



Crook County Community Development Dept./Planning Division

June 9, 2020

300 NE 3rd. St. Prineville Oregon 97754

Opposition Comments- Regarding Lazarus, Parrish Lane CUP Application #217-20-000371-PLNG,

From: Frank and Marta Izo, 12609 SW Cornett Lp. Powell Butte Or. 97753

Dear Sirs:

The following is our statement in opposition to the second attempt in the last six months in our rural community to put EFU3 zoned farm use property to an industrial use for hemp extraction purposes.

We recently purchased a property and moved to Powell Butte, after 25+ years in Bend, because of livability concerns there, and congestion, and commercial and industrial development that infringed on our ability to enjoy quiet lives in retirement. We felt Powell Butte and it's EFU3 zoning offered us the opportunity to reside in a beautiful farming setting. We are now faced with multiple attempts by out the area owners to bypass the original intent of that zoning.

In the recent past, several owners have attempted to define EFU Farm use zoning in a way that allows them to put their property to an industrial use, most recently that of CBD oil extraction from hemp. We have spent many waking hours over the last six months researching and protesting this industrial encroachment which if allowed will continue to grow in scope and quantity and will degrade our livability standards, property values, community safety, and the character of this farming community. These industrial uses are being sought with industrial space zoned property and facilities already in place and available just a few miles away.

Rather than rewrite a new compilation of research materials, we are enclosing three past opposition statements that we prepared during the last 6 months for the planning commission, during their first hearing and debate on these issues. Much of our earlier research for safety and livability concerns, toxic and volatile chemical use and storage, traffic issues, criminal activity, improper county procedures, lack of vetting of the prior applicant, industrial zone use, etc.etc. are relevant and may apply to this second application as well.

In the interest of hoping you will read them and consider them, we have pointed to, in yellow marker, the information we feel is most pertinent. We also concur with Mr. and Mrs. Oberg's letter in opposition which we have read. Thank you for your consideration.

Frank Izo
Marta I. Izo

12/08/2019

EXHIBIT 1

From Frank and Marta Izo, concerning a Hemp processing proposal- Staff Report 217=19- 000987- PLNG Crook County.

1. We have moved to our residence at 12609 SW Cornett loop 3 years ago after living for 25 years on Bend's east side for the express desirable purposes that Mr Oberg enumerates on the first page of his notes. We join him and others in opposing the establishment of a hemp processing plant adjacent to private residence properties on Cornett Loop. Though our home appears on the first page of attachment B of the application and is on 6.7 acres, not the ten acres the application suggests, we were not considered or notified by the county of this proposal in advance of it's approval. An approval which it seems to us has now already tacitly been given by our thorough reading of it. We assume that's true because the attorney for the applicant says it should be so in her application, and our Crook County planning commission findings seem to agree with that attorney. Unfortunately for us, the county doesn't seem to value the input of people who will have to live near the facility if we're more than 751 feet from it's entrance. as opposed to an absentee owner from Aurora, OR. who is living many miles away from the mess he intends to create for us.
2. After we were finally made aware and were able to read a copy of the proposal today, Sunday December the 8th, it became apparent in our understanding of it, that the actual purpose of the facility is not to primarily process Crook County neighbors' hemp crops in order to help them with the agricultural costs of growing it, but rather to import hemp to Cornett Loop from anywhere in the state of Oregon and bring it to their facility to process in order to create a sizeable and profitable commercial venture for themselves. On the second page of the county findings it clearly states that according to Crook County Code 18.16.015, that the industrial hemp processed at the facility must be grown in Crook County Oregon. On other pages of the application it speaks of the hemp being brought in from other state areas , not in our county. There are several spots in the application written by the applicants attorney that completely ignore this important point. The applicant needs to explain where all this hemp is going to be arriving from? From inside our county or is it from elsewhere?
3. Noise, odors, environmental effects caused by chemicals, steam, or other processes are not effectively addressed at all by the attorney's statements. Those materials do not constitute a closed loop. The site proposed was used as a toxic waste dumping ground just a decade or so ago and the government ordered it cleaned up. Has it been done completely and what effect might new materials added to that old site's possible leftovers in ground cause? How does the noise of a tractor running have anything to do with an industrial site and unknown quantities of machinery running daily for 10

hours at a time. How is that a valid comparison to justify their "Noise is not a problem statement?" They need to demonstrate how loud 90 decibels of constant sound is and show professional proof that it is not harmful to human hearing. Our internet reading today of hearing loss causes make us believe that it may be the case that it is harmful. In any case rushing to the approval of many unproven points is not justified and should be slowed way down, so that claims by the applicant can be investigated and thoroughly vetted. The county should be professional in doing so!

