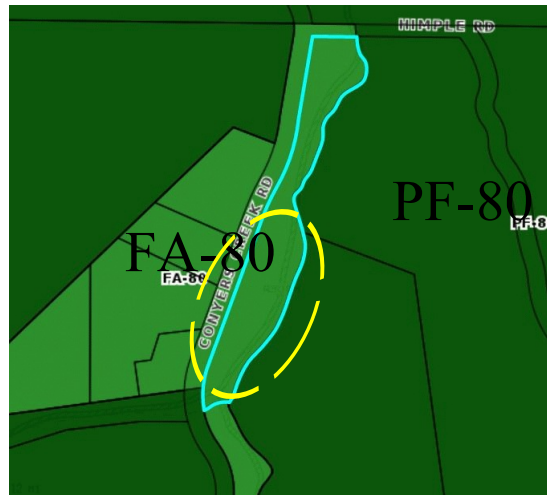
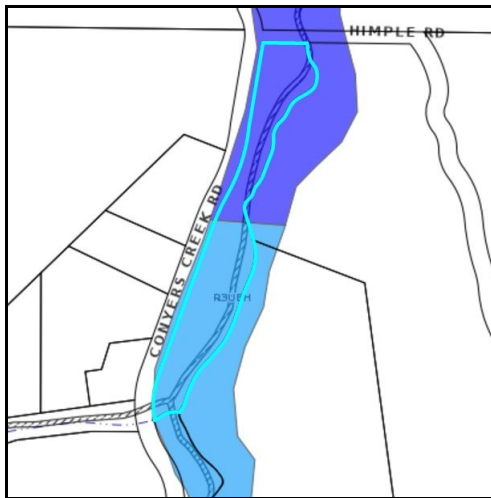
Nine months later on September 18, 2017 the applicant submitted an application for a Major Variance (V 18-01) to the minimum 100' property line setback requirements for structures intended to be used for marijuana production operations in the forest zone. This request, if approved, will allow the site's existing detached garage to be used as the office/drying room for MO 17-04's approved marijuana production operation at its current location, 87' from the front property line and 60' from the rear one. This approval, in turn, would authorize the applicant to submit the necessary Change of Occupancy permits for the county to review and approve the new use of this garage.



**Aerial View of subject 3.92 acres & proposed southern location of proposed outdoor marijuana growing operation**



**Flood Hazard Overlay and Zoning Maps of Subject Site**



The property is surrounded by other FA-80 zoned properties to the west and south and by PF-80 zoned properties to the east and north. It is close to seven other residentially developed resource zoned properties along Conyers Creek Road.

The identified Conditions of Approval in Final Order MO 17-04 will still need to be satisfied in addition to those required for V 18-01 should the Planning Commission find this Major Variance request is consistent with the provisions in Section 1504 of the Zoning Ordinance.

This not a dispensary and the variance is due to it being garage use currently.

There are 2 classes of variances to the standards established in this ordinance. A Minor Variance is defined as a request for a variance of less than 25% from a dimensional requirement such as setbacks, height, lot or parcel coverage, lot or parcel width, or lot or parcel depth, or a request for a variance of less than 10% from a minimum lot or parcel size requirement. All other variances are defined as Major Variances. Use variances are not permitted under this ordinance except as permitted under Section 1505.1 "Temporary Permits: Use Not Allowed in District".

- 1 Major Variances: The Planning Commission may permit and authorize a variance from the requirements of this ordinance when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest.

The granting of this front and rear - yard variance does not appear to endanger the public safety, health or welfare or be injurious to other resource zoned properties in the area. Granting of this variance will allow the county to review and approve the garage's required Change of Occupancy for compliance with the applicable minimum provisions of the Oregon Structural Speciality and Fire Codes for its proposed marijuana related uses. The application states that utilizing the current garage will minimum impacts to the subject and adjacent properties.

