

Notice of Public Comment

Mr. Larry Krause
28415 Paradise Rd
Eagle Creek, OR 97022

Re: Type III Land Use Application - File No. VR 17-05 Variance
OPPOSED Location: 1015 Molalla Ave., Oregon City, Oregon 97045
Clackamas County Map 3-2E-05BD, Tax Lot 00402

My interest in **this matter of "Variance-Opposition,"** is as follows:

I am requesting that this hearing body refuse to grant this variance request. In accordance with the applicable guidelines set forth in the **Oregon City Municipal Code, Section 17.60.030 - Variance Grounds.** **which states that all the included criteria must be met for the variance to be granted;**

I find specifically that under subsections:

"granting the variance will equal or exceed the purpose of the regulation to be modified"- is violated due to the severely prohibitive nature of the business for which the applicant has **requested a license to operate a **retail marijuana dispensary...close to a nearby Cemetery,** whereby people often grieve... with the passing of loved-ones. (**Liquor Stores & Taverns should be "precluded," as well).

The various State, County and City regulations governing such an establishment are clear:

No such dispensary may be located within 250' of a public park (in this case a Cemetery) ... the application's site plan clearly shows this minimum setback distance will be reduced by well over half the required 250' separation to approximately 80'.

"any impacts resulting from the adjustment are mitigated" - obviously, **there can be no mitigation of this impact;** the violation will remain unmitigated for as long as the business continues in operation, this close to a local Cemetery/Memorial Ground.

**** A practical alternative has been identified (our new commercial Retail Building) which would accomplish the same purpose, and not require a Variance – which would create a "dangerous-legal-**

precedent,” for future City development!

"the variance conforms to the comprehensive plan and the intent of the ordinance being varied"- **the granting of this variance would not conform to the comprehensive plan nor fulfill the intent of the ordinance to be varied.**

The proposed Variance, directly violates both the letter and he intent of the plans which were established after lengthy and stringent study, that was deemed both appropriate and necessary concerning business operations of this proposed type.

To the best of my knowledge, and with tentative confirmation by the City's planning staff, the approval of a variance of any kind relative to the business of marijuana sales has never before granted under any circumstances. The nature of this type of business and the obvious adherent problems that can surround it are certainly serious enough in scope to preclude any consideration for this application being approved.

Our proposal, to build a new commercial Retail Store Building -- further down Molalla Ave, has already been approved by the Oregon City Planning Department -- via a Pre-App Conference with the City Planning Department -- would provide several significant benefits to both the City, and the Barclay Hills Neighborhood as well.

The addition of our proposed-new, leasable, commercial tenant space ... that meets the City's new Design Standards for this area, and located blocks away from the local Cemetery, will enhance the property values of Home-Owners, and livability too, while offering new businesses updated facilities, which are badly needed in the Barclay Hills area.

Additionally, the Building Code “upgrades” required by City Planners, for our “proposed-development” of a new commercial Retail-Building, will be in line with the current Molalla Avenue Corridor improvements; which importantly, helps set a “new-standard and goal” for the future -- which in turn will provide increased enjoyment of --and connection to-- a vibrant and sustainable neighborhood environment!