

## Planning Commission Minutes Willamette Activity Center Room 8 January 17, 2017 7:00 P.M.

**1.0 <u>Open Meeting</u>** 7:05 P.M.

<u>Commissioners</u>	George Custer, Chairperson Keith Brown, Vice Chair (absent) Bobbie Whitney Jackie Taylor Donald Reesman Stanley Barenboim Lynne Ofsthun
Staff Present	Louis Gomez, City Administrator Rick Zylstra, Assistant to the CA, Community Services Coordinator Jackie Taylor, Assistant Planner

### 2.0 Citizen Input

Robert Moe 47959 W 2<sup>nd</sup> Street – We have a person who works for the City and goes around talks to people about their chimney smoking and stuff like that, then why do we need LRAPA? Are we taking this program out of the city limits?

Louis said you are correct, we have a code enforcement officer, however the scientific side and the measuring and setting the red, yellow and green days is LRAPA's primary function. Our code enforcement officer works with them. We did make our 3 year average this year, we are not going into serious non-attainment, the community did it believe it or not. We did go to the county to expand enforcement by LRAPA in the urban growth boundary.

Frances Pokorny 47760 Berry Street-He has smoked marijuana, the last time was in 1970, and he said he smoked it 33 times. He hears on the news tonight that they are making it legal to smoke in schools as long as the parents know about it.

Larry Phipps 76587 Westoak Road- To the current Planning Commissioners, what's done is already done, he has heard for years that the town looks terrible, it looks worse than it did 30 years ago. Most of our activity now has to do with the smoking dope area, make sure you know what the code is and what your responsibility is. You have allowed operations to exist in buildings that are deplorable condition, they did not meet the Cascadian Design in their introduction, we have a bowling alley that is not a bowling alley, you didn't require them to remove the signage or you don't require them to maintain the property. Those are things that make improvements to the City and in his eyes you have sorely failed to comply with those things, it lies on you and the City.

## 3.0 Consider Approval of Minutes

*Motion:* Commissioner Reesman moved to approve the minutes from the December 20, 2016 Planning Commission Meeting. Commissioner Ofsthun seconded the motion.

G. Custer (Aye), D. Reesman (Aye), B. Whitney (Aye), S. Barenboim (Aye), J. Taylor (Aye), L. Ofsthun (Aye). Motion carried 7-0

## 4.0 Action Items

# 4.1 Conditional Use Permit and Variance for Ron LaFranchi for a service station at 47567 Hwy 58 Map/Tax lot 21-35-17-23 06100

a) Conflicts of Interest/Exparte Contacts

None

b) Open Public Meeting

7:17 P.M.

c) Staff Report

Louis presented the staff report.

d) Statements in Favor

Mike McAllister, Mike McAllister Engineering for Ron's Oil – He wanted to speak first on the variance on the setback for the canopy, the state fire codes require a canopy over gas pumps. The canopy will prevent water from striking the slab by the pumps, the pumps have shut offs. They aren't asking for a setback for the building.

All of the traffic will move in one direction, enter at the east side and exit at the west side.

They have more parking and handicapped spaces that are required.

Mr. McAllister talked about the storm system and where it is located. To fulfill the State Highway drainage laws they have to provide some kind of retention in order so slow drainage going in the system doesn't occur. David Reed, the building designer, talked about the building and how it is going to look. It will go along with the architectural guidelines of the area. There will be some rock accent and a covered entrance.

Commissioner Ofsthun asked what the front of building is going to be, is it going to be wood?

Mr. Reed said it mainly will be cement board, it is reminiscent of wood, and it lasts longer.

Commissioner Ofsthun likes the flow of the traffic going one way, but other than the arrows are they going to have signs or anything else directing the traffic? Will there be signs from the highway?

Mr. McAllister they had signs there that directed the traffic.

Louis said regarding the signs, they will just work with the staff on those when they get permits.

Commissioner Whitney said she used to work at McDonalds, she doesn't recall the parking area or near the dumpster area ever flooding.

Commissioner Whitney said regarding the flow of traffic, the flower bed on the east from the highway used to get their little structures taken out by trucks, they were always jumping the curb.