4. What about the condition of Cornett Loop, an old county road, which is not really maintained at all. Today with present traffic, it can probably handle 7 or 8 new employees cars being added to an unknown number of old employees, but after this plant opens we will have many semi-tractor and trailer large trucks roaring down Cornett Loop daily. It is not capable of handling 55MPH speeds by any vehicle let alone semi-trailer trucks. We're still waiting to be re-imbursed for our mail box that the county snow plow took out last year slipping around at 40 mph. so they told us. Is the owner of this new facility going to have to put up a monetary bond to the county in order to keep this road passable and in good order? It's not a few extra automobiles but instead many daily tractor/trailer vehicles driven by unknown and unfamiliar drivers, none of them local, that is a major safety concern for the younger parents with children waiting for a bus, or the retirees like ourselves, who enjoy bicycling and walking along the road bed in this rural area.

5. Enough said. When we left Bend's East side it was solar farms that were the next big thing. They would bring down energy costs in Central Oregon. They would be well maintained with trees and 8 foot high fences blocking their unsightliness. No one would see them from the roads. They would bring jobs. Property values would not be affected. Next time you drive into Bend have a look on Neff road or along highway 20, or between Bend and Redmond on Highway 97. See if promises were kept. These hemp schemes are just more losing propositions which only hurt existing property owners valuations. If you don't believe, have a look at all the stock values of hemp or marijuana companies that have gone public recently and at the going prices for the Alfalfa that they replaced.

To be submitted respectfully to: Crook County Community Development Dept.

Frank and Marta Izo, 12609 SW Cornett Loop, Powell Butte, Or. 97753 541-223-8081

12/11/2019

Frank and Marta Izo

EXHIBIT 2

My name is Frank Izo. My wife and I are retired and own the home and property located at 12609 SW Cornett Loop. Our son Jeff, who is a 767 international air freight pilot for Amazon spends approximately 12 days a month living there with us and will also offer his thoughts.

On Sunday December 8th. we reviewed the Crook County Staff Report on an application for an outdoor Industrial Commercial processing plant to be used for the extraction of industrial hemp oil at 11311 SW Cornett Loop. That property is also zoned EFU-3, exclusive farm use. Using the scale provided by the applicant on his attachment 8, first page, we estimate the plant itself would be approximately 2000 feet from our back door. Even though our home and property are pictured on the applicant's own property view, the county did not notify us of any of this. Our review of the application was done during the night of Sunday December 8th. We obtained a copy of the County Staff report just the day before from our kind neighbors. Property owner's views on this matter would be accepted by the county no later than the next day, Monday December 9th? We digested the material included in the Staff Report. We made our notes on the multitude of information not included in the Staff report that the applicant bore the burden of having to prove in order to obtain a waiver to alter the present EFU zoning on his property. We submitted our statement absolutely objecting to the approval of an EFU waiver being granted and submitted it on Monday Dec. 9th. to the county.

We are aware that a portion of the applicant's parcel was previously used as a toxic waste dumping site a few years ago. With that as background and our own personal concerns, for the safety of ourselves and our neighbors, and for our ability to enjoy the lifestyle, beauty and peace that EFU zoning affords us, and for preserving our own property values, we visited applicany's site along with you folks this afternoon and we are here this evening to personally voice our serious objections to allowing an absentee owner to alter many years of long standing EFU zoning to build a chemical factory, a commercial for profit industrial plant literally amongst our residential homes and properties.

