

The Independence City

INDEPENDENT

Cannabis Cropped: Residents Ring in New Regulation

By Anne Scheck

When a notice arrived months ago advising Melinda Short that marijuana might begin cropping up in greenhouses across the street from her, she decided to do just what the city said she could: review plans for the proposed cannabis facility at the Independence Civic Center.

A staff report was available there, along with “a copy of the application, documents and evidence submitted by the applicant, and applicable criteria,” according to the mailing. So Ms. Short went to city offices to look them over.

However, the information was nowhere to be found.

No one on hand at the city seemed able to retrieve the file, which contained the plans submitted by *Organic Investments*, a company in Salem. To give the staff more time to provide the documents, Ms. Short left, then returned a couple of days later. But they were still missing. A building official, Jeff Kennedy, who happened to be there, pulled out his copies.

“I was able to locate for her a site plan that included civil drawings for the project,” stated Mr. Kennedy, who

confirmed his on-the-spot assistance. “But it did not include a building floor plan or elevations with that set of drawings.”

Ms. Short found this “frustrating,” a reaction that nonetheless failed to stop her from researching the proposed project. She became one of the parties to appeal the city’s decision to approve the operation, which, once built, promises to be the largest single source of sales tax revenue in the city.

Last November, voters across Independence – like more than a hundred other Oregon communities – passed a city tax on retail recreational marijuana. Almost immediately business start-ups kicked into high gear, as towns became more hospitable to marijuana. By the first week in January, the state’s retail-marijuana regulatory system had issued nearly 800 new licenses; By the end of May, another 2,600 had license submissions at the Oregon Liquor Control Commission.

The “green rush,” as it was dubbed by state media, began months

Continued on page 2

Continued from Page 1

after local homeowners -- from three different neighborhoods along Stryker Road -- had already begun attempting to work with the city on marijuana regulations. It had become clear that a prime parcel for a new marijuana-grow business was targeted for the east side of Stryker, near the intersection of Skyraider Drive.

A representative of *Organic Investments*, Mark Jennings, had held a forum-style meeting in a converted hangar near the airport to explain how it would fit into the city's industrial zone. Accompanied by the city's Community Planning Director, Mike Danko, Mr. Jennings shared plans for a cannabis-oil processing plant on the property -- plans that, until much later, didn't appear to include the nearly 28,000 square feet of greenhouses.

Concerns about potential odor, noise and traffic at the proposed grow-and-processing operation were raised by residents in the cul-de-sac of Kbel Yliniemi, which abuts the site, as well as by those who live in the 220-home airpark. Almost immediately, buffer zones were requested by residents, to protect surrounding neighborhoods. Just as swiftly, this idea was rejected as legally risky by the city's consulting attorney, Lauren Sommers (see inserted "green sheet" for editorial by Ms. Short).

"The city paid no attention until 60 or 70 concerned citizens from those neighborhoods started showing up to council and planning commission meetings," said Gary Van Horn, president of the Independence Airpark

Homeowners Association (IAHA), which filed appeals after the plan by *Organic Investments* was approved. Scores of residents began attending those meetings.

At one session in August, City Councilor Marilyn Morton -- in a statement that proved both accurate and predictive -- observed that the "airpark has shown tenacity and diligence." In fact, the homeowners had hired a lawyer and hunkered down for a long-haul fight.

Though their appeals to the Planning Commission and the City Council were denied, the hearings highlighted apparent lapses, including the fact that an odor-control misting system for the facility by *Organic Investments* couldn't be described in detail by either the city staff or Mr. Jennings. A city councilor who apparently read up on it noted in a later meeting that the spray in question emits a "bubble gum" scent.

Distrust of the city increased, due to the "slow responsiveness" by city staff and an "unnecessarily contentious and adversarial approach," according to IAHA's Mr. Van Horn. For example, airpark resident Bruce Patton, a retired civil engineer, repeatedly pointed out that the noise standards seemed inadequate. When his science-based critique seemed to be having little effect at public hearings, Mr. Patton simply asked that city officials find the "courage" to tackle the problem.

In the end, both the City Council and the Planning Commission seemed to do that. The city approved new
Continued on page 3

Continued from Page 2

conditions, from carbon filters for reducing odor to sound measurements aimed at finding a reasonable noise level. The design changes also got the stamp of approval by *Organic Investments*.