Mr. McAllister said they are going to make it wider, he didn't say that before.

Commissioner Custer asked what the approximate square footage of the building.

They will be using the existing sign that is already there.

Mildred Cunningham 47747 Hwy 58 – She asked where the tanks will be located.

Mr. McAllister showed Ms. Cunningham where the tanks are located on the map. The fuel trucks will have to go in through the exit.

Mike Cameron 47582 Teller Road – All that he cares about is that the whole are gets paved, he gets so much dust from there.

Mr. McAllister said it will be paved and landscaped.

e) Statements in Opposition

Scott Peterson 47683 W 2<sup>nd</sup> Street- He owns the property at 47543 Hwy 58 which backs up to Paddock Lane, the Street where they don't want to have the full setback that is required of 20 ft. Paddock Lane is a gravel driveway that doesn't seem to be maintained by the City. The traffic comes up and down that Lane because the city allowed people to build their frontage of their house on Paddock Lane. IF you give them this variance there is no chance of Paddock Lane of ever getting widened. There is going to be so much traffic on Spot Street and that is the street people drive on to go the apartments back there and the church.

Robert Moe 47959 Hwy 58 – The City has been stuck with things before, what happens to the tanks when this business leaves?

Mr. McAllister said he sympathizes with them on the alley, he knows where the pavement is now and they aren't using all of the ground that is there now.

The tanks are buried, the State law covers that, and you cannot leave a vacant tank.

Roland Roberts 47544 Teller Road – He would be in opposition to this if this is a 24 hour operation. Can you tell him what the schedules might be? The police department is very negligent about enforcing the noise ordinance. He has been to court about the business next door.

Mr. McAllister said they will go by what the ordinance says.

Louis said what the ordinance says is if the noise is annoying, or disturbing like vibrations or machines if it's that sort of thing. Loud power tools or music. He doesn't know that a convenience store will fall under that.

Louis said just for clarification the code does allow a store to stay open for 24 hours a day provided they meet the noise issues.

### f) Statements in General

Dennis Patterson 47871 W 1st St – How many jobs will this create?

Mr. Reed said it could vary, gas station attendants 1-2 and inside 2-3. He is not sure though.

Mr. Patterson asked if all goes well tonight, when will they start up?

Mr. Reed said they will get it up this year.

g) Close Public Hearing

8:01 P.M.

h) Commission Discussion

Commissioner Ofsthun said she hears concerns about Paddock Lane, they can go up and down just fine, can 2 cars up and down side by side?

Louis said no they can't.

i) Finding of Fact

Louis presented the finding of fact.

There are some uses that are permitted outright in the C-3 commercial, one of those uses are service stations. There are a lot of conditions that Ron's Oil is going to have to go through to ensure the tanks are placed properly and that they do meet all DEQ and EPA standards when they come in, so he feels pretty comfortable that in 2016 the requirements for how the tanks are built and we shouldn't have any issues.

Louis read the general criteria.

j) Commission Action

*Motion:* Commissioner Whitney moved to grant the requested Conditional Use Permit to operate a fuel service station located at 47567 Hwy 58 map/tax lot 21-35-17-23 06100 with the following conditions:

- 1. A sight obscuring fence or wall, not less than five feet in height, shall be provided between the service station and abutting property in any residential district. Said wall or fence shall reduce to a three foot maximum in any required front yard setback.
- 2. All lighting shall be such that its direction and color do not create a traffic hazard or a nuisance to any adjoining property.
- 3. A minimum of 15 percent of the total lot area must be landscaped.
- 4. The six foot high sight obscuring fence located on the northern property line shall be made compliant with article 21-Access Management and Vision Clearance.
- 5. Any and all fuel tanks will be removed in accordance with Federal Regulation CFR's and Oregon DEQ Regulations.
- 6. The Fuel tanks and connecting lines and directional signage will be presented on as built plans and conditions.

Commissioner Taylor seconded the motion.

G. Custer (Aye), D. Reesman (Aye), L. Ofsthun (Aye), S. Barenboim (Aye), J. Taylor (Aye), B. Whitney (Aye). Motion carried 6-0

*Motion:* Commissioner Whitney moved that we grant the requested variance for a rear yard setback located at 47567 Hwy 58 map/tax lot 21-35-17-23 06100 to allow a 6.4 setback. Commissioner Ofsthun seconded the motion.