1. After this afternoon's visit, there are a number of things we have concluded. There is nothing in the Staff report which describes for the layman what it is that this plant is going to be doing every day and how? What chemicals and solvents does it use, how many interactions are there and what are they? What safety measures are included for staff and for us nearby? What emissions are there from this process and what waste materials are left and are they transported away or left here and how is it accomplished etc. along with many other questions we don't have the background to even ask? Where are the expert opinions offered by the applicant or countered by the county on this most important matter? Other than a few scary names of equipment and their open air placement on the property site, FLAME CENTRIFUGES, or SOLID WASTE TOASTER OVENS, the applicant offers nothing to further explain this plant's operation. My son Jeff will speak more to the methods of extracting industrial

hemp oil following my statement.

2. On the matter of noise and emissions. Emissions are omitted by saying the plant is a closed loop with more hand drawings by the applicant on his page E3. Prove it with actual expert opinions. We, in a short period of research on the subject, would beg to differ that it is a completely closed loop with no emissions. The noise levels created by this industrial plant are compared by the applicant to a farm tractor engine running. They offer as their proof another hand drawn chart with decible comparisons made to other small machinery and a shotgun going off. Are residents of Cornett Loop expected to believe these claims no questions asked?. None of us have ever heard what a plant like theirs actually does sound like or what constitutes 90 decibles, or if that is what it actually does produce. We can produce information that 60-70 decibles of non stop sound is harmful to human hearing, especially if they ignore their own unenforceable promises and run all their machinery 10-12-14 hours a day or more depending on their needs. What's to prevent working not 4 days a week but instead 6 or 7 days? Why are these folks abandoning their existing Grass Valley location? Have they encountered problems there and if so what are they? Due Diligence needs to be done by our county and much more time is needed in order to reach a valid decision that considers everyone's rights!

There are many other valid concerns that folks at this meeting have addressed for your consideration. The county needs to verify with absolute certainty the veracity of every claim this applicant makes in order to even consider changing long established EFU zoning rules for his benefit. Glaring Example of contradiction exists on the report itself- -- On one hand on page 2 of the application County Staff states a certainty "the industrial hemp processed at the facility will be grown in Crook County." Is that said to placate local Hemp growers? On the very next page of the application County Staff states "this proposal is for processing an agricultural crop grown in the state of Oregon" WHICH IS IT! ONLY THE COUNTY CROPS CAN BE PROCESSED OR IS IT THE WHOLE STATE'S CROPS BROUGHT HERE NEXT DOOR TO US AND HOW TO TELL THE DIFFERENCE? Are they going to be trucking semis in from every corner of this state across Cornett daily from the moment you folks approve this debacle? These are very dangerous chemicals and other ingredients that they are planning to play with and for the sake of their own employees, we property owners, our children and grandchildren, and all our Powell Butte neighbors, we need to have a safe and pleasant environment to live in, to raise our animals and to enjoy our lives on. That is what we purchased our property for on EFU land and is what we have a right to do!

12/16/2019

EXHIBIT 3

From: Frank and Marta Izo 12609 S.W. Cornett Loop, Powell Butte, Or.

To: Crook County Oregon Planning Division/ Staff Report: 217-19-000987-PLNg

1. This cover letter will introduce additional written opposition testimony to the applicant proposal to build and operate a commercial processing facility for extraction of industrial hemp oil at 11311 SW Cornett Loop, Powell Butte on an EFU-3 Zoned Property. We have discussed and cleared submission of the included and attachments per a phone conversation with the Planning Department on Friday December 13th. 2019

2. Hearing Objections--The public hearing was held Wednesday December 11th. at 6PM. The applicant and his attorney presented his case to the County Planning Commissioners. The opposition, consisting of approximately 20 residents living in close proximity to the proposed plant location, were then able to voice their united opposing opinions. The applicant was next given time to verbally rebut us, which he did at length. The county format states that opposition then may, if allowed by the Planners, rebut the applicant's rebuttal, and we asked to do so. For no stated reason, we were not permitted to verbally rebut. The panel of commissioners at that point seemed ready to put the matter to a vote. We all verbally and vociferously objected to a very hurried vote on such an important matter that would certainly effect our quality of life, our environment, and our property values for a long time to come. If approved it would set a precedent for Crook County to allow additional attempts to be made to obtain conditional use permission in order to build more extraction chemical plants within this county's rural neighborhoods. We wonder what the opinion of the public at large would be if they were made aware of what is being considered for approval? We learned at the hearing that the applicant and his legal counsel had submitted the proposal just 35 days before the staff report was finished. The opposition, all property owners, were not personally notified by our county. We became aware just a day or two prior to the hearing through our own efforts. We had no opportunity to enlist experienced legal representation to be present with us at the hearing. We ask, why are the county planning department, who should be acting in the best interest of all property owners, and our county commissioners acting so quickly to vote on this matter? All the other neighbors feel as the Izos' do. Finally a discussion took place among the commissioners who, we believe only to placate us, decided to end the hearing, but allow owners who would be affected, one more week to submit additional written only testimony. The testimony was to be limited to subjects that were discussed at the hearing which is what this letter will address.

