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Photo by Kathleen Wenzel

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Dunes City from 1A

the soil, raising crops, horticulture, small livestock farming, dairying and/or animal husbandry, and the raising of Christmas trees.”

The attorney’s letter went on to state, “Raising marijuana — a crop — is ‘agriculture’ under the city’s code and is therefore outright permitted use on my client’s property. And determination by the city to the contrary would ignore the plain language of the city’s development code.”

According to the Oregon Department of Agriculture, cannabis is considered an agricultural crop. Dunes City Code does not specifically negate this.

Opponents to the grow sites have pointed to the Dunes City Comprehensive plan which states, “Dunes City is primarily a rural residential and recreational community. Agricultural activity is secondary in nature and is usually restricted to small animals, horses and family gardens.”

While the plan does put emphasis on “family gardens,” it gives ample leeway to interpretation with phrases like “secondary in nature,” “primarily” and “such as.”

“What is ‘such as?’” asked Mills when asked about the rule. “It’s very vague, which is part of the problem with the comprehensive plan. It needs to be updated so it can have clear and objective opinions in it.”

The question then leads to if the commercial aspect. The grows are located in a residentially zoned area, so why would a commercial grow site be allowed?

Policy G4 of the Comprehensive Plan states, “Minor economic activities, such as home occupations, will be permitted if they are not harmful to air, water or land quality, and if they are not potential nuisances to neighboring uses. Dunes City does not seek industries to locate in the city.”

“Minor economic activities” does not give any direction to the scope of the occupation, whether it be large or small.

“It seems to be ‘commercial’ is the word that everybody is hung up on,” Mills said. “And I can understand why they’re hung up on it. Commercial shouldn’t be allowed in residential. If that’s the case, then we need to

change our code because our code encourages home occupations.”

Mills believed the vague laws were a primary force in allowing the LUCS, a sentiment the council agreed with.

“We haven’t looked at our codes for some time,” Forsythe said. “This is kind of a kick in the pants and we need to start updating this stuff anyway. I would have preferred it done in a different manner, but this does head us down that process.”

Another issue facing the city is the actual enforcement of these vague laws.

The LUCS requires current growers to comply with city nuisance laws, which are laid out in Ordinance 176.

The Siuslaw News did obtain one copy of a completed LUCS, which specifically goes over these concerns, stating the applicant must “be aware that Dunes City nuisance ordinances will be enforced.”

In an April 13 public Dunes City Council meeting, Cain-Mathis laid out her plans to avoid running afoul of the nuisance laws.

“We will have no odor issues because we filter grow sites with state of the art charcoal systems,” she said. “A charcoal system is placed on the exhaust.”

She also brought up her plans for safety concerns, including security cameras, an eight-foot fence and safes for cash on hand.

Ordinance 176 does give the public recourse if the marijuana growers do break any of the nuisance provisions.

The city will have the authority to review the site if a nuisance is reported to them. If the operations do not follow through on fixing the issues, legal action can be taken against them.

But what action can the city actually take?

Dunes City has no police force, instead relying on Lane County Sheriff’s Office, which can take up to four hours to arrive to a scene. The city also lacks its own court system, which has led to code violations being ignored by residents and problems continuing to exist.

“We need to link up with the court system, whether it be Florence or Lane County,” Forsythe said. “I think we need an IGA (intergovernmental agreement) with Florence Police Department.”

Nuisance would not be the

only negative affects the grows could have on the city. The public has brought up multiple objections to possible environmental issues the grows could create. For example, the LUCS informs growers that “no phosphorus-containing fertilizers or pesticides are permitted.”

In the April public meeting, Cain-Mathis gave an explanation as to her process in following that rule.

“We buy only pre-mixed soils,” she said. “We do not use manure in our grow sites. We only use state approved fertilizers and we only grow organic products. We do not want anybody buying any marijuana from any distributor that isn’t organic.”

She then explained that the plants themselves will create no waste, as the entire plant is processed, stem to follower.

One frequent concern for Dunes City residents has been the grows’ use of water, with one fear surrounding a well built on one of the properties. A one-pound marijuana plant typically needs one gallon of water per day. The fear was that the well would be used to water the crops and dry up the rest of the area.

The Cain-Mathis LUCS stated, “Water well is being placed on property for cultivating purposes, which meets Chapter 155 Zoning and Development site plan included (sic).”

The well is required by OLCC because each grow must have its own water supply.

Cain-Mathis contends that she will not be using the well water for the crops, instead using water shipped in from Eugene and stored in underground containers.

The LUCS required Cain-Mathis to provide a signed contract for that water delivery.

Some members of the public have suggested the LUCS negates this by tying well water to cultivating. However, the LUCS does not specifically say how much the well would be used for the grow site.

Even if the grow site did use the well, a survey found that it would have little impact on the surrounding area.

In a written statement read aloud at a Sept. 13 public meeting, Michael J. Thoma, PhD, a hydrogeologist for the Oregon Water Resource Department, concluded, “It is unlikely that

See DUNES CITY 8A

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