

## **The Linking Letter**

A City Briefing by Anne Scheck to readers in Independence, Oregon

Vol. 4, issue 1; Sept. 19, 2016 --*Let me know if you don't want to receive this!*--

*Preface:* Site-planning applications to Independence have begun for cannabis-processing operations backed by investors who want to locate the facilities in an industrial zone along Stryker Road. The state -- then the city -- will receive taxes from such developments if they go forward, and local revenue is earmarked for law enforcement. The proposals have met with strong objections from neighbors, both because of the possible impact of noise, emissions and traffic, and due to residential concerns that there are no locally enacted marijuana regulations.

### **Question: What is the status of marijuana law in the city?**

Several citizens asked the Independence City Council at its most recent meeting to place a moratorium on a proposed marijuana-processing plant until regulations can be enacted -- but a temporary ban cannot be declared because the "window of opportunity" for it has expired, according to the city's consulting attorney.

"This option is not available," explained attorney Lauren Sommers, who has been hired by the city to assist city councilors and planners in interpreting provisions of Measure 91, often referred to as Oregon's "marijuana law." She explained that although the city is in the throes of discussing how to proceed with such regulations, any restrictions that might be adopted are unlikely to affect pending projects.

At the time Measure 91 became law last year, cities ranging from Aurora to Keizer wrote their own regulations on marijuana -- but Independence didn't follow suit at that time, citing state rules as a satisfactory guide.

A town-wide vote this November could have been held, but the deadline for election filings has passed, closing that alternative, Ms. Sommers said. Since then, city councilors and staff have decided that local regulations deserve consideration and, as a result, they have been discussed at a recent City Council "work session."

Nonetheless, industrial projects related to marijuana that are currently under review by city staff cannot be the subject of such discussions, Ms. Sommers warned. "You need to maintain your neutrality," she advised the council, observing that current proposals may be appealed, if approved.

During public testimony, several residents stressed that they want the city to hold off on approval until more regulations are in place. "I would hope you guys would think about it in terms of unintended consequences," said resident Gary Van Horn, echoing the words of a former speaker, resident Gary Brown. Mr. Brown had cautioned it would be premature to move ahead without exploring outcomes that could occur beyond new business and tax revenue.

Mr. Van Horn, who had prepared a list of concerns about possible complications, was cut short by Mayor John McArdle "in the interest of time." A speaker with a current marijuana land-use proposal told councilors: "I moved here for this commercial business." The speaker, who identified himself as Matthew Danen,

explained that he had relocated from Green Bay, Wisconsin, for the opportunity to start a marijuana-related business.

Independence is the perfect place for it, he said in an interview outside the meeting. "And if you go to the 'Oregon-dot-gov' website, you can see that," Mr. Danen added. Many other city regulations pertaining to marijuana are listed at the website, but Independence zoning is considered consistent with a marijuana-processing business, he said. To decline his intended investment in the city's industrial zone would be unfair when it's allowed under the current development code, he asserted.

The matter could be appealed to the planning commission, according to Ms. Sommers. However, two other appeal processes – one through the state's Department of Consumer & Business Services, the other through the state's Land Use Board of Appeals – could be done at different junctures in the development process, depending on the allegation, according to state personnel. —end—

Editorial -----

*Thank you, everyone, who has requested a "Linking Letter" over the past year. Your numbers have grown. In fact, they have grown so much that a small and primitive monthly newspaper, **The Independent**, soon will be available at two local merchants. In this "Linking Letter" you should know I live near the site for the proposed marijuana facility – and I presented a list of questions to the City Council last April on behalf of our homeowners group. In the future, I will also disclose any possible basis for bias in every issue. I pledge to follow my longtime code, a briefer version of the one by the Society of Professional Journalists.*