L. Ofsthun (Aye), G. Custer (Aye), S. Barenboim (Aye), D. Reesman (Aye), B. Whitney (Aye), J. Taylor (Aye). Motion carried 6-0

4.2 Conditional Use Permit for a Marijuana Growing Facility requested by Scott Goebel-Goebel Engineering & Surveying, Inc. on behalf of Ryan Johnson at 48197 Hwy 58 Map/Tax lot 21-35-16-34 1000 a) Conflicts of Interest/Exparte Contacts

None

b) Open Public Meeting

8:32 P.M.

c) Staff Report

Rick gave the staff report, the Background and the Findings.

d) Statements in Favor

Ryan Johnson AVG Investments, LLC wanted to apologize for not attending the first Planning Commission meeting. After they received their first Conditional Use Permit they were going over the property and realized there was an artesian spring and pre-existing well and they would not be able to use the property.

They started searching properties that would work, that were zoned correctly and ironically the motel that was two lots over worked perfectly. Originally they wanted to find an old hotel because they fit the vision of how they grow this product.

The way they grow is different from anyone else. They do what is called laboratory grade cultivation facility. It is beyond organic, you control your environment and you control your employees, you do everything in small rooms and that makes everything so much easier as far as odor control, security and harvest.

By using deionizer it eliminates the need to use any type of toxic chemicals and it takes care of the biggest concern which is odor. They using this to take care of mold, bacteria and pests from being in the rooms, but a positive side effect is that it takes care of the odor.

Security is a big issue, he has an amazing person to do the on -site security and the delivery. OLCC at the state level requires a lot of security in itself. You have to have a camera everywhere, you have to have a camera anywhere there is plants, in the office, and all points outside the building which is accessible by OLCC and by the State. They are required to have alarm systems.

They will harvest on a weekly basis, about 25-30 pounds a week.

The benefits that this will bring to Oakridge are immense, we are talking a minimum of 8-10 new jobs that they will source from Oakridge, the tax revenue,

There was a gentleman in here that was worried about curb appeal, they are going to improve the existing property, the facade, they will paint the building, landscaping. They are not going to put up any signage.

With a company like this there are taxes, they would much rather donate to the local community than give it to the IRS.

The one thing he would like to say in closing is, he knows this is an emotional situation, but the people of the State of Oregon and the people of Oakridge have voted on this and approved this and there is an Ordinance in place. This is really about does the criteria of the application meet the criteria required for a CUP as outlined in the City of Oakridge Ordinance. He asks the board to look at this situation, this isn't a situation of do you or don't you approve of marijuana, it does this application match the criteria as outlined in the ordinance. In the event that there are any nay votes he asks that according to section 31.11 of the Oakridge Zoning Ordinance of the Findings of Facts of any reasons for denial that that Finding of Facts is proven, as required by the city ordinance. He just wants to know why someone is denying it, it would help him if he has to reapply.

Pat Selman 47651 NW 1<sup>st</sup> Street – He appreciates that he is here personally. He is in favor of making money and making friends here. He wants Mr. Johnson to be able to personally address the hesitancy of the community to not want him here.

Dennis Patterson 47871 W 1<sup>st</sup> Street – He thinks it's good that they are going to use the motel as it sits. Like the concerns of the gas station pulling out with the tanks, if they ever decide to pull the business out of town it can always go back to a motel.

e) Statements in Opposition

Marie Helen Pope 47750 W 1<sup>st</sup> Street - She is a member of the Oakridge Nazarene Church, her grandchildren go there. She is a substitute teacher in Oakridge School District, as far as she understands this does not meet the criteria of the city ordinances. She knows for a fact that there are children in the building just across the driveway from the proposed area. She has very big concerns about the crime that might come in, these grow operations are prime candidates for being broken into and robbed. Personally based on the fact that there are many activities that children and young adults go to at the church and you have suspicious people in that area raises her heckles big time.

