

LAND USE HEARING – Benjamin Runyon
Monday, April 6, 2020 at 9:00 a.m.
Anne Basker Auditorium, 600 NW Sixth Street, Grants Pass, OR 97526

Present: Darin J. Fowler, Chair; and Daniel E. DeYoung, Vice-Chair; (Lily N. Morgan, Commissioner participated via phone); Wendy Watkins, Recorder

These are meeting minutes only. Only text enclosed in quotation marks reports a speaker's exact words.

Pursuant to notice through the media and in conformance with the Public Meeting Law, Darin J. Fowler, Chair, called the meeting to order at 9:00 a.m. Items discussed were as follows:

1. **LAND USE HEARING:** *(Hearings are conducted in accordance with Josephine County Land Use Hearing Rules as they apply to Remand Hearings, a copy of which is available from the Recorder.)*

Continued appeal to the Board of County Commissioners of the Community Development Director's decision to deny a Determination of Non-Conforming Use (marijuana production facility) located at 4327 Leonard Road; Josephine County Assessor's records as Map: 36-06-21-A0, Tax Lot (TL) 2400. The property owner is Benjamin Runyon. (First hearing was held on February 3, 2020)

James Black, Deputy Planning Director, mentioned testimony was heard from both sides and the oral arguments were closed on February 3, 2020. The record was kept open for written comments until February 14, 2020, another seven days for rebuttal evidence which closed on February 21, 2020 and another seven days after that to provide final arguments. The applicant was able to submit closing arguments. Mr. Black said there was a question about the application being held against a site plan review criteria and Mr. Day submitted evidence contesting that requirement. After consulting Legal Counsel and the Community Development Director, staff has agreed that the site plan review criteria is not appropriate for this application. Staff recommends the Board of Commissioners approve this application given the evidence in the record.

Commissioner Morgan said this is a tough one because there were so many neighbor concerns and negative impacts to the neighborhood, but believes the Runyon's meet the non-conforming use.

Commissioner DeYoung mentioned Mr. Runyon stated his intention is to be a good neighbor and to not cause problems. Commissioner DeYoung said this operation was established before the County's 2018 Ordinance came into play and this grow was allowed a Land Use Compatibility Statement (LUCS) for recreational marijuana.

Commissioner Fowler said he would like the Planning Department to help get this property into compliance as far as buildings, running generators, traffic and to be a good neighbor. Commissioner Fowler said he believes LUBA will hear their appeal if we try and shut them down since they are non-conforming use.

Commissioner DeYoung made a motion to approve the appeal to the Board of County Commissioners of the Community Development Director's decision to deny a Determination of Non-Conforming Use (marijuana production facility) located at 4327 Leonard Road; Josephine County Assessor's records as Map: 36-06-21-A0, Tax Lot (TL) 2400. The property owner is Benjamin Runyon, seconded by Commissioner Morgan. Upon roll call vote, motion passed 3-0; Commissioner Morgan – yes, Commissioner DeYoung – yes and Commissioner Fowler – yes.

Meeting adjourned at 9:25 a.m.