The garage already contains a 30' primary firebreak on all sides and is within 150' of Conyers Creek Road both of which are consistent with the minimum siting standards for accessory structures in the forest zone. The Supplemental Questionnaire for Marijuana Grow Facilities will be reviewed by the County Building Official for the garage's change of occupancy and approved for compliance with the applicable Oregon building and fire codes. The County Roadmaster has no objections with the applicant's variance request provided he obtains a Road Access Permit which was identified as Condition No. 10 of MO 17-04. The Clatskanie rural fire district has not submitted any objections to V 18-01 as of the date of this report.

Staff finds that authorizing the garage's new use rather than constructing a new structure, would also help to preserve the site's identified wetlands, riparian corridor, and flood hazard environmentally sensitive areas associated with Conyers Creek. Staff finds that the approval of V 18-01 will authorize the garage's Change of Occupancy, not its expansion, which will in turn also ensure the proposed marijuana related activities will occur in ways that protect the public's safety, health and welfare. For these reasons, staff finds the first Major Variance criteria will be satisfied provided the applicant obtain all necessary building permits for the existing garage's Change of Occupancy and obtain a Road Access Permit.

The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

**Aerial Map of 3.92 acre FA-80 zoned property**



As seen above, the FA-80 site's unique physical characteristics and existing site development in the southern portion necessitate the applicant's submitted variance request that will authorize the change in use of the detached garage that was built prior to 1996. There are no portions of the entire 3.92 acre subject site that would be able to comply with Section 1803.2(C)'s 100' minimum property line setback requirement for marijuana related structures with its configuration and maximum width of 180 feet.

With the approval of V 18-01, the existing regulatory requirements for authorized marijuana production operations in the forest zone prohibit the use of existing or the construction of new structures on the subject site due to its physical configuration; no portion of the 3.92 acres is at least 100' from all property lines as required by the siting standards in Section 1803.2©. Staff finds that the subject site's existing configuration and dimensional limitations, are unique to the subject site that typically do not apply to the majority of other FA-80 zoned unincorporated properties. For these reasons, staff finds the request proposed for V 18-01 complies with the second criteria for Major Variances in Section 1504.1(A)(2).

Strict compliance with the Zoning Ordinance would essentially prohibit any office or drying areas for the site's outdoor production of marijuana authorized by MO 17-04. The applicant states that "the drying process must take place from time of harvest to resale. Without a dry room/structure onsite, there is no place to dry the harvested marijuana."

Without the Planning Commission's approval of V 18-01, the 100' siting restriction further prohibits the applicant from being able to safely dry and package any harvested marijuana on the forested property where marijuana production operations are authorized uses. The necessary electrical surveillance equipment required the OLCC licensed operation will also be located inside the garage with it's change of occupancy.

The County Sanitarian will ensure the processed wastewater shall be managed appropriately in ways that will not compromise the site's residential septic system, Conyers Creek's wetlands and riparian corridor and nearby ground water sources. The site is currently served by City of Clatskanie water and the City has submitted a Will Serve letter authorizing this new commercial use of their water. Oregon District 18 Watermaster's comments confirm this irrigation source is consistent with the Oregon water use law. Similarly, the Clatskanie PUD has reviewed the V 18-01 request and has no objections to its approval as presented. Finally, the Road Master will require the applicant to obtain a new road access permit and the County Building Official will require the garage's new use to comply with the applicable provisions of the Oregon Structural Speciality and Fire Codes.

Staff finds the requested variance will allow the resident marijuana operator to use the garage and modify it for the installation of equipment for surveillance as well as for drying and preparing harvested marijuana before selling it to authorized off-site licensed OLCC processors. The Planning Commission's granting of this variance moreover, will not adversely affect the realization of the county's Comprehensive Plan or violate any related provisions of the Zoning Ordinance related to marijuana production operations in the FA-80 Zone provided all building permits and necessary requirements are obtained from the county and the State of Oregon for licensed recreational marijuana production operations. Staff has not found any evidence suggesting the new use of the 1996 garage at this location will be incompatible with the purpose of the FA-80 Zone. For these reasons, Staff finds this Major Variance criteria will be satisfied with conditions that have been addressed elsewhere in this report.

Based on the finding and criteria being met staff recommends approval of V 18-01 & MO 17-04.