3. Regarding notice-- We attempted to bring up the lack of communication in our verbal statements

but were told, "That is not a topic we are here to discuss tonight and it cannot be entertained now." Well it sure as heck should have been! A code or regulation whose result is to keep the the affected property owners from finding out what is going to be done to them if they live more than a specified number of feet away from a major change in order to prevent them from being notified is disgraceful. For local officials who are our neighbors and who live in our community to make use of that regulation to not notify us is worse. There were only a couple of neighbors, who obtained an unamended staff report, and "Thank God" they thought enough of the rest of us to inform us. When everyone gets their news these days from the internet, stating as you did in your staff report, that on November 21st. property owners had been notified is false. To state that on November 19th. a notice was provided in a newspaper really is not fair to us either, is it? That un-named newspaper notice is like saying we should have all read the Federal Register that day, and it only provides legal cover for an easy way out.

4. The Staff Report/ The Hearing Itself, The ability to investigate the statements and claims made by the applicant was severely limited in our case. We first obtained a copy of the report from our next door neighbor across the road from the applicant's leased property on Saturday evening December 7th. We worked all Day Sunday and late into Sunday night to attempt to assimilate what the applicate was attempting to impose on the neighborhood with his request for a further conditional use permit to add to his first one. We were required to respond if opposed to the conditional use permit being granted by Monday, the next day. We believe this was another unfair limitation on our ability to oppose.

5. What is the applicant really asking permission to do? The property in question has been used to grow a hemp crop for several years. No neighbor has complained about that actual agricultural use. The out of the area property owner and the entity leasing the property and harvesting the hemp in the EFU-3 zoned area intend to build an open air commercial industrial chemical plant on that land. They want to chemically extract industrial CBD oil from the hemp plants. They plan to import the hemp here from anywhere in the state. Their named process includes the use of a number of extremely dangerous, extremely flammable or explosive chemicals and solvents in large quantities. An accident from extremes of heat and cooling and pressure have happened before in these projects and are certainly possible again. (See in attachments copies of newspaper reporting in other areas). Resultant wildfire danger, explosive accident danger, toxic gases dispersed by accident into the air, and harm to wildlife and cattle not to mention human beings are all possible. The climate extremes of hot dry summers and very cold, windy, and wet winters are the norms for most months of the year on the high desert and processing equipment left out in the open air will be susceptible to those conditions and equipment noise is another factor. Traffic on a rural country road presents many and varied problems. This applicant has told us however not to fret or worry. He has assured us in his statement at the hearing what a good neighbor he will be, how experienced he is, and how safe his plant will be once it's built and in operation. We are not buying what he is selling. We would ask how a perviously built plant is performing? What is it's safety and regulatory past history record? What problems if any is he presently experiencing with codes etc. The applicant stated that he had many expert PHD types and white coated techs working with and for him, but only he, his agent, and his attorney spoke for him at the hearing. Doesn't he have a high burden to prove his competency, particularly when asking to build a

chemical reaction plant?