Fred Ulrich 76435 River Road – Pastor of the Assembly of God Church, the same justification to put a barrier around a school which was for protection and influence should apply, however our city council did not put a barrier around churches. In this particular case they have the senior meals in the Nazarene church twice a week, he knows that Mr. Johnson is legal to put his business in there, he is not going to argue that, but the fact that he said he is going to do it whether we like it or not doesn't sit well with him. He would suggest that there be a better location than next to a church. Yes it is legal, but it this a good choice for location?

Sandra Potts 76451 Union Street #7- How far are registered sex offenders supposed to stay away from children? We know a grow operation is going to attract all kinds of people, her understanding is that when you go into a grow operation you have to show ID, you won't show a piece of ID that shows you are a registered sex offender when we have children right next door at the Nazarene Church.

Randy Johnson 47679 W 2<sup>nd</sup> Street – He is the pastor of the Nazarene Church which is right next door to the motel. He has several safety concerns, the back of their church has a big parking lot that already attracts trouble and he is concerned about attracting more trouble. He knows they will have security at the hotel, will there be security at the church? He also knows that just looking at other states that crime goes up whether you want it to or not. What is the city going to do to protect them? What are they supposed to do at the church to protect their kids, recovering addicts and our young adults? He agrees that it is legal, it was passed, but that doesn't make it right. Oakridge has enough problems without inviting more into the neighborhood.

Robert Moe 47959 W 2<sup>nd</sup> Street – The presentation was excellent and very professional, but the last part was very sick. When you tell someone that you are going to do it because it is legal he doesn't think that was appropriate and that was a bad statement to make.

Frances Pokorny 47760 Berry Street – Back in the good ole days, if he was going to do something illegal (inaudible) what is going to stop people that study how to grow plants from growing their own. Why can't he grow two acres of it, other than keeping the deer out of it? The Strive for five, trying to keep children in school, when you smoke that you don't feel like doing much.

Lynn Johnson 47679 W 2<sup>nd</sup> Street – You stated that you will be sending all of the product away because we are so isolated, so her question is why Oakridge? She is not proud of marijuana and what it does, how it effects families. We do know it is a beginning on how people begin to react to different things, different stimuli. Why Oakridge? Why are we chosen for all of this?

Louis Pokorny 49153 Dunning Road – He is not really against pot, he has done enough of that in the day. He was at City Council meeting and his thought is either you are for or against marijuana for money or recreational or medicinal, whatever reason. He was around equipment most of his life and you have to be tuned in and it does slow down your reaction time.

Craig Gardner 48346 Norquist Lane – He would like for the Mr. Johnson and his people to come to their church and hear about the great creator of this stuff. Why not the OIP?

Lange Hinkle 76487 Portal Drive – He has been here for over 25 years, a decision we have to make here is what do we want to be remembered for here in Oakridge.

Paul Ferrigno 76492 Portal Drive – He was born in Westfir in 1949 and he has seen a lot of changes in this community, some have been really good and since 1979-1980 anyone who has been here since then has seen our community dwindle. Why are we not focused on businesses and use the OIP and not change our community and its effect on children and families.

Louis said the reason we can't use the Industrial Park is because it was acquired by the use of Federal Funds, so as long as it is illegal under Federal Law we cannot use any of those facilities for marijuana.

Don Hadley 48203 Hwy 58 – He had offers this summer to sell his place for marijuana use. He turned them down, this town needs a garage more than it needs marijuana, and we need a motel more than we need marijuana. He understands that it is legal, but this is a moral thing. This started with the City Council, you Mr. Custer don't live in the city and Commissioner Taylor

doesn't live in the city, they live outside city limits. People making concerns about the city should live in the city. He doesn't think it is right and he is pretty upset about what is going on in our town.