Open for discussion. None

Open for public comment.

Kwartel Hendrickson - no problem with the conditions of approval.

Opposition: none

Bill DeJager made motion to approve the application, Claudia Frace seconded. All in favor motion carried.

MO 17-11 - Modification of Prior Approval

No ex parte declared.

Deborah Jacob presented the staff report.

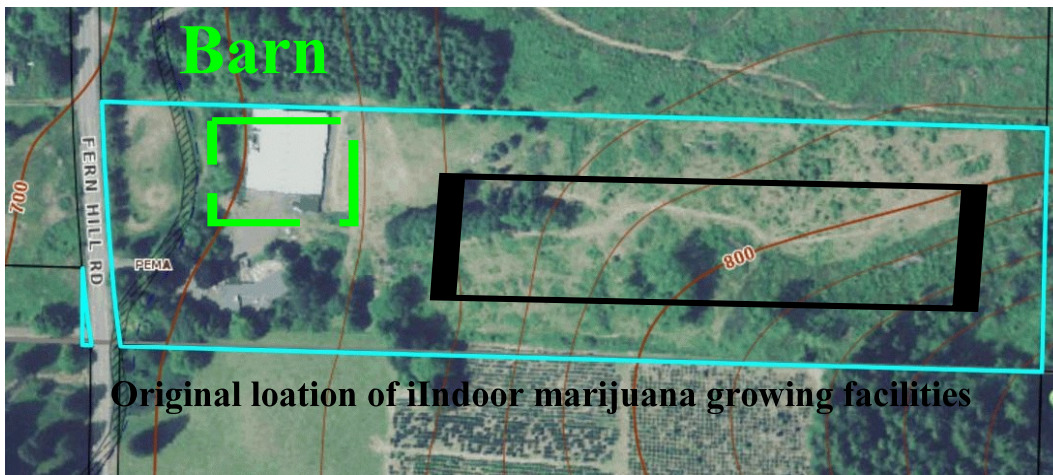
**REQUEST:**

Modification of MO 17-11 that will allow the applicant to relocate his proposed indoor marijuana operation to his existing structurally modified barn rather than inside 3 new structures in the site's central portion

**Background:**

At their June 5, 2017 public hearing, the Planning Commission approved with conditions Brian Lund's indoor marijuana growing operation presented for MO 17-11. The June 6, 2017 signed Final Order for MO 17-11 is valid for 4 years. This approval authorized the applicants to construct (with permits) three (3) new indoor marijuana structures in the central portion of the ~10 acre site, at the top of an ~60' plateau, and at least 100' from all property lines consistent with the minimum siting provisions in Section 1803.2( C) of the Zoning Ordinance. This approved indoor marijuana operation did not authorize any marijuana related uses of the site's existing detached 106' by 84' ( 8, 904 square foot) barn located in the western portion of the site.

**Aerial view of 9.77 acre PF-80 zoned subject property and original location of indoor growing facilities -  
at least 100' from all property lines**



On September 25, 2017, Land Development Services (LDS) received the applicant's application requesting the Planning Commission to Modify Previously Approved MO 17-11 due to the cost prohibitive nature of installing improvements related to fire apparatus access and fire-flow as well as for extension of utility services to the central portion of the site. These modifications include:

1. Moving the location of the new indoor marijuana growing facilities to the existing detached barn,



2. Changing the Occupancy and structurally modifying this barn to comply with both the provisions of the Oregon Structural Speciality and Fire Codes as well as the required 100' property line setbacks for indoor marijuana production facilities, and
3. Limiting all future outdoor marijuana growing on the site to only areas that are at least 100' away from all property lines.

The documentation, verifies LDS' October 8, 1989 approval of the existing barn's construction for agricultural uses only. This approval also prohibits "the change in use of this structure from agricultural to a more restrictive use without first obtaining building permits." This submitted modification does not request or authorize the applicant to use any portion of the existing residence for marijuana production activities.