However, it was the buffer zones that appeared to illustrate the most stunning reversal. Months after proclaiming any buffers at all might invite a lawsuit, both the Planning Commission and the City Council voted to require 250-foot buffers between residential areas and new marijuana industry.


By the time the unanimous buffer decisions were reached this past month, Mr. Danko's retirement had been announced and attorney Lauren Sommers had departed the law firm under contract with the city. The new restriction won't affect *Organic Investments* -- unless the airpark homeowners continue successfully with an appeal. As *The Independent* went to press, a ballot was being emailed across the airpark asking residents to vote "yes" or "no" before proceeding to the next step, the Land Use Board of Appeals. "I say damn the torpedoes, full speed ahead," said Victoria Kruljac, an airpark resident who has played an active role in advocating for the airpark.

Mr. Jennings and the attorney for *Organic Investments*, Ross Day, were queried by email

for their opinion about whether or how the process might have gone more smoothly. No response was received.

However, David Clyne, Independence's city manager, called the question "complex." The industry was "newly legalized" when this began, he pointed out. And there is no way to be certain the original *Organic Investments* plan -- a small plant focused on oils production -- would have been more acceptable to residents, either. And any business, regardless of whether it involves marijuana, has a duty to investors to be the most successful venture possible.


In the end, Mr. Clyne voiced appreciation to the residents. Gesturing to them just before the buffer-zone motion was introduced at a recent City Council meeting, he noted that attendees "had been here from the get-go." Turning toward them, he added: "Thank you for educating us." The nearly year-long process was "strange and stressful," he acknowledged. "But we are in a different place today."

After the motion for the 250-foot buffers passed, the crowd of mostly airpark residents hesitantly applauded. "It's okay," Mayor McArdle told them. "You can clap." Stronger applause and cheering followed.  **WAS**

Disclosure: The publisher of *The Independent* lives on Stryker. Her son is a planning commissioner. She is neutral on marijuana. Before *The Independent* was launched, she was in a citizen-city group that examined code changes for the industrial zone. She is grateful to elected officials and city staff for their availability for coverage of this article. -- *Anne Scheck*

The CIVICS LESSON:

Better State Budget Balancing Thanks to Oregon's Kicker


The state is on track to be able to give a “kicker payment” this year. That’s a tax credit to its citizens. But it serves another purpose, too. Oregon is the only state to have one – and, as a result, it’s the state most likely to have a highly accurate economic forecasting. Why? “The kicker gives us a consequence,” said Paul Warner, legislative revenue officer for the State of Oregon. It helps prevent over-optimistic revenue predictions. After all, state leaders don’t want to raise false hopes for a rebate to taxpayers. With a “kicker,” predicted expenditures and estimated revenue are cautiously calculated, resulting in a relatively “unbiased estimate,” he said. Other states can more easily fall prey to “low-balling,” Mr. Warner explained. --  AS

The INDY HOP:

It's Not A Bird. It's Not A plane. It's A Superhero -- a Local Electric Car

It isn’t faster than a speeding bullet -- but when bright sun hits this slick silver car, it kinda looks like a king-sized one. It isn’t faster than a locomotive, but inner technology makes it a whole lot smarter. Nor is it able to leap tall buildings with a single bound. If it did, it would be driven by the likes of that cartoon character George Jetson, instead of the real-life Denny Jackson, proud owner of a Tesla.

“Yeah, it's totally cool,” said Mr. Jackson, who lives in Independence. He isn’t the first to drive an electric car in in the city, but he may be most enthusiastic. “It's cool being on the leading edge, an early adopter of this technology,” he said. Doors on the vehicle open out like falcon wings; The car can drive itself, though he still needs to keep his hands on that steering wheel, Mr. Jackson stressed. If he doesn't, he'll get a reprimand from “Tessie,” his nickname for his Model X Tesla. A white warning light will flash to remind him where those fingers belong. If that doesn't work, a steady beep will start. If he still doesn't comply, the car will simply cease operation. “So if you fall asleep at the wheel, you'll come to a stop,” he said.

The road-reading ability allows it to keep a safe distance from other cars, too. And it needs “no gas, no water, no oil, no transmission fluid,” Mr. Jackson pointed out. Still, it isn’t such an impressive auto to everyone. Joe Franko, who owns one of the busiest gas stations in the area, said he doesn’t think these electric automobiles will put much of a dent in his business on Highway 99. “I really don’t feel threatened by this at all,” Mr. Franko said. --  AS