Commissioner Custer read a letter in opposition from Marsha Osborne.

f) Statements in General

Ryan Johnson Colorado Springs – He wanted to address some of the concerns and he agrees it has a lot to do with moral issues, church, children and crime. He would agree, if he was putting in a dispensary that is already directly across the street from the church, he would agree with having that there, a place where you can sit outside and smoke, that would be a moral issue that he wouldn't violate. But, they are talking about a cultivation facility closed from the outside, no odor, the children aren't even going to see anything. It's not like a dispensary. He has heard tonight that it invites crime, it brings crime, it's actually quite the contrary, and our local law enforcement will get more funding in order to stomp out more crime. He feels your concern about the transients in the lot behind the church, he saw where they had the shanty houses back there if the city wants to put a special clause in there where they will assist with running off the transients and homeless back there he has no problem with that. He doesn't want homeless people hanging out back there so close to his vested interest business just like you don't want them hanging out so close to your children and schools are. He doesn't see the correlation of this being thrown in the face of your children and be a horrible thing when it is just an indoor grow, there are no remnants of it, it is not an outdoor grow and there is no odor. He kept hearing about his closing statements, he never said he was going to do this regardless of whether we get approval or not. He said that because it is not a moral issue it is an issue of are we following the guidelines that were voted in by the constituents of the voting population of the State of Oregon and the City of Oakridge. They are just trying to follow the laws that were voted in. All of these concerns are in their best interests just as much as it is yours. We are trying to create jobs and create revenue for a town that desperately needs it, and they are taking a foreclosed building that is an eyesore and turning it into a good looking property. He understands the moral issues, everybody has those back and forth, but they feel that what they are doing is going to bring a lot of positivity to the town with very little negative.

Judy Rowland 76360 River Road – Someone said you would be selling marijuana out front. It was her understanding that he is not going to be selling to the public, is that correct?

Mr. Johnson said they are not a dispensary, they can't sell it to the public.

Mary Helen Pope 47750 W 1<sup>st</sup> Street – She still doesn't understand the fact that since this doesn't meet the criteria of the city ordinance where it can't be within 1,000 feet of children that participate in learning activities.

Commissioner Custer said not under the current ordinance.

Robert Moe 47959 W 2<sup>nd</sup> Street – He hears Mr. Johnson say there is nothing wrong with this. This is all because of money, everybody has a price tag, and we don't care about children. When you smoke it you become stupid. This is something our community really needs to look at and pray about. He would rather have taverns than this. Fred Ulrich 76435 River Road- You mentioned that Oregon voted it in, he doesn't think most people are aware that when the ballot was ran to either legalize marijuana or not they broke it down by cities and said Oakridge predominately passed it, he doesn't' think people understood that they were voting that way, but that is neither here nor there. He understands it's legal, but he thinks there is a better location. He understands the problem with the Industrial Park, it's kind of a catch 22.

Ashley Perkins 47800 Short Street- She has children here, she would be more concerned about the motel being vacant if you are talking about homeless and meth addicts, and they are going to go towards vacant buildings than something that has security. She doesn't have any issues with this, she teaches her kids what she wants them to know, she doesn't expect the community to do that for her.

Louis Pokorny 49153 Dunning Road – The seniors that graduate every year have a drug free/alcohol free, that tells him something right there.

g) Close Public Hearing

9:26 P.M.

h) Commission Discussion

Commissioner Ofsthun – To be clear, the Planning Commission is voting on whether he meets the criteria based on the ordinance that we have in place.

Commissioner Custer said that is correct.

Commissioner Custer asked Louis about a situation with setbacks? The current building is within the setbacks. Is that going to require a variance?

Louis said a number of years ago there was a survey done and there is a fence that is pretty close to the property, right next to the property.

Mr. Johnson said they have a bunch of surveys and maps and they are all kind of different to tell you the truth. The one in back by where Y Drive comes in it shows that Y Drive would come right in to the building. In the back there is a strip of land and Y Drive doesn't actually go to that, there was confusion on where the setbacks were.

Mr. Goebel said he found the monuments that are shown on the survey that Mr. Johnson has.

Don Hadley said he owns the property and it cost him \$21,000 to figure out where that line is. The house sits on his property, it is a foot on his property. We should table this until the survey situation is brought out so we can see it.

Commissioner Custer said it states in there that they are ten feet from the right of way of Y Drive.

Mr. Johnson said Louis explained that because the building was in that area it was a pre-existing condition.

Mr. Hadley said that house on Y Drive is on his property and they took his fence down.

Louis said the building was already there, it was a pre-existing building and that is why they didn't go into setbacks on that side, the East side.