In the staff report not a single technical question relating to the chemical plant itself had been reported by anyone on county staff. Their findings however seem to have basically cleared the applicant to do just about anything he wants to do on his leased property. During the hearing itself, no chemical plant construction questions were asked by a commissioner. What dangers are there? What safety measures will be put in place? How long to assemble and test it? Approvals are tendered by what regulatory authority? None of those questions were asked of the applicant, nor were we allowed to ask him any questions. Why is that? The Fire Marshall Mr. Deboodt, who we spoke to today, told us that he wanted to attend the hearing to answer questions, but because of a prior commitment he could not do so. Shouldn't we, who are opposed, have an opportunity to voice our fire concern questions to an independent expert like him and have them answered before you vote? Nothing was required or asked relating to the plant or the handling of toxic materials or how they would be brought in or stored in the plant. We ask ourselves why local officials would simply take the word of this applicant without making him prove anything. His is an unvetted business person with a proposal who is leasing land. Have you or the county experts evaluated his business plan? Does he have one? The applicant is selling you on a proposition that may be 100% true, it may be partially true, or it may not be true at all. You've been given the opportunity by voters to represent all of us property owners who already live here as well as to evaluate new opportunities fairly. Yet "0% DUE DILIGENCE." It has yet to be accomplished for a proposed chemical and solvent reaction based industrial plant. You have not retained an objective and independent expert to render an opinion on the plant that this fellow intends to build, or on the extraction method he plans to use, or on the safety of the materials involved with many components being purchased from China. Don't you want to be reassured or find out what problems exist or prevent legal liability in case of accidents? Frankly it is beyond our ability to understand why you would possibly accept such risks or liability on simply the word of an applicant for any reason.

During the hearing we were not allowed to question or have questions asked for us of the applicant. During his testimony we could only see his back and that of his attorney. The county sound system was by your own admission defective, and only parts of any person's testimony were audible. We were able to hear a reference by the applicant that he had some sort of existing facility in Grass Valley but not an actual location. We also heard the applicant suggest a name to call to check it out but we did not hear it clearly due to the sound system problem. A google search showed us that there are two Grass Valley towns, one is in Nevada county in California near the Oregon southern border with a few thousand population. The other Grass Valley is in Sherman County in northern Oregon. Since we were not sure where the applicant's present hemp processing location was located, we called both towns county courthouses to speak with town officials. We spoke first to the long time Mayor of Grass Valley California, a Mrs. Lisa Swarhout today. Her contact phone is 530-274-4315. She verified for us that a facility does exist there to house and process Hemp. She did not recall who the owner was. She told us that it is not a CBD oil extraction facility and that the town would never permit a commercial chemical/ industrial CBD extraction plant in the surrounding area. We quote her, "It is way too DANGEROUS. If a person or persons or an employee were to be burned or severely injured or worse, it would be

devastating. " I also attempted to call the Court house or an official in Grass Valley Oregon yesterday. The town of 200 people's mayor returned my call today. Mr. Neil Pattee and I had a long conversation in which he confirmed that the applicant has had a facility for approx. 2 years or so there. It is indoors at the county's previous grade school in town and is processing hemp for industrial CBD oil by the Ethanol method. We discussed many things but I was astounded when he told me that no one from Crook County planning had contacted the town by any means. He said if they had contacted him, he would have had plenty to say. He encourages your department or any of the neighbors or anyone living in the county to call him either on Tuesday or Wednesday at City Hall, 541-333-2434 or on his personal phone, 541-333-2495. You should ask him about promises kept. You should ask about shifts worked, noise, and lights at night. You should ask about maintenance. You should ask him about burning and smoke and odor. You should ask him about adhering to codes. You should ask many things but you have asked nothing so far.

6. We are submitting for you to read a group of reports, newspaper articles, and studies as written evidence readily obtainable from the internet. One of the many claims that was in the staff report that made us suspicious of what we were being told was the subject of sound being produced by the plant when in operation. The statement that 90 decibels would be the highest decibels produced and that it is within safety requirements and that the level is not dangerous to human hearing is easily disproved and we have included reports to that effect from the CDC and from the Mayo Clinic. listening to 90 decibels for an hour without ear protection may result in permanent hearing loss. The Environment Protection Agency uses 70D as it's permissible industrial limit. That volume should not do permanent damage to the human ear if not listened to constantly for more than 8 hours at a time without ear protection. The European Union regulations for employers is even more strict. Mental Health problems and Anxiety are also increased by loud continuous sound. The applicant does not also mention NIHL, "noise induced hearing loss over time" where age and duration come into play and sound can damage human hearing especially in children and in seniors at lesser levels. Almost every neighbor living in the area is one or the other. Instead the applicant used a hand drawn chart as proof of his noise statement and our planning department picked that up and used it for his proof. (See our attached reports from the EPA, Mayo Clinic Et Al. (See Attachment #1)

