CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street
Monday January 27, 2014
5:15 p.m.

MINUTES

Planning Commissioners present:	Dala Rouse, Larry Tomlin, Roger Phillips, Dan Sullivan, Danon Kroessin, Cordell Post, Sue Goodman, Kristin Richardson, Lolly Gibbs
Staff present:	David Martineau, Lead Current Planner; Mark W. Shepard, P.E., Public Works Director and Community Development Director; Edene Rice, Administrative Assistant; Sean Kidd, Deputy City Attorney
Others present:	Approximately 75 in the audience

CALL TO ORDER

Chair Tomlin called the meeting to order at 5:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

COMMENTS FROM THE PUBLIC: A comment from the public was brought up that it was difficult accessing the building due to physical limitations.

Proposed Zone Change: **DC-04-13-** Amendment to ADC 1.050 to clarify consistency requirements with regard to applicable state and federal laws governing the manufacture, distribution, dispensation, or possession of any controlled substance by adding the following statement: "No parcel of land or structure may be used for, or in conjunction with, an activity that violates any state or federal law prohibiting the manufacture, distribution, dispensation, or possession of any controlled substance as that term is defined at 21 USC section 802."

Vice Chair Tomlin asked the Planning Commission if they would like to consider keeping public testimonies to 5 minutes or less. Discussion took place. Rouse then made the motion to keep all public testimony to 5 minutes or less. Kroessin seconded it, motion passed 9-0.

Vice Chair Tomlin reviewed the public hearing rules of conduct.

Vice Chair Tomlin opened the public hearing at 5:20 p.m.

DECLARATIONS: None

STAFF REPORT:
The Staff Report was presented by David Martineau, Lead Current Planner (See Agenda File).

QUESTIONS OF STAFF:
Richardson asked if compliance was for both state and federal laws and Martineau confirmed that it was for both,

Post asked if medical marijuana dispensaries were already illegal under the code and Martineau said that yes it is but that clarification needs to be added to the existing code.

Sullivan asked for clarification for state law. Martineau said that the state law goes into effect 3/1/2014 through an application process. Sullivan asked if under state law medical marijuana dispensaries could be allowed if the states criteria were met and Martineau said yes that is correct.

PUBLIC TESTIMONY IN FAVOR :

Robert Hayes, 1117 SE Jackson St, Albany - Representative and President for the Albany Police Association Teamsters Local 223, Chair for the State of Oregon DUII Multi Disciplinary Training Task Force. Areas of concern are Burglary and Driving Impaired Under the Influence of Marijuana

Sullivan asked if statistical data available to differentiate between arrests made from marijuana purchased at a dispensary or off the street or taking it recreationally compared to medicinally. Hayes said that just recently there has been some statistics taken for those who have been arrested and had a medical marijuana card.

Doug Marteeny – Linn County District Attorney, 1310 Broadway St, Albany – Urged the Planning Commission to approve the amendment code. Voters in this county have overwhelming rejected the dispensaries.

Kroessin questioned if there are not any dispensaries here in town where will people go? Marteeny replied they can either grow it themselves or can travel to other cities.

Ross Wootan 2903 Oak St SE, Albany– Handout Drug Facts: Is Marijuana Medicine? & Marijuana Fact Sheet. (See Agenda File) in summary doesn't think there is enough support to show that it is medicinal.

PUBLIC TESTIMONY OPPOSED:

Brandon Quinn , 1281 Cleveland Ave NE., Albany – This time there will be more money backing the initiative, feels that this process is a waste of taxpayer money.

Ramiro Perez, 626 35th Ave, Albany – Stated his personal use of medical marijuana has been better than prescribed medications.

Rolan Smith 3133 Northshore Dr, Albany – Doesn't personally use cannabis but has a family member that does and sees the benefits of it. Thinks the Planning Commission is cutting off a medical need in the community and that this proposal won't change anything.

Bridgett Woodstock, 1540 Vine St, Albany – Has been a medical marijuana patient for 3 years and doesn't want to have to leave the community to purchase it.

Michael Dee, 927 20th Ave SW, Albany – A medical marijuana user, also a home owner and a grower, thinks this language would make his home garden illegal. Illegal users already have their avenues for getting marijuana; this is an avenue for medical patients. Rouse asked if Dee smoked the marijuana, he said no that he vaporized it.

Samantha Caldwell, 6140 Lanier St, Albany - Is a current medical marijuana user for the 3 years, said that she doesn't think there is an issue with drug dealing from the medical marijuana businesses.

Susie Valentine, 415 Madison St SE, Albany – Current user for several years due to injuries and feels that supplies should be available to her nearby. Rouse asked if the Doctor treating her was the regular Doctor that prescribes OMMP, Valentine said that originally she had to go to a different Doctor. Richardson asked if she goes to the dispensary and then takes it home to smoke it. Valentine said yes that's correct. Kroessin asked if the dispensaries were brick and mortar building and Valentine said yes.

Elizabeth Buchert, 3096 SE 24th Ave, Albany – Has extenuating medical reasons for her OMMP card. Upset she would be unable to get her medication in town. Stated that it doesn't make any sense to take medication away from people who have done nothing wrong. Rouse then asked if she was employed and Buchert said she is not allowed to work now.