Scott Goebel 25469 Hwy 126, Veneta- He is the licensed surveyor and engineer that assisted Mr. Johnson in putting this packet together. He looked at all public information and researched deeds and he did not find any gaps or overlaps in legal descriptions or public right of ways that abut this property. The building is very close to the boundary, he found survey monuments that were set. He has been a licensed surveyor for a number of years and there is a solution to this problem and that is a property line adjustment.

The building does fall within the setbacks on the side, rear and public right of way. It was built before those setbacks were established and codified by the City of Oakridge, therefore they are a pre-existing condition.

Mr. Hadley said he disagrees with this. Willie took the stake out and took his fence down, he caught him doing that.

Louis said he does recall the conversation with Mr. Goebel because of the placement of that property prior to 2004, it is correct, all of those properties were in place and those lines were in place, but those structures were prior to the codification of ordinance 874. So they would be grandfathered in and would not apply under this ordinance.

Commissioner Custer said a concern that he has is that the City Council just approved the go ahead on our new events center to increase tourism and this will decrease one of our motels. We desperately need our motels.

i) Finding of Fact

Louis read the General Criteria.

Rick read the Findings of Fact.

j) Commission Action

**Motion:** Commissioner Taylor moved that after a public hearing and approval of the findings, I move to approve the application for a Conditional Use Permit for a recreational marijuana growing facility located at 48197 Hwy 58 assessors map 21-35-16-34 Map/tax lot 1000 with the following conditions:

- 1. Growing of marijuana on the subject property may only take place within a structure and outside of public view.
- 2. All Waste from the recreational marijuana grow facility will remain inside of the facility and not stored outdoors.

11

- 3. Before beginning to grow marijuana on the subject property, applicant will install any fans, air filtration systems, and /or scrubbers necessary to combat odors that may disturb businesses or other property owners in the area of the subject property.
- 4. Ensure that it meets the Highway 58 design standards

Commissioner Barenboim seconded the motion.

J. Taylor (Aye), S. Barenboim (Aye), B. Whitney (Aye), G. Custer (Nay), L. Ofsthun (Aye), D. Reesman (Aye). Motion carried 5-1

#### 4.3 Text Change for Ordinance 907

a) Conflicts of Interest/Exparte Contacts

None

b) Open Public Meeting

9:56 P.M.

c) Staff Report

Louis gave the staff report.

Rick presented maps that were made for each area.

d) Statements in Favor

Fred Ulrich 76435 River Road- This is more restrictive than the original one that the City Council gutted. Is the City Council in favor of this? He is highly in favor of this, it is not going to affect the people that are already here.

Louis said they are the ones who directed him to work on this. The only difference is the parks.

Robert Moe 47959 W 2<sup>nd</sup> Street- He heard Mr. Custer say we need to realize what this is doing to us and the United States, it's like a cancer. He never thought he would see Oregon approve marijuana. Everybody needs to have the same consequences.

Randy Johnson 47679 W 2<sup>nd</sup> Street- He is for the new recommendations, he is sorry we waited so long to do this. He hopes this gets passed.

Don Hadley 48203 Hwy 58- He agrees with this. The guy who bought the bowling alley said he would open it again and he hasn't.

Mildred Cunningham 47747 Hwy 58 – She is very much in favor of including the parks.

e) Statements in Opposition

Pat Selman 47651 NW 1<sup>st</sup> Street- He is in favor of the schools, the preschools and the library, but anything else including the parks would be erroneous. You are limiting a lot of potential new businesses here that is too much.

Scott Peterson 47683 W 2<sup>nd</sup> Street- He is a commercial property owner on Hwy 58 and he has oppositions to this because he has a possible buyer for his property as a dispensary. If you approve this you will restrict him from doing this and prevent him from selling his property and devalue his property, its resale and any other properties. What you are doing is restricting business and offering monopoly opportunities to the businesses that are here, you are not giving the ability to those businesses to be resold in the future because once they change ownership they will no longer be able to be there. There are a lot of things the city is opening up for lawsuits in this case, he is not threatening a lawsuit, these are things he is considering, he may consider a class action lawsuit against the city for doing this and getting every commercial property owner on Hwy 58 and the commercial district which will be completely taken out of use for that because of the restriction to the library. This is a roost to get no facilities in the whole town. You are also looking at other lawsuits from people because they can't open a dispensary because you are giving favoritism to certain businesses over others.