7. Other reports include subjects such as "The two or three methods commonly used to extract industrial hemp oil." We rebut the applicant's claim about the method he wants to use to build his plant. The reports written by manufacturers conclude that the CO2 extraction method is the most expensive and also by far the safest. The Ethanol extraction method is quite less expensive and does carry significantly more risk of accidents. It is the method being used in Grass Valley according to the Mayor who told me, "If that building blew, the whole town would go up with it" A manufacturer of equipment states the Ethanol extraction method should never be used in a large scale commercial operation. (See Attachment #2)

As one manufacturer's report puts it, "Since Ethanol is extremely flammable, this method should be performed with extreme caution. Temperature must be carefully controlled during the entire process,

ALL AVAILABLE.

especially during evaporation. Which method is better depends on budget and desired product. If large scale production is the goal then the CO2 method is preferable. If this is a business opportunity, it's a better method. One of the reports lists 15 major concerns with the ethanol extraction method for obtaining industrial CBD oil. Please read it. (Also Attachment #2)

7. We included several reports on recent accidents and fires that have occurred related to hemp storage and processing from around the country, more recently a large hemp processing warehouse in Kentucky that exploded and burned to the ground in which several people were seriously injured. (See Attachment #3)

8 We included portions of a large study recently done by the government on the pros and cons of CBD oil. No matter the side you are on it's going to be a long time in years before anything definitive is arrived at. (See Attached #4)

9. We included from Solano California a current 45 day moratorium on industrial hemp extraction with a soon to come vote on a complete ban which almost every resident favors. The sheriff there testified that there have been over 50 calls for service with reports of criminal activity, theft, dangerous chases and shots being fired recently from the various growers in the area. (See Attached #5)

10 We pulled a set of regulations from Medford Or.. It is a copy of the 11 page regulations for Hemp and Marijuana growing and CBD extraction that the city of Medford has put into place. It shows that the city is serious about this new industry and wants to make sure it is safe. It is for you to read. Do we have a set of such regulations in Crook County? (See Attached #6)

11. Just to the north of Medford the town of Eagle Point, about the size of Prineville, population about 9400, in Jackson county, earlier this year has denied an application for a sizable industrial CBD oil extraction commercial plant using the Ethanol Extraction method. Jackson county planners decided against the use of Ethanol to extract CBD "because of concerns about flammability, potential for ground contamination, fire risk from using Ethanol and because it was considered a higher impact industrial operation." The previous year the reporter who wrote the article told us by phone that another application in the Rogue Valley had been turned down for similar reasons in the farming town of Talent, Population approximately 3000 people. It lies south of Medford and north of Ashland. (See Attached #7)

12. With this information and for the sake of all our present and future neighbors who might be at risk, we implore you, do you want to be the test case here in Central Oregon for an industrial CBD chemical extraction plant being built and set PRECEDENT here in Crook County for an applicant about whom you know nothing except what he has told you in glowing terms about himself. An applicant who wants to build a chemical plant OUTSIDE, (NO Fire Suppression is thus Mandatory) using multiple extremely dangerous, flammable, and toxic substances for its operation and he wants to build the plant quickly. This plant, we believe, you have not done necessary due diligence on, nor have you obtained any outside independent expert opinions on. This would constitute a brand NEW venture for this county that we all live in, and are responsible for. The property owner and the lease holder do not live

here and have not been vetted. "There is many a slip between a cup and a lip. " So Please deny emphatically his application. It is established fact through unfortunate experiences that this venture could be extremely dangerous at any time to the residents here. Their safety, health, and well being might well be jeopardized. It may at some future time (God Forbid) present a risk of great liability for the taxpayers of our county as well. These are the opinions of all the neighborhood residents. We make all these points respectfully and we do not personally know or have any personal animosity toward the applicant. But please tell him to build his project in a lesser impact industrial zone where it belongs!. Respectfully We Thank You.