RECESS: 6:17 p.m.

HEARING RESUMED: 6:30 p.m.

Rea Graham, 2300 Ferry St, Albany – Passed around a handout (See Agenda File) - gave testimony about different cancer patients and being able to help almost 200 people. Would like to ask the City Council to reconsider their stance on eliminating OMMP dispensaries. Richardson asked how her business would operate under the new amendment; Graham said the new amendment would put her out of business. Philips asked what different forms of cannabis did she provide, Graham replied everything from baked goods to oils. Goodman asked if there was any crime or an increase of crime in her area, Graham said no. Gibbs asked how the quality can be controlled, Graham replied that patients bring in their product and she processes it into different products that are smokeless. Richardson asked why she makes cannabis into smokeless products and Graham replied because smoking is harmful and most people prefer it in other forms.

Karen Chambers, 34702 College Loop, Albany – Testified that cannabis gave her nephew relief from his illness.

Corwin Brown, 448 Churchill Downs, Albany – People should have the right to choose to purchase cannabis in Albany and not have to drive to Salem.

Debbie Wilson, 2945 Shortridge Place, Albany - Brain injury survivor and says that cannabis has enabled her to be seizure free for the last 3 years. Feels that education and awareness on this subject is lacking.

Greg Bechtel 978 Ferry St SW, Albany – Handout (See Agenda File) and power point of the history of cannabis legislation & important links – Bechtel read through the power point.

Kroessin asked about the dispensaries being nonprofit, Bechtel said that his is not for profit. Kroessin asked if for profits will be allowed, Bechtel said yes through an LLC. Kroessin asked if someone has a Medical Marijuana Card do they hand it over to a grower; Bechtel said that they connect card holders with credible growers,

Philips asked if all of this was financed through gifts and Bechtel said yes all through gifts. Bechtel said that in March with the change in laws it will allow him to charge for his expenses, right now he doesn't always meet expenses. Philips asked if the marijuana has a shelf life and Bechtel said he doesn't really know because his supplies go out within a week. Bechtel said that in March the new state law mandates that all medical marijuana will have to be tested for mold and mites. Bechtel emphasized that they don't sell anything, but in March they will be able to be reimbursed so that they can meet expenses.

Richardson asked what happens if someone without a medical marijuana card comes in. Bechtel said that it happens often and said they make it very clear that it has to be for a medical reason.

Sullivan asked if law enforcement had ever been to his place of business due to violence and Bechtel said that yes but not due to violence. Previous dispensary was out of his apartment which was not a secure location and this is why he wants to be in a commercial building.

Lacey Purkey, 132 Hill St, Albany - Questioned the increase of DUI arrests that involved marijuana use.

Jerry Copeland, 1030 23rd Ave SE, Albany – As a concerned citizen feels this proposed land use law is picking on a small group of citizens.

Ross Broeffle, 2920 Railroad St SE, Albany- Concerned about the land use issue as a grower.

Jason Knapp, 1214 30th Ave, Albany – Doesn't want have to purchase medical marijuana from people he doesn't know, doesn't want to go to a strangers house that may have other drugs there as well.

George Wellman, 3746 Tudor Way, Albany – Feels that the city is trying to take his rights away. Scared of this law and will be forced to move.

Paula Hinkle, 622 27th Ave, Albany - Current card holder and cancer patient has a problem with the amendment.

Bonnie Wilkins, 1010 14th Ave SW, Albany – Medical Marijuana helps her manage her pain. Her mom currently has diabetes and the RSO helps her to be able to manage some of her medical issues and keep food down.

Richardson asked Wilkins what RSO is and Wilkins said it's a derivative from the plant, it's an oil that can be put on something that her mom can eat and it will give her an appetite.

Evelyn Broeffle, 2920 Railroad St SE, Albany - Feels that the development code change signifies fear, and that medical marijuana card holders and growers are not welcome in Albany.

HEARING CLOSED: 7:50 p.m.

Discussion took place about the motions and procedures.

MOTION:

Post moved that the Planning Commission deny the proposed amendment to Article 1 of the Albany Development Code as presented in planning file DC-04-13. Gibbs seconded the motion. A vote was taken the motion passed 9-0, all in favor.

OTHER BUSINESS:

Post moved to nominate Tomlin as chair of the Planning Commission and Rouse as Vice Chair. Kroessin seconded. A vote was taken, the motion passed 9-0, all in favor.

Rouse moved to reappoint the existing Hearings Board members. Richardson seconded. A vote was taken, the motion passed 9-0, all in favor. Hearings Board members are Post, Rouse and Gibbs with Tomlin as an alternate.

UPDATES:

Tomlin asked about any updates from Lowes and Shepard said nothing has been submitted

NEXT MEETING: February 3, 2014

Hearing no further business, Commissioner Tomlin adjourned the meeting at 8:11 p.m.

Submitted by	Reviewed by
Signature on File	*Signature on File*
Edene Rice Administrative Assistant	David Martineau Lead Current Planner