Dennis Patterson 47871 W 1<sup>st</sup> Street – Including the parks is a bit of an overkill. Aside from the dispensary all of the other facilities are practically invisible to anyone. They don't really have an impact on kids or tourists being influenced. He would change on word on this and say marijuana "stores" not facilities, because they are the only ones visible.

f) Statements in General

Judy Rowland asked to see the map without the parks.

Rick said we don't have one that shows only without parks. He showed the other maps to give ideas of what it would look like.

Lynn Johnson 47679 W 2<sup>nd</sup> Street- As she is listening to you speak she is hearing we want to do this beside schools or preschools where children reside. But there is something within us that says we don't want our children to be a part of this. Why can't we limit it to a certain number of facilities? We don't want this by our schools, not all children have parents who walk with them. Her heart breaks, she knows it has medicinal healing powers, but it is more than just a business and she thinks you realize that when you say we are not going to have it where our children are.

Scott Peterson 47683 W 2<sup>nd</sup> St- He hears comments about children and people are worried about marijuana in the town. There are two taverns by the library, where is the logic here? Anyone who has smoked marijuana and drank alcohol knows alcohol is way worse, the amount of deaths related to alcohol are worse. When you try to restrict the sale and rent of peoples commercial properties you are subject to lawsuits.

Fred Ulrich 76435 River Road- When someone threatens lawsuits that makes you go against it. Mr. Peterson made a comment that marijuana isn't has harmful as alcohol, he has dealt with many drug addicts, junkies, recovering and every one of them started with marijuana. He is for

this because he would rather have overkill and let them cut some out of it and then when you take to the city council they can say maybe we can take this part out or that part. Give them something to work with.

Robert Moe 76959- We don't want this here, we don't care if brings in 2 million dollars.

g) Close Public Hearing

10:31 P.M.

h) Commission Discussion

Commissioner Custer applauded Rick for putting the maps together.

Finding of Fact i)

Louis said because this is a legislative recommendation it is a little different, the requirements aren't' as firm in regards to findings and things like that.

Louis went over the definitions.

Rick showed the commission other views of the maps with other restrictions.

Commissioner Whitney asked if there was a way to grandfather in the current businesses so if they sell another one could come in behind them.

Louis said they would still have to come in with a conditional use permit, they could possibly be able to say as long as the building doesn't stay vacant for a certain amount of time, then they could issue a CUP. Louis said he would talk to the City Attorney about this.

i) Commission Action

**Motion:** Commissioner Whitney moved that the Oakridge Planning Commission recommend approval of the amendments to the Zoning Ordinance of the City of Oakridge as presented in exhibit A to the Oakridge City Council regarding proposed amendments to the Zoning Ordinance of the City of Oakridge. Commissioner Reesman seconded the motion.

Commissioner Custer said he is more inclined to not include the parks, the parks don't really affect our commercial area with the exception of the small area just to the east of Hills Street by Salmon Creek.

G. Custer (Nay), D. Reesman (Nay), B. Whitney (Aye), S. Barenboim (Nay), J. Taylor (Nay), L. Ofsthun (Nay). Motion failed 1-5

**Motion:** Commissioner Ofsthun moved that the Oakridge Planning Commission recommend approval of the amendments to the Zoning Ordinance of the City of Oakridge as amended in exhibit A to the Oakridge City Council regarding the proposed amendments to the zoning ordinance of the City of Oakridge. Commissioner Barenboim seconded the motion.

G. Custer (Aye), D. Reesman (Aye), B. Whitney (Nay), S. Barenboim (Aye), J. Taylor (Aye), L. Ofsthun (Aye). Motion carried 5-1

### 5.0 Discussion Items

None

6.0 Announcements

Meeting Adjourned 10:50 P.M.

Signed:			
-	George Custer	Chairman	Date
Attest:			
	Susan LaDuke	City Recorder	Date