Deborah preceded to review Section 504, Authorized uses in the Primary Forest(PF-80) Zone, Section 1803 Marijuana Land Uses, Section 508 General Review Standards and Section 509, Approval Period for PF-80 Uses.

The revised site plan submitted with this modification request are all related to relocating the proposed indoor marijuana growing operation from the site's plateau (in its central portion) and into the existing barn that will need to be structurally modified and certified for its new use as an indoor marijuana production facility. Specifically, the siting provisions in Section 1803.2© prohibit the barn from being used for marijuana production since it is not 100' away from the north property line. The applicant proposes these two options for structurally modifying the existing ~9,000 sq ft barn in order to rectify its existing location and agricultural use restrictions:

Option 1 - An engineered installation of a permanent "firewall" (including a backwrap) in the barn that will "partition" it into two portions and prevent fire from spreading between each portion. This firewall will be located 100' from the north property line and partition the barn into a "north" and "south" portion.

The new northern portion will not be used for any marijuana related activities since it will still have the location and use restrictions of Section 1803.2© as well as those of the Oregon Building and Fire Codes. This partitioning at the 100' distance from the north property line however, is intended to allow the southern portion to be used for indoor marijuana production uses provided all structural modifications for the Change in Occupancy are approved by the county for compliance with the minimal applicable provisions of the Oregon Structural Speciality and Fire Codes. The applicant also states that this option will be more cost effective for him than Option 2.

Option 2 - Also an engineered separation of the barn - at 100 feet from the north property line - but this separation will include 12 feet of open space separating both structures. Similar to Option 1, the separate north barn will not be used for marijuana production activities while the separate south barn can be authorized as such provided all structural modifications for its

required a change in occupancy are reviewed by the county for compliance for the minimum applicable provisions of the Oregon Structural Speciality and Fire Codes.

Both Options will also include the applicant agreeing to install an air filtration system for the southern portion or separate barn where marijuana will be grown. He states he will *“install best quality carbon filter systems that will greatly reduce any marijuana odors coming from the completely enclosed structure.”*

The applicant states that relocating the indoor grow into the structurally modified barn will also considerably reduce the size of the proposed indoor grow. The original indoor marijuana grow was for approximately 10,000 square feet within 3 structures, whereas this modification, if approved, will be closer to 3,500 square feet, a 65% reduction. This relocation to and new uses of the southern barn will also be required to meet the applicable minimum provisions of the Oregon Fire Code related to fire apparatus access and fire flow for its new use.

Staff recommends approval based on the findings, criteria's and conditions.

Linda Hooper referenced the 2 options and wanted to clarify that a firewall or split in the barn would be necessary. Staff is recommending splitting the barn would be better for meeting codes. There will be two structures with the use of one, its better to have use of a complete structure rather than a portion of one building. Claudia Frace wanted to express that it is the applicants choice.

In Favor:

Brian Lund. The subject for discussions is the 100' setback. Currently working with an engineer to keep one building and putting a solid wall in between the two to make two, the fire wall would be at the 100' set back location. Economical barriers have to be considered..

Linda Hooper wanted to know what would happen to the strength of the structure if the building was cut out. Brian explained that if that was the choice taken the structure would be solid by taking off the roof, making a new one and adding a wall. Additional supports would also be added. Brian prefers to put in the firewall. Claudia Frace wanted clarification from Brian that only one set of fire walls is needed and Brian confirmed that is all that was needed. The barn is 108 feet long and 84 feet wide. They will come into the building 65 feet to get the 100 foot setback and that is with the firewall being intact. The barn will have a separate entry and will meet all OLCC requirements.

No opposition.

Discussion. The planning commission is leaning to option 2, two buildings.

Bill DeJager made a motion to approve this application and Shaun Stewart seconded. Motion carried.

TA 17-02

Slight overview was discussed and Bill DeJager moved to include that RR-5 be treated like RR-2 and not allow marijuana to be grown in the RR-5 zone, planning amendments, refer AI zone to the Board of Commissioners. Consider what was presented by staff. Shaun Stewart seconded. The vote was 3 yea and 1 no

Meeting adjourned 9:21 p.m.