

## The LINKING LETTER

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By Anne Scheck

### MARIJUANA HEARING: Conditions on Stryker Road Location Under Deliberation

A marijuana grow-and-processing facility that has been the subject of three different appeals, two public hearings and dozens of personal testimonials ended on a conciliatory note Tuesday night as the City Council agreed to consider how new conditions could be added for the operation. Final deliberations are scheduled for 6:15 pm, Wednesday, April 5.

About 60 people attended the Independence City Council hearing after an appeal was filed Monday on behalf of airport homeowners who have expressed environmental concerns – largely noise and odor – on a marijuana operation slated for Stryker Road. The meeting was moved from council chambers to the basement event rooms of the Civic Center to accommodate the crowd.

The hearing concluded with councilors asking about how new conditions, such as noise monitoring, could be included for the facility, which will encompass nearly 28,000 square feet of greenhouses. This line of inquiry – mostly by Councilors Marilyn Morton, Tom Takacs and Ken Day -- was made at points during the proceeding, despite insistence from both city staff and the applicant's lawyer that the grow space constitutes agricultural use and, as a result, is exempt from any noise limits.

“We are only talking about fans – 12 fans – in the greenhouses,” explained Ross Day, a Portland-based attorney who spoke on behalf of *Organic Investments LLC*, which submitted a site plan approved conditionally by the Independence Planning Commission earlier this month. Later, when asked if *Organic Investments* would comply with standards for noise set forth by the Oregon Department of Environmental Quality (DEQ), Mr. Day said he could not stipulate about that with regard to the greenhouses, without conferring with his clients. “It is our position that agricultural (designation) makes it exempt,” he said, adding that he expected it “would meet DEQ codes anyway.” (Mr. Day is no relation to Councilor Day).

Mr. Day's comments drew vocal objections from the audience, prompting him to observe that “people back here are not acting like adults.” However, Bruce Patton, who also filed an appeal after the commission hearing, questioned why fans

shouldn't be included in the noise measurement. "What is so scary?" he asked. He also raised the issue of enforcement in odor abatement, which he said is unclear. "If I start smelling dead skunk I don't want to have to be looking for the right phone number" to call, he said.

The hearing also presented an opportunity for some residents to vent their frustration. The city's conduct toward neighbors was "dodging your responsibility," asserted Melinda Short, who previously filed an appeal that went before the Planning Commission. "I never got to see the file on this" before paying \$200 to submit an appeal, she said, adding that the process should be "open, public and fair to both sides." Ms. Short was loudly applauded as she returned to her seat.

Several airpark residents complained that the city failed to follow proper procedures in holding the hearings -- by imposing limits on those who appealed the marijuana operation that weren't applied to proponents of it. Evidence of this sentiment seemed to increase after Mark Jennings, the authorized agent for *Organic Investments*, publicly thanked the city staff for its time over the past year to "make this happen." Later, resident David Thiel countered: "I am really disappointed in the city's enthusiastic embrace" of the applicant. However, near the close of the hearing, Gary Van Horn told councilors that "all we are really concerned with is peaceful co-existence."

The attorney for the airpark homeowners, J. Michael Keane of GHR in Salem, noted that in the city's industrial zone -- where the site is located -- controls can be implemented on uses that are "offensive to the community." It's true that conditions can be imposed if they are not unlawful, said Joey Shearer, the city's planning consultant. However, the issues need to be guided "by the development code we have, not the one we may wish we had or the one we may have in the future," he said.

The councilors will hold their deliberations a week from today.

**Please note:** *The meeting on April 5 will not be a hearing; No new testimony will be taken.*

**Disclosure:** *The author of this article lives on Stryker Road, only a few blocks away from site.*

**PIN REPORT: Independence Outdoor Markets Return This Saturday**  
Public Interest News

This Saturday, April 1st, marks the springtime opening of the *Independence Riverview Market*, at Riverview Park, and the *Independence Farmers Market*, in the Umpqua Bank parking lot. Open at 9 am; Closing 2 pm.

**DATE-T0-NOTE:** This Monday, April 3, the Independence Planning Commission (7 pm at the Civic Center) will hold a hearing on proposed land-use regulations regulating marijuana businesses in the city.

**MORE IN-DEPTH COVERAGE OF LOCAL MARIJUANA ISSUES** are in *The Independent*, available beginning April 1. Pick up a copy at the Ovenbird Bakery, The Golden Horse Restaurant, Elite Cleaners (all downtown) or The Starduster, at the airport.